

ALP Members Forum on Asylum Seekers Policy

ADMINISTRATIVE COMMITTEE REPORT

INTRODUCTION

The Administrative Committee of the Victorian Branch of the ALP conducted a one day Members Forum on Asylum Seekers on Sunday 24th February 2002. Approximately 200 members attended.

All constituent units of the party were advised of the Forum and invited to submit written policy ideas. These were assembled and copies of all ideas were available to participants on the day.

The Shadow Minister for Population & Immigration, Julia Gillard, David Manne (Refugee & Immigration Legal Centre Inc), Stuart Webb (Amnesty International) and Peter Mares (Journalist & Author) addressed the Forum.

Participants agreed that all written policy ideas would be adopted as a whole and referred to the Administrative Committee that would prepare a report to be brought to the May State Conference.

HOW THIS REPORT WAS PREPARED

The policy ideas brought to the ALP Members Forum on Asylum Seekers consisted of background information and statements of belief and value as well as recommendations setting out specific actions that the presenters considered the ALP should adopt as policy, and campaign to have implemented.

The first part of this report presents a brief overview of the range of these background views and beliefs while the second part summarises the action recommendations drawn from the policy ideas that are contained in full in Attachment A.

In most cases the writers of the policy ideas attended the Forum but some were unable to participate in person. All policy ideas (including the policy idea prepared and presented during the Forum itself) have been taken into account in drafting the synthesis presented below. As a result, the ideas presented reflect the Forum in their spread and inconsistencies. There also no weighting in the presentation in that views sometimes passionately voiced by a number of speakers is here briefly expressed once.

BACKGROUND & STATEMENTS

The 2001 Elections and Leadership

- β The ALP needs to recognise the untenable position it adopted in relation to the asylum seeker issue at the 2001 Federal elections and the urgent need to rethink the policy.
- β The ALP needs to examine the implications of the Howard Government's divisive but effective strategy on asylum seekers and the inability of the ALP, over several years, to effectively counter that strategy.
- β Labor must take leadership on issues of important principle and should therefore adopt directions that are consistent with clear principles and good political practice. Labor should take the lead in standing against the vilification and demonising of asylum seekers.
- β Without foundation, asylum seekers have been linked to a threat of terrorism and vilified as people of bad character who are not wanted in Australia.

Key Issues

- β The estimated 20 million refugees across the planet cannot all be permanently resettled in countries such as Australia. People smuggling is in part due to the failure of *in situ* asylum processing, inadequate facilities in refugee camps, inadequate funding to international bodies such as the UNHCR and a failure of host countries to accept refugees who have been properly processed. Over 400 properly processed refugees in Indonesia await resettlement even though Australia did not fill its quota of 12,000. This inaction increases frustration and drives refugees to use people smugglers.
- β A review of Australia's immigration program, including asylum seekers, is a priority.
- β Given that Australia's immigrant intake is now slightly less than its average over the last 50 years and its vast wealth and significant capacity, how much more can Australia be expected to do for refugees and asylum seekers?
- β As is occurring in Europe, there is a need for Australia to conduct community education campaigns to remind people of Australia's moral obligations and of the benefits immigrants and refugees bring to host countries.
- β There is a need for Australia to accelerate the processing of refugee applications through increasing the resources of DIMA and the Refugee Review Tribunal.
- β It is important to learn from overseas experience. Other countries, such as Sweden, have far better strategies.

International obligations

- β Under the 1951 UN Convention on Refugees, asylum seekers arriving without papers are not illegal and are entitled to request protection and not be discriminated against.
- β Legislation excising Ashmore Reef, Christmas Island and other offshore Australian territories from Australia's migration zone erodes the universal application of human rights.

Mandatory detention

- β The Australian Government's current policy of mandatory detention of asylum seekers is wrong because it is contrary to human rights.

POLICY IDEAS

In addition to the above views and background information provided by members to the Forum, the following recommendations were made in the papers that were circulated (Attachment A). The recommendations are not necessarily in agreement with each other and taken together do not make a necessarily coherent policy. The recommendations have been drawn from the documents, synthesised and presented for further debate and discussion within the ALP.

Legislation & International Conventions & Inquiries

1. The ALP should realign its current refugee policy with its National Policy as approved at the National Conference in 2000. Such a revised policy must reassert both the letter and the spirit of Australia's commitments under International Refugee Conventions and Protocols.
2. The Australian Labor Party will, at the earliest opportunity, present legislation to Federal Parliament that:
 - 2.1. Repeals the Border Protection (Validation and Enforcement Power) Act 2001.
 - 2.2. Repeals the Migration Amendment (Excision from Migration Zone) Act 2001.
 - 2.3. Repeals the Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Act 2001.

- 2.4. Repeals other Migration Legislation Amendment Acts (No 5, Judicial Review, No 1, No 6) that restrict the rights of those seeking asylum in Australia.
- 2.5. Australia should abide by those international conventions to which it is a signatory, such as the United Nations Convention on Refugees (1951), United Nations Rights of the Child and the United Nations Convention on Political and Civil Rights

Border Protection

3. The use of the Australian Navy for border surveillance duties in peacetime is inappropriate and a coastguard should be set up for this purpose.
4. An increase in coastal surveillance should be implemented to deter 'people smuggler' activities.
5. In no circumstances should Australian forces board a foreign registered ship – the sovereign territory of another country.
6. Strict protocols should be developed which specify the precise circumstances in which a vessel may be forcibly turned away from Australia.

