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The Secretary
Select Committee on Ministerial Discretion in Migration Matters
The Senate
Parliament House
Canberra
By Email: minmig.sen@aph.gov.au

Dear Secretary

I write as National Director of *A Just Australia*, in response to your request for submissions on the following matters:

- a) the use made by the Minister for Immigration of the discretionary powers available under sections 351 and 417 of the Migration Act 1958 since the provisions were inserted in the legislation;
- b) the appropriateness of these discretionary ministerial powers within the broader migration application, decision-making, and review and appeal processes;
- c) the operation of these discretionary provisions by ministers, in particular what criteria and other considerations applied where ministers substituted a more favourable decision; and
- d) the appropriateness of the ministerial discretionary powers continuing to exist in their current form, and what conditions or criteria should attach to those powers.

In summary, we argue that:

- The Minister has failed to use his discretionary power to protect the rights and human dignity of hundreds of people whose lives are under his control;
- The worst corruption of Australia's migration program is the continued detention of hundreds of children, for years; and that
- There are three immediate steps that need to be taken, consistent with the provisions of the Act as they stand now, to relieve the current suffering caused by the Minister's failure to act.

We also look forward to the Select Committee's consideration of a better process for the future.

1. Background

Australians for Just Refugee Programs Incorporated was launched on 20 February 2002, after some months of consultations amongst organisations and individuals in Sydney, Melbourne, Adelaide and Perth. *A Just Australia* is the theme of its campaign launched in July 2002, and an alternate name for the organisation. *A Just Australia* is a national campaign umbrella group, with over 100 Organisational Supporters, 10,500 individual supporters, and with 72 distinguished Australians as Patrons. Governed by a Board comprising organisational representatives and individuals from each State, it is a not-for-profit organisation incorporated in NSW. A full list of Board, Patrons and Organisational Supporters can be found at www.ajustaustralia.com by clicking on "Who are we".

Our work is coordinated by a small national secretariat based in Sydney, and carried out through the efforts of members of its Board, Executive, Patrons and other supporters. Funding is primarily from thousands of private donations, with a small proportion from foundations and from fund raising activities. We spend funds raised on public education, coordination, direct support grants and administration.

Charter Statement

Organisations and individuals have united around the following charter statement.

We believe that Australia's policies toward refugees and asylum seekers should at all times reflect respect, decency and generosity to those in need, while advancing Australia's international standing and national interests. We aim to achieve just and compassionate treatment of asylum seekers, consistent with the human rights standards which Australia has developed and endorsed.

Priorities

The organisation has as its major goal "Action by Government to reform asylum seeker programs in line with our charter statement, as rapidly as possible". To this end, we initially worked to:

- Develop coordination between like-minded groups;
- Build the profile and credibility of groups proposing alternate approaches;
- Break the bi-partisanship between Government and the ALP; and to
- Seek urgent reforms to the treatment of children in detention.

With some success in our first year on these four priorities, we have adopted the following campaign goals for 2003:

- Get children out of detention and into school;
- Permanent protection for refugees on temporary protection visas; and
- Commonsense and humanitarian solutions for long term detainees.

2. Abuse of the human rights of refugees and asylum seekers by the Australian Government

Many of Australia's policies and practices in relation to refugees, asylum seekers and immigration detainees violate our human rights commitments. They are designed to act as deterrents to others from seeking asylum. The breach a fundamental regard for the human dignity of individuals, mistreating individuals as an example to others. The following are among the situations and practices which we find most unacceptable:

- Immigration detention centres for unauthorised arrivals are located in under-populated desert locations, run for profit by private security firms, behind razor wire and electric fences, inaccessible to the media.
- For one class of asylum seeker, defined by how they arrived in Australia, detention is automatic, indefinite and non-reviewable by courts.
- Children who are unauthorised arrivals are automatically detained and can be kept in detention for years, unless the Minister, simultaneously their guardian and detainer, frees them as an act of personal discretion, which is also non-reviewable.
- Detained children are entitled to a range of support and services necessary for their development, including health care, education and recreation. They are denied these entitlements. Their best interests are not the major factor in their treatment.
- Family members who arrive separately are kept separate.
- According to medical authorities, detainees in camps both on-shore and off-shore receive inadequate medical attention for physical, mental and emotional illness. It has been said that appropriate medical attention is routinely denied.
- Significant numbers of detainees sicken, mentally and physically, in exactly the way that is expected from arbitrary indefinite detention.
- No other country in the world practices a system of mandatory, indefinite detention of children, women and men without effective access to court challenge.
- Error ridden refugee determination processes take long periods before determining that the majority of detained asylum seekers are legitimate refugees – yet detention continues while status determination processes drag on and then still longer.

