

refugee council of australia report



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ERODING OUR IDENTITY AS A GENEROUS NATION

Community views on Australia's treatment of people seeking asylum

Lucy Morgan



Refugee Council
of Australia

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*Photo credit. Two young men share a thermal blanket after being rescued trying to cross the Mediterranean Sea from Libya.
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Introduction

Background

The Refugee Council of Australia (RCOA) regularly meets and connects with people seeking asylum in Australia, former refugees building a new life here, its members – both organisational and individual – and the people and agencies who provide various forms of support to people seeking asylum and people from refugee backgrounds. Throughout 2014 and 2015, RCOA conducted community consultations, convened policy network meetings and gathered information and feedback from its membership. The topic that RCOA heard about most often was Australia's treatment of people seeking asylum.

This report outlines the issues and concerns about Australia's asylum policies and practices that RCOA gathered in 2014 and 2015. The title of our report has been drawn from a comment from one of our community consultations, from a RCOA member who observed that "our national identity as a generous and loving people [has been] eroded and fractured" by the mandatory and prolonged detention of people seeking asylum. The report provides an overview of the issues that people seeking asylum themselves have raised, as well as concerns communicated by individuals and agencies supporting people seeking asylum. Some of the feedback on which this report is based was gathered prior to the passing of some major pieces of legislation (notably the *Migration Amendment (Protection and Other Measures) Act 2015* and the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014*) and several related policy changes. However, concerns raised about these changes prior to their implementation remain relevant, as some have yet to be fully implemented or have implications which are not yet known.

The key issues and areas of concern that form the evidence to support these alternatives and solutions are presented in the second and third sections of this report. The issues canvassed include:

- Immigration detention
- Asylum seekers in the community
- Refugee status determination
- Offshore processing
- Returns and refoulement
- The public and political debate
- The cost of Australia's policies

Feedback and concerns relating to Temporary Protection Visas, Safe Haven Enterprise Visas or restrictions on family reunion are not included in this report, as they have been covered in RCOA's submission on the 2015-16 Refugee and Humanitarian Program¹ and forthcoming submission on the 2016-17 program. The latter submission will also include a more detailed analysis of recent feedback on asylum policy gathered during RCOA's 2015 national consultations.

Australia's policies in a global context

The latest statistics² from the United Nations High Commissioner for Refugees (UNHCR) show that the number of people forcibly displaced due to persecution, conflict, violence and human rights violations is now at the highest level ever seen since UNHCR began collecting records at the end of World War II. As 31 December 2014, almost 60 million people were forcibly displaced, of whom 19.5 million were refugees and 1.8 million were asylum seekers. One in every 122 people in the world are now displaced from their homes. On average, 42,500 people per day were forced to flee their homes due to conflict and persecution during 2014, a figure which has quadrupled over the past four years.

As the international community grapples with the challenges of responding to multiple crises simultaneously and meeting the needs of unprecedented numbers of displaced people, Australia's response to the relatively small number of people seeking asylum who arrive on its shores is increasingly being called into question. Our uncompromising refusal to accept our obligations towards people seeking asylum when far poorer nations have kept their borders open in the face of far larger arrival numbers is feeding the view that Australia has little genuine interest in international cooperation to address global protection needs. A global crises

1 *Refugee Council of Australia (RCOA) (2015). Australia's Refugee and Humanitarian Program 2015-16: Community views on current challenges and future directions.* http://www.refugeecouncil.org.au/wp-content/uploads/2014/08/2015-16_IntakeSub.pdf

2 United Nations High Commissioner for Refugees (UNHCR) (2014). *Global Trends 2015.* <http://www.unhcr.org/556725e69.html>

demands global solidarity, not unilateral responses which have the impact of shifting our responsibilities onto our less wealthy neighbours.

No one wishes to see asylum seekers risking their lives at sea in a desperate bid to reach Australia. The sad reality, however, is that many refugees and asylum seekers in Asia-Pacific and beyond have no other means of accessing effective protection. In many countries in Asia-Pacific, people seeking protection lack a secure legal status and face a daily struggle to meet their basic needs. Many are unable to work legally, send their children to school or access basic services such as health care. Moreover, their lack of status in their country of asylum places them at serious risk of harassment, exploitation, arrest and detention.

When people fleeing persecution are faced with these untenable conditions and have little or no chance of being resettled in the foreseeable future, it is little wonder that we see refugees embarking on perilous journeys in the hope of finding effective protection elsewhere. Australia will never be able to sustainably address flight by sea until we begin to engage with the root causes of this phenomenon – that is, until we shift our focus from Australia's domestic policy framework to the conditions which are compelling refugees to risk their lives on dangerous boat journeys.

The key to addressing flight by sea lies in Australia cooperating more effectively with other countries in Asia-Pacific to ensure that refugees can access a decent level of protection in countries of asylum until longer-term answers can be found. For this reason, RCOA has worked closely with the Asia-Pacific Refugee

Rights Network to identify constructive steps Australia could take to improve refugee protection across the region. A discussion paper outlining some of these steps is included as an appendix to this report.

A more constructive and sustainable response to the needs of forcibly displaced people in Asia-Pacific, however, can only be achieved if there is genuine commitment by countries in the region to improving protection for refugees. In this regard, Australia's current asylum seeker policies seriously undermine any authority we may once have had to advocate with other countries on protection issues. We can hardly expect other countries to uphold standards which we are not prepared to uphold ourselves.

Reforming our asylum seeker policies is not simply about ensuring that people seeking protection in Australia are treated fairly and humanely; it is also about setting a positive example for the rest of the region and enhancing our capacity to play a constructive role in improving the lives of refugees beyond our borders.

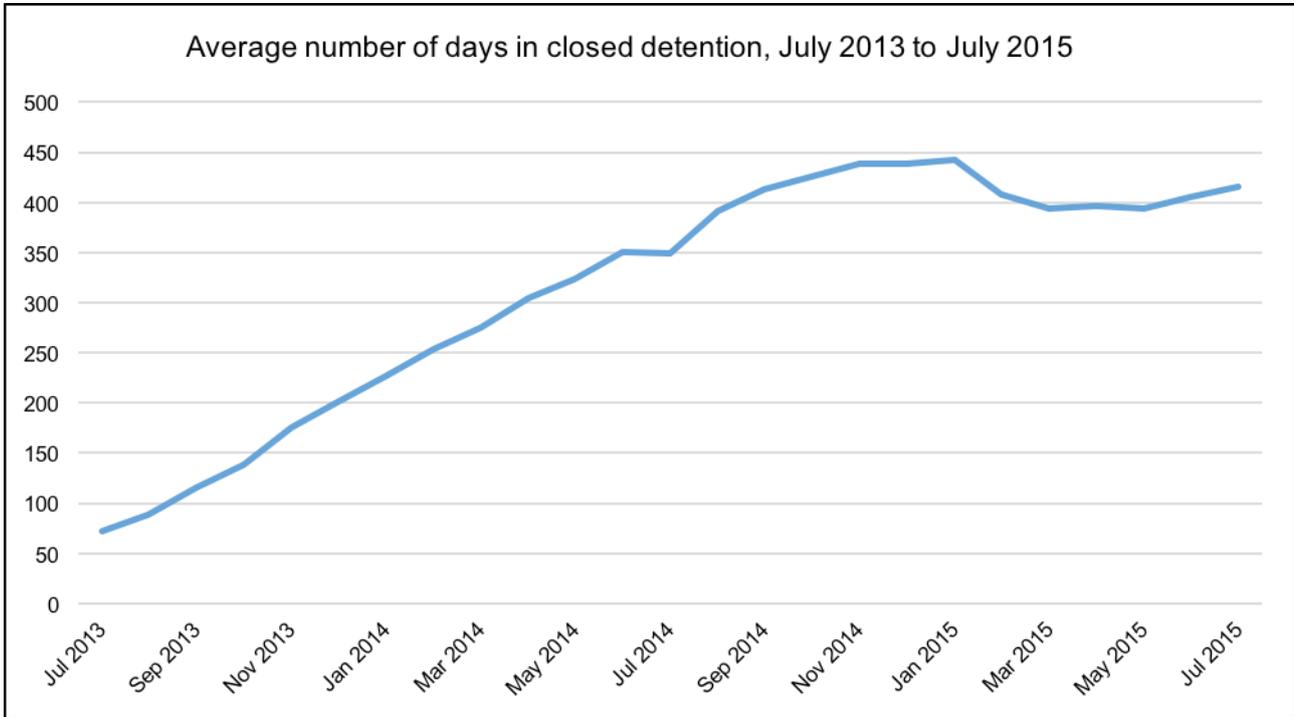
Looking towards solutions

While the problems associated with Australia's asylum laws and policies are often deliberated, the available alternatives and solutions garner little attention or consideration. For this reason, RCOA has developed a ten-point plan that outlines a range of legislative and policy measures which would provide a humane, constructive and effective alternation to the cruel, punitive and deterrence-based approach currently adopted by Australia. This plan is summarised below and outlined in further detail in the last section of this report.



The Refugee Council of Australia's ten-point plan for reform of Australia's asylum seeker policies

1. Encourage practical regional cooperation on refugee protection to provide viable alternative pathways to protection for people seeking asylum and refugees in the Asia-Pacific region.
2. End Operation Sovereign Borders to ensure that all people seeking asylum in Australia receive a fair assessment of their claims and are not returned to danger.
3. Abolish offshore processing and return all refugees and asylum seekers sent to Nauru or Papua New Guinea to Australia.
4. Reform immigration detention by developing legislation to introduce a time limit on detention, establish a system of judicial review of detention and prevent the detention of children in closed facilities.
5. Improve support for asylum seekers in the community through revising income support rates and providing greater access to essential support services such as education, English classes and employment support.
6. Reinstatement of a fair refugee status determination process with equal access to protection for all people seeking asylum, regardless of how they arrived in Australia or whether they held valid documentation.
7. End discrimination based on mode of arrival by abolishing policies which deny access to services and entitlements due to a person having arrived by boat or without documentation.
8. Improve protection for unaccompanied children by establishing guardianship arrangements independent of the Minister for Immigration and enhancing support for this particularly vulnerable group of young people.
9. Improve protection for stateless people including through the introduction of a statutory statelessness status determination procedure.
10. End the demonisation of people seeking asylum by replacing politically-charged negative rhetoric with factual information and respectful discussion of refugee issues.



Current issues of concern

Immigration detention

“It is time to release all the people locked up in immigration detention. It is time to stop paying millions and millions to lock people up for no purpose.

– Community member, ACT

In community consultations conducted to develop this report, RCOA’s members strongly opposed the immigration detention regime as it currently operates. The mandatory and prolonged nature of immigration detention in Australia was viewed as detrimental and harmful: to the people subject to detention, to those working with and visiting people in detention who have to deal on a daily basis with immense human suffering and to Australia’s reputation as a fair and just nation. As one RCOA member put

it, “our national identity as a generous and loving people [has been] eroded and fractured” by the mandatory and prolonged detention of people seeking our protection.

During 2014 and 2015, there was particular concern about the length of time for which many asylum seekers were being detained. As the graph below³ illustrates, the time spent in immigration detention for both children and adults increased dramatically over the course the past two years, rising to over 14 months at its peak. The increasingly prolonged nature of immigration detention was seen to have serious consequences for the health and wellbeing of people seeking asylum, particularly children.

The “deterrence value” of mandatory and prolonged detention was called into question by several participants in RCOA’s networks and community consultations. RCOA regularly heard references to the strong body of evidence – from both Australian and international sources – clearly demonstrating that immigration detention is not and has not ever acted as a deterrent for people seeking protection. In fact, two former Australian Immigration Ministers said as much during the 2014 Australian Human Rights Commission inquiry into children in detention. At the public hearings conducted as part of the inquiry, previous Ministers for Immigration Chris Bowen and Scott Morrison admitted that the

³ Figures from the Department of Immigration and Border Protection’s monthly Immigration Detention and Community Statistics Summaries, available at <http://www.border.gov.au/about/reports-publications/research-statistics/statistics/live-in-australia/immigration-detention>



detention of children was not an effective means of deterring boat arrivals or preventing deaths at sea. Mr Bowen stated that detention was “not an effective deterrent” and that the “cost on children was too great for any deterrence value”.⁴ When asked if the “purpose of long-term detention [is] to deter people from coming to Australia by boat”, Mr Morrison responded “no”.⁵

There was overwhelming support for the expansion and continued use of community-based alternatives already in place as opposed to the use of closed immigration detention. Several consultation participants and network members advised that the use of community alternatives was essential not only as a policy position broadly but also particularly when qualified professionals made recommendations for a person’s release from closed immigration detention. These recommendations came from doctors, psychiatrists, the Human Rights Commission and the Commonwealth Ombudsman.

