

HOW AUSTRALIA CAN SUPPORT REFUGEE PROTECTION IN SOUTHEAST ASIA



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Executive Summary

In Southeast Asia, over 400,000 refugees and asylum seekers face significant humanitarian challenges. This report details Australia's strategy to enhance regional refugee protection, driven by humanitarian principles, regional leadership ambitions, and national security interests. The overarching goal is to mitigate precarious living conditions, address the absence of formal legal protections, and improve access to healthcare, education, and employment.

Australia's Role and Recent Commitments

Australia has committed to supporting refugee protection in Southeast Asia through pledges at the Global Refugee Forum and the Australian Labor Party's National Platform. These include supporting the development of protection strategies and asylum systems, increasing humanitarian intake and community-sponsored refugee places, and growing resettlement and complementary pathways with hosting states.

Australia can enhance its leadership in refugee protection in Southeast Asia by strengthening regional partnerships, offering capacity-building and technical assistance, and using targeted aid to improve refugee conditions. Advocating for policy reforms, increasing resettlement quotas, and promoting complementary pathways such as education and labor mobility schemes are also crucial. Additionally, supporting refugee-led initiatives and improving its own refugee policies to better reflect international standards can boost Australia's credibility and effectiveness in leading regional efforts towards humane and structured refugee management.

Leadership in this space will strengthen regional cooperation, mitigate irregular migration, and foster regional stability by addressing root causes that force refugees into dangerous journeys.

Incremental Steps for Regional Change

This report advocates a 10-step incremental approach, which includes:

1. Removing barriers to existing refugee status determination procedures.
2. Supporting NGOs and Refugee-Led Organisations (RLOs) to provide vital services.
3. Granting asylum seekers legal permission to remain while their refugee status is determined.
4. Developing and implementing alternatives to immigration detention.
5. Granting refugees and asylum seekers the right to work.
6. Providing access to government services like healthcare and education.
7. Ensuring access to durable solutions, including voluntary repatriation and resettlement.
8. Developing national asylum legislation to monitor refugee numbers and support those in need.
9. Promoting ratification of the 1951 Refugee Convention.
10. Building regional consistency in asylum processes and equitable responsibility-sharing.

Diplomacy and Aid Initiatives

Australia can utilise diplomatic tools such as mini-lateral diplomacy to focus cooperation among a subset of ASEAN countries, share best practices, and mobilise resources. The Bali Process can also be revitalised to focus on protection and advancing durable solutions. Additionally, trade and migration agreements can incentivise countries to enhance refugee rights in return for eased migration opportunities for their citizens.

Aid remains a vital lifeline for refugees, and a strategic increase can address capacity building, improve legal frameworks, support regional cooperation, and ensure access to essential services like healthcare and education. Funding economic inclusion initiatives and infrastructure development can foster economic self-reliance while reducing tensions between host communities and refugees.

Strategic Use of Resettlement and Complementary Pathways

Resettlement should be used strategically as an act of solidarity, encouraging host countries to improve protection for those who remain. Complementary pathways like education and skilled labour programs should

7 Key Recommendations for Australia to Improve Refugee Protection in Southeast Asia

1. Appoint a 'Special Envoy' responsible for promoting refugee protection in Southeast Asia
2. Develop a strategy to implement commitments made at the 2019 & 2023 Global Refugee Forum
3. Ensure Australia's aid and development budget is used to leverage refugee protection
4. Ensure resettlement programs are used strategically to leverage regional protection
5. Invest in regional capacity-building initiatives
6. Support refugee-led initiatives
7. Implement commitments on complementary pathways

also be expanded, recognising the value of refugees' skills and encouraging host states to grant access to work and study opportunities.

State and Refugee Capacity Building

Investing in asylum capacity development is crucial for supporting states to implement national asylum procedures, identify vulnerable individuals, and manage borders while upholding human rights. Australia can assist by sharing technical expertise and resources to ensure regional consistency. Additionally, supporting refugee capacity-building initiatives will empower refugees to advocate for themselves and strengthen self-sufficiency through language tuition, mental health support, and leadership initiatives.



Refugees in Thailand from Ban Ton Yang Refugee Camp, Kanchanaburi Province © UNHCR/Chattriyaorn Singchum

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1 Introduction

This report outlines a comprehensive strategy for Australia to enhance refugee protection in Southeast Asia, a region that confronts significant humanitarian challenges and complex migration issues. Southeast Asia hosts over 400,000 refugees and people seeking asylum. Many of these refugees endure precarious living conditions, lacking basic protections and access to essential services such as healthcare, education, and employment opportunities. Refugees in Southeast Asia often find themselves in legal limbo, especially in countries like Thailand, Malaysia and Indonesia that have not ratified the *1951 Refugee Convention*. This absence of formal recognition exacerbates vulnerabilities, leaving refugees susceptible to exploitation, detention, and forced repatriation.

A combination of humanitarian imperatives, regional leadership ambitions, and national security interests drives Australia's engagement in refugee protection. The dire conditions faced by refugees in Southeast Asia necessitate a compassionate and coordinated response, aiming not only to alleviate suffering but to foster regional stability and enhance Australia's influence in the Asia-Pacific region. As a developed nation with considerable resources and a longstanding commitment to human rights, Australia has both the capacity and the moral obligation to act. By supporting refugee protection initiatives, Australia can help address the root causes of displacement, mitigate irregular migration, and reduce the reliance of refugees on dangerous and irregular pathways to safety.

This report will detail the current refugee situation in Southeast Asia, identify key areas where Australian involvement can be most effective, and propose strategic approaches to foster resilience and protection within the region. The aim is to present actionable recommendations that not only align with Australia's international obligations but also promote a harmonious, secure, and prosperous regional environment.

2 Why Australia should play a positive role in Southeast Asia

Australia has compelling reasons to promote refugee protection in Southeast Asia, anchored in humanitarian imperatives, regional leadership, and ensuring regional stability and promoting regular migration. The dire conditions faced by refugees necessitate a compassionate response, while leadership in refugee protection can strengthen Australia's influence and cooperation in the Asia-Pacific region. By improving conditions for refugees in their first countries of asylum, Australia can also mitigate irregular migration and enhance its border security, addressing the root causes of displacement and reducing the need for dangerous journeys by refugees seeking safety. This multi-faceted approach not only alleviates humanitarian suffering but also contributes to regional stability and security, aligning with Australia's broader geopolitical and security strategies.

Humanitarian Imperative

Australia has a moral and ethical responsibility to uphold the principles of humanitarianism, especially in its geographic vicinity where the plight of refugees is particularly severe. Many of these individuals and families find themselves in precarious situations, lacking basic human rights protections, access to sustainable livelihoods, and often living in conditions that threaten their health and safety.

The dire situation faced by these refugees compels a humanitarian response. Australia, as a developed nation with considerable resources and a history of humanitarian outreach, is well-positioned to lead by example. By promoting refugee protection, Australia not only alleviates suffering but also fulfills its international obligations under various human rights treaties and conventions.

In Southeast Asia, the situation for refugees and asylum seekers is complex and often fraught with severe challenges. This region hosts a significant number of displaced persons from various countries, most notably from Myanmar, including the Rohingya, who have fled systemic violence and persecution. Despite the dire need for protection, most Southeast Asian countries have not ratified the *1951 Refugee Convention*, resulting in a lack of formal legal recognition for refugees.¹ This absence of a legal framework subjects refugees to a precarious existence, often living in the shadows without access to basic legal rights or social services.

