

Australian government appeals to anti-refugee sentiment after migration bill collapses

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The Labor government has stepped up its inflammatory anti-refugee rhetoric since it withdrew its proposed amendments to the Migration Act early this month after it became clear the legislation would not pass either house of parliament.

Prime Minister Julia Gillard and her ministers have sought to out-flank opposition leader Tony Abbott from the extreme right by blaming him for the arrival of new refugee boats. Abbott's Liberal-National Coalition refused to support the amendments, which were designed to overturn a High Court decision which struck down the government's plan to deport 800 asylum seekers to Malaysia.

Gillard had urged Abbott to support amendments to the Migration Act to strip refugees of the most minimal legal rights after the court ruling on August 31. Labor's legislation sought to give the government unfettered power to remove asylum seekers, including unaccompanied children, to Malaysia or any other country, regardless of whether the country was a signatory to the international Refugee Convention.

Refugees could be deported to any country without consideration of the "international obligations or domestic law of that country"—based solely on an assessment of the so-called "national interest". If implemented, the law would openly flout the Refugee Convention, which prohibits the removal of refugees to any country where they fear persecution. The amendments also explicitly authorised the use of military to carry out forced deportations.

Labor has responded to the collapse of its so-called "Malaysian solution" by condemning the Opposition for opening the gates to "boat people". In a joint press conference with Immigration Minister Chris Bowen,

Gillard derided Abbott for his "determination to trash the national interest," and declared: "Mr Abbott's conduct leads us to circumstances where we are at real risk of seeing more boats, and I understand that will cause community anxiety."

Following the naval interception of a boat carrying 51 passengers on Wednesday, Home Affairs Minister Brendan O'Connor stated: "Every time a vessel arrives, Tony Abbott is responsible, because he is a national vandal; he has wrecked border protection by putting his personal interest ahead of the interests of this country."

The purpose of these comments is to inflame and appeal to the most-right wing and xenophobic sentiments. Amid the deepening global economic breakdown, the Labor government is seeking to divert social tensions and hostility to its pro-business policies by inciting fears about people arriving on boats from Asia.

Despite its parliamentary impasse, the government is vehemently maintaining its support for the Migration Act amendments and so-called offshore processing—the forced transportation of asylum seekers from Australia to other countries. Gillard said the legislation would be kept "on the notice before parliament" to be brought forward when Abbott "wakes up".

The debacle over Labor's asylum policy has deepened the crisis of the deeply unpopular government and provoked the first cabinet leaks to the media since the immediate days after Gillard was installed as prime minister in a backroom coup at the behest of business last year.

The government has come under intense criticism from the corporate media for its failure to implement an

offshore regime. Last Saturday, the *Sydney Morning Herald* published leaks from the Labor cabinet that described internal disagreements over asylum policy.

According to the *Herald*, Immigration Minister Bowen, in the first of two cabinet meetings last Thursday, pushed for a compromise with the Opposition involving a pledge to reopen a detention centre on Nauru—where the Opposition would prefer to deport refugees—after 800 asylum seekers had been sent to Malaysia. There were further reports that Labor powerbrokers Bill Shorten, Mark Arbib and Stephen Conroy, who were instrumental in the ousting of former Prime Minister Kevin Rudd in June last year, confronted Gillard in support of Bowen.

The cabinet and a special meeting of the Labor parliamentary caucus that evening ultimately sided with Gillard's position for a return to "onshore processing," reportedly concerned that Abbott would reject the offer. Bowen refused to deny the leaks in a "Meet the Press" interview on Sunday, saying only that Cabinet leaks were "unfortunate, but you get on with your job."

On Monday, Gillard was forced to make a humiliating public appeal for Cabinet unity, telling ABC Radio that ministers have "frank and fearless discussions with cabinet, but that right comes with a responsibility of confidentiality."

The current return to "onshore processing" in no way signals a shift to a less punitive asylum policy. Labor will maintain the regime of mandatory detention, under which refugees are detained in prison-like centres for months, and sometimes years, while their claims for asylum are processed. Large numbers of refugees will continue to be detained on Christmas Island—a remote Australian territory located some 2,600 kilometres from the mainland in the Indian Ocean.

According to the *Age*, 4,800 people remained in detention as of October 15—3,445 men, 512 women and 848 children. Immigration and citizenship department secretary Andrew Metcalfe told a Senates Estimates Committee hearing on Monday there had been 289 incidents of "self-harm" by detainees—including by attempting suicide, sewing lips together or ingesting toxic material—in the three months to September 30, and 669 threats of "self-harm". These statistics did not include hunger strikes. As of mid-September, 451 people had been diagnosed with a mental illness, while 228 were on anti-psychotic medication and 527 were

taking anti-depressant medication.

Bowen announced last Thursday that the government would move refugees into "community detention" or provide them with "bridging visas" that permit them to work in order to avoid an overflow in detention centres. Those placed in "community detention" would be forced to live at designated place of residences.

Plans are reportedly being drawn up to force refugees given bridging visas to live in areas of the country where employers are demanding new sources of low-wage labour. According to the *Sunday Age*, "Cabinet ministers have already discussed sending some asylum seekers ... who have less need for trauma services straight to regions desperate for workers."

The *Australian* reported that refugees would have to "demonstrate a compelling need to work" in order to gain a work permit, and only people who were employed would have access to Medicare, the subsidised health insurance scheme. For the jobless, income support would be limited to roughly the same amount as the Newstart unemployment benefit, or a paltry \$443 per fortnight for a single adult.

In other words, regardless of where refugees are detained or processed, their most fundamental rights—to live and work where they choose with full political and social rights—will continue to be trampled upon.



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