Refugees with adverse security or character assessments

RCOA’s networks and consulted communities yet again raised concern over the plight people in immigration detention who face spending the remainder of their natural lives deprived of liberty because of adverse security or character assessments. The release of several people who had had their negative assessments overturned – most of whom spent at least four to five years in closed detention – was welcomed. At the same time, however, concerns were raised that these individuals were now being granted Temporary Protection Visas upon release from detention, which would further prolong uncertainty (and thus hamper recovery from trauma) and prevent them from being able to access settlement support services. In addition, ongoing concerns were expressed regarding the significant number of people who face indefinite detention due to having their visas refused or cancelled on character grounds.

Detention of children

Participants in RCOA’s community consultations echoed many of the concerns raised in the Australian Human Rights Commission’s National Inquiry into Children in Immigration Detention⁶ (which was presented to the Government in November 2014 and released in February 2015). Great concern was expressed about the adverse impacts of immigration detention on the health, wellbeing and development of children and young people and there was widespread consensus that the release of children from detention must be considered an urgent priority. In the words of a representative from the Sudanese community:

“There have been discussions in Government in terms of little kids who are in detention...I don’t think young kids should be in the detention centre for such a long time because it’s not healthy for their wellbeing. They should go to a place where they are taken care of. [Detention] is an isolating place and, when you isolate a kid, when they grow up they will have issues.

There was also considerable concern for children held in closed detention facilities which had originally been designed to operate as Immigration Detention Centres (suitable for adults only) and had not undergone any substantive changes before being re-designated as Alternative Places of Detention (APODs). The APOD located within the Wickham Point detention facility was highlighted as a particularly unsuitable facility for children, as it was located directly next to the compound housing adult men and shared similar security features and configuration. RCOA heard that these facilities were not appropriate for children and family groups.

Re-detention

There was considerable concern amongst RCOA’s networks about people who had been re-detained. The basis of re-detention varied but the most disturbing cases involved unaccompanied children being removed from care in the community and

4 Testimony of Chris Bowen at the Sydney Public Hearing of the Australian Human Rights Commission’s National Inquiry into Children in Immigration Detention, 9 September 2014, https://www.humanrights.gov.au/sites/default/files/Hon_Chris_Bowen.pdf

5 Testimony of Scott Morrison at the Canberra Public Hearing of the Australian Human Rights Commission’s National Inquiry into Children in Immigration Detention, 22 August 2014, https://www.humanrights.gov.au/sites/default/files/Hon_Scott_Morrison_Mr_Bowles.pdf

6 Australian Human Rights Commission (2014). The Forgotten Children: National Inquiry into Children in Immigration Detention. https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten_children_2014.pdf

re-detained in closed facilities. The reasons for re-detention in these circumstances were vague and not usually based on criminal charges or actions. A number of these unaccompanied children remained in closed detention for over one year. For some, release only occurred after legal action was taken to challenge their detention.

For adults re-detained, there was concern that scores of people were in closed detention as a result of pending charges or minor breaches of visa conditions, including alleged misconduct which even if proven would not normally result in a custodial sentence. As one community organisation noted, the court would often grant bail but the asylum seeker nonetheless remained in immigration detention. They advised, "We have seen cases where a person gets a one-year good behaviour bond but remains in detention – a much harsher penalty than that applied to anyone else." Others provided examples of instances where people had been re-detained as a result of parking fines. RCOA was also made aware of a number of cases where people had served their custodial sentences but remained in closed detention for months and even years afterwards. Disturbingly, RCOA heard that many people remained in closed detention even after charges had been dropped by police or people had been cleared of any wrongdoing. There was also considerable concern about access to legal advice and support for people in closed detention.

It was reported that the increase in cases of re-detention, particularly for very minor infringements or on tenuous grounds, had created significant fear amongst people seeking asylum who are currently living in the community. As explained by a service provider in Brisbane, "Those who are out in the community are just very scared [that] any moment they can just be taken."

Asylum seekers in the community

“We have a lot of concern about people in Australia but who don't have any rights to education or work. It's very dangerous for them. They get depressed. There is a lot of suicide. It is very tragic. It breaks the heart of all of the people.

– Hazara community representative, Tasmania

RCOA heard consistent and powerful messages about the inadequacy of support services for people seeking asylum living in the Australian community while waiting for the claims to

be processed. While community alternatives to detention were seen as infinitely preferable to prolonged indefinite detention in closed facilities, there was widespread consensus that the level of support available through these programs is insufficient to allow people seeking asylum to live safely and sustainably in the community without facing housing stress, destitution or marginalisation.

Housing challenges

In 2013, RCOA conducted a national research project on housing challenges faced by refugee and humanitarian entrants. In addition to the general challenges faced by this group in securing affordable and appropriate housing, participants in this project identified a number of specific issues affecting asylum seekers living in the community. These included: temporary visa status, which can lead to reluctance amongst housing providers to rent properties to people seeking asylum due to concerns that they not remain in Australia for the duration of the lease; exceptionally low income (and, in many cases, inability to supplement this income through paid work due to lack of work rights), which limits the housing options available to people seeking asylum and places them at higher risk of exploitation; the limitations of the service provision model for asylum seekers living in the community, which preclude service providers from offering sufficient and targeted assistance with housing issues (with particular concern expressed that people seeking asylum could be exited from programs into homelessness); and the inadequacy of transition support for asylum seekers moving through various support programs.

Feedback received through RCOA's networks and community consultations during 2014 and 2015 indicates that housing remains a significant challenge for asylum seekers living in the community. Some cited ongoing difficulties with securing access to housing due to visa status. In the words of a service provider in South Australia, "Many of them are expecting to be deported at any time. It is very hard to find housing for people in this situation. It is very difficult to explain to landlords that they have no idea how long they will be in Australia." A member of the Hazara community living in Sydney noted that he had been unable to secure accommodation due to the fact that his Bridging Visa had expired.

RCOA also continued to receive reports of asylum seekers living in precarious, overcrowded or substandard conditions and being exploited by unscrupulous real estate agents and property owners. A community member in Adelaide cited a case where 20



Bridging Visa holders had been living at a single address, while a service provider in Sydney reported instances where people seeking asylum had been convinced by real estate agents to rent non-residential properties (such as warehouses with dividers between the beds). A service provider in Tasmania reported that asylum seekers living in boarding houses may be forced to leave their accommodation to make way for seasonal workers who arrive during the summer. An organisation in Melbourne expressed concern that it was “running out of housing options for people” and had resorted to handing out sleeping bags and swags.

Service providers in Melbourne expressed concerns about limited access to housing and homelessness services. It was noted, for example, that people seeking asylum are often turned away from homelessness service providers due to confusion regarding their eligibility for support. Concern was also expressed that people seeking asylum who are recognised as refugees and granted a temporary substantive visa (such as Temporary Humanitarian Concern visa or Temporary Protection Visa) are not eligible for State Government bond and rent loans.

Income support and destitution

During 2014, many asylum seekers in the community did not have the right to work and most had been in Australia for between several months and several years, without any indication of when their protection claims would be assessed. Most relied solely on income support payments which, depending on a person’s age and circumstance, are paid at 60%-89% of the Centrelink Newstart or Special Benefit rate. For single adults without dependent children (who comprise the majority of asylum seekers living in the community), this means existing on an income of approximately \$230 per week.

RCOA heard regularly about the significant hardship faced by people seeking asylum who were forced to subsist on an insufficient level of income. Reports were received of asylum seekers living in substandard and/or precarious accommodation, skipping meals and missing out on medication due their limited financial resources. In the words of a service provider in Sydney, “There is a lot of poverty, not enough food, people missing meals to feed the children.” Low income was also seen to be a major contributor to social isolation, in that the costs of transport or social activities could be too high for people seeking asylum to meet. As described by a service provider in Western Australia:

“People who have been living in the community for a long period of time with all that uncertainty need to get engaged in something. They are keen to do volunteering but when it comes down to it, we don’t get them there, even if opportunities are there. There’s a disconnect. Some of it is about the space people are in but some of it is also about the affordability of travel. A lot of not-for-profits can’t pay for travel and clients can’t afford to spend excess dollars on travel. In this state there are no transport concessions so it hits in a wide range of areas, including people’s ability to get out and about and integrate and form some meaningful connections and keep themselves busy.

Indeed, the combination of destitution and marginalisation was seen to have serious negative impacts on mental health. A service provider in Tasmania described the “absolute hopelessness [people seeking asylum] feel from their lack of money”, noting that some were “utterly despondent – not getting out of bed, not leaving the house”.

Some expressed particular concern about people seeking asylum who had reached at the post-merits review stage of the refugee status determination process (that is, people who are seeking judicial review or Ministerial intervention). Income support payments cease as this stage of the process and most of these people do not have the right to work. It was reported that this group is at particularly high risk of destitution and homelessness and is often heavily reliant on friends or community groups to meet their basic needs.

A range of concerns were expressed regarding the proposal to subject people seeking asylum to mutual obligation requirements as a condition of receiving income support. These included: the inability of many people seeking asylum to afford transport and the implications this may have for meeting mutual obligation requirements; the additional burden likely to be placed on service providers participating in mutual obligation schemes (with some noting that strong casework support is often needed to keep people engaged); the potential for an increased burden on the health sector if people seeking asylum need to obtain a medical certificate in order to be exempted from mutual obligation requirements; language barriers; limited access to child care; and challenges in obtaining criminal record and Working With Children checks, which can present a barrier to volunteering in some organisations. At the same time, it was felt that programs which provided opportunities for meaningful engagement and

reduced social isolation could have some benefits for people seeking asylum.

Status Resolution Support Services

In the 2014-15 financial year, the Status Resolution Support Services (SRSS) program replaced services previously delivered as part of the community detention program, Community Assistance Support (CAS) program and Asylum Seeker Assistance Scheme (ASAS). Under SRSS, services are delivered to people seeking asylum under six bands: Band 1 for unaccompanied children in closed detention facilities; Band 2 for unaccompanied children in community detention; Band 3 for families and adults in community detention; Band 4 for transitional support for people being released from detention; Band 5 being CAS services for asylum seekers living in the community deemed to have complex needs; and Band 6 being ASAS support for asylum seekers experiencing financial hardship.

Participants in RCOA's community consultation processes expressed concern about the very high caseworker-to-client ratio amongst some organisations delivering SRSS, with participants reporting ratios as high as 1:120. It was felt that these high ratios hampered the capacity of service providers to offer appropriate support to people seeking asylum. As noted by one consultation participant in Melbourne, "previously, asylum seekers would have had fortnightly contact with their case worker and now they are having three-monthly face-to-face contact and monthly phone calls." Another expressed concern that "quality is going to be compromised" if service providers have such limited contact with the people they are supposed to be supporting.

A range of issues were raised in relation to eligibility for SRSS Band 5 (formerly CAS) and Band 6 (formerly ASAS) services. There were concerns that the eligibility criteria were being applied too stringently, with the result that vulnerable people were missing out on support that they sorely needed. For example, some service providers reported that people applying for Band 6 were being asked to provide more information and documentation than had previously been the case, including documents which could be difficult or dangerous for them or their families to obtain (such as bank statements from their country of origin). The process of preparing applications had consequently become more prolonged, with the result that people seeking asylum were living in the community without any stable source of income for longer periods of time. There were also concerns that Band 6 applications may be refused on the basis that a person could

access financial support from a community organisation, despite that fact that this may not be a sustainable source of income. Indeed, some asylum seeker support organisations voiced fears that the higher rejection rates were placing additional pressures on not-for-profit community organisations with limited funding.

Similar concerns were raised in relation to Band 5 services. Some participants in RCOA's networks reported cases where highly vulnerable people had been denied access to these services on grounds which were not appropriate or reasonable. One service provider provided the example of a woman with multiple mental health issues who had separated from her partner due to domestic violence. She was reportedly deemed ineligible for Band 5 assistance due to the fact that an appointment had been arranged for her with a mental health facility, even though she had not yet gone to the appointment. RCOA also received feedback suggesting that there has been an increase in the number of people being transitioned to lower levels of support despite having significant vulnerabilities or complex needs. A service provider in Sydney, for example, raised concerns about "the complexity of clients who sit in Band 6 that aren't meant to be complex":

“Whether that's mental health issues, whether it's housing issues, whether it's DHS, there's also the other area of just straight medical issues that we're dealing with as well, leukaemia, cancers, the whole range of things that you would see in a normal population, which I guess weren't really considered or thought of at the time.

While the expansion of community alternatives to detention for children and young people was warmly welcomed, a number of participants in RCOA's consultations and networks expressed ongoing concerns about the inadequacy of support services for young people living in the community, particularly unaccompanied children. A service provider based in Canberra, for example, felt that being held in long-term community detention was "destructive" for vulnerable young people and that unaccompanied children were not receiving adequate care and support. Specific concerns were raised about the situation of young people making the transition through various services and from childhood to adulthood. A service provider in Tasmania, for example, expressed concern that unaccompanied children were not being provided with sufficient support while making the transition to adulthood (that is, from intensive support services to "light touch" services): "Some of them turn 18 and it's meant to be a



great time for them – adulthood and those sorts of things – but the reality for them is they won't have a roof over their head."

