

Refugees

Exposing Howard's Lies

Sarah Stephen

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Free Movement Around a Free Globe

By Sarah Stephen

July 28 is the 50th anniversary of the enactment of the UN refugee convention. To “celebrate”, Australia and other rich country governments are planning to rewrite the convention, to overhaul what determines a refugee and to restrict the movement of people, in particular from the Third World to the First World.

The UN (Geneva) Convention Relating to the Status of Refugees, signed by Australia along with 138 other countries, provides for those who have a “well-founded fear of being persecuted for reasons of race, religion, nationality, member of a particular social group or political opinion” to seek asylum in any of the signatory countries.

At the time of the convention’s enactment — the height of the Cold War — it was designed in part to make ideological mileage out of providing sanctuary to “defectors” from Communist-ruled countries fleeing to the “Free World”.

The postwar economic boom also created a generalised thirst for labour in the imperialist nations: the more people coming in, the better.

But the tremendous deepening of the gulf between the rich and poor countries has since made massive population displacement structural: more people are forced to move across borders more often just to survive.

For example, there are currently two million Afghan and Iraqi refugees in Iran, and two million Afghan refugees in Pakistan. Last year there were 160,000 (mainly Burmese) refugees in Thailand, and 45,000 Filipino Muslims in Malaysia.

The view of immigration minister Philip Ruddock, reported by the *Sydney Morning Herald* on July 8, is that there needs to be a better system of identifying “genuine” refugees amongst the UN estimate of 22.3 million people worldwide who fit the current definition.

His assumption is a disturbing one: because there are now many more people in the world who fit the refugee definition, it must either be that not all are genuine refugees, or that it's now necessary to change the definition so fewer people are able to seek asylum.

But the fact that there are more people in the world who face violence, persecution and the possibility of death does not diminish the terror of that experience, nor the right to escape from it.

As the gulf between rich and poor nations has widened, as jobs have been lost and living standards plummeted and as regional conflicts and wars have increased, the fortress walls have grown higher around the borders of rich, imperialist countries.

There is now a strong drive from all rich country governments to restrict humanitarian-driven immigration into and across Europe, North America and Australia.

There are limitations to the UN convention's definition of a refugee — but only because it is too narrow.

A case in point is the distinction between a political and an economic refugee. Political refugees are portrayed as deserving and genuine; economic refugees are undeserving, abusing the system, shopping around for somewhere better to live. Many argue that economic migrants pollute the very definition of a refugee.

But there can be no clear dividing line between what determines a political and an economic refugee.

As a product of the profoundly distorted economic development of the world, mass migration today is fundamentally about movement between the Third and First Worlds. Enormous population concentrations in Third World countries, unsupported by adequate economic infrastructure, inevitably spill over into the First World.

The criminalisation of immigration is justified by the claim that economic refugees, those immigrants seeking better living standards, have no right to enter a rich country because their own country's economic problems are, apparently, entirely of their own making.

Yet poor countries' predicament is far more likely the effect of catastrophic debts imposed on them, the First World's monopolisation of technology, "intellectual property" and capital, and Western support for repressive military regimes, all hardly problems of their own making.

The countries that many "economic" refugees are fleeing to are directly responsible for impoverishing the immigrants' home countries: many African people flee to France, which had a long period of colonial rule in north and west Africa. Many Latin Americans flee to the United States, which has exercised its economic domination and supported

political repression in that region for over a century.

Economic sanctions against Iraq condemn parents to watch their children die of malnutrition, or from preventable diseases. If they were to flee, would such families be political or economic refugees?

The Islamic fundamentalist Taliban regime in Afghanistan condemns many women to beg on the street because they have been banned from working. Is this political or economic persecution?

Economic refugees are a product of neo-liberal globalisation, the rich/poor divide that saps resources and wealth from poor countries.

Economic refugees have just as much right to seek safety and a better life for themselves as those who flee persecution because of religious or political discrimination.

If the refugee definition was expanded along these lines, it would create the potential for large movements of people, potentially much larger than we've seen to date.

Here the issue of refugees links with immigration as a whole. To call for Australia and other rich countries to increase the intake of refugees assumes a broader necessity to allow an increase in immigration as a whole.

The First World has a responsibility to not only clean up the mess it has made in the Third World, but to also take full economic and moral responsibility for the consequences of its dictatorship over the rest of the globe.

This includes taking in those people who are compelled to flee their countries, whether for economic or political reasons.

To throw open the door to free movement of people in and out of Australia, with a heavy weighting towards humanitarian immigration — refugees and economic migrants ahead of skilled and business migrants — would require a government with a sincere commitment to a whole range of associated social changes, from urban planning through to a massive rebuilding of services in regional areas.

It would require the development of sustainable farming practices, land and water reclamation technologies, technologies to capture solar and other renewable energy sources and clean transportation and processing methods.

It would require a lot of things, but it would not be an enormous leap from where we are now.

The technology itself is already in existence. It's a matter of deploying the necessary funds, resources and personnel to put it into action.

Australia's immigration and refugee intake can't, however, be considered in isolation from the factors which are driving people to migrate in such large numbers.

Australia, as a rich imperialist country, can and must play a positive international role in reducing the gap between rich and poor.

This should include calling for the cancellation of Third World countries' debts to the First World; actively transferring technology to enable Third World nations such as Papua New Guinea, Bougainville and Indonesia to reduce environmental degradation, provide for their people, and escape their position of enforced de-development; and actively support Third World democratic movements which aim to empower the mass of dispossessed and take measures to genuinely improve their living standards.

We have nothing to fear from the free movement of people in and out of Australia.

We don't blink an eye at the 4.2 million overseas tourists who come here each year.

Yet we're whipped into a panic about several thousand people arriving in the most desperate circumstances, who most urgently require our compassion.

We're told that a highly controlled intake of 100,000 a year (the current level of immigration) is high, when it increases our population by less than 1% per year.

Yet this country has the capacity to take in many more people, should they choose to come here.

Our rulers champion the free movement of capital, which they call globalisation. We must demand, in opposition to theirs, a globalisation on our own terms — the globalisation of technology, of justice, and above all, the free movement of people.

Freedom of movement is an elementary human right which everyone must be able to enjoy.

When the borders are torn down, when no-one has the right to say "no, you're not welcome here", when the ability to move is no longer dependent on slips of paper in pockets (whether passports or dollars), then we'll know we're free. ■

Myth 1. Boat people are queue jumpers

In Iraq and Afghanistan, there are no queues for people to jump. Australia has no diplomatic representation in these countries and supports the International coalition of nations who continue to oppose these regimes and support sanctions against them. Therefore, there is no standard refugee process where people wait in line to have their applications considered. Few countries between the Middle East and Australia are signatories to the 1951 Refugee Convention, and as such asylum seekers are forced to continue to travel to another country to find protection.

People who are afraid for their lives are fleeing from the world's most brutal regimes including the Taliban in Afghanistan and Saddam Hussein's dictatorship in Iraq. Antonio Domini, Head of UN Humanitarian Program in Afghanistan, states that Afghanistan is one of the most difficult places in the world in which to survive.

It's Not a Queue, It's a Lottery

By Sarah Stephen

One of immigration minister Philip Ruddock's central arguments against accepting "queue jumpers" (read, onshore arrivals) from Afghanistan is because they know that they have a better chance of being granted asylum in Australia than if they waited to be assessed by the United Nations in Pakistan or Indonesia.

The UN has challenged this assertion, explaining that of those Afghan asylum seekers in Indonesia in 2000, 32.2% were recognised as refugees and only 13.4% rejected. The remaining 54.4% have not even come into contact with the extremely under-resourced United Nations High Commission for Refugees.

The 70% of Afghan asylum seekers assessed as refugees in Indonesia is not appreciably different from the 60-90% assessed as refugees in Australia.

There are currently 500 UN-recognised refugees in Indonesia awaiting resettlement. Only Sweden and the US have agreed to take any — 27 each. The Australian government has not agreed to take any from this "official" queue.

During its latest actions against the Afghan refugees rescued by the *Tampa*, the Australian government argued that it took a stand as an example to ruthless people smugglers who prey on the innocent and vulnerable.

It also hoped to reinforce the notion that those waiting in Indonesia to come by boat are not genuine or worthy of our compassion.

PM John Howard told the August 31 *Australian*, "What we object to is that people go outside the United Nations High Commission for Refugees, and they bypass an internationally credible [system] which is fair to all potential refugees."

