

REGIONAL INITIATIVE TEMPLATE

Please complete each section below.

1. Contact Details

Please provide the following contact details:

<i>Name of individual or group submitting initiative</i>	Cathryn Buis
--	--------------

2. Name of Initiative

Immigration and Resettlement Framework

3. Background and Rationale

You may consider: What is the issue being addressed by this initiative? What are the causes of this issue? Are there relevant studies that have been carried out to support the issue? Are there links to national, regional or international goals/policies?

Please limit your response to no more than 750 words.

Global conflict has increased the number of asylum seekers fleeing their home countries and seeking asylum abroad, with some passing through refugee processing centres located in Pacific Island Countries (PICs). Since the late 1980s four PICs have acceded to the 1951 Convention relating to the Status of Refugees, however, despite this PICs still lack clear holistic policies to safeguard the rights of asylum seekers (AS), and subsequently guide the resettlement of refugees in PICs. Papua New Guinea signed up to the UN Refugee Convention in 1986. Prior to that, PNG had a history of accepting West Papuan refugees and integrating them into the country, which it continues to do so to this day, in line with its obligations under the 1951 Convention. Nauru signed up to this convention in 2011. A mandatory detention centre had already been established on Nauru in 2001. No asylum seeker processed in PNG or Nauru has ever been resettled in these two PICs upon determination of their refugee status.

Resettlement countries such as Norway, possess the resources required to ensure that refugees become self-reliant as soon as possible. Refugees are supported through a program that provides them with three years of Norwegian language training and cultural studies, job skills training, access to healthcare, and housing. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the cost to neighbouring host countries, Iran and Pakistan, of resettling Afghan refugees was estimated at US\$432,000.00 and US\$610,000.00, respectively, for the years 2012-2014. Refugees carry a higher risk of mental, physical, and genetic illnesses such as post-traumatic stress, kidney failure, and haemophilia; which Pacific Island healthcare systems are ill-equipped to treat. PICs must also consider the social costs of resettlement, and adequately prepare the local population to accept refugees who come from diverse cultures and backgrounds. Pacific Islanders will need to engage as global citizens, welcoming the practice of other faiths, and accepting the construction of places of worship, such as mosques and temples.

Pacific Islanders practice a subsistence lifestyle sustained by reciprocal sharing in times of plenty and times of shortage. This carefully balanced social safety net is at risk of being exploited due to the policy vacuum regarding how to accommodate immigrants with refugee status. This is causing unnecessary hardship to asylum seekers and Pacific Island communities, as evidenced by long and degrading detention periods that have resulted in confrontation between the local population and asylum seekers in host countries. Following a

visit to the processing centre on Manus, the UNHCR repeated its concerns about the “shortcomings in the legal framework for receiving and processing asylum-seekers” in PNG. In 2013, a UNHCR monitoring visit to Nauru found that “there remain long delays in the processing of claims, with only one claim for refugee status having been finally determined and handed down in the 14-month period...since September 2012.” In 2013, Amnesty International released a report condemning conditions on the Manus Island Processing Centre, describing them as degrading for asylum seekers. The Australian NGO Refugee Action Coalition, has questioned the expense involved in maintaining off shore processing centres, urging their government to process asylum seekers on shore. The experience of Aladdin Sisalem, the lone refugee left without any hope for his future on Manus Island from 2002-2004, is a tragic example of how AS can face extreme hardships without sufficient support from governments. In April, 2015 due to the absence of a formal resettlement policy, the PNG government was unable to issue an AS with the necessary work permit to commence employment in the country. In March, 2015 the Refugee Action Coalition expressed concern about the increasingly desperate and unknowable future of asylum seekers, who staged a demonstration protesting the conditions of the processing centre. Moreover, holding children in processing centres is a violation of their human rights. As a region, PICs must assess their capacity for processing asylum seekers, including their capacity for resettlement of refugees.

