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## Even when refugees not on our shores, Australia still responsible for protecting their rights

Appearing before the Senate Legal and Constitutional Affairs References Committee today, the Law Council of Australia has cautioned that use of offshore processing and resettlement arrangements does not excuse the Australian Government from its human rights obligations.

“Australia must not expose individuals to the risk of being returned to a country where they may face persecution, threats to life or serious harm through its regional processing arrangements,” Law Council of Australia President, Tania Wolff said.

“This means it cannot send individuals to third countries that might return them to that harm. This is the concept of chain refoulement, which is our primary concern in regard to the Committee’s inquiry.

“We particularly note comments attributed to the President of Nauru that seem to indicate the President’s view that people sent to Nauru by Australia are not refugees and could be returned to their own countries at some point.

“Where arrangements are entered into between Australia and other countries for the processing of protection claims and providing resettlement, Australia remains responsible for ensuring international human rights and refugee law obligations are upheld. There has never been a more important time for Australia to be seen to fully adhere to international law.”

The Law Council also reiterated concerns expressed in its earlier [submission](#) to the Committee, that the Memorandum of Understanding between the Australian Government and the Republic of Nauru to facilitate the removal of the NZYQ cohort (people released from indefinite immigration detention following a 2023 High Court ruling) still does not appear to have been published. This compromises the transparency of these arrangements.

The Law Council has called on the Committee to recommend publication of the MOU. The Law Council has also recommended clear and enforceable guarantees against refoulement in any transfer arrangement, and independent monitoring and safeguards to ensure Australia's obligations are being met in practice.

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