But the claim that those who use their own limited resources to find sanctuary are less needy than, or taking the places of, those waiting in refugee camps misses the central point that the immigration programs of wealthy countries are not geared to help the neediest people (see table).

Consider this. There are, according to UN estimates, presently 23 million people in the world identified as fitting the UN definition of a refugee. Of the 138 countries party to the UN refugee convention, only 10 have refugee resettlement quotas for UN-identified refugees. In total, the annual resettlement quotas of all 10 countries amount to a mere 110,000.

If only half of the world's refugees sought resettlement in another country, it would take 210 years to resettle them all. Many countries don't have resettlement quotas, yet take in large numbers of refugees. If this doubled the UN's resettlement capacity, it would still take 105 years.

The UNHCR cannot prioritise the neediest refugees because it hasn't the staff to assess, or the capacity to resettle, even a fraction of those most desperately in need. If every refugee had an equal chance of being resettled (and many have never seen someone from the UNHCR), they would still face a four in 1000 chance. That's not a queue, that's a lottery.

That's why large numbers of asylum seekers have little choice but to turn to people smugglers to help them find safety and a chance at a new life.

Ruddock and Howard argue that Australia has to make a choice between an immigration program controlled by the government on the one hand or by criminals and people smugglers on the other.

This couldn't be more wrong. The two are unavoidably connected — enforcing a strictly limited and highly controlled refugee intake forces asylum seekers to turn to smugglers.

The only humane, internationalist approach to immigration is one that's

Myth 2. Asylum seekers are illegal

This is untrue. Under Australian Law and International Law a person is entitled to make an application for refugee asylum in another country when they allege they are escaping persecution. Article 14 of the Universal Declaration of Human Rights states that: "Everyone has the right to seek and to enjoy in other countries asylum from persecution."

People who arrive on our shores without prior authorisation from Australia, with no documents, or false documents are not illegal. They are asylum seekers — a legal status under International Law. Many asylum seekers are forced to leave their countries in haste and are unable to access appropriate documentation. In many cases oppressive authorities actively prevent normal migration processes from occurring. "Illegals" are people who overstay their visas. The vast majority of these in Australia are from western countries, including 5000 British tourists.

determined by the human needs of those who are suffering the most.

The only thing which will permanently eliminate the conditions under which the people-smuggling trade flourishes is for all wealthy countries to open our doors, particularly to the millions fleeing the horror of conditions in Iraq and Afghanistan.

The movement of people around the world is nothing new. It's been a feature of human society since its beginning.

Even in recent times, the movement of millions of the poor and dispossessed of Europe founded entirely new countries — the United States, Canada, Australia and New Zealand.

What is new today is the barriers being erected around rich countries to stop this free flow of people, and in particular those designed to stop the poor, mainly non-white majority from moving to rich, mainly white countries.

As the *Tampa* crisis was unfolding, for example, British Prime Minister Tony Blair was asking the French government to close down refugee camps in Calais, near the Channel Tunnel, from where asylum seekers are trying to cross into Britain to seek protection.

As the barriers go up, the imperatives to move are also becoming more urgent. Corporate globalisation is steadily increasing the misery and suffering of the majority of the world's people, as it concentrates wealth and resources in the hands of a tiny minority inside a small number of rich countries.

This trend is accentuating the flow of people out of war-ravaged, environmentally devastated and politically repressive countries, and in to those same rich countries who have helped to create the grotesque system of global inequality.

Those rich-country governments must now be compelled to take moral and social responsibility for the human consequences of their decades-long actions. ■

Refugees: Australia Does NOT Help Those Most in Need

By Sarah Stephen

Immigration minister Philip Ruddock takes great offence at the labelling of Australia's refugee policy as racist and discriminatory. He declares that there is nothing about Australia's immigration program which could be labelled racist. In particular, Ruddock takes offence at criticism of the government's crackdown on people trying to get to Australia by boat to claim asylum. According to him, his government's actions are precisely to maintain the "integrity" of Australia's "generous" refugee program, which — he claims — targets those most in need.

Figures developed by a maths academic at Sydney's University of Technology put the case very strongly that Australia's refugee and humanitarian program does not prioritise those most in need, and that it in fact gives disproportionate weight to those who are from European countries. Are European refugees, living on the borders of

Myth 3. Australia already takes too many refugees

Australia receives relatively few refugees by world standards. In 2001 Australia will receive only 12,000 refugees through its humanitarian program. This number has remained static for three years, despite the ever-increasing numbers of refugees' worldwide. Australia accepted 20,000 refugees each year at the beginning of the 1980s.

According to Amnesty International one in every 115 people on earth are refugees, and a new refugee is created every 21 seconds. Refugees resettle all over the world. However, the distribution of refugees across the world is very unequal. For example:

Tanzania hosts one refugee for every 76 Tanzanian people (1:76).

Britain hosts one refugee for every 530 British people (1:530).

Australia hosts one refugee for every 1583 Australian people (1:1583).

affluence, really those most in need of Australia's help? Most people resettled through the offshore program already have links with Australia; this connection is more significant in the selection process than their relative level of desperation or persecution.

The four largest refugee populations in the world are Palestinians (four million), those from Afghanistan (3.6 million), Sudan (460,000) and Iraq (450,000). From Europe, the four largest refugee populations are from Croatia (315,000), Bosnia and Herzegovina (250,000), Yugoslavia (190,000) and the Russian federation (38,000) (figures from the US Committee for Refugees).

If you are a European refugee, your chances of being granted refugee status or a humanitarian visa in Australia are *14.7 times greater* than if you are from the Middle East.

This calculation was worked out by dividing the number of places allocated to people from that region in Australia's humanitarian program, divided by the total number of refugees originating in that region. The figures are set out in the table below.

Australia, a generous country?

Region	World refugee population by region of birth ^a	World refugee & internally displaced population by region of birth ^b	Breakdown of Australia's offshore program by region of birth ^c
<i>Middle East/Sth Asia</i>	57%	31%	31%
<i>Africa</i>	24%	40%	23%
<i>Europe</i>	6%	10%	46%
<i>Americas</i>	3%	7%	0%
<i>Asia</i>	10.0%	12.0%	1.5%

^a Figures from US Committee for Refugees report *Principal sources of refugees*.

^b Figures include data from US Committee for Refugees report on *Principal Sources of Internally Displaced Persons*.

^c Figures from immigration department publication *Population Flows: Immigration Aspects 2000 Edition*.

For more figures, visit Andrew Solomon's website at <www.illywhacker.net/asylum>.

The Coalition government claims Australia is a very generous country which takes in large numbers of refugees, and that asylum seekers arriving on our shores are simply taking advantage of that reputation. Of the nine countries who have UN resettlement quotas, Australia's is relatively generous, exceeded only by the US and Canada. However (a very important however), many countries provide much more substantial assistance to refugees without quotas.

Take the 1999 example of Kenya which hosted 187,000 refugees; or Uganda which hosted 192,800 with the government providing land for many of them to resettle; or Ghana which hosted 14,600 refugees and, according to the UNHCR, has a tradition of generously receiving and granting asylum to refugees without instances of *refoulement* (forced return to their country of origin) or ill treatment. These are poor, Third World countries, yet they have opened their doors to people in need.

Australia is the sixth largest country in the world, with one of the lowest population densities in the world, far lower than environmental limits dictate. The following figures for 1999 strongly refute Australia's claim of generosity.^a

Prioritising those in need? Not Australia

Country	Population (millions)	People/sq km arable land	Asylum claims (in addition to quotas)		Numbers accepted	%
			Quota	Accepted		
<i>Australia</i>	19	42	4000	12,713	2458	19.0
<i>Canada</i>	31	67	9800	29,393	12,960	58.0
<i>New Zealand</i>	4	158	1140	2098	360	16.5
<i>US</i>	280	162	85,000	49,908	6589	28.4
<i>Sweden</i>	9	308	1800	11,231	2937	34.4
<i>France</i>	59	326	0	30,907	4659	19.3
<i>Norway</i>	5	485	1500	10,160	3213	33.3
<i>Germany</i>	83	714	0	95,113	12,361	13.3
<i>UK</i>	60	985	0	71,145	20,400	28.6
<i>Switzerland</i>	7	1825	0	46,070	24,900	52.7
<i>Netherlands</i>	16	1876	500	39,300	9500	15.6

^a Some acceptance rates reflect three hidden factors: (1) a proportion of cases are sometimes set aside; (2) not all applications received are processed in the same year, or some may be processed from a previous year, and (3) some countries accept a small number of asylum seekers as refugees and a much larger number on humanitarian grounds.

