

FINDING DURABLE SOLUTIONS — THE REFUGEE, THE INTERNATIONAL PROTECTION SYSTEM AND AUSTRALIA

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Introduction

During the financial year 1999-2000 there was a surge in the number of unauthorised arrivals reaching Australia by boat, with 4,174 people arriving on 75 boats, compared with 920 on 42 boats in 1998-99. Unauthorised air arrivals in Australia also continued at a high though declining rate. There were 1,695 people refused entry at Australia's airports between July 1999 and June 2000, a fall of 411 (or 19 percent) on the previous year.

The rapid increase in the total number of unauthorised arrivals has served to highlight long-held concerns regarding illegal immigration. In particular, this increase has arisen primarily as a result of the influence of people smugglers and recent arrivals have increasingly sought to engage Australia's protection obligations in an effort to be allowed to remain in Australia.

This recent influx has also raised public awareness of Australia's role and level of contribution to the framework of international protection for refugees – a role which extends far beyond the domestic implementation of Australia's international obligations not to return (*refouler*) a refugee who is within our borders. Before considering Australia's more recent responses to the influx of unauthorised arrivals, it is important to recognise the size and nature of the refugee problem.

The United Nations High Commissioner for Refugees (UNHCR) estimates that there are some 22.5 million refugees and displaced people of concern. Many of these people are in countries neighbouring their homeland. For most of these people, the preferred solution is return to their homeland in safety and dignity. In the meantime, the efforts of neighbouring countries and the broader international community focus on providing support and on addressing the root causes of the persecution which has created the refugee situation. In some cases, return is not a viable option and integration into the community in the country providing shelter, or resettlement to a third country, will be the preferred solution.

However, of all the durable solutions, resettlement in a third country is potentially the most disruptive for the individuals concerned. In larger numbers, resettlement can actually help persecutory regimes by 'removing' potentially disruptive influences from the region. It can also weaken the intellectual, cultural, political and economic capacity of the source country to improve its human rights record and its quality of life.

At a very practical level, refugee problems of the magnitude which face the international community cannot be solved by the wholesale resettlement of people to countries such as Australia. Resettlement places are a scarce commodity – Australia is one of a very few countries to offer resettlement opportunities and with 12,000 places funded each year for onshore and offshore visas, is one of the most generous refugee resettlement nations per capita of population. Even so, this commitment comes at a significant cost to the Australian Budget. Every 1000 Humanitarian Program places cost the Australian people over

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\$21 million in settlement, welfare and medical costs. This equates to over a quarter of a billion dollars each year for the program.

It is clear that no country could cope with the volumes or the financial impacts of large scale refugee resettlement at anywhere near the levels needed to solve the world's refugee problems. It is important to understand also that the impact of settlement on receiving countries is substantial, irrespective of whether the person comes through an offshore resettlement intake or is identified as in need of protection after arrival. The counting of both onshore refugee and offshore resettlement places within Australia's capped 12,000 place annual Humanitarian Program reflects this underlying and inescapable connection.

The critical challenge for the UNHCR and for countries such as Australia is to ensure that the available refugee resettlement places are assigned to those who are in greatest relative need of resettlement, recognising that for many refugees there are other viable alternatives. This challenge is made more difficult by the growing use of refugee protection processes in desirable migration destinations by people who would otherwise not qualify for residence in those countries.

The recent Australian experience with large numbers of unauthorised boat arrivals to this country from countries some considerable distance away is a reflection of a world-wide trend. Increasingly, large numbers of people – some refugees and some not – are seeing the domestic refugee protection processes in countries such as Australia as an opportunity to gain a preferred migration outcome. Increasingly, also smuggling operations are facilitating and promoting the illegal movement of people over long distances to these 'desirable' destination countries for this purpose.

The growth in numbers of people moving illegally between countries raises a number of serious problems, including:

- the risk of harm to the unauthorised arrival through the method of travel, which frequently involves travel on fraudulent documentation and on unseaworthy vessels;
- the cost to the receiving country of receiving and assessing unauthorised arrivals, processes that are essential if nations are to maintain the integrity of migration and customs controls;
- the encouragement of organised criminal activities which can flow over into other areas of criminal activity in source, transit and destination countries;
- the public perception that nations cannot control their own borders and are subject to the whims of criminals involved in organised people smuggling;
- the undermining of the system developed by the UNHCR and refugee receiving nations for the orderly management of those requiring the support of the international protection system; and
- the very real risk that increasing flows of unauthorised arrivals around the world could draw attention away from the plight of the bulk of refugees displaced worldwide and potentially lead to a reduction of the commitment of many nations to the international protection system.

