

The new "White Australia" Policy

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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 not only against visitors but also aimed at refugees and immigrants from Sri Lanka and other impoverished, particularly Asian, countries.

After his application was initially rejected on December 30, the Socialist Equality Party of Australia provided the Australian High Commission in Sri Lanka with abundant documentary evidence that Sutharsan had been invited to participate in the party's summer educational school and to stay for two weeks for meetings and discussions with workers and youth on his recent release from detention by the Liberation Tigers of Tamil Eelam. As requested, the SEP guaranteed Sutharsan's return to Sri Lanka and gave details of its financial support for the visit, including the provision of a return air fare.

Yet the ban on his visit was maintained, on the basis that he would pose an "unacceptably high risk" of overstaying his visa. Jan Cleland, second secretary (immigration) in the High Commission, said the decision had been made "in the interests of consistent decision making". She asserted that Sutharsan had "characteristics in common with the applicants at risk of overstaying". She refused to elaborate on the criteria applied or explain how Sutharsan could prove his commitment to return to Sri Lanka.

Her statements indicate that many working class people from Sri Lanka and elsewhere in Asia have been denied visas as a matter of policy. Immigration officials gave similar reasons for the initial refusal of visas for the world-renowned Thang Long Water Puppet Troupe of Hanoi to perform at the Sydney Festival. This month Australian officials in Islamabad used the same methods to refuse entry to Farida Zaheer, chairwoman of Pakistan's national textile union, who had been invited to attend an international union conference in Sydney.

After objections by Sydney Festival organisers and trade union officials, the decisions in the latter two cases were reversed after further details of their arrangements were supplied to the government. However, Sutharsan's exclusion has remained, pointing to political discrimination as well as underlying discrimination on the basis of race and economic status.

Further inquiries by the World Socialist Web Site have confirmed that a virtual blanket exclusion applies to visitors from countries--particularly those in Asia, the Middle East, South America and Eastern Europe--whose residents are classified as "risk factors". Moreover, behind this policy stands a general clampdown on people from Asia and other impoverished regions, whether they are seeking to visit, apply for refugee status or

immigrate.

Part one

Unbeknown to those seeking to visit Australia--whether as tourists, for family reasons or for political purposes--the government has a blacklist of countries from which visa applications are almost automatically rejected.

Aside from a host of other arbitrary requirements--such as passing medical tests and proving their "good character"--those applying for short-term visitor's visas must show that their visit is "genuine," that is, that they will not seek to stay in the country, either by overstaying their visa or applying for refugee status.

In applying this test, the government maintains a long list specifying, by age and gender, people from particular countries who are regarded as "risk factors". Those classified in this way will have their applications rejected unless they can prove that there is "very little likelihood" that they will remain in Australia after the expiry of their visa.

There are 37 countries on the list that was gazetted by Immigration and Multicultural Affairs Minister Philip Ruddock on 24 June 1997. Most are Asian-Pacific countries, as well as South American, Middle Eastern and Eastern European, plus two southern European--Portugal and Greece, the two poorest states in Western Europe.

The list reads: Bangladesh, Burma, Cambodia, Chile, China, Colombia, Croatia, Cyprus, Czech Republic, Egypt, Fiji, Greece, Hungary, India, Iran, Israel, Jordan, Lebanon, Macedonia, Mauritius, Nauru, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Samoa, Slovakia, Sri Lanka, Syria, Tonga, Turkey, Ukraine, Uruguay, Vanuatu, Vietnam and Yugoslavia.

Residents of these countries are banned according to various age and sex categories. For Sri Lanka, the list specifies four separate "classes": males aged 25 to 39 inclusive, males 60 years or older, females aged 20 to 39 inclusive and females 50 years or older. For some other countries, the categories are even more sweeping. For the Pacific islands of Tonga and Samoa, for example, both males and females aged 20 years or older are barred. The same applies to Lebanon, the Philippines, Poland and Turkey.

Those applying for visitors' visas from these countries are not told about the blacklist, nor that they must prove their commitment to return home. Instead, official brochures declare: "Australia has a non-discriminatory immigration policy" that treats all equally, "regardless of their ethnic origin, their gender, colour or religion".

Applicants are supplied with information forms that state: "Australia welcomes visitors and we try to keep formalities to a minimum." The only hint of any further requirement occurs under a heading: "Do I need a sponsor?" The answer given is: "No.

However, evidence of support from relatives or friends in Australia may be asked for."

