



Refugee Action Collective — Victoria

• End Mandatory Detention • Close the Camps • Stop Deportation of Refugees •
• Abolish Temporary Protection Visas • Let the Boats Land • Fight Racist Scapegoating •

NEWSLETTER, September 2004



Justice For Refugees

Pre-election Rally

Friday, 8 days before Federal Election
5pm, State Library,
cnr Swanston and LaTrobe Streets

Upcoming Events

Tuesday 31st August

Public Forum: Remember the Tampa

Featuring Tony Kevin,
author of *A Certain Maritime
Incident: the sinking of the
SIEV-X*

7pm at Trades Hall Bar,
cnr Lygon and Victoria,
Carlton

For info, contact RAC on (03)
9659 3505

Friday

8 days before election

Rally: Justice For Refugees!

5pm at State Library,
cnr Swanston and LaTrobe,
city

For info, contact RAC on (03)
9659 3505

Sunday

6 days before election

Rally: End the lies, Troops out now!

2pm at State Library,
cnr Swanston and LaTrobe,
city

In this newsletter we remember the Tampa, whose Captain rescued 438 people from a sinking boat, and in doing so sparked a chain of events three years ago which would lead—via the ‘children overboard affair’—to a decisive election victory for John Howard. Given the political mileage he obtained from promising never to allow the Tampa asylum seekers to set foot on Australian soil, it is striking that in the lead up to the next federal election Howard is doing everything he can to defuse the refugee issue. And he may well be successful, given the Labor party also has an interest in keeping the plight of refugees generally, and the people in Australia’s detention centres, out of the public eye.

There is a terrible risk, though, in allowing this to occur. The government’s manipulation of this issue (whether by inflaming public fear or attempting to soothe the public conscience) is insidious, and infects our entire political culture. Lies, double-speak, and secrecy become simply routine. Meanwhile, we are encouraged to believe that our interests lie in building a fortress state, and in sacrificing the lives of some people (the men, women, and children in detention, or deported to countries where they simply ‘disappear’) in

order to prevent other people making claims on our compassion.

But a society that brutalises people and treats them as a means to other ends will never be a comfortable, caring, or genuinely secure society in which to live. If we want our children to inherit a less fearful and a more loving world, we must require greater honesty of our politicians, and a different political agenda—one which rejects the politics of fortresses and fear, and which seeks creative solutions to the problems faced by people everywhere.

The most effective way we can do this in the immediate term is by making it absolutely clear to the Howard government and the Labor opposition that we have not forgotten people like Peter Qasim, who on 9 September will have spent 6 years in immigration detention. Nor have we forgotten Abbas Al Khafaji, whose detention has been deemed legal despite the fact it has ‘no real prospect’ of ever ending. We remember all the people who remain in detention.

Join us at the Pre-election Rally and demand that they be released from the hell-holes and given permanent protection.

New article on the RAC website:

DIMIA, Hazara people and the “genuine” issue

“In the past few years a new word “genuine” became part of Australian Immigration Department vocabulary. This word has become an excuse for the Immigration Department’s refugee application processing officers not to examine properly every application. Now they can reject any application on the “genuine or non-genuine” basis. Unfortunately this word was used with all Afghan cases but especially with Afghan Hazara applications. I think without knowing the Hazara’s history in Afghanistan is impossible to understand the issue of “genuine” or “non genuine” refugee.

“I will try to in few paragraphs to give a little understanding of Hazara history, which will help to understand the background of this issue...”

(for full article, see RAC website: www.rac-vic.org)

URGENT: Support hunger striking refugees on the Indonesian Island of Bogor

In the leadup to the 2001 Federal Election, the Australian Navy forcibly returned four boats with over 600 people to Indonesian waters. More than 150 of these people are still in Indonesia
sign the on line petition on our website – www.rac-vic.org.au

Recent Changes to the TPV System:

On 13 July of this year the Howard government announced various changes to its Temporary Protection Visa (TPV) system.

Initially, many thought the Coalition had finally acknowledged the injustice of only giving temporary protection to people who had already been found to be refugees within the terms of the 1951 United Nations Refugees Convention.

It seemed that years of campaigning by refugee advocacy groups around the issue of permanent protection, combined with an appreciable change in mainstream attitudes to the subject of refugees and asylum seekers had finally achieved meaningful change.

Sadly this is not the case.

This article looks at the proposed changes, considers the motivations behind them and asks what is needed to achieve genuine reform.

What is on offer?

There are three main aspects to the changes.

The first is a proposed 'reintegration' package. This would encourage refugees on TPVs to return to the countries from which they originally fled. It offers \$2 000 to individuals, and a maximum of \$10 000 to families, on the condition they immediately leave Australia and return to countries such as Afghanistan, Iraq, or Iran, where it is accepted they have been persecuted or have been in danger of persecution.

