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# Policy and Position Statement for People Seeking Asylum

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National Council  
of Australia

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**Policy and Position Statement for People Seeking Asylum**

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## Policy and Position Statement for People Seeking Asylum

### 1. Introduction

#### 1.1 Objective

The St Vincent de Paul Society is governed by 'The Rule' – a Society publication that articulates the Vincentian vision.

The Society Rule is premised on key values including those of compassion, respect, empathy and advocacy. Welcoming and serving without judgement all people regardless of their creed or ethnic background, and working to transform the root causes of the injustices to which they may be subject, are core principles of every member of the Society. They are also core principles that extend into our dealings with all people seeking asylum, and supported by both Catholic Social teaching and by international human rights law, including the Convention on the Status of Refugees, 1951.

#### 1.2 Definitions

The St Vincent de Paul Society's mission is to serve the poor with justice and love. We do this in a completely non-discriminatory way. It doesn't matter what status the Australian domestic government or public has given someone: if someone is in need of support – financial, psychological, material, educational – we will do all that we can to alleviate their suffering.

For this reason, the Society does not believe that categorising people is generally helpful to our work. For this reason, we choose the phrase "people seeking asylum" to describe all those who come here asking for protection for reasons of persecution. This phrase is intended to include all people who fall under various definitions of "asylum seeker" and "refugees" under international and domestic law, as well as people who are currently called "illegal maritime arrivals" by the Australian Government.

#### 1.3 Scope

This policy and position statement is in three parts:

1. Introduction;
2. Policy: the attitude that Society members adopt in meeting and helping people seeking asylum in the course of members' Vincentian missionary work;
3. Position statement: the principles for which the Society advocates in seeking a just and compassionate outcome for people seeking our protection.



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### **2. Policy: How we Work with People Seeking Asylum**

The Society's mission is to serve people who need help with love, respect, justice, hope and joy, and to work to shape a more just and compassionate society.

#### **2.1 Upholding the Dignity of People Seeking Asylum**

Society members offer them understanding and advocate for fair and timely processing of their protection claims.

#### **2.2 Judging Claims for Asylum**

Society members do not judge legal claims for asylum, and serve all people seeking asylum with equal love, respect, justice, and hope.

#### **2.3 Racial, Cultural and Religious Acceptance and Respect**

Society members seek to serve all people irrespective of those peoples' race, culture or religion and take joy in our diversity and growing multiculturalism. Society members seek to serve all people seeking asylum with the same care and devotion as that in which we serve our own citizens.



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### 3. Position Statement: Our Principles for Advocacy

The principles outlined below form both a basis for the Society advocating to the Australian people as well as principles that are espoused by Society members when considering these issues in their daily lives.

#### 3.1 General

The Society recognises that people seeking asylum are amongst the most marginalised and vulnerable people in our nation. Australian policies on their treatment do not only affect the asylum seekers, but also serve to shape our own national character.

Our treatment of people seeking asylum must be just, compassionate and respectful of human dignity. We must support the adoption and maintenance of any international treaties that offer safety to people fleeing in genuine fear of danger, irrespective of their mode of arrival or at which part of Australian territory they arrived. We must support continuing adherence to and full compliance with the United Nations Convention on Refugees and its protocols for persons fleeing from persecution, and we must resist measures which seek to sidestep our obligations under the Convention. Australia should also support any international or national instrument that offers protection for persons fleeing to safety for non-Convention reasons (complementary protection) or environmental catastrophes (environmental refugees).

As a nation built on immigration, Australia's response to the needs of people seeking asylum should be generous and flexible.

The Society will never support policies imposing sanctions on people seeking asylum in order to deter others from coming here. This is an unjustifiable breach of human rights.

#### 3.2 International and Regional Approach

The Society recognises that a decent approach to people seeking asylum depends on international cooperation. The Society therefore encourages the Government to work with other nations to protect these vulnerable people, and to support more effectively the efforts of the countries to which people first flee when they leave their own lands.

The Society recognises that a regional response to coping with the flow of people seeking asylum could reduce the need for them to risk the hazardous open sea voyage to Australia. The Society therefore supports efforts to establish such responses in transit countries, but only if those states can provide:

- legal protection to people seeking asylum;
- humane living conditions and work rights: compliance with international law obligations and human rights standards;
- special provisions for unaccompanied children and other highly vulnerable people seeking asylum; and



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- non-refoulement: that is, a person will not be returned to the state in which they were persecuted.

### 3.3 Border Protection

The Society recognises that the Government has the responsibility to control the security of our borders. The Society is also aware that persons coming to Australia to seek our protection have a legal right to do so and have overwhelmingly been found to be refugees under the legal definition, particularly so in the case of those arriving by sea. There is no evidence that people who arrive by sea to seek asylum in Australia have compromised our border security.