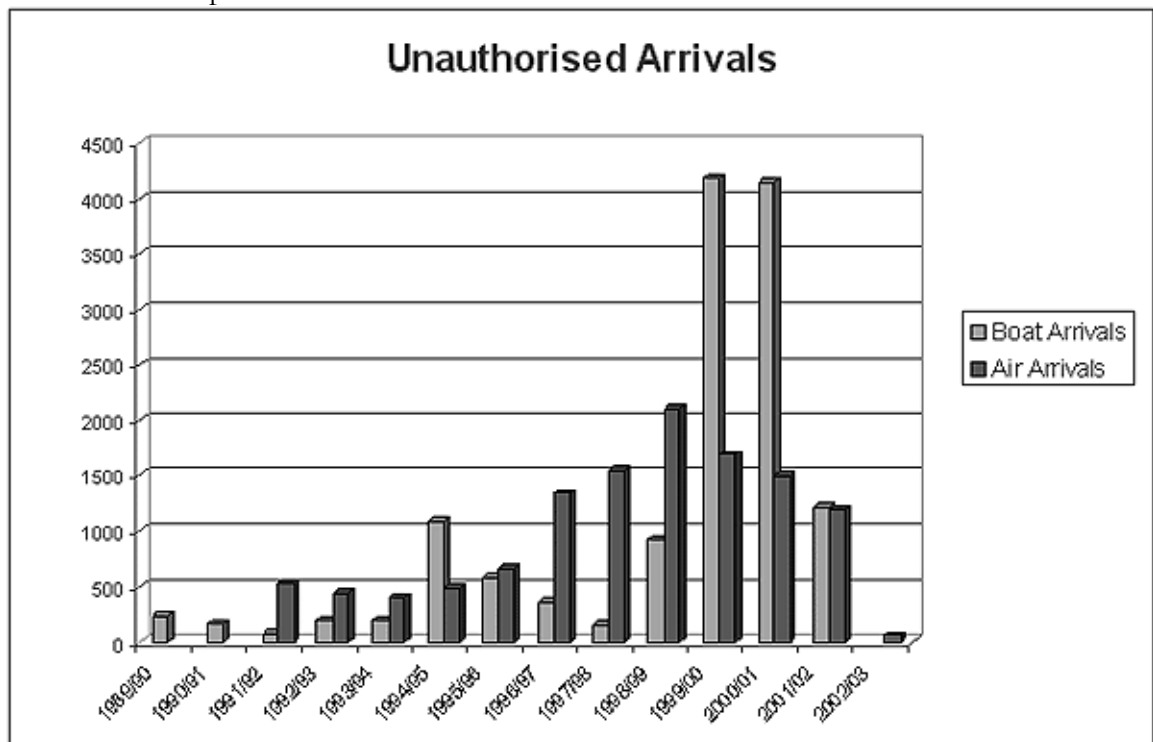
- Legitimate refugees released from detention are given no commitment to protection beyond three years, limited services and no prospect of reunion in Australia with close family members.
- Many people not accepted as refugees are detained, indefinitely, for years without any end in sight and with no clear processes for release.
- Those who are deported can be drugged, handed to private security firms, and flown out, without any monitoring of their future, if indeed they have one.

3. Policy context for failure to act

The boats have stopped coming for a while, with the exception of one recent boat arrival from Vietnam. We are approaching two years since the last wave of boats, and there are still over two hundred children in detention, most for the entire period, some for over four years. Over four hundred people remain on Nauru, despite the recent announcement that fifty proven refugees may finally apply to come to Australia. Twelve hundred are in immigration detention centres, around 350 of these for over two years. Over eight thousand proven refugees remain on temporary protection visas.

