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RCOA DISCUSSION PAPER ON THE RESPONSE TO THE 1999-2000 BOAT ARRIVALS

In the middle of 1999, the Australian public was swept up in a wave of sympathy towards refugees. People around the country were opening their hearts - and their pockets - to assist the refugees from Kosovo who were brought to this country as part of Operation Safe Haven. By and large, this was an enormously successful exercise and one that greatly enhanced public perceptions of "refugees".

By the beginning of 2000, however, the tide had turned. Refugees were now being equated with "illegals", "queue jumpers", "drug traffickers" and even "criminals and carriers of communicable diseases".[1] Senior public figures, such as the Premier of Western Australia, were advocating sending them straight back to the countries from whence they had come.

Such a regrettable reversal had, as its catalyst, the arrival of boat loads of people from the Middle East, the majority of whom had come with the express purpose of seeking asylum in this country.[2] It is the Refugee Council's contention, however, that the while the arrivals may have been the catalyst for the reversal, they were not the cause. The Council has been deeply concerned about:

- the way in which the boat arrivals have been projected in the popular press;
- the use of the resultant "climate of fear" to legitimise the introduction of draconian policies; and
- the manipulation of ethnic communities by emotive rhetoric and implication of complicity.

As will be outlined below, it is the Council's contention that enormous damage has been done to Australia's position as a humane and responsible member of the international community, to community relations as a whole within this country and to the relations between and within ethnic communities.

(1) The "Illegals"

The portrayal of the boat arrivals in the press by members of both state and federal government as "illegals" and "queue jumpers", and the suggestion that Australia is facing a crisis of major proportions, is feeding the fears of community members already swayed by the propaganda of One Nation.[3] The simplistic interpretation of that which has been happening has ignored some very important facts:

- every western country is a destination for asylum seekers. Australia cannot expect to be immune;
- victims of persecution choose countries such as Australia as their destination because they are seen as countries where democracy, respect for human rights and the rule of law prevail;

- it is a fundamental human right (as set out in Article 14 of the Universal Declaration of Human Rights) that a person can seek protection from persecution;
- to use the term “illegals” in relation to this group gives the wrong impression.
- They have not committed a criminal offence. They have simply arrived without the documentation (passport and visa) deemed necessary to enter Australia lawfully.
- In many instances boat arrivals will seek to “legalise” their entry by making an application for a protection visa;
- equally, they should not be described as “queue jumpers” since under international law there is no such thing as a queue for victims of persecution to join;
- as a party to the 1951 Convention Relating to the Status of Refugees, Australia is bound by law to consider the claims of anyone inside Australia seeking protection;
- one of the most important principles of international human rights law is the principle of non-refoulement. Under this, countries are bound not to return to their country of origin a person with a well founded fear of persecution or who will face torture or any form of cruel, inhuman or degrading treatment on return;
- the number of people seeking asylum in Australia is extremely small compared to other western countries: 8,257 in the year ended June 1999 compared to 51,795 in the United Kingdom and 98,644 in Germany in the same period;
- the number of asylum seekers coming to Australia this year is not appreciably higher this year than last. The difference is in the profile of people seeking protection;
- the countries from which the most recent boat arrivals have come are ones with very poor human rights records;
- in the year ended 30 June 1999, approximately 97% of Iraqis and 92% of Afghans who applied were found to meet the strict definition of refugee status by either the Department of Immigration or the Refugee Review Tribunal. Of the current arrivals whose cases have been finalised, all have been determined to be refugees;
- the fact that a person has the money to pay for travel is irrelevant in determining whether he or she has a well founded fear of persecution;
- if the Government adopted the United Nations High Commissioner for Refugees’ Detention Guidelines and released unauthorised arrivals once their identity was established and an application for refugee status was lodged, the number of people in immigration detention centres would be cut significantly, as would the costs of immigration detention.

From these facts, some simple truths emerge:

- Australia is not “under threat”.
- Australia cannot simply “pack these people off back home”.
- the people coming to Australia have rights under both Australian and international law that our Government is bound to observe.