Refugees in Southeast Asia frequently encounter harsh living conditions. They often reside in overcrowded and under-resourced refugee camps (on the Thai-Myanmar border) or urban settings (elsewhere) where they are vulnerable to exploitation, including labour exploitation due to their undefined legal status. Access to healthcare is limited, and refugees face significant barriers to receiving medical treatment, which is compounded by language barriers and a lack of financial resources. Education opportunities for refugee children are scarce, leading to a generation of young people at risk of missing out on necessary skills and knowledge for future independence.

Refugees also face significant risks of detention and refoulement due to the lack of formal legal protections for asylum seekers. Detention practices vary, but often refugees are held in overcrowded and inadequate facilities, often for prolonged periods, without access to legal representation or fair judicial review. Furthermore, the risk of refoulement—the forced return of refugees to countries where they face serious threats to their life or freedom—is a persistent concern. Without legal recognition or proper asylum procedures, refugees may be involuntarily returned to environments where they are at risk of persecution, torture, or other irreparable harm, in direct contravention of international law, which mandates that no one should be returned to a place where they would face such threats.

The region also sees mixed migration flows, including economic migrants and victims of human trafficking, which complicates the landscape further. Governments in the region often respond with stringent policies aimed at deterring asylum seekers, which can exacerbate the vulnerabilities of refugees by limiting their access to international protection and assistance.

Addressing these issues requires a multi-faceted approach that involves improving legal protections, enhancing access to basic services, and providing secure living conditions. It also calls for regional cooperation and commitments from both local and international stakeholders to uphold human rights and provide meaningful support to one of the world's most vulnerable populations.

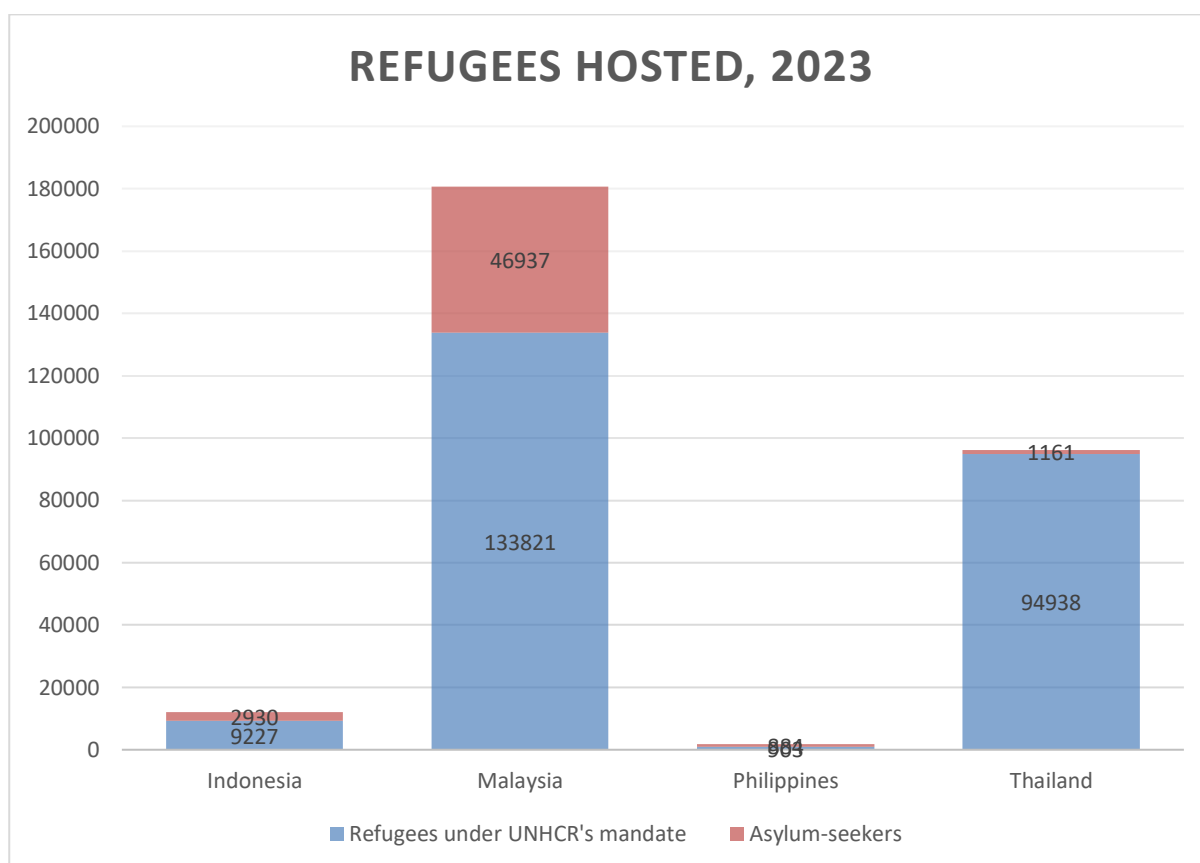


Figure 1 Refugees in Indonesia, Malaysia, Philippines and Thailand, 2023. Source: UNHCR²

Regional leadership

The Australian Labor Party has also committed in its 2023 National Platform to “play a leadership role. Recognising the value of a bipartisan approach in this policy area in the past, Labor will work towards a bipartisan approach once again.”³ This includes commitments “to show humanitarian and protection leadership in Southeast Asia. Accordingly, Labor seeks a leading role working with Southeast Asian nations in the region, and in particular with Indonesia, to build a regional framework to improve the lives of people seeking asylum.”⁴

Australia can enhance its leadership in refugee protection in Southeast Asia by strengthening regional partnerships, offering capacity-building and technical assistance, and using targeted aid to improve refugee conditions. Advocating for policy reforms, increasing resettlement quotas, and promoting complementary pathways such as education and labor mobility schemes are also crucial. Additionally, supporting refugee-led

initiatives and improving its own refugee policies to better reflect international standards can boost Australia's credibility and effectiveness in leading regional efforts towards humane and structured refugee management.

Enhancing Regional Stability and Security

Improving refugee protection in the region directly contributes to regional stability and security, which are in Australia's strategic interests. Refugees who are supported in their first country of asylum are less likely to undertake dangerous journeys to seek protection elsewhere, including Australia. This reduces the incidence of irregular migration, which is often perilous and exploitative.

Effective refugee protection strategies help mitigate the factors that compel people to move irregularly. These include insecurity, lack of legal protections, and absence of economic opportunities. By addressing these issues in countries of first asylum, Australia can reduce the likelihood of refugees resorting to desperate measures such as engaging with people smugglers and taking dangerous journeys at sea.



Rohingya boat people stranded off the coast near Geulumpang in Indonesia's East Aceh district of Aceh province wait to be rescued on May 20, 2015. @UNHCR/Januar

A proactive approach to refugee protection in Southeast Asia enhances Australia's border security by addressing the issue at its source. By improving conditions in host countries, Australia helps ensure that refugees have fewer reasons to flee further. This aligns with Australia's border security agenda by decreasing the push factors of irregular migration.

This is reflected in the Australian Labor Party's commitments in its National Platform, which recognises that:

"to combat people smuggling Labor will engage with Australia's neighbours to address 'push factors' by seeking innovative, effective and lawful solutions to the irregular movement of people through the region... In pursuing strong regional arrangements Labor will seek to ensure they provide access to protection in countries of first asylum and transit countries to deter secondary movements of people seeking asylum through:

- a. the developing of capacity to improve accommodation, work rights, access to health and education services and other living standards for people seeking asylum;*
- b. expediting the claims for refugee status by people seeking asylum; and*
- c. the seeking of durable solutions."⁵*

This paper highlights how Australia can address the causes that push refugees to take dangerous journeys by sea, by improving the conditions and rights of refugees in countries of first asylum.