Pacific Solution

7. The ALP should immediately repudiate the "Pacific solution" and call for the return to the Australian mainland those asylum seekers who have been transported to Papua New Guinea, Nauru and other Pacific islands.

Mandatory Detention

8. The ALP should:
 - 8.1. Acknowledge the need for mandatory detention upon arrival for health, character and security assessment purposes; these checks should be completed as quickly as possible and community release programs should be developed as options to detention.
 - 8.2. Establish an independent review of the current system of mandatory detention including the methods that have been used to maintain security within the centres and into the 7 deaths that have occurred in detention centres.
 - 8.3. Call for a Royal Commission into conditions in detention centres within Australia and the Pacific, with particular attention to human rights violations.
 - 8.4. Call for the reform of the current system of mandatory detention of asylum seekers.
 - 8.5. Call for the closing down of detention centres in isolated areas.
 - 8.6. Call for a broader range of government and NGO organisations to have access to detention centres to provide services to detainees.
 - 8.7. Bridging visa 'E' should be expanded to allow asylum seekers to be released from detention.
 - 8.8. Refine and develop the on-shore processing to ensure genuine refugees are released as soon as possible.
9. The ALP should support a system that:
 - 9.1. Detains asylum seekers for the shortest possible time (two weeks), in Australia, so as to permit medical checks, identification or processing deportation arrangements for those whose application has been rejected
 - 9.2. Releases asylum seekers into the community unless clear grounds are established for their further detention.

- 9.3. Supports transparent processes, public scrutiny and review as well as unfettered access by the UN officials and the media
- 9.4. Requires processing to be conducted by competent decision makers who are fully trained in all relevant areas including human rights law
- 9.5. Is operated by Government not private organisations

Temporary Protection Visas

10. The ALP should support:

- 10.1. The abolition of three year temporary protection visas
- 10.2. The end of the discriminatory practice of temporary protection visas
- 10.3. Restoration of full rights to all refugees, including, permanent residency, English lessons, family re-union, the right to work, access to Medicare and other social services
- 10.4. Granting of amnesty to all escapees
- 10.5. Establishment of a new humanitarian category of visa
- 10.6. A full and proper system of judicial review
- 10.7. Granting permanent residence to those currently on temporary protection visas so that all asylum seekers in the community have access to the Federal Court, welfare and medical benefits on a means-tested basis, including providing for their special needs, such as specialist counselling for those who have experienced torture and trauma.

Refugee Intake & Treatment in Australia

11. The ALP should support the following:

- 11.1. In conjunction with the broader population debate, an assessment being undertaken of the appropriate level of refugee intake for Australia.
- 11.2. A requirement that all detainees, as a matter of course, are advised of their right to seek and obtain legal advice.
- 11.3. The provision of community housing for asylum seekers.
- 11.4. Fast tracking return agreements to ensure that asylum seekers whose applications have been rejected, are not held in detention for years awaiting deportation.
- 11.5. The need to recognize that some people are stateless and that deportation is not an option.
- 11.6. Asylum seekers not being forcibly deported to a country where their life and physical safety may be endangered
- 11.7. Release of individuals and families seeking asylum into the care of an appropriate ethnic welfare association which can provide material and cultural support and act as guarantor with relevant Australian authorities
- 11.8. Support a "Welcome Towns" initiative that can be organised by the "Rural Return to Compassion" in Castlemaine

International Action Overseas

12. The ALP should:

- 12.1. Urge the Australian Government to join with the New Zealand Prime Minister and work with the UNHCR to settle Afghan and Iraqi refugees presently in Indonesia directly in Australia and New Zealand - *Australia should join with New Zealand in transporting refugees already processed by the UNHCR in Indonesia to Australia*

and New Zealand for resettlement, thus removing the problem of people smugglers.

- 12.2. Urge the Australian Government to take the lead in pushing for the reform of the 1951 Refugee Convention so that signatory states agree to accept a negotiated quota of refugees and establishes internationally consistent and proportionate funding levies to support refugees
- 12.3. Call upon the International Court of Justice in The Hague to recognise that displacement and relocation represents a Crime against Humanity. It should be considered also to be a 'war crime' warranting intervention by the U.N. and sanctions against the regime or government concerned
- 12.4. Explore humane ways to reduce the need for people to escape from their regions, including support to refugee camps and an aid program that enhances civil society in recipient countries
- 12.5. Increase Aid to source countries to UN recommended levels - .07% of GDP

Public Education & Campaigning

13. The ALP should:

- 13.1. Maintain an ongoing public and party discussion and education program on the values, facts and reasons behind ALP policy decisions and that any future election statement be written within this policy framework.
- 13.2. Affirm ALP commitment to combating racism.
- 13.3. Provide leadership by providing accurate information on the refugee situation in the world and by informing public debate on immigration policy.
- 13.4. Invite submissions for consideration of schemes for settlement and employment of migrants, refugees and asylum seekers.