As a result, the Federal Government has adopted a comprehensive, integrated strategy to combat the problems of unauthorised arrivals and people smuggling. This is a key element of broader strategies to support durable solutions for refugees. It needs to be highlighted

from the outset that Australia remains committed to the provision of protection to those in need and is strongly committed to the international protection system. The changes in 1999 to Australian immigration legislation, particularly those introducing new protection arrangements for unauthorised arrivals found to be refugees, need to be understood as part of this strategy. Their fundamental objective is to ensure that the international system of protection, with Australia as an element of that system, can continue to deliver durable solutions for those in genuine need.

Australia's recent experience

The use of boats to enter Australia unlawfully is not a new phenomenon.

- Between 1975 and 1980, more than 2,000 Indochinese arrived unauthorised by boat in Australia, fleeing oppressive regimes and internal conflict in Vietnam and Cambodia.
- A further 200 Cambodians arrived unauthorised by boat in 1989-90 to escape fighting between the Khmer Rouge and the then new Cambodian government after Vietnamese troops withdrew from Cambodia in 1989.
- Throughout the 1990s there has been a regular flow of unauthorised arrivals by boat from China, with a total of 1,867 arriving between 1989 and 2000.

Similarly, Australia has seen a steady growth in the number of people arriving unauthorised by air from 500 in 1994-95 to 1,694 in 1999-2000, with a peak in that period of 2,106.

There were, however, some notable changes in the pattern of arrivals during 1999-2000 that have been a cause of concern to the Government.

First, the sheer number of arrivals was unprecedented in Australia's recent history. Between July 1999 and June 2000, 4,174 people arrived unauthorised in Australia by boat. By comparison, the total number of people that arrived by boat without authorisation in the period from 1989-90 to 1999-2000 was 8,289. In other words, just on half of the unauthorised boat arrivals over the past ten years arrived in 1999-2000.

Second, there has been a distinct shift in the nationality profile of unauthorised boat arrivals. Australia's previous experience had been of unauthorised arrivals from various parts of Asia, primarily China, Vietnam and Cambodia. During 1999-2000, the bulk of arrivals were from South Asia or the Middle East, with 55 percent claiming they had come from Iraq and 30 percent claiming to be from Afghanistan.

Third, there has been an increase in the percentages of these arrivals who present protection claims. For the period 1 July 1999 to 30 June 2000, 83 percent of unauthorised boat arrivals in Australia made protection visa applications. This compares to 46 percent for the previous twelve months.

The high incidence of document disposal amongst unauthorised arrivals, together with advice from those apprehended, indicates that people smuggling is behind a large proportion of unauthorised arrivals. The disposal of identifying documentation before arrival in Australia obscures the identity of unauthorised arrivals and prevents Australian officials from accessing material which might help to verify the claims made by those arriving.

Global experience of people smuggling

While people smuggling is not a new practice, more people are currently turning to smugglers to facilitate international migration. In part, this reflects the large pool of people now seeking migration and/or protection outcomes. Of the 22.5 million refugees or other displaced persons identified as of concern to the UNHCR, approximately seven million are in Africa, seven million are in Asia (including the Middle East) and six million are in Europe:

- these figures include refugees who have been outside their country of origin for very long periods of time and who can see no prospect of a durable solution for their plight; and
- they also include refugees who are experiencing an erosion of the level of protection that countries of first asylum are now prepared to provide, a percentage of whom have the means to pay people smugglers.

People smuggling is not a trivial industry. The International Organisation for Migration (IOM) estimates that the worldwide proceeds of people smuggling are in the order of US\$7 billion per year. The number of countries affected by people smuggling is growing as new routes are created, existing routes are entrenched and as international air travel becomes more accessible and affordable. While it could be argued that people smugglers are merely the conduits for those seeking to access the international protection system, the reality is far more sobering, and less romantic:

