

3rd national Now We The People conference

Advance Australia Fair
Building sustainability, justice and peace

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Conference Briefing Paper 2

www.nowwethepeople.org

Reigniting hope for refugees and asylum seekers

Given the diversity and depth of current community activity on asylum seekers, workshop participants are encouraged to lend their support and energy to an existing organisation, rather than develop plans to establish a new campaign group.

The discussion in this workshop will focus on how we can use our energy, wisdom, experience and resources to work collectively to dismantle the current system and develop a fair and just refugee and asylum seeker policy.

Background

Australia's asylum seeker policy waxes and wanes in the public domain. After the re-election of the Howard Government in 2004 there was concern among advocates that the policies, so antithetical to human rights, would become increasingly entrenched. Indeed, after the election there was a general media and community silence, as groups reflected on their tactics and renewed their strategies in endeavours to dislodge the Federal Government's intransigence.

Community outrage was reignited and the spotlight was again put on detention and asylum seeker and refugee policies by the case of Cornelia Rau. Suddenly the media was interested. Rau was an Australian resident, white and a former Qantas flight attendant. Although the Government had persuasively used language such as 'illegals' and 'queue jumpers,' Cornelia's case challenged the beliefs held by many in favour of Australian immigration practices and contested accusations about ideologically driven activism.

Mandatory detention

The policy of mandatory detention was introduced by the Labor Government in 1992, and has intensified under subsequent governments. No other western country has wide-scale mandatory detention of asylum seekers. Under the provisions of the Migration Act, men, women and children arriving in Australia without a valid visa, in order to seek asylum, are incarcerated until granted a visa or removed from Australia. This process can take many years as asylum seekers navigate their way through the appeal and review processes. The refugee determination system is fraught with difficulties and is seen by many as outmoded for the current asylum context. Mandatory detention is unnecessary, damaging to those detained, and is a breach of Human Rights and the Rights of the Child conventions. Penalising asylum seekers on the basis of the way that they arrived in Australia is a breach of the *1951 Convention Relating to the Status of Refugees*.

Asylum seekers are incarcerated and controlled in detention centres in the Australian desert or in remote Pacific locations for indeterminate periods of time. With dwindling numbers some of these centres have now closed and asylum seekers are now concentrated in a few detention centres, the majority at Baxter near the South Australian town of Port Augusta. There are currently 1031 people in detention, 249 of those have been there for over three years (A Just Australia 2004). Much of the protest against Australia's treatment of asylum seekers has been directed at the detention of children. 80 children currently remain in detention (Chilout 2005). In endeavours to defuse this, so-called residential housing projects were established for women and children. These facilities merely constitute a different kind of detention, with the same constraints on freedom of movement, the same degree of surveillance and the separation of fathers and older boys from their mothers, daughters and sisters.

The detention centres are run by global private prison companies who are motivated by profit. Criticisms abound of lack of transparency and breaches of duty of care within detention facilities. Privatisation reduces public accountability and encourages punitive practices (Jupp 2002) in a system described as an information lock-up (Washington 2003). Particular concerns have been raised about 'management' facilities where asylum seekers can be isolated from others for medical or 'behavioural' reasons and subject to even greater surveillance.

Forced deportations

Immigration authorities endeavour to lure people to return to the countries from which they fled, with meagre financial incentives that most refuse. Those who are at the end of the legal process languish in detention and fear being forcibly deported. Reports of the use of force, sedation and shackles during deportation have been brought to the attention of national and international human rights organisations. Asylum seekers have been deported back to situations of extreme danger and instability, some to their death.

Temporary Protection Visas and Bridging Visas

Release from detention does not provide security. Asylum seekers entering Australia without a visa and found to be refugees are granted a three-year temporary protection visa (TPV), introduced in 1999 to deter more 'unauthorised people from entering Australia' (Mansouri and Bagdas 2002: 12). This visa category denies family reunion, full social security benefits, funded tertiary education and English language classes. Although allowed to work, employability is limited by ineligibility for language programs and insecure housing (Mann 2001). At the end of the three-year period, anxieties rise as TPV holders apply for permanence. Researcher Greg Marston (2003, p 3) describes the prolonged suffering and 'time torture' associated with temporary protection, with many refugees living in a 'secondary detention.'