(2) “Stemming the Tide”

In making the above points, the Refugee Council is not denying that the recent arrivals are arriving by routes where there is a high level of exploitation. Throughout the world there are unscrupulous people who will capitalise on people’s fear and desperation to make money. Commercial trafficking in people for any reason is a crime and it is important that steps be taken to protect victims from it. While doing this, however, the Council argues that we must not lose sight of the fact that amongst those who are trafficked are people who have fled in fear of their lives, who have come to this country seeking our protection and who had no opportunity to use legitimate means of departure/travel.

Another critical issue that has received scant attention in the debate is the reason why we have seen an upsurge of boat arrivals at this time. While much mention is made of the “traffickers”, no mention is made of why the boat arrivals have had to resort to traffickers in order to secure protection, ie:

- the breakdown of protection in countries of first asylum;
- the inability of those who have come to obtain the documentation that would allow them to travel via conventional channels;
- the extreme difficulty (as will be discussed later) many refugees face in trying to gain acceptance for resettlement.

Nor has there been focus on the need for Australia, and the international community as a whole, to address as a matter of importance the reasons behind the breakdown of protection. It is fatuous to suggest that the majority[4] of the recent arrivals from the Middle East are coming to Australia “for a better life”, especially when one considers:

- the ultimatum given by the Government of the Islamic Republic of Iran to refugees that they must leave or face expulsion to their country of origin; and
- the support of the Pakistani Government for the Afghan Taliban and the consequent implications for the protection of anti-Taliban elements amongst the Afghan refugee population in Pakistan.[5]

Not only is it unrealistic to expect the flow of people seeking protection from these countries to cease until such time as effective protection is restored, it is also irresponsible. A large part of the “burden sharing” spoken about at UNHCR’s 1998 Executive Committee Meeting[6] centred around the need for assistance to be given to the countries that have traditionally shouldered an unequal proportion of the responsibility for looking after refugees. Australia’s financial contribution pales into comparison when you consider that:

- Iran currently hosts over 1.4 million Afghan refugees, many of whom have been in the country for some 20 years, and over 0.5 million Iraqi refugees who have been there since the early 1990s;
- Pakistan still hosts some 1.2 million refugees in camps along the Afghan border as well as tens of thousands more Afghan refugees who have migrated to the cities over the last 20 years.

Both these countries have argued long and hard that they need help to shoulder their burden, yet they have received very little in comparison to other more “newsworthy” operations. UNHCR’s allocations[7] in 1999 to the two countries were as follows:

- \$US17.7million to Iran, which equates to less than \$US8 (about \$A12.30) per refugee for the year;
- \$US16.6million to Pakistan, which amounts to about \$US11 (about \$A16.94) for each person under UNHCR protection for the entire year.

Compare this to the conservative estimate of \$A100 million that Australia spent on 4,000 Kosovar refugees in 1999, which equates to \$25,000 per person.

The gross inequities that exist have not been lost on the countries of first asylum and are, in large part, behind the breakdown in protection. Unless this is recognised and addressed by the international community, the exodus will continue and neither Australia’s imposition of restrictive domestic practices nor interdiction will stop it.

3. What Queue?

There is an old Afghan saying: “By the time the opium has come from Iraq, the patient will be dead”. [8]

Much has been made about the boat arrivals being “queue jumpers”, with the implication that had they just waited patiently in the “queue”, they would have been assured of a durable solution. It is the Refugee Council’s contention that this is a spurious argument.

The majority of the new arrivals are from Iraq and Afghanistan, coming to Australia after having spent varying periods in Iran and Pakistan. As has been outlined above, protection in both of those countries is breaking down, and has the potential in the case of Iran, to be removed completely. Refugees in both these countries of first asylum have valid reasons to seek effective protection elsewhere for themselves and their families, with those from Iran having a critical time imperative.

Should people from this area elect to take their chances with applying to come to Australia under the offshore humanitarian program, their applications would join the already substantial backlog at the Australian High Commission in Islamabad (which handles both Pakistan and Iran) and it is possible that they will have to wait in excess of:

- 1 year and 4 months for a refugee (subclass 200) visa[9];
- 1 year 11 months of a humanitarian (subclass 202) visa; or
- 1 year 8 months for a women at risk (subclass 204) visa.[10]

That is, if they are successful. The odds on this occurring are, however, slim as the application rate exceeds the visa issue rate by at least 5:1. People with legitimate protection needs are not assured of resettlement places, and as indicated above, it is probable that they will have to wait for extensive periods before they are then told that their application has been rejected. To put it bluntly, what they are offered by the offshore program is not a place in a “queue” but a ticket in a lottery.

