



Australia's Unwanted Asylum Seekers (Mostly Iranians) to Be Resettled in the U.S.

By Nayla Rush

UPDATE, 2/2/17: The deal to resettle Australia's unwanted asylum seekers made between Australia and the outgoing Obama administration is currently on hold. It is not certain yet whether the deal will be honored by the current Trump administration, especially following its latest executive order, temporarily [halting refugee resettlement](#). After a [contentious phone call](#) with the Australian prime minister, President Trump on Twitter [questioned the basis](#) of such an agreement: "The Obama Administration agreed to take thousands of illegal immigrants from Australia. Why? I will study this dumb deal!" As we have written before, from the Australian point of view, this is a "great achievement," but it must be one of America's worst deals.

The Obama administration is going to resettle in the United States an unspecified number of asylum seekers from Australia's offshore detention centers on the small island nation of Nauru and on Manus Island, part of Papua New Guinea. Australian officials hope to close both detention centers and resettle most (if not all) detainees before President Obama leaves office.

Negotiations between the two governments have been ongoing for months but the deal was announced just last month, a few days after the U.S. presidential election. Homeland Security officials have already made the trip to Australia to interview detainees. Over 1,600 of them could be resettled into the U.S. by January 20, 2017.

Australian Prime Minister, Malcolm Turnbull, made the [official announcement](#) from Canberra on November 13: "I can now confirm that the government has reached a further third country resettlement arrangement for refugees presently in the regional processing centres. The agreement is with the United States." The PM [insisted](#) it was "a one-off agreement...not be repeated." The chief of Operation Sovereign Borders [warned smugglers](#) not to use this deal as an incentive to restart their illicit trade: "To the people smugglers, my message is simple: We have reinforced our offshore law enforcement and intelligence cooperation and we have deployed more ships and more aircraft...Your boats will be intercepted and they will be returned safely."

The U.S.-Australia deal comes only a couple of months after Australia announced it would take part in the U.S.-led effort to resettle Central American ["refugees"](#) from a processing center in Costa Rica. Australia is to increase its refugee intake to 18,750 (up 5,000 from 13,750) by 2018-19. The announcement was made in September at the Leaders' Summit on Refugees hosted by president Obama in New York. This surprise commitment leaves room for speculation of a possible ["people-swap"](#) between the two countries. The Australian PM [rejected these allegations](#), insisting the agreement to resettle Central Americans was "not linked to any other resettlement discussions" involving Australia's refugees admitted into the U.S.

What is certain is that President Obama was adamant to get world leaders to commit to more resettlement during his Refugee Summit. The success of this summit, it is safe to say, was personally important to him as he prepared to leave office and set up his legacy.

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Australia's Offshore Detention Policy Under Pressure

Australia follows a policy of [mandatory and indefinite detention](#) of unlawful noncitizens, including asylum seekers. Under Australia's tough border security laws, asylum seekers who are intercepted trying to reach the country by boat illegally are automatically sent to offshore processing centers.

An offshore processing policy known as the "Pacific Solution" was introduced in 2001 to allow the transfer of unauthorized arrivals to offshore processing centers established on Nauru and Manus Island, where they are to remain while their asylum claims are processed.

Those who were "found to be owed protection were eventually resettled either in Australia or in a third country, *with the emphasis on trying to find resettlement solutions in a third country in preference to Australia.*" (Emphasis added.) The Pacific Solution was criticized by human rights organizations as disproportionately costly, contrary to international refugee law and psychologically damaging for detainees. It was shut down in 2008 and reintroduced in 2012 in response to increases in boat arrivals and drowning.

In July 2013, the government further toughened its immigration policy and announced that any asylum seeker who attempts to reach its shores without a visa would *never* be settled in Australia.

Australia pays Nauru and Papua New Guinea to host these boat arrivals but could not get either one to settle them permanently, hence the search for resettlement in a third country.

In September 2014, Australia and Cambodia signed an [agreement to resettle refugees](#) from Nauru. Australia provided Cambodia with \$40 million in "development assistance" — not related to the resettlement deal according to officials — as well as \$15 million for the resettlement program to be paid "on performance." The United Nations refugee agency, UNHCR, condemned the agreement as contrary to international norms, blaming Australia for attempting to shift its moral and legal protection obligation onto one of the least developed countries in the region.

