

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 1 November 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(56) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Bartlett asked:

Does the department consider non-refoulement to only apply to refugees, or to also apply to failed asylum seekers as well?

Answer:

Australia is a party to a number of international human rights instruments, including the Refugees Convention, that prohibit the return of certain individuals to their homeland. This is the principle of non-refoulement.

It is possible that a person who does not fall within the scope of the Refugees Convention non-refoulement obligation, including failed asylum-seekers, may fall within the scope of one of Australia's other non-refoulement obligations. However, non-refoulement obligations do not apply to persons found not to be owed refugee protection unless there are other case specific issues which raise such obligations under other relevant human rights instruments.