

2002

Statement

Refugees and Asylum Seekers

Australian Catholic Bishops' Conference

26 March 2002

The many and grave challenges which the flow of refugees and asylum seekers presents to the nations, including Australia, must be taken up with a sense of urgency, justice and compassion.

We, the Catholic Bishops of Australia, again exhort the Government and national community to give a lead in this, by example at home and by deep pro-active involvement in international efforts.

Among the considerations which press us to write this statement is the need and desire to supplement our "Statement on the Pastoral Care of Migrants and Refugees" (11th July 2001) and to express our concern over recent developments.

A Call for Intense Cooperation with Other Countries

At the outset, we applaud the Australian and Indonesian Governments for hosting an important high-level meeting involving some 35 regional countries, 15 observer countries, the United Nations High Commission for Refugees and international agencies, held in Bali on 27th-28th February 2002.

However the main topic for discussion at that meeting, People Smuggling, is but one dimension of the vast refugee and asylum seeker challenge.

It is vitally important that the international community – with Australia deeply involved – seek solutions to the root causes of population movements. Without this cooperation between countries, a huge flow of refugees and asylum seekers will inevitably become a permanent part of the global scene. Only through long-term efforts to share world resources more fairly and to uphold international human rights and humanitarian law standards will the world experience a significant reduction in the number of persons who flee persecution in their homelands.

We exhort our national leaders to throw our nation's full weight into intensifying the international community's will and efforts to ensure that all nations meet their commitments to the protection of refugees and asylum seekers. Our past record demonstrates Australia's potential to impact on the world stage in matters of migration and refugee settlement.

We must also be mindful that the poorest countries welcome most of the world's refugees and asylum seekers. Although generally these nations cannot

accept refugees and asylum seekers for permanent residence, they have the right, as countries of first asylum, to be supported by wealthier nations. It is not enough for rich nations to keep numbers to a minimum and carefully select which refugees they will accept for settlement.

Australia can and must give a lead and have a new sense of urgency in seeking international solutions, not only to combat people smuggling, but also to find settlement for suffering people. In this way, we shall resume and further develop the tradition of compassion, which has characterised Australia over many decades, and offer abundant rays of hope to refugees and asylum seekers around the world.

The Rights of Refugees and Asylum Seekers

In his message for World Migration Day 2000, Pope John Paul II wrote: *“The Church...hears the suffering cry of all who are uprooted from their own land, of families forcefully separated, of those who, in the rapid changes of our day, are unable to find a stable home anywhere...at the same time, States with a relative abundance tend to tighten their borders under pressure from public opinion disturbed by the inconveniences that accompany the phenomenon of immigration. Society finds itself having to deal with the ‘clandestine’ men and women in illegal situations, without rights in a country that refuses to welcome them, victims of organised crime or of unscrupulous entrepreneurs”.*

It is impossible to hear these words of Pope John Paul II without applying them to what has been happening in Australia, especially since the end of August 2001. We have, instead, tightened our borders against people who have turned to us for protection. Governments should not, however, always be driven by public opinion, nor should they turn refugees away on the basis of “border protection”. We can protect our borders while at the same time listen to the plight of those who seek to find asylum here.

Moved by our Faith and humanitarian principles, we reaffirm the human dignity of refugees and asylum seekers and we raise our voices in its defence.

The spirit of this re-affirmation “is a vision of human dignity which is based upon the truth of the human person created in the Image of God (cf. Gen. 1, 26). From this vision there flows a sense of inalienable rights which do not depend on any human power to concede or deny; they are rights which have their source in God” (Pope John Paul II, Address to the International Catholic Commission for Migration, 12th November 2001). We consider ourselves bound “to see Christ in every brother and sister in need, to proclaim and defend the dignity of every migrant, every displaced person, and every refugee. Assistance given will not be considered an alms from the goodness of our heart, but an act of justice due to them”.

Every person is equal before God in dignity and right. The human family is one because we are all, equally, children of the one God who created the world for

the benefit of all people. Asylum seekers have, as everyone else, the full range of human rights, and the entire human family has the privilege and the responsibility of actively upholding those rights.

The Gospel presentation of Mary and Joseph and the infant Jesus as refugees from the terror of King Herod and as asylum seekers is an enduring and challenging message from God; as are the words of Jesus Christ Himself, "For I was hungry and you gave me food, thirsty and you gave me drink, a stranger and you welcomed me". (Matthew 25:35).

The Catholic Bishops of Australia have frequently applauded the Australian Governments for opening the shores of this rich continent to give protection to refugees they have always encouraged Governments to be as generous and humane as possible.

How Great Is the Present World Refugee Crisis?

