



**MINISTRY OF FOREIGN AFFAIRS & IMMIGRATION**  
**OFFICE OF THE MINISTER**

**STATEMENT TO PARLIAMENT**

**BY**

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**MINISTER FOR FOREIGN AFFAIRS &**  
**IMMIGRATION**

**ON THE**

**REGIONAL RESETTLEMENT ARRANGEMENTS (RRA)**  
**FOR ASYLUM SEEKERS TRANSFERRED**  
**TO PAPUA NEW GUINEA**



*Mr Speaker,*

I would like to update the House on the regional resettlement arrangements that are now in place for asylum seekers transferred from Australia to Papua New Guinea.

The scourge of people smuggling has caused the drowning at sea of more than 1,000 asylum seekers in the last decade. The people and Government of Papua New Guinea cannot sit quietly while this tragedy is wrought upon some of the world's most vulnerable people. The O'Neill Government is proud to show strong regional leadership on this important humanitarian issue.

## **BACKGROUND**

The regional processing arrangements for asylum seekers with Australia are not new. They were discussed between Australia and Papua New Guinea over several years, commencing in 2001 with the then Liberal National Coalition Government of former Prime Minister John Howard. During the Tampa Boat Crisis the issue and the principles surrounding an offshore processing centre at our Manus Province and Nauru were first conceived and operationalised. Former Prime Minister Howard's recounts the Tampa Crisis and asylum seekers in some detail in his autobiography entitled, 'Lazarus Raising' at pages 401 to 403:

*“The pressing problem had become what to do with the Tampa asylum-seekers. If they were processed through the normal mandatory detention system, that would involve them coming to the mainland, thus defeating the original purpose of the whole exercise. The Government wanted to deter people from setting out for Australia in the first place and that required sending a message that not even the processing of their refugee claims would occur in Australia”.*

*Deterrence had to be the core of any effective response to the surge of asylum seekers. It had to be made crystal clear that asylum-seekers would find it hard to reach Australia, so there was no point in trying in the first place. Offshore processing in Nauru as well as Manus in Papua New Guinea was a key component, but it was reinforced by legislation, in September, which gave the minister power by regulation to excise offshore territories from our migration zone”*

These previous arrangements had worked conclusively to stop maritime people smuggling: after implementation of the previous arrangements the number of asylum seekers smuggled through the region by boat dropped from 5516 people in 2001 to 1 person in 2002.

The Regional Processing Centre in Manus Province continued to operate until it was closed in 2007 by the new Labor Government under Prime Minister Kevin Rudd.

Following a resurgence in people smuggling, the same issues were again discussed with Prime Minister Julia Gillard's Government and a Regional Processing Centre for asylum seekers was reopened in 2012. These arrangements were continued and expanded earlier this year under Prime Minister Kevin Rudd, and are now being carried forward by the new Australian Prime Minister Tony Abbott.

I have informed the public through a Questions and Answers in media statement what these arrangements mean for Papua New Guinea, Australia and the region. This statement has been posted on the PNG Immigration and Citizenship Service Authority's website.

I will now inform this Parliament of further detail in response to criticisms of these arrangements by the Opposition – which itself has failed to offer any alternatives.

Australia is our long time friend and partner who has always assisted PNG in our times of needs and struggle – this time we have given a big helping hand to people and the Government of Australia.

Members will be aware that on 23 August 2012 the NEC formally approved a request from the Government of Australia to establish a regional processing facility for asylum seekers in Manus Province. The agreement was in support of Bali Process outcomes recognising the need for states to work together to take practical action to provide a disincentive against irregular migration, people smuggling syndicates

and transnational crime and to promote orderly migration and humanitarian solutions.

On 2 September 2012, I signed instruments to give effect to the arrangements under PNG law and on 8 September 2012 I co-signed a Memorandum of Understanding with the Australian Government to establish the Manus Regional Processing Centre.

Under the arrangements a temporary facility was established on the Lombrum Naval Base in Manus Province and a site in East Lorengau was identified as suitable to house a permanent facility.

*Mr Speaker,*

Under the MOU, it was agreed that the processing of asylum seeker claims would be done under PNG law. Irregular migrants would be transferred to this Centre for protection, care and processing of their refugee claims and returned to Australia for settlement. To give legislative effect to these arrangements, on 6 March 2013 NEC approved changes to the Migration Regulations which provide for Refugee Status Determination (RSD) processes in respect of persons transferred to PNG under the Manus Regional Processing Centre arrangements.

Under this arrangement approximately 500 asylum seekers were transferred to the temporary facility.

