

The following is a summary of some key points on Asylum Seeker and Refugee policy extracted from 2021-APL-National-Platform-Final-Endorsed-Platform. For a full understanding of the ALP policy please read at least pages 117 to 128.

The key points have been grouped into “Hard” and “Soft” policies. Hard are where measurable changes are proposed and soft are items that are more difficult to measure.

Measurable Policies (Hard)

Proposed Legal Changes

Migration Act Changes

Those found to be owed Australia’s protection under the Refugee Convention, Complimentary Protection or and other international instruments will be given permanent protection under the Migration Act 1958.

Labor will reintroduce the appropriate references to the Refugee Convention into the Migration Act 1958.

Labor will reintroduce the 90 day rule into the Migration Act.

Process Changes

Labor will abolish this fast track assessment process.

Labor will abolish Temporary Protection Visas and Safe Haven Enterprise Visas and transition eligible refugees onto permanent visa arrangements.

Labor will legislate to impose mandatory reporting of child abuse in all onshore immigration detention facilities and offshore regional processing centres

Proposed Policy Changes

Labor aspires to progressively increase Australia’s government funded humanitarian intake to 27,000 places per year.

Labor aspires to progressively increase the community sponsored refugee program intake to 5,000 places per year.

Under the Refugee Convention, asylum seekers have the right to seek protection and asylum and, regardless of the mode of arrival, this is not illegal under Australian or international law. Accordingly, Labor rejects the practice of referring to asylum seekers as ‘illegals’.

Proposed Appointments

Special Envoy

Labor will appoint a Special Envoy for Refugee and Asylum Seeker Issues with responsibilities for advancing Australia’s interests and ensuring Australia plays a global role in the resettlement of displaced people.

Independent Officer

Labor will appoint an officer independent of the Department of Home Affairs, backed by the administrative resources and statutory powers necessary to pursue the best interests of those children, including the power to bring court proceedings on a child’s behalf. This will be done without reducing the Minister’s obligations in relation to unaccompanied non-citizen children.

Independent Refugee Review Tribunal

Labor will create an independent Refugee Review Tribunal and abolish the Immigration Assessment Authority. The Tribunal will allow for procedurally fair, simple, affordable and accessible processes and procedures, including in relation to adverse credibility findings, for the review of refugee related decisions.

Claim Assessment Support

People seeking asylum will have means-tested access to funded migration assistance, and to appropriate social services, including income, crisis housing, healthcare, mental health, community, education and English as a Second Language support during the assessment of the claim for protection.

Policy Goals (Soft)

Processing

No Discrimination

Remain non-discriminatory;

The assessment and review of protection claims of specific lesbian, gay, bisexual, transgender, intersex and queer asylum seekers will be underpinned by appropriate and relevant assessment tools and processes that reflect cultural experiences of the lesbian, gay, bisexual, transgender, intersex and queer community.

Respect

Australia must not harm people seeking refuge.

Consistently oppose those who foster extremism, hatred, ethnic division or incitement to violence; and

Be evidence-based, supported by rigorous research and evaluation.

Every worker, no matter where they have come from or what languages they speak, must be treated with fairness, dignity and respect

Labor will treat people seeking our protection with dignity and compassion and in accordance with our international obligations, the rule of law and core Australian principles of fairness and humanity. Labor will legislate to enshrine our international obligations into Australian domestic law.

Those in detention facilities are treated with dignity and respect

Legal Support

Labor will work to ensure asylum seekers have access to appropriate, independent, government-funded legal advice while working through their claims for protection.

The assessment and review of protection claims will be underpinned by robust, efficient and transparent processes that ensure fair and consistent outcomes, including access to review and independent advice;

The assessment and review of protection claims must be independent and free from any political or diplomatic interference;

Family Reunion

Family reunion for migrants and refugees is important to successful settlement.

An aspiration of certainty in all matters around asylum seekers, including the duration of assessing refugees' claims, must underpin Australian policy.

Detention

Labor will explore options other than indefinite detention

Labor will ensure services across government for refugees are culturally responsive, universally accessible

Labor will ensure asylum seekers who arrive by irregular means will not be punished for their mode of arrival.

Detention that is indefinite or otherwise arbitrary is not acceptable.

People in detention will be treated fairly and reasonably within the law;

Conditions of detention will ensure the inherent dignity and safety of the human person.

Labor will ensure all Australian Government involvement in detention facilities it operates or funds is subject to transparent, independent oversight.

UNHCR Policies

Labor acknowledges the role of the Office of the United Nations High Commissioner for Refugees (UNHCR) as the international agency dealing with the world's response to this humanitarian need. In pursuing Australia's responsibilities as a civilised and modern nation, Labor will ensure Australia is one of the leading contributors to the global work of the UNHCR with a significant increase to funding for UNHCR.

Labor will give appropriate consideration to UNHCR refugee registrations to assist Indonesia and the UNHCR to work through the backlog.

Labor will work with the UNHCR to help build its capacity in South East Asia to pursue its mandate and assist the region's asylum seekers.

Labor will increase the humanitarian intake of refugees to create an orderly pathway to resettlement in Australia

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