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Law Council releases Regional Processing Policy, calls for initiative on regional approach

With the closure of the Manus Regional Processing Centre imminent, the Law Council is calling on the Australian Government to work with countries in the Asia-Pacific region to establish a cooperative, transparent approach to address the flow of asylum seekers.

The Law Council's [Regional Processing Policy](#), released today, acknowledges that the High Court of Australia has upheld the constitutional validity of the detention of asylum seekers on Nauru. However, the High Court was not asked to and did not consider whether the offshore detention regime is consistent with Australia's international legal obligations.

Law Council of Australia President, Fiona McLeod SC, said that Australia needed a stronger commitment toward a cooperative, regional approach that meets its international obligations.

"Australia can and should play a constructive role in creating a regional approach that removes any need for long-term detention, which we know has a catastrophic effect on the mental health and wellbeing of asylum seekers," Ms McLeod said.

"Australia has the ability to create enormous positive change by working collaboratively with other countries as equal partners and encouraging them to work closely with the United Nations High Commissioner for Refugees (UNHCR) to develop a cooperative regional approach.

"A regional solution is practical and possible, but it requires comparatively advantaged nations, like Australia, to step up and take the initiative.

"Our goal must be to end long-term detention of those seeking asylum. Under international law, there is a general principle that asylum seekers should not be detained outside of exceptional circumstances, and a presumption against detention.

"Any regional processing arrangement should align with the 1951 Refugee Convention in order to ensure transparency, consistency, and compliance with human rights obligations," Ms McLeod said.

The Law Council's Regional Processing Policy, "*Proposal for Australia's role in a regional cooperative approach to the flow of asylum seekers into and within the Asia-Pacific region*," is [available here](#).

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