



JUSTITS MINISTERIET

Udlændingeafdelingen

Folketinget
Udvalget for Udlændinge- og Integrationspolitik
Christiansborg
1240 København K

Dato: 20. maj 2015
Kontor: Asyl og Visumkontoret
Sagsbeh: Morten Duus
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Hermed sendes endelig besvarelse af spørgsmål nr. 558 (Alm. del), som Folketingets Udvalg for Udlændinge- og Integrationspolitik har stillet til justitsministeren den 22. april 2015. Spørgsmålet er stillet efter ønske fra Karsten Lauritzen (V).

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Spørgsmål nr. 558 (Alm. del) fra Folketingets Udvalg for Udlændinge- og Integrationspolitik:

”Er det ministerens vurdering, at den australske operation "Operation Suveræne Grænser", hvor asylansøgere får beskyttelse og behandlet deres asylansøgning udenfor Australiens territorium, er i strid med FN's flygtningekonvention fra 1951?”

Svar:

Justitsministeriet har til brug for besvarelsen gennem Udenrigsministeriet indhentet en udtalelse fra de australske myndigheder, som har oplyst følgende:

”Operation Sovereign Borders

Australia has implemented tough measures to prevent loss of life at sea and undermine people smuggling syndicates who exploit vulnerable persons. Australia’s counter-people smuggling policy, Operation Sovereign Borders (OSB), was established on 18 September 2013. OSB is a military-led, whole-of-government effort which has successfully stemmed the flow of illegal maritime arrivals, and protected Australia’s regular migration pathways. Under OSB, people who travel to Australia by boat without a visa are either intercepted and safely removed from Australian waters; or transferred to a third country in our region for processing. Since January 2014 only one venture has reached Australia, compared with 300 ventures in 2013. There were no recorded instances of death attempting to reach Australia by illegal maritime means in 2014, compared to around 1200 people in the previous five years.

We have applied a wide range of complementary measures to counter maritime people smuggling. We work with partners in our region and with source countries to deter, disrupt and prosecute smugglers; improve border control measures; and inform potential illegal immigrants of both Australian policies and the dangers they expose themselves to by doing business with people smugglers. We have greatly appreciated the cooperation and complementary efforts of many countries.

Australia has entered into memoranda of understanding with Papua New Guinea and Nauru to establish regional processing and settlement arrangements. Papua New Guinea and Nauru are parties to the Refugee Convention. Both countries have committed to treat refugees with respect, dignity and in accordance with relevant human rights standards. Papua New Guinea and Nauru undertake the processing of asylum seekers in accordance with their domestic legislation and processes.

Persons transferred who are subsequently found by Nauru or Papua New Guinea to engage protection obligations will be offered settlement in a country other than Australia. Australia also has an arrangement with Cambodia to provide permanent settlement for refugees currently on Nauru, on a voluntary basis. We expect the first group of refugees to arrive in Cambodia in the near future. Australia is supporting Papua New Guinea, Nauru and Cambodia to implement successful settlement programs that provide refugees with the skills and services, such as health care, education and accommodation, to successfully settle. The International Organization for Migration (IOM) is among those providing the settlement services. Australia is also working to build local capacity to address long-term refugee settlement needs, including with assisting relevant governments in ensuring that local communities remain open to receiving refugees.

Appropriate measures are always taken to ensure that OSB operational activities comply with Australia's international obligations, including those related to observing Safety of Life at Sea, and Search and Rescue obligations and protocols. Australia also takes its obligations under international human rights law very seriously, particularly in relation to non-refoulement. Australia ensures that all persons subject to Australian jurisdiction, including children, are treated with respect and dignity, and that their human rights are protected. Australia is meeting its international obligations and, with other nations in the region, is committed to ensuring that people who have attempted to enter Australia illegally have access to a range of services.

Australia continues to engage with the international community on OSB, sharing information to the extent possible, including with relevant UN Special Rapporteurs; relevant UN agencies and treaty bodies; the UN Working Group on Arbitrary Detention, and the UN Human Rights Council. Australia is also an active participant in the Human Rights Council and values its role in protecting and promoting human rights internationally. The Government will continue its commitment to act in accordance with our international human rights obligations.”

Justitsministeriet kan henvise til udtalelsen, hvoraf det fremgår, at de australske myndigheder har oplyst, at operationen udføres i overensstemmelse med Australiens internationale forpligtelser.

Det kan oplyses, at Australien er medlem af FN's Flygtningekonvention fra 1951.