

Australian government threatens to deport remaining Kosovar refugees

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Just five months after reluctantly accepting 4,000 Kosovar Albanian refugees from the US-NATO bombing of Yugoslavia, the Australian government on Monday declared its intention to imprison and deport the remaining war victims who do not leave the country by November 30.

When the refugees began arriving in Australia in early May, Prime Minister John Howard and Immigration and Multicultural Affairs Minister Philip Ruddock received much media coverage as they welcomed the first planeload at Sydney airport. The government's actions were hailed as generous and humane.

In fact, the Howard government had initially opposed taking any refugees. "Flying planeloads of refugees into Australia would not be an appropriate response," Ruddock stated on April 4. But there had been an obvious contradiction. The government had declared its support for the US-led bombardment, echoing the NATO position that this was a war for genuinely humanitarian purposes. Yet it would not provide safe haven for a single victim of the war. For that reason, Ruddock's stance was abruptly reversed on April 6.

Amid the media fanfare that greeted the arrival of the refugees, little publicity was given to the special legislation rushed through parliament to deny them any legal and democratic rights in Australia, not even the right to apply for refugee status under the UN Convention. Under the *Migration Legislation Amendment (Temporary Safe Haven Visas) Act 1999* the Kosovar refugees were afforded a new type of temporary entry visa. The Act did not specify how long these visas were to last. Instead it stated that they could be extended, shortened or cancelled by the Minister, with no appeal and no right of review by a tribunal, court or other body. The refugees had no right to apply

for any other type of visa—any such application was "not valid".

Now that the war against Yugoslavia has ended and Kosovo has been placed firmly under the command of NATO troops, this Act is being enforced.

On Monday, a government MP asked Ruddock a question in parliament about the government's plans for the remaining refugees. "If people remain in Australia after visas have expired, there is an obligation upon my department to detain them and to remove them from Australia," Ruddock stated.

The Minister said individual cases might warrant special consideration, but he had not seen "any compelling reason" for doing so. He insisted that having lost a home and having little to return to were not good enough reasons—because there were 23 million other displaced people around the world, many of whom had lost their homes.

In recent days Ruddock has been directly threatening some of the Kosovar refugees in an effort to intimidate them into leaving the country. Two weeks ago, he went to the East Hills military barracks in Sydney, where several hundred refugees were housed, and made it clear they were no longer welcome.

According to media reports, Ruddock's meeting with the refugees was lengthy and heated. He told them that they must transfer to other more remote centres "or better still go home by 30 October with the \$3,000 winter reconstruction allowance we have so generously offered."

Those refugees unwilling to move would be stripped of their \$27-a-week living allowances, telephone cards, Internet access and other services.

Last week, during another meeting at the Brighton barracks near Hobart, Ruddock declared: "I don't want it to come to this, but if people become unlawful

[because their visas have expired], they may have to be taken into detention and removed from Australia.”

In an apparent effort to avoid a legal battle—and the political difficulties that might accompany an attempted mass deportation—the government recently offered a “Winter Construction Allowance” to those who agreed to leave before October 30. Despite this bribe, about half of the 1,000 Kosovars still in Australia have indicated that they wish to stay.

One of the reasons that the government gave for wanting to remove the Kosovars from East Hills was to make way for the arrival of the next batch of “temporary safe haven” refugees—from East Timor. The government said it needed accommodation at East Hills for 200 of the 1,400 East Timorese who were evacuated from the UNAMET compound in Dili, and who had been living in tents in Darwin.

The East Hills centre can house up to 800 people, but the government claimed that some of the East Timorese might have tropical diseases and therefore it was acting in the Kosovars' best interests by forcing them to move elsewhere. A good number of the Kosovars still refused to move and instead cheered the Timorese when they arrived. As of last week, 103 Kosovars remained at East Hills and a lawyer was preparing legal action to defend their right to stay.

At one point, the government also argued that it had to make room for thousands more East Timorese refugees. The National Council for Timorese Resistance (CNRT) and the UN High Commissioner for Refugees (UNHCR) had asked the Australian government to shelter Timorese students who were under threat in Jakarta, Bali and Surabaya.

However, the government simultaneously refused to accept the students. Initially, it argued that other countries had to take some of the students as well, and then claimed that conditions had improved sufficiently in East Timor's devastated capital, Dili, for the students to be sent back there.

According to an article in the *Australian* on October 12, negotiations between the UNHCR and the Indonesian government had cleared the way for the students to return to East Timor. A CNRT spokesman criticised the government's stand, pointing out that even safe drinking water was still a problem for thousands of displaced people in Dili.

Meanwhile, despite the government's claims to be

concerned with the plight of the Timorese, it is continuing legal action to expel about 1,600 Timorese people who have been seeking asylum in Australia over the past decade, particularly since the 1991 Dili massacre.

In a test case, it is appealing against a Federal Court decision last year to halt the deportation of Lay Kon Tji, who arrived in Australia in 1992. In 1994 the Immigration Department rejected Lay Kon Tji's claim that he had a well-founded fear of persecution if forced to return to East Timor and consequently rejected his application for a temporary protection visa.

Lay Kon Tji applied to the Refugee Review Tribunal, which ruled that he had been harassed and intimidated by Indonesian forces on account of his race (he is Chinese) and political opinions (he was involved in pro-independence activities). It found that he would face detention and torture if he returned to East Timor.

However, the Tribunal also accepted the government's argument that he had become a Portuguese national at birth and therefore could obtain asylum there. Ironically, the Australian government is the only Western nation to recognise Indonesia, not Portugal, as the sovereign power in East Timor.

Last November a Federal Court judge overturned that ruling, on the grounds that Portugal did not accept any legal obligation for Timorese refugees. The government's appeal to the Full Federal Court against that decision was due to be heard on October 15, but the government applied for a last-minute adjournment.

It is not difficult to predict the government's next step. When the case resumes, it will argue that it is now safe for all the East Timorese asylum-seekers in Australia to return home. Both the Kosovars and the East Timorese are experiencing the real face of the Australian government's humanitarian pretences.



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