



# Australia: Offshore Processing of Asylum Seekers

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# Australia: Offshore Processing of Asylum Seekers

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**SUMMARY** Australia first commenced offshore processing of asylum seekers, where people who arrived by boat without valid visas could be transferred to a regional processing country and held in purpose-built facilities while their refugee claims were processed, in 2001. Two countries, Nauru and Papua New Guinea (PNG), signed memoranda of understanding with Australia in which they agreed to take and process asylum seekers, with Australia providing funding and other support.

The “Pacific Solution” was dismantled in 2008. Following a subsequent rise in the number of people attempting to reach Australia by boat, offshore processing was reintroduced in 2012, with both Nauru and PNG signing new agreements with Australia. In mid-2013, the Australian government adjusted the policy, requiring all boat arrivals to be transferred to one of the two countries, and prohibiting such people from ever being permanently resettled in Australia.

Also in 2013, a military-led initiative, Operation Sovereign Borders, commenced. This involves boats carrying asylum seekers being turned back to the territorial waters of their departure country, or asylum seekers otherwise taken back.

No new transfers of asylum-seekers to regional processing centers were made between 2014 and 2023, when several people were transferred to Nauru. Offshore processing in PNG ended in 2021, although a number of refugees remain in the country.

The offshore processing policy has been the subject of criticism from multiple domestic and international organizations. The Australian government considers that Operation Sovereign Borders and offshore processing are necessary to deter asylum seekers from using people smugglers and dangerous means to reach Australia, and that the approach saves lives that might otherwise be lost on boat journeys. It noted in 2023 that it had been nearly a decade since such a death had occurred. However, critics point to the high cost of offshore processing (averaging at least AU\$1 billion, or US\$659 million, per year), as well as the serious impact on the wellbeing of transferees, with 18 deaths occurring offshore (or in Australia, following medical evacuation) since 2012. In addition, some argue that offshore processing in itself was not a deterrent to asylum seekers attempting to reach Australia by boat, with boat turnbacks and takebacks having a greater impact on reducing arrivals. In addition, there has been analysis of the impact of offshore processing on host communities, including in relation to corruption, employment and education, and conflict between refugees and local people.

## I. Introduction

Australia has enacted legislative provisions under which certain asylum seekers without valid visas who seek to enter Australia are taken to another country (“regional processing country”) where their applications for refugee status are processed. While their claims are processed, asylum seekers may be housed in facilities built for that purpose. In particular, the Australian government has funded the construction and maintenance of regional processing centers in Nauru and Papua New Guinea (PNG). Currently the only operational center is in Nauru.

The current policy is that no “unauthorised maritime arrivals” may be permanently settled in Australia. The offshore processing and resettlement policy is accompanied by a military-led operation to turn boats carrying asylum seekers back at sea, or to otherwise take people back to their departure countries or countries of origin, rather than allowing them to continue their journey to Australia.

The legislative provisions related to offshore processing are contained in the Migration Act 1958 (Cth) and the Migration Regulations 1994 (Cth).<sup>1</sup> “Unauthorised maritime arrivals” are defined as persons who enter Australia by sea either at an “excised offshore place” or “at any other place or any time on or after” the commencement of the definition section, and who became unlawful non-citizens. In addition, the term includes any person born in the migration zone or regional processing country to a parent who was an unauthorised maritime arrival at the time of the birth, unless the person is an Australian citizen at the time of his or her birth.<sup>2</sup>

Part 2, division 8, subdivision B of the Migration Act relates to regional processing. The reason for the subdivision is set out as follows:

This Subdivision is enacted because the Parliament considers that:

- (a) people smuggling, and its undesirable consequences including the resulting loss of life at sea, are major regional problems that need to be addressed; and
- (b) unauthorised maritime arrivals, including unauthorised maritime arrivals in respect of whom Australia has or may have protection obligations under the Refugees Convention as amended by the Refugees Protocol, should be able to be taken to any country designated to be a regional processing country; and
- (c) it is a matter for the Minister and Parliament to decide which countries should be designated as regional processing countries; and
- (d) the designation of a country to be a regional processing country need not be determined by reference to the international obligations or domestic law of that country.<sup>3</sup>

The act provides that the relevant government minister may designate a country to be a regional processing country by way of a legislative instrument. Such an instrument can only commence after both houses of the Parliament pass a resolution approving the designation, or if a copy of the designation has been laid before each house, along with certain required information, and

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<sup>1</sup> Migration Act 1958 (Cth), <https://perma.cc/4V3V-LAJE> (vol. 1); Migration Regulations 1994 (Cth), <https://perma.cc/5YWZ-5ENY> (vol. 1).

<sup>2</sup> Migration Act 1958 (Cth) s 5AA.

<sup>3</sup> Id. s 198AA.

five sitting days have passed without a resolution being passed.<sup>4</sup> The only condition for the exercise of this power by the minister is that “it is in the national interest to designate the country to be a regional processing country.”<sup>5</sup> In considering this, the minister must have regard to whether or not assurances have been given that the country will not expel or return a person taken there to another country where their life or freedom would be threatened on certain grounds, and that the country will make an assessment as to whether a person is a refugee under the Refugees Convention.<sup>6</sup>

Under the act, “[a]n officer must, as soon as reasonably practicable, take an unauthorised maritime arrival to whom this section applies from Australia to a regional processing country.”<sup>7</sup> For this purpose, an officer “may do any or all of the following things within or outside Australia”:

- (a) place the unauthorised maritime arrival on a vehicle or vessel;
- (b) restrain the unauthorised maritime arrival on a vehicle or vessel;
- (c) remove the unauthorised maritime arrival from:
  - (i) the place at which the unauthorised maritime arrival is detained; or
  - (ii) a vehicle or vessel;
- (d) use such force as is necessary and reasonable.<sup>8</sup>

A number of legal challenges have been brought against aspects of the law and policy but have had limited success in Australian courts.<sup>9</sup> For example, in 2016, the High Court of Australia found offshore detention of asylum seekers to be lawful.<sup>10</sup> Also in 2016, however, the PNG Supreme Court ruled that detention of asylum seekers in the country was unconstitutional under PNG law.<sup>11</sup>

Australia’s offshore processing approach has been heavily criticized at both the domestic and international levels, including by the United Nations High Commissioner for Refugees (UNHCR) and human rights and refugee advocacy organizations.

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<sup>4</sup> Id. s 198AB(1B).

<sup>5</sup> Id. s 198AB(2).

<sup>6</sup> Id. s 198AB(3).

<sup>7</sup> Id. s 198AD(2).

<sup>8</sup> Id. s 198AD(3).