The need for – and ongoing lack of – an adequately resourced English language program for people seeking asylum was raised consistently throughout 2014 and 2015. The limited 45 hour program for asylum seekers living on a bridging visa (or 90 hours for some people living in community detention) was viewed as wholly inadequate.

In addition to these ongoing concerns, a number of issues were raised regarding changes implemented as part of the SRSS program. These included: concerns that some expenses were no longer covered under the new program (namely translating and interpreting services and ambulance cover); and issues with the transition of the income support component of SRSS to the Department of Human Services.

Work rights

RCOA continued to receive consistent feedback during 2014 and 2015 about the challenges faced by people seeking asylum who do not have the right to work. Those consulted by RCOA expressed concern about serious destitution experienced by people seeking asylum who subsist on income support alone, with one service provider in Western Australia claiming that these people seeking asylum "are living like beggars". Concerns were also raised about the impact of the denial of work rights on mental health. A service provider in Tasmania, for example, noted that people seeking asylum who were not able to work lacked opportunities for meaningful social engagement: "[They are] just sitting there and waiting." A community member in Brisbane claimed that the denial of work rights "is destroying people. People have many skills. No work rights destroys people's minds." Others noted that allowing people seeking asylum to support themselves would be more cost-effective than forcing them to subsist on income support. Many also expressed concern about the Government's decision to strip work rights from those who did have permission to work.

RCOA therefore welcomed the announcement at the end of 2014 that the Federal Government would progressively grant work rights to asylum seekers living in the community on Bridging Visas. We encouraged the Government to complete this process promptly. At the same time, however, RCOA recognises that some people seeking asylum will not have the capacity to

work (due to caring responsibilities or mental health issues, for example) or may struggle to find employment (due to factors such as limited English language skills, qualifications not being recognised in Australia and difficulties in navigating the Australian job market.

Temporary visa status has also been highlighted as a significant barrier to employment for people seeking asylum. As noted by one service provider in regional Victoria, "there are a handful of people who are in the process of being invited to apply [for work rights] have only been offered a three month visa. Which is not much value because who's going to employ someone who's only got a three month visa?" A member of the Rohingya community commented that "companies seems to get scared of bridging visas".

While people seeking asylum who have work rights do have access to Stream A jobactive support services, participants in RCOA's consultations and networks pointed out that this support is very limited in practice and largely ineffective in assisting people to find work. As explained by a service provider in Sydney, "the only eligibility that that is, is that you can walk into a job provider and you can use their computer. It doesn't actually involve any one-to-one support. So obviously that is not going to make a huge difference...What they really need would be one-on-one consultations."

RCOA therefore recommends that the Government consider granting people seeking asylum who have work rights access to support services (such as English classes and targeted employment support services) which will assist in maximising their access to employment. We also encourage the Government to address the issues highlighted above relating to income support, to ensure an adequate standard of living for those who cannot work or do not immediately find work.

Code of behaviour

RCOA heard regularly that requiring people seeking asylum to sign the Code of Behaviour in order to have a Bridging Visa granted or renewed had detrimental effects on people living in the community. A support worker advised that in one household, an person was suicidal and the people he lived with were too scared to call an ambulance for fear that engaging with emergency services would mean a violation of the Code of Behaviour, because police might have to be involved.

Many viewed the Code as not only causing uncertainty and confusion for people in the community but also disempowering to people seeking asylum. As one Sydney provider reflected, "For a group which already feels like they are being discriminated against and treated differently because of the method by which they came to Australia...it is just a little bit more power taken away from them." A community member in Western Australia agreed, saying that there was "no natural justice for people in the context of Code of Behaviour. It creates stress for the client. It's another dimension of criminalisation." Organisations supporting asylum seekers were also concerned that the Code of Behaviour contained ambiguous terms like "anti-social behaviour". They were worried that actions like speaking loudly on the phone or eating strong-smelling food could lead to neighbours reporting an asylum seeker to the police.

A number of people seeking asylum also expressed their worry that they could not engage in any kind of public gathering or rally, fearing that this could have a negative impact on their visa application. One young person voiced his frustration and worry about not being able to share his story with the public:

“I am not allowed to go to the media. You are banned by Immigration. Whatever you do, you are not allowed to go to any media. Our caseworker called us and said, "you are not allowed to go to any media, if the media comes to you, you are not allowed to talk to them". I wish I could...They warned all of the people on Bridging Visas that if you go to the media, you will be detained.

A consultation participant from Tasmania shared his sadness that fears about participating in positive community gatherings meant that many people seeking asylum and refugees in the community did not get to join the people that supported them and feel a sense of belonging. He advised that a number of people seeking asylum refused to go to a Walk Together gathering because they feared that their photo may be taken and this could adversely impact their cases in some way.

People seeking asylum who arrive with visas

Many of RCOA's members expressed their concern for people seeking asylum who arrived with a prior visa and then sought protection. In particular, there was considerable worry for people who arrived at an Australian airport and sought asylum from the first official that they saw. People in this scenario are not immigration cleared, so they are subject to mandatory immigration detention and also lose access to a permanent Protection

Visa. There was concern that people who "do the right thing" by presenting immediately were being punished through the use of immigration detention and denial of access to permanent protection.

There was also concern for the wellbeing of people seeking asylum who arrive with valid visas and are allowed to live in the community while their claims are processed, as many find it difficult to access adequate support services. Many agencies felt that there was a tightening of eligibility criteria for support programs and that some decisions were inconsistent with policy and program guidelines. This resulted in vulnerable people relying on community structures for support or facing destitution and homelessness.

Refugee status determination

“As much as we would welcome the asylum seeker permanent protection visa procedure to be sped up, the proposed fast-track system does not ensure a fair and due process. The applicant has no opportunity to put his case, gets no legal assistance and gets traumatised further. Why are we constantly trying to prove that asylum seekers are not genuine refugees?

– Community group, Western Australia

Service providers and community members consulted by RCOA continued to express concerns about ongoing delays in the processing of asylum claims. These prolonged and indefinite delays were highlighted as a source of significant anxiety and distress for people seeking asylum. In the words of a service provider in Western Australia, "The children have psychological problems. The parents have psychological problems. When will this beautiful news arrive? Waiting creates a lot of emotions and psychological issues."

Since the passing of the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014* in December last year, RCOA has received a significant amount of feedback about the potential implications of this legislation. Many raised concerns about the changes to Australia's refugee status determination process, namely the introduction of a fast-track review procedure and the redefinition of Australia's international protection obligations. One community group asserted that the legislation represented an attempt "not to honour Australia's obligations, but to bypass them". A service provider in Canberra stated that the removal of references to the Refugee Convention "sets a new low" and expressed concern



that it would create “a benchmark which can copied by others in the region. This can only be detrimental for refugees in the region”.

Fears were expressed that the changes introduced by the Legacy Caseload Act would undermine the robustness of the refugee status determination process and heighten the risk of people being erroneously returned to danger. A number of service providers raised concerns that some people seeking asylum, particularly those who had experienced trauma, would struggle to articulate their protection claims under the fast-track process and may be denied protection despite having a well-founded fear of persecution. In the words of a service provider in regional New South Wales, “It’s really scary to think a whole bunch of people won’t even be able to get temporary protection visas as they won’t be able to put their case properly...There won’t be anybody delving in to details enough.”

The changes to the refugee status determination process were seen as being of particular concern in light of the withdrawal of access to the Immigration Advice and Application Assistance Scheme (IAAAS) for people who arrived in Australia by boat. It was felt that lack of access to legal advice would further compound the difficulties faced by people seeking asylum (especially survivors of torture and trauma) in articulating their claims. As noted by one service provider:

“Lack of access to the IAAAS has had a dramatic impact on the capacity of asylum seekers to prepare their claims for asylum in a timely and appropriate manner...The impact of the trauma often results in complex psychological issues which may affect the presentation of the applicant and how they provide their evidence to claim asylum. As a result, the most vulnerable asylum seekers are likely to be the most disadvantaged by lack of access to appropriate legal assistance.

Another consultation participant claimed that the withdrawal of access to free legal advice is “putting some people’s lives on the line”. Service providers in Melbourne also expressed concern that lack of access to funded legal advice would lead to asylum seekers relying on caseworkers and other non-legal service providers for legal information, which these services are not in a position to provide.

People affected by SZQRB

In 2013, the Federal Court of Australia handed down a judgment in *Minister for Immigration and Citizenship v SZQRB [2013] FCAFC 33*. The ruling on SZQRB found that decision-makers had been applying the wrong legal test to assess Australia’s complementary protection obligations. The Government’s response was to subject the people affected by SZQRB to a new International Treaty Obligations Assessment (ITOA). While undergoing this ITOA, people seeking asylum are not eligible Band 6 support under SRSS and most do not have the right to work. This has left people facing destitution and homelessness, as they are unable to either support themselves or receive support. RCOA’s network members relayed their concerns that people who had a right to have their case reviewed were relying on friends and the community to survive.

Statelessness

For many years, RCOA and other concerned groups have expressed concern regarding the lack of a permanent solution for stateless people in Australia. While some stateless people also have protection claims and are therefore able to resolve their status through Australia’s refugee and complementary protection frameworks, there is currently no solution for those who are stateless yet not refugees or otherwise in need of protection. Statelessness alone is not a ground to receive protection under Australian legislation. With no country to return to and no pathway to gaining citizenship, stateless people can face indefinite detention or extended periods on temporary visas.

Australia has obligations to stateless people under the 1954 Convention Relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness. However, as there is no statutory Statelessness Status Determination procedure in Australia, there is a significant risk that stateless people can be misidentified and thus may not receive adequate protection of their rights. The United Nations High Commissioner for Refugees (UNHCR) has recently launched a campaign to end statelessness by 2024⁷ and RCOA’s members have called upon Australia to commit to this pledge.

During 2014 and 2015, refugee community members and others expressed their concern regarding the situation of stateless babies born in Australia. As one community member expressed, “it is cruel that children born in detention are not recognised as Australian citizens, particularly if the family is stateless. Any child

7 United Nations High Commissioner for Refugees (UNHCR) (2014). Global Action Plan to End Statelessness 2014-24. [http://ibelong.unhcr.org/cms-web/upl/entities/story/FINAL Global Action Plan - PDF Version.pdf](http://ibelong.unhcr.org/cms-web/upl/entities/story/FINAL%20Global%20Action%20Plan%20-%20PDF%20Version.pdf)

born in the US or Liberia is considered a national by birth. It is very painful for a child to be denied an identity." While the Australian Citizenship Act 2007 grants stateless children born in Australia a non-discretionary right to citizenship,⁸ successive Ministers for Immigration have yet to act upon this duty to grant citizenship, leaving these children stateless. RCOA's members outlined their concern with this delay, especially as this duty is not discretionary.

Consulted communities and agencies also raised concerns regarding the Australian Citizenship and Other Legislation Amendment Bill 2014, currently before Parliament. The Bill aims to extend the good character requirements for citizenship, clarify residency requirements and provide the Minister more powers to cancel, defer or revoke a person's citizenship.⁹ The Bill is likely to have a significant impact on stateless people if passed. In particular, the Bill may restrict access to citizenship for some stateless people and even allow for some individuals to be rendered stateless through revocation of citizenship. The Bill proposes amendments which would grant the Minister discretionary powers to overturn the findings of the Administrative Appeals Tribunal and prevent merits review of decisions made personally by the Minister in the public interest. Consequently, citizenship applications, such as those made by stateless people, may be refused by the Minister simply because they are not in the 'public interest', a very broad test which may result in the revocation of citizenship on grounds which are not fair or reasonable.

Offshore processing

“When I came back from Nauru, I was ashamed to call myself an Australian. If you haven't seen it you have no conception of what it is like. It is that bad. Words fail to describe it. They should be shut down immediately. We won't live this down...I've seen a lot of things. I've worked in India, South Africa, Afghanistan but I've never seen anything as disgusting as Nauru or Manus Island.

– Service provider, Sydney

Participants in RCOA's networks and community consultations expressed grave concerns about conditions in offshore detention centres, describing them as "inhumane", "unduly cruel" and resulting in "extreme hardship". Specific areas of concern included the harsh physical environment, substandard accommodation and sanitation facilities, limited access to communication

facilities (namely phones and internet) and inadequate medical care. The impact of these conditions on children was of particular concern, with conditions in the Nauru detention centre seen as being inherently unsuitable for and harmful to children.

Those who provided feedback to RCOA were extremely concerned about impacts on offshore processing on mental health. People who had experience of working in offshore detention centres or who had worked with people formerly detained at these centres drew attention to the severity of mental health issues seen amongst people subject to offshore processing, with one participant claiming that mental health issues seen amongst people in offshore detention are "far, far worse" than those seen amongst people in mainland detention.

Concerns have also been raised about the physical safety of refugees and people seeking asylum on both islands. The most extreme example to date of the physical risks faced by people in offshore detention centres was the violent incident at the Manus Island detention centre in February 2014, which left 23-year-old Reza Berati dead and dozens of others injured. As well as general concerns about the lack of security highlighted by this incident, specific concerns were raised about the risks faced by people who witnessed the violence and are assisting with investigations. In relation to Nauru, participants in RCOA's networks expressed alarm about the violent attacks on refugees (including unaccompanied children) who have been released from the Nauru detention centre and sexual assault of women both within and outside the Nauru detention facility.