*Mr Speaker,*

Members will be aware that given the ongoing arrival of boats and continuing tragic loss of lives at sea, PNG and Australia signed a revised arrangement, the Regional Resettlement Arrangement (RRA) on 19 July 2013 which not only provided for transfer of asylum seekers to PNG but

included settlement of asylum seekers found to be refugees and granted refugee status under PNG law to be settled in PNG. The agreement will be reviewed after 12 months, but no upper limit has been placed on the number of transferees that may be transferred during that period. Both countries believed this change would discourage asylum seekers from undertaking the dangerous trip and to cut off people smugglers business.

On 6 August 2013 I signed a new Memorandum of Understanding with the Australian Government which operationalised the arrangements set out in the RRA.

Under the RRA and MOU the Australian Government has pledged to meet all the costs associated with the arrangements.

*Mr Speaker*

On 20 August 2013, I travelled to Jakarta, Indonesia, to attend the Special Conference on Irregular Movement of Persons along with senior Government Ministers from 13 source, transit and receiving countries for irregular migrants and asylum seekers. At the Conference I clearly outlined the considerable challenges faced by PNG in responding to irregular migration in terms of funding provision for accommodation and facilities, capacity constraints, recruitment issues for additional staff, operational and administrative costs, security and its obligations to the UN Convention relating to the Status of refugees and its 1967 Protocols and other related UN Conventions. However I also reiterated PNG's commitment to do its part to address these regional issues. At that meeting Ministers unanimously endorsed the Jakarta Declaration which pledged countries in the Asia-Pacific region to address the growing challenge of irregular movements that are costing hundreds of lives at sea every year.

*Mr Speaker,*

Make no mistake about it – the Regional Resettlement Arrangements are working. The number of asylum seekers attempting to travel by boat through our region plummeted by more than 60% in the month following the signing of the new agreement. We expect these numbers to continue to fall.

Last weekend 28 transferees voluntarily returned home with the assistance of the International Organization for Migration (IOM). More than 30 others have signaled an intention to return home, and are being processed by the IOM.

*Mr Speaker,*

Under the RRA, PNG agreed to a significant increase in the number of transferees. To cater for this increase, the temporary facility on the Lombrum Base has been expanded and the plans for the East Lorengau site redesigned to house increased numbers. Work is expected to commence very shortly on the construction of the permanent facility. Other sites on Manus are also being considered.

As of Tuesday 17 September 2013, Mr Speaker, there are 753 transferees housed at the Lombrum facility, comprising:

500 Iranians; 68 Afghans; 50 Pakistanis; 30 Lebanese; 27 Iraqis; 22 Sri Lankans; 21 Stateless; 10 Somalis; 9 Burmese (Myanmarese); 5 Bangladeshis; 4 Syrians; 4 Sudanese and 3 Vietnamese.

Under the Migration Act, as Minister I may determine whether asylum seekers are genuine refugees. Refugee Status Assessments on Manus have now been underway for two weeks, conducted by PNG Immigration

officials with assistance from the Australian Department of Immigration and Citizenship. I expect the first cohort of assessments to be submitted for my consideration in the near future.

*Mr Speaker,*

I can now advise the House that on 9 September 2013, NEC decided that the PNG Immigration and Citizenship Service Authority will take primary carriage for managing the resettlement in PNG of those persons found to be refugees under the RRA process.

*Mr Speaker,*

Let there be no doubt that the resettlement of refugees from third countries will present numerous challenges. It is an area of public policy that is entirely new to PNG.

Close consultation with all relevant Government Departments in PNG, various Departments in Australia, the UNHCR, International Organisation on Migration, International Organisations and Non-Government Organisations are necessary and will be nurtured.

A critical settlement component will be getting agreement and cooperation of Provincial Governments in whose communities many of these refugees will be settled.

PNG is in the process of implementing a new Refugee Visa that will provide refugees permanent residence in PNG including the issuance of an appropriate travel document which they can use to travel abroad.

PNG has lifted all of its reservations to the *1951 Convention Relating to the Status of Refugees* and its 1967 Protocol, for refugees transferred under the Regional Resettlement Arrangements.

This will ensure that these refugees have the same rights as all other permanent residents in PNG.

In accordance with the PNG Constitution, after 8 years of residence refugees will be able to apply for PNG citizenship which can be given by the Minister for Immigration.

Furthermore, acquisition of PNG Citizenship can be occur upon complying with process set out in our Constitution Section 62[2]. These include;

- “[2] To be eligible for naturalization, a person must-*
- [a] be of good character; and*
  - [b] intend to reside permanently in the country; and*
  - [c] unless prevented by physical or mental disability, speak and understanding Pisin or Hiri Motu, or a vernacular of the country, sufficiently for normal conversational purposes; and*
  - [d] have a respect for the customs and cultures of the country; and*
  - [e] be unlikely to be or become a charge on public funds; and*
  - [f] have a reasonable knowledge and understanding of the rights, privileges, responsibilities and duties of citizenship; and*
  - [g] renounce, in such manner as prescribed by or under an Act of the Parliament, any other citizenship and make the Declaration of Loyalty”.*

Refugees under the Regional Resettlement Arrangement will be provided with a range of support including assistance with housing, employment and language training to help them to re-establish their lives in PNG to be fully funded by the Government of Australia.