Definition of Refugee

14. Broaden the term 'refugee' to include recognition of refugees from areas of environmental disaster.

ALP Members Forum on Asylum Seekers Policy ideas and statements

Cover Sheet

Speaking order:

Number	Mover	Branch	Content
	Anthony Leong	Immigration & Ethnic Affairs Policy Committee:	Statement
1	Judy Crozier		Statement of principle.
2	Harvey Stern		Background statement plus policy ideas.
3	Michael & Glenice Freeman		Statement of belief. No policy ideas.
4	Peter McMullin		Preamble plus list of issues
5	Howard Hodgins	Burwood	Background statement.
6	Rosalind Byass		Policy ideas (FOE document).
7	Jean McLean		Policy idea
8	Sarah D'Astoli		Policy ideas
9	Andrew McLeod		Background and policy ideas.
10	Tony Adami	St Kilda	List of policy ideas.
11	Roger Smith	Chelsea	A series of policy ideas.
12	Lesley Jackson	Portland	Series of policy ideas.
13	Mark Plackett		Single policy idea
14	Carlo Carli & Graham Bird		Recommendations
	Policy Ideas for Circulation and Noting from members unable to attend today		

Procedural Resolution:

This resolution was moved from the Chair and adopted.

1. All written policy ideas circulated and considered at the ALP Asylum Seekers Members Forum will be presented to the Administrative Committee.
2. The Administrative Committee (in conjunction with the Immigration & Ethnic Affairs Policy Committee and the Foreign Affairs, Defence & Trade Policy Committee) will prepare a summary of the key points which (together with the written policy ideas as circulated at the Members Forum) will be made available to members of policy committees, the Agenda Committee, affiliated unions, Labor MPs and local branch secretaries.
3. The Shadow Minister for Population & Immigration undertakes to give consideration to the policy ideas and the summary of key points in the further formulation of ALP policy and undertakes to report to State Conference on how the range of views gathered from the broad membership consultation have influenced policy formulation.

Immigration & Ethnic Affairs Policy Committee: Anthony Leong – President, Immigration & Ethnic Affairs Policy Committee

Federal policy issues

The Immigration & Ethnic Affairs Policy Committee has identified the following policy issues:

Mandatory detention

We acknowledge the need for mandatory detention upon arrival for health, character and security assessment purposes; these checks should be completed as quickly as possible and community release programs should be developed as options to detention.

Access to detainees for NGO's

- β All detention centres should develop programs and processes that allow both government and NGOs to have access to provide services to detainees.

Detention Centre - Remote and Urban

- β Closing of Woomera and Curtin detention centres

Granting bridging visa 'E',

- β Bridging visa 'E' should be expanded to allow asylum seekers to be released from detention

Asylum Seeker determination system

- β Refine and develop the on-shore processing to ensure genuine refugees are released as soon as possible

Pacific solution

- β Abolish the Pacific detention centre and recognize it is no long term sustainable solution

Return Agreements for failed asylum seeker

- β Fast track return agreements to ensure that failed asylum seekers are not held in detention for years awaiting deportation
- β Need to recognize that some people are stateless and deportation is not an option.

Improve refugee processing in country of 1st asylum

- β Strengthen the off-shore processing for refugee application
- β Increase Aid to source countries to UN recommended levels - .07% of GDP

Temporary Protection Visas – mode of arrival

- β Recognize that if an applicant is determined to be a refugee the mode of arrival is irrelevant.

Federal Court Access

- β Refine system

Separate the link off-shore places to on-shore places

- β Don't link the number on-shore visa to the number of off-shore
- β Reassess the allocation of places by region

RRT funded by DIMA

- β Should be funded by other department – A/G's department

Humanitarian visa on-shore

- β Establish an on-shore refugee visa

Boarder Protection Bill

Legal Services for asylum seekers

- β Improve access to free legal service for asylum seekers

Management of detention centres

- β Return the management of detention centres to Government – but not to DIMIA

Intake of Refugee

- β Open the debate to assess what the level of the refugee intake should in conjunction with the broader population debate
- β Reassess the current allocation of places by region

Special Assistance Categories – SAC

- β Re-establish the Special Assistance Categories to alleviate certain refugee crisis situations.

Policy Idea 1 (Judy Crozier)

That his forum notes, beyond the need to rewrite ALP policy itself, the further need to face the implications of the Howard Government's leadership and the events leading up to and during the 2001 federal election.

In doing so, this forum notes that a failure by the ALP over several years to effectively oppose the Coalition's appeal to the lowest common denominator, the elevation of fear, ignorance and meanness to the level, apparently, of legitimate political discussion, eventually placed the ALP in a position where strategists felt the Party must support the insupportable.

This forum points to history in stating that Labor's finest moments have always been when it has taken leadership on issues of important principle. We point out that positive, enlightened leadership is the foundation of positive public education.

This forum points to the history of the past two years in stating that the adoption of the Conservatives' agenda, an agenda in which principled Labor cannot believe, robs Labor not only of credibility, but of the strength of its convictions. A party which does not espouse what it believes is not believable.

This forum appeals to Labor party strategists to maintain at all times a clear direction which, despite spin and the use of pragmatism, recalls principle as this Party's strength, and leadership its virtue.

That this forum notes the behaviour of the Conservatives in the lead up to the 2001 Federal Election and expresses its concern that:

- β Strategy which depends on the demonisation and vilification of groups of people, to the point where racism is tacitly encouraged and apparently excused, has become strategy that works and is therefore likely to be repeated;
- β Strategy which depends on outright lies and misrepresentation has become strategy that works is therefore not only likely to be repeated but may, because other strategies become unworkable, become the norm.