The asylum seeker “crisis” period has passed. Regime change in Afghanistan and Iraq has stopped many fleeing – naval interception and the tragic drownings have combined to send a message to others that they are not welcome in Australia.

The impact of mandatory detention and temporary protection on slowing the boats is arguable – the Department’s own figures show that arrivals of asylum seekers continued to increase with these measures – only the naval interdiction proved decisive.



- *Mandatory detention introduced 1992*
- *Temporary protection introduced 1999*
- *Naval interdiction introduced 2001*

Offshore vs Onshore refugees

For most of the last 50 years, Australia has relied on other countries to handle first asylum claims – our refugee program has overwhelmingly involved providing resettlement and migration opportunities for refugees from other countries’ resettlement camps. Our response to people arriving onshore and claiming asylum has been to fear them and offer them a choice of long-term detention, temporary protection, and ultimately deportation. Government policy reduces the number of proven refugees allowed to come from

other countries' refugee camps, by the number who prove a refugee claim when they arrive here seeking asylum. The overall number is low, and the link in that overall number between those allowed to migrate from other countries resettlement camps and those who prove their refugee claims here sets up the "queue jumper" myth.

Mandatory Detention

Much has been done to hide the abuses of the system – but increasingly, more stories come out, with more to come, particularly the report of the Human Rights Commission's Inquiry into children in detention. This remains a live issue, because there are still over two hundred children detained in our onshore and offshore detention camps. State Governments, the Federal Court, the High Court, the Family Court, the churches, medical authorities, child abuse experts, the United Nations, and thousands of individuals have condemned the effects of the policy. *A Just Australia* takes a hard line view of this – if long-term detention of children is the effect of a policy, then that policy is wrong. It's the starkest failure, and that failure grows, with families in detention for over four years now.

Temporary protection

We continue to take people from other countries' refugee camps, but don't provide permanent protection to asylum seekers who land here. Temporary protection or long term detention are the current policy settings; they continue to be a major political issue that progressively reflects poorly on Australia and its government.

The great majority of people who've arrived by boat since 1999 have been recognised as proven refugees, but only offered three years of protection here with a temporary protection visa (TPV). 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 have 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.

Thousands are waiting to find out what happens to them now, including hundreds who've already been here for three years. Minister 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 detention and deportation if they can't.

Around 8,589 TPV's 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 some 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.

Division and community conflict

The outlook offered by Minister Ruddock for the thousands of proven refugees is for a long process of further claims, appeals to the problematic Refugee Review Tribunals and courts, then Ministerial discretion on a case by case basis – thousands of cases on top of the hundreds that are already in the queue for Ministerial consideration.

Minister Ruddock's current plans involve threats of deportation to people given refugee status, financial inducements to leave before explaining the rules for staying, secret deals with other governments including Iran, and worst of all, children and their families kept in limbo or the desert for years.

It was easy to cultivate fear about faceless boat people – potential terrorists, carriers of disease, planning to change our way of life. But these thousands who have been granted refugee status have lived peacefully with us for years, and made friends and connections with hundreds of thousands of other Australians.

Their aspirations are for security, family and a future, just like ours.

The generous welcome and support in our communities will turn to anger and division if these refugees are forced to leave, or threatened with a forced return to danger. There is a real prospect of civil disobedience from church and community groups to prevent the deportation of refugee families. While some would argue that this conflict in the streets and around churches will attract a hard conservative vote to the Government, it won't do much for a tolerant Australia.

Three immediate steps

Australia has proved to the world we're tough on unauthorised arrivals; now let's show we have some humanity.

- 1) Provide permanent protection for proven refugees, with assistance to return home on a voluntary basis.
- 2) Introduce a process for humanitarian visas or solutions for those stuck in the limbo of long term detention; and
- 3) Immediately release children and their families into the community.

These simple measures, supported by a host of expert organisations and experienced Australians, would end this whole episode rapidly.

Just one year at the level of refugee intake we used to have in Australia – a quota of 20,000 rather than the current 12,000 – would accommodate practically all that want to stay – without any impact on the offshore refugee resettlement program.

The cost of settlement for those who stay, or assistance to return for those who wish to, will more than be met from savings in detention outlays and the end of the "Pacific Solution". The full savings are hard to measure, as costs of the current policies are spread through many Departments' outlays. As an indication, the Government paid Australasian Correctional Management \$411 million in the period February 2002/03 for detention costs.

