



## DISCUSSION PAPER - DP14.3

### AUSTRALIA AND REFUGEES

Quakers have become increasingly alarmed at the policies of the Australian Government about refugees and asylum seekers, especially those who arrive unauthorized by boat. The current public debate has become very polarized and adversarial, and there is ambivalence in public attitudes alongside a hardening of policies and procedures for responding to boat arrivals. This Paper attempts to put the situation in historical context, to summarise commentary on current and possible future approaches, and to suggest questions for discussion.

#### EXECUTIVE SUMMARY

*Australia's approach to migrants and refugees has varied from openly welcoming them to wanting to place strict controls on who comes and how. This has been reflected in ambivalent approaches to international efforts to assist displaced people in the 20<sup>th</sup> century. The largest flow into Australia of people fleeing persecution occurred after World War 2 when Australia was seeking to 'populate or perish' and to help those living in the Soviet bloc.*

*Official decisions were for many years based on the White Australia policy. This was revised in the 1970s, and many Indo-Chinese refugees were accepted under a United Nations resettlement program. NGOs and volunteers were active in offering practical support to help newcomers. This changed in 1999 when the Government offered contracts to established professional welfare agencies to deliver such services.*

*The expansion in the number of refugees globally led to surges in arrivals by boat, especially from places where wars were being fought (including those in which Australia was engaged). Most arrivals were found to be genuine refugees according to the standards of the 1951 Refugee Convention to which Australia was a signatory. However, serious concern arose in some sections of the Australian community and this led to a more restrictive policy, the detention of asylum seekers including children, temporary protection visas, and off-shore processing centres in Papua New Guinea and Nauru.*

*Since 2013 Governments have adopted a severe approach of denying boat arrivals the prospect of staying in Australia. The Coalition has turned back boats, and removed legal assistance, on the basis that this will prevent deaths at sea. It has also begun interviewing asylum seekers at sea. As a result, the flow of arrivals has been greatly reduced. The 'quota' of people being accepted under the humanitarian intake has been reduced to 13,000 a year. UNHCR has expressed concern that Australia is not meeting its international obligations.*

*Mental health challenges have been evident among asylum seekers (especially children) whose claims have been delayed indefinitely. Even those who have bridging visas are not allowed to work, and this adds to stress. The financial costs of maintaining detention facilities are also substantial, as well as the more militarised and security-dominated methods. Community support for the harsher policies has been solid, although there are signs of emerging alarm about the impact of the policies, given Australia's economic strength and the small numbers of asylum seekers arriving here by comparison to those arriving in poorer parts of the world. Relations with neighbouring countries, especially Indonesia, have been strained.*

*Some initiatives are being taken to seek a different way forward involving a regional approach to processing claims, an increased humanitarian intake, a reduced length of detention, and more opportunities for community support while claims are assessed. Quakers have been active individually and in advocating for more compassionate policies.*

## **Australia's Refugee Story**

1. Since the 1830s Australia has been a refuge for people fleeing persecution, initially from Europe. After Federation, a limited number of refugees settled so long as they met the White Australia criteria. In the 1930s more than 7000 Jews fleeing Nazi Germany were accepted, with some financial support from the government.
2. After the War, the Australia Labor Government promoted the idea of 'populate or perish' and began accepting many more refugees from the camps in Europe to supplement the arrivals from the United Kingdom. From 1947 until 1954 some 170,000 refugees (especially from Poland, Yugoslavia, the Balkans, Ukraine, Czechoslovakia and Hungary) arrived. Army camps became migrant hostels, classes in English were set up, and the Good Neighbour Council was established to work with the government in resettling newcomers. An annual citizenship convention was held in Canberra to enable wide public participation in debate about migration issues, and representative advisory bodies assisted the Department of Immigration in its coordinating role.
3. In the 1960s refugees came mainly from the Soviet Bloc countries. The 1970s saw a diversification to include people from Chile, Uganda, Cyprus and East Timor. The Indo-China war that ended in 1975 led to a large flow of people and caused a re-examination of Australia's approach, led by the Senate Standing Committee on Foreign Affairs and Defence with a report in 1976 that persuaded the Government to transform the refugee program into a full humanitarian commitment with a supporting settlement structure.
4. In 1979 the United Nations convened an international conference which created an agreement involving USA, United Nations High Commissioner for Refugees (UNHCR) and Vietnam whereby

guarantees of resettlement were given in return for a commitment to contain the outflow of refugees and provide aid to countries of first asylum (eg Indonesia). This led to the resettlement in Australia of over 100,000 Vietnamese refugees from camps throughout Asia in the following two decades, in an orderly process orchestrated by UNHCR. In addition there were some boat arrivals (around 2000) that were accepted. By 1980 the refugee resettlement program expanded to 22,000 a year.