Concerns were also voiced about Australia's resettlement arrangement with Cambodia, with key issues raised including corruption in Cambodia, potential resentment towards refugees amongst the local Cambodian population and Cambodia's lack of capacity to provide adequate support to refugees. Resettlement in Cambodia was not seen as a viable long-term option for refugees whose claims had been processed offshore.

Fears were expressed that the combination of harsh conditions, delays in processing of claims, deterioration of mental health and fear of violence could drive people subject to offshore processing to consider returning home even if they have a well-founded fear of persecution (a concern also highlighted previously by UNHCR). Specific concerns were raised that Syrian asylum seekers have reportedly been encouraged or pressured to repatriate despite the fact that the International Organization for Migration is not

8 Australian Citizenship Act 2007, http://www.austlii.edu.au/au/legis/cth/consol_act/aca2007254, s 21(8).

9 See RCOA's submission to the Senate Legal and Constitutional Affairs Committee inquiry into the Australian Citizenship and Other Legislation Amendment Bill 2014 at <http://www.refugeecouncil.org.au/wp-content/uploads/2015/05/1411-Citizenship.pdf>



currently facilitating returns to Syria due to the precariousness of the security situation.

Participants in RCOA's networks also expressed concerns about family separation resulting from offshore processing, citing examples where family members of people living in Australia have been sent offshore and told that they have no prospect of ever being settled in Australia. Some of these examples involved separation of immediate family members (such as partners). A mental health worker expressed concern about the impacts of this separation on people living in Australia: "The degree to which they use [mental health] services is quite extensive for just one person." Reports were also received of family members being separated within the detention environment, such as couples being detained in separate compounds and people released from detention in Nauru being unable to visit family members still detained at the facility.

Same-sex attracted refugees

RCOA heard ongoing concerns for same-sex attracted refugees sent to Papua New Guinea and Nauru. Fears were expressed that the local laws criminalising same-sex sexual activity would mean that those with claims based on their sexual orientation or gender identity would not be able to live safely in either country. Indeed, RCOA was made aware of information sessions presented to people detained on Manus Island showing a picture of two men kissing with a large red cross through it. The people detained were warned to not engage in any kind of same-sex sexual activity within the detention centre or in Papua New Guinea, as there were laws that criminalised such behaviour and the penalties were serious, including up to 14 years in prison.

Returns and refoulement

“People are in this constant state of high alert and their whole behaviour is changing on the basis they feel almost positive they will be deported and will have to go home, where is in actual fact they know they are genuinely eligible for refugee status.

– Service provider, Tasmania

Participants in RCOA's networks regularly highlighted the fears that people seeking asylum faced in relation to threats of be-

ing forcibly returned to places where they are at risk of persecution. This fear was heightened and perpetuated because of the uncertainty regarding return and removal processes. There was also concern that Department of Immigration case managers in detention facilities were pressuring people to return. In some cases, this practice was seen to be starkly at odds with the on-the-ground realities in countries of origin (particularly in countries such as Syria and Iraq where the security situation is deteriorating daily), leaving people seeking asylum uncertain and anxious about the possibility of being forced back to a very dangerous situation.

Concerns were raised about the fate of people who have been returned to their countries of origin after being "screened out" or after their claims for refugee status have been rejected. Some expressed fears that people had been erroneously denied refugee status and returned to places of persecution. In the words of one consultation participant from Western Australia, "last month, a refugee was deported from Australia to [country]. He was from my place. He was killed on the way back home and his family doesn't have anyone to support them. [The Government] thinks that they are not refugees, that things are fixed in their countries, but it's not true." Others highlighted the limited monitoring of people who have been returned by Australia after being denied refugee status, expressing concern that the Government could not be certain that these individuals had not faced persecution or other threats to their freedom or safety after return.

Concerns were also expressed about the Government's policy of turning back boats carrying asylum seekers and its compatibility with Australia's international legal obligations. There was shock and dismay over the Australian Government's actions in relation to Sri Lankan and Vietnamese asylum seekers, particularly the use of perfunctory screening techniques at sea and the subsequent handing back of asylum seekers to the authorities of their country of origin. It has since been made public that at least nine of the Sri Lankan asylum seekers forcibly repatriated by Australia subsequently fled to Nepal, where they were granted refugee status by UNHCR.¹⁰

Several people highlighted the contrast between the Australian Government's response to boat arrivals under Operation Sovereign Borders and that adopted by the governments of Italy and Greece. In the words of a service provider in regional New South Wales, "We could have a look at what's happening in Italy and how they're approaching processing of refugees and the rights of refugees. There are some lessons to be learned there." One consultation participant in Canberra also questioned whether the

10 Corlett, D. (2015). "Sinhalese asylum seekers' on-water claims accepted by UN." *The Saturday Paper*, 31 January. <http://www.thesaturdaypaper.com.au/news/politics/2015/01/31/sinhalese-asylum-seekers-water-claims-accepted-un/14226228001441>

boats had in fact “stopped” or had simply been diverted elsewhere: “Are they stopping the boats or just diverting the boats? It seems that the boats haven’t stopped but are going elsewhere on more perilous journeys.”

While participants in RCOA’s networks and community consultations continued to express concern about the practice of “enhanced screening” during 2014 and 2015, more recent feedback indicates that many of the people at risk of return had now been “screened in” and that the issue had become a lower priority due to the drop in new arrivals.

Public and political debate

“Refugees add to our culture. We shouldn’t be afraid. Our national anthem says ‘For those who’ve come across the seas, we’ve boundless plains to share’...Are we going to change the national anthem? We have to start living up to our national anthem.

– Support worker, regional NSW

There was broad agreement among consultation participants that the public and political debate on people seeking asylum had reached an all-time low. As one Victorian community member put it, “the Government’s strategy to create fear is working really well.” Several network members and consultation participants expressed concerns about the continued politicisation of asylum seeker and refugee issues. A participant involved in law enforcement, for example, noted that the politicisation of issues “means that the people who didn’t have an opinion now have an opinion, and it causes people to shift to more extreme views. People are furious about the way asylum seekers are being treated and others feel that asylum seekers shouldn’t be here. There is increasing polarisation of these issues.”

The view that the Australian Government was strategically aiming to create fear and anxiety within the broader community was shared by many people, with the effect being that people seeking asylum felt as though they were criminals and people unworthy of support or consideration.

As one asylum seeker put it, “we live a fugitive existence.” A former refugee and now citizen of Australia expanded on this, questioning “Why is ‘refugee’ considered such a dirty word when the essence of it is about fleeing? I find it so appalling that it has negative connotations in the wider community.”

One of the results of this damaging rhetoric and debate has been that people who did not seek asylum in Australia but were instead resettled from overseas are also feeling the negative effects. Many former refugees who had been resettled told RCOA that they felt unsafe and unwelcome by some parts of the Australian community.

Former refugees who did not arrive by boat also defended people seeking protection in Australia and stated that they were offended by the language and rhetoric of many politicians. One former refugee who was resettled in Australia reflected on the rhetoric of “queue jumping”: “I was in a camp for almost 20 years. There was no queue to come to Australia...For me, having experienced that, it’s very offensive. It doesn’t make sense to me”.

Other consultation participants were baffled as to how the positive story of Australia’s engagement with refugees, its nation-building history and the positive contribution in return to Australian society had become so polluted by fear-mongering and politicking. As one participant from Canberra stated, “The whole narrative about ‘queue jumping’ has moved people away from thinking about how Australia benefits from refugees...It’s such a skewing narrative. Until we get rid of that, I don’t know how things will change.”

Other RCOA members were concerned that Australia was involved in a number of the conflicts and wars but was failing to provide protection to those who were forced to flee as a result of these conflicts and wars. A Tasmanian service worker said “You can’t wage war on a country on the pretext of saving lives, then turn around and say those people fleeing the war not refugees.” A representative from the South Sudanese community similarly argued:

“We go to Afghanistan; we go to Iraq; we go to Syria. For what? Because we are international citizens. So then why can’t we put up with a few people coming by leaking boats? That doesn’t make sense!...We either



solve it there, or put up with people coming here. We still haven't solved it. That makes a case for people coming here. They can turn around and say, 'You're fighting there because you know there is a problem. You don't need any other reason to be told by me, because you know the problem yourself. Let me come in!'

The global context of people's search for safety was also highlighted, with many people registering their frustration that the number of people fleeing because of persecution and war was increasing dramatically but that the Australian response was to find ways to deter people from finding protection.

The international context was also highlighted in relation to the number of people seeking protection by sea by crossing the Gulf of Aden or the Mediterranean Sea. The contrast between the Mare Nostrum approach by the Italian Government – which framed the issue of people crossing the Mediterranean as a humanitarian concern – and Australia's Operation Sovereign Borders – which framed the issue as one of border protection and deterrence – was not lost on community members. As one consultation participant in Western Australian questioned, "Why are the Italians able to see the humanitarian perspective when they are dealing with vastly more numbers of people than we are?"

On a more positive note, some believed that the negative political rhetoric was being countered by increased goodwill among people in the broader community towards people seeking asylum and a greater interest in understand their plight and providing support. Many RCOA members were frustrated, however, that these stories of support, hope and resilience were not getting through to the public.

Cost of Australia's policies

Over and over again, RCOA heard from people seeking asylum, former refugees, support workers and other concerned community members about the negative impacts that Australia's regressive and punitive asylum seeker policies were having on

the people whom Australia was supposed to protect. The detrimental effects of Australia's policies of interception and turn-backs, offshore processing, the lack of work and study rights for people seeking asylum, delays in assessing protection claims and negative, demeaning political rhetoric were all seen as costly in human terms, financial terms and in relation to the damage to Australia's reputation as a just and fair nation.

Human cost

“We escaped from our own country. It's like escaping through the window when the house is on fire and we are now back in the same house with a fire around us. We cannot escape from the fire.

– Hazara asylum seeker

Participants in RCOA's consultations and networks expressed grave concerns about the impacts of Australia's policies on the health and wellbeing of people seeking asylum. Many participants in RCOA's consultations and networks commented on the deterioration in mental health amongst asylum seekers living in the community. The combination of limited support and opportunities, lack of work rights, prolonged delays with processing of claims and separation from family members was seen to have a serious negative impact on mental health. A community representative in Sydney spoke of the "mental anguish" faced by people seeking asylum, while a service provider in Tasmania reported that people were hitting a "wall of despondency". Another service provider in Canberra described the denial of work rights as "destructive" and "crushing" for people seeking asylum, while a service provider in Sydney noted that many people felt "very, very disempowered" due to their inability to financially support family members overseas.

Concerns were also expressed about the inability of people seeking asylum to re-establish themselves and move on with their lives in Australia due to uncertainty about their future. A service provider in Brisbane noted that "people have to put their life on hold", while a service provider in Victoria stated that "so many people are in limbo. What is life going to be? They can't build a life." A representative from the Afghan community spoke of

friends who “do nothing but stay home all day worrying about what is happening to them and what is happening to their families. It makes them crazy.” A member of the Tamil community commented that “once they have been processed and given permanent residency, then they have a focus, they can settle down, they become calmer and they have a future. Now, they live every day as if it’s their last day. They live in fear of being sent back. It’s a terrible way to live.”

Others highlighted on the long-term costs of providing support to people whose mental health had been seriously damaged by Australia’s policies. In the words of a service provider in Canberra, “What hurts asylum seekers hurts us.” Another service provider in Sydney argued that “if they think about in ten years’ time when they have been permitted to be citizens, they may be spending a lot of money to deal with this mental illness and trauma.”

A number of participants specifically commented on the mental health of children and young people who are seeking asylum. A service provider in Brisbane, for example, asserted that “we will have children harming themselves” while another service provider in Tasmania commented on the impacts of uncertainty and limited opportunities on the mental health of young people: “What’s the worst thing you can do a young person? Give them nothing to do and no hope.” Another service provider noted the negative impacts on children of witnessing the deterioration of their parents’ mental health.

Concern was expressed that some people seeking asylum had turned to negative coping strategies, such as drug use and excessive alcohol consumption. Worrying reports were also received about an increase in cases of domestic violence amongst some families. The precarious situation of these families was seen to be both a driver of violence (through disempowering and placing additional stress and pressure on individuals who are already vulnerable and traumatised) and a barrier to addressing it (in that the vulnerable situation of those affected and potential consequences of reporting violence, such as re-detention of the perpetrator, could deter people from seeking help).

In relation to the denial of work rights, concerns were expressed that people who are desperate to support themselves and their families overseas may be compelled to undertake cash-in-hand work, which would in turn place them at risk of exploitation, unsafe working conditions and re-detention due to having breached their visa conditions.

Financial cost

“We don’t have a human life here. We just cannot study, cannot work, cannot do anything. If the government treats us as human beings, we can actually help this country and can serve this country.”