- people smugglers are making large amounts of money through exploitation of a largely vulnerable group of people. It is well known that people die during their journey because of the perilous conditions in which they are placed. It can be assumed that others also perish but are not discovered. Many of those that reach their destination safely become dependent on agents and employers and are vulnerable to exploitation in an insecure and unfamiliar environment, particularly when in need of income to pay back the debt incurred to smugglers;
- people smugglers break not only the migration and entry laws of the destination country, but frequently also break the migration, customs and quarantine laws of their country of origin or first asylum, and any transit countries. These acts breach national sovereignty principles of those countries. Nothing in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (Refugees Convention) gives a person a right to arrive without authority and demand entry to another country;
- people smuggling is increasingly being undertaken by organised criminal elements. These criminals are also associated with drug trafficking and the exploitation of women and children in the context of prostitution and economic slavery. People smugglers increase the incidence of these crimes in origin, first asylum, transit and destination countries;
- fraudulent documentation is a large part of the people smuggling industry. People smuggling encourages document forgery and identity fraud in first asylum, transit and destination countries and facilitates greater use of fraudulent documentation in other contexts within those countries; and
- undocumented or fraudulently documented arrivals may also constitute a threat to the national security of the countries they enter. Unauthorised and undocumented arrival makes it extremely difficult for a country to accurately identify a person and undermines the safeguards and security checks that usually assist governments to identify those persons who represent a risk to the community or to national security.

Smuggling of refugees

The above points apply irrespective of the nature of the person being smuggled. However, additional issues arise when smuggled people also seek refugee status in the destination country. Illegal entry undermines the capacity of States to exercise their sovereign right to decide who can enter and stay. Where illegal entry is accompanied by the attempt to choose their country of protection and achieve a simultaneous migration outcome, it is the single most serious threat to the continued viability of the international protection system and to organised efforts to provide durable and appropriate solutions for the millions of refugees in the world:

- smuggling activity diverts the resources of destination countries away from capacity building, integration and resettlement assistance in source countries or countries of first asylum;
- the supply of planned resettlement places offered by the few countries which, like Australia, offer such places is drying up as these same countries grapple with the problems and costs of smuggled refugees; and
- where effective protection has already been provided within the international protection system, people smuggling results in unnecessary cost duplication in destination countries and diversion of international resources and protection away from refugees who lack durable solutions.

At a conservative estimate, Western States are spending, each year, \$US10.0 billion on determining refugee status (with the attendant administrative law review arrangements) for half a million asylum-seekers within their borders, of whom only a small percentage are refugees and many of whom already have (or had but abandoned) access to effective protection in alternative jurisdictions.

In contrast, the UNHCR has an annual budget of only some \$US1.0 billion with which to respond to the needs of the more than 22 million refugees and people of concern. Savings of just 10% of asylum determination costs could release funds equivalent to a doubling of UNHCR's current budget.

If we are to ensure that the international protection system continues to work towards providing protection for those who need it, it is essential that the international community addresses the problems of unauthorised arrivals and people smuggling. Unless these threats are addressed, it will be the smugglers who determine who will receive resettlement places and this will be on the basis of who can pay, not greatest relative need. The current international protection system is not perfect. This paper describes some of Australia's efforts to improve it. However, the practical implications of a breakdown and dismantling of the system for those refugees who do not have protection alternatives are unthinkable and warrant our best efforts to ensure that this does not happen.

Australia's approach to unauthorised arrivals and people smuggling

Australia has developed a whole of government strategy to address the problem of unauthorised arrivals and organised people smuggling. This strategy relies heavily on efforts to promote international cooperation to address the plight of refugees and also targets the threats posed by the growth in organised people smuggling. It includes three key elements:

1. prevention of the problem by minimising the outflows from countries of origin and secondary outflows from countries of first asylum;

2. working with other countries to disrupt people smugglers and intercept their clients en route to their destination, while ensuring that those people in need of refugee protection are identified and assisted as early as is possible; and
3. developing appropriate reception arrangements for unauthorised arrivals who reach Australia, focusing on the early assessment of the refugee status of the individual, the prompt removal of those who are not refugees, or who are refugees but can access effective protection elsewhere, and the removal of additional benefits not required by the Refugees Convention to minimise the incentive for people to attempt illegal travel to Australia.

A key element of each of these strategies is the development of a broad international consensus on the need for action and strengthened cooperation. Australia is working to this end through our relationships with source, first asylum, donor, destination, and transit countries, in international forums and with the UNHCR and other international organisations.

Resolving refugee problems where they arise

There is a range of influences at work in source countries to generate refugee outflows, these include conflict, human rights abuses and persecution. Outflows of people may also be attributable to economic or environmental factors or to civil war situations and these people may or may not be refugees. Because the causes of refugee flows are diverse, responses designed to achieve sustainable repatriation also cover a wide range, including security, political, social and economic aspects.