5. Throughout the post-war period Australia had somewhat ambivalent approaches in international fora. In the early days of the United Nations. Australia took a strong position against a general right to asylum, and this approach was also on view when the International Covenant on Civil and Political Rights was being framed. Whilst Australia supported the Refugee Convention and the creation of the UNHCR, this still gave the final say on accepting asylum seekers to the receiving country, although it insisted that no one could be returned to the place where they faced persecution. Australia was at times slow to respond to the emerging flows of displaced people as a result of numerous wars and civil strife in different parts of the world. It also selected refugees that were likely to settle successfully in Australia, and rejected those with disabilities or likely to require significant social support. NGOs (especially churches, Austcare and then the Refugee Council) remained very active in offering support services to refugees, and in lobbying to get greater government funding for housing, language teaching, and social support.

6. The Refugee Convention (1951) and its 1967 protocol define a refugee as follows:

*“A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable, or, owing to such fear, is unwilling to return to it”.*

7. Special programs were introduced in the 1980s for those fleeing human rights abuses, for people from countries with particular vulnerabilities, and for women and children. As a result the range of countries from which refugees have come widened to include more from Africa, Cuba, Sri Lanka, Lebanon and Burma. Then as the new century arrived, Iraq and Afghanistan joined the list. It is estimated that by 2010 Australia had accepted over 750,000 refugees since Federation. By international standards Australia has been one of the most generous in terms of resettlement over the years since it ratified the Refugee Convention in 1954.

8. In 1999, a significant change in government policy saw contracts for welfare and other support services given to professional support agencies, displacing the voluntary efforts of many individuals and community groups. This created more separation between the newcomers and the wider Australian community in terms of everyday contact. As Ann-Mari Jordans said in her book on the history of refugees to Australia (*Hope* – published 2012), “the current arrangement of delegating refugees resettlement services entirely to major welfare bodies...conveys the impression that the settlement of refugees is not the concern of the ordinary Australians who meet them every day in their local communities”

## Developments in Recent Years

9. Globally the number of displaced people has grown greatly over the years, and many countries have found themselves involved in assisting people fleeing dangerous situations in their home state. Between 1998 and 2013 Australia experienced two surges of asylum seekers arriving irregularly by sea – 12,000 people between 1998 and 2007, and 50,000 from 2008 to 2013. Most have come with the assistance of people smugglers, yet most have been found to be genuine refugees. There have also been some tragic losses of life when boats have capsized or been scuttled en route.

10. As a result of serious concern in the community and divisions over how best to respond to this flow of people, both major political parties when in government have adopted policies that have become increasingly stringent, and have stated that no asylum seeker arriving by boat can expect to obtain permanent residence in Australia. Here is a brief summary of steps taken:

- Temporary protection visas were introduced whereby those arriving by boat could not expect permanent residence and had conditions on their living arrangements and capacity to bring other family members.
- Immigration detention centres were established around Australia to house asylum seekers during what turned out to be lengthy periods of health, security and immigration assessment of their claims for refugee status.
- Off-shore processing centres were established initially on Christmas Island and later on Nauru and Manus Island, funded by Australia by contracted to be run by private operators in co-operation with local authorities.
- Children were detained along with their parents in processing centres.
- In 2011 the Labor Government tried to do a deal with Malaysia to take back 800 asylum seekers who arrived by boat, in return for Australia taking 4000 additional refugees from Malaysian camps. The High Court vetoed this plan.
- In 2012 an expert panel recommended a 'no advantage' test whereby boat arrivals would not be processed ahead of others in overseas camps, and would be sent to offshore detention on arrival. The Department of Immigration warned on its website that "if you are found to be a refugee, there is no guarantee you will be permanently resettled in Australia".
- The Government increased the refugee intake to 20,000 places a year, to focus on vulnerable people offshore rather than on boat arrivals. More funds were to go to help UNHCR in its work.
- There are often significant delays in obtaining security clearances from ASIO. There is no timeframe within which ASIO is required to provide security clearances, and many detainees wait months for completion of the security clearance process. ASIO does not appear to be properly resourced to provide the security clearance function within reasonable timeframes. It is of concern that affected detainees are unable to challenge, question, or request a review of ASIO processing times for at least a year.
- The rate of processing asylum claims slowed to a trickle in 2012-3, and security assessments by ASIO became a very real problem for some people who were accepted as refugees then ruled a security risk and unable to be deported as no country would accept them.
- Some refugees were able to live in the community while their claims were finalised, but had few resources and were unable to work.
- From mid-2013 the Labor Government adopted a policy that no one arriving by boat would be granted permanent settlement in Australia.