In 2000, 40,000 Afghan refugees were resettled with UNHCR assistance. In the same year, Australia resettled 406 Afghan refugees (5% of refugees resettled from offshore) and granted asylum to 700 of the 1765 Afghan asylum seekers who applied for asylum in Australia. The total? 1100. This is a tiny number in comparison with Kenya which resettled 9400, Yugoslavia 3300, Egypt 3100 and Turkey 2300. ■

Inside Woomera, Asylum Seekers Treated Like Animals

By Sarah Stephen

The Woomera Immigration Detention Centre, in the South Australian desert, has been the site of a series of riots, hunger strikes, suicide attempts and escapes over the last two years. The federal government, with the assistance of a compliant media, has used these incidents to demonise asylum seekers and turn majority public opinion against them, portraying them as violent, selfish and manipulative.

In June, for example, the media colluded with the government in uncritically reporting a stash of “dangerous weapons” collected in a search of detainees, which included a range of things which were not weapons at all — a broken door handle and a device used for making tea.

There are many more such stories behind the desperate actions of those imprisoned in a camp which is by far the largest in the country (capacity will hit 2000 in March) and which has the most appalling conditions faced by any asylum seeker in Australia.

In November 2000, at least three nurses who were formerly employees of Australasian Correctional Management (ACM), the private company contracted to run the immigration detention centres, revealed that child abuse and other crimes had been covered up at their former workplace, Woomera.

At the time, Amnesty International’s Alistair Gee observed, “Every problem is dramatically heightened by the remoteness, the inaccessibility, the culture of the management and the lack of knowledge by asylum seekers of what is happening with their refugee claims. Almost all of the detainees in Woomera are asylum seekers and the vast majority of them are refugees.”

‘Degrading’

It was in early November 1999 that the government announced that 400 “illegal immigrants” would be the first to be detained at Woomera West. Journalist Peter Mares wrote in his recent book, *Borderline*, “They were to be housed in former military barracks, which were, according to [immigration minister Philip] Ruddock, ‘not thought appropriate for air-conditioning’. He described them as having ‘flow-through ventilation’. Guards are flown in and out of town on six-week turn-arounds.”

The opening of Woomera detention centre, the third such desert prison, coincided with an increase in asylum seekers arriving on Australia’s shores from the war-torn and ravaged countries of Iraq and Afghanistan.

For the first six months, there were no public phones for detainees to use to call friends or relatives, not even to let them know they were still alive. It was three-and-a-half months before there was any mail delivered in or out of the centre. Not only did this stop them contacting family, but it meant detainees also had no access to lawyers, no opportunity even to ring the ombudsman to lodge a complaint.

Mares spoke to the local priest, Father Jim Monaghan, who said, “It’s degrading, and if there was some family of mine locked up behind there, I’d be very angry, I reckon. I’d be militantly against it. As it is, even with these people who I don’t know from a bar of soap, it just looks wrong, it just looks how you would cage up stray animals.”

Mares writes, “Some lawyers who worked at Woomera are mystified as to why the process of refugee determination had been taking so long, particularly for clear-cut cases. There are claims of a deliberate go-slow; allegations that the long delays were meant to serve as an additional form of deterrence to future boat-arrivals.”

Unaccompanied minors

Jacque Everitt, a lawyer and refugee advocate, spoke to *Green Left Weekly* about her experiences.

Everitt explained that, last year, lawyers went to court to win the right to get access to Woomera detention centre. She went there in late November as part of a legal

Myth 4. We’re being swamped by hordes of boat people

Some 300,000 refugees arrived in Europe to seek asylum last year. In contrast, 4174 reached Australia by boat or plane. In 2000, Iran and Pakistan each hosted over a million Afghan refugees. The real burden of assisting refugees is borne in the main by the world’s poorest nations.

team. Her main motivation was to observe the situation of unaccompanied minors, some as young as eight. At the end of November there were 53 unaccompanied minors out of 582 children in detention; some 40 of those were in Woomera detention centre.

Addressing an international conference on the future of the refugee convention at the University of NSW, Everitt shared some of her stories.

“The children I have come to know in detention have stories to tell that I previously would never have believed could happen in Australia. These children have witnessed suicides, self-mutilation by detainees, the desperate depression and powerlessness of adults.

“The youngest unaccompanied minor in detention, as far as outsiders know, is an eight-year-old boy from Afghanistan.

“When I first heard of this boy, I heard that he was wandering about aimlessly at all hours of the night, dirty and uncared for in Woomera ... then I heard that he had bonded with a family and was placed, with that family, in the minister’s pilot scheme in Woomera township ... The family with whom he was living were granted their [temporary protection visas] and released. The little boy was not. Never mind, they found another family for him to live with. So now, he has lost his own family in [their] effort to keep him safe from the Taliban, then he bonds to another family and loses them to the outside world and he is now placed with a third family.”

Immigration minister Philip Ruddock is apparently very pleased with the outcome for this child. Everitt is not so positive: “What I have described is likely to have a detrimental effect on this boy’s future psychological, emotional and even physical development.”

“One of my favourite families is from Iraq”, Everitt continued. “The teenage children have not been to school since they have been in Australia. They left their home country six years ago seeking asylum from political persecution and have spent the last two years in detention. The 15-year-old is fascinated by Australian politics and discusses newspaper columnists and their political bias or fair-mindedness. He is a talented

Myth 5. They’re not real refugees anyway

97% of applicants from Iraq and 93% of applicants from Afghanistan seeking asylum without valid visas in Australia in 1999 were recognised as genuine refugees. Therefore, under Australian law they were found to be eligible to stay in Australia. Generally, 84% of all asylum seekers are found to be legitimate refugees and are able to stay in Australia

artist and has a wonderful sense of humour. His older brother has a sense of responsibility to his family rare in a 17-year-old. Yet their story is one of the worst of the child detention stories.

“They have been locked in solitary confinement cells. One of them has attempted suicide twice and been put in a psychiatric hospital, the other has sewn his lips together as his only form of protest against what he saw as unacceptable treatment of his family by authorities. The family’s refugee claims have been rejected, but because the family is Iraqi, they cannot be sent back as Australia has no diplomatic relations with Iraq. This means this family must remain indefinitely in detention, watching their friends released while their lives dwindle away by the day.”

‘Shames me’

“Unaccompanied minors and their sadness, confusion and feelings of powerlessness shames me more than any other aspect of Australia’s detention policy”, she concluded.

South Australian lawyer Julie Redman, speaking at a December “Politics in the Pub” forum in Adelaide, shared the personal impact of her first visit to Woomera detention centre.

“As I approached the centre I couldn’t help but feel sick at the stark contrast between the pleasant township of Woomera and the stark treeless compound of the detention centre. Millions of dollars have been spent at Woomera to make this one of the most high security prisons that I have ever seen. Double steel fences surround the compound with two layers of razor wire glistening in the sun. Outside the perimeter is a bright blue water canon ready for action, with another inside.

“Children wandered aimlessly behind the huge compound fences with not one

Myth 6. They must be ‘cashed up’ to pay people smugglers

It is alleged that people who have the resources to pay people smugglers could not possibly be genuine refugees. The UNHCR disputes claims about “cashed up” refugees saying that payments made to people smugglers in fact range from \$A4000-\$A5000. In reality, many families and communities pool their resources in an attempt to send their relatives to safety. People smuggling is a crime that the international community needs to combat. However, this does not negate the legitimacy of asylum seekers’ claims, nor their need to seek refuge. The international community, in eradicating people smuggling, is also required to address the growing numbers of asylum seekers throughout the world. As a Western nation, Australia has a role to play.

ball or play thing evident. I saw no children laughing or playing freely ... The contrast between the way we now provide for animals in our own zoo in Adelaide is far superior to the facilities provided to these families. There is not a blade of grass in sight, the children wander slowly through the dust. The only time that whole day I saw children smiling was when they came with their mothers to see us and had a degree of freedom without the ever-watchful eye of the ACM guards.

“The sleeping quarters are neatly placed, transportable buildings all cream, the same colour as the dirt the children play in. The 37 unaccompanied children live in three of these buildings, each cabin with 15 beds.

“The only detainees who were allowed to see us were those who requested legal advice. I was able to see four unaccompanied minors, aged 10 and 11. What struck me most was how flat, lacking in life and depressed they obviously were.

