



Australian Policy on People Seeking Safety – Where we are and how we got here A brief history - June 2025

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 people with expired or cancelled visas. 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 holders
- No provision for family reunion
- No provision for 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 Papua New Guinea (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. The last asylum seekers in Nauru were resettled in Australia in 2008, after years of public outcry about the damage the offshore camps caused to people. Christmas Island remained open for the initial processing of new boat arrivals.

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

In 2012, after a period of “push factors” such as wars, persecution and dictatorships forcing more people to flee their homelands and seek safety, and with the numbers of people arriving without visas in Australia increasing, the Gillard Government re-opened the offshore camps on Manus Island and Nauru.

The 2012 advisory panel which recommended this, 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 continued with this policy under Operation Sovereign Borders, along with the boat turnback policy which was implemented by the Abbott Government in 2013.

In 2014, the Abbott government introduced the 'Fast Track' system for people seeking asylum who had arrived in Australia prior to July 2013, and/or were not part of the offshore detention cohort. The Fast Track system was designed to make it difficult to access protection, and provided an extremely limited review process when protection was not granted. Temporary Protection Visas were also reintroduced as part of Fast Track, and a new category of visa (Safe Haven Enterprise Visas – 5 year temporary protection visas) were added. The Fast Track system was neither fast nor fair. The Australian Human Rights Commission reported that the rate of acceptance for asylum applicants who arrived by boat was consistently around 90% prior to the Fast Track process, and The Refugee Council of Australia reported that the figure fell to 66.7% after the implementation of Fast Track.

Also in 2014, the Australian Government placed a ban on resettlement referrals from the UNHCR for refugees sheltering in Indonesia who had registered on or after July 1, 2014.

In September 2016, the United States agreed to consider resettling refugees who had been held in Australia's offshore processing centres. The agreement was made by then Australian PM Malcolm Turnbull and US President Barack Obama. While US President Donald Trump publicly criticised the deal after taking office, the US continued to honour it under the Trump and Biden administrations. The process was slow and taxing, and while many people took it up, others were too physically and mentally unwell to engage with it.

Many people from the offshore centres were also sponsored for resettlement in Canada. This was not facilitated by the Australian Government, but by individuals and agencies in both Australia and Canada.

In 2018, with the health and wellbeing of people held in the offshore centres deteriorating dangerously, a 'Medevac' Bill, ensuring that people would be transferred to Australia for urgent medical treatment on the recommendation of two doctors, was brought before Parliament. It was introduced by MPs Kerry Phelps (Independent), Andrew Wilkie (Independent), Adam Bandt (Greens), Julia Banks (Independent after leaving the Liberal Party) and Rebekha Sharkie (Centre Alliance). The legislation allowed the Minister to not approve transfer for anyone who posed an unacceptable security risk. The Bill was passed into legislation with the support of the Greens, Labor Party and Cross Bench members.

According to the Refugee Council of Australia, 192 people were transferred for urgent medical care under this legislation. In 2019, with the Morrison Government re-elected with a stronger majority, the Medevac legislation was repealed.

Australia ended its offshore processing of asylum seekers in PNG on December 31, 2021. While the Australian government's agreement with PNG concluded, some individuals who were previously transferred to PNG for processing were left behind there. Agreements with Nauru remained in place.

Those who had been transferred to Australia under Medevac were mostly held in situations of detention such as detention hotels and community detention venues for years. Many did not receive the medical care they needed. In April 2022, just prior to the May Federal Election, many detainees were released on Bridging Visas with work rights but with very limited support.

Also at this time, the Morrison Government finally accepted New Zealand's offer (from 2013) to resettle a number of asylum seekers from Australia's offshore detention centres.

The May 2022 election saw a change of government, with the Labor Party coming into power. The Labor policy platform stated that Temporary Protection Visas would be abolished, and a thorough a robust review process reinstated.

In 2023, the Albanese Government announced a pathway to allow existing Temporary Protection Visas and Safe Haven Enterprise Visas from the Fast Track system to be converted to permanent Resolution of Status Visas.

The Nauru offshore processing centre was emptied in June 2023, with the last refugees transferred to Australia. However, it was reopened in late 2023 with new boat arrivals.

Legislation to create the Administration Review Tribunal (ART), replacing the very limited Immigration Assessment Authority (IAA) people in the Fast Track process had access to, was passed in May 2024. The ART was formally established in Australia on October 14, 2024. However, people in the Fast Track system who have already unsuccessfully been through the IAA and the Judicial Review Process do not have access to the ART.

At the time of writing (June 2025), there are:

- Thousands of people in Australia whose cases for asylum were rejected the flawed and unfair Fast Track system, and who still hold grave fears of being returned to their homelands
- Many refugees on Bridging Visas in Australia who were transferred from the offshore centres and do not have a resettlement pathway
- A number of people left behind in PNG with very little support
- People held in the offshore detention camps in Nauru
- Thousands of people languishing in Indonesia with no avenue for resettlement since the 2014 ban on UNHCR referrals out of Indonesia

Shamefully, the Australian Government remains committed to:

- Mandatory, indefinite detention for people seeking asylum who in Australia without visas
- Boat turn-backs
- Offshore indefinite detention for anyone seeking asylum by boat who gets past the turn-backs
- Preventing people who have been held in offshore detention after 19 July 2013 from being resettled in Australia