Apart from international efforts to encourage improvements in the human rights records of refugee producing countries, Government strategies have focussed on increasing support for sustainable repatriation, and for countries of first asylum, by providing aid and assistance through international agencies operating within the relevant countries. The Government has provided the Department of Immigration and Multicultural Affairs (DIMA) with \$20.8 million over four years starting from June 2000 to support responses to the large numbers of displaced Afghans and Iraqis.

In mid-July 2000, \$1.7 million of this funding was provided to the World Food Program's drought relief appeal for Afghanistan, which is aimed at alleviating suffering and reducing the likelihood that these people will become displaced. Further opportunities to assist source countries for refugees are being sought out and considered.

Countries of first asylum bear a large responsibility for the immediate humanitarian response to refugee outflows. Further, where the situation within source countries becomes entrenched, as in the case of Iraq and Afghanistan, the ongoing problem for countries of first asylum can be substantial. For example, Iran and Pakistan, as the two countries hosting the largest populations of refugees, have sustained populations of Afghan and Iraqi refugees that have numbered in the millions for the last twenty years. It is estimated that between them they currently host up to 3.5 million Afghan and Iraqi refugees.

The conditions of refugees in countries of first asylum have a significant influence on secondary refugee outflows and the use of people smugglers by these refugees. The level of access to educational and health services, the ability to work and the availability of official opportunities for resettlement all contribute to the decision by asylum-seekers to leave countries of first asylum.

Australia has sought to work with countries of first asylum to assist them in providing temporary protection while durable solutions are found. In June 2000 the Ministers for

Foreign Affairs and Trade, and Immigration and Multicultural Affairs allocated \$1.5 million from the 1999/2000 Aid budget to the UNHCR 2000 South-West Asia Appeal which was intended to increase the self-reliance of refugees in Iran and Pakistan. An additional \$4.5 million has been reallocated from within Australia's broader aid allocations in 2000-2001 to support efforts to reduce refugee outflows or promote repatriation, as appropriate opportunities arise.

A further component of Australia's strategy involves the development of an information campaign to highlight to would-be unauthorised arrivals the dangers associated with the services offered by people smugglers.

Intercepting and protecting refugees moving illegally

From extensive networks of information exchange, it is clear that the operations of people smugglers are highly organised, complex and flexible with links extending world-wide. It is clear also that the people moving illegally will be doing so for a range of reasons. Some may be refugees and some may not. Efforts to disrupt smuggling activity need to be complemented by arrangements by transit countries, in concert with the UNHCR, to identify and protect those in need of protection and enable the quick return home of those who do not need protection. Organisations such as the IOM have a key role to play in the latter regard.

Australia has been strengthening its information gathering efforts in support of this strategy. This work includes:

- arrangements with a range of countries for the exchange of information on routes used by people moving illegally between countries, and the activities and methods of people smugglers;
- the establishment of a joint Australian Federal Police (AFP) and DIMA team to investigate organised people smuggling;
- the creation of a National Surveillance Centre in Customs to enhance high-level coordination, especially in relation to information sharing between agencies to improve coastal surveillance and the early detection of unauthorised arrivals; and
- emphasising information exchange issues through multilateral fora such as the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC) and the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC).

Australia has also taken a number of measures to strengthen our border integrity and to build technical capacity within countries along the smuggling routes to Australia. In addition, penalties and fines for those involved in people smuggling have been increased to up to 20 years imprisonment and over AUD\$220,000 in fines.

Reception arrangements for unauthorised arrivals

The Government's commitment to the maintenance of the international protection system is matched by its commitment to provide protection to those people within Australia who are owed protection obligations under the Refugees Convention - no matter how they have arrived.

That having been said, Australia has in recent years offered benefits in excess of those required by the Refugees Convention to those people within Australia who are found to need refugee protection. The Convention, does not, for example, require that refugees be provided with permanent residence in the first instance, nor family reunion sponsorship rights. It needs to be recognised that offering such generous additional benefits can contribute significantly to the incentives for people to use the services offered by people smugglers.