It is therefore not surprising that people facing refoulement to a country where there is every likelihood they will be persecuted or killed, or people confronting possible arrest and intimidation every day they stay in the country of first asylum[11] will, if they have the wherewithal, take matters into their own hands and seek other paths which, admittedly have an element of risk, but give them far better prospects of securing the protection they need.

It is the contention of the Refugee Council that for the majority of the boat people who have arrived in the last six months, there was no effective “queue” for them to join.

(4) The Numbers Game

It is the view of the Refugee Council that the way numbers and statistics have been used in the debate surrounding the arrival of the boat people has caused substantial distortion of the facts. Already reference has been made to the exaggeration of the scale of the “problem”, with the public being given the perception that Australia is facing a problem far more grave than that faced anywhere else and of unprecedented proportions here. No reference has been made to the 34,000 Iraqis who sought protection in Europe last year, nor to the fact that in 1990-91, there were 16,000 applications for refugee status in Australia - a number that exceeds even the worst case projections for boat arrivals and is almost double the DIMA projections for 1999-2000.

Numbers have been misused in other ways as well. In the absence of reasoned analysis in the press, the Refugee Council has endeavoured to glean a picture of the current situation from available statistics.

Take for instance the recent announcement[12] that offshore processing of visas will cease because of the number of applications onshore (due to the numerical linking of the offshore and onshore programs). Do the numbers justify this?

- at 31 January (7 months into the 1999-2000 program), 4,635 visas had been issued offshore (79% of pro rata);
- DIMA[13] anticipate that the number of onshore grants in 1999-2000 could be as high as 4,500 but concede it is unlikely to reach this number due to delays with character checks;

- from the above, if we add the 4,635 offshore visas to the worst case scenario 4,500 onshore visas, we have 9,135 visas;
- as an undertaking was given that there would be a program of 12,000 in 1999-2000, this still leaves 2,865 places for the remaining 5 months.

Then consider the Minister's commitment[14] to roll over places not used in one program year into the next year:

- in 1998-99 only 11,360 visas were issued, 640 short of the target of 12,000;
- this means that there should be 640 additional visas available for allocation in 1999-2000;
- so as a running total we can see that there are still $2,865 + 640 = 3,505$ visas available for issue.

The Minister also made a commitment to reissue visas that had been allocated but unused.[15] As was outlined in Section 3.3.4, in the last year for which figures were issued (1997-98), there were 1,700 fewer arrivals than visas issued.

Combining the above, we can therefore deduce:

- for the last 5 months of 1999-2000, there should be $2,865 + 640 + \text{say } 1,000 = 4,505$ visas available for allocation offshore, noting that this is the worst case scenario and that if fewer than 4,500 onshore visas are granted, the number could be greater.

The Refugee Council is therefore at a loss as to why the decision has been made to cease visa allocation at overseas posts in February 2000, when clearly not only is there scope within the existing linked program to accommodate ongoing allocation at posts but also visa allocation at posts would have to increase [16] in order to ensure that the program was filled.

Further, it is important to stress that this decision sets a very dangerous precedent. If Australia, with less than 9,000 asylum seekers a year, uses this as justification to stop assisting UNHCR resettle refugees, will not the other 2 big resettlement countries (USA and Canada) feel justified in doing the same? After all they receive between them something in the order of 400,000 asylum seekers a year. UNHCR's resettlement program would be decimated and thousands of vulnerable refugees would be without a durable solution.

We could also extend this argument one step further. The Government has used the "finite financial resources" argument to justify the linkage of the offshore and onshore programs. In doing so, it has calculated the cost of, inter alia

- providing the full range of services, including airfares, medicals and intensive post arrival support to 4,000 refugees;
- providing a wide range of services to 4,300 humanitarian entrants;
- providing limited support to 900 SAC entrants; and
- providing full settlement services to 2,000 people granted refugee status onshore.

But the 1999-2000 program will have a substantially different outcome. The 12,000 allocation will, in all likelihood, include in excess of 2,000 people granted temporary protection visas. As will be outlined in Section 4.1.6, these visas have very limited entitlements. Entrants will not be eligible for the 510 hours of English language instruction all permanent humanitarian entrants are, nor will they have access to the same range of social security benefits, post-secondary education, settlement services ... in other words, they will cost substantially less on a per capita basis than permanent entrants.

