



A Just Australia

Campaign e-bulletin : August 2010

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Dear supporters of A Just Australia,

Australia is being kept in limbo, awaiting the outcomes of the election. Spare a thought for the Afghan asylum seekers currently kept in limbo, awaiting news of whether or not processing of their claims for asylum will resume. Kept locked in detention, on remote Christmas Island or in far north western Curtin Detention centre. Far away from family, wives and children, many of whom may be in danger themselves. It makes our few days' wait seem pretty trivial.

A hung Parliament is now a certainty, with one of the major parties having to form a coalition with some or all of the Independents and the new Greens MP in order to form Government. This may actually be of benefit to positive asylum seeker policy reform. The policy directions of both major parties are for offshore processing. The Liberals would reopen Nauru and bring back TPVs, while Labor supports sending any boat that arrives in Australian waters to a regional processing centre in East Timor. Either way, boat arrival asylum seekers who arrive in Australian jurisdiction would be removed, and would be denied the right to lodge their claim in Australia with the full range of legal rights available to asylum seekers who arrive by plane. Given the rates of overturning protection visa rejections (see item below) any shortening of the protection determination process will inevitably mean that more refugees will be denied visas and will be sent home to danger, persecution or death. See below for some comments that have been made by the Independents.

We remain hopeful that they will be a new voice for rational debate on this issue. In the meantime, we are getting ready for campaigning and lobbying our new government, and we will be developing some plans and ways that you can get involved. We will keep you posted.

Refugee Council lobbying plans for 2010

Once again, the Refugee Council of Australia will be coordinating a sector-wide effort to lobby the new Government... whoever that may be. We are currently working with the sector to develop a list of high priority issues that we will focus our lobbying and policy advice efforts on. This was an initiative of AJA, run in collaboration with RCOA. After the merger AJA-RCOA, RCOA will continue this annual effort.

Once the priorities have been established, we will be drafting a briefing paper to send to all parliamentarians. And of course this will be sent to all AJA and RCOA supporters too.

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High Court case questions legality of offshore detention

The High Court is currently hearing a case about offshore detention and processing. *Judges Ken Hayne and Susan Crennan raised questions about how the Migration Act could, on the one hand, lawfully allow for the detention of asylum-seekers and, on the other, remove the refugee status assessment process from Australian law -- preventing failed asylum-seekers from accessing Australian courts to appeal.* See article in [the Australian](#).

In essence they are questioning the fact that on one hand excision bars asylum seekers removes their access to the part of the Migration Act that allows them to have their claims heard, but does

not remove their access to the part of the Migration Act that orders them to be detained. The judges are questioning how the Commonwealth can selectively apply different parts of the same Act. This is a very important case to follow. We will keep you posted as soon as there is a decision.

Independent MPs views on asylum seekers and refugees

Rob Oakeshott

While Mr Oakeshott has resisted addressing individual policy issues ahead of the talks, in a press conference last week he said Australia should avoid exporting its asylum seeker problem to Nauru or East Timor if it can. He said it was likely a number of communities would want the jobs and the funding that a processing centre would bring. Mr Oakeshott also rejected the rhetoric on asylum seekers, in particular the term "boat people". "I think there are people who are being bullish in their language and need to unwind some of the damage that they've done," he said. [SMH](#)

"I think we need to put fear in the back pocket, deal with it strategically, deal with it on a regional basis, stick to UNHCR guidelines and targets and really step up and deal with the issue on the mainland as much as trying to farm the problem out to some regional neighbour." [Lateline](#)

When rural refugee advocates were looking for a holiday house for a man who had sewn his lips together in immigration detention, independent Rob Oakeshott made an offer. The asylum seeker and his family, whom he hadn't seen for two years, stayed with Mr Oakeshott for a week. What he learnt from the experience was that there was an economic case to treat asylum seekers humanely. If the processing regime is too tough on those who will later be granted entry to this country, Mr Oakeshott said, then their productive capacity as Australians will be reduced. "We just mess them up on the way through," he said. His view on asylum seekers is just one of Mr Oakeshott's views on critical policy issues that appears to contradict his background in National Party politics. But after all, he said, that is why he became an independent. [SMH](#)

Tony Windsor

In January 2007, Mr Windsor responded to Tamworth Council's decision to reject a proposal to participate in refugee resettlement, saying "Some of the reasons that have been articulated have really been quite shocking and, I think, have cast a real blemish on the Tamworth community." [7.30 Report](#)

In October 2007, he responded to Kevin Andrews' comments about the integration of Sudanese refugees, saying he was not convinced the debate did not have an electoral purpose. "I think there should be a bit more clarity of the reasons why they are doing what they are doing," he says. "Philip Ruddock for years, when the boatpeople situation was on, used to say, 'We've got to look after the Africans'. They seem to have settled in quite well. He's got to explain what the real agenda is. Kevin Andrews has got a bit of explaining to do, otherwise people will quite rightly say he's playing the race card." [The Australian](#)

On 25 June 2009, the government's Bill to abolish immigration detention debts for asylum seekers was passed in the lower house. Independent [MPs Tony Windsor](#) and [Robert Oakeshott](#) supported the Bill.