This forum further states that this is a very real issue which must not only be recognised and tackled by Labor and other political parties interested in probity in politics, but ought to form the basis for an ongoing campaign in the community bent on rescuing our system from corruption.

Policy Idea 2 (Harvey Stern)

Procedures for processing asylum seekers in Sweden, are as different from those applied in Australia as white is from black.

Asylum-seekers arriving in Sweden contact the Migration Board, which has staff both at the border and inside the country. As soon as possible after asylum-seekers submit their applications, the Board examines whether their reasons for applying are adequate. An applicant sometimes meets the case officer several times before Migration Board staff are in

a position to decide whether the person's grounds for seeking asylum are strong enough to warrant him or her being allowed to stay in Sweden.

If the Board judges that the asylum-seeker's application may be turned down, it ensures that he or she is provided with legal assistance in the form of a public counsel. Such counsel are paid by the Migration Board to help asylum-seekers present their grounds for asylum.

Asylum-seekers requiring it are also provided with an interpreter in their dealings with the authorities.

The length of time it takes to reach a decision depends on such factors as the number of asylum-seekers who have arrived in recent months and how complicated their cases are.

The Migration Board examines each case individually. If the applicant does not have strong enough grounds for asylum, the application is turned down and the person concerned refused entry. The applicant can then either accept the decision and return home or appeal to the Aliens Appeals Board. The great majority of those who are refused asylum, lodge appeals. This means a new period of waiting. Many asylum-seekers have to wait a year or two for their cases to be settled once and for all.

If the Aliens Appeals Board also decides that the person's grounds for asylum are inadequate, the appeal is turned down. The applicant is then supposed to leave Sweden voluntarily. The Migration Board can provide certain kinds of assistance, such as arranging and paying for the journey home. If someone fails to return home of their own accord, the police are called in to ensure that they leave Sweden.

Those whose applications for asylum are granted, either by the Migration Board or by the Aliens Appeals Board, are normally given a permanent residence permit. This means that the asylum seeker is entitled to settle in Sweden for good.

People who have applied for asylum in Sweden and are awaiting a decision can choose whether they wish to live with friends or relatives or at one of the Migration Board's reception centres. Over half choose to arrange their own accommodation.

Most reception centres consist of ordinary flats in which asylum-seekers cater for themselves. Single asylum-seekers have to share a room. A family may be provided with a room of their own but in that case are expected to share the flat with others.

In addition, the Migration Board runs custodial centres where people who have been taken into custody are kept behind locked doors. Only in special cases may someone be kept in custody.

During the wait, all asylum-seekers (including those who have arranged their own accommodation) are required to take part in some form of organized activity. Such activities may include Swedish lessons, repairing broken furniture or helping fellow-countrymen to settle in.

Asylum-seekers are allowed to hold ordinary jobs if their waiting periods are expected to be longer than four months.

Those with money of their own have to pay for their upkeep. But anyone without funds can receive benefit in the form of a daily allowance to cover food, clothing, phone calls and other expenses.

Asylum-seekers can get help with health checks, emergency medical and dental care. Asylum-seekers pay part of the patient's fee out of their own pockets and part of the fee for medicine on prescription.

Asylum-seeking children have the same access to medical and dental care as children resident in Sweden.

Asylum-seekers granted residence permits (refugees) are provided with housing by a local authority. As soon as the home becomes available, the daily allowance is discontinued and the local authority takes over the responsibility.

Local authorities are required to draw up an introduction plan for each individual refugee. To offset the costs, the local authority receives a government grant for each refugee it takes in.

Asylum-seekers can get help with accommodation, often at the reception centre. Those who live in private accommodation are entitled to a grant for their housing costs.

Asylum-seekers can get help with money. Asylum-seekers lacking money of their own may be granted a daily allowance by the Migration Board.

The money is supposed to cover food, clothing and shoes, leisure-time activities, health and toiletries, etc.

Asylum-seekers who fail to turn up for interviews or who otherwise impede investigation of their cases, or who fail to take part in the activities organized for them, risk having their daily allowances reduced.

Most asylum-seeking children arrive in Sweden together with one or more of their parents. Children are defined in this context as persons under 18 years of age.

Asylum-seeking children may live at a Migration Board centre or with relatives or friends. While awaiting a decision, the children take part in various kinds of activities. Younger children and their parents take an active part in open preschool programmes.

Education is provided for children of school age within a few weeks of asylum applications being submitted on their behalf. The Migration Board often buys schooling from the local authority in the area where the child lives. Children over 16 are offered either upper secondary school studies or activities that are part of the occupational programmes we organize for adults.

In addition, the Migration Board arranges activities for children of different ages. Often, local voluntary organizations help provide activities of this kind.

Asylum-seeking children are entitled to the same medical and dental care as other children in the community. This care is provided by the county council. County councils receive government grants, via the Migration Board, enabling them to provide asylum-seekers with care.

Sometimes, asylum-seeking children arrive here without their parents or any other adult custodian. Since the mid-1990s, some 200-300 children in this category have arrived in Sweden each year. These children are usually accommodated in group housing provided by the Migration Board. At such centres, staff is on hand round the clock. In some cases, the children have relatives in Sweden who they can live with.

In the absence of parents, a trustee is appointed whose task is to safeguard the interests of the child in various ways.

