



Asylum Seeker Briefing

The Australian Government has announced a suspension of the processing of new asylum claims by Afghan and Sri Lankan nationals.¹

The Australian Government claims this is in response to the UN process of country review. This is an ongoing process which applies to all nations and has not previously been used as basis for suspending the processing of asylum claims. All previous suspensions have subsequently had to be reversed because the anticipated improvement in country circumstances did not eventuate.²

The situation for many groups in Sri Lanka and Afghanistan continues to be tenuous if not downright dangerous. Activists, journalists, women and unaccompanied minors and others still face significant risks.

The Australian Government has also claimed that this is designed to reduce the number of asylum seekers who come by boat, so called 'pull factors'. However, the decision applies to all those claiming asylum, including those already in Australia on valid visas (e.g. student, tourist) who subsequently claim asylum.

The Australian Government has also claimed that this is anticipated to increase the number of applications 'rejected' by the Department of Immigration and Citizenship.³

The basis for asylum applications is a 'a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion...'. It is therefore impossible to make generalized decisions on the basis of country of origin about whether any particular individual meets those criteria.

Australia's humanitarian refugee intake each year is about 13,000. In 2009, 2727 people arrived by boat,⁴ compared with an overall permanent migration program of 150,000.

The decision is inconsistent with our international obligations under the 1951 Refugee Convention. Every person has a right to seek and enjoy asylum, and refusing to consider applications on the basis of nationality breaches that right.

The decision also breaches the 2007 election commitments of the Labor Party:

*Detention that is indefinite or otherwise arbitrary is not acceptable and the length and conditions of detention, including the appropriateness of both the accommodation and the services provided, would be subject to regular review.*⁵

The Government has also failed to rule out further extensions to this delay, raising

¹ <http://www.minister.immi.gov.au/media/media-releases/2010/ce10029.htm>

² <http://inside.org.au/the-asylum-freeze-and-international-law/>

³ <http://www.minister.immi.gov.au/media/speeches/2010/ce100409.htm>

⁴ <http://www.theaustralian.com.au/politics/customs-intercepts-60th-asylum-boat-with-58-passengers/story-e6frgczf-1225815326727>

⁵ <http://www.chrisevans.alp.org.au/news/0708/immispeeches29-01.php>

the possibility of effectively indefinite detention.⁶

If this decision does not reduce the number of arrivals by boat, it may increase the pressure on detention facilities as people are detained but their asylum claims not progressed. It may also increase pressure on community groups who support asylum seekers who make claims in Australia.

For more information and to see the President of the Uniting Church in Australia's media release visit www.unitingjustice.com.au or click on the links below:

[Uniting Church condemns suspension of Afghan, Sri Lankan visas](#)

[No more land of the 'fair go' for asylum seekers](#)

Requests of the Government

Call on the Ministers for Foreign Affairs, Immigration and Citizenship and Home Affairs to:

- Reverse their decision to suspend the processing of new asylum applications by Sri Lankan and Afghan nationals;
- Respect the rights of all refugees and asylum seekers regardless of their country of origin;
- Commit to not institute a policy of effective indefinite detention.

What we want Australia to do

The Australian Government has a rigorous process of assessing asylum claims according to the internationally agreed criteria set out in the 1951 Refugee Convention. Those people who are not found to have genuine claims are returned to their country of origin. As Australia is a signatory to the Refugee Convention, that process should stand.

What you can do:

Write polite and respectful emails or letters to the following Ministers and your local member, for details of your local member go to www.aph.gov.au:

The Hon Senator Chris Evans
Minister for Immigration and Citizenship
Parliament House
Canberra ACT 2600
Email: minister@immi.gov.au
Salutation: Dear Minister

The Hon Stephen Smith MP
Minister for Foreign Affairs
Parliament House
Canberra ACT 2600
Email: stephen.smith.mp@aph.gov.au
Salutation: Dear Minister

⁶ See Note 2