It is therefore argued that even if the "fiscal responsibility" line is to be held, there must be scope for increasing the size of this year's program commensurate with the reduction in costs resulting from the number of people counted in the program who will not be able to draw on

tax-payer funded services. This has not happened. Instead the temporary visa grants onshore are being used to stop further offshore allocation.

A further point must be made before we move onto the issue of whether it is appropriate that the programs be linked in the first place. This is the fact that in all of the pronouncements about the impact of linkage, the Government has been at pains to point out that the refugee component (visa subclasses 200, 201, 203 and 204) will be quarantined. It has been stressed that the 4,000 places allocated to refugees referred by UNHCR will not be touched. Why then has offshore allocation been stopped when only 1,728 refugee visas had been granted as at 31 January?[17]

What of the other 2,272 places promised to UNHCR?

All of the above has highlighted the fact that the numerical linkage between the offshore and onshore programs is fraught with problems and leaves the way open for substantial confusion and manipulation. This has been used to convince the public of the necessity of halting the program in February 2000, whereas according to the arguments presented above, this was in no way necessary. All of this underpins the reasons why the Refugee Council has opposed the policy of linking the programs[18] since its introduction in 1996.

At the time the numerical linkage was introduced, the Council issued a statement prophesising that the linking would:

- create a significant pull factor ie by reducing the number of places for offshore applicants, it would become more attractive for people with strong claims to come directly to Australia rather than waiting countries of first asylum for selection under the resettlement program;
- impact most on communities that rely heavily on the Special Humanitarian Program (visa subclass 202) such as the Afghans and Iraqis;
- result in tension arising between communities anxious to sponsor relatives overseas and refugees who come directly here.

Regrettably, each one of these things has happened as prophesised.

(5) Not Just Numbers

The numbers game and the emotive terminology that have underpinned the rhetoric surrounding the boat arrivals have had a profound impact on the relations between and within various ethnic groups and between ethnic communities and the wider community.

Turning first to the affected communities. Members of the Afghan and Iraqi communities consulted by the Refugee Council have consistently expressed concern about:

- the way members of their community are being portrayed in the popular press, fearing that their efforts to establish themselves as law-abiding and productive members of the Australian community will be undermined[19];
- the linkage of the programs and the resultant reduction in the number of places in the offshore program;
- the division within the community where people hoping to use the offshore program vie with those who support the rights of the new arrivals;
- the probability that other communities who are also counting on the offshore program will blame the Afghan and Iraqi communities for any reduction in program numbers;
- the compulsion that they had experienced not to assist in any way people who had arrived in an unauthorised fashion and who were subsequently granted refugee status; and
- the implication that the community is to blame for the increase in boat arrivals.

The Council has found community leaders to be feeling very confused and distrustful. They feel that they are the pawns in a much bigger political game and that their communities are suffering as a result

On the wider community front, we see a situation where the goodwill evidenced during the Kosovar evacuation has evaporated and been replaced with vitriol and xenophobia on talk back radio and in the pages of the tabloid press. The anti-immigrant/anti-refugee hysteria generated by Hanson's One Nation Party has had nothing on that which has been seen in the recent months, with senior politicians of all parties fuelling the debate with emotive media "bites" that feed into and even legitimise the ill-informed opinions of many in the community about "invasions" and "destruction of the Australian way of life".

The average Australian understands little about the humanitarian program and even less about the subtleties of offshore and onshore processing. The simple understanding has been for some time that "Australians should help refugees". If the term "refugee", so long associated with "vulnerable" and "needy", becomes equated with "undeserving" (illegal, queue jumper, rorter etc), it follows that the support of the average Australian for refugees will diminish. This could well have an impact on the acceptance of and support for the humanitarian program and on contributions to overseas aid agencies' refugee programs.[20]

Another of the very real dangers of this wave of hysteria is that all people who are different will be tarred with the same brush. Anyone of Middle Eastern appearance will become "an illegal" ... or a "carrier of disease" or, worse still, a "drug trafficker". The devotees of talk-back radio are usually not well versed in the subtleties of asylum seeker versus refugee versus person whose family has been in Australia for generations. To such people they are all "foreign" and all constitute "a risk to Australia".

