

ABSTRACT

Australia is one of 145 countries that has ratified the 1951 Refugee Convention, it means that Australia has committed to respect the rights of refugees and to uphold the obligations set out in the convention containing Non-refoulement Principles. As a signatory to the 1951 Refugee Convention, Australia has signaled its willingness to accept certain obligations to those seeking protection and to provide protection to those who are recognized as refugees, those who face persecution based on their race, religion, nationality, political opinion or social group. However, Australia is considered as a developed country with a promising future that has been known as the favorite destination state for asylum seekers around the world. The number of asylum seekers who came to Australia unfortunately had opened an opportunity for the illegal immigrants and caused the Australian government overwhelmed. The Australian government then created a new policy which was transferring the asylum seekers to Malaysia and Papua New Guinea (PNG). The policy as it currently stands has made Australia breach the principle of International Law. From the standpoint of International Law, a country is forbidden to expel asylum seekers who arrive at the country. The research will discuss about the transfer of asylum seekers under 1951 Refugee Convention and the requirements of the third country as the receiving country of asylum seekers. By using normative legal research, the study describes the procedures of transferring the asylum seekers to the third parties based on 1951 Refugee Convention. The result shows that the international law recognizes the transfer of responsibility to resettle asylum seekers to the third country when certain requirements are met. However, Australia in the case did not meet the requirements to transfer the asylum seekers as stated in the Convention.

Keywords: *Australia, Asylum Seekers, Transfer to the Third Country, 1951 Refugee Convention.*