When the child's grounds for asylum are examined, the Migration Board tries as far as possible to take into account his or her age, state of health and other circumstances. During interviews with the Board, the child is assisted by his or her legal representative and usually by the trustee as well.

Under the UN children's convention, a child is entitled to be reunited with his or her parents. Consequently, the Migration Board makes considerable efforts to find the children's parents or some other custodian. If the Board finds such a person, the family reunion may take place in the country of origin, in Sweden or in a third country, depending on the circumstances in each particular case.

Cases involving children without custodians are always given priority so as to keep the wait as brief as possible.

So different from the procedures applied in Australia.

Noting that:

1. Australia is a signatory to the 1951 UN convention on refugees.

2. Under the convention, asylum seekers arriving without papers are not illegal, are entitled to request protection and not be discriminated against.
3. Australia arbitrarily reduced its intake of refugees from 20,000 in the early 1980s to the present level of 12,000 and that even this quota has not been filled for the last five years.
4. Legislation passed in 2001 further restricts the rights of asylum seekers and that Christmas Island, Ashmore reef and other offshore Australian territories have been excised from Australia's migration zone.
5. Asylum seekers fleeing persecution in Iran, Iraq, Afghanistan and other places are further punished by Australia's policy of mandatory detention in remote areas such as Woomera and Port Hedland.
6. Without foundation, asylum seekers have been linked to a threat of terrorism and vilified as people of bad character who are not wanted in Australia.

The Australian Labor Party will, at the earliest opportunity, present legislation to Federal Parliament that:

- a) Repeals the Border Protection (Validation and Enforcement Power) Act 2001.
- b) Repeals the Migration Amendment (Excision from Migration Zone) Act 2001.
- c) Repeals the Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Act 2001.
- d) Repeals other Migration Legislation Amendment Acts (No 5, Judicial Review, No 1, No 6) that restrict the rights of those seeking asylum in Australia.
- e) Immediately ends the "Pacific solution" and returns to the Australian mainland those asylum seekers who have been transported to Papua New Guinea and Nauru and other Pacific islands.
- f) Ends the policy of mandatory and non-reviewable detention of asylum seekers who arrive without documentation.
- g) Ends the discriminatory practice of temporary protection visas and restores full rights to all refugees (including, permanent residency, English lessons, family re-union, the right to work, Medicare, and other social services) and grants an amnesty to all escapees.
- h) Increases the refugee intake to at least 20,000 (to be assessed on the basis of need) and unlinks onshore and offshore applications for humanitarian visas so that family re-union, refugee resettlement from overseas is not reduced by asylum applications made onshore".

Policy Idea 3 (Michael Freeman and Glenice Freeman)

We believe (like the authors of the letter to The Age 13/02/02 Peter Carey, Richard Flanagan, Helen Garner, Tom Kenneally, David Williamson, Tom Winton); the Federal Government's policy of mandatory detention of refugees to be wrong; contrary to our custom of helping the weak and oppressed, shaming us, a diverse people who have created a free society out of oppression.

We further believe that the issue of this policy – hatred, scapegoating and the denial of human rights – threatens to corrode the soul of our nation. I/We endorse calls for this policy to be abandoned and replaced with more compassionate practices, so that this dark episode in Australian history might finally be ended."

We have unashamedly used the words of the authors of the letter (printed in The Age 13/2/02) as they have more eloquently and succinctly encapsulated our belief on mandatory detention. And further if this statement is circulated this heartfelt view will be before this forum and subject to debate and discussion. The beliefs expressed may even become part of the Labor Party's policy for the next election.

If the policy is finalised in the near future it may even see the light of day well before the next election and face both government and public scrutiny instead of being hidden from view. The

fate that befell policies for the last six years: the small target strategy based on the theory that Jeff Kennett won the 92 election and John Howard won the 96 election by not revealing their policies is a fallacious one. "The drovers dog" would have won those elections given the state of the Government of the day.

It is time for the Labor Party to stand up for what it believes in and articulate these beliefs in the public forum long and loud.

Furthermore with the revelations that the government both lied to and spied on the Australian people it should be mandatory for the Labor Party to play a leading role in ameliorating the vilification and demonising of refugees. And not aiding and abetting the government in this role.

In the words of the 1972 campaign slogan surely: "Its time for a change"

Policy Idea 4 (Peter McMullin)

Our Migration and Humanitarian Programs in Historical Perspective

Since WWII 5.9m migrants have come to Australia - an average of 105,000 pa. Of these 600,000 have been resettled from overseas as refugees or people in humanitarian need - an average of 10,700 pa.

This year's immigration program totals only 97,000 - including 37,900 family migrants, 45,500 skilled migrants and 12,000 humanitarian places - the quantum of humanitarian places influenced by "community consultations" and "Australia's capacity to assist". This rate of total immigration is 8% less than the 56 year average, despite Australia's population increase from around 7m to 19m, a halving of its rate of natural increase and a rapid increase in the world population to 6 billion.

The humanitarian intake is a bit above the long-term average but the per capita intake is well down, despite the above population increases and the refugee problems which now extend from Europe to Asia to Africa.

