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AUSTRALIAN CATHOLIC MIGRANT & REFUGEE OFFICE

News

The official newsletter of the Australian Catholic Migrant & Refugee Office

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Christmas Island Protests

The recent protests at Christmas Island are an understandable reflection of the conditions of detention and the frustration involved with been locked up for the duration of the application process.

The Commonwealth Ombudsman, the Australian Human Rights Commission and Amnesty International all report on overcrowded conditions, lack of health and legal services, insufficiently qualified government and contractor staff, high turnover of staff, insufficient interpreter services, isolation, depression, hopelessness, despair, anxiety, self harm, suicide and attempted suicide in Australian detention centres.

New ACMRO Website coming soon!

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AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

The use of tear gas and bean bag rounds, fired by shotguns is not an appropriate method for managing this situation.

Proper management should include effective legal representation, sufficient mental health and medical care, expedient processing of claims coupled with legal rights, in an environment free from isolation.

Humane management would empower detainees to control and determine their own lives.

Last month, Minister Bowen was inspirational in his speech on the 'Genius of Multiculturalism'; we again turn to him to take the lead on the humanitarian response and progress past policies of deterrence which misjudge the international context of forced migration.

The Catholic Church will never accept mandatory detention, prolonged, offshore and remote detention of asylum seekers and refugees.

John Paul II reminds us,

> *"Concern for refugees must lead us to reaffirm and highlight universally recognised human rights, and to ask that the effective recognition of these rights be guaranteed to refugees"*

Detention is for criminals. Refugees and asylum seekers are not criminals.

Asylum seekers are people created in the likeliness of God, deserving of dignity, and who due to circumstances beyond their control are now in search of a sustainable life.

Border security is the responsibility of the Government but political demands should never prevail over the value of the human person.

John Paul II explains,

> *"The challenge is to combine the welcome due to every human being, especially when in need, with a reckoning of what is necessary for both the local inhabitants and new arrivals to live a dignified and peaceful life."*

Mandatory detention of asylum seekers is not necessary for the protection of Australians. We do not need to lock up such small numbers of people who arrived without a valid visa to send a message to others.

In 2009-10, the Department of Immigration and Citizenship (DIAC) granted 4,322,710 permanent and temporary visas to Australia. Despite this extraordinary volume, all Australians continued to live a peaceful life, and many flourish because of the warm welcome that we extend to people from other nations.

Australia is a nation which upholds human and civil rights. These great values do not need to stop at our borders. Arbitrary detention is not part of our values and would not be acceptable for any Australian. It should not be accepted for anyone else either.

There are many alternatives to detention which avoid the persecution of asylum seekers and expensive price tag. To their credit, Minister Bowen and DIAC Staff have been exploring other options. ACMRO encourages this effort and calls on the Minister to also consider working bridging visas to detainees who pass health and security checks. This will enable asylum seekers to contribute to society and be self-reliant.

This year, Pope Benedict XVI message for world migrant and refugee day focuses on one human family. All human beings are brothers and sisters under God our Father in heaven. All Australians are witnesses to the suffering of detainees and are called to protect human dignity.

The boats will stop when peace returns to regions currently experiencing conflict and human rights atrocities. Until then, Australians need to support policies that actively promote the dignity and welfare of asylum seekers.

ACMRO calls on people of good will to show their compassion towards asylum seekers so painfully affected by tragic situations, to voice their support to parliament to end mandatory detention in favour of more humane alternatives.

Sources:

John Paul II, 1990 Message for Lent, 3: *L'Osservatore Romano*, English edition, 12 February 1990, p. 5.

Compendium of The Social Doctrine of The Church, 505.

John Paul II, World Day of Peace 2001, 13.

DIAC Annual Report 2009-10, p. 2.

All pictures: courtesy of Project SafeCom
http://www.safecom.org.au/xmas2008visit.htm

New detention centre a hard-hearted response: Bishop Saunders

9 March 2011

The announcement of the construction of a 1500-bed detention centre on the outskirts of Darwin reveals once more Australia's 'hard-hearted' response to asylum seekers, says the Chairman of the Australian Catholic Social Justice Council (ACSJC).

Following a meeting of the ACSJC in Sydney, Bishop Christopher Saunders said,

> 'The matter of concern surrounding the decision to build the new detention centre is not, as suggested by some politicians, that the government has failed to "stop the boats" but rather that the Australian Government continues to incarcerate desperate people who have fled violence and persecution.'

