

ENOUGH IS ENOUGH: IT'S TIME FOR A NEW APPROACH

Joint statement by Australian non-government organisations on the first anniversary of the report on the Expert Panel on Asylum Seekers

13 August 2013

A year after the Australian Government's reintroduction of offshore detention of asylum seekers, the prospects for people fleeing persecution in the Asia-Pacific region are as bleak as they have ever been. While we have seen the Government take some positive steps over the past year, such as expanding the Refugee and Humanitarian Program to 20,000 places annually, its response to the recommendations of the Expert Panel on Asylum Seekers has largely focused on implementing punitive deterrence-based measures such as offshore processing, changes to family reunion policy and the denial of work rights to asylum seekers living in the community. Since Kevin Rudd's recent return to the Prime Ministership, we have seen the offshore detention policies taken much further with new agreements to transfer asylum seekers to Papua New Guinea and Nauru for processing *and* permanent settlement, despite the serious lack of protection capacity in either country. At the same time, the Government has done little to act on the Panel's recommendation that far more effort be put into building regional cooperation on refugee protection, despite the fact that this strategy offers to provide the only constructive and viable solution to complex protection challenges in our region.

The Liberal-National Coalition's proposed policies offer even less hope than those being implemented by the Government. Regressive policies such as reintroducing Temporary Protection Visas (TPVs), maintaining offshore processing for all asylum seekers arriving by boat and cutting Australia's resettlement program will have serious consequences for the health and wellbeing of people seeking protection in Australia and further reduce access to durable solutions at a time when global protection needs are on the rise. Even more alarming are the Coalition's pledges to turn back boats, limit appeal rights for asylum seekers and deny all Sri Lankan asylum seekers access to Australia's protection systems. If implemented, these policies would place lives at risk and represent a direct breach of basic principles of international refugee and human rights law.

The negative, distorted and myopic political debate on refugee and asylum seeker policy has been allowed to go on for far too long. It is time for a new approach which focuses on protection rather than punishment, on facts rather than fear-mongering, and on long-term solutions rather than short-term political gain. Regardless of which party forms the next Government after the Federal election, we call on both major political parties to demonstrate true leadership by working cooperatively to refocus Australia's policy approach in line with the following principles:

- 1. *Maintain Australia's position as a world leader in resettlement:*** Maintaining a substantial and responsive resettlement program is essential to providing solutions to refugees living in dire circumstances overseas. It also provides a concrete demonstration of Australia's commitment to taking its fair share of responsibility for refugee protection and supporting other countries to address refugee crises in a sustainable and cooperative way. Any reduction in Australia's resettlement program would deprive highly vulnerable refugees of desperately-needed solutions and send a clear message to the rest of the world that Australia does not have a genuine commitment to international cooperation. In light of the current high level of resettlement needs and declining protection space across much of the world, priority should be given to expanding the resettlement program to 27,000 places annually and reviewing the numerical link between the onshore and offshore components of Australia's Refugee and Humanitarian Program, in line with the recommendations of the Expert Panel.
- 2. *Abandon offshore processing:*** The reintroduction of offshore processing has once again proven this policy to be incredibly costly and highly detrimental to the health and wellbeing of asylum seekers. In the reopened facilities on Nauru and Papua New Guinea's Manus Island, the toxic combination of arbitrary and indefinite detention, lack of privacy, harsh physical conditions, lack of adequate services and infrastructure, poor protections against mistreatment and violence and constant uncertainty have created conditions which are tantamount to inhuman and degrading treatment. Offshore processing has failed to have the envisaged "circuit breaker" effect: over the past year, the number of asylum seekers arriving by boat has eclipsed any previous annual total and, tragically,

there has been further loss of life at sea. So long as refugee protection needs across Asia remain unresolved and people fleeing persecution continue to lack access to realistic alternatives, unilateral deterrence-based measures alone cannot have a lasting impact. Australia should immediately cease the practice of transferring asylum seekers offshore for processing and ensure that all asylum seekers have non-discriminatory access to Australia's refugee status determination and protection, regardless of their mode of arrival.

