



**THE HON PETER DUTTON MP  
MINISTER FOR IMMIGRATION  
AND BORDER PROTECTION**

Ref No: MS15-000025

Dr Dennis Jensen MP  
Chair of the Standing Committee on Petitions  
Parliament House  
CANBERRA ACT 2600

Dear Dr Jensen

Pursuant to Standing Order 209(b), relating to referring a petition to a Minister for response, please find response to Petition Number 990/4470.

This petition of citizens in the north of NSW was submitted by the Standing Committee on Petitions for a response from the Minister for Immigration and Border Protection, in writing, on 1 December 2014:

The petition raises concerns about changes to Australia's asylum seeker policy.

The Australian Government has created a new, independent and self-contained statutory refugee framework which articulates Australia's interpretation of its protection obligations under the Refugees Convention within certain sections of the Migration Act. The codification of Australia's protection obligations is consistent with that of the Refugee Conventions obligations.

The new statutory framework will enable Parliament to legislate its understanding of these obligations into Australian domestic law within certain sections of the Migration Act, and to better manage interpretations of international law by the Courts, which may seek to expand the scope of the Refugees Convention or introduce interpretations that go beyond what Government intended.

The Government remains committed to ensuring it abides by its obligations in respect to the Refugees Convention and this change does not in any way compromise this commitment. The new framework is consistent with Australia's obligations under the Refugees Convention and in no way resiles from Australia's non-refoulement obligations under the Convention.

The framework creates a single point of reference that clarifies Australia's protection obligations and outlines criteria for asylum seekers to establish their claims for protection in line with the requirements set out in the Migration Act. Decision makers will also be better supported to enable accurate and consistent assessments of protection claims.

The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill passed through Parliament on 5 December 2014. One of the changes to the Migration Act flowing from this is to establish a Fast Track Assessment process for illegal arrivals. The Fast Track Assessment process is a different protection assessment model, supporting faster, more efficient processing and removal of those who do not engage Australia's protection.

The new Fast Track Assessment Process will be supported by a code of procedure with reduced timeframes prescribed in the Regulations. These timeframes will support an efficient process while still allowing asylum seekers sufficient time to provide information or respond to adverse information before the department.

Yours sincerely

PETER DUTTON

4/6/15