



External Processing of Asylum Applications: Lessons Learned

Visalaakshi Annamalai*

Abstract: External processing of asylum applications promises to help prevent migrant and refugee tragedies but lessons must be learned from countries already implementing this. One way forward is to overhaul international protection to enable external processing to continue while benefiting asylum seekers and countries concerned.

A refugee-laden boat carrying over [750 people sank](#) off Greece's west coast earlier this month. It has been estimated that more than 2,000 migrants have died crossing the Mediterranean trying to reach Europe this year. Last year also saw many such

*Visalaakshi Annamalai is a researcher in labour mobility, gender, migration, environment, climate change and refugee issues in Asia-Pacific. She holds a Master of Public Administration from the School of International and Public Affairs at Columbia University in the City of New York. She is also an alumna of the [Master's Programme in Human Rights and Democratisation in Asia Pacific \(APMA\)](#). She was previously a consultant for the International Organization for Migration and worked on return and reintegration of migrant workers in the Pacific. She also worked for the United Nations High Commissioner for Refugees and the International Labour Organization among others.

instances including the series of Rohingya deaths caused by [capsizing of boats](#) in the Andaman Sea and Bay of Bengal.

While external processing of asylum applications is seen as a solution to such increasing tragedies, there are lessons we have learned from countries with ongoing policies implementing this process. This exercise is portrayed promisingly but it can also be used as an empty instrument to evade responsibility.

[External processing](#) involves conducting a part of or all the asylum procedure outside a potential destination country's territory, in a third country. The individual processed in that third country will then be resettled in the destination country (the country that did the external processing).

[External](#) processing is depicted as a solution to prevent maritime arrivals, and its proponents argue that it localises protection and eliminates the need for asylum seekers to undertake dangerous journeys across seas, thus preventing the unfortunate sinking of boats and the consequent loss of life. Because the process can be conducted in countries closer to asylum seekers, or in countries of transit, it has the [potential to limit](#) the loss of life through dangerous smuggling and trafficking routes.

What numbers are we talking about?

Human rights and humanitarian emergencies forcibly displaced a cumulative figure of around [108m](#) people worldwide at the end of 2022 of which 35.3m were refugees, and 5.4m were asylum seekers. New and ongoing crises including climate-induced disasters, the war in Ukraine, and the situation in Afghanistan, have contributed to the increasing number of refugees and asylum seekers worldwide.

A total of [70 percent of refugees](#) and others in need of international protection are hosted in the countries neighbouring their countries of origin. With [76 percent of refugees](#) and people in need of international protection hosted by low and middle-income countries, there is an increasing call to share responsibilities and costs with high-income countries. In this respect, European countries and the United States have renewed interest in 'external processing' which has been an active policy debate in countries such as the UK and Australia in the past two decades. The US also implemented a [system of extraterritorial processing](#) of asylum claims for asylum seekers from Haiti between the 1980s and 1990s.

Countries with a policy supporting external processing of asylum seekers

Australia's 'Pacific Solution' is the policy of transferring asylum seekers to detention centres on islands in the South Pacific Ocean such as Nauru and Papua New Guinea (PNG) to process their asylum applications. Very recently, the last refugee held by Australia in Nauru was [evacuated](#) and flown to Brisbane, marking, for now, the end of a decade of offshore processing in Nauru. A policy that was meant to be a

temporary solution to displacement in 2012, lasted for more than a decade at human and financial cost but Australia intends to [keep](#) the policy and the centres alive. While proponents argue for the benefits of external processing, surprisingly, [government figures](#) show that this policy did not stop the boats from coming. In fact, in the first 12 months after the policy was implemented, more people arrived by sea seeking asylum than at any time in Australian history. The processing centres were overflowing within three months, and the government had to stop sending people there (no one has been sent since 2014).

The intention behind the policy was not achieved - boats were not stopped, and that meant the possibility of tragedies at sea persisted. In addition, Guardian Australia published '[The Nauru Files](#)' in 2016, highlighting sexual violence against children, violent assaults against detainees and systemic neglect. The recent removal of all people from detention centres in Nauru is [welcomed by many](#) human rights and advocacy groups. Nevertheless, [caution still remains](#) to see if all those transferred back from PNG and Nauru are transitioned to permanent visa status.

The story of detention centres in PNG was different. The top court in the country ruled them unconstitutional and ordered them to be shut. Australia then [ended the deal](#) with PNG in 2021. Yet Australia continues to deny entry to asylum seekers who arrive by boat and return them or relocate them to these detention centres. It has been reported that in its eight-year presence in PNG, there have been [major incidents](#) of violence, hunger strikes and riots.

International spillover of this procedure is also seen in the UK. The UK government adopted the [Rwanda asylum deal](#) for those seeking asylum by boat across the English channel, however, it has faced legal hurdles in its implementation when the UK court recently ruled the plan [unlawful](#) after concluding that Rwanda could not be a safe third country.

Is this the way forward?

Offshore processing without a definitive timeline often exposes asylum seekers to harmful conditions. It is also a breach of international law. Questions around what territorial asylum then means arise. External processing might seem like a promising solution, but it depends on the willingness of the third-party processing countries, the nature and timeline of the process, and cooperation with countries of origin and their neighbours to address the causes of displacement, rather than just the symptoms which necessitate resettlement.

Countries like Australia in effect bar travel to the country to seek asylum directly and have their 'turn-back' policy in place. If people do come and cannot be safely returned, they are transferred to processing centres in a third country. Even now, the

detention centre in Nauru is ready to [receive and process](#) new unauthorised maritime arrivals citing smuggling and boat capsizes as reasons for the policy. As long as there is a possibility of travelling to a third country to seek asylum, should that not also be given consideration? If not, how can traditional territorial asylum and international law be upheld? It looks like external processing has its pros, provided a proper monitoring mechanism is put in place through a multi-stakeholder approach. An overhaul of international protection and asylum system policy to enable procedures such as external processing to continue while benefiting asylum seekers and countries is one way forward. A precedent to look for could be the US system of processing Haitian refugees in the 1980s and the 1990s. They interviewed asylum seekers on board coast guard vessels and temporary holding centres within the US to assess the merits of asylum claims. There was also a period when agreements were concluded with Jamaica and the Turks and Caicos Islands to conduct full refugee status determination on the territories of these countries with UNHCR monitoring the process. The policy ended as soon as the situation in Haiti changed. This is one example where the process was time-bound and monitored by an external specialised agency.

Lessons from tested ideas and specialised agencies must be considered before implementing policies that could affect millions of lives.