



# THE RIGHT WAY FORWARD ON REFUGEES

## HUMANE, EFFECTIVE, LEGAL

*The Greens' plan for a genuine regional response and safer pathways*

There is another way. A different approach to refugees can save lives by giving people safer options than leaky boats, and by treating all refugees with humanity and fairness in Australia. Instead of cruelty and punishment, offering a safer alternative to boats is the only way to help people.

The current duelling approach of inflicting ever more cruelty on refugees, including dumping them on our poorest neighbours, will cost many lives and billions of dollars, and is wrong.

The right way forward needs a commitment to a genuine regional approach that cares for refugees with the kind of political leadership shown after the Vietnam War. The Greens are the only party basing their refugee response on compassion, legality and the only model for saving refugee lives at sea that has ever worked before.

**The Australian Greens' plan for giving refugees a safe pathway to a better life:**

- **Increase Australia's humanitarian intake to 30,000. Within that, resettle an emergency intake of 10,000 UNHCR assessed refugees to Australia from our region to reduce the backlog and give refugees a 'regular' path to a safe life, including resettling at least 3,800 directly from our immediate region, including from Indonesia, as recommended by the Houston Panel.**
- **Additional \$70 million per year in emergency funding for safe assessment centres in Indonesia to provide shelter and welfare services to refugees while they wait for assessment and resettlement, and to boost the capacity of the UNHCR in Indonesia and Malaysia to speed up assessment and resettlement.**
- **Shut down all offshore detention in Nauru and PNG, with Australia to assess the claims of people who arrive by boat.**

We will release further details on the other elements of our comprehensive approach to asylum seekers including:

- Working quickly to open up safer resettlement pathways from countries along the way, like Malaysia and Pakistan.

- Establishing an Australian Ambassador for Refugee Protection to help broker a genuine regional cooperation response, like Malcolm Fraser set up after the Vietnam War.
- Allowing all asylum seekers in the Australian community the right to work to support themselves.
- Lift the ban on people from refugee producing countries coming by air to seek asylum.
- No children in detention in Australia or offshore.
- Open up 4000 more family reunion places in Australia's humanitarian program to stop women and children boarding boats.

## > A BASIC HUMANITARIAN RESPONSE

We are facing an international humanitarian problem; not a war, or a national emergency, or a border security crisis. The people who are drowning at sea are fleeing persecution. The challenge for Australia is to have the courage to do the right thing by offering refugees hope and practical steps to a safer and better pathway, so they do not risk their lives for the mere chance of surviving a boat journey to Australia.

Deterrence and cruelty have never been an effective or sustainable way of responding to refugees who come by boat. Australia will never be able to deter asylum seekers who are fleeing threats as dangerous and brutal as the Taliban. **People will keep coming in an 'irregular' manner while there are no 'regular' pathways available to them.**

Australia is experiencing a small part of a global problem. It is reprehensible for the Government and Opposition to severely punish individual people for the failure of Australia, and our region, to even try to offer the safer pathways that would reduce boat departures.



We know that Nauru and Manus Island are no place for traumatised refugees, especially children. The UNHCR has consistently reported that conditions in the detention camps are harsh, cramped, hot, unhygienic, tantamount to arbitrary detention, inconsistent with international human rights standards and leading to deteriorating mental health.<sup>i</sup> We know that neither PNG nor Nauru has the capacity to assess protection claims or give refugee families the safe future they are entitled to seek.

Led by the major parties in their race to the bottom, Australia has lost its way. The Greens want to turn this around. It is crucial that our refugee response be geared towards a genuine regional arrangement, founded on compassion, practicality, cost-effectiveness and our international legal obligations under the Refugee Convention.

## > 30,000 'REGULAR' PATHWAYS WILL REDUCE UNSAFE BOAT JOURNEYS

As noted in the Houston Panel Report, Australia's Humanitarian Program is a significant contribution to meeting our international obligations by offering protection to asylum seekers who are found to be refugees under the Refugees Convention.<sup>ii</sup>

The Greens will increase Australia's humanitarian intake by an additional 10,000 to 30,000 per year as a key element of our plan to save lives and provide safer pathways for refugees.