'The $9 million to be spent constructing a new detention centre and $74 million over three years for leasing the land will be in addition to the hundreds of millions spent on the detention of just over 6,650 asylum seekers in mainland and offshore centres.

'Our prolonged detention of asylum seekers who come to Australia by boat is simply adding further trauma to the lives of vulnerable individuals and families – at great cost to the Australian tax-payer.'

The Government has useful alternatives to detention including working bridging visas which allow asylum seekers to contribute to society and be self-reliant.

'In 2008, this Government committed to using detention for the shortest possible time and only then to establish that asylum seekers posed no health or security risk. Those posing no danger to the community would be able to remain in the community while their visa status was resolved. It is time for the Government to keep that promise.

'The Department of Immigration and Citizenship reports that 5,235 asylum seekers – 79% – have been in detention for longer than three months. These people are in need of compassion and security. The appallingly long time it takes to process their claims is a sad condemnation of our moral worth as a people who pride ourselves in always preserving a spirit of fairness,' Bishop Saunders concluded.

For further information:

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ENQUIRY INTO MULTICULTURALISM IN AUSTRALIA

The Joint Standing Committee on Migration (JSCM) has commenced an enquiry into multiculturalism in Australia. Some of the key issues to be addressed will be the role of multiculturalism in the Federal Government's social inclusion agenda, the effectiveness of settlement programs for new migrants, including refugees, how Australia can better utilise the skills of migrants and incentives to encourage the development of small businesses.

The Joint Standing Committee on Migration shall inquire into the economic, social and cultural impacts of migration in Australia and make recommendations to maximise the positive effects of migration. The inquiry shall examine and report on:

Multiculturalism, social inclusion and globalisation

The role of multiculturalism in the Federal Government's social inclusion agenda; and

The contribution of diaspora communities to Australia's relationships with Europe, the UK, Middle East and the immediate Asia-Pacific Region.

Settlement and participation

Innovative ideas for settlement programs for new migrants, including refugees, that support their full participation and integration into the broader Australian society; and

Incentives to promote long term settlement patterns that achieve greater social and economic benefits for Australian society as a whole.

National productive capacity

The role migration has played and contributes to building Australia's long term productive capacity;

The profile of skilled migration to Australia and the extent to which Australia is fully utilising the skills of all migrants; and

Potential government initiatives to better assist migrant communities establish business enterprises.

The Committee would like to hear from individuals and organisations with an interest in multiculturalism and the delivery of services to migrant communities. Organisations who can make a valuable contribution to the inquiry are invited to provide a written submission.

It would assist the Committee if your submission could be lodged with the Committee Secretariat by **Friday 8 April 2011.** A submission may be lodged by emailing the document to jscm@aph.gov.au. Hard copies may be sent by post.

Once a submission has been sent to the Committee it cannot be published or disclosed without the Committee's permission. Parliamentary committees publish as much evidence as possible, and your submission may be published on the JSCM's webpage as part of the inquiry. Details about the protection of parliamentary privilege and requests for confidentiality are available from the Committee's webpage: www.aph.gov.au/mig.

If you have any questions about the inquiry please contact the Committee Secretariat on (02) 6277 4560.

Current Advocacy Issues

'Everyone has the right to seek and to enjoy in other countries asylum from persecution'
Article 14, Universal Declaration of Human Rights

Detention

Detention in Australia remains mandatory for anyone seeking asylum without a valid visa. The Australian Human Rights Commission (AHRC) concludes that Australia's Immigration Detention system breaches fundamental human rights. The following is several key points made by AHRC in their 2010 report on Christmas Island;

- Many are subject to prolonged detention and there is no set time limit on the period a person can be detained.
- Children continue to be subject to mandatory detention on Christmas Island, in breach of Australia's obligations under the *Convention on the Rights of the Child* (CRC).
- The detention facilities on Christmas Island (described by AHRC as prison-like) are not appropriate for asylum seekers, particularly families with children and unaccompanied minors. The facilities are currently overcrowded placing further strain on limited communication facilities, recreational facilities, educational activities and opportunities for people to leave the detention environment.
- There is no psychiatrist on Christmas Island and limited access to medical specialists and dental care. AHRC reported a number of self-harm incidents between May and June 2010.

Article 9 of the Universal Declaration of Human Rights states,

> 'No one shall be subject to arbitrary arrest, detention or exile.'

Mandatory detention policies violate the prohibition on arbitrary detention.