- The advent of the Coalition Government in September 2013 led to a further tightening of policy, including towing back boats into Indonesian waters, and interception of boats in international waters (eg Sri Lankans in mid-2014) and return of some directly to Sri Lanka after minimal assessment via internet/phone of their status. The annual 'quota' for refugee intake has been reduced to around 13,000. The flow of people by boat has been greatly reduced. At the same time, the number of applications processed for people waiting in Indonesian camps in 2013-4 is estimated at only 600.

11. The present policy is called 'Operation Sovereign Borders' and has drawn the military forces more closely into the detection and prevention of boat arrivals, and the transfer of asylum seekers to special craft that can be sent back towards Indonesia. This has resulted in incidents where Australian naval vessels have intruded into Indonesian waters and generated an angry response.

12. The Senate Foreign Affairs, Defence and Trade Committee made the following comment in reporting on the incursions:

The joint review report noted two key policy constraints which underpinned the strategic directions given to commanders of vessels conducting missions under Operation Sovereign Borders (OSB): activities are only to be conducted when deemed safe by the Commanding Officer, and activities are only to be conducted outside of 12 nautical miles from Indonesia's archipelagic baseline.

The committee is concerned that the two policy directions may not be compatible in the challenging real-life situations in which vessel commanders find themselves under Operation Sovereign Borders. Ensuring the safety of crew and asylum seekers while turning back or towing back vessels outside of 12 nautical miles from Indonesia's archipelagic baseline may not be an achievable policy goal, depending on the prevailing conditions, the sea-worthiness of vessels and the possible use of lifeboats.

Based on the paucity of evidence before it, the committee can only speculate on situations where a vessel commander, in following the first policy direction, may have inadvertently breached the second policy direction, particularly to ensure safety of life at sea. This eventuality, therefore, may account for some or all of the six breaches occurring under the government's policy

13. Comments by the UNHCR are circumspect and infrequent, but there have been several in recent years. In a report on 14 December 2012 (*The Canberra Times*), the regional representative Richard Towle said that the transfer of asylum seekers to PNG and Nauru "doesn't relieve Australia of its moral and legal obligations" under the Refugee Convention". On 23 April 2014, Michael Bachelard reported (*The Sydney Morning Herald*) that UNHCR regional coordinator James Lynch said that with millions of people displaced around the world, solutions engineered by single countries alone would only work temporarily. Mr Lynch said he understood the Australian government was worried about loss of life at sea, criminality in the people smuggling trade and economic migration dressed up as asylum seeking. However, he said Australia's policy of sending boat arrivals to Papua New Guinea or Nauru, and of returning boats to Indonesia even if people had entered Australian waters or landed on Australian territory (as happened in a number of recent tow-backs) are against the refugee convention. "If someone arrived in Australian waters, we'd expect as a requirement of the refugee convention that they be allowed to disembark and have access to asylum procedures ... We'd expect [Australia] to honour their obligations," Mr Lynch said.

14. On 7 July 2014 UNHCR said it was deeply concerned by Australia's announcement that it had returned some 41 asylum-seekers to Sri Lanka intercepted them at sea, and also about the fate of

a further 153 asylum-seekers of Sri Lankan origin who are now subject to an Australian High Court injunction on their return.

15. The other aspect of UNHCR's concern has been the so-called 'enhanced screening' process being used by Australia. Most recently, Volker Turk, Director of International Protection for UNHCR, said in an interview with Michael Gordon (*The Age*, 16 July 2014) that such screening "fell well short of requirements for the fair processing of claims and could mean that asylum seekers were returned, or refouled, to persecution". UNHCR has reiterated that anyone claiming asylum has a right to have their case properly assessed by qualified personnel in accordance with procedural and legal safeguards.