At the end of 2000, the Office of the United Nations High Commissioner for Refugees (UNHCR) was concerned with over 21 million people. These consisted of 12 million proven to be refugees, one million asylum seekers, six million people displaced in their own country, and others who returned to their own country, but whom UNHCR needed to monitor to ensure that they were not persecuted. The greatest number of refugees and asylum seekers at present come from Afghanistan (3,500,000), followed by Burundi (568,000) and Iraq (512,000).

Those from Afghanistan and Iraq flee initially to Pakistan or Iran, countries of first asylum. Even if there they obtain refugee status from UNHCR, there is no future for them in these overcrowded countries. UNHCR says that desperation at not being able to find a home has driven a significant number of these refugees and asylum seekers to pay people smugglers to help them reach Australia via Indonesia.

Although the situation in Afghanistan has recently improved we are mindful of UNHCR's warning not to presume that it is safe for refugees to return there.

Australia's Response

Australia has in the past responded to the refugee crisis by a permanent settlement program and by offering protection to those arriving on-shore who are found to be refugees. Worldwide, permanent resettlement programs, in which Australia ranks third behind the US and Canada, account, however, for only about 110,000 of the 21 million people who are of concern to UNHCR.

These are the programs for which asylum seekers are expected to "queue" at overseas ports. To a great degree these "queues" are a fiction: in general, refugees are forced to flee to nations which are without adequate offices to assess or process their claims.

In these circumstances, it is understandable that desperate people will take desperate measures, even using people smugglers if they can find the means and

opportunity.

People smuggling is an evil and life-threatening practice. We strongly support Australia's efforts to stamp it out and applaud efforts to have the cooperation of the Indonesian and other Governments in the endeavour.

A Call for Greater Generosity in Australia's Refugee Program

We consider that generosity must find expression in an increased refugee program for Australia.

Sadly, despite Australia's traditional generosity, there appears to be, in our national community at the present time, and to our great shame, a considerable decline in that active spirit of generosity. An atmosphere of fear is developing. There are some people who seem to promote a feeling of the loss of security and well-being. This fear we do not share: it is without foundation, and must give way to a fearless approach to truth and charity.

The two major political parties at Federal level maintain that Australia cannot afford to increase the refugee program of 12,000 people per year, including asylum seekers who are granted refugee status in Australia.

We are not persuaded by this argument, particularly as the number of humanitarian cases approved overseas by the Australian Government through its Migrant Officers is currently at about one third of the level of 20 years ago. As a wealthy nation we have a responsibility to welcome those who truly come to us seeking asylum. That responsibility is the heavier when military and political action in Afghanistan and the Middle East has been carried on with our support.

A starting point would be to meet, every year, the Humanitarian Program quota of 12,000.

However, as the number of refugees grows ever more acute, now is the time for a still more generous step. We recommend to the Federal Government that the quota be raised from 12,000 to at least 20,000.

We call for an abandonment of the so-called "Pacific Solution" whereby asylum seekers are taken to other neighbouring countries. The Assessment Centre at Christmas Island is a better alternative, though we would like to see the United Nations High Commission for Refugees invited to process those seeking asylum, especially if other countries are to be asked to accept a number of those deemed to be true refugees.

A Call for More Humane Treatment of Asylum Seekers in Australia

The human dignity of people seeking refuge from persecution must be reflected in our nation's policies. We have grave doubts that this is so at the present time. We urge the Australian Government to review the current policies for dealing with those who seek asylum here, so as to ensure that they are not discriminated

against because of their mode of arrival in Australia.

We call for the abandonment of the practice of turning boats away and of escorting asylum seekers to other countries such as Nauru and Papua New Guinea. This is an unconscionable practice.

Detention of Asylum Seekers

Australia receives asylum seekers in two ways – authorised and unauthorised. In other words, those who come with or without appropriate documentation. The latter usually come by boat, although sometimes by air. By law, they are detained until they are proven to be refugees.

This mandatory detention is itself a matter for concern: alone among the nations, Australia excludes any discretion being exercised as to whether, in particular cases, detention may be inappropriate or should be abbreviated.

Many asylum seekers, including whole families, have been detained for more than a year. The Church's pastoral care of asylum seekers convinces us that detention, beyond the minimum time necessary for carrying out security and health checks, identity checks and the lodgement of applications for Protection Visas, is deeply destructive of human dignity. This is particularly true of children. After a minimum time these people should be released into the community and be obliged to contact the immigration authorities on a regular basis.

Detention Centres

The isolation of detention centres, the difficulty of access to them, uncertainty and ignorance about the assessment process on the part of the people detained, cause widespread and significant psychological damage. Staff are similarly affected by the stressful environment of these centres.

In stark contrast stand the achievements of the Housing Trial Project currently underway in Woomera for women and children. Residents enjoy a much healthier and less stressful lifestyle as they await the outcome of their applications for visas. Violence and psychological harm is virtually non-existent in this normal community setting. After initial misgivings, the local Woomera community now accepts the presence of the Housing Trial. We propose the extension of this trial: the inclusion of fathers of families so that the family unit is complete, and the widening of the experiment to communities beyond Woomera.