ACMRO advocates for Australia to end mandatory detention.

ACMRO also advocates that families with children and unaccompanied minors should never under any circumstances be kept in detention.

Isolation of Detention Facilities

The first recommendation of the 2010 AHRC report;

> "The Australian Government should stop using Christmas Island as a place in which to hold people in immigration detention. If people must be held in immigration detention facilities, they should be located in metropolitan areas."

Isolation severely diminishes the ability for government and non-government services to be administered to asylum seekers.

ACMRO advocates for Australia to close offshore detention facilities.

Refugee right to work

The right to work is essential to human dignity and is a fundamental human right recognised in many international and regional human rights instruments, including the 1951 Refugee Convention and under Article 23 of the Universal Declaration of Human Rights. For refugees and asylum seekers, the right to work is fundamental to their protection – which must not be confused with the reasons for their flight. Unable to return home, and being without the protection of their own country, refugees must have rights to work in the country of asylum. Denial of the right to work, compounds the persecution, fear, and displacement they have already suffered. It is also in Australia's best interest. The ability to engage in decent work empowers refugees, enabling self-reliance and contribution to the economy and society.

ACMRO advocates that detainees who have passed health and security checks be allowed to work under a bridging visa while they await the outcome of their assessment.

Excision Policy

Currently, asylum seekers who arrive onshore are treated in one of three ways depending on their mode of arrival.

1) Persons arriving **with** a valid visa undergo Australia's Refugee Status Determination (RSD) process (governed by the Migration Act) and are permitted to live in the community while their claims are assessed. They can appeal to the Refugee Review Tribunal if their claims are unsuccessful (on grounds of merit or procedural unfairness).
2) Persons arriving on the mainland **without** a valid visa undergo the same process but are placed in detention for the duration of the assessment process.
3) Persons arriving on an **excised** offshore place (Christmas Island, Ashmore Reef, etc) without a valid visa are barred from the RSD process and instead undergo a non-statutory process known as Refugee Status Assessment (RSA). They have no legal right to apply for a visa. To apply, the minister for immigration must personally intervene and allow the person to make a valid application (does not guarantee visa grant). This process of ministerial intervention is non-compellable and non-reviewable. This policy was developed during the Howard Government to keep control over boat arrivals in the hands of parliament and away from the legal system. In February, the current Minister Chris Bowen, made this process more transparent (fairer) and faster. However, excised applicants, without legal rights, have no access to the Refugee Tribunal. As such, they cannot have the merits of their case reviewed and cannot challenge the lawfulness of their detention.

ACMRO advocates for the Australian government to end the excision policy and process all claims under RSD.

Link between onshore and offshore humanitarian schemes and the misconception around queue jumpers

Currently, the total refugee and humanitarian granted are separated into three categories

Visa Type	Granted 2008-09	Granted 2009-10	Change	
Offshore refugee	6,499	6,003	↓	UNHCR
Offshore humanitarian	4,511	3,233	↓	The queue
Onshore Protection	2,497	4,534	↑	Boat arrivals
Total	13,507	13,770		

DIAC Annual Report 2009-10

Offshore refugee visas are part of Australia's 6,000 visa commitment to UNHCR to resettle refugees. This 6000 figure is guaranteed (by Australia to UNHCR) not to fall below 6000 visas. UNHCR would like Australia to increase this number to 10,000.

DIAC targets between 13,500 and 13,750 each year. If more boat arrivals (Onshore Protection visas) are received, Australia grants less Offshore Humanitarian visas. The 13,750 target is maintained regardless of what happens in the world. Therefore, this policy creates the notion that those who arrive by boat are taking places off other refugees (who are sitting in a 10.4 million long queue).

ACMRO advocates that each visa category should have its own target to avoid this link which has led to a very negative portrayal of boat arrivals in the media.

ACMRO also advocates that the total target of 13,750 needs to be more flexible to account for humanitarian emergencies.

Increase quota on Humanitarian resettlement

By the end of 2009, there was an estimated 10.4 million refugees, 1 million Asylum seekers and 27.1 million Internally Displaced People. A total of almost 40 million worldwide are in refugee and refugee like circumstances. In response, Australia granted 13,770 visas under the Humanitarian Program in 2009-10.

ACMRO advocates that Australia's target of 13,750 should be increased to 20,000.

