

# REFUGEE COUNCIL OF AUSTRALIA

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## STATEMENT ON REFUGEES PAYING DETENTION COSTS

In recent days there have been reports in the press that the Minister for Immigration is considering introducing a "HECS-like" scheme to recoup from refugees the cost of their detention. The Refugee Council of Australia is totally opposed to this scheme and sees it is the latest in a long list of measures contrived by the Government that cause great suffering to people who have come to this country to escape persecution.

To get the Minister's proposal into perspective it is necessary to consider:

- people have a right enshrined in the Universal Declaration of Human Rights (Article 14) to seek protection from persecution. Further, it is not a criminal offence to enter Australia without a visa;
- Australia is bound by its treaty obligations to provide sanctuary to anyone determined to be a refugee;
- Australia's policy of detaining for the duration of the determination process all asylum seekers who arrive without permission to enter, sets it aside from all other western countries. This policy has been criticised by the UN Human Rights Commission, the Human Rights and Equal Opportunity Commission, Amnesty International and many other human rights bodies;
- the people targeted by the HECS-like repayment proposal are those who have gone through the rigorous refugee status determination procedures and have been found to be refugees. They therefore have a right to expect and receive Australia's protection and have a lawful right to be in Australia;
- since October last year, these same people have been disadvantaged by being given only a 3 year temporary protection visa rather than the permanent visa given to all other refugees. This visa has many limitations (see RCOA Position Paper on Temporary Protection Visas). Amongst these are the severe restrictions on access to support services and a bar on bringing immediate family members (spouse and children) to Australia;
- it is arguable that the proposal is contrary to Article 29 (1) of the Refugee Convention which says that "... States shall not impose upon a refugee duties, charges or taxes, of any description whatsoever, other or higher than those which are ... levied on their nationals ..." and Article 31 (1) which says that "... States shall not impose penalties on account of their illegal entry or presence on refugees ...";
- it is misleading to link the proposed repayment to the Higher Education Contribution Scheme (HECS). A HECS liability arises when an individual freely elects to access the asset of higher education. Refugees do not elect to be detained and detention is not an asset;
- many of the newly arrived refugees are men from the Middle East whose wives and children remain in countries of first asylum. A substantial part of any income they receive will be sent to support their wives and children. Garnisheeing their wages is likely to leave them without enough to live on.

Doubtless it is the Minister's intention to make Australia as unpalatable as possible for potential asylum seekers. But is he justified in doing this at the expense of refugees with genuine protection needs? Is it right for Australia to expect other countries to offer asylum to the world's dispossessed when we are unprepared to do so? The answer to both questions is "no". In this case the end most definitely does not justify the means.