### **The Human and Financial Costs**

16. From the earliest days of detention centres, disturbing reports began emerging of the stresses under which new arrivals were put and the adverse impact on their psychological and physical wellbeing. Protests were at times serious, leading to forceful response from authorities. Incidents of self-harm have become more common, and some detainees have been sent to the mainland for attention to their physical and mental health problems. Despite numerous evaluations and recommendations, the situation today seems largely unchanged. The death of an asylum seeker on Manus Island earlier this year during a riot was an extreme outcome from a system that has been largely outsourced to private security firms.

17. There is no doubt that prolonged delays in processing claims for asylum – and in some cases a clear refusal to process claims – have been a major contributor to stress and outbreaks of unrest and violence. This has been exacerbated by unclear lines of responsibility between Australia and Papua New Guinea and Nauru authorities, and the contractors involved in running the offshore centres. Parliamentary hearings in Australia have revealed many distressing stories of inadequate conditions and pressures placed on detainees.

18. Most children without valid visas are held in detention indefinitely, and there are at present just over 1000 (half at Christmas Island). They are subject to very difficult conditions, and some have had to be evacuated to the mainland for treatment. Some have also been allowed to live in the community. The Australian Human Rights Commission has instituted a formal Inquiry into children in immigration detention this year, "to investigate the ways in which life in immigration detention affects the health, wellbeing and development of children". This follows an earlier Inquiry ten years ago which found that the mandatory detention system was inconsistent with Australia's human rights obligations. See [www.humanrights.gov.au](http://www.humanrights.gov.au)

19. The Labor Party Caucus itself expressed anxiety about the way things have gone, when it agreed on 17 June 2014 that certain principles are essential – humane conditions, timely processing, and independent oversight of offshore detention facilities. This reflected rising concern within the Caucus at the impact of current policies, and a feeling that the natural desire to prevent deaths at sea is not a sufficient basis for a punitive approach. Melissa Parke MP has said that attempting to fix one wrong does not justify another – the violation of human rights.

20. Professor John Keane (Politics, Sydney University) has characterized the present situation as one of “war against people who have already suffered rape, torture, war, poverty and humiliation”. In an article on *The Conversation* website on 5 July 2014, he says the political leaders increasingly “peddle the misleading impression that our Southeast Asia neighbours are happily content with the while risky military operation”. He is alarmed that immigration and customs are being put on a war footing.

21. Professor Jane McAdam (UNSW) has also expressed concern that the trend of policies and legislation is towards punishment not protection. In an article on *The Conversation* website on 27 June 2014, she drew attention to planned legislation to amend the Migration Act so as to require that asylum seekers immediately provide full information to support their claim. She points out that people who are afraid and traumatized may not tell their full story at first, and may not know what information is relevant to their claim for asylum. “Refugee law also requires decision-makers to assess an asylum seeker’s risk of persecution on the date the case is heard, not the date the claim was lodged. This necessarily requires the most up-to-date information to be considered”. She also points out that the government wishes to change the interpretation of ‘well-founded fear of persecution’ to ‘the balance of probabilities’ of being persecuted, when deciding whether to send someone back to a country they have fled.

22. Justice Ronald Merkel in the Federal court case of *Al Masri* (2003) said: ‘The Refugee Convention is a part of conventional international law that has been given legislative effect in Australia.... It has always been fundamental to the operation of the Refugee Convention that many applicants for refugee status will, of necessity, have left their countries of nationality unlawfully and therefore, of necessity, will have entered the country in which they seek asylum unlawfully. Jews seeking refuge from war-torn Europe, Tutsis seeking refuge from Rwanda, Kurds seeking refuge from Iraq, Hazaras seeking refuge from the Taliban in Afghanistan and many others, may also be called ‘unlawful non-citizens’ in the countries in which they seek asylum. Such a description, however, conceals, rather than reveals, their lawful entitlement under conventional international law since the early 1950’s (which has been enacted into Australian law) to claim refugee status as persons who are ‘unlawfully’ in the country in which the asylum application is made.’

23. Professor William Maley (Director of Asia-Pacific College of Diplomacy, ANU) wrote in *The Canberra Times* on 27 July 2013 that the decision by the Rudd Government to introduce the revised ‘Pacific solution’ (PNG and Nauru detention) was based on a confected concern for the loss of lives at sea. “The reason for this is that deterrent policies...do nothing whatsoever to address the push factors that underpin most substantial refugee movements”. He continued that the policy would simply “give a boost to the smuggling activities of the Russian and central Asian mafias. Those fleeing the Taliban will still die, but they will die by drowning in the Mediterranean or by suffocating in overcrowded trucks. The real message of the new Australian approach is a simple one - go and die somewhere else”.

