

Australian government moves to bar entry to refugees for life

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In a further escalation in the bipartisan assault on the fundamental democratic right to asylum, the Liberal-National government last Sunday announced legislation to stop asylum seekers from entering Australia for the rest of their lives—even as visitors.

No details of the proposed bill have yet been released, but it is clear that the measure will go far further than the already unprecedented legislation enacted by the previous Labor government in 2013 to bar all refugees from resettling in Australia.

Not only will asylum seekers be blocked from ever *living* in Australia, as the Greens-backed minority Labor government established in 2013, when it reopened Australia's brutal "offshore" detention camps on Nauru and Papua New Guinea's Manus Island. They will never be allowed to *visit* the country, even to be reunited with their spouses and children, see other family members, or as tourists, students or temporary workers.

Some of the most vulnerable people in the world, many fleeing the ravages of the wars and devastation caused by the US and its allies, including Australia, in the Middle East, are bearing the brunt of a brazen repudiation of basic legal and democratic rights.

The new law is intended to inflict the maximum suffering on detainees in order to deter refugees from trying to reach Australia. Immigration Minister Peter Dutton said the legislation would "send a very clear message" that "Australia will never be an option for people to seek to come here illegally by boat."

This takes to a new level the violation by successive Australian governments of international law, including the Refugees Convention of 1951, which recognises a right to seek protection from persecution and not to be punished for doing so.

Adopted after the horrors of World War II, which

forced millions to flee their homes, Article 31 of the Convention states that signatories "shall not impose penalties, on account of their illegal entry or presence, on refugees." The right to family reunion is also enshrined in international treaties, including Article 16 of the 1948 Universal Declaration of Human Rights.

The new laws would apply regardless of whether detainees have been officially recognised as refugees under the Convention. Children who were under 18 at the time they were transported to Nauru or Manus would be exempt, but in many cases that would mean permanent separation from their parents. About 300 detainees currently in Australia on temporary visas, mostly for medical treatment, are also likely to be deported.

According to legal experts, the proposal has no precedent. No other country has yet sought to impose a lifetime ban on refugees. It is another damning milestone set by Australia's political establishment, which became the first in the world to detain all asylum seekers when the Keating Labor government imposed its "mandatory detention" policy in 1992.

The current government's "message" was sent just weeks after two reports condemned Australia's detention regime as a clear breach of international law. The UN Committee on the Rights of the Child expressed "grave concern" about "inhuman and degrading treatment, including physical, psychological and sexual abuse." Amnesty International said the intentional infliction of "intolerable cruelty" to "intimidate or coerce people" amounted to torture.

The bipartisan character of the anti-refugee policy was underscored when the government set July 19, 2013 as the date to which the new ban would be backdated. On that day, Labor Prime Minister Kevin Rudd announced the reopening of the Manus Island

detention camp and declared: “From now on, any asylum seeker who arrives in Australia by boat will have no chance of being settled in Australia as refugees.”

Aware of deep-felt popular opposition to the inhumane treatment of refugees, Labor leader Bill Shorten, who was one of Rudd’s key ministers, cynically sought to distance himself from the Coalition government. He said it seemed “ridiculous” to ban a refugee from coming to Australia as a tourist or on a business trip. But he refused to rule out backing the bill, saying Labor would wait to see details before taking a position.

Rudd himself criticised Prime Minister Malcolm Turnbull, saying the policy was “designed to throw red meat at the right,” appease “thugs” in the Liberal Party and “grovel to the broad politics of xenophobia.” Rudd claimed that the 2013 decision had been intended to run for one year only. In reality, it was part of Labor’s policy, introduced the previous year, to supposedly “stop the boats” by incarcerating refugees, effectively indefinitely, for as many years as they would otherwise have waited in the overcrowded camps across the Middle East.

Equally hypocritically, Greens leader Richard Di Natale, whose party propped up the minority Labor government from 2010 to 2013 as it implemented these policies, described the latest proposal as “barbaric, cruel, shameful, cynical politics.” Di Natale further covered for Labor’s record, appealing for Labor to join the Greens in opposing the bill in the Senate.

Turnbull’s plan certainly seeks to shift the official political agenda further to the right—demonising refugees and dividing the working class along communal lines, in the face of rising unemployment, deteriorating social conditions and mounting attacks on welfare and other social spending.

It is a clear pitch, in particular, to Pauline Hanson’s anti-immigrant One Nation party, whose support the government has been cultivating in order to pass contentious legislation through the Senate, where the Liberal-National Coalition holds only 30 of the 76 seats.

Hanson welcomed the government’s proposal, telling Channel Seven’s “Sunrise” program: “I think you need to make a tough stand and put out a clear message. Refugees are not welcome here.” Hanson tweeted:

“Good to see that it looks like the government is now taking its cues from One Nation. Just like last time.”

During the late 1990s, the Howard Coalition government adopted much of One Nation’s program in order to divert growing social discontent in a reactionary xenophobic direction. Turnbull’s government is on a similar course, but under conditions of an even deeper economic, social and political crisis.

Last weekend, Hanson gave another indication of collaborating closely with the government. She praised it for outlining a further \$6 billion worth of cuts to welfare over the next four years, on top of the \$6 billion already imposed with Labor’s agreement since the government narrowly survived the July 2 election.

The cruel treatment, by successive governments, of people fleeing oppression and war is setting far-reaching precedents for the abrogation of legal and democratic rights more broadly. The Australian Constitution contains no bill of rights providing protection of such essential rights, and all attempts to hold governments to account via appeals to UN agencies have failed.

The government claims to have advice that the lifetime ban is legal, but has provided no details. On a number of occasions, it has simply blocked advice from the solicitor-general, Justin Gleeson, to avoid having to consider an adverse legal opinion. Gleeson resigned last month as a result. In recent months, similar dubious assurances of legality have been given for other legislation overturning core democratic rights, including to revoke citizenships and indefinitely incarcerate “high risk offenders” after they have served prison sentences.

These developments are another warning of the government’s lawlessness. The brutal methods utilised against refugees will also be brought forward domestically, including to deal with social and political opposition to the underlying program of slashing social spending and preparing for war.



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