Most detainees on Nauru refused to go to Cambodia: protest marches were organized, many attempted suicide while others sewed their lips shut. Despite Australia's efforts to sell the deal through psychological pressure (reminding detainees they were never going to be admitted into Australia), cash incentives (\$15,000 per person), and promises of family reunification (same cash amount to be given to every family member who joins in), only five refugees accepted to be resettled since the agreement was signed. The resettlement of offshore detainees reached a deadlock.

Prime Minister Turnbull, whose recent poll numbers saw a 14-month low, was facing increased pressure from the opposition, the United Nations, and human rights groups to shut down the Nauru and Manus Island detention camps denounced as places of depression, despair, and violence. The conditions of over three years of detention have had enduring psychological damage on detainees, while mental health staff was scarce. Revolt and riots, incidents of self-harm, and suicide attempts (including swallowing poison and self-immolation) were alarmingly on the rise.

Furthermore, the company that operates the offshore detention centers announced it will not renew its contract due to expire in three months. Since Australia cannot directly run its detention centers located in other sovereign nations, those are operated by Broadspectrum Limited, an Australian company contracted by the government. The company faced intense criticism by human rights groups. Accusations of sexual and human rights abuses carried out by its staff at the detention facilities put added pressure on the company despite its firm denial of any of these abuses. [No Business in Abuse \(NBIA\)](#), a movement "to shine a light on the corporations making money from an abusive detention system and to take practical actions to end it" is actively going after those involved in "the detention center business," calling upon investors not to work with companies that manage detention centers. Shen Narayanasamy, NBIA's executive director, [warned](#): "Any company needs to know they face a massive public relations risk in running these centres." On April 2016, The Spanish company Ferrovial became the controlling shareholder of Broadspectrum Limited. Ferrovial subsequently announced it will not bid to get the new five-year contract (worth \$2.7 billion) to run the offshore processing centers when its current contract expires in February 2017.

The government of Papua New Guinea has also been under pressure after [the supreme court ruled](#) last April that the Regional Processing Centre was unconstitutional and ordered the closure of Australia's offshore detention facilities on Manus Island.

Papua New Guinea's government agreed to close Manus Island's detention center while keeping a transit center facility open.

Undoubtedly, the resettlement deal with the U.S. that could very well empty Australia's offshore processing camps comes as a relief for Turnbull's government. It also brings a substantial economic gain.

The offshore detention centers cost the Australian government (and taxpayers) a lot of money. A [recent report](#) by UNICEF and Save the Children reveals that financial costs of at least \$3.6 billion were incurred by Australian taxpayers between 2013 and 2016 in maintaining offshore processing Nauru and Papua New Guinea. "Offshore processing alone is estimated to cost over \$400,000 per person, per year." The authors of the report recommend the following: "If Australia continues to refuse to resettle them in Australia, it must ensure third country resettlement by the end of 2016."

This recommendation is about to be implemented as the United States may very well resettle Nauru and Manus Island detainees around that time frame.

Australia's Offshore Asylum Seekers

There are currently over 1,600 asylum seekers eligible for resettlement in the U.S. under the new deal reached between the two countries. According to [Australian detention statistics](#) released on September 30, 2016, there are 1,269 people in detention on Nauru and Manus Island, Papua New Guinea: 396 on Nauru and 873 on Manus Island (PNG). Of the 396 in Nauru, 300 are men, 51 women and 45 children. All 873 detained on Manus Island are men.