EU Public Awareness Campaign

The International Organisation for Migration (IOM) has just launched a public awareness campaign in 14 EU Member States participating in the European Refugee Fund to "remind the public opinion that protection and reception of people seeking international protection is not only a legal and moral obligation, but that host societies have everything to gain from the presence of refugees as integrated members of society. Refugees and asylum seekers have a huge variety of skills, which constitute significant contributions to the economy and culture of the European member states."

Some issues for the Australian economy

There is increasing community concern regarding Australia's detention policy and its implementation. Are there related issues needing more debate and consensus?

- β The level of our total immigration.
- β Our real capacity to assist with the world's refugee problems.
- β Given its low share of unlawful arrivals, should Australia be playing a greater role than it does in the resettlement of refugees?
- β Do we, like Europe, need community reminders of all the perspectives on these refugee issues?
- β Is our economy, our environmental or social fabric or our federal budget so fragile that we need to adhere rigidly to our humanitarian cap, with the consequence that one more "boat person" means one less "resettled person"?
- β Can we accelerate the processing of applications of refugees by increased resourcing of the department and the Refugee Review Tribunal?

(Peter McMullin is a former member, of the Refugee Review Tribunal)

Policy Idea 5 (Howard Hodgens - Burwood Branch)

- 1. Decline of Population**
- 2. Migration Crisis**
- 3. Environmental Degradation**
- 4. Integration of Humanitarian and Environmental Programs**

Decline of Population

Australia, along with most other western countries, has low reproduction rates and a declining population. Women, for one reason or another, are not having children and the birth rate is beginning to fall behind the replacement rate. Most of the multiple births are from migrants. Indeed most of the growth comes from both adult migration and people who have over-stayed, i.e., European, Canadian, American, and New Zealand, with all the other Asian, Indian, Balkan, Arab categories classified as risks. It must be noted that many of those who were similarly described have adapted well and become excellent citizens, in every sense. In addition the rural and regional areas are losing generations of farming and associated skills from its youth unwilling to face the prospect of declining income, unemployment and social interaction which they believe is available in cities.

Migration Crisis

There are 23 million people refugees trying to escape from war, starvation, poverty, oppression, homelessness, religious and/or political persecution without access to passports or identification, risking imprisonment from countries they believe offer freedom and hope. Much of this has been the result of exploitation by the interests of multi-nationals under the "free-trade" loans and conditions laid down by the WTO and the IMF, the target of growing protest groups throughout the world. Whether it is selling fertile land in Brazil to corporate cattle agri-business or forests to Japanese chip production in Australia, it is determined to make the poor countries bear the burden of cash crops at the expense of their subsistence and at rates that they cannot survive on. Under Structural Adjustment Programs they are forced into further austerity measures.

Environmental Degradation

Most of degradation has been caused by a lack of understanding of Australia's poor soil and rain dependability and the long-term effect on the use of its waterways and subsequent salination, now spreading over large tracts of previous seemingly fertile soil. Yet farmers are reluctant to give up their current practices, open-channel irrigation, over-stocking etc., or adopting environmentally sustainable programs such as re-forestation, contouring, rotational crops etc., to allow soil regeneration. The depletion of our river flows needs a total re-think. Two-thirds of our food is exported but could that not support a population increase? There may be to be a limit to grape-growing, cotton, and rice production to permit the recovery of the whole water conservation and soil reclamation as well as providing potable water where it is most needed. City and suburban dwellers can also contribute in water-saving, recycling etc., to reduce dependence on dams and reticulation systems. **A National Conservation Plan** is required to bring about a co-operative and integrated investment by the **Commonwealth** and **State** financial responsibility on a scale comparable to that of the Snowy-Hydro scheme to ensure that our resources can be sustained.

Integration of Humanitarian and Environmental Programs

The proposal is simple and that is to allow migrants to become part of the work-force under this **Plan** and carry out the long-term re-forestation, removal of invasive flora and fauna, feral animals, weeds, insects etc., and installing fencing to protect areas to permit regeneration, total enclosure of water distribution with piping, recycling of part-treated waste water for farms, etc. The migrants, who in effect replace the loss described above, would have to be accepted by the communities and given access to benefits for two years when they would be given the opportunity to become citizens. Estimates of the population required to carry out these enormous tasks costed at **\$60 billion** over thirty years are still to be identified but it is clear that the country cannot rely on current population figures.

Policy Idea 6 (Rosalind Byass)

Australia should:

1. Explore humane ways to reduce the need for people to escape from their regions, including support to refugee camps and an aid program that enhances civil society in recipient countries;
2. Continue to provide resettlement places as part of its role as a responsible member of the international community;
3. Set aside a minimum of ten percent of each year's refugee program for Refugee Women at Risk entrants;
4. Educate the Australian community about who refugees are, and why they come to Australia;
5. Respect its obligations under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the UNHCR's Guidelines on Detention. These include the cessation of mandatory detention of those arriving 'illegally', and provision for an independent review of the decision to detain an asylum seeker;
6. Advise all detainees, as a matter of course, of their right to seek legal advice;
7. Abolish mandatory detention. As an interim measure, improve the conditions in immigration detention centres to be consistent with both international standards for the treatment of people deprived of their liberty, and relevant international treaties
8. Establish reception centres to determine identity, provide health checks, and identify specific needs of asylum seekers. Institute community based arrangements for asylum seekers while claims are being processed.
9. Abolish three year temporary protection visas;
10. Grant permanent residence to those currently on temporary visas; all asylum seekers in the community have access to welfare and medical benefits on a means-tested basis, including providing for their special needs, such as specialist torture and trauma counselling.
11. Broaden the term 'refugee' to include recognition of environmental refugees.

