

Australian government suspends refugee applications

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In a move that is unprecedented internationally, the Labor government of Prime Minister Kevin Rudd on Friday announced an immediate suspension of all refugee applications from Sri Lanka and Afghanistan.

Mainly Tamil refugees fleeing ongoing repression in Sri Lanka are barred from applying for asylum visas for at least three months, and Afghans escaping the US-led military “surge” must wait at least six months. All arrivals from the two countries will be detained inside already over-full camps on the Australian outpost of Christmas Island.

More than 2,000 asylum seekers are currently on the remote Indian Ocean island—about half of whom are Afghans and a quarter Tamils. Some are living in large dormitory-style tents, primarily because of long delays in processing visa applications. Those whose boats were intercepted and taken to the island before Friday are exempt from the freeze, but not new arrivals.

By automatically blocking all future asylum seekers from Sri Lanka and Afghanistan, the government is openly discriminating against people from the two Asian countries on the basis of nationality and ethnicity. The decision violates the international Refugee Convention, which requires signatories to individually consider refugee claims and also prohibits measures designed to punish or deter people from exercising their right to flee persecution.

The Labor government is effectively pursuing a punitive policy of indefinite detention. Having won the 2007 election promising to adopt a more humane refugee policy, Labor is going beyond the previous Howard government, which consigned asylum seekers to detention on the tiny Pacific island of Nauru, but never froze

refugee applications.

Rather than the election pledge to cut visa processing in detention to a maximum 90 days, the government has now ensured there will be a minimum of 90 days for Sri Lankans and 180 days for Afghans before processing even begins. During those periods, the asylum seekers will be subjected to health and security screening, which may also result in their rejection as refugees.

About 50 extra Australian Federal Police, equipped with riot shields, rifles and tear gas, have been sent to Christmas Island to deal with possible unrest among detainees. Last month, several detainees held a hunger strike to protest against being deported after being denied protection visas, and last Friday a Tamil man tried to commit suicide by hanging himself. Last November, a riot broke out under the pressure of over-crowding and lengthy delays in visa decision-making.

Immigration Minister Chris Evans sought to justify the freeze by saying the United Nations High Commissioner for Refugees (UNHCR) was about to review the international protection guidelines for both countries. Those guidelines have no legal status—they are merely recommendations to be considered in assessing individual claims for asylum. In any case, the government has completely pre-empted the outcome of the review. The UNHCR’s regional representative, Richard Towle, said the decision to delay processing applications in anticipation of a UNHCR review was unprecedented anywhere in the world.

Evans presented a patently false picture of conditions in the two countries. He claimed that Sri Lanka “is a country in transition after two decades of conflict, with hopes for further improvement and stabilisation in conditions”. He

said that President Mahinda Rajapakse, having won re-election in January, was actively improving the plight of the Tamil civilians who were imprisoned in military-run detention camps after last May's defeat of the separatist Liberation Tigers of Tamil Eelam.

In reality, the Rajapakse regime has maintained widespread police-state repression, in violation of domestic and international law. Those Tamils who have been released from detention face continuing discrimination and police monitoring. Some 80,000 remain in the camps and thousands more "Tamil Tiger suspects" are incarcerated without trial.

Evans claimed that the situation in Afghanistan "is also evolving," with "constitutional and legal reform to protect minorities' rights". In reality, there is an escalating war in Afghanistan, with the US pouring in tens of thousands of extra troops to suppress any opposition to its continuing occupation and its anti-democratic puppet government. Canberra is increasing the Australian military contingent. Many Afghans have fled, with more than 1.7 million Afghans living in squalid camps and slums in neighbouring Pakistan.

The Rudd government's own Australian Human Rights Commission cautiously expressed "serious concerns" that the latest "policy shift could lead to arbitrary detention and take Australia down a path that is at odds with our international human rights obligations". Commission president Cathy Branson QC added that subjecting children to mandatory detention was a breach of the Convention on the Rights of the Child.

Refugee lawyers said the government's decision might also infringe the Racial Discrimination Act, and administrative law, which requires unbiased consideration of visa claims and procedural fairness. Refugee and Immigration Legal Centre director David Manne said the government's policy "will condemn people to a twilight world where they're unable to even have their case for protection examined".

In the short-term, with federal elections due before the end of the year, the Rudd government's decision is aimed at countering the mounting clamour from sections of the media and the Liberal-National Party opposition. Labor is clearly trying to outflank the opposition parties from the right in demonstrating it will be "tough" on "border

protection".

More fundamentally, Labor is stirring anti-refugee sentiment to divert attention from the content of its own policies, as it prepares to make deep inroads into health, education and welfare, in line with demands by the corporate elite for sweeping cuts to social spending. A relative handful of asylum seekers—less than 5,000 over two years—are being made scapegoats for government policies that will intensify the existing lack of jobs, affordable housing and basic services.

Labor's discriminatory freeze recalls the racist traditions of the long-standing "White Australia" policy that until the 1960s excluded all non-Europeans from the country. While the form has changed, similar methods are used in every period of economic and social discontent to divide the working class. It should be recalled that the last federal Labor government, that of Paul Keating, introduced the mandatory detention of asylum seekers in 1992.

In addition to the suspension of applications, Labor has already gone beyond the previous Liberal government in carrying out mass deportations of rejected asylum seekers. Last month, it transported a group of 89 Afghan, Iranian, Iraqi and Sri Lankan refugees from Christmas Island to the Villawood high-security detention centre in Sydney, in preparation for removal from Australia. Evans boasted that this was in addition to 125 unsuccessful asylum seekers returned in 2009, and a further 19 removed so far in 2010.

By bringing those targeted for deportation to Villawood, the government has set a far-reaching legal precedent. Although the deportees are currently on the Australian mainland, the government insists that they have absolutely no rights of appeal to the courts, because they were originally intercepted in offshore areas that are "excised" from the country's migration zone. In effect, the Rudd government has extended the "excision zone"—first imposed by Howard with Labor's support—onto the mainland.



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