

Oxfam Community Aid Abroad - Polliewatch Network

Polliewatch members receive briefings on current campaign issues. Members lobby their local MPs by visiting or writing to them. Oxfam Community Aid Abroad provides regular lobbying training through local state offices. We're also available to give more information on the campaign issue.



Oxfam Community Aid Abroad Urgent Response Network

Urgent Response members respond quickly to urgent situations. Members are asked to write, email or fax politicians or the press within 2 weeks of receiving a briefing.

Refugees – Temporary Protection Visas Urgent Letter Writing to ALP and Government MPs

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Report back from Urgent Response 29/Polliewatch – Conflict in Iraq

Thanks to all Urgent Response and Polliewatch members who responded to our last briefing focusing on the Iraq war. From feedback received we believe we generated an enormous response – within 48 hours of the briefing being sent out we were swamped with responses from letter writers.

We didn't stop the war but Australians did make their feelings clear on a number of occasions. Compared to previous conflicts the level of public disquiet at the outbreak of war remained significant. This was an important constraint on the government and there is strong anecdotal and hard evidence to suggest that the public response in Australia did influence the government at least in its public position around the role of the UN and contributed a great deal to the emphasis given to minimising civilian casualties. The Prime Minister responded directly to our open letters and lobbying interventions.

Furthermore there is no doubt that Oxfam Community Aid Abroad letters and lobbying had a direct influence on the positions taken by the non government parties. Direct feedback from them reinforces the view that the letters together with the detailed position papers that we circulated provide real back up for their political positions.

Oxfam Community Aid Abroad stands by its original opposition to the war. Although the humanitarian crisis has not been as bad as predicted, people in Iraq continue to suffer. Our teams on the ground point to the continuing lack of basic infrastructure such as water, sanitation and health together with an alarming security situation. Moreover, our opposition was based on dangers associated with undercutting the UN processes and international law in executing the invasion and the long term political dangers of establishing a US dominated government in Iraq. Furthermore, we pointed to the need for a just settlement of the

Israel/Palestine conflict and measures to rid the region of all weapons of mass destruction. These concerns remain clearly justified.

Thanks also to those people who managed to get letters published in the national and local newspapers.

Challenge to Government and to Labor: Support permanent protection for refugees on temporary protection visas (TPVs)

The great majority of people who've arrived by boat since 1999 have been recognised as refugees, but only offered three years of protection here. Thousands are waiting to find out what happens to them now, including hundreds who've already been here for three years. Philip Ruddock outlined in early June a process where they have to claim protection again, if they fail to prove a claim for protection and don't leave, they will be re-detained and deported. This is a world first – making genuine refugees prove their claim again and face deportation if they can't.

The Labor party announced its new refugee policy in December 2002 – Labor gave limited support to TPVs – it would maintain them, for a shorter period, but if circumstances hadn't changed, would give permanent protection. But Labor is silent now on whether they support allowing those who have been on TPVs since 1999 to stay.

What is temporary protection?

Pauline Hanson's One Nation party first proposed temporary protection for refugees in July 1998. In October 1999, three year TPVs were introduced by the Government with the aim, according to the Immigration Minister, Mr Ruddock, of “...*Excluding unauthorised arrivals from accessing permanent residence by giving genuine refugees a three-year temporary protection visa...*”¹

TPVs bar people who arrived by boat, but are found to be refugees, from settling permanently, until they have their cases reassessed after three years has passed. Almost all those who were granted TPVs had long periods in detention mostly in the desert camps, before their claims for refugee status were accepted.

In September 2001, additional laws introduced a '7 Day rule' which meant that if people spent more than seven days in a country where they might have claimed asylum while on route to Australia, they are never eligible for permanent protection or family reunion, rather they can only have ongoing temporary status.

Refugees on TPVs are prohibited from applying for family reunion. They are barred from funded English programs, non-fee paying tertiary education and accessing the Job Network. They are eligible for Medicare and Centrelink payments only.

Around 8,589 TPVs were issued to refugees since they were introduced in October 1999. 4,113 were issued to Iraqis and 3,797 to Afghans. Reprocessing has commenced for those people whose three-year TPV has expired, but the way their claims for protection will be judged is not clear. It is expected that about 2,200 will have expired by the end of 2003.