On the one hand we have the Government promoting the "Living in Harmony" campaign and on the other, we see politicians actively creating an atmosphere of division and fear. One has to question the motives behind this and stress the enormous danger of this approach and the genuineness of the stated commitment to a multicultural Australia.

(6) The Victims

The climate of fear that has been generated by media reports about the boat arrivals has allowed the Government to introduce new practices governing the treatment of unauthorised arrivals. In doing so the Government has endeavoured to portray itself as "being tough", "sending a message" and "saving the public from a major threat". The Refugee Council sees things differently. Not only do we challenge the proposition that there is a threat but we also argue that the new measures are contrary to our international obligations and will have a profound and lasting impact on the people concerned and the communities from which they come.

By "new practices", we are referring to the temporary protection provisions introduced in October 1999 for people who are successful in their applications for refugee status in Australia. Such people will no longer be granted permanent residence, as was the case, but instead be given a three year temporary entry visa (visa subclass 785).

The Refugee Council is strongly opposed to the position of the Government on this issue for a number of reasons:

(i) The new measures are arguably contrary to Australia's obligations under international law. The 1951 Convention Relating to the Status of Refugees provides that: The Contracting State shall:

- not impose penalties, on account of their illegal entry, on refugees coming directly from a territory where their life or freedom was threatened... (Article 31); [21]

but eligibility for a 785 visa, as opposed to the more generous 866 permanent residence protection visa, is determined solely on method of arrival;

- accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals. (Article 23);
- but 785 visa holders access to social security payments is severely limited;
- issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory... (Article 28). but 785 visa holders have no automatic right of re-entry should they leave Australia;

Further, and as previously mentioned, at the October 1999 meeting of the Executive Committee of the United Nations High Commissioner for Refugees, Australia was one of the countries that passed, by consensus, a Conclusion on the Protection of the Refugee's Family which, inter alia:

- re-emphasises that the family is the natural and fundamental group unit of society and is entitled to protection by the society and the state;
- underlies the need for the refugee family to be protected by ... (i) measures which ensure respect for the principle of family unity, including those to reunify family members separated as a result of refugee flight;
- but the 785 visa holders have been denied family reunion rights.

(ii) The new measures create two tiers of refugee status. On the one hand there are the people who were legally in Australia at the time they made their application. They are granted permanent residence, which provides certainty about the future and access to the full range of benefits afforded to other permanent residents. Those people who, for one reason or another, are not able to use regular migration channels - but who have been determined to have a claim for refugee status no less credible than those in the other group - get lesser rights. They will be left in limbo for several years, with no prospects of being reunited with their family and with limited support while here. This will have a significant impact on their long term prospects and their psychological health, particularly if they are victims of torture and trauma.

(iii) In 1998 the Refugee Resettlement Advisory Council (RRAC) examined the settlement needs of refugees who had been detained during the determination process. It concluded that former detainees have settlement needs additional to those of refugees who had not been detained that had resulted directly from their detention experience. It was recommended that former detainees be considered an especially vulnerable group whose needs should be addressed by service providers. This recommendation was adopted by DIMA in the early drafts of the Integrated Humanitarian Settlement Strategy (see 4.2.). With the introduction of the temporary protection visas, all of this went out the window. Not only are released detainees no longer considered a special target group, they are no longer eligible for even the base level of services other refugees are entitled to.

(iv) Possibly the most profound limitation on those with temporary visas is that which precludes family reunion. Under the new provisions, a man coming to Australia to seek protection and granted a temporary visa is likely to be separated from his wife and children for a period in excess of 5 years. In addition to the aforementioned violation of the refugee's right to be reunited with his family, the separation is likely to:

- cause significant psychological distress to the refugee;

- result in the refugee being impoverished in Australia as any money that is earned will be sent to support his family;
- extend the period during which his family is in danger. Women and dependent children without male support are especially vulnerable in refugee camps and also in certain countries of origin (especially if it is known that a member of the family has sought asylum)

(v) Recent unauthorised arrivals have come from countries with protracted problems and there is no current indication that the human rights situation is likely to improve. It is unlikely that they will be able to return (or be returned) to their country of origin. Further, given the aforementioned views of the countries of first asylum, it is also unlikely that it will be possible to return the arrivals in the foreseeable future to these countries with sufficient guarantees as to their ongoing protection. Thus the probability is that people who we are now seeing being granted the temporary visas will eventually be granted permanent residence in Australia. The three years they have spent in limbo (coupled with limited access to support) will significantly impair their settlement prospects and increase the likelihood that they will be a financial burden to the state.

