

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

1. The reasons why the resettlement of asylum seekers in other countries have been considered by Australia is because to ensure those people who are smugglers have no product to sell and remove the financial incentive for these smugglers to send boats to Australia, biosecurity, to improve the protection outcomes for refugees by establishing a framework for orderly migration within the region, to ensure that everyone is subject to a consistent and fair assessment processes etc.
2. Australian action in transferring asylum seekers is justified in International Law if it fulfils the elements as listed in the Guidance Note on Bilateral and/or Multilateral Transfer Arrangements of Asylum Seekers which was issued by UNHCR, as well as elements of customary international law of countries in the world. Bilateral agreement that is made by Australia with Malaysia and PNG does not meet the elements of the transfer of asylum seekers agreement, it is considered null and void.

B. Recommendation

1. It is necessary to formulate a source of International Law which completely states the rights, obligations and responsibilities of the perpetrators of the transfer of asylum seekers, both the Transferring State and Receiving State. Then, it would be useful to be an indicator of the

extent to which a country has done its part in accordance with International Law.

2. It is necessary to formulate International Law source governing the transfer of responsibilities to a safe third country, which is resulted in the transfer of asylum seekers practices. Law sources can be an International treaty that can be used as guidance for countries who want to transfer asylum seekers.
3. The plight of refugees in the world is not a problem any one state or a group of states should bear alone. The refugee plight is a phenomenon of our modern world community and must be addressed by all states as a global issue. Refusing admission to prevent aliens from seeking asylum is not a just solution of this issue. On the other hand, states should not feel compelled to offer to asylum-seekers anything more than what is necessary to protect them from persecution. This means that those not legitimately needing protection from persecution should be, in the discretion of the state, either directed to the proper channels for immigration or repatriated. Furthermore, all states in the world community should share equally in the care of those in need of refuge.