People working with refugees know that levels of anxiety amongst the refugees on TPVs are high¹. One Afghan has already suicided at the town of Murray Bridge in early 2003. One teenager on a TPV worried:

I am not sure about my future. I still have to wait three years for my visa – I don't know what to do. I can't make any decisions because I don't know what's going on with my visa, if [my country's situation] changes, they [DIMIA] might send me back.

It is important to remember that refugees with Temporary Protection Visas have been determined to be 'genuine refugees' by the Australian Government and have met the definition of a refugee contained in the 1951 Convention Relating to the Status of Refugees.

Current Situation – Reprocessing

Since November 2002, many TPVs have expired. By the end of this year approximately 2,200 TPVs will have expired – the majority being held by Iraqi and Afghan refugees. The delays in reprocessing have contributed to increased anxiety and confusion for many people.

The reason given by the Minister for Immigration for this delay is that he needed to decide how DIMIA officers are to consider the claims: will the onus be on the refugees to prove that they are still refugees or on DIMIA to prove that they are no longer refugees? While it is important that this legal question be addressed, it must be noted that the Government has had over 3 years to determine the answer.

Recent discussions with the Department of Immigration suggest that reprocessing will commence 'very soon'. The Department of Immigration has also indicated they will provide community briefings and information through community-based and mainstream media in the near future.

Afghan TPV holders

While some of the reasons that prompted people to flee Afghanistan under the Taliban regime no longer exist, there are many concerns regarding the capacity of Afghanistan to provide protection to citizens who still fear persecution.

Oxfam Community Aid Abroad acknowledges that many parts of Afghanistan remain highly unstable and predatory warlords continue to rule some regions fuelling regional and ethnic tensions. Reports of the re-emergence of the Taliban and Al-Qaeda elements have also caused ongoing concern.²

The Department of Foreign Affairs and Trade in reference to Afghanistan states,

"The security situation in Afghanistan remains very uncertain outside Kabul and overland travel outside the city carries significant danger. Warlords control many areas and travel in these areas can be very dangerous. There is the added danger that some Taliban and al-Qaeda fighters remain in parts of the country thereby creating a significant security risk."

(DFAT: 24/02/03)

¹ See Brotherhood of St Laurence; *Seeking asylum - living with fear, uncertainty and exclusion*; a survey of 40 refugees published in *Migration Action*; December 2002.

² See recent reports by Christian Aid; *More Peace keeping Troops needed in Afghanistan*; 05/06/2003

The persecution of the Hazaras pre-dates Taliban rule to the late 1800's involving imprisonment, torture, execution and exile. Under the rule of the Taliban this persecution intensified and amounted to systematic ethnic cleansing.

Continued instability in Afghanistan and their long history of persecution has left many Hazara TPV holders uncertain about their future and anxious about possible return to Afghanistan.

Iraqi TPV holders

As with Afghanistan, the reconstruction of Iraq will be a long and complex process that has barely begun to take shape. While the end of Ba'ath Party rule in Iraq and the ousting of Saddam Hussein may be welcomed by many Iraqi citizens, those who have fled torture and trauma experienced under the regime continue to face uncertainty about their future.

Perhaps more so than the physical, social and economic future of Iraq, it is the political reconstruction of Iraq that brings particularly complex challenges. Oxfam teams on the ground know that People in Iraq are still suffering from lack of water and sanitation. In Nassiriyah, Basra and Baghdad the breakdown in law and order continues. Political tension is rising between different political and religious groups as rivals jockey to fill the power vacuum.

As Oxfam Community Aid Abroad pointed out in our recent report *Between Iraq and a Hard Place*, it is inconsistent for the government to acknowledge human rights violations as a reason for invading Iraq yet at the same time deny that Iraqis fleeing that country need continuing protection.

Refugee principles

“Those people, at the expiry of their Temporary Protection Visa, they will have an opportunity to put a further protection claim. They will remain on a bridging visa until that process is concluded. If at the end of the process they are a rejected asylum seeker, they'll be treated in exactly the same way as any other rejected asylum seeker, and they'll be given an opportunity to make arrangements to leave, and if they don't, they'll be re-detained.”