“One 11-year-old Afghan boy told me he was an orphan and had travelled from Afghanistan via Indonesia. His extended family had raised the money to send him to a safe place. He felt safe in the detention centre, it was so much better than the way he had observed at home. He did not know what was to become of him. He believed he’s been in the detention centre for six months. He could not tell me who the migration agent was that was assisting the processing of his application for refugee status. He told me he spent most of his day sleeping.”

While the government has remained immovable, uncaring, lawyers, caseworkers, concerned citizens and most importantly the refugees themselves are raising their voices more and more loudly for the veil of secrecy over this country’s detention policy to be lifted — so that the Australian people can come to know just how brutal and inhumane it is. ■

Myth 7. If we let them in, they’ll take our benefits

A common misconception is that refugees arriving in Australia will “steal” the entitlements of Australians. The reality is that refugees, like migrants, create demand for goods and services, thus stimulating the economy and generating growth and employment. A recent UCLA study has shown that unauthorised immigration boosts the US economy by \$800 billion per year.

Temporary Protection Visas Punish Refugees

By Sarah Stephen & Daniel Moya

Bashir Shamkhi's wife and three children were on the boat intercepted by the HMAS *Adelaide* on October 7. He knows exactly the desperation and fear which led some to jump overboard when confronted by the warship and the prospect of never finding sanctuary.

Shamkhi, an Iraqi refugee, came to Australia two years ago, also by boat, to escape persecution by the regime of Saddam Hussein. He left his wife and children hiding without any documentation in a room in Jordan, hoping to bring them to Australia once he had reached here safely.

But despite the fact that the UN refugee convention states that signatories "shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened ... enter or are present in their territory without authorisation", Shamkhi has suffered punishment and discrimination because of the way he reached Australia.

He was found to be a refugee, but the Australian government has given him second-class status, granting him only a three-year Temporary Protection Visa (TPV).

Restrictions

Shamkhi's visa does not allow him to bring his family to Australia until he is granted permanent residence, which he has to wait three years to apply for. It also restricts him from travelling outside Australia except to return permanently to his country of origin, so he wasn't even able to visit his wife and children.

Desperate to bring his family here, he resorted to people smugglers. When asked why he had taken the risk, Shamkhi responded "What choice do I have?"

The three-year TPV was first introduced by the federal government in October 1999 in response to an increase in onshore refugee arrivals.

It was designed to act as a “deterrent”, yet two years later the evidence of numbers would indicate that any minimal deterrence effect has been far outweighed by “push factors” — the terror from which people are escaping and the risks they are prepared to take to find sanctuary.

September 2001 legislation

Since 2000, Australia’s annual refugee and humanitarian intake of 12,000 has included up to 4000 people who have been granted a second-class three- year TPV, while the remaining 8000 taken in through offshore resettlement have continued to receive permanent protection visas.

Legislation passed in September 2001 has taken this hierarchy of rights a step further. The Australian territories of Ashmore Reef, Christmas and Cartier Islands and the Cocos Islands now no longer constitute part of Australia’s “ migration zone”.

Anyone now arriving on these excised territories — if they’re found to be refugees, and the Australian government decides to take them in — will receive ongoing rolling temporary visas. They will never be eligible for a permanent protection visa.

Myth 8. There is no alternative to mandatory detention

Asylum seekers claims need to be assessed for legitimacy. Australia is the only Western country that mandatorily detains asylum seekers whilst their claims are being heard. Asylum seekers are not criminals and detention should be minimal. At a cost of \$104 a day per head the policy of detention is very expensive. Community based alternatives to mandatory detention can be found internationally and within the current Australian parole system.

A select Committee of the NSW Parliament has costed alternatives to incarceration including home detention and transitional housing. The average cost of community based programs are (per person, per day): Parole: \$5.39. Probation: \$3.94. Home Detention: \$58.83. These options are clearly more economically efficient, and much more humane.

Sweden receives similar numbers of asylum seekers as Australia, despite having less than half the population. Detention is only used to establish a persons identity and to conduct criminal screening. Most detainees are released within a very short time, particularly if they have relatives or friends living in Sweden. Of the 17,000 asylum seekers currently in Sweden 10,000 reside outside the detention centres. Children are only detained for the minimum possible time (a maximum of 6 days).

This new category of “successive TPV” refugees will never be allowed to normalise their status in Australia. They will never have access to permanent residence, and with it, equal rights. And they will never be able to have their families join them.

Refugees fleeing Afghanistan and Iraq, who commonly arrive in Australia after having travelled through a range of countries, usually Pakistan, Malaysia and Indonesia, now referred to as “second movers”, also face new obstacles.

They will also only be entitled to successive three-year TPVs, unless the immigration minister decides to use his “non-compellable right” to allow an application for a permanent protection visa. These TPVs will only be granted if all attempts to resettle a refugee in a country other than Australia have been exhausted.

Interviewed on the October 2 ABC Radio National law report, immigration minister Philip Ruddock told interviewer Damien Carrick that the intention of the legislation was precisely to create a category of second-class citizens.

There are now over 5000 TPV refugees in Australia, a number which is steadily rising. Their lives here are unremittingly harsh.

Refugees with permanent visas are eligible for a range of entitlements: access to full employment assistance, free English language tuition, the right to apply to sponsor family members, the full range of social security benefits, Medicare, settlement services such as accommodation, assistance with bond payment, access to Migrant Resource Centres, the right to work, and the right to return to the country if they travel.

But those on TPVs are given much more limited access to entitlements. They are

Myth 9. Australia is second only to Canada in the number of refugees it takes

This is incorrect. This claim is based on the fact that Australia is one of only eight countries whose immigration program actually specifies an annual quota of refugees and at 12,000 Australia’s quota is the second highest on a per capita basis. However, as UNHCR reports indicate, many more than eight countries take refugees and asylum seekers — but unlike Australia they do not set a fixed number. These are the facts:

- 71 countries accept refugees and asylum seekers in some form or other.
- Of the 71 Australia is ranked 32nd.
- On a per capita basis Australia is ranked 38th, slightly behind Kazakhstan, Guinea, Djibouti and Syria.
- Of the 29 developed countries that accept refugees and asylum seekers Australia is ranked 14th. Per capita, the US takes twice as many refugees as Australia.

not eligible for employment assistance or free English language tuition. They are not eligible for family reunion or the right to return to Australia if they leave the country.

About all they have is the right to work and have access to Medicare. As far as the government is concerned, they are on their own.

The February 12 *Age* reported that “TPV refugees deposited in Melbourne from immigration centres as far away as Western Australia’s Curtin detention centre are reportedly given nothing but an envelope containing Centrelink, Medicare and bank forms and a tourist map of the city. Often they have to stay in backpacker accommodation or rooming houses and face eviction when they cannot pay the bills.”

Liz Curran, executive officer for the Catholic Commission for Justice, Development and Peace, told the *Age*, “You have to remember that [people on] TPVs have no clothes, no tables, no chairs, no saucepans, that they often have serious health issues, and they’ve proven that they’ve come here because of fear of persecution and then been placed in detention centres, they have very high needs.”

Government savings

Figures released earlier this year by the Victorian community services minister, Christine Campbell, show that the federal government has saved about \$5 million in Victoria alone through its policy of denying basic services. As a result, church and community groups have been inundated with requests for help, which has forced them to divert funds from other programs.

The federal government has also encouraged states and territories to not assist TPV entrants.

A number of state governments have decided to flout this directive. Queensland, for example, gives TPV holders the same level of assistance as permanent protection visa holders.

The Queensland government has also commissioned a report, released in March, which details the psychological impact on TPV holders of the treatment they receive here.

The report found “The conditions of the TPV ... the prohibition of family reunion and the denial of travel permission have compounded existing torture and trauma symptoms”.

“To now not know where their families are or whether they are alive or not has resulted in feelings of deep guilt”, the report states. “The prohibition of family reunion under the TPV is a source of immense anxiety.”

Portraying “TPV entrants as queue jumpers, illegal immigrants, economic burdens on taxpayers and immoral people ... has also resulted in employers’ reluctance to

employ TPV entrants as well as verbal persecution of service providers and TPV entrants”.

“After showing prospective employers their visa some TPV entrants have been told that they do not have the right to work. Recently increased penalties for the employment of people holding temporary visa categories such as tourist visas has led to the mistaken belief that TPV entrants do not have the right to work.”

The report includes the words of one refugee interviewed: “[We are] all living in limbo, [we] can’t plan for a long time because our situation [is] not certain. We feel that after three years [we] may be removed. [It is therefore] impossible to plan for a long time.”

One man likened it to being in jail, “It is like a prison for us here: we are a little bit safe but still we are not free”.

