



Refugee Council of Australia

5 December 2014

Asylum laws will fast-track vulnerable people to danger

The passage of the Australian Government's asylum legislation is a shattering blow for asylum seekers who face the grave risk of being returned to danger, the Refugee Council of Australia (RCOA) said today.

RCOA chief executive officer Paul Power said the concessions secured by cross-bench Senators to release children from detention, reinstate places cut from the Refugee and Humanitarian Program and grant working rights to asylum seekers on bridging visas masked the disturbing reality that many asylum seekers could be "fast-tracked".

"Some 30,000 asylum seekers in Australia now face the grave risk of being deported to danger without receiving a fair hearing on their refugee claim. The legislation is designed to produce as many negative decisions as possible, but these decisions are a matter of life and death for asylum seekers.

"With the passage of the Asylum Legacy Caseload Bill, the Government will now have the power to make quick and dirty decisions on asylum seekers' protection claims and increase the risk of returning a significant number of vulnerable people to persecution."

Mr Power said the negotiations to release of children from detention on Christmas Island was long overdue but should never have been used as a bargaining chip for a destructive legislative package to seriously weaken refugee protection.

"The Minister always had the power to immediately release children from detention. To use children as an inducement to pass legislation will be seen for what it is – a desperate and obscene act of political self-interest."

Mr Power said the increase to Australia's Refugee and Humanitarian Program to 18,7500 places by 2018-19 was positive but merely restored some of the 6,500 places the Minister for Immigration cut from the program.

He said the concessions were overshadowed by the most significant legislative assault on Australia's obligations to protect victims of persecution that removed the possibility that children born in Australia to asylum seeker parents could seek Australian citizenship, replaced the Refugee Convention's definitions with the Government's own interpretation of Australia's obligations and made it possible for the Government to remove asylum seekers without considering the risk of refoulement.

"It also increases Ministerial powers to take a vessel or person to a place outside of Australia regardless of whether there is an agreement with the particular country and prevent the courts from acting if this action does not comply with Australia's international obligations or the laws or obligations of another country.

"People found to be in need of refugee protection have no pathway to permanent protection unless, after working in a designated regional area for three and a half years and satisfying a number of requirements, they may be able to apply for another migration visa. Unless the rules which apply to these visas are significantly changed, it is not likely that many refugees will meet the highly restrictive criteria which apply to other migration visas."

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Mr Power said hundreds of civil society organisations and thousands of concerned citizens had highlighted the unprecedented unfairness and cruelty the Bill would inflict on people in need of protection.

“This is a deeply disappointing outcome that will increase the risk of Australia returning vulnerable people to danger and further undermine Australia’s reputation as a country that respects human rights and basic decency.”

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