



## April 2010

Dear Supporters of A Just Australia,

The past 2 weeks have marked a turning point in asylum policy reform - a turn for the worse.

Somehow we are slipping back to the past. Talk of TPVs, the opening of a desert detention centre and Afghan refugees once again put into limbo. Both major parties are engaged in a policy war of attrition, with refugees the collateral damage.

The Rudd Government has halted processing for asylum seekers from Sri Lanka and Afghanistan, as well as announced they will re-open Curtin detention centre in Western Australia. At the same time, Tony Abbott has categorically stated the Coalition would bring back TPVs, implying they would be permanently temporary, with proven refugees never feeling safe, never able to integrate into Australia and separated from their families for the rest of their lives.

On 9 April, the Government announced they would suspend protection visa processing from Sri Lankan asylum seekers for 3 months, and Afghani asylum seekers for 6 months. At the end of the period, the suspensions would be re-evaluated, based on the latest country security assessments from UNHCR. There is no guarantee there would not be rolling suspensions, effectively creating indefinite detention.

On 18 April, the Government announced they would reopen Curtin detention centre to house asylum seekers whose cases are suspended. Curtin was the worst of the remote detention centres run under the Howard Government, all of which came under intense criticism for human rights abuses.

The combination of keeping people in limbo as to their future safety, while keeping them in extreme isolation in a desolate area, will create a pressure-cooker environment that will inevitably create anxiety disorders in some of the detained refugees.

UNHCR has said: "The combination of mandatory detention, suspension of asylum claims and the geographical isolation of detention facilities such as Curtin Air Force Base in Western Australia - all without any effective judicial oversight - is a deeply troubling set of factors."

The reopening of Curtin is particularly disturbing. In 2002, I travelled to Curtin detention centre and I am one of the very few private citizens ever to have visited. I have been to all the onshore detention centres, and Curtin was by far the worst. I left there feeling deeply ashamed for two reasons. Shame that my country could keep refugees in such appalling conditions, in such terrible isolation. And shame that merely spending one day there left me so upset, when others had to endure years. Although the new approach to detention is more humane, there is simply no way to make the combination of processing limbo and physical isolation anything but a torment. It simply must not be allowed.

Now more than ever, we need you to take action. Please see below for some steps you can take to help.

Kate Gauthier

For the A Just Australia and Refugee Council team.

## Visa Halt

On 9 April, the Government announced they would suspend protection visa processing from Sri Lankan asylum seekers for 3 months, and Afghani asylum seekers for 6 months. At the end of the period, the suspensions would be re-evaluated, based on the latest country security assessments from UNHCR.

UNHCR has stated *UNHCR recognizes that there may be circumstances where pauses in normal refugee status determination processing are appropriate and in line with States' obligations under the 1951 Refugee Convention. Circumstances which might warrant such action could include mass influx situations and quickly evolving post-conflict situations" "such measures...should not be punitive or discriminatory in their application and should, ideally, be developed in cooperation with UNHCR and other countries in the region that are also affected by these issues.*

Clearly neither Sri Lanka or Afghanistan are quickly evolving.

A key problem with the suspension is that there is no guarantee of what will happen at the end of the initial suspension period. This effectively creates indefinite detention, because indefinite detention is a separate issue to prolonged detention. Indefinite simply means there is no known end to the detention. It could end after the 6 months, it could be delayed for longer.

In the meantime, refugees from Sri Lanka and Afghanistan will be held in detention for longer periods, kept in limbo as to their future safety.

## Curtin Detention Centre

There is no need to rewrite what has been so eloquently put by UNHCR:

*UNHCR takes this opportunity to repeat its longstanding position that the detention of asylum-seekers is inherently undesirable.*

*"The combination of mandatory detention, suspension of asylum claims and the geographical isolation of detention facilities such as Curtin Air Force Base in Western Australia - all without any effective judicial oversight - is a deeply troubling set of factors," UNHCR Regional Representative Richard Towle said today.*

*Experience shows that these measures are likely to have a negative impact on the health and wellbeing of people affected by the latest announcements, particularly those already suffering from torture or trauma before arriving in this country.*

*It has long been recognized that prolonged detention, particularly in isolated locations, can have severe and detrimental effects on the health and psycho-social wellbeing of those affected.*

*The choice of Curtin Air Force Base will make the provision of essential social services very challenging, particularly for those who may be in detention for six months or longer while subjected to the Government's processing freeze.*

A key area of concern is what will happen to children and their families. We understand that Curtin will only be for single males, with children and families remaining on Christmas Island. However, the children subject to the visa freeze will face higher levels of anxiety about their future. The conditions of Christmas Island are also not ideal, and are far too detention-like to truly be called residential housing. The visa halt will extend their stay in these conditions.

This decision has once again put Australia in a terrible light in the international arena, with Human Rights Watch publishing a [scathing response](#): *"In the heat of an election year, the Rudd administration is choosing politically expedient refugee bashing over the principles of refugee protection. It is a sorry reflection on*

*Australian public opinion that the government thinks it must discriminate against Afghan and Sri Lankan refugees in the hope of winning votes." said Elaine Pearson, deputy Asia director at Human Rights Watch.*

Human Rights Watch said that the blanket suspension of all applications from nationals of specific countries is discriminatory under the 1951 Refugee Convention and its 1967 Protocol, to which Australia is a party. Even if human rights conditions have improved in a country of origin, Australia is still obligated to provide individuals with an opportunity to claim asylum and to examine their refugee claims.