The Houston Panel Report strongly advocated an increase in Australia's humanitarian intake up to 27,000 arguing:

"It would give greater hope and confidence to asylum seekers in the region that regular migration pathways and international protection arrangements provide a practical, realistic and better alternative to dangerous boat voyages to Australia. It would enable Australia to assist in meeting growing humanitarian needs in our region in a fair and timely way. It would support Australian strategies to encourage other international resettlement countries to assist in more expansive ways. A substantially increased and more regionally focused Humanitarian Program would also contribute importantly to the strengthening of regional cooperation on asylum issues."<sup>iii</sup>

The Houston Panel also recommended Australia take 3,800 refugees out of Indonesia, giving them a safer pathway to protection. The Government has failed to act on this recommendation leaving thousands of refugees feeling more and more desperate to try anything to get to Australia. Australia only committed to taking 600 refugees from Indonesia this year even though there are approximately 1,938 assessed refugees and 7,288 UNHCR registered asylum seekers waiting in Indonesia.<sup>iv</sup>

The Australian Greens have heard anecdotally from officials and refugees themselves that boat departures reduce when there is a prospect of increased direct settlement.

We welcomed the Government's commitment to increase the humanitarian program by 6,250 last year as an important first step. However, instead of spending billions of dollars on inhumane detention centres in Nauru and PNG, Australia could give hope to asylum seekers in Indonesia and give them a reason not to embark on dangerous, risky boat journeys by further increasing our humanitarian program.

The independent Parliamentary Budget Office has costed an increase to the humanitarian program to 30,000 at \$2.5 billion over the forward estimates.

In contrast the budget demonstrates the Government intends to spend \$7.2 billion on Offshore Asylum Seeker Management.

Australia has a long and proud history of settling refugees, after World War II, in the aftermath of the Vietnam War and in the last few decades from places around the world. We have the capacity, the compassion and the understanding of the social, economic and cultural contributions refugees make to Australia and should be welcoming people fleeing persecution.

## > SAFETY IN OUR REGION WILL HELP REDUCE UNSAFE BOAT JOURNEYS

Australia must support better and safer refugee assessments in Indonesia to clear the backlog and stop people being forced by dire circumstances onto dangerous boats.

Consistent with the Houston Panel's recommendation, the Greens will boost funding to asylum seeker services in Indonesia by another \$70 million per annum to assist with international engagement and capacity-building activities.

We must inject those funds into places where refugee adults and children are currently waiting in unliveable and poverty stricken conditions – not after, but before anyone gets on a boat in desperation. Providing safety in the form of assessment centres, run by the UNHCR, international welfare organisations and local services, would give refugees hope and a reason to stay on shore.

The Houston Panel noted the importance of boosting the capacity of transit and source countries to manage and care for asylum seekers and recommended that the current funding of \$70 million be doubled, but in early 2013 only \$5 million had been promised to the UNHCR by the government.<sup>v</sup>

As the wealthiest nation in our region with the greatest capacity to help, Australia needs to lead efforts to improve the circumstances of refugees in our region. These funds would go towards maintaining the physical safety of refugees (who do not



have legal status in Indonesia), giving them access to livelihoods, children's education, healthcare and basic services.

We are drawing on the advice of key experts that this critical funding should also go towards improving refugee status determination processes in the region and ensuring that local non-government organisations and the UNHCR are better resourced to assist refugees in our region.<sup>vi</sup>

## > RACE TO THE BOTTOM MUST STOP

Neither of the major parties is offering a compassionate, genuine or affordable 'solution' to save lives at sea. Australia cannot possibly punish people enough to stop them seeking protection in whatever way they can, but we can cause them far more damage and despair in the process of trying.