For those who are freed from detention on the notorious Bridging Visa (e), on the grounds of health, age or marriage, there is even less support. With no work rights, no social security access, no Medicare and stringent reporting arrangements, their lives remain on hold as they await their court hearings. Similar restrictions apply to the many people on Bridging Visas who have not been detained. They are dependent on charitable organisations for basic housing and sustenance.

The Pacific Solution

This 'solution' was introduced following the Tampa incident when, in August 2001, the Norwegian vessel rescued 433 asylum seekers from a leaking vessel and transported them, against the wishes of the Australian Government, to Christmas Island. Hastily established detention facilities in Nauru and Papua New Guinea ensured that asylum seekers were removed from public gaze and support and 'gave a message' that Australia did not welcome any asylum seekers, even those fleeing from harsh regimes. This strategy was deliberately designed to prevent unauthorised boat arrivals from reaching the Australian mainland and making refugee applications. Certain parts of Australian territory - Ashmore and Cartier Islands, Christmas Island, Cocos (Keeling) Island - were removed from Australia's 'migration zone'. This means people landing in 'excised territories' cannot make refugee applications without permission from the Minister for Immigration. Instead, they are transferred to a 'declared country', while their applications are assessed by the United Nations High Commissioner for Refugees (UNHCR) and the Australian Government.

A dangerous over-reaction

These policies are an over reaction to the relatively small numbers of asylum seekers who arrive in Australia without documentation. Australia receives only a trickle of asylum seekers compared to other countries. 300,000 people sought asylum in Europe in 2001, only 4174 sought asylum in Australia in 2000 (Amnesty International) in a peak year for boat arrivals.

Tragedies abound in a policy context designed to disrupt, deter, punish and exclude. There is increasing evidence of the deterioration of the mental health of those incarcerated in detention centres including severe depression, self-harm and attempted suicide. The sinking of the SIEV X in 2001 with the deaths of 353 men, women and children on their way to Australia is among

the strongest evidence of lack of Government compassion and concern. There is increasing evidence of the knowledge of the Australian Government of the sinking (Kevin 2004). It is only through the determination of advocates and the survivors that this incident has not disappeared from the recent annals of history.

The refugee movement comprises diverse groups with divergent strategies but all committed to the aim of dismantling the system, which eminent QC Julian Burnside (2004) describes as cruel, pointless and expensive. What will it take for the Australian Government to yield to the demands for justice and freedom?

Policy Alternatives

- An end to Mandatory Detention and the re-establishment of 'open processing centres' for health and security checks of refugee claimants (as existed pre-1989)
- The abolition of temporary protection visas and their replacement with permanent protection
- Full work and study rights, and access to social security and Medicare for those on Bridging Visas
- An end to the 'Pacific Solution'
- The redirection of expenditure on detention to funding for settlement programs and support

Refugee Advocacy Organisations

This is not an exhaustive list of organisations who are active nationally on refugee and asylum seeker issues, but they are some of the key organisations and are a good place to start if you are interested in getting active on these issues. Please refer to the workshop webpage from www.nowwethepeople.org for a more detailed list of organisations in Victoria.