In a letter to the Immigration Minister, Senator Evans, HRW states the suspension is a breach of Article 3 of the Refugees convention which requires states to "*apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.*" They go on to say "*this suspension deprives asylum seekers of their right to seek asylum from persecution, as guaranteed by article 14 of the Universal Declaration of Human Rights.*"

[The letter](#) then goes into great detail about the conditions in Afghanistan and Sri Lanka and is well worth a read.

## TPVs are now Coalition policy

While the Coalition has not documented their policies towards asylum seekers, they have been keen to announce them via talkback radio.

Scott Morrison has outlined the Coalition policy towards boat arrivals: *The first thing we would do is reintroduce Temporary Protection Visas, we would reestablish universal offshore processing for all asylum seekers, there would be no transfers to the mainland. We would begin working on that from day one. We would have a policy of turning boats back where you would be able to do that, secure the vessel and be able to send them back and we would be taking a very close look at how these applications are being vetted and reviewed.* Scott Morrison on 2GB with Alan Jones

Tony Abbott has said *Well, if we said to them you will not get a permanent visa, you will not get permanent residency if you turn up this way, no ifs, no buts, you just won't get permanent residency, full stop, end of story. If that's the clear message that was going out there would be no product for the people smugglers to sell and that's not the message the Rudd government is giving.* Tony Abbott on 2GB with Alan Jones

The policies would return us to 2004 - offshore processing, risking lives by turning boats back, and permanent limbo for proven refugees on temporary visas, which will inevitably result in more boat arrivals as wives and children cannot reunited with husbands via the family reunion program.

## Take Action

### Write a letter to Labor

Please write a letter to the Prime Minister and to the Minister for Immigration and voice your opposition to the processing halt and the reopening of Curtin. You can write to both care of the address, or click their name to send them an email.

PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

[The Hon. Kevin Rudd, MP](#)  
Prime Minister of Australia

Senator the Hon. Chris Evans  
Minister for Immigration and Citizenship

If your MP is Labor, you should also write to them. You can get names and address at the [APH website](#). Under heading for the Members Home Pages, you can see lists of MPs by name, Party and electorate. There's also a link to the AEC website if you do not know your electorate.

### **Write a letter to the Coalition**

Please write a letter to Opposition leader and the Opposition spokesperson on Immigration to let them know you do not support the reintroduction of TPVs. You can write to both care of the address, or click their name to send them an email.

PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

The Hon Tony Abbott MP  
Leader of the Opposition

Mr Scott Morrison MP  
Opposition Spokesperson on Immigration

If your MP is Liberal/National, you should also write to them. You can get names and address at the [APH website](#). Under heading for the Members Home Pages, you can see lists of MPs by name, Party and electorate. There's also a link to the AEC website if you do not know your electorate.

### **Take MP Nola Marino's survey on 'people smuggling'**

Thanks to the AJA member who alerted us to this issue.

Nola Marino, MP for Forrest has taken out an ad in the local paper claiming *Since 2008 people smugglers have: - caused untold misery to thousands of vulnerable people - fraudulently encouraged thousands to migrate illegally - costs this country millions of your dollars... and it keeps on happening. At 15 April 2010, 5,056 people have arrived on our shores illegally.*

Of course, she does not indicate where the statistic of 5,056 comes from, or substantiate the claim that is it "illegal" arrivals, when as we all know that coming to Australia without a visa for the purpose of seeking asylum is not illegal.

She has also put this on her website as a survey. Click [here to put forward your views](#) on her survey.

### **Attend the rally in Brisbane / Melbourne / Sydney on Saturday May 8th**

In collaboration with the human rights and refugee advocacy sector, Amnesty International is organising a rally in 3 major cities for Saturday May 8. The exact time is TBD (we will alert you via email) but should be late morning. The rally is to voice community concern over the treatment of asylum seekers, and our support for fair and humane refugee policies. Please keep the day free to attend.

Brisbane - King George Square  
Melbourne - State Library  
Sydney - Hyde Park

### **Upcoming AJA membership drive**

We have been so busy on policy and campaigning issues, we have not had the time to organise our membership drive to raise the money to keep the campaign alive. However, we will soon be launching our fundraising drive and hope that you will dig

deep. Sadly, the need for the AJA campaign is greater than ever.

### **Get the Refugee Council newsletter**

The Refugee Council produces a similar newsletter to the AJA one, but has more policy and research information. It comes out monthly and includes an excellent wrap-up of the month's media on refugee and asylum seeker issues. You can [see the latest version here](#)

Send an email to [info@refugeecouncil.org.au](mailto:info@refugeecouncil.org.au) if you would like to get the email version sent to you each month.

### **Best asylum stats ever**

This is the [best graphic representation](#) of the asylum debate we have ever seen.