(Philip Ruddock, Background Briefing, Radio National 8 June 2003)

Australia's approach to proven refugees sets a unique and dangerous precedent. Simply because persecuted people arrived by boat without visa, and despite having been found to be refugees under Australia's determination system; they are being denied permanent protection.

- Australia is the only developed country to have *temporary* protection for people found to be proven refugees. Australia is the only developed country that requires proven refugees to reapply to be reassessed all over again. This process is extremely stressful and inhumane
- Australia is the only developed country which never allows some proven refugees (those who spent more than seven days in another country where they might have claimed asylum) to ever be granted permanent protection.
- Australia is the only developed country that denies family reunion to permanent refugees.
- Despite being found to be genuine refugees, Australia denies people the security they need. Further detention and deportation have been threatened by Philip Ruddock at the end of the “temporary” status.

Key messages to MPs

- **People should not be forced to return to Iraq or Afghanistan.**

An opportunity now exists for a comprehensive policy change towards Iraqis seeking refuge in Australia. The government has justified Australia's participation in the war by reference to the persecution that motivated such refugees' flight. Whilst those who wish to return to Iraq or Afghanistan should be helped to do so, those on TPVs should be not be forced to return. This would be a welcome humanitarian gesture in the current climate.

- **This situation is unprecedented and unfair.**

Australia is making genuine refugees go through the determination process again – this has never happened before. We are making traumatised people jump through hoops twice, and face long term detention at the end of their stay in Australia as well as at the beginning.

- **The process is ad hoc and unclear.**

Not only have there been unexplained delays in the processing, but there has been no systematic advice given to the community. This is placing an already anxious community under greater stress.

- **Many of these people have been part of our community for more than 3 years.**

People have been living, working and going to school in our community. They have contributed economically, particularly to many rural and regional areas. Many do work that other Australians don't want to do.

- **People have been punished for coming by boat when we know they could not have come any other way.**

The government has acknowledged how bad Saddam Hussein's regime was – Asylum seekers were genuinely fleeing human rights violations. In the case of Afghanistan there was no embassy in Kabul for people to go to. In 1999-2000 Australia accepted only 21 Afghan refugees through the 'queue'. They couldn't come any other way. People have been punished by detention and by the TPV and now we're punishing them again.

Further references

Oxfam Community Aid Abroad/ A Just Australia, *Between Iraq and a Hard Place*; April 2003 see www.caa.org.au/iraq

What you can do

Please write to your local MHR and/or Senator

- If they are Labor please make the above points and ask that they support a motion at the ALP national conference in 2004 to let those on TPVs stay, and to abolish TPVs from their policy.
- If you are writing to a coalition member please also make the above points in as polite a manner as possible. Ask them to support permanent protection and to let those on TPVs stay.
- Please send copies of the letters to **Philip Ruddock**. and **Julia Gillard**, Shadow Minister for Population and Immigration saying that (a) the ALP's policy is unjust and unacceptable as long as

support for continuing TPVs is retained, but (b) even within the existing policy, support our call for those on TPVs to be allowed to stay

Details

Julia Gillard MP,

Parliament House,
Canberra ACT 2600

Fax 02 6277 4349

Email: Julia.Gillard.MP@aph.gov.au

The Hon Philip Ruddock MP

Minister for Immigration

Parliament House,
Canberra ACT 2600

Fax 02 6277 7860

Email: minister@immi.gov.au

Please also consider sending a letter to your newspaper of choice.

REPORT SHEET

Polliewatch 50/Urgent Response 30: Temporary protection Visas

In response to this briefing, who did you
send a letter to? Did you send letters to
Gillard and /or Ruddock

Did you send a letter to the press?

If so, which paper?

Do you have any comments to make about
Briefing No. 29?

(E.g. was it clear, comprehensive enough,
etc?)

Any other comments?

Your name:

Your address:

*For any further questions about this briefing,
contact: Malcolm Reid, Advocacy Manager on
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