The PNG Government is also taking active steps to regularise the status of other long-term refugee groups in PNG. This will include removal of the citizenship application fee for refugees to assist with their full integration within PNG society.

*Mr Speaker,*

The arrangements I have been outlining are already delivering flow on benefits to Manus Province and the people of PNG. Members would be aware that a number of concerns have been raised by the Manus Provincial government and landowners in relation to the establishment of the centre around ensuring the active participation of Manus businesses and people in the establishment and ongoing operation of the facility. We have this by negotiating with the Australian government for service provider contracts to be amended to specify minimum numbers of employees and suppliers that must be locally sourced.

*Mr Speaker,*

In this regard I am pleased to note that of the 420 personnel currently working at the temporary centre, 291 are Papua New Guineans, including 182 Manusians. This means that one out of about every 250 Manusians is currently working at the centre. This number will only increase as the temporary centre expands and construction of the new centre at East Lorengau commences.

Businesses as well as individuals are also benefiting. An example is Loda Security that provides security guarding at the Centre. This business did not exist a year ago and it was set up specifically to meet demand created by the asylum seeker arrangements. 62 Manusians are now employed by this one local business.

Local businesses already provide some food to the facility but ideally we want to source almost all of the food from Manus. Obviously this would deliver fresher produce at more affordable rates. The opportunities are there, but we recognise that it will take time for local producers to scale up their production to meet demand.

Many more Manus businesses are also benefiting indirectly through the provision of goods and services such as hire vehicles, hotel accommodation and equipment. This represents a very significant injection of income in to Manus Province.

This is just the tip of the iceberg. Local PNG firms will be able to bid for all subcontracting work related to the construction of the permanent centre. This sub-contracted work will represent approximately 90% of the value of the project. It is my expectation that the majority of these sub-contracts will be awarded to local Papua New Guinean companies. I note that the PNG Chamber of Commerce and Industry recently facilitated seminars in Lorengau, Port Moresby and Lae at which PNG businesses were briefed on the many business opportunities that are arising from the regional processing arrangements and provided with information on how to register interest and participate in tender processes for the awarding of sub-contracts.

Concurrently, the PNG and Australian governments agreed that Manus will receive additional development assistance for its support in hosting the asylum seeker facility. In consultation with Manus Province, joint Department of National Planning and AusAID assessment missions have identified and are now implementing projects to be funded under the development assistance package.

The construction of infrastructure for 20 schools, selected by the Manus Provincial Administration, is underway. Medical equipment for Lorengau

Hospital will is now being delivered, along with a water system for the dental clinic. A master plan for the hospital is also being developed to guide future work and assist the hospital over the long term. The Provincial Government is currently scoping works for a joint Manus/AusAID project to renovate the Lorengau market. Finally, AusAID has also provided the Manus Government with a report on road infrastructure priorities where further assistance could be considered including: rehabilitating the Loniu and Nuwok bridges; resealing the Momote-Lorengau road; and rehabilitating the roads around the town square.

In addition to the end benefits, implementation of these projects will also provide employment opportunities for Manusians.

*Mr Speaker,*

We are proud to combat the deadly trade of people smugglers. We are proud to protect genuine refugees who are in circumstances of great need. And we are proud to provide flow on benefits to the people, communities and businesses of PNG.

But Members would be aware that there are those who would seek to undo this good work through frivolous court challenges. We must not let that happen.

Therefore, I have put forward a proposed amendment to the Constitution to put beyond doubt the Government's ability to restrict the personal liberty of people transferred to PNG under regional asylum seeker arrangements, or similar arrangements. I urge the Members of the House to support its passage.

*Mr Speaker,*

The 1951 Refugees Convention was created in the aftermath of World War II and did not anticipate the scale of global irregular migration or the peril that dangerous long-distance sea voyages could bring to the very people that the Convention seeks to protect.

PNG is showing clear leadership in the region to strengthen regional cooperation in accordance with the Convention and to work with regional partners to find new ways to stop people smugglers from plying their deadly trade.

Sharing the burden of refugee issues is about more than just words. It means that each country must do a little more to protect vulnerable refugees – not just against persecution, but also against exploitation by people smugglers.

Our country's contribution to regional efforts towards combating people smuggling will not be an easy one but this government is determined to play a central part.

Thank you.

**Hon. Rimbink Pato LLB OBE MP**  
**Minister for Foreign Affairs & Immigration**

18 September 2013