– Hazara community representative, Sydney

Government spending on deterrence

In the 2014-15 financial year, the Australian Government spent \$2.91 billion on detention and compliance-related programs for people seeking asylum who arrived in Australia by boat.¹¹ With approximately 33,000 people currently in Australia awaiting processing of their claims, this represents a cost of around \$88,000 per person. In contrast, the total expenditure of UNHCR in 2014 was AUD\$3.72 billion,¹² with which it did its best to respond to the needs of around 46.3 million refugees, internally displaced people and stateless people under its mandate.¹³ This equates to around AUD\$80 per person.

The 2014 Commission of Audit reported that that the cost of detaining someone in an offshore processing facility is over \$400,000 per person annually.¹⁴ At such an absurdly high cost per person, the current system can hardly be described as economically efficient. This cost is more than 10 times greater than allowing someone to live in the community while their claims are being processed. According to a Senate Estimates in October

11 See RCOA’s analysis of the 2015-16 Federal Budget, available at <http://www.refugeecouncil.org.au/wp-content/uploads/2014/08/2015-16-Budget.pdf>

12 UNHCR’s total actual expenditure in 2014 was USD\$3,355,409,303 (see <http://www.unhcr.org/5575a78d0.html>). Converted into AUD using the OECD official exchange rate for 2014 of US\$1.1094 (see Table 36 of OECD Economic Outlook, June 2015, <http://www.oecd.org/eco/outlook/InterestRatesandExchangeRates.xls>), this is equal to AUD\$3,722,491,081

13 As at end June 2014, UNHCR’s total population of concern stood at 46,307,783. See <http://www.unhcr.org/54aa91d89.html>

14 National Commission of Audit (2014). Towards Responsible Government: Appendices to the Report of the National Commission of Audit (Volume 2). <http://www.ncoa.gov.au/report/appendix-vol-2/10-14-illegal-maritime-arrival-costs.html>, Section 10.14

2015, the costs of offshore processing between July and September alone amounted to almost \$280 million.¹⁵

Many of the people that RCOA consulted felt that the financial costs of the current immigration detention regime had clearly become unsustainable. People noted that detention facilities were expensive to operate, particularly if detention is prolonged or if these facilities are located in remote areas. As noted by one service provider, "Christmas Island is an economic disaster for the Australian taxpayers...The island has limited resources, so all food, water, staff, medical supplies, et cetera has to be shipped or flown to the island." Prolonged detention of people who have skills or are otherwise able to contribute positively to the Australian community also results in significant loss of social and economic capital for Australia. The more intensive settlement support often required by former detainees who experience ongoing mental health issues further increases the costs associated with prolonged detention.

Many people pointed out the hypocrisy of the Government's claims that it is trying to save money by cutting services, while on the other hand is spending billions on deterrence. As one consultation participant said, "The Government will pour out money to keep Manus Island and Nauru and Christmas Island going. If they were really serious about trying to cut back on expenses, they would shut down Manus Island pronto and it would make a big difference." Another service provider commented that:

“Deterrence is enormously expensive. It is probably the most expensive policy you can adopt towards refugees and asylum seekers. It costs billions to build those centres, to strike deals with Papua New Guinea and Nauru. It's extremely expensive and that money could be spent on much more positive approaches to the issue. The more that Government hears that people do feel that way, the better.

RCOA's members were also concerned that the spending on deterrence was in stark contrast to the cuts to services for people seeking asylum and people from refugee backgrounds. As one service provider in Western Australia highlighted, "It's a furphy to believe that the Government cares about the economic cost. They cut the IAAAS funding for people making migration applications which was \$42 million but they gave Cambodia \$40 million to possibly settle five people. Money is not the object."

Ineffectiveness of deterrence

A number of people consulted by RCOA argued that a number of policies implemented as deterrence measures are in fact ineffective at deterring people from taking dangerous journeys to Australia. These policies include offshore processing, denial of work rights, delays in processing, mandatory detention and restrictions on family reunion opportunities. Many people highlighted the lack of evidence demonstrating that these policies have any deterrent impact and believed that their only substantive impact was to cause suffering. As one service provider stated, "There is a difference between deterring asylum seekers from arriving and mistreating the ones that are already here". It was felt that, rather than reducing boat arrivals to Australia, such policies have simply made life more difficult for people already in Australia. Viewed from this perspective, the high costs of Australia's deterrence-based policies become all the more unjustifiable.

Some participants called on the Government to explore alternative policies which would focus on addressing the conditions which compel people to undertake dangerous boat journeys, rather than simply relying on punitive deterrence-based policies. As one former refugee from Queensland highlighted, "Australia may stop the boats but a refugee will always try find a way to safety." Several community members said that if the Australian Government is genuinely concerned with deterring people from taking dangerous journeys by boat, it should seek to establish a regional framework for refugee protection so that people are not forced to risk their lives.

Wasted human potential

RCOA's members expressed concern about the wasted human potential that resulted from keeping people locked up in detention facilities or denying them the chance to work or study. Many community members said that it defied logic to deny people already in Australia the right to work and instead force them to rely on income support from the Government. It was noted that many people seeking asylum are highly skilled and can contribute significantly to the Australian economy and society. As one asylum seeker stated, "We are aged 18 to 35 and have lots of potential and energy to serve Australia." Another community member noted that "The Government is paying to detain asylum seekers and to implement offshore processing and is paying [benefits] when they could save money by allowing people to

¹⁵ Includes operating, capital and settlement costs but excludes transportation (such as flights between Nauru, Manus Island and Australia). Transcript of Senate Legal and Constitutional Affairs Legislation Committee Estimates hearing, 19 October 2015, http://www.aph.gov.au/Parliamentary_Business/Senate/Estimates/legconctte/estimates/sup1516/DIBP/index; see pp. 110-11.

work and release people into the community. Refugees have skills and talents that are being wasted.”

Studies have shown that the settlement of people from refugee backgrounds in Australia has had significant social, economic and cultural benefits.¹⁶ If given a chance, refugee and humanitarian entrants are typically keen to work and contribute to Australia. A number of service providers highlighted the gaps in the Australian workforce that people seeking asylum would be able to fill:

“Most of the people we see on bridging visas are highly educated and highly skilled and come from professions that are being filled by 457 visas. For example, people with engineering qualifications and skills. There is a significant shortage of engineers and many people are engineers and, if given work rights, could make a significant contribution.

Many people seeking asylum, service providers and community members raised concerns about the lack of English and further education opportunities. Many people seeking asylum expressed to RCOA their keen desire to improve their English and to undertake further education in order to contribute to Australia. However, the denial of access to higher education loan schemes and the lack of Commonwealth-supported places effectively prevent people seeking asylum from undertaking further education. As one asylum seeker living in the community expressed, “I want to be a psychologist. I self-studied this. I’ve been sitting here for 18 months. I can hardly pay the rent and eat. We have no right to education. I can’t study English, I feel isolated from the community.”

The loss to the Australian community through the denial of work rights and education was also highlighted through the comments of one young asylum seeker:

“I lost my dad, I lost my brother and I couldn’t stay anymore. I came to be safe here. I came here in 2012, I’m not allowed to work, there are no funds for me to study. It’s not just me, it’s all asylum seekers... When I arrived I was 17. Imagine if you are 17 and you are not allowed to go to school. Now I’m almost 20.

The best years of my life are gone. When can I go to school? When can I go to college? When can I have my education?

Communication and transparency

“There needs to be a greater level of transparency about what’s going on. There are so many things are done in the dark, we don’t really know what’s happening.

– Service provider, Sydney

The lack of transparency in the Government’s communication with people seeking asylum, support agencies, refugee communities and the Australian public was viewed as unethical, damaging and a direct contributor to confusion and anxiety for many people and organisations. Several consultation participants felt that if the issues were discussed in an open and transparent way, people would have a better understanding of what was going on. Some felt that the lack of transparency was a purposeful tactic of Government to ensure that a detailed understanding of the complex issues would be avoided and simplistic slogans and responses could prevail.

Some concern was also expressed about perceived efforts to suppress advocacy or silence critical voices, such as through funding arrangements and the confidentiality agreements signed by people working in offshore detention centres. There was also great apprehension that advocacy for individuals – particularly in relation to allegations of sexual and physical abuse – was being met with criminal investigations not of the perpetrator but of the persons or agencies raising alarm over the allegations. The restrictions on disclosure of “protected information” introduced by the Australian Border Force legislation were of particular concern in this regard.

RCOA received overwhelming and consistent feedback about the confusion caused by the pace of policy change. This impacted people seeking asylum themselves as well as the individuals and organisations supporting them. RCOA regularly heard that the lack of transparency was leading to confusion and anxiety for people seeking asylum and their communities. This worry was felt not only by people in the process of seeking protection but also by people who already had permanent residency: RCOA

¹⁶ See Hugo, G. (2011). *Economic, social and civic contributions of first and second generation humanitarian entrants*. Department of Immigration and Citizenship. <http://www.border.gov.au/ReportsandPublications/Documents/research/economic-social-civic-contributions-about-the-research2011.pdf>



heard that some people with permanent Protection Visas were fearful of being returned to the places where they faced persecution. The confusion and lack of transparency was also flowing on to refugees who were resettled in Australia from overseas, with some expressing confusion regarding which policies and practices applied to them.

This anxiety also had ramifications for the engagement of people seeking asylum with the broader community. One consultation participant in Western Australia noted that asylum seekers living in the community who had no work or study rights were afraid to do volunteer work even though they were permitted to do so, fearing “that if they put a foot wrong, they’ll be back behind the razor wire [in immigration detention].” The confusion over policy and program changes also impacted people and agencies providing assistance. As one support agency said:

We have even contacted the Immigration Department for clarification; however, DIBP [the Department of Immigration and Border Protection] sometimes does not understand the policy and cannot provide accurate information. We have had to redesign several of our workshops halfway through the year because of the changing policies. It is a waste of resources.

Several mainstream services also advised that they would approach specialist asylum or refugee support services to get advice or information about policies and programs but had difficulty getting clear and up-to-date information. Agencies and groups working with people seeking asylum on a daily basis revealed that even they had difficulty keeping up with the latest and most relevant information about Government policy. One support worker said, “The problem is that communication from the Department to the community and service providers is not good. I think it is part of the strategy. I think everyone is working in a blurry fog.”

There was also concern that DIBP had not given sufficient priority to communicating critical information about policy changes. There was broad agreement that DIBP had become more secretive and less willing to share information or provide clarity on issues of concern. One consultation participant noted that if DIBP provided regular briefings on the changes, the high levels of uncertainty would dissipate. It was felt that this would be advantageous not just for people seeking asylum, services and communities but for also for the Government, as it would assist in building greater understanding of the implications of Government policies amongst the people to whom these policies apply and the services tasked with implementing or explaining them.

Damage to Australia’s international reputation

“Australia forgot that it is a signatory to the Refugee Convention.

– Service provider, Western Australia

International obligations

Many people consulted by RCOA during 2014 and 2015 expressed dismay that Australia’s asylum policies violate international law and place Australia at odds with the international community. The policies of greatest concern included interception and detention at sea, boat turnbacks, “enhanced screening” of refugee claims, mandatory and indefinite detention, inhumane conditions in detention centres, forced returns to countries of origin, “resettlement” arrangements with countries like Cambodia and Papua New Guinea, discrimination based on mode of arrival, denial of work rights and limited support for asylum seekers living in the community. As one support worker highlighted:

“The Australian Government has the primary responsibility for protecting those who arrive in our territory fleeing persecution. First and foremost this means compliance with all international law, including the Refugee Convention, and with principles of justice, compassion, and human dignity.

Some called for Australia to enshrine our international obligations in domestic legislation in order to ensure full compliance with international law and called on the Australian Government to ratify a number of other human rights treaties, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

International criticism of Australia’s policies

Australia’s policies towards refugees and people seeking asylum remain the subject of significant international interest and concern. UNHCR expressed concern about Australia’s policies on several occasions during 2014, specifically in relation to boat

turnbacks,¹⁷ the violence at the Manus Island detention centre in February 2014¹⁸ and Australia's resettlement arrangement with Cambodia, which High Commissioner Antonio Guterres described as a "worrying departure from international norms".¹⁹ Mr Guterres also drew attention to Australia's policies during his address at the opening plenary of the 2014 UNHCR-NGO Consultations, naming Australia alongside Egypt and Bulgaria as an example of a country closing its borders to people seeking protection.²⁰

Indeed, Australia was consistently singled out for criticism at major international meetings on refugee protection and human rights during 2014 and 2015. One of the most significant examples was the maiden address of the incoming United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, at the 27th session of the United Nations Human Rights Council in early September. In a speech which focused on the most serious human rights concerns in the world at the time – such as the Syrian civil war, the advance of Islamic State, the Israel-Palestine conflict, the situation in the Ukraine and the outbreak of the Ebola virus in western Africa – Mr Al Hussein expressed concern about the "chain of human rights violations" resulting from Australia's policies of boat turnbacks and offshore processing, noting that these policies were leading to "arbitrary detention and possible torture following return to home countries" and "the resettlement of migrants [sic] in countries that are not adequately equipped".²¹

Similarly, at the UNHCR's Executive Committee meeting in late September 2014, NGOs from around the world chose to highlight four "particularly troubling situations" in the joint NGO statement on international protection – one of which was the "continuing deterioration of protection standards for asylum seekers in Australia".²² The statement expressed specific concerns about

the conditions in offshore detention centres, the deaths of Reza Berati and Hamid Kehazaei, the resettlement arrangement with Cambodia and "the increasingly extreme measures used by Australia to block access to protection", such as boat turnbacks and forcible returns to Sri Lanka.²³ These concerns were reiterated by NGOs at the UNHCR's 2015 Executive Committee meeting, with Australia being one of the five country situations highlighted in the joint statement on international protection.²⁴

That Australia's policies have been mentioned alongside such serious refugee protection and human rights concerns is indicative of how significantly our international reputation has been damaged by our treatment of people seeking asylum. It is evident that Australia's reputation as a country which respects and upholds human rights standards and international law is increasingly being called into question.