Ensuring good-faith regional cooperation and leading by example

The end goal of any regional cooperation should be to enhance access to refugee protection, rather than to outsource or avoid international obligations to refugees. In the past, Australia has misused the concept of regional cooperation in order to push responsibilities onto host and transit countries and reduce the number of refugees arriving in their states. Such arrangements are not in the spirit of the *1951 Refugee Convention*, which relies on international solidarity and cooperation to ensure access to protection. To this end, Australia must ensure that it leads by example in demonstrating a commitment to refugee protection in its own laws and policies and that any regional cooperation is done in good faith to support host states to improve access to protection.

3 Incremental steps to promote change in Southeast Asia

Since 2012, the Refugee Council of Australia (RCOA) has been advocating for an incremental process of change in the region, which would begin with the most pressing needs of refugees and move gradually towards an agreed and common regional strategy to protect refugees. RCOA has outlined 10 interconnected steps that could be taken in any order, country by country, as opportunities arise.⁶

1. Removing current barriers to existing refugee status determination procedures

Currently, many States in Southeast Asia have restrictions on access to refugee status determination procedures (RSD). While UNHCR is largely responsible for undertaking RSD in most states, there are various limitations on UNHCR's ability to register and assess all refugee claimants. These barriers include state-induced restrictions (such as Thailand's longstanding restriction on UNHCR registering or assessing Burmese refugees⁷), as well as financial and capacity limitations on UNHCR. These restrictions could be eased through diplomatic engagement and increased funding for UNHCR to conduct RSD.

2. Creating space for and supporting NGOs and RLOs to provide vital services to refugees and people seeking asylum

Many local and international NGOs provide essential support to refugees across Southeast Asia. Likewise, many Refugee-Led Organisations (RLOs) have also been established by refugee groups themselves to support their communities. However, these NGOs and RLOs are often limited in their capacity to provide support, due to both funding, as well as restrictions on NGOs and RLOs in countries of asylum (for example, RLOs are often not able to legally register as an organisation as members do not have legal residency). Increased funding and easing of restrictions are needed to ensure NGOs and RLOs can provide urgent support.

3. Granting people seeking asylum legal permission to remain while refugee status is determined

As mentioned, most countries in Southeast Asia have not signed the *1951 Refugee Convention*, and do not provide legal permission for refugees to remain in the country while their RSD procedure is being conducted. Most people are vulnerable to forced returns, detention and inhuman treatment. States should work towards temporary residency for asylum seekers while their claims are being assessed, to ensure that those who are refugees are not returned to harm.



Excitement lights up Mina Raya Camp, Aceh, Indonesia, as Rohingya refugee children enthusiastically joined a class led by a volunteer teacher. © UNHCR/Amanda Jufrian

4. Developing and implementing alternatives to immigration detention

Detention remains an ongoing issue for refugees in Southeast Asia, with many subjected to inhuman conditions and indefinite, arbitrary restrictions of their liberty. While some steps have been made to reduce reliance on detention (discussed below in relation to Malaysia and Indonesia), many people are still vulnerable to being detained by police and immigration officials. Developing alternatives to detention, including community-based arrangements and temporary residency, would ensure refugees can realize their rights while they await access to durable solutions.

5. Granting refugees and people seeking asylum the right to work

A further step in securing protection for refugees and people seeking asylum is the right to work, either on a temporary or permanent basis. This could be provided while people seeking asylum are awaiting an RSD procedure, while recognised refugees are waiting for more durable solutions, or permanently, together with legal rights to remain. Work rights are essential to ensure basic livelihood and self-dependence, especially as most refugees do not have access to sufficient humanitarian aid. Work rights also benefit the host country, contributing to local economies.

6. Providing access to basic government services, including education and health

Access to healthcare, education and other government services are also essential for refugees and people seeking asylum. Again, this may be provided on a temporary or permanent basis, depending on the needs of the community and the capacity of the host state. Currently, most refugees in Southeast Asia rely on NGOs, aid and community-based solutions for healthcare and education, which remain significantly limited.

7. Providing refugees with access to durable solutions

UNHCR refers to three durable solutions for refugees: voluntary repatriation, local integration, or resettlement. Currently, these solutions remain inaccessible to most refugees in the region. Voluntary repatriation is often not possible due to ongoing conflict and/or political instability, however, may be a viable options should conditions in home countries change. Resettlement remains limited, with only 12,960 refugees resettled out of Asia and the Pacific in 2023, representing 0.3% of refugees in the region.⁸ Local integration, as a permanent solution, continues to be resisted by host states. Australia, seeking to improve refugee protection in the region must work towards the realisation of these durable solutions. In the interim, locally driven and transitional solutions should also be developed.

8. Developing national asylum legislation

Without national asylum legislation in most states, UNHCR remains responsible for RSD procedures. However, to better assess and register refugees and people seeking asylum in their territories, states should work towards implementing their national legislation. This would ensure states have control and responsibility for RSD, can better monitor the number of refugees in their territories, and thus provide necessary support to those who are vulnerable. Australia can play important roles in providing advice, training and promoting regional consistency in RSD laws and procedures.

9. Promoting ratification of the Refugee Convention

While not an end-goal in and of itself, ratification of the *1951 Refugee Convention* will go a long way to promoting refugee protection in the region and ensuring regional consistency and responsibility sharing. Of course, ratification of the *1951 Refugee Convention* alone will not ensure adequate protection for refugees, especially without the above steps also implemented. Nevertheless, ratification sends an important message globally about the willingness of states to protect refugees in the region.

10. Building greater regional consistency in asylum processes and protection strategies, supported by equitable sharing of responsibility for refugees, based on national capacity.

Ultimately, it is hoped that the above steps will support states in the region to move towards consistency and regional cooperation to better support refugees in the region. This may enable agreements on equitable responsibility sharing to take place at a regional level, based on national capacity and in line with international law. However, long-term capacity building and development in the region is needed before any such regional responsibility-sharing framework would be successful.

These steps ultimately provide a pathway to realising refugee protection in the region. While some may take years to achieve, such as ratification of the *1951 Refugee Convention* and a regional responsibility-sharing agreement, more urgent steps should be addressed as soon as practicable.

4 Australia's Commitments at the Global Refugee Forum

The Australian Government has committed to providing leadership in Southeast Asia, both through recent commitments at the 2023 UNHCR Global Refugee Forum, and through commitments made in the Australian Labor Party National Platform 2023.