- 3. *Redouble efforts to build regional cooperation on refugee protection:*** Working with other countries in the region to improve access to registration and status determination processes, broker durable solutions and ensure that refugees and asylum seekers have access to adequate services and support would address the root causes of onward movement by providing genuine alternatives to dangerous boat journeys. Australia should take immediate action to bring Asia-Pacific states and UNHCR together to explore ways of addressing the most acute protection needs for refugees and asylum seekers, as the first step towards a comprehensive regional framework to protect people fleeing persecution. As a complement to this vital work, Australia must review its own policies to model the protection-centred practices it would like to see replicated across the rest of the region. As recently argued by the Asia-Pacific Refugee Rights Network, “if Australia continues to promote deterrence-based policies that erode protection standards, block access to solutions and deflect its international obligations to other countries, it can hardly ask other countries in the region to improve protection standards, enhance access to solutions and show greater respect for international law”.
- 4. *Ensure prompt access to permanent protection:*** Denying or delaying access to permanent protection, either through the reintroduction of Temporary Protection Visas or the “no advantage” policy, is a misguided approach which serves only to compound hardship and distress experienced by people fleeing persecution and hamper their prospects of successful settlement in Australia. Past experience under the Temporary Protection Visa regime clearly demonstrated that depriving refugees of the stability and security of permanent protection can have serious consequences for their mental health and prevents them from being able to fully engage in, and contribute to, Australian society. Similar consequences have resulted from the prolonged delays in processing of refugee claims which followed the release of the Expert Panel's report, and the uncertainty surrounding the implications of the “no advantage” policy for access to permanent protection. All asylum seekers arriving in Australia who are found to be refugees should immediately be granted permanent protection and provided with the support they need to rebuild their lives in Australia and contribute to their new communities.
- 5. *Commit to a sustainable model of community-based processing:*** Community-based processing of asylum claims offers a far more humane and cost-effective approach than prolonged indefinite detention. However, community-based processing can only be successful and sustainable if asylum seekers have access to opportunities, services and support sufficient to ensure a decent standard of living. The denial of work rights to asylum seekers who arrived after 13 August 2012 has resulted in serious destitution, with many living in substandard and overcrowded accommodation, sleeping on the floor, skipping meals, sharing a single blanket or cooking pot between several people or even becoming homeless because they cannot afford rent and basic household necessities. Limited income has also hampered social engagement and participation, with many asylum seekers unable to access English classes, meaningful social activities and support services because they cannot afford public transport fares. Australia should commit to using immigration detention only as a measure of last resort and for the shortest possible time, and ensure that asylum seekers living in the community are adequately supported while their status is resolved.
- 6. *Maintain a timely and fair system of refugee status determination:*** Providing access to fair refugee status determination processes is essential to maintaining the integrity of Australia's onshore protection program and ensuring that Australia complies with its international obligations. Repatriating asylum seekers before they have an opportunity lodge a protection claim, arbitrarily denying protection to people from certain national groups and weakening independent appeal processes undermines quality decision-making and could result in Australia returning people in genuine need of protection to situations of persecution. Prolonged delays and uncertainty in processing can also compound mental health issues and lead to disengagement from services and

community support structures. All asylum seekers, without discrimination as to mode of arrival, nationality or any other factor, should have access to a timely and fair system of refugee status determination, including independent review.