<sup>9</sup> See Elibritt Karlsen, *Australia’s Offshore Processing of Asylum Seekers in Nauru and PNG: A Quick Guide to Statistics and Resources: Annex 2 – List of Court Judgments and Related Commentary*, Australian Parliamentary Library (updated Dec. 19, 2016), <https://perma.cc/RZ2H-WTQP>; Refugee Council of Australia, *Australia’s Offshore Processing Regime: The Facts 6 (Legal Challenges)* (May 20, 2020), <https://perma.cc/3XKQ-ENNB>; Natalie Hodgson, *Law and Resistance: Legal and Advocacy Strategies Against Australia’s Offshore Detention Policy*, UNSW Law, Centre for Crime, Law and Justice (June 29, 2022), <https://perma.cc/K7NP-CEEM>; Gabrielle Holly, *Challenges to Australia’s Offshore Detention Regime and the Limits of Strategic Tort Litigation*, 21(3) *German L. J.* 549 (Apr. 2020), <https://perma.cc/XJ68-WCWP>.

<sup>10</sup> See Kelly Buchanan, *Australia/Nauru: High Court Rules Offshore Detention of Asylum Seekers Is Lawful*, *Global Legal Monitor*, Law Library of Congress (Feb. 5, 2016), <https://perma.cc/7M5N-6EWT>.

<sup>11</sup> See Kelly Buchanan, *Australia/Papua New Guinea: Supreme Court Rules Asylum-Seeker Detention is Unconstitutional*, *Global Legal Monitor*, Law Library of Congress (May 2, 2016), <https://perma.cc/5Z92-Q53L>.

This report provides background information related to the offshore processing policy and its development since 2001. It then sets out various impacts of the policy, including in relation to fiscal costs, numbers of boat arrivals, the well-being of asylum seekers, and impacts on the host community.

## II. Pacific Solution (2001 to 2008)

On August 26, 2001, under the direction of the Australian Maritime Safety Authority, a Norwegian cargo ship, the *MV Tampa*, rescued 433 people from an Indonesian fishing vessel that had broken down in international waters 80 nautical miles from Christmas Island, an Australian external territory in the Indian Ocean off the coast of Western Australia. After the Australian government refused to allow the *Tampa* to take the asylum seekers, who were mostly from Afghanistan, to Christmas Island, the captain of the *Tampa* attempted to enter Australian territorial waters on August 29. Australian military personnel subsequently boarded the ship.<sup>12</sup> The “*Tampa* Affair” or “*Tampa* Crisis” became the “catalyst for a new border protection policy,” and “also became a pivotal issue in the 2001 federal election campaign.”<sup>13</sup>

The government announced, on September 1, 2001, that agreements had been reached with Nauru and New Zealand, with 131 of the *Tampa* asylum seekers taken to New Zealand and the remaining 302 to Nauru for processing. Subsequently, on October 10, 2001, the prime minister announced that PNG had also agreed to establish a processing center for asylum seekers attempting to enter Australia by boat.<sup>14</sup> The National Museum of Australia explains that

[i]n the aftermath of the ‘*Tampa* Crisis’ the government passed a series of laws that created a new legislative framework for handling asylum-seekers known as the ‘Pacific Solution’. This included the excision of many of Australia’s offshore islands, including Christmas Island, from Australia’s migration zone.

This meant that asylum-seekers had no automatic right to apply for refugee status if they arrived on these islands.

The Pacific Solution also meant that asylum-seekers could be processed offshore, in places like Nauru and Papua New Guinea’s Manus Island. The Labor Opposition did not oppose these measures.

The Australian Government’s handling of the *Tampa* affair and implementation of the Pacific Solution attracted international criticism. However, in the six years from 2002, only 23 boats arrived in Australia compared to 43 carrying more than 5,000 asylum-seekers in 2001 alone.

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<sup>12</sup> See *What Was the “Tampa Affair” and Why Does it Matter?*, Amnesty International (Aug. 26, 2021), <https://perma.cc/R9BM-KWZK>.

<sup>13</sup> ‘*Tampa Affair*,’ National Museum of Australia, <https://perma.cc/GY46-CEG4>. See also Ben Knight, *Tampa Affair: Tracing the Fallout on Australia’s Refugee Policy*, UNSW (Dec. 2, 2021), <https://perma.cc/BA4L-2WTF>.

<sup>14</sup> Select Committee for an Inquiry into a Certain Maritime Incident, *A Certain Maritime Incident*, ch. 10 – Pacific Solution: Negotiations and Agreements (Oct. 23, 2002), <https://perma.cc/54SB-RQ24>.

The government stated that the implementation of its immigration policy was saving lives by discouraging people from setting sail for Australia in unseaworthy boats.<sup>15</sup>

The agreements with Nauru and PNG committed Australia to providing funding, equipment, and other assistance to the two countries. In a memorandum of understanding (MOU) signed with Nauru in December 2001, Nauru agreed to accept “certain persons” on behalf of Australia and to process each individual within six months of their arrival in Nauru, with a maximum of 1,200 people to be accommodated at two sites. Australia agreed to fully finance the activities in Nauru and to reasonably compensate Nauru for its assistance and any losses incurred.<sup>16</sup> An October 2001 MOU with PNG involved Australia bearing all the costs of the establishment and operation of an asylum-seeker processing center on Manus Island in PNG. Initially, it was agreed that all persons entering PNG under the agreement would leave within six months. Subsequently, in January 2012, PNG agreed to allow persons processed at the center to stay in PNG for up to 12 months, with the facility to accommodate up to 1,000 people.<sup>17</sup>

Under the policy, between late 2001 and early 2008, a total of 1,637 asylum seekers “were diverted by Australian authorities to Nauru, or to Manus Island in Papua New Guinea, to have their refugee claims processed.”<sup>18</sup> The final 21 refugees were removed from Nauru in February 2008. Of the total number processed offshore, “1,153 were found to be refugees or in need of protection for other compelling humanitarian reasons. Of those, 705 (approximately 61 percent) were resettled to Australia; 401 went to New Zealand; 21 to Sweden; 16 to Canada, six to Denmark and four to Norway.”<sup>19</sup> A total of 483 people who had been taken to the processing centers “returned voluntarily to their countries of origin or residence, following negative refugee determination decisions.”<sup>20</sup>

### III. Christmas Island Processing (2008 to 2012)

A new Australian government, elected in November 2007, decided to end the Pacific Solution. The incoming government’s policy, announced in February 2008, was that unauthorized asylum seekers would be processed, by Australian authorities, on Christmas Island. This territory remained excised from the Australian migration zone.<sup>21</sup>

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<sup>15</sup> ‘*Tampa Affair*,’ National Museum of Australia, *supra* note 13. For further information on the excision of certain areas from Australia’s migration zone, see *Excisions from the Migration Zone: Policy and Practice*, Australian Parliamentary Library (Mar. 1, 2004), <https://perma.cc/7RXX-NHKV>.