The Australian Government recently made 23 pledges at the 2023 Global Refugee Forum (GRF), committing to action on a variety of issues over the four years to the 2027 GRF. These commitments include:

1. Supporting comprehensive **protection and solutions strategies in the Asia-Pacific**, and supporting States, including those who are smaller and emerging, to develop and strengthen their asylum systems and protection capacity [a joint pledge with the New Zealand Government].
2. Gradually increasing Australia's Humanitarian Program commencing from 2023-24.
3. Gradually **increasing community sponsored and other complementary places** to 10,000 per year over time, additional to the core humanitarian intake.
4. Delivering 500 primary visas under the **Skilled Refugee Labour Agreement Pilot** by 30 June 2025 together with Talent Beyond Boundaries and a wide range of Australian employers; and consider transitioning the pilot to a permanent element of the skilled migration program.
5. Scoping the potential development of a **refugee student settlement pathway**.
6. **Engaging with refugee hosting states** as partners in the exercise of growing resettlement and complementary pathways.
7. Working with relevant partners and refugee hosting countries to investigate opportunities for a 'train to hire' model that **supports refugees in Indo-Pacific host countries to gain skills** sought after in resettlement countries.
8. Enhancing support for **durable solutions for Rohingya refugees**, including increasing refugee resettlement.
9. Continuing to provide flexible, multi-year funding to address humanitarian need for **displaced Afghans** and create conditions conducive to voluntary repatriation.
10. Continuing to share practice and policy lessons from Australia's journey away from held **detention of children**, especially within the Asia-Pacific.
11. Supporting partner governments to make systemic change and align resources to deliver **inclusive education for the most marginalised** including girls, children with disabilities, refugee and displaced children.
12. Partnering with refugee-led organisations supporting **prevention of gender-based violence** and response service provision, including those led by displaced and stateless women.
13. Supporting a series of **good practice dialogues** from 2024-25, to exchange perspectives on evidence to eliminate gender-based violence for refugee populations, and good practice in accessible and survivor-centred service provision across Asia.
14. Championing the enhanced global issuance and acceptance of **machine-readable refugee travel documents**; to share expertise and technical advice with interested States; and to partner with the International Civil Aviation Organization and UNHCR to build the technical capability of States to issue and accept machine-readable convention travel documents [a joint pledge with the New Zealand Government].
15. Becoming members of the **Global Alliance to End Statelessness** (once established) to actively and collaboratively support the vision of a world free from statelessness.
16. Strengthening, respecting and **recognising the leadership and decision-making of national and local actors in humanitarian action**, along with refugee-led organisations, to better address the needs of affected populations.
17. Supporting peace efforts in conflict-affected countries, including in the Pacific and South-East Asia.⁹

5 Promising developments in refugee protection in Southeast Asia

Recent developments in Southeast Asia show that there are some positive steps states are taking towards refugee protection. These developments provide useful opportunities for Australia to build upon.

Thailand

Thailand has recently implemented a National Screening Mechanism (NSM), after introducing regulations in 2019.¹⁰ The NSM will assess applications from people unable or unwilling to return home due to a well-founded fear of persecution. The NSM is still in its infancy, but it is understood that it will assist the Thai Government in identifying refugees, and ensuring they are referred to relevant services for support.

The NSM process does not grant refugees a visa or any rights. There are also concerns about the process for those not found to be refugees, with NGOs concerned that people may be detained or deported. As such, many refugees are fearful of applying to the NSM. There are also notable exclusions to the NSM, such as Rohingya refugees and other 'sensitive populations' being prohibited from accessing it. However, the NSM represents a positive step in developing a national law and process to identify refugees and provides opportunities for NGOs and other states to build on this positive step. For example, Australia may wish to support the development and training of government officials involved in the NSM process and ensure that those identified as refugees are provided with protection and a pathway to a durable solution.

Thailand has also made positive steps towards Alternatives to Detention (ATD), presenting opportunities for Australia to support ongoing developments towards ending the practice of immigration detention. In January 2019, Thai Government officials signed the Memorandum of Understanding on the Determination of Measures and Approaches Alternatives to Detention of Children in Immigration Detention Centres (the ATD MOU). The general principles of the ATD MOU provide that children should not be detained unless there is an "absolute necessity", that family-based care should be prioritised, and the best interests of the child must inform decision-making. Children and their family members released under the ATD MOU are supported in the community by NGOs.¹¹ However, children are still subject to detention, and may often be separated from their family members, who often remain in detention.



Mae La camp in Tak Province, Thailand, is one of the largest of nine UNHCR camps in Thailand where over 700,000 Refugees, Asylum-seekers, and stateless persons have fled.

Thailand's Pledges at the Global Refugee Forum

Thailand has made a number of positive commitments at the Global Refugee Forum which indicates strong leadership and willingness to improve the treatment of refugees. These commitments present positive opportunities which the Australian Government can support.

For the Global Refugee Forum in 2023, the Government of Thailand pledged to:

- Strengthen the National Screening Mechanism
- Resolve statelessness, with priority being given to children born in Thailand
- Review alternatives to detention to enhance its inclusivity and further develop community-based care
- Enhance access to education and skills development for forcibly displaced and stateless children
- Develop health coverage schemes for migrants to ensure access to affordable health services
- Expand cooperation with other countries to find durable solutions for persons in need of international protection
- Provide humanitarian assistance to the Rohingyas and development assistance to the country of origin
- Withdraw Thailand's reservation to Article 22 of the Convention on the Rights of the Child

In 2019 and 2020, the Government of Thailand pledged to:

- Adjust regulations for granting nationality to specific groups
- Continue work to ensure mutual recognition of educational certificates and documents for children of Myanmar displaced persons
- Development-led approach to help prepare receiving areas for Myanmar displaced persons and local communities
- Effective application of alternative to detention measures for children in need of international protection
- Enhance the effectiveness of systems to facilitate stateless persons to access civil registration services
- Enhance capacity-building of officers involved in implementing the national screening system
- Enhance cooperation in the repatriation process of Myanmar displaced persons
- Expedite the process to address statelessness among the elderly
- Provide assistance under the Justice Care program to all victims including those in need of international protection
- Promote access to education for stateless children
- Promote international and regional cooperation in addressing statelessness
- Provide employment opportunities for returnees in accordance with laws and regulations and relevant trainings prior to return
- Provision of access to age-appropriate health care for children in need of international protection in Thailand
- Raise awareness among all sectors of society on birth and civil registration of stateless persons
- Enhance social protection for stateless persons

Malaysia

On February 15, 2023, Home Affairs Minister for Malaysia publicly announced the release of certain children in immigration detention centres to non-governmental welfare organisations.¹² This development follows 12 years of advocacy from civil society, NGOs, UNHCR and think tanks to end child detention in Malaysia. There are currently approximate 1,382 children in immigration detention centres in Malaysia, and it is hoped that the announcement will bring about the end of child detention. However, the process is still in progress, with children being released to transit centres, rather than community-based arrangements. Further, only a handful of children have been released at the time of writing through this pilot program. As Low explains:

While all these messages are promising signs, it is equally important to note that the announcement does not translate into a clear pledge, plan, or program to end child detention altogether. At this stage, the Home Minister has committed to releasing children currently in immigration detention centres but stopped short of saying that all children will be exempted from arrest and detention in the future.¹³

Nevertheless, this development is welcome and represents positive steps in Malaysia to end the practice of detention, which would hopefully extend to all refugees and people seeking asylum. Malaysia also committed at the 2019 Global Refugee Forum to "Promote the objectives of the Global Compact on Refugees and the 2030 Agenda".¹⁴

Indonesia

In 2016, the Indonesian President implemented *Presidential Regulation 125 of 2016*.¹⁵ This welcome development defined refugees under Indonesian law and provided a process for handling refugees in Indonesian territories, including referrals to UNHCR and IOM. While it did not provide any rights for refugees nor a legal right to remain, the regulation ensures that refugees are provided with de facto protection from refoulement until they are resettled or returned. It is understood that further amendments to the 2016 regulation are being considered by the government. Importantly, Presidential Regulation 125 provides for a mechanism for handling refugees at sea, and for the accommodation and welfare of those rescued. Given the recent Rohingya arrivals in Aceh, Australia may wish to support Indonesia in developing burden sharing and joint responsibility schemes that will strengthen processes for receiving and supporting refugees.¹⁶

In 2018, Indonesia ended its practice of detaining refugees, corresponding with Australia's change of policy in funding such detention through IOM.¹⁷ In 2019, Indonesia allowed children to attend primary education and some secondary education. It is also understood that Indonesia is working on opportunities for some refugees to undertake vocational training in certain industries and work-experience opportunities.