The blacklist is also kept a secret from the relatives and friends of those seeking to visit. Australian working people in general know nothing about it either. The 1997 gazette promulgated by Ruddock, number S241 of 1997, is not even generally available. Government bookshops no longer sell it, and it is not on the Internet. National and state libraries may possibly have copies.

The precise legal test imposed by the government, set out obscurely in paragraph 4011(1) of Schedule 4 of the 1994 Migration Regulations, requires an applicant on the "risk factor" list to "satisfy the Minister that, having regard to the applicant's circumstances in the applicant's country of usual residence, there is very little likelihood that the applicant will remain" after the expiry of a visa.

Even if applicants are finally told of this test, it is, by definition, almost impossible to satisfy in any objective sense. It requires applicants to prove a negative. How does one demonstrate the non-existence of a likelihood? The few appeal cases that exist suggest that only those with lucrative business or employment ties to their home country, or with a high level of financial commitment by a sponsor, have succeeded.

Applicants often know nothing of the test until they have been rejected--and then they have no right of review. Their only possible appeal lies in a challenge on a point of law in the Federal Court, an extremely expensive, uncertain and protracted process, particularly for someone living far away in a poor country. If they have a close relative living in Australia, that relative may apply for a review of the merits of the case by a body called the Migration Internal Review Office (MIRO) and then lodge an appeal with the Immigration Review Tribunal, again an expensive and time-consuming process.

In one recent successful appeal to the Tribunal on behalf of a Chinese small businesswoman, the decision was finally overturned a year and a half after the first application.

A lawyer who does volunteer work for immigrant families said rejections of visitor's visas and even delays can have "severe consequences" financially and emotionally. Working families crimp and save to pay for visits by relatives and often organise visits to coincide with birthdays or other special events, only to have their hopes dashed at the last minute. He confirmed that such experiences are now widespread in immigrant communities.

By canvassing homes in just one Sydney suburban street, the WSWs spoke to numerous people who have had heartbreaking experiences. One woman from northern Sri Lanka, now a factory worker and single parent, failed to get permission for her 70-year-old mother to visit from Jaffna, the main city in the war-torn Tamil region. She has not seen her mother for two decades and her daughter has never met her grandmother. She raised the money for a return air ticket, but could not raise the \$6,000 bond that the immigration department also required.

It took three months and much bureaucratic buck-passing for an Indian engineer to obtain permission for his parents to visit for two months. A young Egyptian worker was not allowed a visit by his father.

This blacklist was first introduced by the previous Labor Party

government and then extended by Ruddock in 1997 on behalf of the present Howard Liberal-National Party government. According to another immigration lawyer, the government claims that the list is drafted on the basis of a statistical analysis of the rate of visa overstaying that has occurred for each "class" of applicants. In this way, governments, both Labor and Liberal, have introduced a form of collective punishment for the alleged offences of a few.

By the immigration department's own figures, the rate of overstaying is extremely low, even for countries on the list. The rate ranges from 4.5 percent for Tonga and 1.6 percent for Sri Lanka down to near zero, with an overall rate of 0.2 percent among 2.7 million non-business visitors annually.

The same figures also reveal that the two countries with the most overstayers are the United Kingdom and the United States. Japan and Germany are also on the list of 10 countries with the greatest number of overstayers. Between them, they account for nearly 30 percent of all those whose visas have expired. Apart from being predominantly "white," these countries are crucial to Australian business for trade, tourism and investment. There is no suggestion, therefore, that their citizens be placed on the blacklist.

Human rights organisations and concerned lawyers opposed the Labor government's original imposition of this racially discriminatory policy. Some pointed out that it constituted a de facto reimposition of the infamous White Australia policy. From Federation in 1901 to the mid-1960s, when the policy was formally dropped for business reasons, only those with "white" skin were allowed to enter Australia.

The lawyer who voluntarily assists immigrants commented that the use of statistical profiles to exclude people from certain parts of the world could be illegal under the Racial Discrimination Act. He noted that, as was the case with the White Australia policy in the 1930s, arbitrary criteria are used to exclude applicants while denying an explicit racial bias. In the 1930s, the authorities imposed language tests; today "risk factor profiles" are employed. "The government uses a statistical analysis to mask other concerns," he said. "We fear that it will only get worse as the government moves to abolish all appeals to the courts."

In the wake of the financial and economic meltdown in Southeast Asia, Russia and Latin America, the Australian government is intensifying its measures to bar entry to working people from Asia and other poor regions. In Sutharsan's case, the government is not only trampling on his democratic rights but also those of workers and youth in Australia to free speech and political association. On a wider scale, thousands of people are being denied the basic democratic right to travel, visit relatives and friends and engage in discussions wherever they choose.



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