

# REFUGEE COUNCIL OF AUSTRALIA

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## Concerns that current review will result in breaches of Refugee Convention

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The Refugee Council of Australia has serious concerns that as a result of the current hasty review of Australia's refugee protection obligations the last of the West Papuan asylum seekers could be returned to Indonesia to meet Indonesian objections to the grant of protection visas to the other 42.

"The Council applauded the original grant of status by an independent decision-maker in the Department of Immigration who found that they had a well-founded fear of persecution if returned to Indonesia", John Gibson President of the Council said. "Any return of the last person similarly situated to the others would be a violation of the 1951 UN Refugee Convention."

The Council wishes to make the following points:

- i) Any involvement of the authorities of the persecuting state in the process of refugee determination, which ever country it is, involving disclosure of names and details of claims to those authorities is a flagrant breach of the Convention
- ii) The imposition of a national interest test resulting in denial of protection to those who would otherwise be entitled to it would similarly contravene Australia's obligations under the Convention
- iii) Any act of turning back boats which reach Australian waters coming directly from a country of persecution and returning its occupants to that country, in this case to Indonesia, is a clear breach of Article 33 of the Convention

"The Council rejects both the concept of political interference from external sources in Australia's refugee determination processes and the use of language by some politicians describing West Papuan asylum seekers as "illegal". As the High Court has ruled an asylum seeker does not commit any crime by seeking Australia's protection and entering this country as an unauthorised arrival", John Gibson said.

"In the case of the West Papuans the possibility of return to persecution, now or in the future, is particularly poignant given the enormous sacrifices the peoples of the island of New Guinea made during WWII to protect Australian soldiers and Australia", he concluded.

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