

# Australia: Labor government lifts ban on processing Afghani refugees

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Australian Immigration Minister Chris Bowen announced on September 30 that a six-month ban on the processing of 1,200 Afghani asylum seekers had been lifted. At the same time, Bowen made clear that a higher proportion of refugees would be deported, claiming conditions in Afghanistan had improved.

Under the government's automatic detention policy, the ban resulted in the incarceration of all Afghani asylum seekers for six months without any legal recourse. Their only "crime" was to seek asylum in Australia from their war-torn homelands. A three-month halt to the processing of Sri Lankan refugees had already expired.

In restarting processing, Bowen used the opportunity to boast about Labor's record in refusing Afghani asylum seekers this year. The acceptance rate had dropped from 95 percent at the start of the year to just under 30 percent, he said.

"As a result of the more exhaustive country information there has been a decrease in the number of primary acceptances of claims from Afghans who are not subject to the processing pause. Even taking into consideration the possibility of some of these being overturned at review, the percentage of successful refugee claims is likely to be lower than in the past. Those Afghans who are found not to warrant more protection will be returned to Afghanistan, consistent with Australia's international obligations."

The character of this "country information" is indicated by a document from the Australian embassy in Kabul dated February 21, released to the *Australian* on October 1. It stated that ethnic Hazaras in Afghanistan, who constitute 80 percent of the detained Afghani asylum seekers, "do not live in fear of violence or systemic persecution". In fact, according to the report, Hazaras have entered "a golden age" that is "the best in several hundred years".

Bowen's statement and the embassy report produced an outpouring of opposition from refugee aid groups, specialists and those who work closely with refugees.

David Manne, the senior solicitor of the Refugee and Immigration Legal Centre, who will be working with some

of the Afghans for whom processing has now begun, said the embassy document was one of the "key sources" used by the government to reject claims from Afghani asylum seekers this year.

The day after Bowen's announcement, Manne told ABC Radio: "This freeze on processing of Afghan claims was completely unnecessary and harmful. It essentially resulted in the incarceration of over a thousand children, women, families and men who were subjected to almost six months of harmful limbo and also a policy in clear betrayal of the government's own detention reforms, which it trumpeted two years ago, which promised an end to mandatory indefinite detention."

Phil Glendenning, director of the Edmund Rice Centre, a Catholic agency, told the *Australian* on October 1 that those Hazaras sent back to Afghanistan under the previous Liberal government reported to him that the "situation on the ground is less safe than it ever has been, particularly those in Ghazni province," the province from where most of the Hazaras in detention come.

Glendenning said the United Nations' most recent report on Afghanistan "confirms that 2010 has been the most violent year in Afghanistan since the war began... The number of civilians assassinated or executed by the anti-government insurgents there has surged by more than 95 percent."

The United Nations Assistance Mission in Afghanistan (UNAMA) mid-year report found that civilian casualty figures from the first half of 2009 to the first half of this year had increased by 31 percent. Civilian deaths had risen by 21 percent over the same period.

James Jupp, Associate Professor at the Centre for Immigration and Multicultural Studies at the Australian National University, said of the embassy report: "I don't

think anybody's having a golden age at the present moment. You'd have to have a strong imagination to believe that."

The processing of Sri Lankan and Afghani refugees was halted in April. The then Immigration Minister Chris Evans justified the ban on the grounds that the United Nations High Commissioner for Refugees (UNHCR) was about to conduct a review of the situation in both countries. The decision to stop processing pending a UNHCR review was unprecedented internationally and went further than the anti-refugee policies of the former Liberal government.

The ban was itself a violation of the international Refugee Convention signed by Australia. The convention requires that all asylum seekers be processed on an individual basis, without discrimination. A halt to the processing of all refugees from a specified country directly contradicts this clause.

During the 2007 election campaign, amid rising opposition to the Howard government's treatment of refugees, the Labor Party promised to limit the maximum detention period to three months. The ban ensured that the minimum detention period for Sri Lankan refugees was three months, and six months for Afghans.

Evans claimed there were "hopes for further improvement" in Sri Lanka with the end of the civil war against the Liberation Tigers of Tamil Eelam (LTTE) and in Afghanistan with "constitutional and legal reform to protect minorities' rights". In Sri Lanka, the government, with which the Australian government collaborates closely, was intensifying its anti-democratic rule, including against the Tamil minority. In Afghanistan, the US was intensifying the war against anti-occupation insurgents, with direct Australian military involvement.

The Rudd government imposed the ban to prove that Labor would be even tougher on refugees than the opposition Liberals. After the ousting of Kevin Rudd by Julia Gillard in June, the Labor Party promised even harsher measures during the August election in a bid to outflank the Coalition from the right. Both parties have whipped up anti-refugee sentiment to divert attention from their role in the destruction of basic services and the continuing deterioration of living standards.

While making limited criticisms of the anti-refugee policies, the Greens are now directly responsible for their implementation. The party has signed a deal to support the minority Gillard government on no-confidence and money

bills. As a result, among other items, the Greens have pledged to vote for the budget of the immigration detention centres.

In response to the decision to restart processing, Greens immigration spokesperson Sarah Hanson-Young declared that the ban "was never going to be a practical solution". She had nothing to say, however, about Bowen's outrageous claim that conditions had improved in Afghanistan and more refugees would be deported. The Greens accept the whole framework of "border protection", "illegal immigrants" and thus the deportation of those deemed not to be "genuine".

Nearly 5,000 asylum seekers are currently being held in detention centres on the Australian mainland and on Christmas Island, a remote Australian territory in the Indian Ocean. In northwestern Australia, the Labor government is doubling the capacity of the infamous Curtin detention centre, where hunger strikes and suicides took place under the Howard government.

The anti-refugee policies of the Gillard government are already leading to protests and suicides by desperate asylum seekers. Last month Josefa Rauluni, a Fijian refugee threw himself off the roof of the Villawood detention centre in Sydney on the morning he was due to be deported. He had warned the authorities that he preferred death to persecution in Fiji—but to no avail.

These events demonstrate that the Labor government, far from adopting a more humane policy toward asylum seekers, has maintained and extended all the basic features of the previous Howard government's mandatory detention regime.



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