



Australian Policy on People Seeking Safety – Where we are and how we got here

A brief history. April 2019

Until 1992, detention for anyone arriving in Australia without a visa was discretionary.

Mandatory detention of people seeking safety without a visa was introduced by the Keating government, with bipartisan support, via the Migration Amendment Act of 1992. Originally the legislation contained a detention time limit of 273 days.

Additional legislative amendments were implemented in 1994 and mandatory detention was extended to include everyone arriving without a visa and everyone with an expired or cancelled visa. Those amendments also removed the 273 day time limit, effectively allowing detention to be indefinite.

Temporary Protection Visas were introduced in 1999 by the Howard Government for people arriving by boat to seek safety. They involved:

- Different settlement support entitlements to Permanent Protection Visa (PPV) holders
- No provision for family reunion
- No provision travel to visit family in a neutral place and re-enter into Australia

In 2001, under the Pacific solution the Howard Government implemented Offshore processing on Nauru, Manus Island in PNG, and Christmas Island

The Howard government also took asylum seeker boats back to the edge of Indonesian waters between Sep 2001 and March 2002.

Offshore processing on Manus Island and Nauru, was ceased by the Rudd Government in 2007, and the last asylum seekers on Nauru were resettled in Australia in 2008, after years of public outcry about the damage the offshore camps caused to people.

In 2008, Temporary Protection Visas were abolished by the Rudd Government and all people determined are refugees were transitioned onto permanent visas.

In 2012, after a period of “push factors” such as wars and dictatorships forcing more people to flee their homelands and seek safety, and the numbers of people arriving without visas in Australia increasing, the Gillard Government re-opened the offshore camps on Manus and Nauru. This was on the advice of an advisory panel which had been assembled.

The 2012 advisory panel also informed the Gillard government that the conditions for effective, lawful and safe boat turn-backs were not able to be met at the time.

In July 2013, then PM Kevin Rudd announced that no-one who was currently held in the offshore camps, or who would be sent there from that date, would ever be settled in Australia.

The Abbott, Turnbull and Morrison governments have continued with this policy under Operation Sovereign Borders.

Boat turn backs were also re-introduced by the Abbott Government, and an independent panel of medical and mental health experts, which advised on detainee health in detention centres was dismantled.

Temporary Protection Visas were re-introduced by the Abbott Government after a legislation change in December 2014, again removing the right to family reunion, but this time allowing limited travel to third, neutral countries in certain circumstances after pressure by the cross bench.

At the same time, a new Fast Track application process was introduced for the people already onshore awaiting for their applications for refuge to be assessed. The Refugee Review Tribunal was abolished and replaced by a much narrower 'on the papers' review process, and a limited court appeal process, for rejected applications.

In September 2016, the Turnbull government announced a resettlement deal with USA. So far, around 500 people from the offshore camps (less than half of the expected USA intake) have been settled there. Offers from New Zealand to resettle people have been continually rejected by Abbott, Turnbull and Morrison.

In 2018, the Kids Off Nauru campaign forced the Turnbull/Morrison bring all children and their families, who had not yet been resettled in USA, to Australia for urgent medical assessment and care.

The average length of immigration detention for people in Australian centres (in January 2019) was 500 days, with 279 people having spent more than 730 days in detention. Some people have been held in immigration detention in Australia for almost 10 years now.

The people remaining on Manus and Nauru have been there for almost 6 years. 12 people have died in the offshore camps during this time: some due to not receiving appropriate medical care; others as a result of self-harm; and one after being physically assaulted by security workers.

In February this year, legislation allowing people in the offshore camps to be brought to Australia for urgent medical care was passed in a joint effort by Independent MPs, the Greens, Labor and Cross Bench Senators.

Around 9,000 people who have been in Australia since 2012-2013 are still waiting for their applications for refuge to be assessed. Others are facing the lengthy and costly court process to appeal decisions made by the inadequate Fast Track assessment process. Thousands of people are still unable to reunite with their partners and children, many of whom remain in very unsafe situations.