



Refugee Council
of Australia



human
rights

equality
justice

10 May 2010

The Hon Dick Adams MP
Parliament House
Canberra ACT 2600

Dear Mr Adams,

The organisations listed below are writing to you on behalf of the growing number of Australians who are deeply worried by the Australian Government's current approach to refugees and asylum seekers.

Since 2007, the ALP has made significant improvements to Australia's approach to asylum seekers. We have acknowledged and welcomed positive steps such as the end of Temporary Protection Visas, the dismantling of the Pacific Solution, the commitment to legislate the policy of 'detention as a last resort' and the ending of the detention debt.

The recent suspension of processing refugee applications from Afghan and Sri Lankan asylum seekers, and the re-opening of Curtin Detention, have raised questions about the government's willingness to live up to its commitment to treat asylum seekers humanely and in accordance with Australia's international obligations under the UN Refugee Convention.

Australia remains the only country to suspend Sri Lankan and Afghan asylum applications, a move that has been labelled "disappointing" by the United Nations High Commission for Refugees (UNHCR). Ongoing reports by international human rights organisations, including Amnesty International, indicate that many groups in Sri Lanka and Afghanistan including activists, journalists and minority groups continue to face severe persecution.

Curtin Detention Centre was closed primarily as a result of the inability to provide adequate care to traumatised people in remote north-western Australia. It is evident that the environment in this facility had an extremely detrimental impact on the asylum seekers detained there, and that Curtin was arguably the worst immigration detention centre during a period when detention practises in Australia resulted in multiple condemnations from the United Nations.

In response to these recent policy changes, the UNHCR has stated: "The combination of mandatory detention, suspension of asylum claims and the geographical isolation of detention facilities such as Curtin Air Force Base in Western Australia - all without any effective judicial oversight - is a deeply troubling set of factors."

We also continue to have serious concerns about the policy of excision and the use of Christmas Island as an offshore processing centre. Despite the good will of the Department of Immigration and service provider Serco, it is evident that the remote location of Christmas Island has led to serious problems with the provision of essential services such as mental health care, medical assistance, and legal advice. In addition, it is highly problematic that asylum seekers who arrive by sea are processed under the excised offshore system which means they have fewer legal rights and are detained for significantly longer than those who arrive by air. This system discriminates based on mode of arrival and effectively punishes people for seeking asylum; in contravention of article 31 of the UN Refugee Convention.

The organisations listed below are calling on all members of the ALP to:

- **end the processing freeze**
- **show courage and principled leadership on this issue;**
- **honour their party's commitment to prioritise the human rights of asylum seekers and refugees when developing policy and legislation; and**
- **engage in calm and rational debate on this issue.**

Please find enclosed photos of Australians gathered at Bondi Beach in Sydney and St Kilda Beach in Melbourne on Saturday 8 May. Over a thousand participants across the country formed giant red and white human life rings to show that many Australians believe in saving lives by helping refugees fleeing war and persecution. Events were also held in major public centres in Brisbane and Adelaide.

Also enclosed is a joint statement released by 45 members of the Asia Pacific Refugee Rights Network. The statement condemns the Australian asylum processing suspension as a violation of Australia's international human rights obligations that undermines civil society efforts to strengthen refugee protections throughout the Asia Pacific region.

Kind regards,

Claire Mallinson, National Director, Amnesty International Australia

Paul Power, CEO, Refugee Council of Australia

Elenie Poulos, National Director, UnitingJustice Australia, Uniting Church in Australia

Simon Sheikh, National Director, GetUp!

Michael Pearce SC, President, Liberty Victoria

Caz Coleman, Director, Hotham Mission Asylum Seeker Project

Kon Karapanagiotidis, Director, Asylum Seekers Resource Centre

Philip Lynch, Director and Principal Solicitor, Human Rights Law Resource Centre

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