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It is also very interesting to note the views of Liberal MPs (who will be voting in the next parliament no matter which side forms government) on issues such as detention debt, the 45 day rule and TPVs. Senator Judith Troeth will remain in the Senate until June 2011, after which the Greens gain the balance of power. For further reading that will reinvigorate your belief in parliament, please see the following speeches:

Detention Debt

[Russell Broadbent \(Liberal\)](#)

[Judi Moylan \(Liberal\)](#)

[Senator Troeth \(Liberal\)](#)

45 Day rule

[Senator Troeth](#)

90% of Afghan rejections overturned

90% of Afghan asylum seekers whose claims for refugee status were initially rejected have been successful on appeal during the independent merit review process, according to well-placed sources. The president of the Refugee Council of Australia, John Gibson, said any shift back towards claims being successful would be "more consistent with reports on the situation on the ground in Afghanistan". ([The Age](#), 19 August)

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NGO Joint statement on regional processing centre

Twenty-one major Australian refugee support organisations and aid agencies joined forces to call on the Australian Government and Opposition to focus on international cooperation on refugee protection, warning that there is no quick fix to the complex causes of asylum seeker movements. The statement emphasised that asylum issues "cannot be resolved by any country acting unilaterally" and outlines a set of minimum standards to which Australia's approach to regional asylum issues must adhere, including compliance with all international human rights standards and rejection of approaches which involve removal of asylum seekers from Australian territory for processing in a third country or detention of refugees in third countries. The statement can be read [here](#). The Minister for Immigration responded to the joint statement. His letter to RCOA can be read [here](#).

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RCOA election policies review

With refugee policy playing such a prominent role in the debate leading up to Australian Federal election on 21 August 2010, RCOA has compiled a summary of the refugee policy platforms being promoted by the Australian Labor Party, the Liberal-National Coalition and the Greens. [Read the policy review](#).

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Online videos

The Asylum Seeker Resource Centre has made an ad with Jack Thompson doing the voice-over. You can [view it online here](#). Well worth a watch!

Nauru child speaks out. Watch [online here](#).

GetUp! have produced an excellent video mythbuster, available on [YouTube here](#).

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Amnesty online petition

Tell the next PM where we stand on refugees

As ethnic Hazaras in Afghanistan, Najeeba and her family faced constant abuse, threats and violence. That's why they risked their lives to travel on a leaky boat to Australia, in search of a life free of persecution and violence. "We knew the journey was very dangerous" says Najeeba, "but to stay was certain death."

Don't let the leaders of our political parties offload people like Najeeba to some of the world's poorest countries - far away from lawyers, the media and public - under a 'regional solution'.

Please sign the petition. [Click here:](#)

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Events

Sydney - 31st August to the 5th September.

Amnesty International, a photography exhibition “Journey to Freedom” f

Amnesty International Australia will be presenting the works of celebrated photographers Ed Giles and Alanta Colley in an exhibition which captures the reality of life for Iraqi and East Timorese refugees. The aim of the exhibition is to humanise the plight of the refugees as well as displaying positive images of settled refugee families.

The exhibition opens on Wednesday the 01st of September at 7pm and will feature musical performances by refugees and refugee speakers.

The exhibition will run from the 31st of August to the 5th of September. Carriageworks is open from 9am to 5 pm Monday to Friday and from 9 am to 1 pm on Saturday.

Opening of Journey to Freedom Photography Exhibition, Wednesday 01st of September, 6pm, at Carriageworks – 245 Wilson St Redfern. Exhibition running from 31st August to the 5th September.

Sydney – 14th September

Amnesty International “The Great Big Refugee Debate”

Taking place at Pitt Street Uniting Church on the 14th of September the debate will feature prominent experts from the legal media professions. Lawyer and journalist Richard Ackland will act as the chair of the panel.

The panel will be composed of;

- Professor Mary Crock – Professor of Public Law – University of Sydney
- Alex Pagliaro – Refugee Action Coordinator – Amnesty International
- Najeeba Wazefadost – Hazara woman, refugee from Afghanistan who arrived by boat.

The event will take place on the 14th of September at Pitt Street Uniting Church, 264 Pitt Street, Sydney, at 6pm and running until 8:30 pm.

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