The Queensland government report can be accessed via its web site, www.premiers.qld.gov.au/maq. ■

Myth 10. The people in the boats are terrorists

This is incorrect. Just 11 of more than 13,000 people who sought asylum in Australia last year were rejected on “character grounds”. Only one was regarded as a security risk because of suspected terrorist links. He had come by air, not by boat.

Government intelligence briefings concerning the threat of terrorist attacks have not mentioned asylum seekers. There remains no evidence that any asylum seekers currently arriving by boat have any connection to terrorism. Those who perpetrated the September 11 attacks did not arrive in the United States as Asylum Seekers. They flew first class using valid papers.

The people in the boats are *fleeing from* the terrorism of the Taliban regime in Afghanistan and Saddam Hussein’s Iraq. Linking the atrocities in the United States with the boat people is akin to blaming the Jews for fleeing Hitler. People fleeing oppression have a right to claim asylum and have those claims assessed.

Mandatory Detention — A Policy Based on Lies

By Sarah Stephen

In order to defend the mandatory detention of asylum seekers, both Labor and Coalition governments have had to convince the Australian people that it is both necessary and justifiable to treat those who arrive in Australia without authorisation differently from the vast number of other people who enter the country each year.

The only way they have been able to turn public opinion against the relatively small number of asylum seekers who have risked the dangerous journey to Australia by boat has been to use lies — that thousands more are behind them just waiting to jump on boats, that they bring diseases that no-one else has, that they are rich, that they are less desperate and deserving than those they leave behind in refugee camps.

Then there are lies about the detention system — that everyone gets a fair hearing, that all genuine refugees are accepted, that everyone has the right to a lawyer, that no-one is sent back to torture or death in their home countries. There are lies about the availability of doctors and treatment for sick detainees, and lies about facilities and schooling for detained children.

The lie about asylum seekers throwing children overboard is a minor deception compared with some of the blatant misinformation the government and its supporters peddle every day. The significance of this incident is that the government has been exposed in its campaign of deception.

Australia's mandatory detention policy was set in legislation by the federal Labor government in 1992, and came into force in September 1994. It was introduced when the "wave" of people arriving by boat, mainly Cambodians and Chinese, was less than 500 a year. Chinese boat arrivals peaked at just over 1000 in 1994.

To justify mandatory detention, the government claimed that without it Australia

would face a “flood” of unauthorised asylum seekers.

WA Labor Senator Jim McKiernan claimed in 1992 that if “the refugee assessment procedure was changed, Australia would be inundated, and boats filled with people, who can afford the fare and the bribes that go with it, will land on our shores by the score”.

In 1995, he reportedly warned that if one particular piece of migration legislation were not passed, “Turning boats around at sea may be the only way to stop the floodgates opening and to protect Australia in the long term.”

‘The flood’

Past government ministers, both Labor and Coalition, have been very passionate and articulate in evoking fears of “the flood”.

Australia does face a flood, but it’s not a flood of asylum seekers coming on boats. It’s people coming in by plane, not in their thousands but in their millions! Just under five million tourists came to Australia in 2001. There is never any concern about this flood, even though the numbers involved are equivalent to a quarter of Australia’s population.

Many tourists stay after their visas have expired, sometimes for years, but there

Myth 11. Refugees should stay in the first country they come to and ‘join the queue’

Australia has not taken a single refugee from the UNHCR in Jakarta — from the so-called “queue” — for more than three years. This is despite the rhetoric from Australian politicians for asylum seekers to be processed in Indonesia. It should also be noted that UNHCR centre in Indonesia was set up by Australia with Indonesian support. Refugees cannot stay in Indonesia because Indonesia is not a signatory to the Refugee Convention.

There is no requirement in international law for refugees to seek asylum in the first country they come to. Some developed countries have made this an additional requirement in order to avoid processing claims, leaving the large numbers of asylum seekers in camps in Third World countries. International law requires that asylum seekers should not be penalised according to the way in which they enter a country. Australia’s current policy does not accord with this requirement.

Some people have given up on the “queue” and resorted to coming by boat. Twenty-four of those who recently died when their ship sank off the coast of Indonesia had already been granted refugee status by the UNHCR in Jakarta. Many more had relations in Australia who had been provided with asylum but were not allowed access to their wives and children. Simply, the “queue” does not work.

isn't a systematic campaign to track down and detain English backpackers and Canadian journalists who fall in love with Australia. We're more likely to sympathise with them, to think: "We don't blame them for staying — it's such a great place to live". That's because we've been conditioned to identify with people from white, English-speaking backgrounds as being "just like us".

In 1998 the Australian National Audit Office estimated that "boat people" represented less than 0.01% of all arrivals in Australia. Despite the increase in asylum seekers arriving by boat since the late 1990s, as a proportion of all arrivals, asylum seekers still only account for 0.08%.

Gerry Hand, immigration minister in the Keating Labor government, said in 1992 that it was necessary to detain asylum seekers who arrived in Australia illegally in order to "send a message" internationally. "The government is determined that a clear signal be sent that migration to Australia may not be achieved by simply arriving in this country and expecting to be allowed into the community."

However, with some fluctuation, the number of asylum seekers arriving on Australia's shores has risen every year since mandatory detention was introduced. This alone should be enough to prove that mandatory detention is no deterrent.

In 2000-01, the number of people arriving by boat was 4141, nearly 20 times the 1989 level, with 79% coming from just two countries — 2270 from Afghanistan and 1009 from Iraq.

Australian policy has a minimal effect on people's decisions to flee terror and seek

Myth 12. Getting tough on refugees does not affect Australia's international reputation

The Australian Government's stance on boat people has attracted widespread international condemnation. The President of Pakistan recently claimed that he should not be forced to open the border to Afghanistan to allow in refugees because Pakistan already had 2.5 million refugees whilst Australia was turning away a few hundred.

The Howard Government's policy represents a change in the Liberal party's position. In 1985 current Minister, Phillip Ruddock criticised the then Labor Government for reducing its intake of refugees from Vietnam. In 1998 the Government rejected Pauline Hanson's call for temporary visas to be given to all refugees. However, the Government later introduced a similar proposal for those arriving without valid papers. Ms Hanson also called for the use of the navy to repel boats coming to Australia in February this year, six months before the *Tampa* incident.

refuge. The desperation of those coming to Australia is such that the government would have to match the repression of the regimes asylum seekers are fleeing in order to “deter” them.

More than 2000 Vietnamese asylum seekers arrived on Australia’s shores in 56 boats from April 1975 to August 1981. The Coalition government of the time had few concerns about their “bona fides”. They were fleeing a regime that Australia had fought against. They were held in “loose detention” in an open part of Westbridge (now Villawood) Migrant Centre in Sydney, together with migrants who had been granted visas under the humanitarian and refugee programs, and processed for permanent residence almost immediately.

As the numbers of Vietnamese asylum seekers risking the journey to Australia started to rise, resettlement countries took larger numbers from refugee camps in Malaysia, Hong Kong and Thailand. This gave refugees confidence that they would soon be resettled without turning to their own resources. Eventually boats stopped arriving.

‘Queue jumpers’

Government ministers claim that asylum seekers arriving by boat are “queue jumpers”. But in Iraq and Afghanistan there are no queues for people to jump. Australia has no diplomatic representation in these countries. There is therefore no standard refugee process where people wait in line to have their applications considered. Few countries between the Middle East and Australia are signatories to the 1951 refugee convention, and as such asylum seekers are forced to continue to travel to another country to find

Myth 13. Australia is a ‘soft touch’

Compared to other nations, Australia takes a hard-line approach to asylum seekers. All people are mandatorily detained. If successful they can only receive a three-year temporary visa and cannot apply to have their families join them. The current policy has not stopped people coming. Asylum seekers come to Australia because they fear persecution. The numbers reflect the severity of the situation they are fleeing, not the policies of the countries they are fleeing to.

The Minister for Immigration recently commented that the drowning deaths of over 350 people trying to get to Australia would not deter others. If such events do not deter people, the costly use of the Australian navy will not deter them either. The number of asylum seekers coming to Australia has increased since the *Tampa*. The current policy has been extremely costly. So far it is estimated it has cost this year’s budget over \$140 million in extra funding, bringing the total to \$500 million.

protection.

Australia has not taken a single refugee from the United Nations Higher Commissioner for Refugees (UNHCR) in Jakarta — from the so-called “queue” — for more than three years. Refugees have no rights or protection and cannot stay in Indonesia because Indonesia is not a signatory to the refugee convention.