(vi) The new visas make it impossible for refugees to access a wide range of services which are essential to recovery. They will experience problems with securing accommodation because of their temporary status (discrimination by real estate agents and ineligibility for public housing) and because they are not eligible for bond assistance. The Refugee Council has already received reports that Afghans granted the new temporary visas are sleeping in tents in the streets of Perth because they are unable to obtain or afford proper accommodation. Further, their ineligibility for Adult Migrant English Program courses will mean that those with limited English are likely to remain without functional communication skills, plus they will not be eligible for the Job Network services so will have a much harder time finding employment.

(vii) Once a person has been granted a temporary protection visa (TPV), it is a requirement that he/she apply for a permanent protection visa (subclass 866) in order to be eligible for Medicare. As no assistance is being provided at this time for TPV holders to lodge this application, the significance of doing so might be lost, or an incomplete application submitted which is summarily rejected, and the refugee might find him/herself without access to medical services. If this were to be the case, it would arguably be a breach of Article 23 of the Convention which requires that a refugee have access to the same level of public relief as nationals.

(viii) One of the few settlement services that TPV holders will be eligible for is the Early Intervention Case Management. This program is intended to assess entrants' needs and then refer them to appropriate programs. Workers are already expressing frustration and confusion because once they have identified the TPV entrants' needs, there is nowhere to refer them to. This has significant implications for the staff as well as the entrants.

(ix) The limitation on eligibility for DIMA funded settlement services, and the pressure being put on ethno-specific groups not to assist subclass 785 visa holders, will result in the new entrants finding it very difficult to get assistance from regular sources. They will thus have to turn to other service providers, in particular the mainstream charities, and compete directly with the needy in the Australian community for the limited resources. This will, in turn, influence community attitudes towards refugees.

(x) The public perception of these arrivals as "illegals" and "rotters" and the hostile environment surrounding the boat arrivals, will almost certainly influence their ability to secure employment and thus increase the likelihood of long term welfare dependency.

(xi) The grant of a temporary visa will require that the circumstances of the individual will have to be reassessed after three years. This will have significant resource and cost implications.

(xii) Once a TPV holder has been in the community for 3 years, it is probable that he/she will have developed links with Australia (established relationships, secured employment etc) that will make it difficult for them to be returned (if this is the desire of the Government). This has happened with other groups on temporary visas[22] and there is no reason why it will not happen with TPV holders.

Further, while there is general agreement at the international level that temporary protection has a valid place in the refugee protection framework, Australia's application in this case is contrary to accepted standards. Temporary protection is seen as valid in cases of mass influx where individual status determination is not practicable due to numbers. In this case it is being applied to people who have been individually determined. Instead it is being used solely as a punishment to those who sought to circumvent immigration controls and as a deterrent to future arrivals (with no guarantee that it will in fact achieve this end[23]).[24]

For a short period in the early 1990s Australia granted temporary protection visas to all successful refugee applicants. This policy was considered unworkable and overturned before the expiry of the first visas granted. If it did not work then, what guarantee do we have that it will work now? After all, the Government criticised Pauline Hanson when she suggested its use.

7. The Way Forward

It will be apparent from the above that the Refugee Council is deeply concerned on many fronts about the response to the boat arrivals. We believe that this issue constitutes the single most significant challenge to the humanitarian program since the program was introduced, one that has, if not properly managed, the potential to see its total collapse.