These three steps are described in the following sections.

4. Exercise discretion to reduce suffering on proven refugees

Refugees given only temporary protection know no security.

Australian Governments since World War II have been committed to permanent settlement of immigrants, including refugees. (Exceptions were made for non-white refugees, but only under the now-abandoned White Australia Policy.) Before the present Temporary Protection Visa scheme was introduced in 1999, there were few cases of temporary residence status apart from those here for short-term business or employment purposes. In the past we have sought permanent commitment from those who came across the seas seeking new lives in this country so that the newcomers would become part of the Australian community, throwing in their lots with the rest of us for mutual advancement.

The Temporary Protection Visa scheme has changed all that. Now we have people here for short periods of years. They are insecure, traumatised, denied assistance to learn English, accorded a discriminatory status that inhibits their integration into the broader community, left unsupported by and worried about their spouses and children. This is not in the interests of the asylum seekers or Australia.

Proven refugees should be entitled to permanent settlement. They should be allowed to bring to Australia their spouses, their children and, where they have dependent parents, then those parents too. This is not "opening the floodgates" to uncontrolled migration of large numbers of people. It is simply a humane way, consistent with international law, to permit those closest and most dependent family members to be re-united in this country, in accordance with Australia's commitment to the important human right to family unity.

We also must recognise the special needs for protection of young refugees who have, in common with adolescents worldwide, very specific needs for positive recognition, acceptance and understanding in their development towards maturity. Where these qualities are lacking, or where they are perverted into negative or demeaning treatment, damage is likely to occur to any young person, with the possible destruction of health, self-regard and confidence. Each has a right to be valued as a unique person, to expect a clear vision for his future, and to receive education suited to their abilities. Appropriate care is needed from significant adults, in the absence of parents, and this should include those who are given their administrative oversight. These principles must be seen as mandatory in the treatment of young refugees.

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 have been 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 high. 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 'proven 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 conducted community briefings and provided information through community-based organisations, but without providing the clarity people have sought.

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)

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.

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.

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. 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.

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.

Assistance to return home

Some refugees may want to return home when it is safe to do so, especially given the hostile environment that has been generated by Australian Government action. Others may seek re-settlement in other countries. Credible information about the situation at home and assistance to return or move should be offered at all stages. It is not an alternative to permanent protection and should not have strings attached. The Refugee Council of Australia has developed a package of options for return with dignity, including allowing people to visit their country of origin, and return to Australia to report on developments.

The current offer of financial incentives to temporary protection visa holders to return "voluntarily" to Afghanistan is based on misrepresentation of the situation in Afghanistan, comes ahead of any clear advice on the prospects of permanent protection visas in Australia and is conditional on giving up rights to claim for mistreatment in the camps. Humanitarian assistance with these strings is a sham.

Education and training opportunities for refugees, to allow them to contribute towards reconstruction of their countries or just to get on with their lives, are also important. The experience of past intakes has been that, even when refugees become citizens of Australia, many return to their home countries and that there are substantial benefits from the travel between countries over time.

Specific changes needed for people on temporary protection visas

- Provide secure legal status that affords all refugees, no matter how they arrived, all the rights to which they are entitled under the Refugee Convention and international human rights law.
- Support the Voluntary Repatriation Model, described by the Refugee Council of Australia in April 2003, involving support for return with safety and dignity, after provision of information, exploratory visits with guaranteed return, and without coercion.
- Dismantle the hierarchy of refugee protection visas in which temporary protection is used punitively or as a deterrent, to deny services and entitlements to some refugees.
- Use temporary protection for refugees only as an instrument of prima facie recognition in mass influx situations. In accordance with international practice, all temporary protection for refugees must be limited in duration and be consistent with the rights afforded under the Refugee Convention and international human rights law.
- Provide all necessary assistance to enable refugees to integrate into new societies if they are unable to return to their country of origin. The Government must take all appropriate measures to assist all refugees, especially refugee children, to be reunited with their families.
- End the system of rolling Temporary Protection Visas that requires recognised refugees to repeat the status determination process indefinitely. A claim for continued protection upon the expiry of an

existing Temporary Protection Visa must be processed in a timely and effective manner and those still found to be refugees afforded permanent residence.