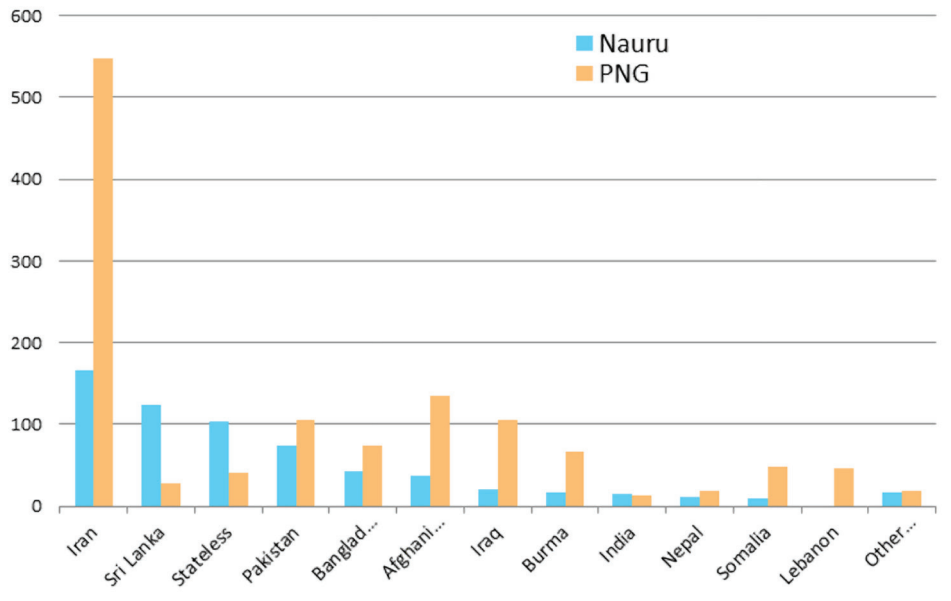
Another 370 asylum seekers, also eligible for resettlement, came to Australia for medical treatment and refused to go back to the islands. According to refugee advocates, at least 10 are women, [victims](#) of sexual assault and rape while on Nauru. The other 360 include those receiving treatment for serious mental and physical health issues and their immediate family. All detainees who have left Nauru and Manus for medical treatment in Australia — including sexual assault victims and mental health patients — will have to return to the islands if they are to have any chance of being accepted under the U.S. resettlement deal.

Asylum seekers who refuse offers to resettle or if their applications fail will be offered a 20-year visa to stay on Nauru, but no financial support. They could return to their country of origin or accept the Cambodian resettlement deal. They would be blocked from ever returning to Australia. A bill to ban for life those asylum seekers from ever coming to Australia is under discussion in the Senate.

A total of 1,639 unwanted Australian asylum seekers could end up being admitted to the United States as refugees. Most are "Muslims from the Middle East, Africa and Asia" according to the [Associated Press](#). A recent [report](#) released by the Australian government gives more insight:

[T]he vast majority of asylum seekers at both Processing Centres [Nauru and Manus Island in Papua New Guinea] come from Iran. The PNG Processing Centre (which only accommodates males) is also largely composed of asylum seekers from the Middle East including countries such as Afghanistan, Iraq, and Pakistan. In contrast, the Nauru Processing Centre (which accommodates males, females and children) is also largely composed of asylum seekers from Sri Lanka, Pakistan, Bangladesh, and with people who have no country of nationality (Stateless).

The report includes a look at the nationalities of asylum seekers at both processing centers:



Multiple reports, including from the Australian parliament, have highlighted [bad detention conditions](#), such as “inadequate healthcare, poor food and a lack of clean water, sewage pooling on the ground and allegations of brutal treatment by guards.”

The [Nauru files](#) reveal over 2,000 incidents of assault, abuse, and self-harm recorded on Nauru from May 2013 to October 2015. According to Dr. Peter Young, a former medical director of mental health for Australia’s immigration detention system, long-term detention has serious [mental health repercussions](#): “Self-harm and suicide attempts increase steadily after six months in detention.”

Under international law, Australia is legally responsible for the detainees on Nauru and Manus Island, but Australia says the welfare of the offshore detainees is the responsibility of their host state.

How Many to Be Resettled and How Fast?

It is not clear how many will be resettled in the U.S. under this arrangement. Michael Pezzullo from Australia’s Immigration Department [said](#) it was up to the U.S. government to make that call. A spokesman [said](#) the U.S. State Department “will determine the size of this program in consultation with UNHCR. We outlined in [a previous report](#) the role of UNHCR in the selection and pre-screening process of refugees eligible for resettlement in the United States.

According to the Australian Prime Minister, the U.S. is to give priority to the “[most vulnerable](#)”, especially women, children and families on Nauru. U.S. Secretary of State John Kerry, however, was [more inclusive](#): “We in the United States have agreed to consider referrals from UNHCR on refugees now residing in Nauru *and* in Papua New Guinea.” (Emphasis added.)

Australian Immigration Minister Peter Dutton does want [all asylum seekers resettled](#), including those whose refugee claims have been rejected but still refuse to go home. Iran (who is home to a majority of these asylum seekers) won’t take back its nationals who won’t agree to go home voluntarily.

Australian media [claim](#) “the deal would see the transfer of up to 1800 detainees currently held on Manus Island and Nauru (many of whom have been detained by Australia for up to two years) to the U.S. before Trump’s presidency begins.”

It looks like the Turnbull government is, in the words of [one report](#), “racing to implement an agreement for a one-off transfer of some of the 1800 detainees held in Australian immigration detention facilities on Manus Island and Nauru to the US.”