These cases demonstrate the need for a robust framework to guide Leaders in determining the appropriate policies for immigration and resettlement of refugees. Pacific Leaders hold inclusivity, equity, and equality sacred, and must have adequate resources to draw upon when making decisions relating to the lives of asylum seekers who enter our region. A consensus on the human rights obligations that the region can support is aligned with the Pacific Way. The growing concerns surrounding this issue make it clear that a more concerted and coordinated effort is required to ensure the situation does not deteriorate further.

4. Description

Please provide a brief overview of this initiative. Try to address the following: Does this initiative contribute to a positive change to the region? What makes this initiative of importance to the Pacific region as a whole? Who would implement this initiative? Who are the main beneficiaries? Are regulatory or legislative changes required at the national level to implement this initiative? How would the initiative be funded? Has this initiative been carried out previously? What are the key risks in implementing this initiative? Are there any complementary projects and programmes currently active? What is the proposed timeframe for this initiative? How would the initiative be sustained over the proposed timeframe?

Please limit your response to no more than 750 words.

The Immigration and Resettlement Framework aims to develop a policy that will safeguard regional and domestic political stability for Members, by protecting the rights of asylum seekers to a durable futures, whilst ensuring that resettlement promotes social and economic growth in the region. This Framework seeks to provide PICs with an agreed position from which to advance our concerns for the rights of asylum seekers who may enter any of the four PICs that are signatories to the 1951 Convention. The Framework will provide Members with a unified voice in global fora where debates on human rights and approaches to resettlement are being discussed.

This initiative has not been implemented before, as PICs have previously engaged on the issue of asylum seekers bilaterally, and not as a region. The work of the Regional Rights Resource Team at the Secretariat of the Pacific Community (SPC) covers a wide range of human rights issues, but does not cover the rights of refugees as determined by the 1951 Convention. The UNHCR has a representative in Australia who oversees Australia, New Zealand, the Pacific Islands and Papua New Guinea; and works with governments across the region, advocating for the rights of refugees. Despite their accession to human rights treaties,

PICs lack the resources to implement the policies that will enable them to meet their obligations to the international community. A key risk of not implementing the Immigration and Resettlement Framework is the potential for PICs to be in violation of their obligations under the 1951 Convention.

Developing a regional policy will allow PICs to obtain an up-to-date assessment of their capacity to provide sustainable options for resettlement to asylum seekers. The wide ranging economic costs that need to be considered include: housing, healthcare, learning English as a second language, vocational training, and providing opportunities to engage in sustainable livelihoods. There are also the social costs of increased tension and conflict when the disparity between the benefits provided to immigrants and the standard of living available to Pacific peoples is heightened.

Due to the size and limited resources of PICs, the pooled resources available to Members as a region could be used to develop a cohesive policy on the treatment and integration of asylum seekers across the region. Changes to immigration legislation would potentially be required at national level in order to enable PICs to meet their international human rights obligations. This purpose of the framework proposed in this initiative is twofold: to measure the capacity of existing infrastructure and welfare systems in PICs to absorb refugees; and to identify the specific legislative amendments required to prepare countries in our region for immigration and resettlement. Given that one of the aims of this framework is to contribute to regional security and stability, the implementation of this initiative could be added to the work of the Forum Regional Security Committee (FRSC).