<sup>16</sup> Select Committee for an Inquiry into a Certain Maritime Incident, *supra* note 14.

<sup>17</sup> *Id.*

<sup>18</sup> Ariane Rummery, *Australia’s “Pacific Solution” Draws to a Close*, UNHCR (Feb. 11, 2008), <https://perma.cc/W828-PKBL>.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* See also Janet Phillips, *A Comparison of Coalition and Labor Government Asylum Policies Since 2001*, Australian Parliamentary Library (Feb. 28, 2014), <https://perma.cc/XXL3-5BSM>; Kelly Buchanan, *Australia: Legislation to Combat People Smuggling Passed*, Global Legal Monitor, Law Library of Congress (May 20, 2010), <https://perma.cc/L2R6-EVS9>.



At the time that the Pacific Solution was dismantled, there were almost no boats arriving. Subsequently, however,

[i]n 2008, 161 people (excluding crew) arrived by boat in Australia. In 2009, the number jumped to 2726 and continued to rise. In 2012, there were 17,202 boat arrivals. It is estimated that 610 individuals died trying to reach Australia's mainland to seek asylum between April 2009 and June 2012.<sup>22</sup>

In 2010 and 2011, the Australian government held discussions with Malaysia and East Timor about establishing regional processing centers to manage asylum seekers. An agreement was subsequently signed with Malaysia in July 2011. However, in August 2011, "the High Court found that the Immigration Minister's declaration of Malaysia as a country to which asylum seekers could be taken for processing was invalid under the *Migration Act* since Malaysia was not a party to the 1951 Refugees Convention and did not offer protection to, nor process, asylum seekers."<sup>23</sup>

#### **IV. Reintroduction of Offshore Processing in Nauru and PNG (2012)**

In August 2012, the government announced that offshore processing in Nauru and PNG would be re-introduced. It subsequently signed new MOUs with Nauru and PNG in August and September, respectively. The first transfer of asylum seekers to Nauru took place in September 2012, and the first to PNG in November 2012.<sup>24</sup>

In June 2013, the prime minister announced the following changes to Australia's asylum seeker policy:

- all asylum seekers (not a selected few) who travelled to Australia by boat with no valid visa would be sent offshore for processing and resettlement
- those found to be refugees would not be resettled in Australia
- people found not to be refugees would be returned to their home country (or a country where they had a right of residence) or held in a transit facility indefinitely and
- Australian Federal Police would pay rewards of up to \$200,000 [about US\$131,632] for information leading to the arrest and conviction of people organising people smuggling ventures to Australia.<sup>25</sup>

New agreements were subsequently signed with Nauru and PNG stating that asylum seekers sent to those countries for processing who were found to be refugees would also be resettled

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<sup>22</sup> *Evolution of Asylum of Australia: 2008 – 2012: In-Country Processing and Increase in Asylum Seekers Arriving by Boat*, Asylum Insight, <https://perma.cc/7NRY-KUYD>.

<sup>23</sup> Phillips, *supra* note 21.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

there.<sup>26</sup> Various legislative changes were also made in the three years after the reintroduction of the policy.<sup>27</sup>

According to a 2021 policy brief published by the Kaldor Centre for International Refugee Law,

Australia transferred approximately 4,180 people offshore between 2012 and 2014 . . . almost half of whom had returned to Australia by 2021. Asylum seekers and refugees were either transferred back to Australia following the July 2013 policy change or medically evacuated to Australia due to the progressively spiralling health crises amongst the transferred populations in Nauru and PNG. The number of people detained on Manus Island peaked at 1,353 in January 2014, and in Nauru at 1,233 in August 2014.<sup>28</sup>

Although the offshore processing arrangements remained in place for several years, no new transfers of asylum seekers to the regional processing countries were made between 2014 and 2023. The Australian government instead “reoriented its border protection policies to maritime interception.”<sup>29</sup>

## V. Start of Operation Sovereign Borders (2013)

Following another change in government after the September 2013 federal election, the above policies remained in effect, and were accompanied by the introduction of a military-led border security response called “Operation Sovereign Borders.” The Operation Sovereign Borders website, on a page headed “Zero Chance,” states that

Australia’s borders are patrolled all day, every day.

Anyone who attempts an unauthorised boat voyage to Australia will be turned back to their point of departure, returned to their home country, or transferred to a third country for processing.

Since 2013, Australia has intercepted every boat attempting to enter illegally. Every vessel is closely watched. There is zero chance of illegal migration to Australia.<sup>30</sup>

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<sup>26</sup> Id.

<sup>27</sup> Legislative changes related to offshore processing included the following: Migration Legislation Amendment (Regional Processing and Other Measures) Act 2012 (Cth); Maritime Powers Act 2013 (Cth); Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013 (Cth); Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 (Cth); Migration Amendment (Regional Processing Arrangements) Act 2015 (Cth). See Elibritt Karlsen & Janet Phillips, *Developments in Australian Refugee Law and Policy (2012 to August 2013)*, Australian Parliamentary Library (Sept. 25, 2014), <https://perma.cc/NGA4-6VNS>; Elibritt Karlsen & Janet Phillips, *Developments in Australian Refugee Law and Policy: The Abbott and Turnbull Coalition Governments (2013–2016)*, Australian Parliamentary Library (Sept. 18, 2017), <https://perma.cc/66RR-SRJR>.

<sup>28</sup> Madeleine Gleeson & Natasha Yacoub, Kaldor Centre for International Refugee Law, UNSW, Policy Brief 11, *Cruel, Costly and Ineffective: The Failure of Offshore Processing in Australia 3* (Aug. 2021), <https://perma.cc/5ZZR-FHH7>.

<sup>29</sup> Id. at 1.

<sup>30</sup> *Zero Chance*, Operation Sovereign Borders, <https://perma.cc/C3L2-J6TG>.

