



# Foundation House

The Victorian Foundation  
for Survivors of Torture Inc.

## Statement regarding the announcement of an agreement between Australia and the USA about the resettlement of refugees from PNG and Nauru

The Victorian Foundation for Survivors of Torture (Foundation House) welcomes the announcement of an agreement between Australia and the USA that would see the USA resettling<sup>i</sup> people found to be refugees from the regional processing centres of Nauru and Manus Island, Papua New Guinea.<sup>ii</sup>

The deteriorating plight of these men, women and children is primarily associated with ‘the pervasive sense of hopelessness about any prospect of a decent future for themselves and their families’<sup>iii</sup> – a view we and others have articulated for some time.

As we have said in a recent statement<sup>iv</sup>, an effective response must include the option of ‘resettlement in countries which offer the opportunity for refugees to become integral members of society, to live in security and to participate in the economic, social and cultural life of their new countries.’

The USA, by far the largest resettlement country in the world, offers this opportunity. UNHCR, the UN Refugee Agency, has said it will facilitate implementation by endorsing referrals made from Australia to the USA. Foundation House hopes that the agreement will be operational as soon as reasonably practicable.

Earlier in November the Australian Government introduced legislation in the Parliament that would ban “unauthorised maritime arrivals” (i.e. people who came to seek asylum, without valid visas) who had been taken to a regional processing centre from ever obtaining any visa to enter Australia. So, even decades later as citizens of other countries, they would be barred from visiting their families or coming as tourists and skilled migrants.

The Government has argued that this measure is necessary to “strengthen the Government’s ability to reduce the risk of non-citizens circumventing Australia’s migration laws.”<sup>v</sup> The proposed law has been strongly criticised on legal, humanitarian and other grounds<sup>vi</sup> and Foundation House considers it both unnecessary to achieve the objective and excessively harsh.<sup>vii</sup>

Foundation House reiterates the position it has advocated to successive Australian governments: we must work with countries of the region to build a system based on established human rights principles, which aims to ensure that asylum seekers are protected properly in countries of first asylum or transit, are processed fairly, and, for those found to be refugees, are afforded timely settlement outcomes.

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<sup>i</sup> Resettlement is defined by UNHCR as the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependants with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country.

<sup>ii</sup> Peter Dutton, Minister for Immigration and Border Protection, “Refugee resettlement from Regional Processing Centres,” media release, 13 November 2016.

<sup>iii</sup> [“Statement regarding people transferred by Australia to the refugee processing centres of Papua New Guinea and Nauru”](#), 1 September 2016

<sup>iv</sup> “Statement regarding people transferred by Australia to the refugee processing centres of Papua New Guinea and Nauru”, 1 September 2016

<sup>v</sup> Statement of compatibility with human rights, Migration Legislation Amendment (Regional Processing Cohort) Bill, 2016.

<sup>vi</sup> E.g. Michelle Foster, [“Turnbull’s asylum seeker ban violates Australia’s human rights obligations”](#), *The Conversation* 14 November, 2016.

<sup>vii</sup> The proposed law has been strongly criticised by commentators on legal, humanitarian grounds and other grounds. e.g. Michelle Foster, [“Turnbull’s asylum seeker ban violates Australia’s human rights obligations”](#), *The Conversation*, 14 November, 2016.