

Australian government denies visas to five Tamil refugees

Mike Head
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In a decision that points to close collaboration with its Sri Lankan counterpart, the Australian government has denied refugee protection visas to five Tamil asylum seekers for alleged security reasons. Immigration Minister Chris Evans said the five would be refused visas because the spy agency, the Australian Security Intelligence Organisation (ASIO), had determined them to be threats to national security.

Although Evans and ASIO have refused to provide any details, the allegations almost certainly derive from the Sri Lankan government and military—the very regime that the Tamils are fleeing.

In fact, Evans intimated that Sri Lankan allegations of links to the Liberation Tigers of Tamil Eelam (LTTE) lay behind his visa decision, saying that because many Tamil Tiger operatives had fled the country it was likely that people “who may be of interest to security agencies” could be among the asylum seekers.

In its bogus “war on terrorism” the Sri Lankan government has treated all Tamils as potential terrorists. After defeating the separatist LTTE, it incarcerated 280,000 Tamil civilians—men, women and children—in heavily guarded “welfare villages”, in reality detention camps.

Four of the rejected refugees, who include a mother of two children, were among the 78 rescued from a sinking boat by a patrolling Australian Customs vessel, the *Oceanic Viking*, last October in international waters south of Sumatra. The fifth, the children’s father, arrived in Australian waters on a separate refugee boat six months ago.

Initially, in a bid to deny refuge to all the *Oceanic Viking* passengers, they were transported to Indonesia at Canberra’s request. In a defiant four-week stand, however, they refused to disembark, demanding to be brought to Australia. Ultimately the Australian government convinced them to leave the ship by promising a special deal—they would be

resettled in a third country within 12 weeks if certified as genuine refugees by the UN High Commissioner for Refugees (UNHCR).

Despite the UNHCR designating all 78 Tamils as legal refugees, only 12 have been allowed entry to Australia. Another 44 are in a transit facility in Romania awaiting settlement in the US and Canada, and 16 remain in Indonesia’s Tanjung Pinang detention centre.

Now, the Rudd government will detain the remaining six—including the two children—indefinitely on Christmas Island, an Australian outpost in the Indian Ocean.

They will remain in legal limbo, denied any rights to appeal against the visa refusal or to challenge ASIO’s unspecified allegations.

Because of ASIO’s verdicts, no other country is likely to accept the five rejected adults and two children either. While the Australian government claims that they are free to leave voluntarily, they face certain persecution, including imprisonment without trial, if they go back to Sri Lanka.

The Sri Lankan government has admitted detaining at least 12,000 “Tamil Tiger suspects” without charge or trial in prisons, “rehabilitation” camps and other locations since its bloody defeat of the LTTE last May. These prisoners are in addition to the tens of thousands of Tamil civilians still in military-run “welfare villages”.

On January 11, Power and Energy Minister W.D.J. Seneviratne declared that none of the “suspects” would be released soon. Without offering any evidence, he claimed that they included a “considerable number of suicide bombers”. If any proof of crimes actually existed, the detainees would be charged with offences, and the same goes for the Tamils denied Australian visas.

Any move by the Australian government to forcibly deport the Tamils to Sri Lanka would openly violate the

international Refugee Convention, which prohibits the removal of genuine refugees to countries where they are likely to be persecuted.

But the government is already flouting the Convention—which states that people have the right to flee persecution—by working with the Sri Lankan regime to help it stop Tamils exercising that right. Last November, Canberra signed a multi-million dollar agreement with Colombo for that purpose, and Rudd told parliament that his government had been involved in Sri Lankan operations to interrupt “people-smuggling”.

There are signs that the Rudd government is preparing to reject many more Tamils currently detained on Christmas Island. The processing of their visa applications has become notoriously slow, with many left waiting over six months for an answer. Of a boatload of 196 Tamils who arrived last June, 112 have received visas but 78 are still waiting. None of another boat of 78 Tamils who arrived in mid-August has received a visa.

This stalling has contributed to serious overcrowding and unrest at the Christmas Island facility. Originally commissioned by the Howard government to accommodate 400 detainees, it now has more than 1,200 inmates, and Labor has begun to boost the capacity to over 2,000 by using tents and demountables.

The denial of visas to the Tamil refugees highlights the denial of fundamental legal rights to all asylum seekers. Like the Howard government before it, the Rudd government is using the navy and customs vessels to prevent boats landing on the Australian mainland. On Christmas Island, which has been “excised” from Australia’s migration zone, detainees cannot appeal to any tribunal or court against visa rulings.

The Labor government has also maintained the arbitrary powers given to ASIO, whose decisions are effectively immune from legal challenge. In previous cases, including since Rudd took office in 2007, ASIO and the government have gone all the way to the High Court, Australia’s supreme court, to block applications by alleged security suspects to find out what has been alleged against them, let alone see any supposed evidence.

Between 2001 and 2006, during the Howard years, two Iraqi refugees, Mohammed Yussef Sagar and Muhammad Faisal, spent five years in detention on the remote Pacific Ocean island of Nauru after they were issued negative security assessments. Their incarceration eventually caused severe mental health problems.

In the end, Sagar was accepted by Sweden and Faisal was

allowed into Australia. Without giving any reasons, ASIO quietly revised its assessment of Faisal. According to refugee advocate Pamela Curr, he “now lives in Australia struggling with the effects of incarceration on Nauru and the treatment he received”.

Refugees are not the only ones to suffer from ASIO rulings, which constitute a wider threat to basic democratic rights. In 2006-2007, there were seven adverse security assessments, including that of US antiwar activist Scott Parkin and a Guantánamo Bay filmmaker, who were both barred from Australia.

Labor’s reliance on ASIO to block entry to Tamils fleeing the repression in Sri Lanka exposes what is left of the claims made by Labor before the 2007 election that a Rudd government would follow a more “humane” policy toward refugees.

Domestically, Labor is vying with the Liberal-National Party opposition—which denounced the Oceanic Viking deal as a “surrender”—to demonstrate who is more committed to keeping refugees out of Australia. Abroad, the Rudd government is endangering the lives of asylum seekers in order to cement alliances with regimes—like that in Sri Lanka—considered beneficial to Australian capitalism’s strategic and economic interests.

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