24. The 2014-15 Federal Budget provides financial allocations as follows:

- \$2.96b for on-shore and off-shore detention, and status resolution.
- \$957.9m for border protection.
- \$142.8m for settlement services.

The Australian Churches Refugee Taskforce estimates that it costs \$1,800 a day for each person held in offshore detention.

25. For those on bridging visas in Australia (estimated to be around 20,000 in number), life is extremely hard, as they are not allowed to work. Peter Mares (*The Conversation*, 24 July 2014) reports on interviews with a number of these people whose limited welfare payments are well below ACOSS' measure of the poverty line, and for whom the desire to work and contribute is thwarted. Volunteer work may be possible sometimes, but even that is limited by strict regulations about which agencies can use them and who can be engaged. This policy was adopted by the Gillard Government in 2012 and has been continued by the Coalition. Contrary to public perception, such an approach was *not* advocated by the Expert Panel that recommended a 'no advantage' test for boat arrivals. Peter Mares says that if the boats have stopped coming, the least the Government could do is to help those who are in limbo in Australia waiting endlessly for determination of their status.

## Government Approach

26. The Department of Immigration website contains the principal details of current policies affecting asylum seekers and refugees. Here is a summary:

- There are two categories – people who have been subject to persecution in their home country (refugees) and people who are not formally refugees but are living outside their country unable to return and are nominated by an Australian citizen or organisation.
- A person already in Australia can apply for protection under the humanitarian program, unless they arrive by boat.
- Permanent protection is not provided to people who arrive illegally by boat or plane. Temporary protection or bridging visas are the only option available.
- There is a community project whereby up to 500 visa places under the humanitarian program can be nominated by approved organisations (such as migrant centres) that will support people for up to 12 months living in the community.

27. Since the Coalition Government came into office, there has been increased secrecy surrounding its policies and practices in dealing with asylum seekers. The Minister for Immigration, Scott Morrison MP, has repeatedly said that he will not comment on 'operational matters' in case some information is used by people smugglers to enhance their illegal trade. For example, here is his answer to a question from a journalist about reports of a boat arriving in July: "I am not saying anything of that at all. I am not confirming any of these matters... This has been our practice now for the entire period of this operation. This is another day at the office for Operation Sovereign Borders".

28. From 2015 the duties of Customs and Immigration will come under one department – Immigration and Border Protection. The focus of the new approach will be, in the words of the Minister, "to secure and protect our borders, to deliver certainty and prosperity to our nation and her people" (speech to the Lowy Institute, 9 May 2014). At the same time the Government is closing a number of the on-shore detention centres, owing to the decline in the number of boat arrivals.



29. In terms of funding, the Labor Government in 2012 signed a partnership agreement with UNHCR to provide core funding for four years (2013-16) of \$105m. The Coalition Government, in its Budget for 2014-5, has provided \$21m to UNHCR. By contrast, the Government has completely cut core funding from the Refugee Council of Australia (RCOA), following a sudden decision by the Minister shortly after the Budget was announced with the \$140,000 funding included. In addition, funding for legal aid to asylum seekers has been cut.

## Public Opinion and Community Action

30. In an address in 2010, Paul Power from the Refugee Council of Australia (RCOA) made the following comments:

In preparing our submission to the Australian Government, we also looked at what Australian opinion polls told us, noting that the polls have fluctuated wildly on questions related to the public acceptance of refugees. Over the past decade, the polling on refugee issues has focused heavily on the politics of refugee policy and very little on community attitudes to refugees. We looked at 38 polls over past 60 years, many of them conducted in the past 15 years. At first, it was very difficult to work out why the polls varied so much – until you looked at the wording of the question being asked in each case. What became clear was that the wording of the question was the single largest factor in determining the response. It appears that many Australians are largely unaware of refugee questions and tend to view pollsters' question according to what appears to be "fair".

