



Safeguards needed as Australia's suspension of asylum claims by Sri Lankans and Afghans comes into force

UNHCR has closely examined the Australian Government's announcement suspending the processing of new asylum claims for people from Sri Lanka and Afghanistan.

In UNHCR's view, the decision to suspend the processing of asylum claims should be accompanied with adequate protection safeguards on the treatment of asylum-seekers whose claims are suspended, including protection from refoulement, appropriate reception arrangements, and with special attention to the needs of vulnerable people, notably children.

"UNHCR recognizes that there may be circumstances where pauses in normal refugee status determination processing are appropriate and in line with States' obligations under the 1951 Refugee Convention. Circumstances which might warrant such action could include mass influx situations and quickly evolving post-conflict situations," UNHCR's Regional Representative for Australia, New Zealand, PNG and the Pacific, Richard Towle, said today.

"The main purpose of such measures is to increase the protection and humanitarian space for asylum-seekers and refugees. They should not be punitive or discriminatory in their application and should, ideally, be developed in cooperation with UNHCR and other countries in the region that are also affected by these issues."

UNHCR also reiterates its longstanding position that detention of asylum seekers is inherently undesirable and that alternatives to detention should be explored wherever possible.

In this respect, UNHCR is concerned that Australia's mandatory detention regime will apply to affected Sri Lankan and Afghan asylum-seekers for prolonged periods, without clear guidelines or effective judicial oversight.

The forced movement of people is a complex issue that affects all countries and regions, many of which receive and host much larger numbers of asylum-seekers and refugees than is the case in Australia. "It is vital that regional cooperation and a humanitarian and protection focus be the key ingredients when looking for solutions to the kind of movement which is being addressed by the Australian scheme," said Towle.

UNHCR will continue discussions with Australia and other countries in the region to clarify the protection standards to be applied in these new circumstances. UNHCR encourages a more harmonized regional approach to asylum and refugee issues as the root causes of people movement need to be addressed in a humane and compassionate way.

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