There is no requirement in international law for refugees to seek asylum in the first country they arrive in. Some developed countries have made this an additional requirement in order to avoid processing claims, leaving the most asylum seekers in camps in Third World countries.

Some people have given up on the “queue” and resorted to coming by boat. Twenty-four of those who recently died when their boat sank off the coast of Indonesia had already been granted refugee status by the UNHCR in Jakarta. Australia has taken only two of those granted refugee status. Many more had relatives in Australia who had been provided with asylum but who are not allowed to bring their wives and children.

In theory, mandatory detention applies to visa over-stayers as well as unauthorised arrivals. However, visa over-stayers who apply for refugee or other visas are given “lawful” status through the granting of bridging visas. They are not held in detention while their claims are assessed. The rationale for the different treatment of over-stayers is that they have been through identity and health and character checks. Why, then, detain unauthorised arrivals for the entire duration of the claims process? ■

Myth 14. It is easier to get refugee status in Australia than overseas.

According to the UNHCR, the total acceptance rate for all asylum seekers in Australia is equivalent to other western countries.

The government has claimed that Australia cannot afford to allow asylum seekers to land in Australia because our court system enables asylum seekers to appeal within our court system and thereby gain easier access to refugee status. In contrast, they claim that only 10-15% of Iraqi asylum seekers are granted refugee status by the UNHCR in the Middle East, and similar results are found in Indonesia. UNHCR figures do not support this. They have approved over 77% of Iraqi asylum seekers processed in Indonesia. This does not include those who gain access through the UNHCR's appeal system.

Raids on ‘Illegal’ Workers a Denial of Rights

By Sarah Stephen

While hunting for the 46 escapees from Villawood detention centre, immigration officials raided a factory in a western suburb of Sydney, arresting 21 immigrants they claim were working illegally. The group was taken to Villawood on July 29 where they are awaiting the “finalisation” of their cases.

Another 12 people were picked up in the same week in Canberra. The group, five men and seven women from Vietnam, Thailand, China, the Philippines and Malaysia, were alleged to have breached their visa conditions by working.

Immigration department raids on June 20 resulted in 27 people from Thailand and Laos being placed in detention centres in South Australia. Twenty-four had overstayed the duration of their visas and three had breached visa conditions.

While its policy of detaining asylum seekers who arrive without valid visas has attracted the most attention and public anger, the federal government is also pursuing a vindictive and discriminatory campaign against those who may have arrived legally but are still denied the right to work.

Denied rights

Shaik Anisur Rahman, a Sydney Bangladeshi community leader, knows some of those picked up in the raid in western Sydney. He told *Green Left Weekly* that many of them can't be deported because they have valid applications for refugee status being assessed.

“They are denied the right to work, and on top of that have to pay for every day they stay in detention. It used to be \$139 a day. The immigration department will release them on the condition they pay a bond of, say, \$25,000. This bond is withheld if any of the conditions of the bridging visa are broken, such as doing paid work. This

is a lot of money, and it is only people who have strong and supportive communities who are able to pay the money.”

While most “illegal” workers are simply those who have overstayed their visas, commonly tourists from Western countries, large numbers are asylum seekers forced to break the conditions of their bridging visas in order to survive.

Many asylum seekers don’t have work rights because on July 1, 1997, the government introduced a new condition whereby an asylum seeker only has the right to work and access Medicare if they apply for a protection visa within 45 days of arriving. If they apply after 45 days, they have no right to work and no right to Medicare.

Rahman described a family he knew who did not have access to Medicare. When one of their children got sick and had to spend time in hospital, it cost them \$1000 a night.

“In addition”, Rahman explained, “if you appeal your case directly to the minister or take part in a class action, your bridging visa with work rights is cancelled and replaced with one that has no work rights. The visa also has printed on it ‘not valid for travel’, so you can’t leave the country either.”

Rahman estimated that most “illegal” workers he knew were paid \$4-5 per hour, cash in hand. Some of the people taken to Villawood in recent weeks had been working as chefs, factory hands, attendants at petrol stations and as taxi drivers, he said.

“I know over 100 people with good skills, chefs and mechanics, people with Australian-recognised trade certificates, but they don’t have work rights and can’t work”, he said. “At the same time, the Australian government is bringing in more migrants with skills. Yet we already have people with skills in Australia who can’t work.”

Myth 15. People who destroy their identification can’t be genuine

Most refugees are not able to travel through conventional channels because they cannot obtain a passport from the government that is persecuting them, or they are fleeing from.

Identification documents enable not only Australian immigration officials to determine identity but also representatives of the regime people are fleeing. This places relatives within countries like Afghanistan and Iraq at risk. Moreover, people fleeing from political persecution are at greater risk within their own country if they can be identified when they are on the move.

'Reduce oxygen'

Just as he has ignored calls to end the suffering of asylum seekers held in detention, immigration minister Philip Ruddock has also ignored the plight of many of those working "illegally".

During June and July, Ruddock's department mailed a million letters to households and a more comprehensive kit to 30,000 businesses asking for help to find "illegal" workers — and telling employers how to spot them.

The leaflet explains that a recent review of "illegal" workers in Australia recommended using stronger penalties against those who employ them.

"At present", it explains, "it is an offence under the Crimes Act punishable with a fine of up to \$10,000 to employ someone you know is an illegal worker".

"The government is proposing legislation to introduce further legal sanctions for employing illegal workers".

This campaign "will reduce the oxygen for those who've overstayed their visas", Ruddock told the *Sydney Morning Herald*.

But government figures show how contrived the minister's vendetta is. The total number of people overstaying their visas in Australia last financial year was 58,748; it is estimated that half of these people are working, a whopping 0.006% of Australia's 8.9 million-strong work-force.

The United States, in comparison, has an estimated 5.5 million "illegal" immigrants (0.039% of the total population). In per capita terms, Australia in 1998-99 had an estimated "illegal" population of 2819 for every million people, compared with the USA's 20,328 per million people.

Of the 53,000 overstayers in Australia in the 98-99 financial year, 25% had overstayed less than 12 months, 25% had overstayed for more than nine years, and the remaining 50% had overstayed between one and nine years.

Myth 16. Asylum seekers are 'ungrateful' and behave badly

There has been a series of allegations in the media since the *Tampa* incident concerning the "behaviour" of asylum seekers. These claims have been continuously proven false. One newspaper reported that the violent activity of asylum seekers on board the *Manoora* led to a child having their arm broken. Defence Minister Peter Reith denied such reports. The government has alleged that prior to being picked up by *HMAS Adelaide* refugees threw their children overboard. The Australian Navy's video of the incident shows that these allegations cannot be substantiated.

Between July 2000 and April 2001, almost 13,000 people “illegally” in Australia were located, either working in breach of visa conditions or overstaying the duration of their visa. In the 1999-2000 financial year the figure was 14,551.

Many overstayers simply wish to extend their stay, and they report themselves to immigration and leave of their own accord. Others have been working undetected for some time.

Exploited

“Illegal” workers are employed in a few key industries. Of those “illegal” workers identified by the immigration department in 1998-99, 17% were working in restaurants, 16% worked as prostitutes, 16% worked in factories, the clothing and meat industries, 12% were working in hotels or accommodation, and 11% in farming and the rural industry.

Because they have no legal status, much of the work in these sectors has very poor and highly exploitative rates of pay and conditions. Employers are able to get away with appalling wages because “illegal” workers have no bargaining power whatsoever. Even many unions do not “dob in” “illegal” workers rather than organise them and defend their rights.

Employers do well out of “illegal” workers. Government data confirms this, indicating that employers rarely “dob in” “illegal” workers. In the 1998-99 financial year, only 12 out of nearly 7000 reportings came from employers. It is usually workmates or neighbours who turn in people working “illegally”. Others are located through data matching between immigration, taxation and social security.

Myth 17. Detention centres are better than the countries they have left behind

The German government recently condemned detention centres, comparing them to concentration camps. Many asylum seekers have been the victims of persecution in the countries they have fled. For many, Australian detention centres continue their persecution by removing many basic human rights and freedoms including access to families, and to the media. Adequate support services for the most basic of needs are limited. Constant surveillance, musters and other intrusive practices characterise people’s daily lives. According to the Head of Psychiatry at Westmead Children’s Hospital, a young child confined within a detention centre was recently diagnosed with an extreme form of depression, directly attributable to his confinement. This was not a one-off case. Many cases of severe depression have been reported.

However, not everyone who is caught without a valid visa is thrown into detention. Detention centre populations certainly don't reflect the fact that the largest number of visa overstayers are from Britain and the United States.

