

Part 2

The new "White Australia" Policy

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Mike Head**22 January 1999**

The Australian government's decision to refuse a visitor's visa to Rajendiram Sutharsan, a Tamil member of the Socialist Equality Party of Sri Lanka, is part of a wider crackdown against not only visitors but also refugees and immigrants from Sri Lanka and other impoverished, particularly Asian, countries.

Inquiries by the World Socialist Web Site have confirmed that a virtual blanket exclusion applies to visitors from a long list of countries--predominantly in Asia, the Pacific, the Middle East, South America and Eastern Europe--whose residents are classified as "risk factors". Moreover, this blacklist is part of a broader exclusion of people from Asia and other impoverished regions, whether they are seeking to visit, apply for refugee status or immigrate.

Part two

On its Internet site, the Australian Department of Immigration and Multicultural Affairs claims that: "The Australian Government is strongly committed to helping refugees and people who faced serious abuses of their human rights."

It continues: "Like Australia's Migration Program for non-humanitarian migrants, the Humanitarian Program is non-discriminatory and helps people in need from all parts of the world."

Yet the government maintains a blacklist that excludes visitors from many Asian and other poor countries, with the express purpose of preventing people from those countries overstaying their visas or exercising their legal rights to apply for refugee or humanitarian status once in Australia.

Only 6,000 refugees will be accepted in 1998-99, including 2,000 who apply after arriving in Australia, with another 6,000 people allowed entry on humanitarian grounds. Most will come from the former Yugoslavia, certain Middle Eastern countries (particularly opponents of the regimes in Iraq and Iran) and selected African states. **Not a single person from Asia will be allowed to apply from overseas for refugee status or a humanitarian visa.** Under

the category of special assistance, less than 200 will be admitted in total from Thailand, Sri Lanka and Vietnam.

Like most governments around the world, the administration in Canberra applies an extremely narrow definition of what constitutes a refugee--based on the 1951 Geneva Convention on Refugees. Those seeking asylum must prove a "well-founded fear" of death, serious injury or persecution on religious, racial, national, social or political grounds. This test is designed to exclude the vast majority of refugees--those fleeing war, poverty and hunger.

There is a "Special Humanitarian Program" but it is also highly restrictive. Applicants must show that they have suffered discrimination amounting to gross violation of human rights, plus strong support from an Australian resident or community group. Those displaced by war can apply under a special assistance program, but in most cases they must have close family members with residence status in Australia. So-called economic refugees--those seeking to escape economic hardship--are strictly excluded.

The government's pre-determined quota of 2,000 for those seeking refugee status from within Australia means that even if people manage to enter the country, whether it be on a visitor's visa or via a hazardous illegal journey by air or sea, those asking for asylum have little chance of success. Regardless of the merits of their case, they will not be allowed to stay. During 1996-97, 14,493 applications were processed. Only 1,304 were granted, leaving 12,374 facing deportation.

According to one immigration lawyer, the official policy is that those who manage to get into Australia are, by definition, not refugees. If they can raise the resources for an air ticket or a sea voyage, the argument goes, they are not in genuine need. This, of course, ignores the reality that people will endure great hardship if there is a prospect of escaping oppression.

In addition, a distinct racial pattern exists. In the same period--1996-97--350 refugees arrived by small boats on the

country's northern shores, four-fifths from Asia. Just 67 were granted asylum, none of them Asian.

The Department has refused to detail the country-by-country rejection rates for all refugee applicants, but a similar picture emerges in statistics from the Refugee Review Tribunal (RRT). The previous Labor government established this government-appointed body in 1993 to handle appeals by rejected onshore refugee applicants. Labor's primary aim was to restrict access to the courts. In July 1997 the present government tried to discourage appeals to the RRT itself by imposing a \$1,000 fee for applications.

Even so, some 30,458 people lodged appeals with the RRT between 1993 and 1998--but only 2,489 succeeded. In 1997-98, just 1 percent of appeals from Indonesian refugees succeeded, only 4 percent from China, and none from the Philippines, compared to an average success rate of 10 percent.

To take Indonesia, Australia's nearest neighbour, as an example, the official attitude hardened despite the collapse of the country's currency and economy, with catastrophic implications for millions of workers and peasants. Of the 1,274 Indonesia appeals decided by the RRT in 1997-98, a mere 12 succeeded--less than 1 percent. Over the five years since 1993, just 69 out of 2,160 succeeded--about 3.2 percent.

Success rates from other Asian-Pacific countries, including Thailand, Bangladesh, South Korea, Fiji and Tonga are also extremely low. Only five Fijians out of 1,383 applicants have won cases in the RRT since 1993, and just one out of 570 from Tonga.

One explicit aim of these rejections is to discourage Asian asylum seekers altogether.

Discussing the statistics with the *Australian* newspaper last week, the acting RRT chief Peter Nygh emphasised a dramatic decline in appeals from the Philippines--they nearly halved from 1,624 in 1996-97 to 782 in 1997-98. It seems that the zero rate of success for Filipino refugees is having the desired effect.

Until recently, Sri Lanka has been a relative exception. The RRT has allowed about 30 percent of appeals from that country over five years. However the Howard government is now cracking down on Sri Lankan refugees, despite the Kumaratunga government's continuing war against the Tamil population in the north and east of the island. Canberra is currently seeking to deport hundreds back to Sri Lanka, refusing to renew humanitarian visas granted since November 1993.

The Howard government has also followed in the footsteps of the Labor Party in blocking refugee access to the courts. Under the rules established by Labor, refugees cannot appeal

from the RRT to the Federal Court in cases of bias or other denials of natural justice.

Since 1993, some 1,400 applicants have gone to the Federal Court (7.5 percent of RRT decisions), with a success rate of just 18 percent. Most of these legal victories were only partial, because four out of five were simply remitted by the court for reconsideration by the RRT. In all, less than 50 asylum seekers have had an outright legal victory in five years.

Nevertheless, Prime Minister John Howard and Immigration and Multicultural Affairs Minister Philip Ruddock last month denounced Federal Court judges for allowing appeals, accusing them of undermining government policy. Ruddock announced new legislation to further restrict legal appeals.

Meanwhile, about 8,000 applicants are still waiting for their appeals to be heard. In some cases they wait for years. Several hundred are held in terrible conditions in concentration camp-style detention centres. The Villawood centre in Sydney has a capacity of 270, Maribyrnong in Melbourne can hold 70 and Perth can take 40. By far the largest is the remote Port Hedland Reception and Processing Centre in north-western Australia, with a capacity of 700.

During 1997-98, 2,716 "unlawful non-citizens" were detained for a total of 152,061 days. At June 30, 1998 there were 375 detainees.

All refugees arriving by boats and other so-called illegal entrants are automatically imprisoned in these centres, without trial, pending their forced removal from the country. In 1994, the previous Labor government pushed through legislation requiring all those overstaying their visas to be detained indefinitely as well, until they are deported. The legislation effectively scrapped the fundamental principle of *habeas corpus* --no detention without trial.



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