

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 27 February 2017**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(AE17/298) - UNHCR visit -**

Senator McKim, Nick (L&CA 34) asked:

Senator McKIM: So we are forcibly deporting people now who have not had a fair crack, because, as the UNHCR has made abundantly clear, the Papua New Guinea RSD fails the refugee convention.

Mr Pezzullo : There was a reference in a report 3½ years ago—I think we discussed this before the break, and perhaps Ms Moy might have further and better particulars.

Ms Moy : What I can tell you at the moment is that 68 per cent of the individuals on Manus Island—who arrived at Manus Island—

Senator McKIM: The people on Manus Island.

Ms Moy : Individuals—people—have been found to be positive in their RSD process.

Regarding the report you mentioned of 2013, since that date UNHCR has visited Manus Island and PNG and been engaged with the PNG status resolution process nine times—2013 to 2014.

Senator McKIM: Yes, but that does not mean anything has changed or improved, does it?

Ms Moy : UNHCR has not raised any issues with us or, to my knowledge, raised any issues with the government of Papua New Guinea in regard to that matter since that date.

Senator McKIM: That does not mean they are happy with it, does it?

Ms Moy : They have not raised any issues, so I cannot assume what else is in their mind.

Senator McKIM: No, that is right.

Mr Pezzullo : Going back to the US agreement, the material fact is that they are active participants in the referral process. It was a condition of the transfer agreement with the Americans that the UNHCR was actively involved. I am not sure if it is down at the case level, but certainly in terms of the certification of the general process. That was achieved to the satisfaction of the Obama administration. I will cause further inquiries to be made in terms of the reference—the one paragraph—that you found in that report of nine visits ago and we will try to get to the bottom of it for you

*Answer:*

Refugee Status Determination of transferees in Papua New Guinea (PNG) is the responsibility of the Government of PNG.

The PNG Government manages and administers the RSD process in PNG, in accordance with their domestic laws and processes.

Following the report in 2013, subsequent reports contained the following commentary:

- “UNHCR commends the positive efforts made by the Government of Papua New Guinea to address the significant challenges confronted since UNHCR’s last written report, which was published in November 2013 (‘UNHCR’s November 2013 report’). These efforts include the enhanced capacity of refugee status determination decision-makers, the completion of the first instance refugee status determination assessments, the passing of the National Refugee Policy...” (UNHCR PVR 2016, p. 7)
- UNHCR commends the Government of Papua New Guinea as a number of developments have occurred that enhance the refugee status determination procedures and capacity, including the recruitment of more decision-makers to increase decision-making capacity and the implementation of a merits review stage constituted by Panel Review members. At the time of UNHCR’s visit, all the first instance refugee status determination decisions had been completed and a Ministerial order had been issued for the Panel Reviewers to complete the decisions by June 2016, which UNHCR understands has been extended by the Supreme Court of Papua New Guinea to the end of September 2016.” (UNHCR PVR 2016 , P. 23)
- UNHCR also welcomes the migration (amendment) regulation 2014, which was gazetted by the Government of PNG on 23 April 2014