

Offshore Processing: An Overview

Factsheet

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Between 2012 and 2014, and again since late 2023, Australia sent some asylum seekers who arrived by boat without valid visas 'offshore' to have their claims processed in the Pacific Island nations of Nauru and Papua New Guinea.

What is 'offshore processing'?

Some asylum seekers who arrive in Australia by boat without valid visas are detained and undergo health, security and identity checks in Australia, before being forcibly transferred to the Republic of Nauru (Nauru) or, previously, Papua New Guinea (PNG), to undergo refugee status determination (RSD) in those countries. These 'offshore processing' arrangements have been widely condemned internationally and domestically.

Australia first introduced offshore processing in Nauru and PNG in 2001, under arrangements referred to as the 'Pacific Solution'. The last asylum seeker left PNG in 2004, and the arrangements in both countries were officially terminated by the incoming Labor government in 2008. The policy was then reinstated, also by Labor, in August 2012, and has been continued by both Labor and Liberal-National Coalition governments since that time.

Formally, all asylum seekers who have arrived by boat since August 2012 have been liable to removal to Nauru or PNG, even if they wished to apply for asylum upon arrival in Australia or had characteristics warranting special consideration (such as being an unaccompanied minor, a survivor of torture and trauma, or a victim of trafficking; or having special health needs requiring treatment in Australia, or immediate family already living in Australia).

In practice, however, relatively few asylum seekers have been sent offshore. Many people who arrived by boat between 2012 and 2014 remained in Australia due to a lack of space in the offshore facilities or for other reasons. Most who arrived from 2014 onwards were <u>intercepted</u> and <u>turned back at sea</u> or otherwise returned to their countries of origin without accessing any asylum procedure, either in Australia or offshore.

Despite arrangements for offshore processing remaining in place, no new asylum seekers were transferred offshore after 2014, until a small number of transfers recommenced in late 2023 and 2024.

Who was sent 'offshore' and where are they now?

The first cohort (13 August 2012 – 18 July 2013)

Asylum seekers who arrived in Australia by boat between 13 August 2012 and 18 July 2013 made up a first cohort of people subject to offshore processing. More than 600 adult males were sent to Nauru and more than 350 men, women and children were sent to PNG during this period, while others remained in Australia. Many people in this cohort began RSD in



Nauru and PNG, but no one completed the process. Instead, after 19 July 2013, they began to be brought back to Australia where they waited (either in the community or in detention) before being permitted to lodge fresh claims for asylum and start the process again from 2015 onwards. People in this cohort became part of the 'Legacy Caseload'. They were subject to 'fast track' processing in Australia and, if found to be refugees, were only eligible for temporary visas until a policy change in 2023 allowed them to apply for permanent protection.

The second cohort (19 July 2013 - December 2014)

Asylum seekers who arrived in Australia by boat on or after 19 July 2013 have been subject not only to offshore processing, but also a permanent ban on settlement in Australia if found to be refugees. Between July 2013 and December 2014, more than 1,300 male asylum seekers were sent to the 'regional processing centre' (RPC) on Manus Island in PNG. This centre was meant to accommodate only adult males, but it is believed some minors were also sent there by mistake. Between July 2013 and September 2014, more than 1,350 men, women and children were sent to the RPC in Nauru. At various times asylum seekers in this second cohort were brought back and permitted to remain in Australia, either temporarily or on an ongoing basis. Transfers back to Australia accelerated from 2018 amid spiralling health crises offshore. By mid-2023, almost everyone who had been sent to Nauru and PNG had either been medically evacuated back to Australia, resettled in a third country, or repatriated to their country of origin.

For those who were brought back to Australia, successive Australian governments have reiterated that refugees in this cohort will never be permitted to settle in Australia. However, appropriate alternative durable solutions have been slow and difficult to find. As of 31 May 2024, 1360 refugees had been resettled to another country – 1106 to the United States; 7 to Cambodia (of whom 4 subsequently left); almost 160 to New Zealand, and almost 95 to other countries. As of 31 December 2023, an additional 1,174 people who had been sent offshore as part of the second cohort were residing in Australia awaiting a durable solution.

Australia <u>terminated its arrangements</u> with PNG at the end of December 2021 and subsequently stopped reporting the number of people left in PNG. According to <u>Australian media reports</u>, however, around 52 men and their families remained in PNG in March 2024.

The last refugee from the second cohort left Nauru in June 2023, although two asylum seekers <u>reportedly</u> remained on the island facing domestic legal charges.

The third cohort (late 2023 – 2024)

After a nine-year hiatus, Australia began transferring asylum seekers offshore again in late 2023, after a series of boats reached the Australian mainland. By June 2024, Australian media <u>reported</u> that there were more than 100 asylum seekers being held on Nauru. It remains unclear what arrangements are in place for processing the asylum claims of these poele, and what durable solutions will be available to those found to be in need of international protection.

This factsheet serves an introduction to the Kaldor Centre's <u>series of resources on offshore processing.</u>

