

## Factsheet

## AUSTRALIA-CAMBODIA AGREEMENT FOR REFUGEES IN NAURU

Last update: October 2019

*An unprecedented 2014 agreement between Australia and Cambodia was meant to enable refugees processed on Nauru to relocate to Cambodia. Seven refugees moved to Cambodia; at the expiry of the agreement in 2018, three remained there.*

### **What was the Cambodia agreement?**

On 26 September 2014, Australia and Cambodia signed an agreement providing for the relocation to Cambodia of people who had originally sought asylum in Australia, been forcibly transferred to Nauru, undergone refugee status determination (RSD) in Nauru and been recognised as refugees. Nauru was not a party to the agreement.

The agreement was negotiated in secrecy and met with widespread criticism, including from the United Nations High Commissioner for Refugees (UNHCR), which described it as '[a disturbing precedent](#)' and 'a worrying departure from international norms'. Touted as an agreement that would facilitate capacity-building in a non-traditional resettlement country and advance the goals of regional cooperation and responsibility sharing, the Cambodia agreement proved very different in practice. By the expiry of the agreement in September 2018, only seven refugees had relocated to Cambodia, of whom just three remained. The minimum standards and conditions that would ordinarily be expected in a resettlement country were not in place and Cambodia's willingness and capacity to provide protection to refugees more generally did not appear to improve. Indeed, the Cambodia agreement coincided with a deterioration in its treatment of Montagnard asylum seekers from Vietnam.

### **Why did Australia conclude the Cambodia agreement?**

In 2014, the Australian Government faced an immense political difficulty: while insisting that no refugees transferred to Nauru or Papua New Guinea (PNG) would ever be settled in Australia, it had limited other resettlement options. Nauru and PNG had indicated that some refugees might be permitted to settle in their territories but had not guaranteed permanent settlement for all. Australia turned down a New Zealand offer to resettle some refugees and attempts to find other resettlement countries in the region proved unsuccessful. In May 2014, when the first asylum seekers on Nauru were determined to be refugees, the question of where they would go became increasingly urgent. The Cambodia agreement appeared to be the Australian government's best and only option to avoid backtracking on its position not to settle refugees in Australia (where they had first sought asylum).

## **Who was relocated to Cambodia under the agreement?**

A first group of four refugees – a man from Myanmar, an Iranian man and a married Iranian couple – were flown to Australia in May and then to Cambodia in June 2015. Despite having proven they were refugees at risk of danger in their countries of origin, all four asked to leave Cambodia and returned home between October 2015 and April 2016. A Rohingya man from Myanmar arrived in Cambodia in November 2015, but in June 2016 said that he would leave Cambodia if he could. A further two refugees – both Syrian men – arrived in Cambodia in November 2016 and May 2017.

## **Have all relocations to Cambodia been voluntary?**

According to the terms of the agreement, only refugees who voluntarily accepted a settlement offer would be relocated to Cambodia. However, in practice there were concerns about the pressure asylum seekers and refugees on Nauru may have felt to consider relocation, and questions about whether the conditions on Nauru allowed for truly informed and voluntary decisions, not prompted by harsh detention conditions or a lack of other options.

## **What rights, support and services were available to refugees in Cambodia?**

Settlement support was provided to refugees relocated to Cambodia by the International Organization for Migration and Connect Settlement Agency pursuant to contractual arrangements with the Australian government. The Cambodia agreement set out a range of rights, support and services to which refugees relocated from Nauru should be entitled, including housing, work rights, healthcare, travel and identity documents and, in time, citizenship. In practice, access to these rights proved to be variable and dependent on funding from the Australian government. Of particular concern was the issue of family reunification, which appeared to have been promised by Australia but was a matter for Cambodia to decide. Overall, the rights, support and services available to refugees relocated to Cambodia remained wholly reliant on Australian funding, leaving refugees' long-term settlement and integration prospects uncertain.

## **Was relocation to Cambodia permanent?**

The Cambodia agreement purported to 'provide safe and permanent settlement opportunities' for refugees relocated from Nauru. However, it also made provision for Australia to facilitate voluntary repatriation to refugees' countries of origin or movements to other countries, and the refugees relocated there did not have a guaranteed pathway to Cambodian citizenship.

## **How much did the agreement cost?**

The Cambodia agreement involved two financial components: up to A\$15.5 million for direct resettlement costs, to be paid to service providers as costs accrue, and \$40 million over four years provided to Cambodia by the Australian Department of Foreign Affairs and Trade as part of its Official Development Assistance program and not directly related to resettlement.

*This factsheet is drawn from a Kaldor Centre [Research Brief on the Cambodia agreement](#) and is part of the Kaldor Centre's [series of publications on offshore processing](#).*