The Refugee Council argues that it is an issue much bigger than Government, and that all relevant parties - Government, IGO and NGO - should engage in dialogue to find a sustainable, legally defensible, effective and compassionate way to respond. Such a response would need to include certain fundamental elements:

In relation to dealing with the current boat arrivals, the Refugee Council recommends that:

- every effort be made by all parties to ensure that comments in the press are based on fact and are not intended to create, or have the unintended consequence of the creation of, an atmosphere of fear and xenophobia;
- that the Government engage in dialogue with representatives of key sectors in the refugee and human rights sectors to enhance mutual understanding and to work collectively on seeking solutions;
- the Government devise a comprehensive and balanced package that it can use to address the root causes of the refugee outflow and ensure the protection of those caught up within it. Such a package would include incentives for the countries of first asylum in the form of aid, trade and resettlement offers linked to a commitment to enhance local protection and measures targeting traffickers (and not their victims);
- the aforementioned package increase the number of resettlement places allocated to the Middle East to demonstrate in a tangible way that there are viable options other than using the services of traffickers;
- the Government, using its own coordinated response as an example, use all available bilateral and multilateral channels to encourage the international community to respond similarly, thereby increasing the likelihood that the efforts will have the desired effect;
- processing resume immediately at offshore posts to enable the full complement of visas to be granted in 1999-2000;

- the offshore and onshore programs be de-linked, with any overflow to be dealt with in the context of a contingency reserve, funds to which would be allocated as they are in the event of a natural disaster or event such as the Kosovo Safe Haven;
- the 785 visa subclass be abolished and that all those granted refugee status in Australia be granted permanent residence;
- for as long as the TPVs remain, the regulations be amended to ensure that visa holders are afforded the entitlements due to them as refugees under international law;
- additional funding be devoted to an education campaign aimed at improving public perceptions of refugees.

[1] Press Release by Western Australian Senator Ross Lightfoot. 10 January 2000.

[2] In this regard they differed from most of the other boat arrivals we have seen in recent years who have come from Southern China and have arrived with unfounded expectations about their ability to remain in this country and secure employment.

[3] It is significant to note the similarity between the One Nation rhetoric in the late 1990s and the material now appearing in the press and the legislative and policy changes.

[4] The Refugee Council concedes that amongst the recent arrivals it is probable that there may be some “coat tail” people, ie those from the country of first asylum who join the refugees in the hope that they might be mistaken for being one of their number and thus being able to secure protection for which they have no legitimate need.

[5] See Section 5: Regional Overview.

[6] “Burden Sharing” was the theme of the 1998 Excom Meeting.

[7] Combined general and special allocation for 1999 for Iran and Pakistan as shown in UNHCR 1999 Mid-year Progress Report.

[8] This was used by one community group to express their concern about the delays in offshore processing and to explain the reason why people are coming by boat..

[9] The Refugee Council has heard the argument that many of the people arriving now in Australia would not have qualified for UNHCR’s resettlement program. It is the view of the Council that this could well be because these people had managed to establish themselves professionally and financially in the country of first asylum. It does not, however, take into account that these are the very people who could well be at greatest risk if protection were to be withdrawn, as has been threatened by Iran, or, in the case of Pakistan, be most vulnerable to intimidation and harassment by the authorities and militia members, especially in the current environment of terrorist bombings and political instability.

[10] Figures from DIMA’s Humanitarian Program: Offshore Program Delivery. June 1999.

[11] As happens to some Afghans in Pakistan.

[12] Press reports of the Minister’s statement on 14th February, 2000.

[13] Response to question posed of DIMA at RRAC on 17th February, 2000.

[14] Discussion Paper for the 2000-2001 Consultations. DIMA.

[15] Ibid.

[16] Given that only 4,635 visas were issued in the first 7 months of the year (acknowledging the impact the enforced closure of the Belgrade post during the NATO hostilities), and the program has been frozen for most of February.

[17] Figures supplied by DIMA.

[18] It is important to note that this policy has also been consistently opposed by the office of the United Nations High Commissioner for Refugees.

[19] RCOA was alarmed to hear from one member of the Iraqi community that she now avoids telling people where she is from in fear of being labelled and judged as a result of the boat arrivals.

[20] It would seem from discussions with aid agencies in recent months that this is, in fact, happening.

[21] Many genuine refugees are in fact unable to gain access to valid travel documents.

[22] In fact the ROSCO visas were introduced for this very reason.

[23] As has been discussed, any efforts to stop the outflow of people from the Middle East must address the strong push factors that exist if they are to be effective

[24] It is also relevant to recall that the detention policy was introduced as a deterrent to unauthorised arrivals but the number of continuing arrivals suggests that this has not had the desired effect.