Indonesia's commitments at the Global Refugee Forum

In 2019 and 2020, the Government of Indonesia made the following GRF pledges:

- Design a refugee empowerment program, in cooperation with UNHCR and IOM
- Effective implementation of Presidential Instruction on the Handling of Foreign Refugees in Indonesia
- Effective implementation of the MOU on Data Sharing with UNHCR
- Enhance cooperation with UNHCR in handling refugees and asylum seekers
- Increase the scope of operation and the provision of infrastructure of its national citizenship registry
- Increase the utilisation of a digital platform for citizenship registry and citizenship documentation
- Provide access to basic and secondary education for refugee children
- Strengthen international cooperation through dialogues with countries of origin, transit and destination on durable solutions
- Work with countries that are signatories to the Statelessness Conventions to exchange good practices and technology in addressing statelessness



Over 200 men are accommodated in dorm rooms in a shelter in Batam, on Indonesia's far north-western border.

(Photographer: Nicole Curby)

The Philippines

The Philippines has made remarkable strides in its asylum and refugee policies, positioning itself as a leader in the region with several key developments. As the first country in Asia to accede to the *Refugee Convention* and its *Protocol* in 1981, the Philippines set a strong precedent for refugee protection. This commitment was further solidified by becoming the first in Asia to accede to the 1954 *Statelessness Convention* and the 1961 *Convention on the Reduction of Statelessness* in 2022. These international commitments, alongside participation in other human rights instruments, form a robust framework for the protection of refugees and stateless persons.

The *1940 Immigration Act* laid early groundwork by granting the President authority to admit refugees for humanitarian reasons. Building on this, the Department of Justice (DOJ) issued Department Circular No. 58 in 2012, establishing the Refugee and Stateless Status Determination (RSSD) procedure. This process aimed to create a structured and fair system for determining refugee and stateless status. In 2022, DOJ Circular No. 24 further strengthened this framework by establishing the Refugees and Stateless Persons Protection Unit (RSPPU) within the DOJ. This unit is responsible for fact-finding and decision-making on claims, with the Chief State Counsel and protection officers playing key roles. The removal of explicit judicial review references in Circular No. 24 did not eliminate appellate authority, which courts still maintain.

Despite the lack of formal legislation institutionalising the asylum system, several draft bills have been submitted to establish a Refugee and Stateless Person Protection Board (RSPPB) and Secretariat. These models aim to formalise and enhance the existing framework, facilitating better protection and assistance for refugees and stateless persons.¹⁸

In addition to these legislative efforts, the Philippines has embraced a whole-of-government approach to refugee and stateless person protection. An Agreement signed in 2017 established an Inter-Agency Steering Committee to ensure protection and assistance for refugees, asylum-seekers, and stateless persons. This committee aims to institutionalise policies that improve access to rights and services for these individuals, enhancing their overall well-being. The United Nations High Commissioner for Refugees (UNHCR) currently serves as the interim Secretariat for this committee, highlighting the collaborative effort between the Philippine government and international bodies.

A landmark development in 2022 saw the Philippine Supreme Court approving the *Rule on Facilitated Naturalization of Refugees and Stateless Persons*. This judiciary-led initiative streamlines the naturalisation process, reducing legal and procedural hurdles. This Rule aims to simplify and speed up the process for refugees and stateless persons to acquire Philippine citizenship, offering them a path to a secure and dignified life.¹⁹

The Philippines' Complementary Pathways (CPath) programme, initiated in 2019 and institutionalised by 2022, offers refugees and stateless persons safe and regulated avenues for admission and stay, primarily through education. This programme provides full board scholarships at partner academic institutions, aiming to enhance the skills and self-reliance of refugees. In 2022, the Philippines welcomed its first group of Rohingya refugees under this programme. The initiative reflects a collaborative effort between the government, civil society, and UNHCR, aiming to expand and inspire similar global initiatives.²⁰

The Philippine's commitments at the Global Refugee Forum

In February 2024, the Government of the Philippines pledged to:

- Ensure inclusion in national and local structures to facilitate access to health of refugees, asylum seekers, stateless applicants, stateless persons, and populations at risk of statelessness.
- Enhance the policy, legal and operational framework for refugees, asylum seekers, stateless applicants, stateless persons and populations at risk of statelessness.
- Explore the creation of an independent office on refugee and statelessness protection.
- Ensure access to and pursue durable solutions of refugees, asylum seekers, stateless applicants, and stateless persons, and populations at risk of statelessness.

GRF pledges made by the Government of the Philippines in 2020 were to:

- Continue the emergency transit mechanism (ETM) for refugees at risk of refoulement
- Contribute to the humanitarian funding for refugee response
- Enhance South-South cooperation through technical assistance on developing national asylum procedures
- Continue a study on statelessness
- Continue leadership in Southeast Asia in developing a human rights framework and provide technical support to other States
- Continue the process of accession to the 1961 Convention on the Reduction of Statelessness
- Cooperate with UNHCR by supporting projects, continuing fund contributions and by building partnerships

- Enhance the protection of stateless persons and give access to facilitated naturalization
- Improve access of vulnerable and marginalized populations to documentation through birth and civil registration
- Enhance policy, legal, and operational framework to ensure full access to rights of refugees as guaranteed by the 1951 Refugee Convention

6 How Australia can support refugee protection in Southeast Asia

The following section details how Australia can support improved protection in Southeast Asia. These options can include the strategic use of resettlement, aid and capacity building, and utilising diplomatic channels to encourage the development of local refugee rights.

Diplomacy

Australia has several diplomatic tools at its disposal. While multilateral agreements are indeed useful for achieving harmonious policies across the region and ensuring regional cooperation, they often require sustained and long-term diplomatic engagement. Bi-lateral or mini-lateral diplomacy may be more attractive in the short term, as a way to move towards regional commitments on refugee protection. Mini-lateral diplomacy refers to a form of diplomacy that involves a small number of countries working together on specific issues, often in a regional context. This type of diplomatic engagement is particularly useful in cases where global or large-scale multilateral negotiations may be too cumbersome or slow to address urgent matters effectively. It is characterized by the flexibility, speed, and issue-specific nature of its initiatives, allowing participant countries to focus on practical solutions to shared challenges. Mini-lateral diplomacy could be used to enhance refugee protection in Southeast Asia in the following ways:

- **Focused Cooperation:** A mini-lateral approach can allow a subset of ASEAN countries that are particularly affected by or interested in refugee issues to devise targeted strategies for protection, sharing of burdens, and resettlement, without requiring consensus from all member states.
- **Enhancing Capacity:** It can facilitate capacity building where more developed nations in the region can assist less developed nations in creating better infrastructure for refugee processing and integration.
- **Sharing Best Practices:** Countries can share best practices and policies that have been successful in providing protection to refugees, such as community sponsorship models or successful integration programs.
- **Joint Advocacy:** A mini-lateral group could exert collective diplomatic pressure on countries of origin to improve conditions and respect for human rights, potentially reducing the number of people forced to flee.
- **Resource Mobilization:** By working together, a few countries can pool resources to fund larger initiatives for refugee protection than they could afford individually.
- **Facilitating Dialogue:** Mini-lateral diplomacy can serve as a precursor or complementary process to larger ASEAN-wide dialogues, laying the groundwork for broader agreements and cooperation.
- **Crisis Response:** In the event of a sudden influx of refugees, a mini-lateral framework could allow for a rapid and coordinated response, distributing aid and providing temporary shelter more effectively.
- **Policy Experimentation:** Mini-lateral arrangements can act as 'policy laboratories' for innovative approaches to refugee protection, which, if successful, can be scaled up or adopted by other countries.
- **Non-State Actors:** Such a diplomatic approach can also actively involve non-state actors such as NGOs, civil society, and international organisations, which can bring expertise and additional resources to the table.