A particularly obnoxious feature of the process of assessing applications for visas is the "screening out" process. Those screened out are usually left in ignorance of their unfortunate status. Their legal right to apply for a Temporary Protection Visa is not explained to them. This part of the process needs thorough review.

Since Afghanistan is still a war zone, it is probably premature to seek to force people to return there at the present time.

We also draw attention to another oppressive feature of life in the detention centres. Where human rights are so substantially restricted, a climate of bullying is enabled to flourish. Harassment, by one group of residents against other, more vulnerable groups, makes a miserable situation truly desperate. Having escaped from situations of persecution in their own countries, members of ethnic and religious minorities find themselves subjected, in the centres, to similar persecution, but with very little opportunity for redress. If our country is determined to continue with mandatory detention, then the rights of the residents to safety and freedom from harassment within the centres must be guaranteed.

Other Restrictive Measures

Over the last nine years, Australian Governments have increasingly introduced measures to make it more difficult and less appealing for asylum seekers who arrive without appropriate documentation. In addition to Mandatory Detention, these measures range from three-year Temporary Protection Visas, which deny the right of family reunion for the duration of the temporary visa, to legislation passed in Parliament at the end of September 2001. This latest legislation included the following aims:

(1) to strengthen Australia's borders against undocumented arrivals, including asylum seekers;

(2) to interpret the Refugee Convention in a very strict way. Actual persecution of the individual has to have occurred. Fear of persecution will no longer be sufficient;

(3) to ensure that people who arrive in Australia without documentation, even if they are recognised as refugees, will never receive permanent residence, never be able to bring their families to Australia, and never qualify for Australian citizenship; and

(4) to limit the right of Judicial Review to refused asylum seekers.

We are deeply concerned about these restrictive measures. We are convinced that such measures will not lessen the resolve of those who flee from persecution, but will increase their suffering and the risks they incur at sea. Even the survivors of the October 2001 tragedy, in which nearly 400 people lost their lives, were undeterred in their determination to seek refuge. These laws also treat those found to be refugees as people of a lesser dignity, indeed a similar category to criminals. They establish precedents for discriminatory treatment which should have no place in Australian law or practices.

We all have a responsibility to one another. So we must work together for social conditions which ensure that every person and every group in society is able to meet their needs and realise their potential. We have a responsibility to protect those whose dignity and rights cannot be guaranteed in their countries of origin or habitual residence. We should never deliberately hurt a person in order to issue a warning to others. Our policies should not use asylum seekers as a means of deterring others from seeking asylum in Australia. Neither should xenophobic feelings towards them be exploited for political advantage. We agree with Pope

John Paul's suggestion that the term "irregular migrants" replace such negative terminology as "queue jumpers" or "illegal boat people".

Three Year Protection Visa

We also call for a relaxation of the harsh policy towards those who have been granted a Three-Year Protection Visa. These people have little or no access to Governmental settlement services, and must look to Church and voluntary organisations for assistance. It is inconsistent, to say the least, that people who have been found to be genuine refugees are admitted grudgingly and unwillingly. They should be welcomed and given asylum, protection, and every assistance, until the situation that led to their desperate plight has been resolved.

The Catholic Church's Efforts

The Catholic Church in Australia, through the Catholic Immigration Offices at national and state level, Religious Institutes, Church Organisations, and many dioceses and parishes, has taken and continues to take important initiatives to help refugees and asylum seekers. These have ranged from intervention at the policy and advocacy levels to providing refugees, asylum seekers, and those who have been granted Temporary Protection visas, with advice and assistance with housing, employment, clothing, friendship, support and pastoral care. The contribution of these support networks remains invaluable.

Benefits to Australia

Generosity to refugees and asylum seekers has proven abundantly fruitful not only for Australia's good name and for its influence in the worldwide family of nations: the progress of the Australian community itself has gained much.

This is not surprising. Refugees and asylum seekers are people of courage, ingenuity, and perseverance: to have survived and found sanctuary at last, is proof of attributes and values which Australians respect and admire – though they are rarely acknowledged in refugees and asylum seekers.

The more we reflect on the success and the contribution of those of our citizens who were once refugees and asylum seekers – and there are many well-known and distinguished Australians among them – the more we are convinced that the path of generosity will continue to be the path to Australia's internal progress, credibility, deserved esteem and constructive worldwide impact-making.

If we pursue this path, we shall be to other nations a marvelous example of a national community in which peace and development prosper.

STATEMENT FROM

THE AUSTRALIAN CATHOLIC BISHOPS' CONFERENCE

ISSUED BY

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