Further evidence of the damage to Australia's reputation emerged through the review in late 2014 of Australia's compliance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The United Nations Committee Against Torture raised concerns about the compatibility of a number of Australia's policies towards people seeking asylum with the Convention, highlighting the policy of turning back boats without due consideration of non-refoulement obligations; the erosion of protections against refoulement resulting from the Legacy Caseload Act; Australia's policy of mandatory indefinite immigration detention, in particular the detention of children and the prolonged indefinite detention of stateless people and those who have received adverse security assessments; prolonged indefinite detention and harsh conditions in offshore processing centres, which the Committee noted "reportedly creates serious physical and mental pain and suffering"; and inadequate mechanisms for identifying survivors of torture amongst people

17 UNHCR (2014). UNHCR seeking details on reports of boats forced back from Australia. Media release, 10 January. <http://www.unhcr.org/52cfe2a0fc.html>

18 UNHCR (2014). UNHCR concerned about the Manus Island disturbance. Media release, 18 February. <http://www.unhcr.org/53032ffb6.html>

19 UNHCR (2014). UNHCR statement on Australia-Cambodia agreement on refugee relocation. Media release, 26 September. <http://www.unhcr.org/542526db9.html>

20 See transcript of Mr Guterres' comments in RCOA (2014). UN High Commissioner criticises Australia's 'strange' obsession with boats. Media release, 18 June. http://www.refugeecouncil.org.au/n/mr/140618_UNHCRNGO.pdf

21 Al Hussein, Z. R. (2014). Opening Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights. Address to the 27th Session of the United Nations Human Rights Council. 8 September. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14998>

22 The other three situations mentioned in the statement were: the Syrian refugee crisis, in particular the immense pressure faced by neighbouring countries hosting the majority of Syrian refugees; the deteriorating protection conditions faced by refugees in Kenya; and the dramatic increase in the number of unaccompanied children and families in Central America who are being forcibly displaced internally and across international borders.

23 "NGO Protection Statement." Executive Committee of the High Commissioner's Program 65th Session. Geneva: 29 September to 3 October 2014. https://icvanetwork.org/system/files/versions/NGO_Extended_ExCom_Statement_on_Protection.pdf

24 The other four situations were Syrians, the Bay of Bengal and Andaman Sea boat crisis, Central America and Kenya. See "NGO Protection Statement." Executive Committee of the High Commissioner's Program 66th Session. Geneva: 5 to 9 October 2015. https://icvanetwork.org/system/files/versions/151008FINAL_NGO_PROTECTION.pdf



seeking asylum.²⁵ As the Convention Against Torture is designed to prevent some of the most egregious of all human rights violations, the Committee's clear concern about the compatibility of Australia's asylum seeker policies with the Convention is particularly significant.

Broader implications

In recent years, participants in RCOA's networks and community consultations have drawn attention not just to the immediate impacts of Australia's asylum seeker policies at an individual level but also their broader ramifications. Similar messages were conveyed in 2014 and 2015, with participants highlighting the long-term costs of Australia's policies in terms of their impacts on the capacity of refugees to settle successfully.

A service provider in regional New South Wales, for example, argued that people subject to offshore processing "will have great difficulty with settlement because they have been through this dehumanising process". Another service provider in Western Australia highlighted the long-term costs of providing ongoing support to people whose mental health had been compromised by their treatment in Australia: "The costs to pick up the pieces adds to the cost of actually running the policies." A representative from the Hazara community spoke of struggling to learn English despite having studied for two years, stating "I'm so depressed that I cannot learn."

Concerns were also raised about the negative influence of Australia's policies on other countries in the Asia-Pacific region, with some expressing fears that the negative example set by Australia would lead to a further erosion of protection standards across the region.

25 United Nations Committee Against Torture (2014). Concluding observations on the combined fourth and fifth periodic reports of Australia. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/249/01/PDF/G1424901.pdf?OpenElement>.

Solutions and alternatives

The devastating and at times fatal consequences of Australia's policies at an individual level; their enormous financial cost; the erosion of basic rule of law principles; the damage to Australia's international reputation; the increasingly stark disconnect between Australia's stance towards people seeking asylum and the on-the-ground realities faced by people seeking protection across the globe: all of these factors point to the fundamental unsustainability of Australia's current asylum seeker policies. Reform is not merely an option, it is an inevitability. The human and financial costs of our current approach are simply too high to sustain.

Fortunately, the pathway to reform is clear. There are many practical measures that the Australian Government could take to restore humanity and fairness to Australia's asylum seeker policies and address the shortcomings of our current policy approach. RCOA has developed the following ten-point plan outlining a range of policy measures and solutions which provide humane, constructive and effective alternatives to deterrence-based policies.

The reforms outlined below may not be easy to achieve but, with sufficient commitment and leadership, all are eminently achievable. There are alternatives to Australia's current policies. It is now up to the Australian Government to decide whether to continue along its current course, knowing the likely costs and consequences, or to take a different approach which prioritises protection, fairness and human dignity

Encourage practical regional cooperation on refugee protection

Many political leaders and commentators have expressed fears that abolishing Australia's current deterrence-based policy regime will lead to a resurgence of dangerous boat journeys to Australia and, consequently, an increase in loss of life at sea. RCOA believes, however, that these fears in fact reveal the fatal flaw in Australia's deterrence-based approach: it cannot present a sustainable solution to dangerous sea journeys because it does nothing to address the root causes of this problem. Indeed, flight by sea is more accurately characterised as a symptom of a much broader and more serious problem, namely the limited (and diminishing) access to effective protection for people fleeing persecution across much of the world and particularly in the Asia-Pacific region.

So long as people fleeing persecution are unable to find a place of safety where they can enjoy the basic rights and entitlements which we should all be able to take for granted, they will continue to search for a means of escaping their predicament – including through undertaking dangerous sea journeys. In this context, deterrence can only ever be a stop-gap measure, not a sustainable solution. In fact, seeking to simply deter people seeking asylum from travelling to Australia by boat without providing viable alternative pathways to protection may trap them in highly precarious situations or force them to consider more dangerous methods of seeking protection, in turn placing them at even greater risk of exploitation by people smugglers and traffickers.

There is an urgent need for coordinated international action to ensure that people fleeing persecution are able to reach places of safety and receive the protection and assistance to which they are entitled. As a wealthy nation which has ratified the Refugee Convention and has a long history of providing protection and support to refugees, Australia is ideally placed to lead this action in the Asia-Pacific region. Unfortunately, the Australian Government's actions over the past six years have eroded some of this leadership potential. The short-term, practical and attainable actions that are needed to drastically improve the lives of refugees in the Asia-Pacific rely on genuine leadership by governments in cooperation with civil society and local communities.

Recommendation 1

RCOA recommends that the Australian Government, as a matter of urgency, develop a plan of action to enhance access to effective protection across the Asia-Pacific region, in line with the suggestions put forward in the Appendix of this report.

End Operation Sovereign Borders

Of all of the deterrence-based policy measures currently being implemented by the Australian Government, it is those which form part of Operation Sovereign Borders which create the most immediate risk of asylum seekers being returned to danger. The practices of forcibly preventing people seeking asylum from entering Australian waters, screening claims at sea and casting them adrift in lifeboats all prioritise deterrence and enforcement at the expense of protection, failing to ensure safety of life at sea and placing people at high risk of being returned to situations where they could face persecution or other forms of serious harm.

The Government has repeatedly emphasised the strength of its resolve in implementing Operation Sovereign Borders and other



deterrence-based policies. Should such resolve be applied to implementing a search-and-rescue response and building regional cooperation on refugee protection (in line with Recommendation 1), significant protection dividends could be achieved without placing people seeking asylum at such grave risk.

Recommendation 2

RCOA recommends that the Australian Government:

- a) End Operation Sovereign Borders and cease the interdiction of boats carrying people seeking asylum;*
- b) End the practice of “enhanced screening” and ensure that all people seeking asylum have access to the full refugee status determination process; and*
- c) Replace Operation Sovereign Borders with a search-and-rescue response focused on safeguarding the rights of people seeking asylum.*

Abolish offshore processing

Australia’s revived offshore processing regime has now been in operation for three years, during which time RCOA has conducted four national consultation processes. The feedback on offshore processing we have received over this time period is alarming in its consistency. It is apparent that there have been few significant improvements in either the physical conditions of detention or efficiency of refugee status determination in Nauru and Papua New Guinea. Indeed, conditions appear to have deteriorated in some cases and the mental health impacts of prolonged indefinite detention under harsh conditions have become ever more pronounced. Significant uncertainty remains regarding the ultimate fate of people who are found to be refugees after having their claims processed offshore. The two options nominated to date as solutions for these refugees (permanent settlement in Cambodia or Papua New Guinea) are still yet to be fully tested in practice and it is highly questionable whether they will prove to be effective, workable or sustainable.

There are a number of measures the Australian Government could implement to mitigate some of the harm caused by offshore processing. These include exploring alternatives to detention, expediting the processing of asylum claims, addressing shortcomings in physical conditions and enhancing independent oversight. So long as offshore processing is intended to act as a deterrent, however, RCOA is concerned that even these modest improvements will be difficult to achieve.

The threat of being sent to an offshore processing centre can only “work” as a deterrent if people seeking asylum believe that what they are seeking in Australia – safety, humane treatment, a fair hearing, an opportunity to rebuild their lives and a secure future – will not be available to them in Nauru and Papua New Guinea. In RCOA’s view, this creates a perverse incentive to maintain inhumane conditions. Efforts to limit detention, expedite processing of claims, improve physical conditions and provide durable solutions would in fact work against the policy’s intention, as offshore processing operates most effectively as a deterrent when detention is prolonged, processing is slow, physical conditions are harsh and the future is uncertain. In essence, the success of offshore processing depends on human suffering.

While RCOA would certainly welcome any efforts to alleviate the suffering of the people currently subject to offshore processing in Nauru and Papua New Guinea, we believe that objective of deterring asylum seekers is irreconcilable with the objective of protecting asylum seekers. As such, we see no viable way forward for offshore processing and strongly recommend that it be abolished entirely.

Recommendation 3

RCOA recommends that:

- a) Offshore processing of asylum claims be abolished and the detention centres in Nauru and Manus Island be closed;*
- b) All people currently subject to offshore processing be returned to Australia for processing of their claims; and*
- c) All people who have been found to be refugees after having their claims processed offshore be returned to Australia and granted permanent Protection Visas.*

Reform immigration detention

The Government’s commitment to releasing all children from closed immigration detention facilities is a welcome development. However, the fact that so many children were able to be lawfully held in immigration detention at all, let alone for such prolonged periods, highlights chronic and unresolved problems in Australia’s immigration detention system.

Time and again, under both Labor and Coalition Governments, we have seen people seeking asylum (including children) detained

unnecessarily for prolonged and indefinite periods at an enormous human and financial cost. It is abundantly clear that we cannot rely on non-legislative policy measures and the goodwill of the government of the day to prevent prolonged, indefinite and unnecessary immigration detention. RCOA believes that it is imperative that legislative measures be introduced to ensure that no person in Australia will ever again experience the devastating consequences of prolonged indefinite detention.

Recommendation 4

RCOA recommends that the Australian Government introduce legislation to:

- a) Abolish mandatory immigration detention in favour of a discretionary system under which detention is applied as a last resort and only when strictly necessary;*
- b) Restrict immigration detention to a maximum of 30 days without judicial review and six months overall;*
- c) Establish a system of judicial review of immigration detention longer than 30 days, with subsequent reviews carried out at regular intervals if continued detention is deemed appropriate;*
- d) Codify clear criteria for lawful detention and minimum standards of treatment for people subject to immigration detention, in line with UNHCR's Detention Guidelines²⁶ and*
- e) Prohibit the detention of children in closed immigration detention facilities, with community-based support arrangements to be used in place of closed detention.*

Improve support for asylum seekers in the community

Community-based support arrangements offer a humane and cost-effective alternative to closed immigration detention. In order to be successful, however, such arrangements must provide people seeking asylum with adequate support to ensure that

they are able to live safely in the community and meet their basic needs without facing undue hardship. Not only is this support essential to upholding the human dignity people seeking asylum, it is also necessary to facilitate their participation in the status determination process. In addition, given that a significant number of people seeking asylum will eventually be recognised as refugees and remain in Australia on a long-term basis, providing adequate assistance at the beginning of their journey in Australia will help to ensure more positive settlement outcomes in the future.