There are a number of diplomatic forums that Australia can utilise to encourage further improvements in refugee protection in Southeast Asia. Most countries in the region have signed the Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR) – committing to uphold the rights of refugees and cooperation in finding durable solutions (although it should be noted that Australia is not a signatory of the GCM, although the ALP Government has committed to signing it). The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime is a non-binding, international, multilateral forum to facilitate cooperation and collaboration, information-sharing and policy development on irregular migration in the Asia-Pacific region.²¹ While in the past the Bali Process has been focused on a deterrence and securitised approach to refugees and people seeking asylum,²² often led by Australia, there is scope for member states to utilise this forum to encourage policies that also promote the protection of refugees, address root causes, and advance durable solutions. The Bali Process can be re-invigorated to recalibrate a focus towards refugee protection, through the leadership of member states and UNHCR. Australia, looking to

promote regional protection initiatives should seek to utilise the opportunities which the Bali Process brings – while also working on national and bi-lateral agreements.

A further consideration for Australia is the creative use of trade, migration and other diplomatic solutions. Australia may wish to make agreements to ease migration opportunities for citizens of countries which are hosting refugees, in return for increased rights for refugees in those countries. For example, the EU-Turkey Statement and Action Plan offered to ease visa requirements for Turkish Citizens in exchange for Turkey hosting Syrian refugees.²³ Australia could offer neighbouring countries easing of visas for nationals of those countries, in exchange for better protection of refugees.

Aid

Aid remains an essential lifeline for refugees in Southeast Asia. Unfortunately, the level of support set aside for displaced people in the region has been declining, with significant humanitarian repercussions.²⁴ A significant increase in aid to refugees in the region is urgently needed, especially as the humanitarian situation in Bangladesh refugee camps worsens. The significant reduction in international aid to refugee camps in Bangladesh, housing around a million mostly Rohingya people, is a key factor driving the recent surge in dangerous boat journeys to Indonesia.²⁵ The declining international attention and funding have led to cuts in essential services, including food rations. This dire situation leaves many Rohingya families with no choice but to risk perilous sea voyages in search of better conditions and safety. In order to reduce the desperation of people fleeing via dangerous boat journeys, further aid is urgently needed. Australia can use its aid and development budget in a number of ways:

Capacity Building for Asylum Systems

Australia can allocate funds and expertise to help build the capacity of asylum systems in Southeast Asian countries. This can include training for government officials and stakeholders on international refugee law, improving refugee status determination processes, and enhancing the overall administrative efficiency of asylum systems. Such support can ensure that countries in the region are better equipped to handle asylum applications fairly and expediently.

Legal and Policy Framework Development

Aid can be directed towards assisting countries in developing and implementing robust legal and policy frameworks that protect refugees. This could involve the drafting of national asylum laws that align with international standards, providing legal assistance programs for refugees, and supporting legislative reforms that expand the rights and protections afforded to refugees and asylum seekers.

Support for Regional Cooperation

Australia can promote regional cooperation by funding initiatives that encourage countries in Southeast Asia to share best practices, harmonize their refugee policies, and engage in joint training and capacity-building exercises. This could also include support for regional dialogues and workshops that address specific refugee protection challenges common to the region.

Enhancing Access to Essential Services

Development assistance can be used to improve refugees' access to essential services such as healthcare, education, and housing. By partnering with local governments and NGOs, Australia can help establish programs that provide these critical services to refugee populations, thus aiding their integration and reducing the burden on host communities.

Economic Inclusion Initiatives

To facilitate the economic inclusion of refugees, Australian aid can fund vocational training programs, entrepreneurship schemes, and work permit systems that allow refugees to legally work and contribute to their host economies. Such initiatives not only improve the livelihoods of refugees but also benefit the broader economy of host countries.

Infrastructure Development

A significant portion of aid can be directed towards infrastructure development in refugee-hosting areas. This could include the construction of schools, health centres, and housing that benefit both refugees and the local population, fostering goodwill and reducing tensions between communities.

Support for Civil Society and Refugee-led Organisations

Australia can provide grants and other forms of support to civil society organizations and refugee-led organizations that are actively involved in providing services to refugees. This support can empower these organisations to expand their reach and effectiveness, ensuring that aid efforts are directly addressing the needs identified by those most familiar with the challenges refugees face.

Protection Against Exploitation

Funds can be allocated to protect refugees from exploitation and abuse, including trafficking and smuggling. This can involve support for law enforcement training, community awareness campaigns about the rights of refugees, and the establishment of safe houses and support services for victims of trafficking.

Many NGOs and RLOs consulted noted that the governments of Thailand, Malaysia and Indonesia are less dependent on aid, as middle-economic countries. However, aid is still urgently needed to support local NGO and RLO initiatives that provide livelihood support to refugees in these countries, especially while the rights of refugees in these countries have not been realised. Such use of aid should align with strategic protection objectives in the region, including utilising aid to support steps towards refugee inclusion and self-reliance.

Using aid as a strategic lever in the region will ensure that it is not only used to address urgent humanitarian crisis but that such aid works alongside a regional protection agenda.



Mozghan distributes donations to the refugee and asylum seeker community through her NGO, the Refugee and Asylum Seeker Information Centre (RAIC) (Photographer: Muhammad Fadli)

The Strategic use of Resettlement

The strategic use of resettlement refers to the deliberate and planned use of resettlement programs to yield benefits that extend beyond the immediate act of resettling refugees.²⁶ This concept revolves around utilising resettlement not just as a means to provide safety and stability for individual refugees but also as a tool to achieve broader objectives in the refugee protection regime, especially for refugees who remain in host countries. The strategic approach aims to enhance the overall protection environment, influence the policies and attitudes of host states towards refugees, and contribute to the resolution of protracted refugee situations.²⁷

Given that available resettlement numbers worldwide will never address refugee protection needs on their own, this concept seeks to integrate resettlement within comprehensive solution strategies, emphasising international burden and responsibility-sharing. This approach recognises resettlement as a pivotal component in a larger framework of refugee protection and management, where its impacts are assessed in terms of both immediate refugee welfare and long-term, systemic benefits to the global refugee situation.

Southeast Asia has been a significant region from which refugees have been resettled over the last 20 years, with Thailand at 123,477 departures and Malaysia at 103,210 departures from 2003 to 2023. This places them within the top five host countries from which refugees have been resettled globally during this period. Resettlement countries have shown international solidarity with these countries, agreeing to support them in hosting refugees by resettling a significant number of refugees from their territories. However, there has been very little improvement in refugee protection in these countries over this period. More can and should be done to encourage countries that are receiving international solidarity from resettlement to improve the rights of refugees who remain.

Australia should seek to use resettlement as part of a multi-faceted approach to support host countries to provide protection to refugees that remain, while encouraging other resettlement countries to do the same.

For example, there are approximately 10,000 refugees registered with UNHCR in Indonesia, most of whom have remained in limbo without access to basic rights for over a decade. Most of these people are supported by the International Organization for Migration (IOM) with access to community housing and necessities, as Indonesia prohibits refugees from working. Australia could offer resettlement to Indonesia for 2,000 refugees a year over a five-year period to clear the remaining cohort of refugees, while encouraging Indonesia to provide some basic rights to work, education and healthcare for those who remain.