31. Bearing this in mind, a poll taken in 2012 by nfpSynergy for UNHCR showed two-thirds of Australians to be sympathetic towards refugees coming to Australia, but almost as many say they think of boat people when the word 'refugee' is mentioned. The poll was reported by Michael Gordon in *The Sydney Morning Herald* on 18 June 2012, with a comment from the UNHCR representative Richard Towle that the public debate had distorted people's understanding, such that asylum seekers were seen as 'queue jumpers' when there was no queue.

32. Paul Toohey (*Quarterly Essay* 53, March 2014) recorded that when Kevin Rudd resumed as Prime Minister in mid-2013 he assessed that the public was against current policies and that people smugglers had manipulated Labor's approach and increased the arrivals. His 'Papua New Guinea' solution slowed arrivals and changed views to the extent that the asylum seeker issue lost priority among voters at the September election.

33. In January 2014, Philip Dorling, in the SMH (8 Jan), reported that 'most Australians think asylum seekers who arrive by boat are not genuine refugees and there is strong support for the Abbott government to treat boat arrivals more harshly'. The survey by UMR Research showed only 30% thought asylum seekers are genuine refugees, and 60% wanted more severe treatment.

34. A group calling itself 'The Heart and Soul of Australia' is conducting an on-line survey of opinion on refugees, as part of a concern to build a new consensus. It says both major parties have created confusion and built an expensive enforcement regime that has failed to create a national consensus on how to respond with due regard to Australia's international obligations. It refers to surveys over several years by the Monash University Scanlon Foundation that has shown that 38% support temporary protection visas, 31% support permanent residency for genuine refugees, and 30% support neither. The survey can be found at [www.civilsociety.org.au/heartandsoul/Consultation2.htm](http://www.civilsociety.org.au/heartandsoul/Consultation2.htm)

35. A recent report by the Australian Institute of Family Studies called 'Building a New Life in Australia' indicates that most new refugees feel welcome in Australia and are working to make the most of their new start. Many Australians have for years worked hard to welcome refugees and to offer practical support in many ways. Examples include resource and drop-in centres, food banks, emergency relief, child care, counselling, community development, creative arts performance opportunities, and cross-cultural programs. In addition, thousands have turned out for public rallies in favour of changing current punitive policies towards asylum seekers and refugees.

36. The Australian Churches Refugee Taskforce, which is connected with the National Council of Churches in Australia (NCCA), in 2013 issued a statement recalling the long Christian tradition of hospitality and concern for the stranger. It pointed out that the churches have consistently spoken out against government policies that are harmful to asylum seekers and refugees. It encouraged more practical support for local churches and community-based agencies responding to the needs of these vulnerable people. In a further report by Misha Coleman in July 2014, the group pointed out that "the expenditure on detention and deterrence policies is so great that there is no fiscally responsible argument that can be made to justify it".

37. Several nonviolent civil disobedience actions have taken place involving church representatives. These have included sit-ins at offices of Federal Government Ministers. For some Christians, there is now a sense of urgency that requires direct action of this kind. Rev Wes Campbell has drawn a parallel with the campaign against apartheid in South Africa, and called on Christians to consider action such as speaking out, boycotts, sit-ins, and coalitions in opposition to current brutal and unjust policies.

38. The Refugee Council of Australia (RCOA) began in 1981, and now has a network of 185 organisations, 800 individual members and thousands of supporters. It has been very active in advocating for a better approach to refugees, through submissions, letters, public statements and direct lobbying. Despite its recent loss of government funding it is continuing to rely on donations from its network.

## **Where to from Here?**

39. Perhaps Australia 21 has given the most useful lead in the public debate about future directions. It produced a valuable set of papers in December 2013 under the title *Refugees and Asylum Seekers: Finding a Better Way*. The editors, Bob Douglas and Jo Wodak, drew attention to the fact that among the 24 contributors from different political, bureaucratic, academic, ethnic and social backgrounds there was "a striking uniformity of view that current policies are inhumane, uneconomic and unjustified in terms of international, national and societal obligations, and that core values of fairness and compassion have been sacrificed for political expedience. In the process there has been a demonisation of asylum seekers arriving by boat as opportunistic queue jumpers".

40. Following publication of this report, Australia 21 commissioned a *Policy Paper* as the basis for a Roundtable of a wide range of stakeholders held in July 2014 in Parliament House, Canberra. In the Paper, Peter Hughes (ANU) and Arja Keski (Centre for Policy Development) identified the two key challenges facing Australia as (a) the resolution of the future of the 34,500 maritime asylum seekers in Australia, PNG and Nauru; and (b) the development of a future Australian refugee

policy, including regional protection and limiting the scope for asylum seekers to be smuggled by sea. They put forward a number of steps that would enable Australia to respond by speeding up processing for asylum seekers, working for an integrated refugee policy and a regional framework of protection, and greater capacity building and diplomacy in the region.