The ongoing feedback received by RCOA indicating that many asylum seekers in the community continue to face serious destitution, marginalisation, housing stress and deterioration in physical and mental health clearly illustrates that current community-based support arrangements do not allow for the provision of adequate support. We believe there is a need to substantially revise these arrangements to ensure that people seeking asylum are able to enjoy an adequate standard of living, successfully navigate life in Australia and participate in the Australian community.

Recommendation 5

RCOA recommends that:

- a) Immediate action be taken to enhance the capacity of the Department of Immigration and Border Protection to expeditiously renew expired Bridging Visas for people seeking asylum and ensure that no one becomes unlawful due to delays in visa renewals;*
- b) Income support rates under the Status Resolution Support Service be revised to a level which more accurately reflects the cost of living;*
- c) Work rights be granted expeditiously to asylum seekers living in the community and targeted employment support services be made available to people with work rights;*
- d) Vulnerable people who are not able to find employment be given access to increased income support to reduce the risk of destitution and homelessness;*

26 UNHCR (2012). *Guidelines on the applicable criteria and standards relating to the detention of asylum seekers and alternatives to detention.* <http://www.unhcr.org/505b10ee9.html>

e) *Education and training opportunities be expanded to ensure the young people have study options beyond high school;*

f) *People seeking asylum be granted access to the Adult Migrant English Program on the same basis as temporary and permanent humanitarian visa holders; and*

g) *Interpreting be included as a "client service" for all support provided to people seeking asylum through the Status Resolution Support Services program and through torture and trauma counselling programs.*

Reinstate a fair refugee status determination process

A robust refugee status determination process is essential to ensuring that people are not erroneously denied refugee status and returned to situations where their freedom, safety or lives could be under threat, as well as to ensuring public confidence in government decision-making. Recent changes to Australia's refugee status determination process, however, are likely to achieve the opposite: they will create a far higher risk of inaccurate decision-making (in turn increasing the risk of people being returned to danger) and undermine the integrity of the assessment process.

RCOA believes that a quality refugee status determination system provides the most effective mechanism for making the necessary distinctions between credible and unfounded refugee claims, while also protecting people from being returned to danger. In our view, the most straightforward and effective means of resolving the status of people in the so-called "legacy caseload" is to restore a single statutory system of refugee status determination and cease imposing artificial delays on the processing of claims.

In light of the heightened risk of erroneous decision-making resulting from recent changes to the status determination system, RCOA also believes there is need for Australia to significantly improve its processes for monitoring the safety of failed asylum seekers who are deported from Australia. Such monitoring would allow the Australian Government to assess whether its newly-introduced procedures and criteria for determining refugee status in fact allow for a thorough and accurate assessment of claims, as well as providing a safeguard for people seeking asylum who now have fewer protections against forced return to danger under Australian law.

Recommendation 6

RCOA recommends that the Australian Government:

a) *Restore a single statutory status determination process for all people seeking asylum, consisting of primary decision-making by the Department of Immigration, review by the Refugee Review Tribunal and access to opportunities for judicial review and Ministerial intervention;*

b) *Restore access to the Immigration Advice and Application Assistance Scheme for all people seeking asylum at both the primary and review stages of decision-making;*

c) *Repeal the Migration Amendment (Protection and Other Measures) Act 2015 and the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 to bring Australia's refugee status determination process back in line with our Refugee Convention obligations and international guidelines on the assessment of refugee claims; and*

d) *Establish a system of periodic monitoring for failed asylum seekers who are deported from Australia, to ensure that they are not subject to persecution or other forms of serious harm upon return.*

End discrimination based on mode of arrival

One of the defining features of Australia's current asylum seeker policies is the distinction they draw between different groups of people based on their mode of arrival, both in terms of the methods they use to reach Australia (boat or plane) and whether they hold valid travel and identity documents on arrival. In RCOA's view, such distinctions – which have now become systemic – are entirely arbitrary. The mere fact that a person has arrived in Australia by boat or does not hold a valid visa bears no relationship to the validity of their protection claims and should therefore have no impact on the standard of protection they are able to access in Australia.

RCOA believes that it is unacceptable to arbitrarily deny access to certain entitlements as a means of deterring people from arriving by boat or without travel documents. Not only is this unfair, it is simply misguided. There is scant evidence to suggest that most of the discriminatory measures applied by Australia (such as denial of permanent residency and restrictions on family re-

union opportunities) have any deterrent effect whatsoever; while there is considerable evidence to suggest that these measures have a significant negative impact on the capacity of the people affected to settle successfully, contribute to Australia and reach their potential. Discriminatory measures also increase the complexity of Australia's asylum seeker policies, resulting in parallel, duplicative systems, more complicated assessment processes and widespread confusion regarding eligibility for various services. This discrimination disadvantages many while benefiting no one and must be brought to an end.

Recommendation 7

RCOA recommends that the Australian Government repeal all legislative provisions and abolish all policies which discriminate against people seeking asylum refugees solely on the basis of their mode and date of arrival, including:

- a) Exclusion from Australia's migration zone;*
- b) Requirement for mandatory immigration detention;*
- c) Differentiated refugee status determination procedures;*
- d) Denial of access to permanent residency and citizenship;*
- e) Restrictions on access to family reunion opportunities, including differentiated processing priorities for family reunion applications;*
- f) Restrictions on access to various support services, including legal advice and settlement services;*
- g) Restrictions on overseas travel with right of return; and*
- h) Differentiated reporting requirements regarding change of address.*

Improve protection for unaccompanied children

Issues relating to the protection and support of unaccompanied children have been among the most consistently-raised concerns through RCOA's networks and community consultations.

While the particular vulnerability of this group of young people is universally acknowledged, the current guardianship, care and support arrangements for unaccompanied children are seen to have significant shortcomings. In addition, the negative impacts of Australia's current policies are often particularly acute for unaccompanied children; that is, the most vulnerable are among the worst affected. We believe that action is long overdue to end the harm inflicted by Australia's policies on these vulnerable yet resilient young people and ensure that they receive adequate care and support.

Recommendation 8

RCOA recommends that the Australian Government:

- a) Amend the Immigration (Guardianship of Children) Act 1946 to remove the Minister for Immigration's status as legal guardian for the unaccompanied children and appoint an alternative independent legal guardian;*
- b) In consultation with State and Territory Governments, develop a national strategy for the care and support of unaccompanied children; and*
- c) Explore options for providing ongoing support to young people aged between 18 and 21 who arrived as unaccompanied children.*

Improve protection for stateless people

With a global campaign to eradicate statelessness currently underway, it behoves Australia to give more serious consideration to the measures it can take to assist stateless people and reduce the incidence of statelessness. While most stateless people in Australia also have protection claims, there is currently no solution for those who are stateless yet not refugees. In order to appropriately protect the rights of stateless people, a robust statutory Statelessness Status Determination procedure is needed, with a substantive permanent visa available for those found to be stateless yet not refugees.

The situation of stateless children who are born in Australia also necessitates action. These children are entitled to Australian citizenship and failure to recognise this entitlement would place Australia in breach of both its own laws and its international obligations. Furthermore, the introduction of legislation which could have the impact of increasing statelessness rather than reducing it is hardly in keeping with our international obligations and global efforts to end statelessness entirely.



Recommendation 9

RCOA recommends that the Australian Government:

- a) *Implement a statutory Statelessness Status Determination Procedure, based on recommendations from UNHCR²⁷ and the draft model proposed in RCOA's Stateless in Australia report;²⁸*
- b) *Establish a permanent substantive visa for stateless people who do not have other protection needs, granting the same level of access to support services and citizenship as permanent refugee and humanitarian visa holders;*
- c) *Grant citizenship to stateless children born in Australia within a reasonable time, as required by the Australian Citizenship Act 2007; and*
- d) *Amend the Australian Citizenship and Other Legislation Amendment Bill 2014 to remove provisions which may increase the incidence of statelessness, as recommended in RCOA's submission to the Senate Legal and Constitutional Affairs Committee inquiry into this legislation.²⁹*

End the demonisation of people seeking asylum

The tenor of the public and political debate on refugee and asylum seeker issues has descended to a new low. Rather than driving measured discussion of Australia's role in providing protection and settlement opportunities to people fleeing persecution and conflict, Australian political leaders have contributed to toxic attacks on vulnerable people seeking Australia's protection. The Government's decision to officially label people arriving by sea without a visa as "illegal maritime arrivals" is not only inaccurate and specious but also has had the effect of making refugees who arrived in this manner feel unwelcome and dehumanised.

In spite of (or perhaps in response to) the toxic debate and lack of political leadership, there are myriad examples of everyday Australians resisting the branding of people seeking protection as "illegal" and seeking to counter the argument that the best

thing Australia can do is turn people away. There is increased goodwill and a willingness to provide support people seeking asylum in Australia but there is little recognition by the Government of these efforts.

There is a desperate need for a measured dialogue and further education about the global and local issues of refugee displacement amongst the broader community. Communication from Ministers and relevant Departments to people seeking asylum, refugee communities, organisations providing support and the general public must also be ramped up. The lack of regularly released clear and factual information has detrimental impacts not only on the people involved in the protection process but also the wider Australian public.

Recommendation 10

RCOA recommends that:

- a) *Australian Parliamentarians demonstrate leadership in driving a calm, level-headed discussion on refugee and asylum seeker policy, with a focus on eradicating the myths and misinformation which permeates the public debate;*
- b) *In parallel (and in the absence of this political leadership), civil society members and other key decision-makers seek to lead positive changes in public discourse;*
- c) *The Australian Government, as a priority, cease using the word "illegal" to describe people seeking asylum who arrive by boat. This should apply both the departmental staff and Parliamentarians;*
- d) *The Department of Immigration and Border Protection, in consultation with civil society and refugee community members, develop a comprehensive communications strategy to both clearly explain the protection process to people seeking asylum and dispel myths and misinformation about forced migration amongst the Australian public; and*
- e) *Funding for human rights education be reinstated.*

27 UNHCR (2014). Handbook on the Protection of Stateless Persons. <http://www.refworld.org/docid/53b676aa4.html>

28 RCOA (2015). Statelessness in Australia. <http://www.refugeecouncil.org.au/wp-content/uploads/2015/07/1508-Statelessness.pdf>

29 See RCOA's submission to the Senate Legal and Constitutional Affairs Committee inquiry into the Australian Citizenship and Other Legislation Amendment Bill 2014 at <http://www.refugeecouncil.org.au/wp-content/uploads/2015/05/1411-Citizenship.pdf>

Appendices

Improving refugee protection in Asia-Pacific

For several years, government and civil society representatives and academics have been discussing the need for Asia-Pacific regional cooperation to improve the protection of refugees. It is most often raised as a longer term alternative to address the factors which push asylum seekers on to dangerous boat journeys. How realistic is this idea? What would it involve and where would we start? In this brief discussion paper, developed with input from the Asia Pacific Refugee Rights Network, the Refugee Council of Australia (RCOA) argues that not only is it essential for Australia to be involved in this form of regional cooperation but it can start now with constructive bilateral steps to achieve immediate improvements in the lives of refugees.

Why Australia must take a more constructive approach

Global displacement at a 70-year high

While Australia has been closing its borders to asylum seekers on boats and cutting its annual Refugee and Humanitarian Program by nearly one third, the world's forced displacement crisis has been growing considerably. As 2015 began, global displacement reached its highest level since the end of World War II, with 59.5 million people forcibly displaced, including 19.5 million refugees and 1.8 million asylum seekers. In 2014, 42,500 people were newly displaced every day. The number of people forcibly displaced grew by 16 million in just four years, due to the emergence of new crises (most notably the conflict in Syria) and the deterioration of existing crises. By contrast, Australia's share of responsibility for refugee protection has decreased. Of the refugees who received some form of protection in 2010 (through

recognition of refugee status or resettlement), 2.3% found that protection in Australia. By 2014, this figure had decreased to 0.43%. Similarly, Australia received 1.04% of the asylum applications lodged in 2010 but only 0.24% in 2014.

Refugees' desperate search for enduring protection

More than half of the world's refugees live in just eight countries and 86% are in developing nations. Lebanon, a country of just 4.5 million people with territory nine times smaller than Tasmania, is now hosting 1.2 million Syrian refugees. Where some countries struggle to meet their obligations towards refugees, others simply do not accept these obligations. In Asia, few countries are signatories to the Refugee Convention and most lack legal and administrative frameworks for determining refugee status or providing protection. Refugees in these countries typically do not have a formal legal status (even if they have been recognised as refugees by UNHCR) and are unable to work legally, own or rent property, send their children to school or access basic services such as health care. The lack of status also places them at risk of harassment, exploitation, detention and deportation. In other situations, refugees find that the insecurity they have fled has followed them – a prime example being Afghan Hazaras targeted by the Taliban in Pakistan's Balochistan province.