State based Refugee Action Groups

Refugee Action Collective, VIC

www.rac-vic.org

Refugee Action Coalition, NSW

www.racnsw.org

Refugee Action Committee, ACT

www.refugeeaction.org

Refugee Action Collective, QLD

www.rac-qld.org

Refugee Rights Action Network, WA

www.rran-wa.org

Refugee Action Collective, SA

<http://users.senet.com.au/~racs/>

Rural Australians for Refugees

www.ruralaustraliansforrefugees.org

Children Out of Detention

www.chilout.org

Labor for Refugees

<http://labor4refugees.org>

Refugee Council of Australia

www.refugeecouncil.org.au

A Just Australia

www.justrefugeeprograms.com.au

Amnesty International Australia

www.amnesty.org.au

Australians Against Racism

www.australiansagainstracism.org

Australian PEN Centres

www.pen.org.au

Further reading

Asylum Seeker Resource Centre, "Advocates Library", <http://www.asrc.org.au>.

Austin, J. (ed.) (2003). *From Nothing to Zero: Letters from Refugees in Australia's Detention Centres*, Melbourne, Lonely Planet.

Burnside, J. (2004). "Speech to Melbourne Rotary Club", 16 February, <http://www.crikey.com.au/columnists/2004/02/19-0001.html>

Crock, M. and Saul, B. (2002). *Future Seekers: Refugees and the Law in Australia*, Annandale, Federation Press.

Davies, W. and Dal Bosco, A. (2002). *Tales from a Suitcase: the Afghan Experience*, Melbourne, Lothian Books.

Edmund Rice Centre, "Deported to Danger", <http://www.erc.org.au/>.

HREOC National Enquiry into Children in Detention, http://www.hreoc.gov.au/human_rights/children_detention/

Kevin, T. (2004) *A Certain Maritime Incident*, Scribe.

McMaster, D. (2001). *Asylum Seekers: Australia's Response to Refugees*, Melbourne, Melbourne University Press.

Mann, R. (2001). *Temporary Protection Visa Holders in Queensland*, Queensland Government, Multicultural Affairs Queensland, Brisbane, Department of Premier and Cabinet.

Network of Asylum Seeker Agencies Victoria (2005), "Dignity, Not Charity: A briefing paper in support of work-rights for asylum-seekers living in the community on Bridging Visa E", (still in draft form, contact Hotham Mission for further information).

Mansouri, F. and Bagdas, M. (2002). *Politics of Social Exclusion: Refugees on Temporary Protection Visas in Victoria*, Melbourne, Victorian Arabic Social Services.

Mares, P. (2002). *Borderline: Australia's Treatment of Refugees and Asylum Seekers*, Sydney, UNSW Press.

Marr, D. and Wilkinson, M. (2003). *Dark Victory*, Crows Nest, Allen and Unwin.

Marston, G. (2003), "Temporary Protection: Permanent Uncertainty: The experience of refugees living on temporary protection visas", Centre for Applied Social Research, RMIT University, Melbourne.

References

Burnside, J. (2004), Speech to Melbourne Rotary Club, 16 February.

Children Out of Detention www.chilout.org

A Just Australia (2004) <http://www.justrefugeeprograms.com.au/resource.php?act=attache&id=63>

Kevin, T. (2004), *A Certain Maritime Incident: The sinking of the SIEV X*, Scribe Publications, Melbourne.

Mann, R. (2001), *Temporary Protection Visa Holders in Queensland*, Queensland Government, Multicultural Affairs Queensland, Brisbane, Department of Premier and Cabinet.

Mansouri, F. and Bagdas, M. (2002), *Politics of Social Exclusion: Refugees on Temporary Protection Visa in Victoria*, Melbourne: Victorian Arabic Social Services..

Marston, G. (2003), *Temporary Protection Permanent Uncertainty: The experience of refugees living on temporary protection visas*, Melbourne, Centre for Applied Social Research, RMIT University.

Wroe, D. (2005), 'Canberra paid \$30,000 for report to discredit studies', *The Age*, 12 February, p. 11.

This briefing paper was written by Linda Briskman and Gillian Davey for a workshop at the third national Now We The People conference: Advance Australia Fair – Building sustainability, justice and peace, 30-31 July 2005, Melbourne Trades Hall.

For more information about the conference, how to register, this particular workshop and the Now We The People network, please visit www.nowwethepeople.org.

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