



St Vincent de Paul Society
NATIONAL COUNCIL *good works*

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Submission to DIAC: Australia's Humanitarian Program 2012-13 and Beyond (Jan 2012)

The St Vincent de Paul Society (the Society) has a long history of providing support to migrants and refugees. Catholic social teaching places a special onus on the Society to help those who seek asylum, having fled war, persecution, injustice or intolerance. The St Vincent de Paul Society calls on the Australian Government to place the dignity and rights of asylum seekers and refugees at the centre of its Humanitarian Program. As a signatory to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, Australia is obligated to welcome and offer on-going protection to all asylum seekers.

Around Australia, the St Vincent de Paul Society operates a number of migrant and refugee programs and settlement services (e.g. SPARK program, North Coast Settlement Services, Riverina Humanitarian Settlement Services, Brisbane and Ipswich Settlement Services, Migration Advice Service (Logan and Gold Coast), VoRTCS Refugee Tutoring Program, Refugee Airfare NILS).

In addition to these services, the Society has active Refugee and Migrant Support Committees in most states which coordinate grass roots efforts to welcome and support new community members. Local Society members provide material support, home visitation, organise community events, run youth programs and activities, provide respite, temporary accommodation, advocacy, emotional support and referral. The Society also provides support to refugees and humanitarian entrants through its broader charitable activities and mainstream services.

The Society witnesses the benefits of Australia's Humanitarian Program to those needing long-term protection and to the broader Australian community which is enriched by the contributions, knowledge and culture of new community members. Australia has an opportunity to lead the Asia-Pacific region in the protection of asylum seekers and refugees and to ensure those most vulnerable to exploitation and persecution are treated humanely.

The St Vincent de Paul Society is also a member of the Refugee Council of Australia (RCOA). Each year RCOA undertakes extensive consultations with refugee and migrant organisations and communities. We endorse RCOA's submission and their recommendations.

Increase resettlement places

Australia's contribution to refugee protection is an important but modest one. Australia has the third largest refugee resettlement program on a per capita basis. However less than 1% of the world's refugees are protected through resettlement in any given year¹. Furthermore, refugee settlement in Australia is now at one of its lowest points since the modern program was introduced in 1977. The 2011-12 Humanitarian Program was the fourth smallest in 34 years, and on a per capita basis was the second smallest program in 35 years.² In line with Australia's commitment to refugee protection, human rights and multiculturalism, and given the country's relative wealth, the Australian Government should expand the resettlement program.

This expansion should include an increase in the number of places made available to those offshore, and the delinking of onshore/offshore protection visas. The Australian Government can demonstrate a commitment to its obligations to asylum seekers under the Refugee Convention by ending this numerical link. Australia is one of few countries that have a resettlement program. The need for resettlement places is great. Onshore applications should not impact this program. Australia is the only country in the world to link onshore and offshore applications. We have an obligation under the Convention to onshore applications, and this should be a distinct protection measure. Of asylum applications made to industrialised countries, 2% were made in Australia. The numbers of onshore applications is, therefore, small and relatively steady.

¹ United Nations High Commissioner for Refugees, *Resettlement*, <http://www.unhcr.org/pages/4a16b1676.html>

² Refugee Council of Australia, (December 2011) *Australia's Refugee and Humanitarian Program 2012- 13: Community views on current challenges and future directions*. p.17

End offshore processing of asylum claims and detention of asylum seekers

The Society recommends processing of refugee claims be made by Australia, within its borders, and where the asylum seeker does not experience mandatory and indefinite detention. Australia's responsibility to asylum seekers should not be shifted to other nation states regardless of that nation's human rights or refugee protection record. Australia has an international responsibility to processing asylum claims once a claim has been made in Australian territory.

The Society recommends that resources and funding be directed to prompt processing of claims and community services for asylum seekers within the Australian community; not in detention. The mental health impacts of detention on already traumatised people have been extensively documented³. Ongoing mental illness and poor mental health resulting from detention endures for many even after release and severely compromises their long term settlement in the community. Individuals and their families, communities, and the Government all bear the costs of this avoidable suffering. The significant and unnecessary financial costs associated with detention, as opposed to community-based alternatives, are also well documented. The Society urges the Government to look at alternatives to detention – many have been successfully explored by other nations with far greater numbers of people seeking asylum⁴.