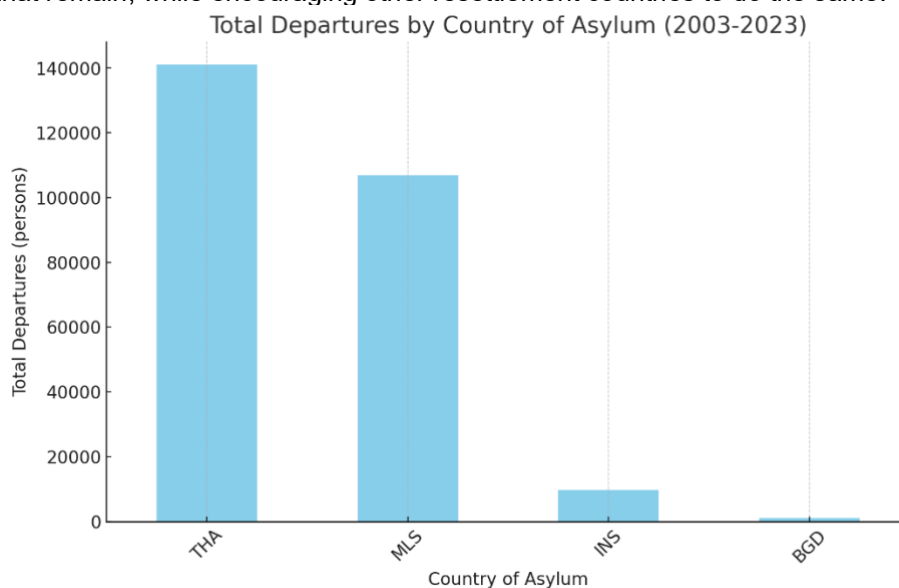


Figure 2 Total Resettlement Departures by County of Asylum (2003-2023). Source: UNHCR.

Similar agreements could also be arranged with Thailand, Malaysia and Bangladesh. However, it should be acknowledged that refugee populations in these countries are larger, and the international community cannot resettle all refugees in Southeast Asia. Recognition of the limits of resettlement is important in using resettlement as a diplomatic tool, rather than a solution itself. That is, resettlement should be used as a tool by Australia, as an act of solidarity to encourage host countries to improve refugee protection for those that remain.

One potential limiting factor in the strategic use of resettlement is the concern from host nations that an increase in resettlement out of the country will encourage more refugees to arrive in that country, in the hopes of being selected for resettlement. This is especially a key concern of the Bangladeshi Government, which has generally prohibited resettlement due to fears it would encourage new arrivals.²⁸ However, even Bangladesh

has started to slowly allow resettlement,²⁹ acknowledging the need for a solution for those who are most vulnerable and recognising that a long-term solution for Rohingya is still needed. The United States and Canada have recently increased resettlement from Bangladesh, and Australia has also starting resettling people in small numbers from Bangladesh. UNHCR has provided a goal that “By end-2025, a comprehensive approach to solutions for refugees in Bangladesh will include resettlement and complementary pathways alongside the preferred solution of voluntary repatriation.”³⁰ These developments show that progress is possible, despite expressed concerns.

It should also be noted that the potential for resettlement to encourage future arrivals is not as much of a concern for Malaysia and Thailand, which have had hundreds of thousands of refugees resettled out of their territories over the last two decades. Refugees will continue to arrive in host states as long as the reason for their flight (i.e. continued persecution in their home country) remains. The allocation of a relatively small number of resettlement places does not play a large role in refugee decision-making in terms of where people flee to, which is mostly based on territorial access and community ties.³¹

Complementary Pathways

Complementary pathways refer to the use of alternative migration opportunities for refugees to move to a third country, outside of formal resettlement pathways. There is significant interest in the use and expansion of complementary pathways around the world, including through skilled labour programs, education, community sponsorship and family reunions.³²

Much like resettlement, complementary pathways will never be able to solve the needs of all refugees. However, they provide innovative initiatives to recognise the benefits that refugees bring to resettlement countries. Like resettlement, complementary pathways should also be used strategically to achieve benefits for both the resettlement country, as well as the host country and the remaining refugees. As complementary pathways recognise that refugees have skills and attributes that can benefit states, this paradigm shift can be used to encourage host countries to also recognise the benefits of refugees within their territories.

For example, Malaysia benefits extensively from refugee labour.³³ However, much of this work is informal, unregulated and risks exploitation of refugees. At the same time, many resettlement countries need skilled labour, including skills in the construction, healthcare, and aged care industries. Complementary pathways could develop a program that seeks to enhance the skills that refugees bring to the Malaysian economy, and also benefit resettlement states. Refugees could be provided with education and training in Malaysia, with corresponding rights to study and work. Australia could support vocational education programs such as nursing, aged care or construction for refugees to undertake in Malaysia. Those who demonstrate their skills and qualifications may be supported to apply for skilled labour programs through complementary pathways, while others can be supported to formally integrate into the Malaysian economy. Such an initiative recognises that refugees have significant skills and experience which can benefit both host countries and other states. This reflects Australia’s commitment in the GRF to “investigate opportunities for a ‘train to hire’ model that supports refugees in Indo-Pacific host countries to gain skills sought after in resettlement countries.”³⁴

Another possible complementary pathway in the region is the use of education pathways, as the Philippines has recently demonstrated. The Complementary Pathways program of the Philippines provides select Rohingya refugees displaced in Southeast Asia with a safe and regulated avenue of admission and stay in the Philippines through education, so that their protection needs and basic rights can be met. Japan also provides an education pathway for refugees.³⁵ Australia has also committed in the GRF to “scoping the potential development of a refugee student settlement pathway.”³⁶

Complementary pathways can be a strategic tool to encourage host countries to re-evaluate their perception of refugees. In turn, this can encourage host countries to grant access to education and employment for refugees, recognising that states can benefit from the skills and experience that refugees in their territories have. However, a key requirement of complementary pathways is that the pathway must also include access to a durable solution, whether in the host state or the resettlement state. This may involve moving from a student to a skilled visa, and eventually to citizenship in Australia, or perhaps even returning to the host country on a skilled visa after qualifications have been obtained.

State Capacity Building

In order to support states in Southeast Asia to improve protection of refugees, Australia should invest in capacity building initiatives to help host states respond effectively to the needs of refugees in their territories. In a recent policy paper, Dr Brian Barbour highlights the needs for host states to increase their capacity to respond to the needs of refugees in their territory. He defines Asylum Capacity Development as ‘the process of developing institutional, national, and local capacity so that states and UNHCR, in collaboration with individuals, organisations, and society as a whole, can each do their part to meet the protection needs of refugees and resolve protection claims effectively, efficiently, fairly and sustainably.’³⁷ This may include developing a national RSD procedure, ensuring systems are in place to respond to vulnerable refugees and people seeking asylum, developing a system of identification and registration of refugees, and managing borders consistent with human rights obligations, among other initiatives.

Australia should invest in developing the capacity of host states to respond to refugee needs, on a case-by-case basis. This can be through sharing technical expertise with local counterparts, providing training to front-line officers, resourcing and information sharing.

