

ITP Research Form

ITP: Australia 2019

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Paper Title: **Offshore Detention: The Complex Legal and Ethical Challenges of Australia's Controversial Approach to An Asylum Seeker Crisis**

Abstract:

The following paper discusses Australia's modern "offshore detention" policy and the controversial Medevac Law that sought to alleviate the harms being suffered in extraterritorial detention. It seeks to unpack the complex legal and ethical relationships between political strategy, human rights, asylum-seeking and state sovereignty, as well as their various impacts on international actors and foreign approaches to refugee crises around the world. It begins by explaining the background of the detention policy, and then the problems with detention. Then it looks into the Medevac Law's passage, effects, and eventual repeal. Lastly, it examines alternative legal claims that asylum seekers can use to get out of Australia's offshore detention centers. We find that the Australian government's current refugee and immigration policies are damaging to the human rights of asylum seekers in its care. There is potential for a broad-sweeping policy change, possibly reliant on the courts: courts offer possible freedom for refugees via interpretations of tort law. This has already had some success on a case-by-case basis. Because of these human rights issues, world governments dealing with their own refugee crises should not look to Australia as a model, but rather should learn from Australia's experience to avoid similar abuses in the future.