The second main change involves establishing a new visa, the 'Return Pending Visa'. This would grant an 18 month extension to refugees on TPVs, to allow them time to make plans to return to their countries of origin. This change is motivated by the government's desire to avoid—at least until after the election—again incarcerating in detention centres refugees whose current protection visas have expired.

The third change allows TPV holders to apply for permanent residency under the equivalent of a mainstream immigration category. DIMIA is yet to put a name to the new visas, but it is very likely there will be a Close Ties Visa, a Skilled Migration Visa, and a new visa for employer-based sponsorship.

Writing in *The Age* on 14 July, Meaghan Shaw pointed out that this change 'follows backbench pressure late last year by Victorian rural MPs, including Nationals whip John Forrest, who has thousands of TPV

holders in his Mallee electorate, working in the fruit-picking areas of Mildura, Swan Hill, and Kerang. Like many rural areas, Mr Forrest's electorate suffers from a labour shortage...".

Shaw continued: 'More pressure came in February, after similar pleas by NSW Nationals MP Kay Hull and South

GENUINE REFORMS OR

Australian right-winger Patrick Secker, who has 81 TPV holders working at an abattoir in Murray Bridge.'

Shaw goes on to quote Secker's recollection of a comment he made when the issue was raised in the party room: 'I said, 'Prime Minister, I don't think anyone could possibly classify me as a bleeding heart Liberal, but I believe these people deserve some compassion.'"

Unfortunately, Mr Secker does not seem to understand the meaning of genuine compassion. Protection provided in exchange for labour, which imposes restrictions on where individuals can live and work, is an affront to any democratic and humane society.

What will these changes mean for refugees?

- Many refugees whose trauma has been compounded by imprisonment in Australia, and who—upon release from detention—have been living in conditions of permanent insecurity and uncertainty, will be tempted to accept the government's small monetary bribe and return to countries in which they face persecution;
- Those refugees currently TPV holders and seen as contributing to the Australian economy, or who are supported by family members, may now be granted permanent protection under a mainstream migration category.

What still needs to be done?

To answer this question, let's look at what hasn't changed. Firstly, the TPV system itself has not been abolished. People arriving in Australia without visas or passports, who are subsequently found to be refugees within the terms of the UN Refugees Convention, will continue to receive only temporary protection.

There will be no change, either, to the lives of the 8,000 people living in the community on Bridging Visas, waiting for their applications for protection to be processed. Many are on what is termed a Bridging Visa E (or BVE), which is the most dehumanising refugee visa



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the government has yet devised. Worse even than the TPV, BVEs deny people the right to work or access to health care. If caught working, they are imprisoned; if ill—even terminally ill—they have no prospect of receiving government medical assistance. BVE holders are, therefore, entirely dependent on the charity of the

services available to Australian citizens;

- Close all detention centres, including those detention centres misleadingly described by the government as ‘residential housing projects’; and
- End the incarceration of refugees by countries in the Pacific, under payment from Australia.

TEMPORARY ELECTION VISAS?

Australian community for their survival.

Despite what you may read in the media, these changes are anything but a ‘softening’ in the government’s treatment of refugees. Rather, they represent an instance of cynical electioneering. David Manne, coordinator of the Refugee and Immigration Legal Service, has correctly dubbed the changes ‘temporary election visas’.

By way of comparison, the Labor Party’s position on TPV’s does offer some hope for 9000 or so current TPV holders—whom it has pledged it will give permanent protection. But there is an element of cynicism here too—for the Labor Party has not agreed to dismantle the temporary protection regime, which will continue to apply to asylum seekers who in the future are deemed to be refugees.

So what would make a real difference to refugees?

- Abolish TPVs and grant refugees the permanent protection to which they are legally and morally entitled;
- Abolish BVEs and grant people in the community who are awaiting the outcome of visa processing the right to work, as well as access to those social

When these changes have been won, only then can we be satisfied that genuine reform to Australia’s refugee regime has actually begun.

No Rights for Bridging Visa E Workers

“If it is in the national interest to prohibit unlawful non-citizens from performing work, it must also be in that interest, it seems to me, to prohibit any such person obtaining rights under a contract to perform work.”

That’s how Justice Geoffrey Davies summed it up in May this year, when he effectively denied the right of an injured worker to claim workcover compensation.

The man is on a Bridging Visa E, and is thus not permitted to work or to access social security. Rather than beg, he took a job at a local abattoir. After two years of working there, he severely injured his knee and with the union’s support launched a workcover claim in the QLD Supreme Court. That claim originally succeeded, but the employer, Australia Meat Holdings, appealed on the grounds that since the man was “illegal,” he could not actually be considered a worker! This despicable appeal won, and now, as the man’s lawyer Peter Koutsoukis points out, “employers have been given a green light to employ immigrants without a valid work visa under any slave-like conditions, knowing that they will not be responsible for any deaths or injuries.”

Detention Centre Update

The number of refugees in detention totals over 750 at latest count, including an estimated 81 children.