The website also provides links to information on reporting people smugglers and about Australia's humanitarian and migration program, stating that "[t]he only legal way to Australia is by applying for a valid Australian visa."<sup>31</sup>

Boat "turnbacks" had previously also taken place starting in 2001, following the *Tampa* incident, under "Operation Relex" (late 2001 to early 2002) and "Operation Relex II" (2002 to July 2006).<sup>32</sup>

The Australian Parliamentary Library noted in 2018 that detailed information on each boat turnback is "not always available," but some statistics and other information can be derived from various government statements.<sup>33</sup> According to these records, "from December 2013 to June 2018, the Australian navy and coast guard turned back 33 boats carrying 810 people . . ."<sup>34</sup>

A November 2023 report in the *Guardian* stated that a spokesperson from the Australian Border Force had provided statistics on boat arrivals and turnbacks, including that in the five years before the start of Operation Sovereign Borders, "approximately 50,000 people arrived in Australia on 820 boats, and more than 1,200 people are known to have lost their lives at sea attempting to come to Australia."<sup>35</sup> According to the spokesperson, "[i]t has been almost 10 years since last known loss of life at sea in an attempt to migrate to Australia by boat," and "[i]n the past 10 years, 1,123 people from 47 ventures have been returned to their country of origin or departure."<sup>36</sup>

## VI. Resettlement Agreements

In September 2014, Australia and Cambodia reached an agreement for people sent offshore for processing to be resettled in Cambodia.<sup>37</sup> This agreement expired in September 2018. Cambodia only agreed to resettle those who agreed to go there, and only seven people did. The Refugee Council of Australia reported in 2020 that most of those seven had left Cambodia.<sup>38</sup>

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<sup>31</sup> Id.

<sup>32</sup> *Statistics on Boat Arrivals and Boat Turnbacks – Boat Turnbacks*, Refugee Council of Australia, <https://perma.cc/3VSC-LRU5>.

<sup>33</sup> Harriet Spinks, *Boat 'Turnbacks' in Australia: A Quick Guide to the Statistics Since 2001*, Australian Parliamentary Library (updated July 20, 2018), <https://perma.cc/WM8M-95UE>.

<sup>34</sup> Kim Huynh, *Looking Back on a Decade of Operation Sovereign Borders: Should We Still "Stop the Boats"?*, ABC (Sept. 8, 2023), <https://perma.cc/359J-SBPK>.

<sup>35</sup> Paul Karp, *Almost 200 Asylum Seekers Returned by Albanese Government Since May 2022*, *Guardian* (Nov. 7, 2023), <https://perma.cc/J5LE-HD2N>.

<sup>36</sup> Id.

<sup>37</sup> Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of Australia, Relating to the Settlement of Refugees in Cambodia, <https://perma.cc/9K8W-ZT77>.

<sup>38</sup> *Australia's Offshore Processing Regime: The Facts – Resettlement*, Refugee Council of Australia (May 20, 2020), <https://perma.cc/K8DA-ZN8Y>.

In November 2016, the Australian and the United States governments signed an agreement regarding the resettlement, in the United States, of asylum seekers processed in Nauru or PNG and found to be refugees. This provides for resettlement of up to 1,250 refugees in the United States.<sup>39</sup> As at December 31, 2023, “the United States resettlement arrangement has enabled 1101 individuals (413 from Nauru, 443 from PNG and 245 from Australia) to resettle in the United States. Many refugees have had their resettlement applications approved and are at various stages of pre-departure activities, while others have applications in train.”<sup>40</sup>

In March 2022, a resettlement agreement was also signed with New Zealand, providing for up to 450 refugees to be permanently resettled in New Zealand over three years, to June 2025. As at December 31, 2023, 109 individuals, 15 from Nauru and 94 from Australia, had been resettled in New Zealand.<sup>41</sup> The option is “open to eligible refugees who were transferred offshore by Australia and are now in Nauru, Australia or Papua New Guinea.”<sup>42</sup> The numbers are part of New Zealand’s existing refugee quota program, with the UNHCR assessing and preparing cases to be referred to New Zealand for resettlement under the agreement.<sup>43</sup>

## VII. Current Policy

The current Australian government, elected in May 2022, has “kept the core pillars of Operation Sovereign Borders (OSB). These include offshore detention, turnbacks – in which vessels returned to just outside the territorial seas of the country of departure – and takebacks, where Australia sends asylum seekers back by plane or through an at-sea transfer.”<sup>44</sup>

The current policy regarding boat arrivals remains that “[a]ny person entering Australia by boat without a valid visa will be returned or taken to a regional processing country for protection claims assessment. Unauthorised maritime arrivals will not settle in Australia.”<sup>45</sup>

In October 2021, Australia and Nauru signed an MOU on establishing “enduring regional processing capability” in Nauru.<sup>46</sup> It was reported in June 2023 that the last person remaining in Nauru under the offshore processing arrangements was transferred out of the country to Australia. However, the processing center in Nauru remains open and Australia can still send

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<sup>39</sup> *Regional Processing and Resettlement*, Department of Home Affairs, <https://perma.cc/W88B-HJYJ>.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* For a further breakdown of resettlement statistics, see Department of Home Affairs, *Statistics of Transitory Persons: Regional Processing Statistics – 31 December 2023*, <https://perma.cc/V2M6-CFGJ>.

<sup>42</sup> *Resettlement to New Zealand for People Transferred to Nauru and Papua New Guinea*, UNHCR, <https://perma.cc/48H2-L3VC>.

<sup>43</sup> *Id.*

<sup>44</sup> Karp, *supra* note 35.

<sup>45</sup> *Regional Processing and Resettlement*, Department of Home Affairs, *supra* note 39.

<sup>46</sup> Memorandum of Understanding between the Republic of Nauru and Australia on the Enduring Regional Processing Capability in Republic of Nauru, <https://perma.cc/M4DE-GYT2>; Press Release, Karen Andrews & Lionel Rouwen Aingimea, New Agreement to Secure Our Region from Maritime People Smuggling (Sept. 24, 2021), <https://perma.cc/Q9A6-GNG4>.

certain asylum seekers to the country.<sup>47</sup> According to reports, 11 people were transferred to the center in September 2023 – the first new transferees in nine years.<sup>48</sup>

Australia’s asylum seeker processing arrangements with PNG ended on December 31, 2021, with PNG agreeing to assume full management of regional processing services in the country and “full responsibility for those who remain,” including by offering a permanent migration pathway for those wishing to stay in PNG.<sup>49</sup> In September 2023, refugee advocates raised concerns that asylum seekers and refugees who had remained in the country (some for as long as 10 years) were being evicted from accommodation provided by the PNG government and were losing other support services.<sup>50</sup> It was subsequently reported, in October 2023, that processes had commenced to remove 64 people who had remained in PNG after the arrangements with Australia ended.<sup>51</sup> However, as of January 2024, it appears that 58 people are still in the country.<sup>52</sup>

Australia also has an ongoing policy of mandatory detention of “unlawful non-citizens” (non-citizens who do not hold a valid visa). This meant that some asylum seekers who could not be granted visas to remain in Australia lawfully nor settled in another country were detained for long periods in facilities in Australia. In November 2023, the High Court of Australia ruled that such indefinite detention was unlawful and a number of detainees were released.<sup>53</sup>

### VIII. Impact of Offshore Processing

Many sources that contain analysis of Australia’s policies with respect to asylum seekers are highly critical of the offshore processing approach and its outcomes. For example, the 2021 Kaldor Centre policy brief referred to above argues that the “Australian model of offshore processing”

- does not deter irregular maritime migration, ‘stop the boats’ or ‘break the business model’ of people smuggling networks;
- does not ‘save lives at sea’ or achieve any other humanitarian objective; and

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<sup>47</sup> Ashley Westerman, *Australia Brings its Last Refugee on the Pacific Island of Nauru to its Mainland*, NPR (June 26, 2023), <https://perma.cc/WM2Z-YE7W>.