- 7. Provide access to timely and realistic family reunion opportunities:** Policies which limit or block access to family reunion opportunities, or which impose unrealistic requirements which do not take into account the unique circumstances of forced migration, can result in prolonged and indefinite separation of families at a time when they need each other most. The resulting isolation, pressure to provide financial support to family members overseas and constant worry about family members living in difficult and dangerous circumstances can hamper successful settlement and compound mental health issues. Tragically, family members of refugees in Australia have been seriously harmed or killed in refugee situations overseas or have died while travelling by boat because they lacked access to safer pathways for family reunion. All refugees, regardless of their mode of arrival in Australia, should have access to timely and affordable family reunion opportunities which are responsive to the specific needs of forcibly displaced people.
- 8. Abandon policies which pit onshore protection against resettlement:** The deterrence-based policies endorsed by both major parties are based on the highly problematic and erroneous premise that applying for resettlement from overseas is the only “right way” to seek protection as a refugee. This premise is divorced from the realities of the global protection environment and misrepresents the purpose of resettlement as a durable solution. Resettlement is intended to act as one of several complementary solutions for refugees in complex displacement situations, not as a substitute for providing protection and assistance to refugees who arrive as asylum seekers. Moreover, resettlement is accessible to only a tiny minority of the world’s refugees: resettlement needs outstrip available places by a factor of eight to one, and many refugees (particularly those who have no opportunity to formally register their status) simply do not have resettlement available to them as an option. It is misguided and dishonest to justify harsh treatment of asylum seekers on the basis that it allows Australia to provide more resettlement opportunities. Australia has ample capacity to respond to the needs of asylum seekers while maintaining a substantial resettlement program.

This statement has been endorsed by:

Refugee Council of Australia (statement coordinator)
A Progressive Christian Voice
Act for Peace – National Council of Churches in Australia
Asian Women's Human Rights Council
Asylum Seeker Resource Centre
Australia National Committee on Refugee Women
Australian Catholic Social Justice Council
Australian Churches Refugee Taskforce
Australian Council for International Development
Australian Council of Social Service
Australian Jewish Democratic Society
Australian Refugee Association
Ballarat ARA Circle of Friends
Ballarat Community Health
Balmain for Refugees, Balmain Uniting Church
Blue Mountains Refugee Support Group
B'nai B'rith Australia / New Zealand
Bridge for Asylum Seekers Foundation
Brigidine Asylum Seekers Project
Brisbane Refugee and Asylum Seeker Support Network
Brisbane Sisters of Mercy
Canberra Refugee Support
Castlemaine Rural Australians for Refugees
CASE for Refugees
Catholic Justice and Peace Commission, Archdiocese of Brisbane
Catholic Religious Australia

Catholic Social Services Australia
Centre for Human Rights Education, Curtin University
Centre for Refugee Research
Centrecare Inc
ChilOut
Coalition for Asylum Seekers, Refugees and Detainees
Darwin Asylum Seekers Support and Advocacy Network
Diversitat
Edmund Rice Centre
Federation of Ethnic Communities' Councils of Australia
Geelong Refugee Action and Information Network
Good Shepherd Australia New Zealand
House of Welcome, Ballarat
Human Rights Law Centre
Humanitarian Crisis Hub
Indo-China Refugee Association
IBVM (Loreto Sisters) Justice, Peace and Integrity of Creation Committee
International Society for Human Rights Australia Inc
Jesuit Refugee Service Australia
Jesuit Social Services
Jewish Aid Australia
Kommonground Inc
Lentara UnitingCare Asylum Seeker Programs
Lutheran Community Care SA & NT
Marist Sisters
Melbourne Catholic Migrant and Refugee Office
Mercy Family Services Romero Centre
Mercy Refugee Services
Multicultural Council of Wagga Wagga Inc
Multicultural Services Centre of Western Australia
MultiLink Community Services
NSW Council for Civil Liberties
NSW Teachers Federation
Pax Christi Queensland
Queenscliff Rural Australians for Refugees
Refugee Action Coalition, Sydney
Refugee Advice and Casework Service
Refugee Advocacy Network
Refugee and Immigration Legal Service
Rural Australians for Refugees, Bendigo
Rural Australians for Refugees, Daylesford
Settlement Council of Australia
Settlement Services International
Sisters of Charity of Australia
Sisters of the Good Samaritan
Social Justice Commission, Catholic Diocese of Toowoomba
St Vincent de Paul Society, National Council of Australia
Survivors of Torture and Trauma Assistance and Rehabilitation Service (STTARS)
Uniting Church in Western Australia
Uniting Justice Australia
Welcome to Australia
Western Australian Council of Social Service
Wyndham Community and Education Centre Inc