



Refugee Council of Australia

25 November 2011

Refugee and asylum seeker policy on a positive pathway

The Refugee Council of Australia (RCOA) has welcomed today's announcement by the Federal Government that it had begun to wind back its policy of indefinite mandatory detention for asylum seekers who enter Australia by boat.

RCOA chief executive officer Paul Power said Immigration Minister Chris Bowen's decision to approve the first Bridging Visas for asylum seekers who arrived by boat was an important first step towards ending the suffering of thousands of vulnerable people experiencing extended and needless detention.

"Australia has been alone among industrialised nations in subjecting asylum seekers who arrive without visas to detention for the entire period taken to determine their refugee status," Mr Power said.

"This practice of indefinite mandatory detention has continued despite the Government's announcement in 2008 that detention would be used 'only as a last resort and for the shortest practicable time'.

"The Government is now beginning to move towards practising what it has been preaching. We look forward to any process of mandatory detention being restricted to, as the 2008 policy says, the 'management of health, identity and security risks'.

"Individuals and organisations involved with refugees and asylum seekers have long advocated for a system that affords vulnerable people dignity and fairness while their claims are assessed.

"We have consistently argued against indefinite mandatory detention, highlighting the terrible mental health damage this is inflicting on asylum seekers, many of whom are ultimately found to be refugees in need of protection.

"Mandatory detention has proven to be a major drain on taxpayers and for those people detained, it's a traumatic ordeal that prevents many from reaching their full potential as Australian residents."

Mr Power said RCOA also welcomed Mr Bowen's announcement that asylum claims would be processed under a single system regardless of whether asylum seekers arrived by boat or by plane.

"For 10 years, successive governments have tied themselves in knots, applying different rules to asylum seekers according to where they first set foot on Australian soil.

“Those subjected to the refugee status assessment process for entering via ‘excised offshore places’ were subjected to arrangements which the High Court found in November 2010 denied them procedural fairness.

“When the Government was considering how to respond to the High Court ruling, we and many others urged them to abandon the separate systems for asylum seekers subject to the excision policy.

“It is pleasing to see that finally common sense has prevailed and that all asylum claims in Australia will now be processed under a common system.”

Mr Power said moving asylum seekers from a detention environment to a community setting would energise and strengthen local communities where enormous reserves of goodwill existed.

“Local communities throughout Australia have a strong track record of welcoming new arrivals, which will continue with the support of NGOs, community organisations and individuals.

“We hope this is a game-changer in improving public attitudes to asylum seekers and refugees. It’s vital that we all work together to make this new policy one Australia can be proud of.”

Mr Power said RCOA noted with concern that the Government remained committed to its potential arrangement with Malaysia and to retaining the excision legislation in case it was able to expel asylum seekers from Australia in the future.

“We have consistently argued that bilateral deals such as the stalled arrangement with Malaysia would undermine, rather than promote, the regional sharing of responsibility required to improve standards of refugee protection in the Asia-Pacific region,” he said.

“This lack of effective protection for refugees in many parts of Asia is at the heart of asylum seeker movements towards Australia. It is in Australia’s interests – and in the interests of asylum seekers embarking on dangerous boat journeys – to encourage governments to work together constructively to resolve this issue.”

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