- Abolish presumptions that another country previously afforded an asylum seeker effective protection and require actual proof of earlier effective protection in each case.
- Recognise a special responsibility toward refugees in the Pacific states and in Indonesia and offer places to family members of refugees in Australia for reunification.

RECOMMENDATION ONE

That the Committee support the use of discretionary powers to allow proven refugees on temporary protection visas to gain permanent protection without further delay

5. Long term detainees

The great majority of people who arrived by boat, and are still in on-shore immigration detention, are not asylum seekers awaiting determination of their claims for protection but rejected applicants awaiting removal. 198 people were in this situation in June 2003. Approximately 380 people remain in this situation on Nauru – with a further 55 there given refugee status, but who have not yet been resettled anywhere. We estimate a further two hundred people have been in detention for over two years and are still appealing adverse decisions.

Among those awaiting deportation are Palestinians. In almost all cases, the Israeli Government has refused to permit Palestinian asylum seekers to return to Israel or the Occupied Territories. The Federal Court has ordered the release of some of those who have no prospect of immediate return. The Government has introduced legislation to overturn the Federal Court's release orders – meanwhile a dozen releasees are living without any financial support.

Others are Iranian, including many that if returned face discrimination, but not, in the Australian Government's view, persecution. Iran rarely takes back unwilling returnees. The recently announced memorandum of understanding with Iran aims to provide a "credible threat" of involuntary return to Iranian detainees, hoping that detainees will request voluntary return. These threats and deceptive inducements are not backed up by any safeguards or monitoring of returnees. They are being made against people who have been in arbitrary detention so long that their state of mind, legal representation and connection with their country of origin have all been diminished.

Lengthy court challenges will delay deportation of these Iranians, even if there is agreement with Iran to accept them. But the Iranians will stay in detention during these challenges.

So Australia's detention centres now accommodate many people awaiting removal who have no realistic prospect of being sent to any other country. Third country resettlement options do not appear to have been pursued by the Government, which has taken a legalistic, simplistic, and extremely dangerous view – that if they have failed their refugee claims, it is safe to return them to their country of origin.

The situation of non-removable deportees is an urgent humanitarian crisis that needs to be discussed and resolved satisfactorily. In the normal course of events, Australia is not required to permit unauthorised arrivals that are not refugees to stay, but for around 400 long term detainees, the system has failed. The absence of fair, credible and rapid determination systems, the policy of detention for the entire period of assessment, and the politicisation, even demonisation, of refugees, all contribute to this system failure.

Credible, rapid and transparent processing systems would lead to more rapid return of failed applicants – who in many cases would suffer no more than shame at the failure of having been rejected. The current delays compound the problems immeasurably.

The lengthy detention and the trauma that this has caused create an obligation, including for rehabilitation. Humanitarian visas, complementary to refugee visas, need to be issued to those who the system has failed – even temporary humanitarian visas in these circumstances, until a more permanent return or other migration option can be explored.

Those who have committed a crime under Australian law and been sentenced to imprisonment by an Australian court may require detention. But others in detention awaiting deportation, the great majority, have committed no crime and their continued detention is unreasonable and inhumane.

Complementary protection visas

The Refugee Council of Australia, in a paper released in May 2003, points to the need for Australia to improve processes for refugee status for non-Convention reasons, currently provided by Ministerial discretion under section 417 of the Migration Act. The Refugee Council examines the current system, and points to the inefficient use of resources, issues of transparency and accountability, and the inadequacy of meeting actual protection needs. The situation of the East Timorese clearly highlights the difficulties – hundreds of people required to argue claims before a refugee tribunal, expecting to be rejected, prior to the exercise of Ministerial discretion on a case by case basis – capping off a ten year wait for security. We believe the Senate Select Committee's examination of the operation of section 417 visas is timely, and we support the introduction of a class of complementary protection visas.