Policy Idea 7 (Sarah D'Astoli)

1. Abolition of Mandatory Detention
2. Abolition of Temporary Protection Visas
3. Let the boats land! Repeal the Border Protection legislation
4. Permanent residency visas for refugees
5. Community housing for asylum seekers

Alternative policy ideas:

1. To abide by international conventions that Australia is signatory to – United Nations Convention of Refugees 1951, United Nations Rights of the Child, United Nations Convention on Political and Civil Rights.
2. ALP will resume a compassionate attitude and policy towards asylum seekers and refugees.
3. All refugees in Australia will be given permanent residency visas,
4. Asylum seekers to be housed in the community, offered English language lessons, access to legal advice, the right to work, education and welfare support while their refugee application is assessed (similar to Swedish system.)

5. Asylum seekers will not be forcibly deported to a country where their life and physical safety may be endangered.
6. A Royal Commission into conditions in detention centres within Australia and the Pacific, with particular attention to human rights violations.
7. Affirm ALP commitment to combating racism.
8. ALP shall call for an immediate Coroner's inquiry into the 7 deaths in detention centres.

Policy Idea 8 (Jean McLean)

The ALP National Conference and the caucus should undertake to abolish Womera and other privately run detention centres where asylum seekers, men, women and children, not convicted of any crime, are kept behind barbed wire, guarded by private gaolers. Such brutal treatment of innocent people is a breach of the Universal Declaration of Human Rights Conventions and it results not only in brutalising innocent people, but also degrades our country and also offends us, the people of Australia, by allowing such brutal treatment to be meted out by our Government to the asylum seekers and their families.

Policy Idea 9 (Andrew MacLeod)

Recognising:

- β that the world wide refugee problem requires domestic and foreign policy solutions, and
- β that 100% of the estimated 12-22 million world wide refugee and IDP population can not physically be resettled permanently, and
- β that the best solution for many refugees would be for safe and adequate protection as close as possible to their home countries, and
- β in the absence of the best solution many refugees seek resettlement in countries like Australia, and
- β that the explosion in the world wide people smuggling trade is in large part due to the failure or non existence of the 'International Queue' ie failure of in situ asylum processing system, inadequate facilities in refugee camps, inadequate funding to international bodies such as the UNHCR and a failure of host countries like Australia to accept refugees who have been properly processed by the so called 'queue'
- β that over 400 properly processed refugees in Indonesia are still awaiting resettlement and Australia did not fill its quota of 12,000 properly processed refugees

This meeting calls upon the Federal ALP to implement a policy that:

- β requires Australia to take the lead in reform of the 1951 Refugee Convention to include compulsion of signatory states to accept properly processed refugees up to a pre announced and transparent national maximum, set by the signatory state,
- β requires that a realistic and predictable international funding system for refugee care, based on estimated refugee and IDP numbers, to be incorporated in convention reform,
- β requires the ALP to instigate a national debate to determine, in numerical terms, what Australia's 'fair share' of the world refugee numbers is.
- β requires Australia to fill its preset target for refugee numbers each year.
- β recognises the need for detention to occur for initial security, identity and health checks for refugee arrivals both authorised and non-authorised
- β requires release from detention as soon as possible after initial screening procedures have been acceptably completed.

Policy Idea 10 (Tony Adami)

1. When these individuals/families/groups are found in their boats or on the beaches of Australia, I propose that all be placed in protective detention for up to two weeks; detention solely for the purposes of identification and medical checkups.
2. At the end of this period, the individuals and families should be released into the care of the ethnic group to which they belong; the Albanian/Australian Welfare Association, the Afghan/Australian Welfare Association, etc.,
3. The office holders of these associations would need to formally accept responsibility for their new charges. Accept responsibility in the senses of agreeing to provide material and cultural support, and bring them once per week – or whatever the requirement is – before DIMA, and/or, the local police, while their immigration/refugee status is being determined in the usual way.
4. This three-way bond involving new arrival, ethnic Welfare Association and DIMA would entail that if anyone failed to appear for DIMA or the police, as required, that their immigration/refugee status processing would automatically cease, and they could expect, as soon as they were apprehended, to be deported.
5. It will be felt that in some cases the existing ethnic welfare associations are too organizationally weak to carry this responsibility. In this case it is in the Australian community's interest to fund and assist the associations, with community development staff and facilities, to strengthen and consolidate their activities.
6. Such a course of action is both more humane and a great deal cheaper than the present costs associated with maintaining Australian-based and Pacific island detention centres; centres where adults and children are really serving, what amount to, indeterminate custodial sentences.

Policy Idea 11 (Rodger Smith - Chelsea ALP Branch)

Border Protection

- β In no circumstances should Australian forces board a foreign registered ship – the sovereign territory of another country.
- β The use of the Australian Navy for border surveillance duties in peacetime is inappropriate and a Coastguard force should be set up for this purpose.
- β Strict protocols should be developed which specify the precise circumstances in which a vessel may be forcibly turned away from Australia.

