



CCJP

CATHOLICS IN COALITION FOR JUSTICE AND PEACE

Submission to the Expert Panel on Asylum Seekers

July 2012

Catholics in Coalition for Justice and Peace
PO Box A21
Enfield South NSW 2133
Tel/fax: (02) 9745 0820
Email: ccjp@bigpond.com



INTRODUCTION

We are a coalition of individuals and groups who work for the emergence of just social structures in Australia and overseas.

We urge the Panel to make recommendations that follow the morals and human rights laws that we as Australians wish to uphold. We strongly believe that for any short or long-term asylum seeker policy to be successful, the upholding of our moral standards and legal obligations must be inherent, not an extraneous and dispensable ideal.

This submission addresses two aspects of the Panel's review: how best to prevent asylum seekers risking their lives by travelling to Australia by boat; and short, medium and long term approaches to assist in the development of an effective and sustainable approach to asylum seekers.

RECOMMENDED INITIATIVES

Increase efforts to develop a collaborative regional and international approach to refugee protection and peace-building

There are 15.2 million refugees in the world¹ and almost 30 percent of these reside in the Asia-Pacific region². We cannot hope to tackle our region's asylum seeker issues as an individual country or through domestic policy alone. Integral to achieving a long-term, sustainable approach to asylum seekers is an increased effort by Australia to develop durable protection systems in our region and internationally. **Australia will only be in a position to promote the development of a regional approach if it demonstrates leadership and adherence to human rights principles within its own refugee protection policies.** We can also support poorer countries in our region to improve their refugee protection systems through capacity-building and funding initiatives.

Fluctuations in the number of asylum seekers living in our region and/or seeking asylum in Australia are allied to major outbreaks of violence and conflict worldwide, far more than they are linked to Australia's domestic refugee policies³. Continuing to address the root causes of asylum seeker flows by contributing to peace-building initiatives in these countries is an important part of Australia's role as a member of the global community and will impact on our asylum seeker levels in the long-term.

¹ UNHCR: *Global Trends 2011*

² UNHCR: *2012 Regional Operations Profile - Asia and the Pacific*

³ In 2001 and 2002, for example, Australia experienced a peak in the number of boat arrivals as did most of the rest of the world. From 2003, asylum numbers worldwide and in Australia dropped as the level of global conflict dropped. Then in 2008, asylum seeker numbers increased again globally and in Australia. When comparing 2008 figures with 2007, for example, asylum seeker numbers rose by 122% in Italy, 121% in Norway, 89% in the Netherlands, 70% in Turkey, 53% in Switzerland, 30% in Canada, 20% in France and 19% in Australia, according to a 2009 UNHCR report.



Provide additional resources for UNHCR to process and support asylum seekers in our region

In many countries in our region, the United Nations High Commission for Refugees (UNHCR) has responsibility for processing asylum claims. By providing increased funding and support to UNHCR, Australia can assist with faster processing of asylum claims, and better protection and support for asylum seekers and refugees in countries where UNHCR is the principle refugee protection organisation.

This is particularly important in Indonesia where reports suggest that despair over extremely long processing times for asylum claims (currently over 4,500 claims need processing) have been the cause of asylum seekers and refugees boarding boats to travel to Australia⁴. Assisting UNHCR to provide a fast, effective and accountable assessment process for asylum claims will alleviate the perceived need to board boats in the short, medium and long-term.

Increase the number of refugees resettled from Indonesia as well as Australia's annual humanitarian intake

The number of refugees resettled from Indonesia to Australia over the past 10 years has been low relative to Australia's annual refugee intake and the high numbers of refugees and asylum seekers residing in Indonesia but requiring resettlement⁵. Only 424 refugees were resettled from Indonesia to Australia in 2011 and only 148 refugees in 2010⁶.

Increasing the annual number of refugees resettled from Indonesia would have the immediate benefit of reducing the perceived need by asylum seekers to travel to Australia by boat. It would also demonstrate Australia's commitment to genuine cooperation and equitable responsibility-sharing for refugee protection in our region, as would a commitment to increase our annual humanitarian intake.

In comparison to other industrialised countries, Australia's intake of asylum seekers relative to our population is modest. For example, 'In 2009 the Nordic countries of Denmark, Sweden, Norway, Finland and Iceland, with a combined population of 25 million (roughly equivalent to Australia's 22.5 million) received and processed 51,120 asylum claims. Australia received and processed 6,500.'⁷

⁴ Integrated Regional Information Networks (IRIN): *Indonesia: Asylum seekers take to boats out of frustration*, 22 June 2012, available at: <http://www.unhcr.org/refworld/docid/4fe9b2282.html> [accessed 18 July 2012]

⁵ *Ibid.*

⁶ International Organisation for Migration: *Irregular Migrants Statistics under IOM Indonesia Programme as per 31 May 2012/ 09062012/ Page 12*

⁷ John Menadue, Arja Keski-Nummi and Kate Gauthier: *A New Approach. Breaking the Stalemate on Refugees and Asylum Seekers*. August 2011.



THREATS TO THE DEVELOPMENT OF AN EFFECTIVE AND SUSTAINABLE APPROACH TO ASYLUM SEEKERS

We have deep concerns about the current proposals by the Government and the Coalition involving off-shore processing and the removal of asylum seekers who have already arrived in Australia seeking protection. These approaches could threaten the development of a regional approach to refugee protection.

According to the Australian Human Rights Commission⁸ and the Human Rights Law Centre⁹, the government's 'Malaysia Solution' may lead to serious breaches of Australia's international human rights obligations including our non-*refoulement* obligations. The High Court of Australia ruled in 2011 that the 'Malaysia Solution' is invalid. Clearly, legal experts in Australia have found this policy to be unacceptable according to our legal and human rights standards. The hallmarks of an effective asylum policy are that it adheres to all international conventions that Australia has signed.

There will be little incentive for our regional neighbours to enhance refugee protection measures in their own countries, and to engage constructively in dialogue on a regional framework for refugee protection, if they see Australia adopting punitive measures that abdicate our obligations under international law.

It is difficult to see how adopting policies that contravene our domestic and international human rights obligations could benefit Australia in our dealings with the rest of the world.

There is also no empirical evidence to suggest that either the Government's or Coalition's proposals for offshore processing would be effective in preventing asylum seekers from travelling to Australia by boat. An example of a previous punitive policy approach which was ineffective as a deterrent to boat arrivals is the introduction of Temporary Protection Visas in 1999. There is no evidence that TPVs had any impact on reducing the number of asylum seekers travelling by boat to Australia – in fact, boat arrivals increased in the two years after their introduction¹⁰. The UNHCR has also found that 'no empirical evidence is available to give credence to the assumption that the threat of being detained deters irregular migration, or more specifically, discourages persons from seeking asylum'¹¹.

⁸ Australian Human Rights Commission: *Submission to the Senate Standing Committees on Legal and Constitutional Affairs*, 14 September 2011.

⁹ Human Rights Law Centre: *Submission to the Expert Panel on Asylum Seekers*. July 2012

¹⁰ Note: The number of boat arrivals to Australia continued to increase after the introduction of Temporary Protection visas in 1999 (48% more asylum seekers arrived by boat in 2001 than in 1999). Boat arrivals only started decreasing in 2003 when global asylum numbers started dropping.

¹¹ UNHCR: *Back to Basics: The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants*. April 2011