



# AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

## Australian Catholic Migrant and Refugee Office



### Submission to the Expert Panel on Asylum Seekers

19 July 2012

#### Summary of key points

- Create an alternative pathway to allow for the orderly departure of asylum seekers from regions of immediate conflict
- Increase the refugee intake
- End the use of harsh deterrence measures

#### Introduction

1. The Australian Catholic Migrant and Refugee Office recommends the Australian Government establish an Orderly Departure Program modelled on the Fraser Government's response to Indochinese refugees in the late 1970s and early 1980s. An Orderly Departure Program provides an alternative pathway for asylum seekers and refugees who are currently threatened by heightened conflict and who desire to come to Australia. An Orderly Departure Program would take pressure off both source and transit countries as it takes away the need to journey to Australia by boat. Such a program would involve accepting at least a further 10,000 to 15,000 refugees each year directly from countries such as Afghanistan, Iraq, Iran and Sri Lanka.

#### Australia can save lives and stop the boats without harsh deterrence measures

2. Australia successfully stopped the boats during the period 1981 to 1989. This is the only period since 1976 where not one single boat arrived. This was achieved through the generous resettlement of Indochinese refugees escaping the Vietnam War. This program, established by the Fraser Government, provided asylum seekers and refugees a safe alternative pathway to fly to Australia. This policy response to the Indochinese refugees stopped the boats without the use of the following deterrence measures;
  - a. Mandatory Detention (1992)
  - b. Indefinite Detention (1994)
  - c. Temporary Protection Visas (1999)



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- d. Turning Boats Back (2001)
- e. The Tampa Incident (2001)
- f. The use of Nauru (2001)
- g. The Excision Policy (2001)

#### **If given an alternative to fly, there would be no boat journeys to Australia**

- 3. The Fraser government policy was successful in stopping the boats because it provided an alternative route for asylum seekers and refugees to reach Australia.
- 4. The decision to travel to Australia by boat is a very difficult one. Since 1976 estimates suggest 1500 people have died making the journey to Australia by boat. The prospect of a boat journey to Christmas Island is frightening. Those preparing to make this journey know that it is incredibly dangerous and that they are risking their life and the lives of their children. They can often see the boats are in poor condition, with inadequate safety gear and overloaded. Many have little water and food to make the three to four-day journey. In desperation, many people seeking refuge in Australia believe that if they are to have any sort of a life, they have no other choice but to get on board and pray.
- 5. The journey by boat to Australia is frightening and is itself the greatest deterrent. If given an alternative, no one would attempt the boat journey to Australia in the manner we see today.

#### **Deterrent measures are ineffective, inhumane, expensive and divert funds from better policies**

- 6. This year is the 20th anniversary of the introduction of mandatory detention for asylum seekers who arrive by boat. This policy is inhumane. In the last two years there have been nine deaths and more than 386 self-harm incidents.<sup>1</sup> The estimated cost of held immigration detention facilities last year was \$772.17 million. Since the introduction of this policy in 1992, more than 34,500 asylum seekers have arrived by boat. It is fair to say this policy is ineffective, expensive and the funds would be better spent helping refugees in resettlement.
- 7. The deterrence policies of the Howard era may have reduced the number of boat arrivals, but this policy did not completely stop the boats. Policies such as

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<sup>1</sup> Joint Select Committee on Australia's Immigration Detention Network final report, March 2012, p105-6.



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Temporary Protection Visas and offshore processing on Nauru are also less likely to be effective today. Asylum seekers know that the majority of those who were placed on Nauru and/or given temporary protection were eventually received into Australia as permanent refugees. What asylum seekers have to go through is not as important as securing their long-term future. This is why deterrent measures are ineffective.

8. More importantly, deterrence policies which prevent asylum seekers from making a dangerous boat journey to Australia do not save them from vulnerable and precarious situation.

#### **Australia saves lives when we accept asylum seekers by boat or by air**

9. Most asylum seekers do not die at sea. Most die as a consequence of the war and violence perpetrated in their home country.
10. Recent waves of asylum seekers by boat have been from Afghanistan, Iraq, Iran and Sri Lanka. These four countries are among the top 10 countries worldwide where the population is at risk of suffering serious human rights violations and mass killings. Last year in Afghanistan estimates suggest between 3,000 to 15,000 civilians were killed. In Iraq, since 2003, estimates suggest more than 110,000 civilians have been killed. In this month alone 191 people have been killed in Iraq already, either by gunfire or explosives. In Sri Lanka, May 2009 saw 27 years of civil war come to a horrific end with the deaths of an estimated 40,000 Tamils; their situation remains precarious.
11. Since 1976, more than 37,000 people, who may otherwise have been killed during war, have saved their lives by reaching Australia by boat. Last year more than 160,000 worldwide escaped armed conflict and violence by boat. It is not ideal, but boat journeys are a regular occurrence and a relatively common way to seek asylum.

#### **Increasing our humanitarian intake**

12. The refugee and asylum seeker phenomenon will only improve if the situation improves at the source. Australia helps by providing foreign aid which targets accelerated peace initiatives, education and development. The recent government announcement of \$1 billion in aid to Afghanistan over four years will greatly contribute from 2015 onwards.



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13. However, money is not enough. Developed nations like Australia need to accept a greater number of refugees from war-torn countries. These additional places would immediately provide security, peace and safety, but more importantly they would offer the opportunity for education and employment -something that is generally lacking in war affected areas. Host countries expect that refugees will eventually get a job and support themselves and their family. Refugees also have that expectation. Often refugees have family back home in desperate need of money, which is extra incentive to find employment. In 2010 worldwide remittance flows are estimated to have exceeded \$440 billion and of this amount developing countries received more than \$325 billion. In many developing countries remittance flows represents more than 10 per cent of GDP. Remittances flows are nearly three times higher than the amount of official aid and almost as large as foreign direct investment in developing countries. Remittance flows, unlike foreign aid and foreign investment, have proved to be more resilient during the recent global financial crisis making them not only a larger source of funding but also a more stable source of income.
14. Re-establishing the Orderly Departure Program is one way to increase the intake of people caught up in, or escaping the immediate region of armed conflict and violence. The program would involve Australia working closely with international organisations such as the United Nations High Commissioner for Refugees (UNHCR) and exploring the possibility through Australia's embassies and diplomatic relations. The UNHCR has been very effective at identifying populations at risk and has experience with orderly departure programs. The ACMRO notes that the Expert Panel on Asylum and Refugees has received a submission from John Menadue and Arja Keski-Nummi, who outline in much greater detail the opportunities and practicalities of an orderly departure program.
15. Another way to increase our intake is indirectly through other existing visas, particularly through student and work visas. The Department of Immigration could fast track valid applications from countries experiencing conflict, or give priority to applicants in great humanitarian need.

#### **Asylum seekers currently in Indonesia**

16. Our understanding is that most asylum seekers passing through Indonesia do so very quickly. Generally asylum seekers will spend between four days to a month before getting on a boat to Australia. With the introduction of an orderly departure program taking away the need to travel to Indonesia, we would expect boat journeys would recede after some time depending on how well the orderly



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departure program can be communicated to those who are considering the journey. During the implementation phase of the orderly departure program provisions should be made for the estimated 5,000 asylum seekers currently in Indonesia.

17. For inquiries relating to this submission please contact Joe Moloney, Research and Information Officer ACMRO [joe.moloney@acmro.catholic.org.au](mailto:joe.moloney@acmro.catholic.org.au) or on (02) 6201 9848.

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Maurizio Pettenà".

Fr Maurizio Pettenà  
National Director  
Australian Catholic Migrant & Refugee Office