Mandatory Detention

- β Detention should be limited to newly arrived refugees undergoing identity and health checks and to those who awaiting deportation (after failing to establish refugee status).
- β For all others, alternatives should be explored including electronic detention in the community. In this way, the detention camps would be a temporary initial experience for most refugees.
- β All detention camps should be on Australian territory and unfettered access should be provided to UN representatives and to the media.

Assessment Process

- β The possibility of using the same assessment process as is used by the UN in assessing refugees at their camps should be explored.
- β Whatever process is used, it should be broken down into significant steps, with a timescale attached to the progression from each step to the next. Regular statistics should be issued, detailing the numbers at each step, the number overdue for progression to the next step, etc. In this way, the public may scrutinise & overview the assessment process.

Diplomatic Initiatives

- β The issues in current policy on tackling the source of refugees and on negotiating more effective arrangements with both transit countries and countries of first asylum are fine – as long as they do not divert effort from the more urgent problems above.
- β Some countries of first asylum have 2-3 million refugees – alongside this, our own refugee problem is small.

Policy Idea 12 (Lesley Jackson - Portland Branch)

Portland Branch members submit the following statement/recommendation:

1. Given the horrific inhumane conditions imposed on families by Middle Eastern dictatorships, particularly female members of their communities all 'boat people' be initially treated as genuine asylum seekers.
2. Initial mandatory detention be for the shortest possible time: no longer than necessary to permit medical checks and deal with problems related to identification.
3. We treat asylum seekers as honorable people who are urgently and desperately seeking a new life for their families by fleeing draconian situations at risk to life and limb.
4. After the provision of adequate safeguards asylum seekers be located in community situations, with regular obligatory contact with official bodies.
5. Existing isolated detention centres be closed down. Control of those required be taken out of the hands of private operators.
6. We study processes used by other nations e.g. Canada and New Zealand to cope with the asylum seekers.
7. A huge increase in coastal surveillance be implemented to deter 'people smuggler' activities.

We deplore the inhumane and demeaning treatment afflicted on asylum seekers.

Policy Idea 13 (Mark Plackett)

That the ALP calls upon the International Court of Justice in The Hague to recognise that displacement and relocation represents a Crime against Humanity. It should be considered also to be a 'war crime' warranting intervention by the U.N. and sanctions against the regime or government concerned.

Policy Ideas for Circulation and Noting

Castlemaine Branch

1. that the management of detention centres be moved back under the control of the Federal Government,
2. the management and role of detention centres be reviewed,
3. security techniques to be reviewed as part of this (concern about use of water cannons etc),
4. fast speed processing of identity, security and health checks,
5. community release programs for women and children,
6. close Woomera,
7. promote Welcome Towns initiative organised by the Rural Return to Compassion in Castlemaine.

Geelong ALP Members

At a meeting of Geelong ALP members held on Tuesday 4th December 2001 the following resolution was passed in relation to the current ALP position on asylum seekers.

That this meeting of ALP members write to the ALP National Secretariat in light of the current ALP position on asylum seekers. The current position moves away from the traditional culture of the ALP in terms of humanitarian aid and assistance.

We call on the ALP to develop a position which:

1. Will protect asylum seekers and provide safety and security to ensure no further
2. loss of life or injury;
3. That asylum seekers are treated with dignity and respect as any other human being
4. would expect;
5. That the ALP oppose payment to other countries, in particular poor countries, to
6. take asylum seekers;

Warrnambool Branch

At the December meeting we passed the motion "that this branch urges the party to return to a principled and compassionate position on the issue of refugees. Refugees seeking asylum in Australia should not be hindered from entering Australia but should be accepted and processed on Australian shores in a humane manner. Arbitrary detention is not acceptable "

Aline Burgess

I will be in New South Wales on February 24 and unfortunately unable to attend the Forum. I am a member of ALP and Amnesty International and urge the ALP to adopt a much more compassionate, sensitive policy that

1. Advocates a significant increase in the intake of refugees and asylum seekers
2. Provides leadership for the Australian community with accurate information on the refugee situation in the world. and informed public debate on Immigration Policy. (follows the advice of Abraham Lincoln and as leaders, appeal to "the angel, not the demon, which is within us all.")
3. Invites submissions for consideration of schemes for settlement and employment of migrants, refugees and asylum seekers.

Policy Idea Moved From the Floor at the Forum

Asylum Seekers: Carlo Carli & Graham Bird

As a matter of urgency this meeting supports a re-definition of the ALP Refugee policy in keeping with ALP National Policy that was approved in 2000. Such a revised policy must reassert both the letter and the spirit of Australia's commitments under the Refugee Convention and Protocol. In particular, the ALP must reject the arbitrary and mandatory nature of current detention arrangements.

Therefore, Labor must work to achieve a system with the following features:

1. That treats all asylum seekers with dignity and respect and as entitled to a fair hearing.
2. That includes processing by competent decision makers who are fully trained in all relevant areas including human rights law.

3. That replaces the completely discredited term and concept of mandatory detention with an initial custodial appraisal for identification, health and security checks. This should be limited to the minimum time required to establish an initial view on these matters followed by appropriate release into the community.
4. That repeals the temporary protection visa system.
5. That includes a new humanitarian category of visa.
6. That does not include on shore asylum applications in the calculation of offshore numbers accepted.
7. That includes a full and proper system of judicial review.
8. That maintains an on-going public and party discussion and education program on the values, facts and reasons behind our policy decision. That any future election statement be written within this policy framework.