41. Frank Brennan SJ (professor of law at Australian Catholic University) put forward some thoughts at a conference in Adelaide in June 2013 involving (a) a regional agreement between Australia and Indonesia in cooperation with UNHCR to develop an orderly processing arrangement and a more equitable sharing of the burden of resettlement; (b) tighter border arrangements for Indonesia to stop people arriving via Malaysia; and (c) detention for brief periods to make health, identity and security checks, then released into the community and permitted to work while being assessed for refugee status.

42. John Menadue of the Centre for Policy Development advocates using the experience with Vietnamese refugees in the 1980s as a basis for constructing an orderly arrangement for those seeking asylum. This would involve (a) a progressive increase in the refugee and humanitarian intake, (b) agreements with countries from which people are fleeing (eg Sri Lanka, Iraq, Pakistan, Afghanistan, and more recently Syria and Egypt) to create more orderly departures, (c) arrangements with transition countries including Malaysia and Indonesia to allow assessment of refugee status under UNHCR guidance, (d) progressive abolition of mandatory detention, and (e) more supportive rules for those who are living in the community (eg work rights). He sees it as essential that any change along these lines be the result of dialogue among politicians, government officials, and NGOs.

43. John Garnaut, Asia-Pacific Editor for Fairfax Media, wrote on 18 July 2014 (*The Canberra Times*) that the Coalition Government has judged that putting border security at the top of its priorities has been a vote winner, and will not readily change that policy. However he points out that the recent case of the arrivals from Sri Lanka via India poses a real dilemma for Australia, as it would like to return those people to India without jeopardizing its long-term trade and foreign policy relationships with India. "India is a proud and sometimes unruly democracy of 1 billion people, which is unlikely to appreciate being used as Australia's people-dumping ground". This analysis raises the question of how far Australia can go in pressing other nations to back up its harsh policies.

44. James Hathaway (University of Melbourne Law School) wrote in *The Drownings Argument* published by Labor for Refugees in June 2014 that "Australia hosts about one-tenth of 1 per cent of the world's refugee population. Of the nearly 14 million refugees around the world, Australia is home to about 15,000 – not much for a country with one of the lowest population densities and the world's 13<sup>th</sup> largest economy". He advocates a globalized system of common but differentiated responsibilities where different countries take on different tasks. For example Australia could offer permanent integration for refugees unable to return home indefinitely.

## **Quaker Action**

45. Australian Friends have been active in lobbying for change in policies, and have given practical help to asylum seekers and refugees around Australia. QPLC has issued a number of

updates to assist Friends. On 28 February 2013 the Yearly Meeting Clerk issued a media release urging that asylum seekers receive humane treatment. Here is an excerpt:

Quakers believe that Australia can do much better in its response to asylum seekers, the Presiding Clerk of the Religious Society of Friends (Quakers) in Australia, Julian Robertson, said today. 'We regard Australians as capable of more Compassion and support for people who have been through trauma and danger. Our political leaders should be willing to reinforce this with policies that are just and fair.'

He continued: 'The fact that the UNHCR and many human rights groups have spoken out about Australia's approach as in conflict with our obligations under the Refugee Convention is a further cause for concern. As a member of the UN Security Council, Australia should be upholding international standards of conduct rather than adopting a narrow interpretation of its responsibilities.'

### **Questions for Discussion**

- What response do you feel led to make to the plight of asylum seekers and refugees? How does your faith influence that response?
- What support can you offer to those in detention, those who care for them, and those who enforce the current policies of border protection?
- What is your view on the 'no advantage' test as it currently applies to those arriving by boat?
- Are you led to become engaged in some form of civil disobedience?
- Are you able to discuss these issues with your friends or others in your neighbourhood, workplace or social group? If not, what prevents this?
- Are there particular issues you think Australian Quakers should take up at a national level with Parliament and Government, and/or at the international level with the United Nations (eg via QUNO)?
- What responsibility does Australia have to help those who have fled Iraq and Afghanistan as a result of threats because they supported Australian forces fighting there?
- Should there be a quota for accepting people under the humanitarian program?

Canberra

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