Australian Coalition frontbencher Christopher Pyne was confident there was “[plenty of time](#)” to put the deal in place before Trump takes office in January: “Two-and-a-half months is plenty of time, and if it’s the case it will be another great achieve-

ment from the Turnbull Government.” PM Turnbull also wished for the refugee resettlement deal to “[proceed in a speedy manner](#)”.

U.S. officials seem to be rushing as well; processing and security checks began soon after the deal was announced. “Officials from Homeland Security are in Australia right now, in fact and they will be going to Nauru shortly,” [Turnbull said](#) on November 19 in Peru.

We have no doubt the Obama administration can resettle all of Australia’s unwanted offshore detainees in a couple of months or so if it wishes to do so. After all, it sped up resettlement processes in a “[surge operation](#)” this February in Jordan. Over 12,000 Syrian refugees were interviewed there in three months to meet President Obama’s 10,000 FY 2016 target. 1,600 interviews in over two months seem like a child’s play in comparison.

Will President Trump Uphold the Deal?

It is unclear if President Trump would honor the deal made between Australia and the outgoing Obama administration when he takes office this January. Prime Minister Turnbull did not discuss the deal with President-elect Trump: “We deal with one administration at a time and there is only one president of the United States at a time,” [he told reporters](#) in Canberra. Turnbull did try to set up a meeting with Trump at his headquarters in New York a few days later on his way to the APEC forum in Peru, but was unsuccessful.

The Trump administration could take a different position, [acknowledged](#) the secretary of Australia’s Immigration Department, Michael Pezzullo, but “we have an agreement with the US Government”.

Former U.S. ambassador to Australia, John Berry, who was appointed by President Obama and returned to the U.S. this September, [believes](#) that Trump will honor the deal: “I do not foresee a big change on that issue, other than, you know, [Trump] may take a short while to learn and come up to the speed on the issues...”

Contrary to Berry’s prediction (and wish), President Trump might choose to stop the deal altogether instead of “coming up to speed” on it. But it could be too late: for refugees who already made it to the U.S. under the agreement, it doesn’t seem like much could be done to reverse their resettlement, if for no other reason than it would be hard to find somewhere else to send them. Those who are still on the islands could be denied entry. President Obama and Australian PM Turnbull are well aware of that fact, hence their rush to implement the deal in full before January 20.

Australia’s Gain and America’s Loss

For the Australian government faced with intense criticism, political pressure, and huge financial costs, the deal with the U.S. is nothing short of a “great achievement,” as its coalition leader, Christopher Pyne, put it. But it must be one of America’s worst deals.

Think of it this way, Australia’s unwanted asylum seekers, originating for the most part from countries of turmoil (Iran, Afghanistan, Iraq) where violence and terrorism are not uncommon; those detained for years in offshore processing centers on two Pacific islands under horrible conditions, who suffer from serious physical and mental health problems, are to be admitted into the United States.

The Obama administration expects these people in despair, traumatized by years of detention, to integrate and become “self-sufficient” after a few months in the United States? This is extremely optimistic, to say the least.

But the recurrent question is, why bring Australia’s unwanted asylum seekers here at all? [According to Berry](#), the former U.S. ambassador to Australia, “this may be an opportunity for the United States to *help Australia relieve some of the pressure* on these sensitive areas.” (Emphasis added). It certainly relieves Australia, which finally [conceded](#) that the island centers were unsustainable.

But what's in it for the United States? Assuming President Obama was acting out of a humanitarian calling, the fact remains that immigration policies driven by humanitarian sensibility and compassion are nothing but a recipe for disaster. The truth is, this deal, to many if not most Americans, is beyond comprehension.

There's another point to be made here: the refugee resettlement program is not about "picking and choosing" one's resettlement country. Resettlement, by definition, is to be implemented when no other viable option is available. Cambodia (or other countries) might not be ideal for asylum seekers trying to reach Australia and, for many, family members already settled there. But America is no consolation prize either.

Prime Minister Turnbull met President Obama in Lima, Peru, for the last time and thanked him for, among other things, the refugee resettlement deal. He [also added](#): "I'll leave it to Mr Trump when he is president of the US to advocate the interests of the United States, my job as Prime Minister is to look after Australia's interests."

We hope and trust President Trump will do just that – defend first and foremost the interests of the United States.

Meanwhile, we will keep asking, [as we did before](#): What else might we expect to see from President Obama before he leaves office?