



Senator Chris Evans
Leader of the Government in the Senate
Minister for Immigration and Citizenship

Mr John Gibson
President
Refugee Council of Australia
Suite 4A6
410 Elizabeth Street
SURRY HILLS NSW 2010

Dear Mr Gibson

Thank you for your letter of 24 June 2009, which you have also sent to my colleague, the Minister for Foreign Affairs, the Hon Stephen Smith MP, concerning Australia's response to the situation in Sri Lanka and calling upon the Australian Government to act in a number of areas.

I note the statement on Sri Lanka issued by the Asia-Pacific Refugee Rights Network on 19 May 2009 which was attached to your letter.

The Australian Government has voiced its concerns about the situation in northern Sri Lanka on a number of occasions and continues to do so. Mr Smith made a Ministerial Statement to Parliament on 12 May 2009 about the situation in northern Sri Lanka which reiterated the Government's position that the long-term security and prosperity of Sri Lanka can only be achieved through a political solution or settlement that meets the legitimate aspirations of all Sri Lankans. The Australian Government believes that the safety and protection of civilians must remain the absolute priority for the Sri Lankan Government.

You have called upon the Australian Government to take urgent action on a number of matters. I am advised that Mr Smith is writing to you directly in relation to those matters which fall within his portfolio responsibilities. I am pleased to respond to you on the first four matters raised in your letter.

In relation to expediting visa applications lodged with the Australian High Commission in Colombo from family members in Australia, highest priority in processing of applications for migration is already given to those applications involving the reunion of spouses and dependent children. I can assure you that the High Commission will continue to deal sensitively and responsively with all applications and seek to finalise these as quickly as possible.

You have asked that additional places be made available under this year's Humanitarian Program to Tamils and other Sri Lankans of humanitarian concern through the In-country Special Humanitarian visa subclass.

The In-country Special Humanitarian visa allows the Australian Government to respond to the circumstances of people who have suffered persecution in their country of nationality or usual residence and who have not been able to leave that country to seek refuge elsewhere. All applications are assessed on a case-by-case basis and there are no special arrangements for any particular groups of persons. Any applications from Sri Lankans made on this basis will be assessed against the current criteria.

Over 500 Sri Lankans have been resettled under Australia's offshore Humanitarian Program over the last five years. Only a very small number of Sri Lankans have been considered under the In-country Special Humanitarian arrangements and granted a visa on that basis. As in past years, it is expected that most Sri Lankans granted visas during 2009-10 will be close family proposed by relatives in Australia who have previously been granted Protection visas. Applications made under these provisions are given high priority in processing. In addition, it is likely that a small number of Sri Lankan applicants outside Sri Lanka will continue to be granted visas under the offshore Program.

You will appreciate that resettlement is only one of a number of ways in which humanitarian needs can be addressed. The Australian Government works closely with agencies, such as the United Nations High Commissioner for Refugees (UNHCR), in identifying where resettlement is the most appropriate solution for individuals or groups of people, as well as where other forms of assistance may be more appropriate. The UNHCR's activities in Sri Lanka are currently geared to meeting the immediate needs for protection, shelter and other relief for those displaced by the conflict in northern Sri Lanka and there has been no call for third country resettlement. My Department will continue to consult with the UNHCR on the situation in Sri Lanka, particularly in relation to resettlement issues.

The Australian Government supports efforts to stabilise the situation of internally displaced persons in Sri Lanka and ease their displacement hardship through the Displaced Persons Program which is administered by my Department.

Funding under this program has been provided to support the UNHCR's provision of essential shelter and non-food relief items and protection to vulnerable internally displaced persons, as well as the provision of an emergency transport service by the International Organization for Migration (IOM) for the delivery of humanitarian relief.

Since December 2008, the Australian Government has provided \$24.5 million to meet the critical needs of civilians adversely affected by the conflict. This assistance included food aid, medical supplies, shelter, water and sanitation. It has been delivered through United Nations agencies, the International Committee of the Red Cross, the IOM and a number of Australian non-government organisations.

In relation to the removal of Sri Lankan asylum seekers found not to have claims to remain in Australia, removal is only conducted after any protection claims have been fully tested, any merit or judicial review process is finalised and where there is no legal impediment to removal. Careful consideration is also given to UNHCR's advice concerning the return of failed asylum seekers to Sri Lanka. At this point, eleven Sri Lankans who arrived by boat during 2008-09 have returned to Sri Lanka voluntarily with assistance from the Australian Government.

My Department will continue to monitor the situation in Sri Lanka to ensure that its response to Sri Lankan clients remains appropriate to their needs and the changing circumstances in that country.

Thank you for bringing this matter to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Evans', written in a cursive style.

CHRIS EVANS

17/08/09.