Complementary Protection

At the end of February 2011, Minister of Immigration Chris Bowen introduced a complementary protection bill to parliament. The bill covers (non refugees) those in need of protection who do not satisfy the legal definition to be awarded refugee status under the 1951 Refugee Convention. This bill will grant protection to those who face serious human rights violation such as torture, honour killings, cruel or inhuman treatment, arbitrarily deprived of life and the death penalty.

ACMRO welcomes this new bill, however only on the condition that the excision policy and mandatory detention be terminated.

Background and feedback to ACMRO statement on Christmas Island Protests

ACMRO would like to thank everyone who took time to provide feedback in regards to our statement on the Christmas Island protests. Given the controversial nature of asylum seeker issues, the feedback was very mixed in opinion. We are encouraged to know that so many are concerned about asylum seeker issues.

One of the roles of ACMRO is to raise awareness of these issues and our recent statement was made after careful consideration of several issues. ACMRO takes a human rights based approach to analysing asylum seeker issues. We believe it is important to defend human rights which apply equally to both Australians and foreigners.

ACMRO would like to share with you some of the background issues that were considered in writing our statement.

- The Catholic Church does not accept mandatory detention of asylum seekers and defends the right of all humans to seek asylum in another country. As an agency of the Catholic Church, ACMRO advocates this position.
- The majority of detainees are held at Christmas Island for arriving without a valid visa. This makes them unauthorised – not illegal. This fact is important, because in Australia, people are not detained without a fair trial and without committing a crime. To be detained for no reason violates a person's liberty, and is a horrible situation to be in.
- The UN has called on the Australian government to end their policy of mandatory detention. This is because mandatory detention arguably amounts to arbitrary detention which is a violation of a fundamental human right protected under Article 9 of the Universal Declaration of Human Rights.
- Detainees are subject to prolonged detention. On the 7th March 2011, the Australian reported that the average time spent in detention is 214 days. At the time of the protests, 900 detainees had been recognised as refugees but remained in detention waiting for ASIO to complete standard security checks. Some had been waiting 18 months.
- Many detainees are seeking asylum so that they can than deliver their immediate family members away from danger. The longer they spend in detention, the longer their family waits in dangerous conflict zones such as Afghanistan and Iraq. Understandably, the uncertainty of not knowing about the safety of your family members significantly adds to the stress and anxiety of detainees.
- The conditions inside Christmas Island are akin to prison. As mentioned in our media statement, the Commonwealth Ombudsman, the Australian Human Rights Commission and Amnesty International have all presented detailed reports complaining about the inhumane conditions that detainees are keep in.
- The above reports, coupled with our own pastoral experience administering care to those in detention at Christmas Island, has raised grave concerns as to the mental health and level of anxiety of detainees. ACMRO concluded that the vulnerable state that detainees are in makes the use of weapons highly inappropriate.

Simply put, ACMRO believes that asylum seekers should not mandatorily be held in detention centres and certainly not under the current circumstances of insufficient facilities, provision of mental health and medical care, lack of legal rights and prolonged detention.

In addition, ACMRO considered several practical reasons why it is highly inappropriate to use beanbag rounds on detainees.

- The US Department of Justice reports that people hit in the head, chest or other sensitive areas are at serious risk of injury or death and that 10 percent of impacts do cause broken bones. Beanbag rounds have resulted in several deaths. beanbag rounds are inaccurate over six meters and deadly under three meters. Therefore should not be used in riot situations where there proper application cannot be assured.
- The Deputy Commissioner of the Australian Federal Police stated that internationally, beanbag rounds have been used in East Timor 2006 and also on Solomon Islands. ACMRO has yet to find a domestic example of when beanbag rounds were used in Australia.

After consideration of the above issues and in line with our Catholic beliefs and belief in human rights, ACMRO came to the conclusion that tear gas and beanbag rounds should not have been used on detainees on Christmas Island.

On the 18th March, the Minister for Immigration and Citizenship Chris Bowen expressed his concern and understanding of the frustrations of detainees. As a result he has taken steps to help relieve the tension by reducing the numbers in Christmas Island detention and speeding up processing of security clearances. Minister Bowen is also initiating more humane alternatives to detention centres, but these take time and careful planning. ACMRO believes these recent steps taken by Minister Bowen are more appropriate ways of dealing with the protests as they address the underlying problems which are afflicting detainees.

Pastoral Visit to Migrant Communities and Migrant Chaplains by Archbishop Vegliò and Fr. Gabriele Bentoglio President and Under-Secretary of the Pontifical Council for Migrants and Itinerant People.

