



Refugee Council
of Australia

MEDIA RELEASE

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DENIAL OF LEGAL HELP ON NAURU INCREASES CHANCE OF PEOPLE BEING RETURNED TO PERSECUTION

The Australian Government's failure to provide Sri Lankan asylum seekers on Nauru with access to adequate legal assistance could result in a breach of the Refugees Convention, the Refugee Council of Australia has warned.

Refugee Council president John Gibson said the denial of legal assistance would increase the chance of people with a pressing need for protection from persecution being returned to danger.

"The Australian Government is punishing vulnerable victims of conflict ostensibly as a means of sending a signal to people smugglers," Mr Gibson said.

"Having made one bad policy choice, the situation should not be compounded by denying appropriate legal assistance, as Attorney-General Phillip Ruddock suggests is acceptable and proper.

"When it is potentially a matter of life and death, it is essential that the decision is not left to one bureaucrat with no opportunity for the applicant to be given advice on how to put their case and no option for review."

Last year, when the Government was attempting to excise the whole of Australia from the migration zone, it was prepared to provide to those being processed on Nauru similar levels of legal support to that available to protection visa applicants in detention in Australia. This was to involve the deployment of teams to provide legal assistance and face to face contact with asylum seekers.

"There is no reason whatsoever that this should not be provided now, particularly because of the strong prima facie nature of the claims of these young Sri Lankan asylum applicants," Mr Gibson said.

"Last year's Senate committee hearings into the now withdrawn legislation showed that, if proper legal representation is denied and there is poor-quality processing and decision-making on Nauru by government officials, there is a serious risk of a breach of Article 33 of the Refugees Convention.

"The Refugee Council hopes that the intervention of the Attorney-General and the use by Immigration Minister Kevin Andrews of the term 'illegal arrivals' is not an indication of a return to the discredited policies of the past.

"Australians are now well aware that asylum seekers are not illegal entrants but rather unauthorised arrivals who do not commit any crime by seeking to enter Australia and claim asylum.

"The government's approach smacks of double standards, given the improvements in onshore detention and the high standard of processing applied to asylum applications on the Australian mainland."

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The Refugee Council of Australia represents
non-government organisations and
individuals working with and for refugees
in Australia and around the world