

REFUGEE COUNCIL OF AUSTRALIA

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MEDIA RELEASE

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REFUGEE COUNCIL RESPONDS TO CREATION OF NEW VISA CLASS FOR DETAINEES

The Refugee Council of Australia (RCOA) today welcomed the fact that the Australian Government has opened the way for some long-term detainees to be released into the community. These are people who, through no fault of their own, cannot return to their country of origin or habitual residence for compelling humanitarian reasons and would otherwise have been condemned to indefinite detention.

By creating a new visa subclass the Government has appropriately acknowledged the inherent inhumanity and impracticality of this situation.

“The introduction of the Removal Pending Bridging Visa is an important step in the right direction” said David Bitel, RCOA President. “It is good to see that those who receive the visa will be granted permission to work, access to Medicare, income support and access to specialised counselling services. All should be seen as fundamental supports for anyone released from detention”.

“This being said,” he continued, “a number of questions remain unanswered”. He lists these as:

- how long must a person be in detention before he or she is considered for the new visa? This is not made clear in the announcement. It is RCOA’s view that as soon as it is determined that it is not possible to remove a person, consideration should be given to releasing them;
- who determines eligibility? Given the highly politicised nature of the area, RCOA suggests that it would be advisable to have an independent panel of experts assessing the evidence to determine whether everything possible had been done to facilitate the person’s removal from Australia and hence eligibility for the visa. Further the decision not to grant a visa must be reviewable, as is the case for other visas;
- what happens if obstacles to return persist? RCOA contends that provision must be made for a person on a Removal Pending Bridging Visa to be granted permanent residence after a specified period (say 2 years) if, through no fault of their own, they cannot return;
- what happens if the person’s circumstances change? RCOA suggests that there must be provision for a person to make a request to the Minister (under section 48B of the Migration Act) to lodge a new claim for protection in changed circumstances without this resulting in a loss of the Removal Pending Bridging Visa and the person being returned to detention;
- what is the nature of the reporting conditions? RCOA contends that these must be reasonable and not interfere with the person’s ability to hold down employment or enjoy a normal family life.

“It is also important to recognise that the Removal Pending Bridging Visa will not benefit most of the long-term detainees. Nor does it address the core failing of Australia’s detention policy – its mandatory non-reviewable and potentially indefinite nature” Mr Bitel added. “RCOA urges the Government not to be afraid to take the next step to unwind policies that have caused enormous suffering to individuals and have brought no credit to Australia”.

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