

Andrew & Renata Kaldor Centre for International Refugee Law

Last update: July 2020

Australia's key refugee policies briefly explained, including turnbacks, offshore processing, immigration detention and the situation of people in the 'legacy caseload'.

CE • ~~data~~ [Refugee and Humanitarian Program](#) comprises two sub-programs: the onshore



What is Operation



Around 30,000 people seeking asylum who arrived in Australia by boat between 13 August 2012 and 1 January 2014 were not subject to removal to Manus Island and Nauru under UÚÓÈV@Á:[~]ÁÁ[{ ^ā ^•Á^~!;^áÁ[Áe Á@Á Legacy Cæ^[[æqÁÚ^[[]|^Á Á@Á:[~]Á were barred from making an application for protection for up to four years after arriving in Australia. Since 2015, their a^~| { Á|æā •Áe^Á^ā * Áe•^•^ÁÁ@[~* @ÁÁe-c-dæÁ:[~] &••qÁ which entails more limited procedural safeguards than the process available to other protection applicants. This group faces numerous challenges, including cuts to publicly funded legal assistance and income support. For more information, see our factsheet on the [Á^* æ: ÁÓæ^\[\[æiq](#) and our research brief on [ææ ÓÁæÁ qÁ^~*^^Áæ~•ÁÁ^c!{ á æā }](#).

Since 1992, Australia has had a policy of mandatory immigration detention, which requires all non-citizens without a valid visa to be detained until they are granted a visa or leave the country. This includes people who entered the country on a valid visa who overstayed, breached their visa conditions or had visas cancelled, and people who entered Australia without a valid visa.

The Minister has a non-compellable discretion to release people from closed detention, and the majority of people seeking asylum are either in the community on bridging visas or in æ[{ { ~ } ā Á^c } q } qÁ^[[]|^Á Á &[{ { ~ } ā Á^c } q } Á æ Áq^ÁeÁ^ā } æ^áÁe!^••^Á within the community, with some reporting requirements and other restrictions. While the number of people in closed immigration detention in Australia has reduced, the [average length of time detention](#) has increased from five years ago. There is no time limit on immigration detention, and individuals cannot challenge the legality of their detention. Many people remaining detained for prolonged . and possibly indefinite . periods, with serious & } •^~^ } &•Á[!Á^[[]|^qÁ ^ } æÁ@æqÉ For more information, see our factsheet on [Immigration detention in Australia](#).