This initiative would require the establishment a sub-committee to manage the research on the current situation; key areas to address to ensure humane treatment and opportunities for durable futures for refugees; potential policy options for Member Countries; and legislative amendments required. Technical advice for ratification and implementation of policy advice would also need to be costed. This research would be carried out by Pacific Island experts with a background in human rights law and an understanding of economic conditions within the region. The findings of this research would be provided to the sub-committee in the form of a report containing a detailed assessment of the challenges PICs face in fulfilling their existing obligations as signatories to international human rights treaties. An important feature of this report would be the section outlining a way forward in terms of specific legislation that would need to be amended or enacted by PICs in order to ensure that Pacific peoples as well as asylum seekers are guaranteed the right to sustainable livelihoods and a durable future. The sub-committee would be responsible for ensuring this report is peer reviewed internationally before submitting it to the FRSC for endorsement. Clearly presenting the primary objective of improving human rights under the Immigration and Resettlement Framework is necessary in order to gain the support of Leaders for any potential changes to national legislation. The initial stages of establishing a sub-committee and commissioning a research team, will likely take up to 24 months, at the end of which a draft report would be produced. The sub-committee would be required to provide regular updates to the FRSC on its progress.

5. Alignment to Regional Vision, Values and Objectives

Briefly describe how your initiative supports the vision, values and objectives set out in the Framework for Pacific Regionalism. These can be found in the Framework for Pacific Regionalism document or in the submissions guideline document.

Please limit your response to no more than 500 words

This initiative provides a framework to support Leaders in their decision-making on issues relating to immigration and resettlement, which have the potential to impact on domestic and regional security, stability, economic growth and prosperity. This regional initiative empowers PICs by articulating a regional position on inclusivity, equity and equality for all. The security and wellbeing of Pacific peoples, including regional stability, depends on inclusive and equitable

economic growth that is augmented by immigration and resettlement policies. Immigration as a means of adding valuable skills to our region's labour force has not been given adequate consideration as a process with the potential to boost economic growth. The potential for immigration and resettlement to provide a skilled and capable labour force for the region should not be underestimated. The motivation of asylum seekers to begin a new life in a country that will accept them, drives their contribution as productive members of society, reducing the pressure to engage in criminal activities for survival. A comprehensive assessment of the skills gaps in the region will facilitate inclusive integration that boosts our economies. This assessment will also enable and assist PICs to identify the employment opportunities and support systems that they will be able to offer asylum seekers who opt to settle in the Pacific. The Immigration and Resettlement Framework will guide the formulation of a regional policy that provides a fair and transparent mechanism for assessing asylum seekers, whilst ensuring that the economic and social concerns of Pacific peoples remain a key focus for Leaders.

The proposed Framework demonstrates alignment with the regional vision by establishing a common pool of regional expertise on the human rights of refugees, whilst maintaining the right of each sovereign nation to determine how domestic legislation can best accommodate the principles enshrined in the resulting policy. In addition, and in the spirit of our Pacific sense of community and shared understanding, the Immigration and Resettlement Framework rests on the history of collaboration and harmonisation within our region. Expertise in human rights law and advice on the obligations of sovereign nations, should be accessible to all PICs. This framework aims to establish a pooled service that is underpinned by the consensus of Members on their capacity to meet international human rights obligations, ensuring harmonization is maintained. The size of Pacific Island nations renders them vulnerable to an ever-changing economic and political environment. With agreement on a regional position, PICs will be able to draw support from Member Countries to implement human rights legislation that is beneficial to all Pacific peoples. In considering this initiative Leaders will be engaging with the legacy of the Pacific Plan, by deciding the steps that must be taken in order to achieve an inclusive and prosperous future for our region. This initiative aims to establish a process via which PICs can assert their voice as a region, whilst affirming to the international community their consensus on securing human rights for all peoples within this region.

6. Additional Information

Please provide or attach additional information in support of this initiative.

Please limit your response to no more than 5 pages.

Please refer to two UNHCR Reports titled "UNHCR monitoring visit to Manus Island, Papua New Guinea 23 to 25 October 2013" and "UNHCR monitoring visit to the Republic of Nauru 7 to 9 October 2013", <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf> and <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Nauru%20of%207-9%20October%202013.pdf>, respectively.

For information on the experience of Iran and Pakistan refer to <http://www.unhcr.org/afghanistan/solutions-strategy.pdf>

Details on resettlement in Norway can be found at <http://www.unhcr.org/3c5e59835.html>