MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA AND THE GOVERNMENT OF AUSTRALIA, RELATING TO THE TRANSFER TO, AND ASSESSMENT AND SETTLEMENT IN, PAPUA NEW GUINEA OF CERTAIN �P�E�R�~�O�N�S�,� AND RELATED ISSUES.

The Government of Papua New Guinea and the Government of Australia (the Participants), wishing to build on their existing strong and cordial relations, have come to the following Memorandum of Understanding (the MOU) on

Recalling that:

• at the Fourth Ministerial Conference of the Bali Process on People Smuggling, Trafficking and
Related Transnational Crime (the MCBP) held in Indonesia on 29-30 March 2011, Ministers agreed:
o . to a regional cooperation framework that would provide a more effective way for
interested states to cooperate to reduce Irregular Migration in the region;
o that the framework would be operationalised through arrangements entered into between interested participating states on a bilateral or sub-regional basis (noting the cooperation that might be available from relevant international organisations regarding implementation);
o that those arrangements would be consistent with the core principles at paragraph 16 and guided by the considerations set out in paragraph 19 of the MCPB Co-Chairs' Statement;
o that any arrangements should seek to undermine the People Smuggling model and create disincentives for irregular travel, including through possible transfer and readmission arrangements in appropriate circumstances; and
o that due to the large scale of irregular movement it would be appropriate to focus arrangements on a selected caseload or caseloads.

Recognising:

• the need for practical action to provide a disincentive against Irregular Migration, People
Smuggling syndicates and transnational crime and intended to promote orderly migration and humanitarian solutions;
• the need to take account of the protection needs of persons who have moved irregularly and
who may be seeking asylum;
• the impact that an arrangement could have in providing a disincentive for Irregular Migration
and creating increased protection and settlement opportunities for those in need of
international protection; and
• the need to ensure, so ftional in ti3507 Tc 2.926 0S(for)Tj 0.0325 Tc 1.517 0 Td (Irr224 Tc 11.d (.)T

Commitments

17. The Participants will treat Transferees with dignity and respect and in accordance with relevant human rights standards.

18. Special arrangements will be developed and agreed to by the Participants for vulnerable cases, including unaccompanied minors.

19. Consistent with the Participants' objective of combating People Smuggling and Irregular Migration, and noting the establishment of a Processing Centre, Australia will support the Government of Papua New Guinea in its management of nationals from third countries who
are illegally entering Papua New Guinea. Such support could consist of the provision of appropriate technical and financial assistance, as well as advice, as jointly determined between the Participants.

20. The Government of Papua New Guinea assures the Government of Australia that it will:

a. not expel or return a Transferee to another country where his or her life or freedom would
be threatened on account of his or her race, religion, nationality, membership of a
particular social group or political opinion; and

b. make an assessment, or permit an assessment to be made, of whether or not a Transferee is covered by the definition of refugee in Article lA of the 1951 Convention Relating to the
Status of Refugees as amended by the 1967 Protocol Relating to the Status of Refugees;
and

c. not send a Transferee to another country where there is a real risk that the Transferee will be subjected to torture, cruel, inhuman or degrading treatment or punishment, arbitrary deprivation of the

Settlement of Disputes
25. Any dispute arising with respect to the interpretation or implementation of this arrangement will be settled amicably through consultation between the Participants.

FOR THE INDEPENDENT STATE OF
PAPUA NEW GUINEA

FOR THE COMMONWEALTH OF AUSTRALIA

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