



Australian Government

If you come here by boat without a visa
**YOU WON'T BE
SETTLED IN AUSTRALIA**

Regional Settlement Arrangement

What have Papua New Guinea and Australia agreed to?

Under the new agreement signed with Papua New Guinea (PNG) on 19 July 2013 – the Regional Settlement Arrangement – unauthorised maritime arrivals will be sent to Papua New Guinea for assessment and if found to be a refugee will be settled there.

From July 19 – no matter where an asylum seeker arrives in Australia by boat – they are subject to transfer to Papua New Guinea and if they are found to be a genuine refugee, they will be permanently settled in PNG.

People found not to be refugees may be returned to their home country or a country where they had a right of residence, or held in a transit facility.

There is no limit to the numbers that may be transferred or settled.

These changes will send the clearest possible message that coming to Australia by boat is not the way to gain Australian residency.

When will this arrangement begin?

Immediately.

Australia will work with PNG to expand the Manus Island Regional Processing Centre, as well as explore the construction of other regional processing centres in Papua New Guinea.

Papua New Guinea has also agreed to take immediate steps to withdraw its reservations to the Refugees Convention, with respect to people transferred by Australia to PNG under this new arrangement.

The arrangement also allows for other countries (including Pacific Island states) to participate in similar arrangements in the future.

Will children be transferred?

Everyone who arrives after the announcement will be transferred once health checks are complete and appropriate accommodation is available. Children or family groups will not be exempted from transfer. Exempting them would simply encourage people smugglers to put children on boats to Australia.

What about unaccompanied minors?

It will take longer for appropriate accommodation to become available for unaccompanied minors but once appropriate processing facilities are identified transfers can begin. While there are no blanket or broad exemptions to transfer to a regional processing country, Australia recognises that unaccompanied minors have particular guardianship and welfare requirements that need to be met.

Australian authorities will be working closely with their PNG counterparts to develop a framework of arrangements to cater for the needs of unaccompanied minors once they are transferred to PNG.

And what if an unaccompanied minor's relatives are already in Australia? Is it any different if the relatives already have a permanent visa?

It will not make a difference if unaccompanied minor has family in Australia. Everyone who arrives after the announcement will be transferred once health checks are complete and appropriate accommodation is available.

If anyone – including unaccompanied minors or their family members in Australia – undertakes to bypass proper migration pathways and instead pay people smugglers for a boat trip to Australia, they will be liable under the Migration Act for transfer from Australia to a regional processing country.

Unaccompanied minors are no exception to this established process.

Will children be settled in PNG?

The Australian Government, in partnership with the PNG Government, will support settlement services for those with refugee status. This includes children and their families.

Unaccompanied minors will be settled as safe and appropriate accommodation and services are identified.

What happens to pregnant women?

The default position is that everyone who arrives after the announcement will be transferred once health checks are complete and appropriate accommodation is available.

There will be no blanket exemptions for children or family groups – including pregnant women.

Appropriate arrangements will be available for children and families in PNG.

What will happen if asylum seekers make it to the mainland? Will they still be liable to be transferred to PNG under these arrangements?

Recent amendments to the Migration Act now mean that mainland boat arrivals are treated the same as those who arrive at excised offshore places.

What about those people who arrived before the announcement?


People who arrived before the announcement will not be subject to the new settlement arrangements in PNG.

However, anyone who arrived after 13 August 2012 can still be transferred to a regional processing country to have their claims assessed.

Is the government still committed to the increased humanitarian program intake of 20 000?

Yes. Australia's humanitarian program has increased to 20 000 places a year.

This is the largest increase to Australia's humanitarian intake in 30 years.



Will people transferred to the new centres be subject to the same processing arrangements as those on Manus Island?

Yes. Refugee status determinations will be made by PNG under PNG law.

What will happen to those people found not to be refugees?

Those who are found not to be refugees will be expected to return to their home country or to a country where they have right of residence.

How many people can be transferred to PNG under the new arrangements?

There is no maximum number.

Does the 'no advantage' principle still apply? Will those who are not being transferred still have to wait years for a visa?

The government will still apply the principle of 'no advantage'.

This is an important element of a regional framework to ensure that any incentives to take dangerous boat journeys to Australia are significantly diminished, while offering increased opportunities for resettlement via regular pathways through Australia's humanitarian program.

Is this legal?

The government is confident that all actions that are taken to implement this policy are in full compliance with the law.

Are these arrangements consistent with Australia's international obligations?

We will implement these arrangements in a manner that is consistent with our international obligations.

Those transferred and accommodated in PNG will be treated with dignity and respect and in accordance with human rights standards.