<sup>48</sup> Maddison Connaughton & Paul Farrell, *A Teenager is Among the First Boat Arrivals Sent to Nauru in Nine Years*, ABC News (Oct. 26, 2023), <https://perma.cc/RNZ3-6CE2>.

<sup>49</sup> Press Release, Karen Andrews & Westly Nukundj, *Finalisation of the Regional Resettlement Arrangement* (Oct. 6, 2021), <https://perma.cc/K9ZA-46F4>.

<sup>50</sup> Press Release, Asylum Seeker Resource Centre, *Serious Concern Over Crisis Unfolding for Refugees in PNG* (Sept. 28, 2023), <https://perma.cc/R7A7-GVQU>.

<sup>51</sup> Ben Doherty, *Last Refugees in Papua New Guinea to Begin Leaving ‘Within Weeks’ After Australian Funding Runs Out*, Guardian (Oct. 22, 2023), <https://perma.cc/J6EG-2SS2>.

<sup>52</sup> Press Release, Asylum Seeker Resource Centre, *“Please Get Us Out of Here” – Concerns Grow for PNG Refugees Amid Violent Unrest* (Jan. 12, 2024), <https://perma.cc/3ZQJ-THHT>.

<sup>53</sup> See Kelly Buchanan, *Australia: High Court Rules Indefinite Immigration Detention Unlawful*, Global Legal Monitor, Law Library of Congress (Nov. 16, 2023), <https://perma.cc/5CVT-PALA>.

- suffers from other policy failures, including enormous financial costs for Australian taxpayers, violations of fundamental rules of international law, numerous legal challenges and systemic cruelty.<sup>54</sup>

The government, however, maintains that “[r]egional processing significantly undermines the people smuggling trade, by taking away the outcome that they market.”<sup>55</sup> The commander of the Joint Agency Taskforce Operation Sovereign Borders expressed to a Senate committee in October 2023 that

[i]t has now been almost a decade since anyone is known to have lost their life at sea in an unauthorised attempt to reach Australia by boat. However, I would like to state clearly and unequivocally: the criminal trade of maritime people smuggling remains an enduring threat to our borders, to our region, and to the lives of the smugglers’ potential victims. This threat has been effectively suppressed through the unrelenting efforts of Operation Sovereign Borders over the past 10 years, but the threat will endure as long as unscrupulous criminals see the potential to profit by exploiting the hope of vulnerable people for a better life elsewhere.

...

Operation Sovereign Borders is increasingly recognised by international and domestic observers as delivering one of the most successful responses to the despicable and criminal maritime people-smuggling trade seen anywhere in the world. Maintaining an enduring regional processing capability in Nauru, to support protection assessments and returns and resettlement outcomes for those persons who cannot be safely returned, remains a key pillar of this approach.

...

Operation Sovereign Borders contributes to the integrity of the Australian border and enables Australia’s safe, orderly, and legal migration pathways, including a generous humanitarian program. It is these legitimate means to settle in Australia that contribute to the multicultural and prosperous society that we all call home. As part of our offshore strategic communications campaign, OSB places a strong focus on educating all those who may be considering an irregular journey about Australia’s immigration and border protection policies, and the legal avenues to achieving their preferred migration outcomes. As a result of these efforts, the vast majority of potential irregular immigrants in our region know there is only one viable way to enter and remain in Australia – that is with a valid Australian visa.<sup>56</sup>

A September 2023 article written by an Australian academic listed several arguments for and against continuing to “stop the boats,” concluding that

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<sup>54</sup> Gleeson & Yacoub, *supra* note 28, at 1.

<sup>55</sup> Letter from Hon. Clare O’Neil MP, Minister of Home Affairs, to High Commissioner Filippo Grandi, UNHCR, Ref. No. MS22-003262, Jan. 21, 2023, <https://perma.cc/BJN8-CT2T>.

<sup>56</sup> *Senate Estimates – CJATF Opening Statement*, Australian Border Force (Oct. 23, 2023), <https://perma.cc/4NBN-FQCP>.

[t]he debate over border protection has framed Australia’s refugee politics in the twenty-first century. Supporters of “Stop the Boats!” must confront the fact that deterrence requires inflicting severe and permanent harm on boatpeople and has significant costs for Australia and the region. Critics of “Stop the Boats!” must acknowledge that, in the absence of forceful deterrence, tens of thousands of boat people will likely make dangerous journeys to Australia. They also encounter a political reality in which Labor, the Coalition, and much of the Australian public support stopping the boats.<sup>57</sup>

## A. Fiscal Cost

The Australian Parliamentary Library explained in a 2016 guide to offshore processing statistics and resources that

the 2016–17 Budget allocated an additional \$61.5 million [about US\$40.5 million] in 2016–17 to support offshore processing arrangements. This built on the additional funding of \$342.1 million [about US\$225 million] over two years that was provided in the 2015–16 Mid-Year Economic and Fiscal Outlook (MYEFO) for this purpose. The additional funding, in MYEFO and in the 2016–17 Budget, illustrates the difficulty the Government has in accurately predicting costs in this area. The 2015–16 Budget provided for spending of \$810.8 million [about US\$533 million] for irregular maritime arrivals (IMA) Offshore Management in 2015–16. However, the 2016–17 budget papers indicate that estimated actual spending in that year was almost \$1.1 billion [about US\$ 724 million].<sup>58</sup>

The Kaldor Centre policy brief also analyzed available information and concluded that “offshore processing costs on average at least A\$1 billion [about US\$659 million] per year, and reached upwards of A\$1.49 billion [about US\$982 million] in 2017–18,” and that “[t]his figure is significantly more than it would have cost to allow asylum seekers to reside in the community in Australia while their claims were processed.”<sup>59</sup> It also stated that it is unclear whether this figure included various other costs related to offshore processing, including aid and development assistance to Nauru and PNG, charter flights and escorts between Australia and the two countries, “detaining and/or meeting the needs of the more than 1,100 people who have been transferred back to Australia on a temporary basis for medical or other reasons,” defending legal claims related to offshore processing in different courts, etc.<sup>60</sup> The brief argues that there are ongoing challenges in budgeting for the policy, and that “there are significant fixed costs involved in keeping the policy on foot regardless of the number of people actually kept offshore.”<sup>61</sup>

The Refugee Council of Australia similarly states that offshore processing “regularly costs more than \$1 billion a year.”<sup>62</sup> Its most recent figures, which include the 2023-24 fiscal year, based on

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<sup>57</sup> Huyn, *supra* note 34.