The Society advocates that all procedures that bear on the detection, surveillance, interception and reception of vessels suspected to carry people seeking asylum must be consistent with Australia's moral and legal obligations. Those seeking asylum inside Australia's territorial waters should be escorted for processing in ways that comply with protocols for saving lives at sea and ensure their safety.

### 3.4 Mandatory Detention of People Seeking Asylum

The Society recognises Australia's right to monitor those entering its territory, and that there may be a need to detain people in order to assess whether they pose a risk to the Australian community. However, there is significant evidence that prolonged or indefinite detention constitutes a form of punishment and is known to traumatise people seeking asylum, as well as being highly economically inefficient.

Therefore, the Society advocates that:

- The location of detention be on Australian territory, and not remote from community support or legal resources; and
- Any time in detention be strictly limited to that required to assess people's health and security status. Unless evidence is presented in particular cases to support continuing detention, people seeking asylum in Australia should not be detained further and then only as a last resort.

### 3.5 Unaccompanied Children

The Society is aware of the conflict of interest that arises when the Minister for Immigration is also the guardian of an unaccompanied child, particularly when that child is being held in detention. Children are particularly vulnerable, and require a special degree of care.

The Society therefore advocates for the appointment of an independent guardian for unaccompanied children seeking asylum in Australia. We also believe that detention must provide dignified treatment and with appropriate provision for children and other especially vulnerable people. Children seeking asylum in Australia and their families must also receive priority in release from detention.



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The Society also supports legal protection, rather than penalisation, of professionals who report child abuse in detention.

### 3.6 Refugee Status Determination

While people seeking asylum reside in Australia, they live in a limbo of indefinite duration during which they witness public cynicism and suffer the cumulative damage to self-confidence and mental health. This is further exacerbated if they are denied the right and dignity of work. The worry of whether they will finally be accepted only adds to their traumatic experience. Delays in decision-making increase their stress and anxiety, which in the long-term creates ongoing mental illness, compounds trauma, and in turn contributes to social isolation and marginalisation within our community.

The Society advocates that:

- People's refugee status determination be resolved in a just manner and as speedily as possible and subject to an appropriate legislated timeframe.
- There be channels for appeal and access to independent legal advice and the whole process must be free of political or diplomatic influence and subject to oversight of the High Court.
- People seeking asylum who are living in the Australian community have the right to work and access to health care and social security benefits at least sufficient to maintain their personal dignity, and to ensure they can actively participate in the community.

### 3.7 Complementary Protection

The Society has witnessed the cruel outcome of seemingly permanent detention for people seeking asylum who are found to not meet the legal criteria as refugees.

The Society advocates that people who are found to not meet the legislative criteria as refugees, yet who cannot be returned to their country of origin because of fear for their safety or for reason of statelessness, and who do not pose a risk to Australian society, should be granted permanent residence or at least be accepted to live in the Australian community with the same rights as permanent residents for as long as the reasons preventing their return prevail.

### 3.8 Deportation and Non-Refoulement

The Society believes that it is always unjustifiable to:

- Deport people to any place where they are likely to suffer harm, even if their claims for asylum have been shown to be false;
- Deport people who have indicated a need for protection, whether or not using an officially approved application process, but whose case for asylum has not yet been



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determined. This is particularly the case where the person is deported to a country that is reasonably likely not to be able to offer them adequate support or protection;

- Turn back any boats carrying people seeking Australia's protection.

To do so is to breach the human rights of people seeking asylum in Australia.

### 3.9 Domestic Resettlement

The Society constantly witnesses the healing impacts on the lives of people who have been granted asylum once they are able to re-unite with their families, to obtain meaningful work, and become integrated in our multicultural society. The Society also sees the positive contributions made to Australian society by these people.

The Society advocates that:

- Priority for resettlement in Australia be given to:
  - Those people seeking asylum who are found to be refugees
  - Immediate family members of Australian permanent residents of refugee background
- Australian permanent residents be given the opportunity to sponsor people for resettlement, in addition to any intake quotas, provided they accept responsibility for the resettlement.
- People seeking asylum who are newly arrived be provided with:
  - free access to cultural orientation and to English language classes sufficient in terms for their individual backgrounds to enable them to become productive members of the Australian community.
  - immediate access to stable accommodation.
- Resettlement for people seeking asylum who are found to be refugees be permanent, ensuring emotional certainty, and the practical ability to make life plans, rather than under any kind of temporary protection visa.

### 3.10 Public Awareness

The Society has witnessed the cruel outcomes for people seeking asylum in Australia that stem from public misinformation and vilification.

The Society advocates that the Government:

- promote access to resources which will help the Australian community better understand the true circumstances and human rights of people seeking asylum; and
- focus on the positive social, cultural and economic contributions subsequently made by people who have been granted asylum in Australia.