RECOMMENDATION TWO

That the Committee support the use of discretionary powers to address the crisis of long term detainees through:

- a. Supporting establishment of an Asylum Seeker Claims Processing Review Committee – a committee of experts to review the cases, starting first with the people who have been detained longest, that is, those who have been detained for over four years. If there are no threats to the security of the community, the detainees must be permitted some freedom. They cannot be detained indefinitely until circumstances change to permit their deportation.*
- b. Recommending empowerment of this Committee to recommend special humanitarian temporary or permanent visas, as appropriate in particular circumstances, to rejected asylum seekers who remain in detention and whose return to their country of origin is not possible for the immediate future. Although temporary protection visas are inappropriate for refugees they could be used quite appropriately to permit the release of persons awaiting deportation who are unlikely to be able to be deported within a short time.*
- c. Recommending that this Committee be allowed to offer third country resettlement, with support from Departmental officials and non-government organisations to set up third-country options on a case-by-case basis.*
- d. Recommending that the Minister stop forcing asylum seekers who have been in long-term detention to return home and refrain from actively promoting the return of asylum seekers unless and until there are fundamental, durable and effective changes of circumstances in countries of origin.*
- e. Supporting immediately bringing those on Nauru to Australia. For the 55 who have proven refugee status, allowing them permanent protection in Australia, as has been the case for several hundred other "Pacific Solution" refugees. For those who have not been accepted as refugees, including them in the processes of the Asylum Seeker Claims Processing Review Committee.*

6. Children in Detention

The worst corruption in the use of Ministerial discretion, is the failure to act to protect children from institutionalisation and abuse.

In June 2003, there were 219 children in offshore and onshore detention.

107 children in Australia, 112 children in Nauru.

Only ten of these children are in the "alternate accommodation" trial – in Woomera, when the rest of the detainee population – including these children's fathers, have been moved to other camps.

There are many other young people who are just past the age of 18, who have slipped out of the statistics, not out of detention. Even schooling is treated as a privilege, not a right.

The processes outlined in our earlier recommendations on long term detainees would assess most of these children and their families for permanent protection in the community, temporary release or third country resettlement.

Alternatives to detention and rapid diversion of unaccompanied minors from detention were promised by Minister Ruddock in December 2002, but still no additional alternative detention places exist, and still unaccompanied children are in detention. These alternatives did not apply to those detained on Nauru.

The Family Court has ruled that indefinite detention is unlawful. The Human Rights and Equal Opportunity Commission will be releasing its report of the inquiry into children in detention. This will add comprehensively to the range of reports and evidence already available.

The Government's credibility is damaged by Minister Ruddock's continued justification and prevarication about children in detention, and by the length of time detention continues since the last boat arrival. It is not good enough to say that the numbers have been reduced – it only makes it worse for those who are still there.

National credible welfare agencies have combined and made repeated offers to host family groups in the community, and to take responsibility for their care, protection, healing, even importantly, to ensure there is no risk of flight.

Minister Ruddock has failed to deliver the promised alternatives - the combined welfare sector alternative needs to be adopted and funded immediately.

RECOMMENDATION THREE

That the Committee recommend immediate use of discretionary power to allow arrangements for the release of children in their family groups into the care of welfare agencies, with sufficient funding to allow this alternate hosting to succeed, until the alternate processing outlined takes effect.

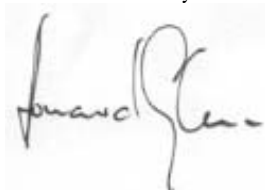
7. Future arrivals and longer term issues

There has to be a better way of processing asylum claims from people who arrive in Australia. While we can continue to rely on our geography to avoid the numbers of claims that other countries get, globalisation and events in our own region mean we have to play our part in providing refuge to some – not just a destination for migration from other countries' resettlement camps. Our unique and isolationist approach is damaging our reputation, as well as the people who made the mistake to come here at this time.

We are developing a set of principles towards a better approach, and urge the Government to work with us, the Opposition and the minor parties towards building a fair and fast system we can be proud of, with cross party support. We also believe that there is clear evidence of abuses of human rights that have occurred in recent years, associated with current policies. A judicial inquiry is needed to examine this evidence and further claims that will be made as other evidence comes to light.

We do not take a position at this time on whether the continuation of wide ranging Ministerial discretionary powers should be a feature of any future fair and fast system of processing claims for asylum made on-shore. We simply note that the current situation must be relieved quickly within these existing powers. We welcome the Committee's deliberations on the issue of the future existence of these powers.

Yours sincerely



HOWARD GLENN
National Director

1 August 2003