<sup>58</sup> Karlsen, *supra* note 9.

<sup>59</sup> Gleeson & Yacoub, *supra* note 28, at 9.

<sup>60</sup> *Id.* at 10.

<sup>61</sup> *Id.* at 11.

<sup>62</sup> *Offshore Processing Statistics – Costs*, Refugee Council of Australia (Jan. 20, 2024), <https://perma.cc/752L-3PQ6>.

annual portfolio budget estimates, show that the total amount spent since the reopening of the offshore processing centers is AU\$12.1 billion (about US\$8 billion). It also states that

this is likely to be an underestimate because it counts only costs that are directly attributed to the offshore processing policy. For example, this would not include any foreign aid that was used as part of any resettlement deal (for example, the \$40 million [about US\$26 million] Cambodia received as part of its deal to resettle, in the end, a mere seven refugees).

The Australian Government has also provided the total costs paid under the agreements with PNG and Nauru for offshore processing since 2012, by financial year, until 31 January 2022.<sup>63</sup>

The council also compared the costs of offshore processing with the costs of processing people in immigration detention facilities in Australia, in community detention, and on a “bridging visa” (a temporary visa that certain applicants can obtain while awaiting the outcome of their substantive visa application), and concluded that “the cost of processing people in Australia is comparatively small.”<sup>64</sup> It highlighted some of the “extraordinary costs” related to offshore processing, including

\$87 million [about US\$57 million] in visa fees paid to the Nauruan government (as at 30 September 2018) - because we pay Nauru a visa fee of \$2,000 [about US\$1318] a month for each refugee and \$1,000 [about US\$659] a month for each person seeking asylum, and another \$1,050 [about US\$692] annually for each service provider.

We have also paid nearly half a million dollars a month for ‘staff bedsit accommodation’ in a hotel (\$429,660 per month [about US\$283,165]) with a total contract of \$19.26 million [about US\$12.7 million] for the leasing of that hotel. We have spent \$38.5 million [about US\$25.4 million] upgrading Nauru’s hospital, and \$23.1 million [about US\$15.2 million] building Bomana immigration detention centre in PNG.

The list of contracts for our offshore processing regime is extensive. More than \$5 million [about US\$3.2 million] has been paid to one company providing air services to Nauru, and nearly \$20 million [about US\$13.2 million] to another company leasing accommodation in PNG.<sup>65</sup>

Going forward, at a Senate estimates hearing in May 2023, the Department of Home Affairs stated that maintaining offshore processing capabilities and operations is projected to cost AU\$350 million (approx. US\$231 million) per year in fiscal years 2025-26 and 2026-27.<sup>66</sup>

Other organizations have also analyzed the costs of the offshore processing in previous years.<sup>67</sup>

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<sup>63</sup> Id.

<sup>64</sup> Id.

<sup>65</sup> Id.

<sup>66</sup> Paul Karp & Tory Shepherd, *Nauru Offshore Processing to Cost Australian Taxpayers \$485m Despite Only 22 Asylum Seekers Remaining*, *Guardian* (May 22, 2023), <https://perma.cc/Y78P-PGAK>.

<sup>67</sup> See Andrew & Renata Kaldor Centre for International Refugee Law, *Factsheet: The Cost of Australia’s Asylum and Refugee Policies: A Source Guide* (last updated Apr. 26, 2022), <https://perma.cc/SAG5-UDZZ>.



## B. Number of Asylum Seekers Arriving by Boat

Some of the statistics related to boat arrivals have been provided in other parts of this report, including a significant increase in boats carrying asylum seekers attempting to travel to Australia after the Pacific Solution ended.

The Kaldor Centre policy brief argues that offshore processing in itself was not a deterrent to asylum seekers attempting to reach Australia by boat. It states that, for the first phase of the new program, between August 2012 and July 2013, when there was still the possibility of resettlement in Australia, more than 24,000 asylum seekers arrived in Australia by boat, which was “considerably more than at any other time since the 1970s.”<sup>68</sup> Boats then continued to arrive after the announcement, in July 2013, of the bar on settlement in Australia, with more than 1,500 people on at least 21 boats arriving in the first 16 days after the policy change. After September 2013, boats continued to arrive but most were turned back under Operation Sovereign Borders. By 2016, boat arrivals had returned to their pre-2007 levels. At that time, two years had passed since the government had transferred anyone to the offshore processing centers.<sup>69</sup>

A “FactCheck” article published by Channel 4 News in the United Kingdom also analyzed the numbers of asylum seekers arriving by boats in particular time periods, using information published by the Australian Parliamentary Library, and found that “[i]n the year after offshore processing began, the number of arrivals did not decline – it increased. Some 25,173 people arrived by boat between July 2012 and July 2013 – three times more than the number who crossed in the previous 12 months.”<sup>70</sup> It also pointed to the possibility that Operation Sovereign Borders may have had a greater impact on arrivals, stating that “[i]t’s only in 2014 that we start to see a significant fall. That year, the total number of maritime arrivals was 157. The following year, it was zero.”<sup>71</sup> The article quoted an Australian criminal law professor, who told the outlet to “keep in mind that the Australian Government implemented a suite of measures, which makes it difficult to point to the specific effect of any one of them.”<sup>72</sup>

In 2016, the Australian Parliamentary Library noted that

[o]ver recent years, the proportion of asylum seekers applying for (onshore) protection in Australia who arrived originally by boat has fluctuated significantly in response to shifts in asylum flows and changes in Government policy.

Until 2012, the majority of asylum seekers applying for protection in Australia arrived originally by air with a valid visa and then applied for asylum at a later date while living in the community. Historically, boat arrivals only made up a small proportion of asylum

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<sup>68</sup> Gleeson & Yacoub, *supra* note 28, at 7.

<sup>69</sup> *Id.*

<sup>70</sup> Georgina Lee, *Did Australian Offshore Asylum System Reduce Boat Crossings?*, Channel 4 News (June 22, 2022), <https://perma.cc/9L54-4GS4>.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

applicants—estimates vary, but it is likely that between 96 and 99 per cent of asylum applicants arrived by air.