The Society believes mandatory and indefinite detention does not work. There is also no empirical evidence that detention 'deters' new arrivals⁵. Furthermore the 'absconson' rate for asylum seekers in non-detention programs around the world is very low.⁶ This is not surprising. Clearly it is in peoples' interest to comply with programs that determine their residency and legal status. The

³ Steel Z, Liddell BJ, Bateman-Steel CR, Zwi AB (2011) Global Protection and the Health Impact of Migration Interception. *PLoS Med* 8(6); Momartin S, Steel Z, Coello M, Aroche J, Silove D, et al. (2006) A comparison of the mental health of refugees with temporary versus permanent protection visas. *Med J Aust* 185: 357–361; Steel Z, Momartin S, Silove D, Coello M, Aroche J, et al. (2011) Two year psychosocial and mental health outcomes for refugees subjected to restrictive or supportive immigration policies. *Soc Sci Med* 72: 1149–1156; Newman LK, Dudley M, Z S (2008) Asylum, detention and mental health in Australia. *Refugee Survey Quarterly* 27: 110–127.

⁴ See, for example: Edwards, A. (2011) 'Back to Basics: The Right to Liberty and Security of Person and Alternatives to Detention of refugees, Asylum Seekers, Stateless Person and Other Migrants. *Legal and Protection Policy Research Series*. Division of International Protection. UNHCR.

⁵ Edwards, A. (2011) 'Back to Basics: The Right to Liberty and Security of Person and Alternatives to Detention of refugees, Asylum Seekers, Stateless Person and Other Migrants. *Legal and Protection Policy Research Series*. Division of International Protection. UNHCR.

⁶ Edwards, A (2011) *ibid*.

Society urges the Australian Government to end mandatory and indefinite detention for asylum seekers.

Use a rights-based approach to regional protection

International cooperation is needed to end persecution and to ensure protection of those who flee persecution. Australia is in a position to lead the Asia-Pacific region in the provision of protection to those most vulnerable to exploitation and persecution and provide protection to those who are not able to find protection anywhere else in the region. The Society is increasingly concerned about the use of a 'Regional Protection Framework' to shift Australia's protection responsibilities.

A regional protection framework that serves the political needs of one wealthy nation over others is neither productive nor conducive to real cooperation on the issue of refugee protection. By trading asylum seekers for refugees with Malaysia or other similar States, establishing 'processing centres' in Nauru, PNG or any other small State in the region shifts Australia's responsibility and sets a dangerous precedent to others in the region, and across the world. Australia should use the Bali Process and other bi-/multilateral avenues to lead the region in effective and humane protection mechanisms for asylum seekers and refugees, with their rights and dignity at the centre of cooperative action.

Australia must resource effective protection mechanisms and strengthen resettlement programs if it expects other nation states to strengthen their own protection mechanisms, and therefore reduce the number of asylum seekers seeking Australia's protection.

Consult with organisations on Special Humanitarian Program sponsorship options

The St Vincent de Paul Society is open to further exploration of private or community sponsorship options. There is no shortage of good will among our members and we have a capacity to be involved in supporting resettlement. However, consultations with volunteer organisations such as the Society on this issue are needed, so that the Government and organisations can jointly develop appropriate strategies, resources, regulations and standards to support this type of initiative.

A program of this kind must NOT be a substitute for further action on the part of the Government in expanding the settlement program and delinking it from onshore applications.

Encourage positive public discourse

The St Vincent de Paul Society is continually saddened by the prevailing discourse on asylum seekers and refugees in parliament and in the media. Both major political parties have demonstrated ill-regard for the humanity of refugees and asylum seekers by engaging in a political race to the bottom that underestimates both the insight and compassion of the Australian public and the resilience and valuable contributions of refugees and asylum seekers to Australian society. The stubborn commitment to offshore processing by both major parties, despite last years' High Court Ruling and Australia's international obligations, is a case in point.

People who have shown remarkable resilience and determination for survival and protection for their families continue to be regarded as criminals or in need of our suspicion. A discussion of their experiences and rights are overlooked in favour of a dogged focus on 'people smuggling'.

Public discourse has significant impact on resettlement outcomes for refugees and humanitarian entrants, sowing distrust and presenting an image of an uncaring Australia that is at times in stark contrast to the compassion of many ordinary Australians. The current debate validates bigotry and uncaring attitudes to refugees and asylum seekers. It is time to demonstrate integrity, leadership and humanity and raise the calibre of public debate and discussion. The Society would like to see the Australian Government focus the debate on the rights and humanity of asylum seekers, and Australia's obligations and contribution to refugee protection.

Summary

The St Vincent de Paul Society, National Council urges the Australian Government to :-

- Increase settlement intake to 20, 000 per year over five years.
- Demonstrate commitment to the Refugee Convention by ending the numerical link between onshore protection and offshore resettlement programs.
- Abandon any form of offshore processing of asylum claims.
- End mandatory and indefinite detention of asylum seekers.
- Demonstrate leadership in a Regional Protection Framework that puts the protection of asylum seekers at the centre of rights-based regional solutions.

We reiterate our endorsement of the ROCA submission and recommendations.