Compelling need for better collective answers

As persecution and conflict have proliferated and the opportunities for refugees to find effective and enduring protection have become more limited, we have increasingly seen refugees and asylum seekers moving beyond their country of first asylum in search of protection elsewhere, often undertaking perilous journeys facilitated by smugglers or traffickers. This has been seen perhaps most dramatically in Europe, where around 150,000 people have crossed the Mediterranean in the first six months of 2015 (with close to 2,000 people losing their lives in the process). In two years since mid 2013, more than 100,000 people have fled across the Bay of Bengal and Andaman Sea, many of them Rohingya refugees fleeing systemic persecution in Burma and abysmal protection conditions in Bangladesh. In the face of these challenges, there has been a growing recognition of the need for better collective answers to forced displacement.



Australia's declining international influence

Australia's capacity to influence international discussions about refugee protection has declined considerably as the Australian Government's response to people seeking asylum has become harsher. All mainstream conservative and social democratic parties across Europe have rejected suggestions that Australian-style policies of turnbacks of refugees, mandatory detention or forced removal to third countries are appropriate responses (morally, legally or practically) to the growing numbers of people entering Europe from the Middle East and North Africa. In South-East Asia, as the region responded in May to an increase in the number of boats of desperate people on the Andaman Sea, public and political opinion swung against suggestions that Australia's advocacy for boat turnbacks was acceptable. Despite its long and positive record on refugee resettlement, Australia is increasingly being seen as a wealthy nation interested primarily in rejecting its responsibilities to people seeking asylum, pursuing unsustainable policies which place greater pressure on poorer neighbours and foment resentment towards Australia. Ultimately, all fair-minded Australians would agree that it is in everyone's best interests to find constructive alternatives for refugees who see embarking on dangerous journeys as their best hope for protection and freedom. The only sensible and sustainable course for Australia is to support policies which improve the protection of refugees as close to their country of origin as possible, encouraging and, where feasible, leading international cooperation to share responsibility with nations in the forefront of refugee movements.

Understanding that refugee resettlement is only part of the answer

In much of the discussion about refugee protection in Australia, there is an assumption that resettlement is the only viable and

durable solution for refugees in the Asia-Pacific region. Because less than 1% of the world's refugees are resettled in any year, most refugees have no real chance of being resettled. Many would, in fact, prefer to live in safety close to their country of origin, in the hope that they may be able to return one day. UNHCR speaks of three durable solutions for refugees: safe voluntary return to the country of origin when the threat of persecution has ended, integration in the country of asylum (including, where possible, permanency and citizenship) and resettlement to a third country. The goal of effective regional cooperation should be to make all three durable solutions much more widely available – by working (where possible) to seek change in countries of origin, encouraging greater opportunities for integration in countries of asylum and strategising to expand global opportunities for refugee resettlement. The capacity of countries of asylum to provide integration opportunities will vary, with much greater opportunities in Malaysia and Thailand (now classified by the World Bank as upper middle income economies and both net importers of labour) than in nations such as Indonesia, the Philippines or Bangladesh.

Building a positive vision for the future

A longer term vision for the Asia Pacific region

In June 2014, the Asia Pacific Refugee Rights Network (APRRN) launched a regional vision for the protection of refugees, asylum seekers and stateless people, the result of two years of wide consultation across the region. This vision details principles relating to: freedom from violence and exploitation; access to essential services and livelihoods; legal protection; durable solutions; self-sufficiency; and partnerships between governments, NGOs, UNHCR and other actors.³⁰

30 See Asia Pacific Refugee Rights Network Vision for Regional Protection <http://www.aprrn.info/1/index.php/news/53-announcements/237-the-asia-pacific-refugee-rights-network-s-vision-for-regional-protection>

RCOA's 10 steps towards improving refugee protection in the region

Since 2012, RCOA has been advocating for an incremental process of change in the Asia-Pacific region, which would begin with the most pressing needs of refugees and move gradually towards an agreed and common regional strategy to protect refugees. We have outlined 10 steps which could be taken in any order, country by country, as opportunities arise:

1. Removing current barriers to existing refugee determination processes;
2. Creating space for and supporting NGOs to provide vital services to refugees and asylum seekers;
3. Granting asylum seekers legal permission to remain while refugee status is determined;
4. Developing alternatives to immigration detention;
5. Granting refugees and asylum seekers the right to work;
6. Providing access to basic government services, including education and health;
7. Providing refugees with access to durable solutions;
8. Developing national asylum legislation;
9. Promoting ratification of the Refugee Convention; and
10. Building greater regional consistency in asylum processes and protection strategies, supported by equitable sharing of responsibility for refugees, based on national capacity.

Reasons to believe change is possible

While it is undeniable that many refugees in the region face extraordinarily difficult circumstances, the picture is not universally bleak. There are some small signs of hope, with constructive initiatives of different states in the region providing positive examples when advocating for incremental improvements in living conditions for refugees.

- In Iran, refugees officially have access to primary and secondary education and basic healthcare and those between 18 and 60 can access temporary work permits.
- Pakistan affords many refugees a level of legal protection through Proof of Registration cards.
- India generally does not restrict refugees' freedom of movement and in 2012 allowed refugees to apply for Long Term Visas which can provide access to tertiary education.
- In Thailand, refugee and asylum seeker children in urban areas officially are able to attend school under the national "education for all" policy, though there are significant gaps in its implementation.
- The Philippines acceded to the Refugee Convention in 1981 and three years ago introduced a new status determination procedure for refugees and stateless people.
- In Hong Kong, the government refrains from detention and issues "recognition papers" to refugees allowing them to live in the community. Since 2013, the government has also taken over refugee status determination from UNHCR under its "Unified Screening Mechanism".
- In South Korea, tireless advocacy efforts have resulted in the development of a national refugee law which was enacted 2013 making it the first country in East Asia to take this step.

Australia's potential positive levers of influence

Despite Australia's international reputation on matters of refugee protection being at an historic low, Australia still has positive levers of influence which it could use if it chose to do so.

- Refugee resettlement: Over the past 40 years, Australia has done much to support nations in the region through its resettlement program. In the five years to June 2014, Australia issued resettlement visas to 23,536 refugees from Asia, most of them relocating from Malaysia, Thailand, Nepal, Pakistan and India. This gives Australia a positive platform on which to engage these states in constructive dialogue about how to improve the protection of refugees who haven't been resettled. Australia can also bring other resettlement states, particularly the United States and Canada, into these discussions.
- Overseas aid: Despite the massive cuts in the past two years to its overseas aid program, Australia is still a significant funder

of refugee protection strategies in the region, primarily through UNHCR and IOM. The Australian Government could choose to use its aid program more strategically to support new regional and local initiatives (government, NGO, UNHCR and IOM) which enhance refugee protection.

- Diplomatic action: Working for improvements in human rights conditions in countries of origin – seeking to address issues of displacement at their source – is critical to a comprehensive and effective regional strategy. While not wishing to overstate what can be achieved, Australia still retains sufficient international credibility to play a constructive role, if it is prepared to move beyond a seemingly singular obsession with preventing people movement and shift focus to the persecution and abuses which prompt refugees to move.
- Sharing expertise: NGOs and government agencies in Australia have considerable expertise, built up over several decades, on many issues of refugee status determination, protection, settlement and engagement with refugee communities. This expertise not only gives Australia significant credibility in regional discussions but could be shared as part of strategies to support the development of new protection initiatives.

Moving to immediate action

Constructive bilateral action to improve refugee protection

As we have seen, large multilateral forums like the Bali Process are unlikely to provide any significant impetus for change in the region. Refugees need much more than the occasional positive paragraph in an official communique. The changes which refugees are desperate to see are much more likely to come through constructive action between two, three or four states working in partnership with UNHCR and NGOs to tackle pressing refugee protection problems together. With sufficient political will, action can begin immediately. Priority must be given to the issues which are most problematic for refugees and asylum seekers – often the most basic issues such as access to adequate food and shelter, freedom from detention, legal status, timely access to a refugee status determination process, the right to work and access to health care and education. If refugees are able to get their most pressing needs met, they are much more likely to remain where they are while durable solutions are developed.

Identifying priority needs

Any strategy which aims to respond to refugee needs in a particular country must be based on consultation with the refugees

and asylum seekers themselves. NGOs which work with refugees and asylum seekers are ideally placed to take the lead in credible and independent community consultation processes. Information gathered by NGOs to date indicates that the most pressing concerns of refugees and asylum seekers, country by country, include:

- Indonesia: lack of legal status for refugees and asylum seekers, the widespread use of immigration detention, lack of access to adequate food and shelter for many asylum seekers and refugees, limited freedom of movement and the lack of work rights.
- Malaysia: lack of legal status for refugees and asylum seekers, the lack of work rights, delays in access to UNHCR's refugee status determination process, the constant risk of arrest and detention and the lack of access to education and affordable health care.
- Thailand: the high risk of arrest and detention for urban refugees, the lack of access to registration for many camp-based refugees, the lack of work rights and denial of freedom of movement.
- Cambodia: the very limited access to employment, education, health and other basic services for refugees and the refoulement in recent years of Uighir refugees to China and ethnic Montagnards to Vietnam.
- Bangladesh: the lack of access to registration or refugee status determination for most refugees, refoulement and pushbacks at the Bangladesh-Burma border, the widespread use of detention, the lack of work rights, no freedom of movement, no access to secondary education and the denial of access to resettlement.
- Sri Lanka: the high risk of refoulement (385 asylum seekers forcibly returned in 2014), the use of detention and the lack of work rights.
- Nepal: the lack of work rights and the imposition of hefty overstay visa fines (which serve as an obstacle to departure from Nepal through voluntary repatriation or resettlement).
- Pakistan: personal security for refugees (particularly in Balochistan), the lack of registration for many Afghans in the country, concerns about whether Proof of Registration cards will be extended beyond December 2015, the lack of official right to work and limited access to education.
- Iran: lack of access to the Amayesh refugee registration process since 2001, restrictions on freedom of movement, involuntary return and conditions in immigration detention.

Australia cleaning up its act

As Australia recognises that it has so much to gain by seeing refugees better protected across Asia, it will become clear that Australia cannot credibly advocate for change while maintaining policies which harm asylum seekers and refugees. In the treatment of asylum seekers and refugees in Australia or those sent to Papua New Guinea, Nauru or Cambodia, Australia will need to ensure that it is applying the standards it would wish to see applied elsewhere, including:

- A fair refugee status determination process, with access to information, interpretation, free or affordable legal advice, prompt assessment of claims and independent review.
- Freedom from detention, making full use of detention alternatives.
- Giving all asylum seekers the right to work.
- Ensuring all asylum seekers have access to critical services, including adequate shelter, physical and mental health care and education.
- Access to durable solutions, providing permanent protection and sustainable living conditions for recognised refugees and removing obstacles to family reunion.

Any effort by Australia to encourage more equitable sharing of responsibility for refugee protection will be significantly undermined by the current policies of forced turnbacks of asylum seeker boats, screening applicants out of the asylum process without any external scrutiny or opportunity for appeal and the forced removal of asylum seekers to poorer neighbouring countries. Australia must recognise that these policies are unsustainable because, if these policies were copied around the globe, international access to asylum would cease to exist.

Building positive partnerships between governments, NGOs and inter-governmental bodies

Effective action to address refugee protection needs in the Asia-Pacific region requires active and constructive engagement from governments, UNHCR, IOM, NGOs and refugee community organisations. The Refugee Council of Australia (with its network of 200 member organisations across Australia) and the Asia Pacific Refugee Rights Network (with more than 200 members across 26 nations) are ready at any time to work constructively with any government or inter-governmental body on the practical implementation of the ideas contained in this paper.



List of acronyms

The following acronyms have been used in this submission.

Acronym	Explanation
APOD	Alternative Place of Detention
ASAS	Asylum Seeker Assistance Scheme
CAS	Community Assistance Support [program]
DIBP	Department of Immigration and Border Protection
IAAAS	Immigration Advice and Application Assistance Scheme
ITOA	International Treaty Obligations Assessment
RCOA	Refugee Council of Australia
SRSS	Status Resolution Support Services
UNHCR	United Nations High Commissioner for Refugees



Refugee Council
of Australia

Sydney office

Suite 4A6, 410 Elizabeth Street, Surry Hills NSW 2010
Phone: (02) 9211 9333 • Fax: (02) 9211 9288
admin@refugeecouncil.org.au

Melbourne office

Level 6, 20 Otter St, Collingwood VIC 3066
Phone: (03) 9600 3302
admin@refugeecouncil.org.au

www.refugeecouncil.org.au

ABN 87 956 673 083