His Excellency Mons. Antonio Vegliò, President of the Pontifical Council for Migrants and Itinerant People has expressed the wish to visit the migrant communities and the migrant chaplains in Australia. It will be the first time that such a visit takes place in Australia and it will contribute greatly to make our experience of pastoral care to migrants and refugees known with the Holy See. The visit will take place from 2 to 14 May 2011.

We wish this visit to be pastoral in nature and have an impact on the wider community in Australia to showcase the pastoral care of the Catholic Church to Migrants and Refugees in the broader context of the Church's teaching on this matter.

3rd National
family gathering
Share the dream
Families Transforming the World
Friday 15 April – Sunday 17 April 2011
"...do not give up your dreams! ...the gifts and riches that the Lord has enclosed in the heart of each one of you, molded by the encounter with Christ, can bring authentic hope to the world!"
Pope Benedict XVI
The Australian Catholic Bishops' Commission for Pastoral Life together with the Archdiocese of Melbourne are holding the third National Family Gathering in April 2011. Share the Dream follows the success of previous gatherings, Dare to Dream in 2001 and Living the Dream in 2004. Come and join us in helping build a new culture of life and love through Christian family life!
Xavier College
Barkers Rd, Kew, Melbourne
For more information or to register visit:
www.sharethedream.org.au
Or contact:
Life, Marriage & Family Office
Catholic Archdiocese of Melbourne
Ph: (03) 9287 5579
Email: lmf@cam.org.au
www.sharethedream.org.au

Kathmandu, Nepal, 22 March 2011

Fire has reportedly swept through two refugee camps in Nepal, destroying up to 700 shelters and leaving almost 5000 people homeless.

UNHCR representative in Nepal, Stephanie Jaquemat, has stated that the refugee agency was working with government and other partners to provide shelter and relief to those affected by the fires. An estimated 3,790 of the 4,355 refugees in Goldhap lost their homes and some 1200 in Sanischare, which has a population of 12,590 refugees. These two camps house refugees originating from Bhutan.

The fires spread rapidly through the closely packed huts, which are made of wood, bamboo and thatch. The cause of the fires in not clear but an investigation has been opened.

A government led committee has been set up to coordinate immediate emergency assistance. UNHCR and its partners have started distributing food, blankets, cooking kits and tarpaulins for shelter.

Monrovia, Liberia, 24 March 2011

High Commissioner for Refugees Antonio Guterres and other senior UN officials warned this week in Monrovia that ever-increasing fighting and massive population displacement in neighbouring Cote d'Ivoire threatens Liberia's own fragile peace.

Over 90,000 Ivorian refugees have sought shelter in eastern Liberia since the presidential election last November in Cote d'Ivoire. Fighting between forces loyal to the rival presidential candidates, Laurent Gbagbo and Alassne Ouattara, has escalated in recent weeks and many fear the country is descending into civil war. There are some 500, 000 internally displaced.

UN Representative, Ellen Margrethe Loj is concerned that fighting in Cote d'Ivoire may eventually spill over into Liberia, which is still struggling to rebuild after two civil wars between 1989 and 2003. Loj has stressed that in order to keep peace in Liberia, they must focus on not allowing the arms to come across. The UN Mission in Liberia has increased its military and police presence along the 700 kilometre long border.

Most of the Ivorian refugees have found shelter either in a camp built by UNHCR at Bahn in Nimba County or in villages along the border. In the border village of Buutuo, UN representatives met with community leaders and refugee representatives. Guterres praised the inhabitants of Buutuo and other villages in eastern Liberia for their generosity towards the refugees flooding across the border. "In a world full of egotism, where rich countries are closing their doors, you have opened yours and shared what you have, and what you do not have," he said.

Thousands of Liberians sought refuge in Cote d'Ivoire during the Liberian civil wars and say they are now committed to returning the generosity. But these host communities need help because their stretched resources are running out.

Colombia, 17 March 2011

More than 800 Afro-Colombians have fled their homes along western Colombia's Anchicaya River and sought shelter in Pacific Ocean port of Buenaventura since the beginning of the month. The displacements seem to be linked to the growth of the illegal mining and struggle between illegal armed groups to control this activity. The area is rich in valuable mineral resources such as gold.

The port of Buenaventura has registered the arrival of 789 displaced people, including 370 children and 46 older people. UNHCR plans to visit the area with government officials and NGO representatives in the next few days to gather first-hand information about the population movement.