The government chooses to draw attention to rates of overstaying rather than absolute numbers. For example, in its report "Protecting the border: immigration compliance", it lists the estimated number of people unlawfully in Australia as at June 30, 1999. An estimate for Britain was 5759 overstayers out of a total 2.5 million temporary entrants. An estimate for Iraq was 177 overstayers out of a total 2750 temporary entrants. Britain has 32 times as many overstayers, yet it is Iraq which is identified as more of a problem because its overstayer rate is higher.

Discrimination

Two recent examples underline how government assumptions discriminate against people from the Third World.

Two cousins from Moldova who came to Australia for a brief holiday in October 2000 were taken to Villawood detention centre on the suspicion that their reasons for being in Australia were not credible.

In an attempt to avoid being deported and to clear their names, the cousins prolonged their stay in Villawood until July while they pursued their case through the courts. They eventually lost the fight and were deported on July 11.

In another case, a Colombian man currently held at Villawood detention centre arrived in Australia eight months ago on a tourist visa to visit a friend. He was taken straight to Villawood after arousing the suspicions of immigration officials at the airport, presumably because he was from a "high-risk" country. ■

Myth 18. Sending boat people to other countries solves Australia's asylum seeker problem

Australia pays for the processing of asylum seekers who are intercepted by the navy and then transported to other countries. Total bill for this policy is now \$500 million, and rising. In contrast, Iran receives \$60 million to process over two million refugees.

Countries in the Pacific will not continue to accept asylum seekers coming to Australia. In the past Indonesia has accepted people for processing. However many nations, including Australia have refused to accept those who successfully receive refugee status. This has left the vast majority of asylum seekers in Indonesia indefinitely. Many in the Pacific fear the same will happen to them.

Asylum Seeker: ‘Our Conscience Dictates That We Must Protest’

By Qamar Naseeb Khan

PERTH AIRPORT DETENTION CENTRE — I was born in Kashmir, which has been disputed territory between India and Pakistan for 54 years. Since 1989, 70,000 people have been killed, 12,000 women have been raped and 200,000 are held illegally in the Indian-controlled part of Kashmir by Indian authorities.

My father owned a printing press which was sometimes used to publish political material by one of the groups campaigning for independence from India. He was tortured and killed by Indian security forces in 1994. They claimed he had weapons hidden in his press. I went with my mother to see my father’s body, which was very distressing as the torture he’d been subjected to was clearly visible. My mother collapsed in a coma and died three months later.

I was very depressed, but returned to my studies with the help of an uncle. My uncle later turned on me because of my father’s association with the independence movement. I then went to stay with my best friend, and started to get more involved in the independence movement. We participated in protests.

In March 1996, our house was raided by Indian security forces and we were taken away for questioning and tortured. After 10 days, we were moved to a central prison but were able to escape on the way. We believed we were likely to be executed. We hid in Kashmir for nine months, then went to Punjab in Pakistan. The security forces were still looking for us.

We arranged false travel documents, flew to Thailand and then to Singapore. I travelled to Papua New Guinea, where I planned to seek asylum. Unfortunately, PNG

immigration laws have no provision for asylum seekers. I received help from PNG church groups and non-government organisations and stayed there for more than a year, although I regularly informed the immigration department of my whereabouts.

Surviving in PNG was extremely difficult. Being illegal, hardship was an everyday situation. Without proper documents, I couldn't seek employment. I regularly went without food every week. Relying on other people to support me was very depressing. The PNG government left me with no alternative but to seek asylum in another country.

Australia

A friend informed me that a boat was leaving for Australia. It was a terrifying journey as I had never learned to swim and several times we were caught in storms. We arrived in Queensland on September 9, 1998. We gave ourselves up to the authorities and applied for protection visas. I spent a year at Port Hedland detention centre.

After my initial application for refugee status was rejected, I appealed to the Refugee Review Tribunal. This appeal was rejected on January 11, 1999. I have since appealed to the immigration minister, Philip Ruddock, who has rejected my application. After my second appeal was rejected, I escaped over the fence of the Port Hedland detention centre. I was caught and sent to Roebourne prison, then Geraldton and finally to Casuarina prison in Perth. I have been at the Perth Airport detention centre since then.

I have received letters from the immigration department (DIMA) advising me that I don't have any problems in India and can go back. They want me to make a statement to this effect and sign it, but that would be suicidal for me. I am between life and death, after having spent years in detention waiting for my uncertain future.

I think the immigration department deliberately keep us refugees in a condition of physical and psychological hardship for so long, to deter others. My psychologist has stated that, "Mr Khan suffers Post Traumatic Stress Disorder (PTSD) and his mental condition is aggravated by the length of time he has been in detention and the restrictions imposed upon him in that environment."

They are keeping me alive but have taken away my youth, my freedom, my self esteem and my dignity. If I am deported to India I am positive that I will be arrested and detained for questioning as to how I left India illegally. I have very strong Kashmiri physical traits and it is well known from the information provided by Amnesty International and the US State Department that Indian security officials use torture and violence in questioning detainees. I feel my life is at risk.

Conditions

At Perth Airport detention centre, people sleep 10 to a room, with no windows for fresh air. Most people have trouble sleeping because of snoring, teeth grinding and horrible nightmares. There is no privacy. Even criminals have their own cell in prison. The detention centre is secured with walls and electrified fencing. We are surrounded by surveillance cameras.

The conditions in detention amount to mental torture and are an insult to human dignity. The days seem endless. We are desperate and frustrated. There is an inability to concentrate which makes reading, writing and conversation difficult.

Many detainees take sleeping pills and anti-depressants. I have seen a few detainees become psychiatric patients. Self-harm and suicide attempts are common. We feel like we are in a grave with four walls.

Many of us suffer PTSD, and our mental conditions are aggravated by the length of time we have been in detention and the restrictions imposed on us. There is no systematic assessment by trained psychiatrists and as a result many detainees have embarked on protest hunger strikes, break-outs and suicide attempts.

We have one Albanian man here whose wife is in Graylands psychiatric hospital and their children have been removed from them.

Perth Airport has a TV, radio and a copy of the daily newspaper. Woomera only has one newspaper for 1000 detainees, with pages missing where the immigration news has been snipped. There is one TV for the whole centre, but watching the news is prohibited. Groups of detainees are rotated by force to watch one movie once a week. Curtin detention has no TV.

Whenever there is a protest, DIMA and Australasian Correctional Management (ACM) collude to cut all avenues of communication. The TV is cut off if there is a protest at another detention centre. Incoming and outgoing calls are blocked so that the media and human rights organisations have to rely on the official version of events.

Behaviour of guards

Guards make derogatory remarks to detainees. I also have heard racist remarks. Several guards' behaviour have distressed and exasperated detainees. Most treat us like animals and they enforce every regulation with threats and intimidation. After an argument with a detainee, an ACM guard searched the detainees belongings and confiscated everything, including shampoo. The detention environment and guards' behaviour create the circumstances in which detainees lose their temper.

They were clearly attempting to humiliate us and crush our spirit. Most detainees

are scared to make complaints because they think it will affect their cases.

We have a detainee from Iran here who was transferred from Woomera detention centre. While he was in Woomera, he was beaten with batons in the back of the head by ACM guards. As a result, he suffers partial blindness in one eye and it has affected his nervous system due to the head injuries he sustained.

We have to "muster" twice a day. Every detainee has to go to the exercise yard, whether they are sick or old. This is a form of torture, showing us who is in command and reminding us that we are prisoners. In other detention centres there is a head count. In this centre, where there are only 28 people, they do the muster unnecessarily.

A few detainees have been wearing one set of clothes for more than a year because ACM provides only emergency clothing if you have nothing to wear. Several detainees have sore or injured feet, yet they have no shoes, and are not provided with any.

A plea to Australian people

The harsh policy of mandatory detention is being brutally administered. Our conscience dictates that we must protest against it, that we must oppose it and we must attempt to alter it!

The detention centres demonise refugees and fuel racism. Nobody should be placed in detention for a long time without having committed any crime. We are human beings. We are branded as "boat people", "queue jumpers" and "illegal migrants" so we feel ashamed. But the truth is that we have had to do this to save our lives.

If the Australian government was persecuting its people on the basis of their race, religion, nationality, membership of a particular social group or for having a particular political opinion, would it let those people leave legally? Please ask yourself. ■

Call for a Royal Commission into the Treatment of Asylum Seekers

In the past few months, the Australian government's treatment of asylum seekers has caused outrage among many in the Australian and international communities.

