

## Andrew & Renata Kaldor Centre for International Refugee Law

**Factsheet** 

WHEN CAN REFUGEES BE REMOVED FROM AUSTRALIA?

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Federal Parliament can make legislation that conflicts with Australia's international law obligations. Currently, there are two ways in which non-citizens – including people who qualify as refugees under international law – can be deported or removed from Australia.

The most common way in which this can occur is via a process called 'removal'. This allows the Minister for Immigration ('the Minister') to remove any non-citizen – including a refugee – from Australia, if they meet the definition of 'unlawful non-citizen' under the Migration Act 1958 (Cth) (Migration Act). The Migration Act makes it clear that this can occur even where it would conflict with Australia's non-refoulement obligations. However,



## How can