In the context of an international protection system, it is essential that there be an incentive for those who need protection to seek that protection from the first available source. Those people with adequate protection already should not be encouraged to attempt to trade on their status as refugees in order to gain a more preferable migration outcome in a different country. Accordingly, the Government announced in October 1999 that a range of measures designed to reduce Australia's attractiveness to unauthorised arrivals were to be introduced, including:

- excluding unauthorised arrivals from accessing permanent residence in the first instance by granting those who are refugees a three-year temporary protection visa (TPV);
- TPV holders are not eligible for the full range of settlement services and benefits usually provided to refugees permanently resettling in Australia, including DIMA's Adult Migrant English Program;
- stopping people who have effective protection overseas from gaining onshore protection in Australia; and
- developing stronger identification powers to help to ascertain the identity of asylum seekers.

These measures build on the existing legislation, which requires that, except in extenuating circumstances, all unauthorised arrivals be held in immigration detention until they are either granted a visa or removed.

The TPV measures are aimed at unauthorised arrivals who may have bona fide protection needs, but who are seeking to gain a preferred migration outcome by travelling to their preferred country and using the onshore protection avenues to gain residence and family sponsorship rights. Importantly, the TPV changes are fully consistent with Australia's obligations under the Refugees Convention and guarantee access to Medicare, work rights, appropriate levels of social support and education for minors. Our fundamental obligation not to *refouler* a refugee is guaranteed by arrangements allowing all TPV holders to apply for and obtain permanent refugee protection after 30 months, if they are still owed protection obligations.

The measures were also aimed at strengthening our capacity to verify the identity of people arriving unlawfully. There is no doubt that this poses a serious challenge to Australia. Obtaining any objective verification of the identity and claims of people arriving without authority can be made very difficult where they arrive without identifying documentation of any provenance or reliability. Domestic refugee determination processes, combined with unauthorised entry provide attractive opportunities for people who may not be refugees to try to use new identities to gain residence in countries such as Australia.

The Government has also put in place legislative arrangements to reflect the decision taken by Australian courts that Australia does not owe protection obligations to a person who already has a right to enter and reside in a country where effective protection is available.

Under this legislation, the Minister for Immigration and Multicultural Affairs can, after seeking the views of the UNHCR, declare that a particular country:

- provides adequate access to effective procedures for the assessment of the protection needs of asylum-seekers;
- honours its protection obligations; and
- meets relevant human rights standards.

Such a declaration has the effect of preventing people from making a valid application for a protection visa, where they have a right to re-enter and reside in a declared country and they have previously resided in that country for at least seven days. A Ministerial power is available to enable the Minister to allow an application where he considers this to be in the public interest. As yet no country has been declared under these new provisions.

A further component of the strategy is the need to develop arrangements that provide for the speedy return of people found not to be refugees to their country of nationality, an issue the UNHCR itself recognises as necessary to ensure the integrity of the international protection framework. The non-return of such people fundamentally undermines the institution and public support for those accepted as refugees. Prompt return is even more important if the person found not to be a refugee has used unlawful means of entering a country.

Popular misconceptions – the domestic debate

The new protection visa arrangements preserve, for those refugees who entered Australia lawfully, immediate access to permanent residence, family reunion sponsorship, full settlement services and full access to the social welfare system. But contrary to claims from some quarters, there is no Refugees Convention requirement to provide equal benefits to all refugees. Article 31 of the Refugees Convention identifies some very particular circumstances where member states are not to impose penalties upon refugees because of their unlawful entry. However, differentiation in the level of benefits does not constitute a penalty, particularly so when all refugees still receive the level of protection and support owed them under the Convention. Article 31 also only relates to people “coming directly from a territory where their life or freedom was threatened...”. This is hardly a description fitting large numbers of illegal arrivals to Australia who have travelled through many countries, and have often lived outside their homeland for years or decades, before travelling to Australia.

There have been similar claims repeated in domestic debate that the detention of unauthorised arrivals itself constitutes a penalty and is in breach of international obligations. These claims also do not stand up under scrutiny. The High Court of Australia has in fact affirmed that administrative detention of people without visas while a visa application is processed or removal is arranged is lawful and is not punitive in nature.¹ Similarly, the UNHRC has looked at Australia’s immigration detention arrangements, and concluded that they “do not per se constitute a breach of Australia’s international obligations”.² Yet some commentators in Australia frequently claim – but do not quote – that these authorities have made findings to the contrary.

There is no international treaty which is offended by Australia’s legislative arrangements for detaining unauthorised arrivals. Indeed, even the non-binding guidelines issued by the

¹ *Chu Kheng Lim and Others v Minister for Immigration, Local Government and Ethnic Affairs and Another* (1992) 176 CLR 1.

² *Communication No 560/1993* (1997) United Nations Human Rights Committee.