In 2012 the proportions of irregular maritime arrival (IMA) and non-IMA (that is air arrival) asylum seekers shifted due to a significant increase in boat arrivals. However, applications from boat arrivals still only accounted for about half of Australia's onshore asylum claims until 2012–13 when the figure reached 68.4 per cent.

However, in 2013–14 the proportions shifted back and the majority of applications (51.5 per cent) were again lodged by air arrivals[.]

...

Although the proportion of asylum seekers arriving by boat has increased significantly in the last few years, and boat arrivals continue to be the focus of much public and political attention, they are in fact more likely to be recognised as refugees than those who have arrived by air. . . .

...

As mentioned earlier, under current Government policy, asylum seekers attempting to arrive in Australia by boat may be turned around and returned to international waters, or transferred to offshore processing centres. Presumably the subsequent drop in boat arrival numbers will result in a return to the historical norm whereby the majority of those applying for protection onshore in Australia will have arrived originally by air with a valid visa.<sup>73</sup>

### C. Wellbeing of Asylum Seekers

The Kaldor Centre policy brief argues that offshore processing does not save lives, and attributes the fact that no deaths at sea have been reported since 2014 to the vessel turnbacks and takebacks under Operation Sovereign Borders, rather than a deterrent effect from offshore processing.<sup>74</sup> In fact, it states that

[a] close examination of the humanitarian objectives of offshore processing makes clear that the policy does not save lives, but rather destroys them. Since its reintroduction in 2012, eighteen people have died offshore (or in Australia, following medical evacuation). Of these, at least six reportedly committed suicide, at least one was murdered, and at least two died from medical conditions after access to appropriate treatment was delayed or denied by Australia. In at least one case, an Australian coroner found that the death was 'preventable', and that the deceased would have survived had he been promptly evacuated to Australia for treatment.

Most of those who survived were exposed to significant harm, described by some as worse than death. One Iraqi father who had survived living in a war zone said he had never experienced anything like his detention on Manus Island and that 'if we had died in the ocean, that would have been better'. Another said: 'although we are alive, we are dead

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<sup>73</sup> Karlsen, *supra* note 9.

<sup>74</sup> Gleeson & Yacoub, *supra* note 28, at 7.

inside'. Such extreme levels of suffering were the foreseeable result of prolonged and indefinite detention in harsh conditions, repeated exposure to violence and abuse, denial of adequate healthcare and access to basic services, and the uncertainty, arbitrariness and perceived unfairness inherent in the policy's implementation.

Asylum seekers and refugees were exposed to such extreme harm offshore that by 2019, the Australian government was forced to medically evacuate back to Australia almost all of those still in Nauru and PNG. A special legislative scheme was established to facilitate those evacuations. By 2021, the vast majority of those who had not already been resettled or returned to their countries of origin were back in Australia, receiving or awaiting treatment for physical and mental health concerns that arose during their time offshore. The harm continues in Australia, where recovery is impeded by ongoing uncertainty about their legal status.<sup>75</sup>

A study of the harms of the offshore processing arrangements, published in the Australian and New Zealand Journal of Public Health in December 2023, stated

[w]e recently investigated the epidemiology of non-fatal self-harm among asylum seekers detained on Nauru and Manus Island. Our findings demonstrated that episode rates of self-harm among asylum seekers on Nauru and Manus Island were 216 and 45 times higher than the general Australian population rates of hospital-treated self-harm, respectively. Importantly, rates of self-harm among asylum seekers on Nauru were also 52 times higher than rates of self-harm among asylum seekers living in community-based arrangements (largely on bridging visas) in Australia. These findings highlight the substantial burden of self-harm among asylum seekers subjected to offshore processing arrangements on Nauru and Manus Island compared with the general Australian population, and also compared with asylum seekers living in the Australian community.<sup>76</sup>

Multiple human rights and advocacy organizations, including the Australian Human Rights Commission, Amnesty International,<sup>77</sup> Human Rights Watch,<sup>78</sup> Médecins Sans Frontières,<sup>79</sup> and the UNHCR and other United Nations agencies,<sup>80</sup> have documented and raised serious concerns

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<sup>75</sup> Id. at 7-8.

<sup>76</sup> Kyli Hedrick & Rohan Borschmann, *The Enduring Harm from Permanent Offshore Processing Arrangements in the Pacific Islands*, 47(6) Aust. & NZ J. of Public Health (Dec. 2023), <https://perma.cc/AL39-MHKQ>.

<sup>77</sup> See e.g. Amnesty International, *This is Breaking People: Human Rights Violations at Australia's Asylum Seeker Processing Centre on Manus Island, Papua New Guinea* (2013), <https://perma.cc/PC8P-M6Z6>; Press Release, Amnesty International, *Australia: Appalling Abuse, Neglect of Refugees on Nauru* (Aug. 2, 2016), <https://perma.cc/C2U7-4ZRZ>.

<sup>78</sup> See e.g. *Australia: 8 Years of Abusive Offshore Asylum Processing*, Human Rights Watch (July 15, 2021), <https://perma.cc/25RZ-E5F9>.

<sup>79</sup> See e.g. *Australia's Detention of Refugees and Asylum Seekers*, Médecins Sans Frontières, <https://perma.cc/2HJB-6QVY>; Press Release, Médecins Sans Frontières, *Medical Report Shows Disastrous Impact of Australia's Offshore Processing Policy* (Dec. 2, 2018), <https://perma.cc/Z233-XMMS>.

<sup>80</sup> See *Position Paper: United Nations Observations on Australia's Transfer Arrangements with Nauru and Papua New Guinea (2012-Present)*, UNHRC (Oct. 11, 2021), <https://perma.cc/BXV2-3XCM>.

about human rights issues and the impact of offshore processing on the wellbeing of asylum seekers.<sup>81</sup> In July 2022, the UNHCR stated in a press release that it

renews its long-standing appeal to the Australian Government to end its policy of sending refugees and asylum seekers offshore. Countless lives have been damaged or destroyed over the past nine years through this policy and by the enforcement of despair that has characterised its application. Maintaining its existence is no answer for anyone.<sup>82</sup>

The Australian Human Rights Commission stated in 2021 that it “continues to hold serious concerns that third country processing arrangements could see Australia in breach of its human rights obligations.”<sup>83</sup>

There have been three independent reviews commissioned by the government agency responsible for implementing the immigration laws regarding incidents and issues at the Nauru regional processing center. The Moss review, completed in 2015, examined “allegations relating to conditions and circumstances” at the center.<sup>84</sup> It concluded, among other things, that

many transferees are apprehensive about their personal safety and have concerns about their privacy at the Centre. Some transferees expressed their apprehension about other transferees and some contract service provider staff members. Several married couple transferees raised concerns about their privacy. The perception of a lack of personal safety and privacy is heightened by high density accommodation in mostly un-air-conditions, soft-walled marquees in a tropical climate.<sup>85</sup>