Most refugees are imprisoned deliberately away from the public eye, either in the more remote mainland detention centres, Baxter and Port Augusta in regional South Australia, or in one of the two ‘offshore’ detention centres, on Christmas Island and Nauru. Baxter and Nauru currently imprison the largest numbers of refugees. Some refugees are also imprisoned in the urban detention centres of Maribyrnong in Melbourne and Perth. Centres at Woomera, Port Hedland and Manus Island (PNG) are currently empty but remain available for use.

Ninety one per cent of asylum seekers in detention are from the countries which have most recently been affected by violence and conflict — Afghanistan (54 per cent), Iraq (24 per cent), and Iran (13 per cent).

Port Augusta is a so-called ‘Residential Housing Project’ (RHP), which is designed to ‘house’ women and children, but it is still detention. It involves a humiliating round-the-clock surveillance by security guards, even for a walk to the shops or attendance at school.

Vanstone’s recent statement to the press that there was ‘only one child left’ in detention in Australia is completely deceiving. She did not count the children in the offshore detention centres of Nauru and Christmas Island, which the Australian Government set up and is responsible for, or the children of parents in mainland detention who had overstayed their visas, of which the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) admits stands at around 30 on July 6 this year. Children in ‘other’ forms of detention were also omitted and DIMIA refuses to release further details about their circumstances.

3 years since the Tampa: a chronology

August 25 Coastwatch plane spots the Indonesian fishing boat the *Palapa* in distress near Christmas Island. Despite the vessel clearly floundering and the deck being packed with people waving anything they could, no distress call is issued.

August 26 Coastwatch flies over again. This time the passengers are displaying an "SOS" sign, and coastwatch issues a distress call. The Norwegian cargo ship *Tampa* answers this call, rescuing 433 refugees and five crew from the sinking *Palapa*.

August 26-29 John Howard refuses to let the *Tampa* dock at the nearest port, on the Australian outpost of Christmas Island. A hunger strike starts on board, and a medical emergency develops. There are only 40 blankets for more than 400 people, two women with late term pregnancies, and up to 15 people unconscious.

August 29 Captain Arne Rinnan declares mayday and moves to dock the *Tampa*. Armed SAS troops storm the ship.

Sept 3 *Palapa* survivors loaded into the cargo hold of the troop ship *Manoora*, transported to prison on Nauru.

September to November Under "Operation Relex", the navy intercepts boats of refugees headed for Australia. Four boats with 600 people are forcibly returned to Indonesian waters. Another eight intercepted boats sink or cannot be towed: the approximately 2000 people on board are transported to Nauru or Manus Island in PNG.

Three years since the Tampa:

Of the 433 desperate people rescued by the *Tampa*, 187 have been returned to the situation from which they fled. Twenty-seven people were given five-year TPVs to

Australia in September last year. 196 people have been resettled elsewhere (187 to New Zealand, 7 Sweden, 2 Norway).

22 people rescued by the *Tampa* are **still** on Nauru – even though the United Nations High Commission for Refugees has found them to be refugees under their narrow criteria. Altogether there are 101 detainees on Nauru, all heading towards three years in detention without charge or trial.



Of the 600 people forcibly returned to Indonesia, over 100 are still there, living a desperate existence under the "care" of the International Organisation for Migration. Hassan Ghulan, president

of the Hazara Ethnic Society, has visited many of these people. According to him, at least 44 of these people are wives and children of refugees living on TPVs here in Australia. Around 40 refugees on the Indonesian island of Bogor have been on hunger strike since mid August, after being told by the UNHCR that they were not "real" refugees.

John Howard is still Prime Minister of Australia, still lying about refugees, and still making lives hell.

But continued protests, both by refugees and by the rest of us, have had an impact. On the 20th of August the Australian published a poll. Barely one in three, or 35 per cent, of voters still want all boatpeople turned away – compared to 56% in October 2001. More voters now disagree with the Howard Government's handling of the *Tampa* issue than agree with it – 43 per cent versus 35 per cent.

This gives us a good basis to step up the campaigning to get the last refugee prisoners released, and to allow permanent protection for all those here.

The Refugee Action Collective – Victoria is a volunteer organization set up in response to the inhumane and racist treatment of refugees in Australia. It comprises a broad coalition of community groups, unionists, anti-racist activists, socialists and any individual who supports the refugees' struggle for freedom.

RAC CONTACT DETAILS

Phone: 9659 3505

Email: refugeeaction@mail.com

Website: www.rac-vic.org

To join the RAC announcements e-list, send a blank email to:

Racvic-subscribe@topica.com

DONATIONS :

PO Box 578, Carlton South, 3053

or Commonwealth Bank BSB: 063-262 , account no. 1025-2396

RAC MEETINGS:

All who want to help build the campaign are welcome! RAC meets each Tuesday at 6pm upstairs at Trades Hall, cnr. Lygon and Victoria Streets, Carlton. Your involvement will make a difference!