

Submission to the Department of Immigration and Border Protection “Australia’s Humanitarian Programme 2015-16 and Beyond”

The philosophy underpinning Ethnic Child Care, Family and Community Services Co-operative Limited (ECCFCSC) is social justice, with a particular emphasis on Multiculturalism and Access and Equity in children’s, aged and disability services.

Immigration, including the Humanitarian Programme, has long been an important part of Australia’s history, and ECCFCSC believes that it is the diversity of Australia that makes this country so great. Ethnic Child Care, Family and Community Services Co-operative welcomes the opportunity to comment on “Australia’s Humanitarian Programme 2015-16 and Beyond” through the Government’s request for submissions from the Australian public. This submission includes comments on the management, size, and composition of Australia’s Humanitarian Programme.

Management

ECCFCSC is extremely concerned about the current system of management of asylum seekers under Australia’s Humanitarian Programme. The arbitrary and indefinite detention of asylum seekers is problematic for a variety of reasons.

1. It contravenes the UN Refugee Convention to which Australia is a signatory:

“Refugees should not be penalized for their illegal entry or stay... Prohibited penalties might include being charged with immigration or criminal offences relating to the seeking of asylum, or being arbitrarily detained purely on the basis of seeking asylum.”¹

It is not illegal to seek asylum. In so doing, an individual is exercising their legal and human rights under international law. They should not be treated as a criminal (by being detained/imprisoned) for doing so.

2. Detention is extremely expensive.

According to the Department of Immigration and Border Protection’s Annual Report 2013-14, the cost of “Programme 4.2: Onshore detention network” was \$118,419,000. “Programme 4.3: Offshore asylum seeker management” was significantly more costly at \$3,149,010,000.² This is despite the

fact that there are considerably more individuals in detention onshore than there are offshore. The Government could save itself, and Australian taxpayers, an enormous amount of money by closing detention centres (and particularly the extremely costly offshore centres). ECCFCSC urges the Department to consider alternative proposals to detention, such as *The Tasmania Opportunity*³, which has widespread support among Tasmanian politicians, business leaders, citizens and human rights defenders.

3. It is doing significant damage to Australia’s international reputation.

The UNHCR, UN Committee against Torture, and UN advisors have all spoken out in criticism of Australia’s policy of indefinite detention, and in particular of its treatment of children and of its removal from Australian law of its international obligations of non-refoulement. In an increasingly interconnected and globalised world, maintaining a positive reputation

among the international community is important. Australia’s sliding international reputation is an embarrassment to all Australians.

4. There are children involved.

The psychological impacts of growing up in detention are enormous. The Australian Human Rights Commission has recently authored a report detailing the additional trauma caused by such imprisonment, and urging the Government to cease its policy of detaining minors.⁴

5. It’s unethical.

Australia’s policies of tow-backs and indefinite detention appear to demonstrate a callous disregard for human life. These policies have resulted in significant physical and psychological injury and even death. It is morally wrong to arbitrarily and indefinitely detain an individual who has committed no crime, particularly when the damage commonly caused by this imprisonment is so widely known and documented.



Size

Australia should increase the size of its Humanitarian Programme to at least 20,000 in 2015-16, increasing to at least 30,000 in 2018-19.

1. We have the capability. As the world's 12th largest economy, Australia has the capacity to support a much larger number of asylum seekers and refugees than it does currently. While we currently rank third in terms of the number of refugees resettled directly through the UNHCR, this drops to 49th in terms of total refugees accepted, and 87th when compared to our national wealth.

2. The global population of forcibly displaced persons continues to grow. In 2014, this population numbered over 51 million, a number that had not been seen since the end of WWII. Australia must increase the number of places offered under the Humanitarian Programme in view of the increasing total population of concern.

3. Immigration is good for Australia! Migrants, including asylum seekers and refugees, make significant contributions to Australia's cultural, scientific, artistic and economic landscape. "[I]t needs to be recognised that [humanitarian migrants] make significant economic contributions."⁵ Australia's second richest person (Richard Pratt) is the son of a refugee. The new Governor of South Australia arrived as a Vietnamese boat person. Countless great Australians have arrived in this country as asylum seekers or refugees.

Composition

ECCFCSC believes that Australia's Humanitarian Programme places should be allocated to those in greatest need, and their families, regardless of their mode of arrival in Australia. This includes:

1. Refugees resettled by UNHCR (including Women at Risk)
2. At risk Afghan employees supporting Australia
3. Asylum seekers currently in Australian immigration detention facilities, and in community detention, both onshore and offshore
4. Newly arrived asylum seekers, including unauthorised maritime arrivals

The Programme must be flexible enough to respond to ongoing and newly occurring refugee-producing crises worldwide.

ECCFCSC strongly advocates that the Government prioritise the processing of asylum seekers who are currently living in indefinite detention, both onshore and offshore, particularly where there are children involved, with a view to resolving the current caseload.

ECCFCSC also asks the Government to reincorporate unauthorised maritime arrivals into the Programme. We remind the Department that under both Australian and international law, all individuals have the right to seek asylum in another country.

"Illegal Maritime Arrivals"

ECCFCSC strongly urges the Government and the Department to refrain from using provocative language such as "Illegal Maritime Arrivals" and "Bogus Asylum Seekers," both in departmental reports and in speeches and press releases. These terms are both misleading and inflammatory. We remind the Department that under both Australian and international law, all individuals have the right to seek asylum in another country. Those who do so should therefore not be deemed "illegal" as they are simply exercising a legal right. In the same vein, there is no such thing as a "bogus" asylum seeker. Any person who claims asylum should be referred to simply as an asylum seeker. Those whose asylum claims are not successful should be referred to as "failed" or "refused" asylum seekers.

1. UNHCR, *Convention and Protocol Relating to the Status of Refugees*, December 2010 <http://www.unhcr.org/3b66c2aa10.pdf> Accessed January 2015.
2. Australian Government Department of Immigration and Border Protection, *Annual Report 2013-14*, Commonwealth of Australia, p. 156-157.
3. See <http://www.thetasmaniaopportunity.com.au/>
4. Australian Human Rights Commission, "Commission urges detained children be released into the community" 5 December 2014 <http://www.humanrights.gov.au/news/stories/commission-urges-detained-children-be-released-community> Accessed January 2015.
5. Australian Government Department of Immigration and Citizenship, *A Significant Contribution: The Economic, Social and Civic Contributions of First and Second Generation Humanitarian Entrants*, 2011: Commonwealth of Australia, p. 22.