Furthermore, the review found that “[s]ome allegations of sexual and other physical assault of transferees have been formally reported and others, disclosed only to the Review, had not been formally reported,” and concluded that “arrangements for identifying, reporting, responding to, mitigating and preventing incidents of sexual and other physical assault at the Centre could be improved.”<sup>86</sup>

The offshore processing policy has also been the subject of a number of parliamentary committee inquiries, including in relation to conditions at the regional processing centers and the treatment

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<sup>81</sup> See generally Elibritt Karlsen, *Australia's Offshore Processing of Asylum Seekers in Nauru and PNG: A Quick Guide to Statistics and Resources: Annex 1 – List of Inquiries and Reports into Offshore Processing*, Australian Parliamentary Library (updated Dec. 19, 2016), <https://perma.cc/65H6-ZKKQ>; Elibritt Karlsen, *Developments in Refugee Law and Policy: 2014 in Review*, FlagPost, Australian Parliamentary Library (Jan. 8, 2015), <https://perma.cc/N386-BTR5>.

<sup>82</sup> See Position Paper: United Nations Observations on Australia's Transfer Arrangements with Nauru and Papua New Guinea (2012-Present), *supra* note 80.

<sup>83</sup> Press Release, Australian Human Rights Commission, Statement on Ending Offshore Processing in PNG (Oct. 6, 2021), <https://perma.cc/G6K4-SJR6>.

<sup>84</sup> *Independent Reviews – Regional Processing Centre in Nauru*, Department of Home Affairs, <https://perma.cc/UYZ4-YZ6H>.

<sup>85</sup> Review into Recent Allegations Relating to Conditions and Circumstances at the Regional Processing Centre in Nauru – Final Report 4 (2015), <https://perma.cc/G8QL-TKSG>.

<sup>86</sup> *Id.* at 4 & 5.

and wellbeing of asylum seekers at those centers. For example, in 2015, the Australian Senate established the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru.<sup>87</sup> The committee's final report, published in August 2015, contained various recommendations related to oversight and reporting, processing of claims, means for increasing transparency, and auditing allegations of sexual abuse and other criminal conduct that had been reported, among other issues.<sup>88</sup>

Subsequently, in April 2017, the Senate Standing Committee on Legal and Constitutional Affairs reported on "serious allegations of abuse, self-harm and neglect of asylum seekers in relation to the Nauru Regional Processing Centre, and any like allegations in relation to the Manus Regional Processing Centre."<sup>89</sup> The committee stated

[i]n its current manifestation, Australia's policy of offshore processing is deeply affected by structural complexity. Despite the efforts of the Department of Immigration and Border Protection (the department), its contractors and sub-contractors, and other related stakeholders, there are clear failures by the department in administering the current policy in a safe and transparent manner. The policy structure is complex, and it relies heavily on the private sector to administer the day-to-day management of the scheme. This structural complexity has led to a lack of accountability and transparency in the administration of the policy, and a failure to clearly acknowledge where the duty of care lies in relation to those asylum seekers and refugees. For a policy which represents such a significant investment of Australian public funds, this lack of accountability is disturbing.<sup>90</sup>

In terms of asylum seeker wellbeing, the committee stated that it "heard evidence about widespread allegations of abuse and neglect both within RPCs, and in the Nauruan and Papua New Guinean communities. The committee also heard that self-harm and suicidal ideation among refugees and asylum seekers of all ages is extremely common."<sup>91</sup> The report went on to set out multiple issues and incidents that had been reported by various sources with respect to the health and wellbeing of those taken to both Nauru and PNG for processing.

#### **D. Impact on the Host Community**

An August 2023 article published by the Migration Policy Institute discussed impacts of Australia's offshore processing policy on the local community in Nauru. In particular, it stated

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<sup>87</sup> *Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru*, Parliament of Australia, <https://perma.cc/39US-WWPG>.

<sup>88</sup> Senate, Select Committee on Recent Allegations Relating to Conditions and Circumstances at the Regional Processing Centre in Nauru, *Taking Responsibility: Conditions and Circumstances at Australia's Regional Processing Centre in Nauru* (Aug. 2015), <https://perma.cc/Z2T7-ZL3S>.

<sup>89</sup> *Serious Allegations of Abuse, Self-Harm and Neglect of Asylum Seekers in Relation to the Nauru Regional Processing Centre, and Any Like Allegations in Relation to the Manus Regional Processing Centre*, Parliament of Australia, <https://perma.cc/QK3H-K3J8>.

<sup>90</sup> Senate, Legal Affairs and References Committee, *Serious Allegations of Abuse, Self-Harm and Neglect of Asylum Seekers in Relation to the Nauru Regional Processing Centre, and Any Like Allegations in Relation to the Manus Regional Processing Centre* (Apr. 21, 2017), <https://perma.cc/3SCZ-K89Y>.

<sup>91</sup> *Id.* at 13.

that there were complaints about that “corruption and greed had overtaken the government,” and that local communities were left out of the economic benefits.<sup>92</sup> Multiple workers were also diverted to working in the center or associated roles, meaning that human resources were diverted from other sectors or areas of need. In addition, “[h]igh-school dropout rates increased, which locals attributed to easily obtainable low-level employment with refugee contractors. Younger locals dropped out of teacher-training courses because they could easily access jobs within the asylum industry as security guards and drivers.”<sup>93</sup>

The author also noted that most refugees who lived on the island after having their claims processed had no desire to integrate into the local community, and that many local people expressed concerns and fears about the refugees, as well as resenting how the country was portrayed in media reports about the arrangements. There were also reports of conflicts over resources as well as ethnic frictions. In essence, the author argued that “migrants and locals in Nauru both experienced negative effects from the asylum arrangement.”<sup>94</sup>

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<sup>92</sup> Julia Morris, *As Nauru Shows, Asylum Outsourcing Has Unexpected Impacts on Host Communities*, Migration Policy Institute, Migration Information Source (Aug. 29, 2023), <https://perma.cc/QYK8-X2ZU>.

<sup>93</sup> Id.

<sup>94</sup> Id. For further discussion of impacts on the host countries, see J.C. Salyer, Steffen Dalsgaard & Paige West, *“It Is Not Because They Are Bad People”: Australia’s Refugee Resettlement in Papua New Guinea and Nauru*, 32(2) *Contemporary Pacific* (2020), <https://perma.cc/HB9U-WWGC>.