No other government has gone to such great lengths to close its borders to people fleeing repression and terror. No other government has turned away leaking boats full of asylum seekers and refused to take responsibility for the consequences. No other government has so openly violated its international human rights obligations.

Just days before the November 10 federal election, the Australian navy revealed that it had not told the government that asylum seekers were throwing their children into the ocean. Did the government lie about this incident to fuel its campaign to demonise asylum seekers? If this was a politically motivated lie, what else has been fabricated or covered up?

Nothing less than a royal commission would have the power and authority to thoroughly investigate the Howard government's policies and actions toward asylum seekers, and the extent to which they violate international law and human rights.

We, the undersigned, call for the establishment of a royal commission to:

Investigate the policy, enacted since the *Tampa* crisis, of intercepting asylum seekers coming to Australia by boat

Investigate the policy of mandatory, non-reviewable detention

Investigate the pressuring of Pacific Island nations to take asylum seekers seeking to come to Australia and the export of Australia's detention policy to Pacific Island nations through funding detention facilities.

Investigate the legality of the new laws enacted in September, in particular:

- Excision of parts of Australian territory from the Migration Act;
- The permanent ban on family reunion for asylum seekers deemed to have

arrived “illegally”;

- The effective removal of the right to judicial review;
- The government-legislated right to discriminate against refugees without documentation and those who have spent more than seven days in a third country on their way to Australia.

Investigate the process of refugee application and appeal, including the obligation to inform people of their rights and explain the processes so they can exercise those rights and the need for access to legal representation

Investigate the denial of family reunion rights to temporary protection visa holders, a restriction in place since 1999

Investigate whether temporary protection visas and the system of mandatory detention violate the refugee convention, which forbids discrimination or punishment based on the method of arrival in Australia

Investigate the denial of work rights, Medicare, English classes and welfare access to those who apply for refugee status more than 45 days after arriving in Australia.

Endorsed by:

John Pilger: journalist, writer and film-maker; **Humphrey McQueen:** author and historian; **Dr Sue Wareham:** president, Medical Association for the Prevention of War; **Wendy Bacon:** journalist and associate professor at Australian Centre for Independent Journalism, UTS; **Phillip Adams:** columnist, ABC radio broadcaster; **Anne Coombs:** Rural Australians for Refugees; **Dr Graham Thom:** Amnesty International’s refugee campaign coordinator; **Professor Margaret Reynolds:** president, United Nations Association of Australia (UNAA), former Labor Senator; **Salvatore Scevola:** former chair, Ethnic Communities Council; **Rod Quantock:** comedian; **Rosemary Miller:** acting national director, Social Responsibility and Justice, Uniting Church; **Max Lane:** chair, Action in Solidarity with Asia and the Pacific; **Thang Ngo:** Unity Party spokesperson, Fairfield councillor; **Father Nguyen Van Cao:** director, Jesuit Refugee Service; **Dick Nichols:** national co-convenor, Socialist Alliance; **Community and Public Sector Union,** ACT branch; **Chris Chaplin:** spokesperson for immigration, The Greens (Vic); **Flora Fardell:** Women’s Legal Service, SA; **Sister Susan Connelly:** Mary McKillop Institute for East Timorese Studies, Sydney; **Beryl Mulder:** president, Multicultural Council, Northern Territory; **Jacqueline Everitt:** lawyer, Edmund Rice Centre, Sydney; **Gareth W R Smith, Maxine Caron:** Byron Friends of East Timor; **Michael Thomson:** assist. state secretary (gen staff), NTEU NSW; **Trish Corcoran:** Free the Refugees Campaign, Sydney; **Ian Rintoul:** Refugee Action Coalition, Sydney; **Keysar Trad:** vice president, Lebanese Muslims Association; **Rukshana Sarwar:**

Afghan Women's Network; **Dr Anthony Burke**: lecturer in international relations, Adelaide Uni; **Peter Wilkie**: Refugee Rights Action Network, Perth; **Sammy Ringer**: *Australian Bushfoods* magazine; **Jennifer Cramer**: project leader, Curtin Indigenous Research Centre, Centre for Aboriginal Studies, Curtin University, WA; **Women Against War and Racism**; Sydney International Women's Day collective; **Ross Lamb**: chaplain, Hamilton Secondary College, SA; **Dee Margetts, Robin Chapple, Giz Watson, Dr Christine Sharp**: Greens (WA) MLCs; **Shelley James**: Fremantle Refugee Support Project; **Dr Lynette J. Dumble**: personally and on behalf of the Global Sisterhood Network; **Sue Finucane**: co-manager North & West Neighbourhood Centre, Melbourne; **Heather Formiani**: convenor, Pax Christi Australia (NSW); **Jean Brick**: Buddhist Peace Fellowship, Sydney; **Barbara Rogalla**: former Woomera nurse, refugee rights activist; **Dr Bronwyn Winter**: assistant state secretary (academic) NTEU NSW, president, University of Sydney branch; **Ray Goodlass**: senior lecturer and course coordinator, acting and design, Charles Sturt University, Wagga Wagga; **Nicholas Poynder**: barrister, Sydney; **Alok** — *Here & Now* magazine, Byron Bay NSW; **Melba Marginson**: chair, Victorian Immigrant and Refugee Women's Coalition & member of the Victorian Multicultural Commission

[Organisations listed for identification purposes only] ■

John Pilger: Why I Support a Royal Commission

Speaking from London, John Pilger explained why he thought a campaign for a royal commission would be useful: “The challenge facing those in Australia who understand and act upon urgent issues, such as the treatment of asylum seekers, or the issue of racism in general, is to draw together a national focus or campaign that brings direct political pressure on the government.”

Pilger argued that even the Howard government is vulnerable to public opinion and pressure. “It is often forgotten, the impact of the rise in public opinion at the time of the events in East Timor, and around the French nuclear testing. There is a combustion in Australian politics when there are enough people who care about an issue taking action.”

“It would be a useful thing to have something which provides a focus similar to that of Ronald Wilson’s Human Rights Commission report [on the stolen generations], *Bringing Them Home* — useful in focusing attention on an issue.”

Pilger endorsed the idea of a series of ‘people’s inquiries’ to explore and uncover some of the lies and distortions perpetrated by the government, helping to build momentum for such a royal commission. “Bertrand Russell’s people’s inquiry, around the time of the Vietnam War, while it was ignored by the mainstream at the time, it informed a lot of people.”

Asking Pilger what his thoughts were on the government’s treatment of asylum seekers, he replied: “Looking at it from outside Australia, the treatment beggars belief. It’s bad enough in Britain. The same principle of oppression applies here, but there are degrees! Not only is it a disaster for asylum seekers, but combined with the treatment of Aboriginal people, Australian politicians have continued to destroy the country’s international reputation. The lead-up to the Olympics marked the pinnacle

of Australia becoming international flavour. That's all gone. In these days of international image, Australia has lost it."

"Before the '60s, Australia's name was mud in the United Nations. The decolonisation committee, for example, regarded Australia in the same vein as South Africa. It is not the same today, but it's getting there. Consider this: the 'heroic' SAS are now being sent to Afghanistan. Their last activity was boarding leaky boats full of asylum seekers, and before that they were training Indonesia's elite KOPASSUS troops."

Pilger explained that he has always felt a gap between Australian people "doing the right thing" in a way that doesn't challenge government policy and need to take direct political action that confronts the legitimacy of policies which lead to suffering. "Especially in relation to the Aboriginal struggle, I feel that white Australia cannot simply stage feel-good demonstrations, however admirable, like the bridge walk. They can't just plant a sea of hands all over the country, sign sorry books. It has to go further, and that's what is missing — taking direct political action and bringing real force to bear on Canberra."

Taking the example of the post-referendum bloodshed in East Timor, Pilger explained: "There was only action — finally — on [sending troops to] East Timor because there was mass direct action in Australia." ■

The Howard government's appalling treatment of asylum-seekers has shocked people around the world. Refugees desperate to escape oppression and misery in their homelands have been made the scapegoats for a racist campaign to boost the Coalition's stocks and enable it to retain power.

Worldwide, tens of millions of people are fleeing war, persecution, hunger and environmental disaster and yet Howard and Ruddock are going all out to stop even a handful of them ever finding sanctuary in the supposed 'Lucky Country'. This is why the government has imposed mandatory detention on asylum seekers and assiduously tries to create the impression that they are the source of all our problems.

This pamphlet provides activists and those concerned with securing human rights for refugees with basic facts and arguments on this burning issue.