Labor's announcement of dumping all refugees in PNG, with Australia covering all the costs for the foreseeable future, will drain billions and put refugees into much worse danger. PNG may be a signatory to the Refugee Convention but it does not have the commitment or capacity to protect the vulnerable refugees Australia plans to hand over. PNG already hosts around 9000 West Papuan refugees with great difficulty. Further refugees will be exposed to risks including malaria, lack of safety for women, the illegality of homosexuality, extreme poverty and well-documented violence in PNG, which is Australia's second highest aid recipient.

The Government has so far refused to release any costing of the proposal, but we know that the Government's cruel and ineffective offshore detention program was already going to cost \$7.5 billion over the forward estimates before the PNG announcement on 19 July.

Not to be outdone by Labor, the Coalition has adopted Labor's PNG indefinite dumping policy and also promised to open up another detention camp for refugees in a well-known slum in Nauru.

Despite the great expense, the mental anguish and the disturbances that have already happened in Nauru's detention camps, the Coalition now proposes to establish a humanitarian time-bomb in the form of a mammoth 5000 person detention camp.

Australia's gulags on Nauru and Manus Island are already a disaster and will be worse under the Coalition's planned expansion. The damage that the Government and the Opposition are doing to Australia's international reputation, and the suffering their policies are causing to vulnerable people who have nowhere else to turn, cannot be easily reversed. While Labor and Tony Abbott's Coalition continue their poll-driven race to the bottom on refugees, it is only the Greens who are listening to the experts and treating this as the complex humanitarian issue it has always been.

## > CHILDREN DESERVE PROTECTION

No child should ever be in detention, in Australia or in any other country. Children can be as much the victims of persecution as their parents and should not be punished for having to flee their homeland in fear of their life. Experts have repeatedly advised that the conditions in offshore detention are not appropriate for children.

Given that the Government has already had to bring back children from Manus after the first failed attempt to house them there, there is no credibility or humanity in any policy proposal that forces children into further danger overseas and fails to live up to Australia's obligations under the Convention on the Rights of the Child.

## > CARING FOR ASYLUM SEEKERS

The Australian Greens are offering a suite of policy responses that are backed by the refugee and legal experts, and which work together to provide a legal and humane response to refugee movements in Australia and within our region.

Our compassionate and durable refugee policy will also:

- Restore Australia's migration zone to match our land and sea territory.
- Legislate for fair legal review and community detention options for the adults and children in indefinite detention in Australia due to adverse ASIO assessments.
- Asylum seekers to be housed in the community (including in homestays) on bridging visas as soon as health, security and identity checks have been completed in a maximum of 30 days, and any further detention to be subject to judicial review.
- Replace the Minister with an Independent Guardian for Unaccompanied Children.
- Close the expensive and prison-like remote detention centres on the Australian mainland, along with the offshore centres on Nauru and PNG.

<sup>i</sup> Report of the UNHCR Monitoring Visit to Manus Island, Papua New Guinea 11-13 June 2013, released 12 July 2013  
<http://www.unhcr.org/51dfd23d6.html>

<sup>ii</sup> Report on the Expert Panel of Asylum Seekers, August 2012, p. 38.  
[http://expertpanelonasylumseekers.dpmc.gov.au/sites/default/files/report/expert\\_panel\\_on\\_asylum\\_seekers\\_full\\_report.pdf](http://expertpanelonasylumseekers.dpmc.gov.au/sites/default/files/report/expert_panel_on_asylum_seekers_full_report.pdf)

<sup>iii</sup> Ibid, p. 39.

<sup>iv</sup> As at end of February 2013; UNHCR figures provided 27 March 2013.

<sup>v</sup> Answers given by Dr Southern, Senate Additional Estimates, Legal and Constitutional Affairs Committee, 11 February 2013.

<sup>vi</sup> Media Release, 27 June 2013, Refugee Council of Australia *Operation Sovereign Borders an immature response to serious humanitarian challenges*.