



## Australia's Humanitarian Program – Shaping our Future Directions

February 2009

Since the Rudd government took office just over a year ago, there have been several key proposed changes announced by Senator Chris Evans, the Minister for Immigration and Citizenship in dealing with asylum seekers. While the changes already announced go some way towards making Australia's reception of refugees and asylum seekers fairer, there is certainly more work to be done in this area before we can say that we have a 'just' and responsive system in place.

### The need for an increase in the Humanitarian Program

The Australian Government announced in mid 2008 that it would be increasing the number of refugees accepted under the Humanitarian Program to 13,750 in the 2009-10 financial year from 13,000 previously. While any increase in numbers is welcome, further increases are still necessary to address the worsening global refugee situation and Australia's capacity to assist those suffering the most from violence and persecution.

In a submission to the Consultation on Australia's Humanitarian Program 2009-10 and beyond, *UnitingJustice Australia* (the justice unit of the National Assembly of the Uniting Church in Australia), have recommended that the number of places in Australia's Humanitarian Program be increased progressively to 20,000.

*"Deteriorating protracted refugee situations in areas such as Sudan, Burma and Afghanistan and, at the national level, the introduction of increasingly restrictive asylum policies (particularly in Europe) have exacerbated and compounded the current need for refugee resettlement. Australia, a wealthy, peaceful and prosperous national, has a responsibility to offer protection to those suffering most from violence and persecution".* UnitingJustice Australia, January 2009.

The Uniting Church in Australia advocates for a just response to the needs of refugees that recognises Australia's responsibilities as a wealthy global citizen, upholds the human rights and safety of all people, and is based on just and humane treatment, including non-discriminatory practices and accountable, transparent processes.

### Detention in Australia

On 13 January 2009, the Australian Human Rights Commission released the *2008 Immigration detention report*. Based on visits undertaken to Australia's immigration detention facilities between June and September 2008, the report highlights a number of inconsistencies and ongoing problems in immigration detention in Australia.

Human Rights Commissioner Graeme Innes, on releasing the report, called on the Australian Government to translate its 'new directions' for Australia's immigration detention system into policy, practice and legislative change as soon as possible.

Despite observing improvements in the physical conditions in immigration facilities since the last report (2006-2007), the Commission has significant ongoing concerns. Mr. Innes remarks:

*"While it is true we have seen improvements in the way Australia treats immigration detainees, our report shows we are still seeing children being held in detention facilities; people being detained for prolonged and indefinite periods; and dilapidated detention centres being used for accommodation .. and now we also have the disturbing reality that the massive prison-like Christmas Island facility is open for business".*

Some of the current concerns include the following:

- While there are fewer people in detention and the number of long-term detainees is decreasing, some people are still held for **prolonged and indefinite periods**. It is well established that this can lead to negative impacts on the mental health of detainees.
- **Off-shore processing** of asylum seekers continues on Christmas Island. The new immigration detention centre is a formidable high-security facility that many believe should not be used. The island's remoteness and the small size of the local community make it difficult for the detainees to get adequate access to basic services, and make the island an inappropriate place for holding people in immigration detention.
- **Children** are no longer held in immigration detention centres. However they are still held in other closed immigration detention facilities, both on the mainland and on Christmas Island.

**What you can do:**

Write polite and respectful letters to:

Senator The Hon Chris Evans  
Minister for Immigration and Citizenship  
Parliament House  
Canberra ACT 2600

Salutation: Dear Minister

**and your local Federal Member of Parliament (MP)**

Search for your electorate at <http://apps.aec.gov.au/esearch/>

Points to make in your letter:

- Commend the Australian Governments for its efforts to address and improve the system of the reception of refugees and asylum seekers in Australia.
- Urge the Government to implement the recommendations from the Australian Human Rights Commission *2008 Immigration detention report* released in December 2008 (some of which are detailed below)
- Urge the Australian Government to amend the Migration Act so that any immigration detention occurs only when necessary, and is the exception rather than the norm - and the decision to detain a person is subject to prompt review by a court, and in accordance with international law.
- Urge the Australian Government to codify into legislation minimum standards for conditions and treatment of persons in immigration detention.
- Urge the Australian Government to close the Christmas Island Detention Centre and repeal the provisions of the Migration Act relating to excised off-shore places. All unauthorised arrivals who make claims for asylum should have those claims assessed through the refugee status determination process on the Australian mainland.
- Request the Government to honour its commitment to keep children out of detention facilities unless absolutely necessary – and appoint independent guardians for all unaccompanied children.
- Urge DIAC and the Minister for Immigration and Citizenship to make greater use of community detention arrangements, rather than holding people in immigration detention facilities.
- Call on the Australian Government to abolish by law any billing of asylum seekers found to be refugees or assessed as needing protection in Australia for the cost of any detention they've been subjected to.
- Ensure that there is appropriate provision of physical and mental health care for detainees, increasing external excursions, and recreational and education activities for detainees, as well as restricting the use of restraints during trips outside detention facilities.
- Ensure that there is an increase in the information flow to detainees about their detention placement options, risk assessments and progress with their immigration case, and an increase in the use of interpreters and translation of documents.