UNHCR on detention of asylum seekers recognise that States may decide to detain unauthorised arrivals seeking refugee protection while their identity is verified and medical issues are resolved. Where, as is the case in Australia, unauthorised arrivals are very well organised and there is a pattern of document disposal before arrival, identification is critical to any protection decision. Detention periods while waiting for a protection decision are largely attributable to verification of basic identification and closely related matters such as checking for past criminal behaviour or for national security issues which could exclude the person from protection under the Refugees Convention.

What is noteworthy about the recent debate in Australia over domestic refugee protection arrangements is that it has focussed attention on the people who have already reached Australia, at the expense of the much larger numbers of refugees overseas for whom international support is in critical need.

This is not to say that the voices of those people who have arrived in Australia and been granted TPVs – their arguments for greater assistance, for earlier entitlements for benefits such as family reunion sponsorship, or indeed any other concerns they express about their treatment here - should be ignored. However, it is important to balance these voices with those of the much larger number of refugees overseas, those people still in need of a durable solution and for whom resettlement is the only viable option.

TPV-holders are safe – they are protected from *refoulement* and are provided with a range of benefits which places them far beyond the standards of existence of many of the world's refugees who are waiting for resettlement. They are the lucky ones: the ones who could pay the smugglers, who were not hampered by gender, family responsibilities or poor health.

There is no question that refugees in Australia will be protected. The real issue which the TPV arrangements highlights is whether we are prepared to continue to provide additional benefits, beyond those required by our Refugees Convention obligations, in circumstances where we know that this encourages others to place themselves in the hands of people smugglers. Do we really want Australia's finite capacity to resettle those in need to be taken-up on the basis of decisions of organised criminals about who they will ship here? Or would we want to use as many places as possible to resettle those people identified as in greatest need of resettlement through coordinated international efforts under the UNHCR?

Reform of UNHCR and the international protection system

Finally, it is useful to turn briefly to the need for the reform of the UNHCR and the international protection system. In the past 50 years UNHCR has made significant contributions to the protection of refugees and supporting the international system of protection. This system is coming under increasing pressure, not least by those who have access to effective protection but choose to obtain protection elsewhere by paying people smugglers.

Australia is keen for UNHCR to assist countries providing protection to refugees while combating people smuggling. In particular, in the context of the strategy outlined above, Australia has serious concerns about:

- the lack of an effective mechanism for burden sharing, leaving countries of first asylum with insufficient assistance; and
- pressure from a variety of sectors to expand the Refugees Convention definition of "refugee" and its coverage, as this pressure is contributing to misuse of asylum systems and diversion of resources from those most in need of protection.

Accordingly, Australia is working, through its bilateral and multilateral engagements, to seek the reform of the UNHCR and its Executive Committee (EXCOM) to ensure:

- a re-exertion of States' control over the direction of the organisation, complemented by enhanced leadership from the High Commissioner;
- greater leadership and direction from a reinvigorated EXCOM;
- improved review, evaluation and accountability frameworks within UNHCR;
- recognition of the interrelationships between people smuggling, unauthorised arrivals and the international protection framework and the critical role of the UNHCR in international efforts to address these matters;
- greater assistance to countries of first asylum so that the protection system delivers equitable outcomes for refugees; and
- strategies to focus the resources and efforts of member states where this will have the greatest positive impact on solving refugee problems, recognising that key destination countries are currently expending 10 times more on domestic refugee determination processes than is available to the UNHCR to deliver support to the vast bulk of refugees.

Conclusion

Australia remains committed to the international protection system as the best method for assisting those in genuine need of protection. The flow of unauthorised arrivals targeting Australia has not diminished this commitment. However, it has strengthened resolve to ensure that the protection system works for those for whom it was intended and does not provide opportunities for misuse as a defacto migration avenue by people who are not refugees or who have abandoned or ignored protection provided to them elsewhere.

While much can be done by countries such as Australia acting at the national level, no one country holds the key to solving the problems of the millions of refugees displaced worldwide. Enhanced cooperation between countries at the bilateral, regional and multilateral levels is essential if the framework of international protection is to be effective, and particularly if the serious threat posed by large scale illegal movements of people and organised people smuggling to desirable migration countries is to be addressed.

Failure to deal with these problems carries a high price for the refugees themselves if the countries feeling the strain of unauthorised arrivals reduce their support for international protection systems, and if scarce resettlement places are allowed to become a commodity sold off by people smuggling organisations to those who can pay the price.