For example, as mentioned above, Thailand has recently adopted a National Screening Mechanism to identify refugees. Australia can support the implementation and delivery of this process, by providing technical expertise and training to those conducting this screening mechanisms. Asylum adjudicators in Australia and from other regional states could provide training to Thai officials on how best to conduct an RSD process in order to ensure regional consistency. This could be similar to the *Regional Peer-Learning Platform and Program of Learning and Action on Alternative Care Arrangements for Children in the Context of International Migration in the Asia Pacific*,³⁸ which brought together individuals from policy and implementing agencies in the governments of Thailand, Indonesia, Malaysia, Australia, and New Zealand as well as civil society and international organisations, in order to share positive practice and concrete examples of best practice in terms of alternatives to detention for children.

Resources could be shared amongst host and Australia through the use of handbooks and other guides on RSD. For example, UNHCR’s Asylum Capacity Support Group aims to promote asylum capacity support between States and other stakeholders, primarily by matching State commitments for improvements in the fairness, efficiency, integrity, and adaptability of national asylum systems and requests for support, with corresponding offers of support made by States or other stakeholders.³⁹ Under this initiative, the New Zealand Government has supported the Philippine Government to strengthen its capacity in relation to Country of Origin Information (COI). Such an initiative could be scaled up to support the capacity of states in the region. This achieves Australia and New Zealand’s commitment at the GRF to support “States, including those who are smaller and emerging, to develop and strengthen their asylum systems and protection capacity.”⁴⁰

Another example is the UNHCR and the Bali Process’s Regional Support Office’s recent development of a mobile-based application to assist border officials in identifying refugees and referring them to appropriate services.⁴¹ The ‘UNHCR-RSO Screening and Referral Toolkit Mobile Application’ is designed ‘to build the capacity of border officials in identifying persons with specific needs arriving at the border (e.g., victims of trafficking, asylum-seekers, unaccompanied children) and facilitating their referral to specialized services.’⁴²

Refugee Capacity Building

Australia can also support capacity-building initiatives to refugees in Southeast Asia, such as language tuition, resilience and mental health workshops, and community leadership initiatives. Such initiatives would support refugees to advocate for themselves and improve their self-sufficiency, especially in situations where they have very limited formal rights.

For example, the Asia Pacific Network of Refugees (APNOR) hosts the Refugee Leadership Alliance Pooled Pilot Fund, which aims to “provide core funding directly to Refugee-Led Organisations and initiatives working across the Asia region, to gain recognition and access sustainable resources.” The fund recognises that refugees are “the first and last people responding to [their] community’s needs... Despite doing this vital work, Refugee-led Organizations are desperately underfunded, and face bureaucratic hurdles.”⁴³

Likewise, APNOR and Act for Peace’s report *In endless transit: Contributions and challenges for Refugee-Led Initiatives in Indonesia* recommends that “donors consider ways to provide enhanced support to RLIs in Indonesia through funding, capacity-building support and other avenues, including by investigating ways to support RLIs to reap the benefits of registration.”⁴⁴

Australia have an important role in supporting RLOs to provide essential support to their communities. Recognising the contributions that RLOs also bring to the host community, host states should also work towards supporting RLOs to register and establish themselves in the host country, so that they can come under the legal requirements of the host state, as well as receive funding and formally register as an organisation.



Families demonstrate outside Hotel Kolekta, a rundown establishment that has become their home for years on end. This accommodation is arranged by the International Organisation for Migration, which relies on Australian government funding. (Photo Nicole Curby)

7 Recommendations

Recommendation 1 Appoint a 'Special Envoy' responsible for promoting refugee protection in Southeast Asia

The Australian Government should appoint a senior representative who can ensure cross-governmental responsibility for Australia's commitments to promote refugee protection in Southeast Asia. This is in line with the ALP National Platform, which commits to appointing "Special Envoy for Refugee and Asylum Seeker Issues with responsibilities for advancing Australia's interests and ensuring Australia plays a global role in the resettlement of displaced people."

A senior representative is needed to ensure collaboration between various departments, especially the Department of Home Affairs and the Department of Foreign Affairs and Trade, in order to ensure the alignment of strategies in the region.

Recommendation 2 Develop a strategy to implement commitments at the Global Refugee Forum

The Australian Government, especially the Department of Home Affairs and the Department of Foreign Affairs and Trade, should develop a strategy to implement Australia's commitments at the Global Refugee Forum, as part of an all-of-government approach to regional protection. This should be done in consultation with NGOs, RLOs and other stakeholders.

Recommendation 3 Ensure Australia's aid and development budget is used to leverage refugee protection

The Department of Foreign Affairs and Trade should review its aid and development budget as it relates to refugees and people seeking asylum, in order to ensure that the aid provided is strategic and contributes to both humanitarian emergencies and longer-term capacity building to support states in the region better protect refugees.

Recommendation 4 Ensure resettlement programs are used strategically to leverage regional protection

The Department of Home Affairs should review its resettlement priorities to ensure that resettlement is used as a humanitarian commitment and a strategic tool to promote broader refugee protection objectives in the region. This should include implementing the commitment in the ALP National Platform to "give appropriate consideration to UNHCR refugee registrations to assist Indonesia and the UNHCR to work through the backlog. Subject to Australian vetting processes and sovereignty concerns, Labor will positively consider such refugees for inclusion within the increased humanitarian intake."⁴⁵

Recommendation 5 Invest in regional capacity-building initiatives

The Australian Government should develop a strategy to support host states in the region to better support refugees, including by improving their asylum and protection systems, as envisioned by the GRF pledge. This investment should be multi-year and focus on key countries in the region.

Recommendation 6 Support refugee-led initiatives

The Australian Government should set aside specific funding for refugee-led initiatives in Southeast Asia to support refugee communities to improve self-reliance, emergency-relief and advocacy opportunities.

Recommendation 7 Implement commitments on complementary pathways

The Australian Government should implement its recent commitments to increase complementary pathways to 10,000 places per year, including introducing an education pathway, expanding the Skilled Refugee Labour Agreement Pilot and developing a train-to-hire program in Southeast Asia.

8 Conclusion

As Australia looks to enhance refugee protection in Southeast Asia, it is essential to embrace a multi-faceted approach that aligns humanitarian imperatives with regional stability and national security interests. The complex and pressing challenges faced by refugees in the region call for a compassionate, coordinated, and strategic response, leveraging Australia's significant resources and its standing as a regional leader.

This report has outlined actionable strategies that include strengthening asylum systems, enhancing legal protections, and improving the socio-economic conditions of refugees through increased access to healthcare, education, and employment opportunities. Additionally, Australia's role in advocating for greater regional cooperation and its strategic use of resettlement and complementary pathways highlight a commitment to fostering a harmonious, secure, and prosperous environment in Southeast Asia.

Through the recommendations provided, Australia has the opportunity to lead by example, demonstrating a commitment to upholding and advancing the rights of refugees not only within its borders but across the region. By doing so, Australia will not only address the immediate needs of displaced populations but also contribute to long-term global efforts aimed at ensuring dignity, safety, and protection for all individuals, irrespective of their status. This proactive engagement in Southeast Asia is not only a moral obligation but a strategic imperative that will define Australia's legacy in humanitarian leadership on the global stage.

9 About the Author

Dr Asher Hirsch is a Senior Policy Officer with the Refugee Council of Australia, the national peak body for refugees and the organisations and individuals who support them. His work involves research, policy development and advocacy on national and international issues impacting refugee communities. Asher is a Lecturer at Monash University in public law, human rights, and refugee law. His PhD investigated Australia's extraterritorial migration control activities in Southeast Asia.

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12 year old Zahra Rezaie and 16 year old Marzia Yosufi live in community shelters in Makassar Indonesia. They have never seen their home country, Afghanistan. They dream of becoming a detective and doctor. (Photo: Nicole Curby)

Endnotes

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