

Asylum Seekers & Refugees

Fact Sheet August 2004

The NSW Synod has called on the Government to respect the human rights of asylum seekers, refugees, and others in need of protection.

Our Human Rights

- The right to live in safety, free from torture, persecution, and death, the right to work, the right to health and to health care, the right to social security and the right to education.
- Every human being is entitled to enjoy these rights.
- Every human being is entitled to live in dignity and peace.

Policies within the Australian onshore protection program that violate human rights include:

- The detention of children.
- Mandatory and arbitrary detention of unauthorised arrivals, including asylum seekers.
- Lack of access to work rights and support, including health care, for asylum seekers in the community.
- Insufficient access to legal advice and inadequate processes in asylum claims assessment.
- Removal of failed asylum seekers who have humanitarian protection needs.
- Restrictions on family reunion and on access to settlement support and public and social services for refugees on TPVs and secondary movement visa holders.



UnitingCare NSW.ACT

Background & summary of NSW Synod Resolutions Rev. Dr. Ann Wansbrough

The Uniting Church in Australia seeks to bear witness to God's call for the continuing renewal and reconciliation of all creation through its worship, service and advocacy, and in partnership with other Christian churches.

This paper sets out three calls from the NSW Synod 2003 arising from our commitment to human rights, compassion, hospitality and the valuing of human life.

Release into the community with support

The Uniting Church is opposed to the mandatory and arbitrary detention of asylum seekers. It is committed to a workable alternative to mandatory detention. NSW Synod 2002 called on the Government to immediately release all children and their families or primary caregivers from detention and to end the policy of indefinite mandatory detention. There are effective, just and humane alternatives that allow asylum seekers to reside within the community whilst they wait for their claim to be assessed.

Asylum seekers whose health needs put them 'at risk' and cannot be cared for in detention centres are sometimes released from detention on a Bridging Visa E (BV-E). Increasingly, asylum seekers are also being released from detention by the courts in situations where there is no viable resolution for the person's future, for example, where Australia has rejected their claim for protection yet cannot return them to their home because they are stateless.

Until recently these asylum seekers have been allowed no means of survival in Australian society. In June 2004, it appears that some minimal income and help with medicines may now be provided.

In NSW, UnitingCare has responded to the above through funding and assistance towards the establishment of the Bridge for Asylum Seekers Foundation.

NSW Synod 2003 called on the Government to allow asylum seekers on Bridging Visa Es, and those released by the courts, to contribute to the Australian community through paid employment and to have access to government services including education, social security and Medicare.

Full and permanent protection

Under current policy, permanent protection visas are reserved for those who arrive in an "authorised manner" and apply for protection onshore and for those who apply for resettlement from a country of first asylum. Temporary protection visas (TPVs) are granted to those who arrive "unauthorised", for example as boat people, and for those who made a "secondary movement" before applying for protection.

In August 2003, the Government attempted to expand its TPV regime to ALL onshore protection claimants – including those who arrive with a valid visa. This is why Synod 2003 again called on the Government to restore permanent protection visas for people in Australia who are granted refugee status. However, the existing system of TPVs remains in place despite the July 2004 announcement that all current TPV holders would now be allowed to apply for permanent residence under other visa classes.

The Uniting Church believes that ALL refugees - and others who need protection - should be granted permanent visas with full rights and access to support serv-

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The Synods and Assembly of the Uniting Church have repeatedly called on the Government to restore permanent visas, full rights, and protection to all refugees in the years since the Australian Government's introduction, and gradual expansion, of a hierarchical system of visas for refugees.

What can you do?

- Write to the Minister for Immigration, the Prime Minister (letters to both can be sent to them at Parliament House, Canberra, ACT 2600) and to your local MP about these issues
- Support activities aimed at providing church and community support for people living in Australia on bridging visas, especially the Bridge for Asylum Seekers Foundation and the House of Welcome.
- Pray.
- Find others in your congregation to work with, perhaps by holding a letter writing session.
- Follow up your letter to your local MP with a call and arrange a meeting.
- Write a letter to local media.
- Visit your MP in their local office and report on MP's response.
- Participate in public rallies and events highlighting the issues.
- Join a group, or form a group within your community to advocate against deportations of refugees from your school, town, workplace, church or state.
- Help fund campaigns and support groups.
- Make contact with refugees on Temporary Protection Visas in your community.
- Organise an afternoon tea or BBQ with refugees living in your community and invite your friends along.
- Make contingency plans: what would I do if my friends faced deportation and what would my group do?

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ices. People on TPVs face uncertainty about their future as they need to re-apply for protection and 'reprove' their protection needs when their visa expires. TPV refugees cannot sponsor their families – who are often in terrified and desperate straits - to join them in Australia. This leaves people without security or hope. TPV refugees are denied many government programs and support services – including important components of the humanitarian support provided by the Government to other protection visa holders in recognition of the special needs of this vulnerable group.

In NSW, the Synod has responded to the lack of support for TPV holders with contributions of funding to the Ecumenical Council's House of Welcome. The House provides support to refugees on TPVs, and assistance in the transition from detention to the community, with emergency accommodation, English lessons, orientation and referrals to other help.

Complementary Protection

A number of Uniting Church members and ministers have worked with asylum seekers - in detention centres and in the community - and become involved in protecting those in danger of deportation to countries where they fear persecution, torture, or even death.

There are many people who are in need of protection who fall outside of the definition of a refugee. This can include stateless people, those at risk of human rights abuses not arising from persecution, people displaced by wars and conflicts, those at risk of torture and those whose protection needs have changed since they first left the country from which they fled. Less than half of the world's displaced people are Convention refugees. We need a transparent and accountable system for assessing non-refugee humanitarian protection needs.

Complementary protection can, in part, achieve this by codifying relevant human rights obligations that Australia has under international treaties such as the Covenant on Civil and Political Rights, the Convention against Torture, and the Convention on the Rights of the Child. This is why NSW Synod 2003 called on the Government to enact legislation to give effect to Australia's obligations under these international human rights treaties.

The Tenth Assembly of the Uniting Church condemned the Australian Government for its plans to forcibly deport Iranian people *(see next paragraph) to a situation where they will face persecution and possibly death. The Moderator, along with other Christian leaders and leaders from other religions, have signed a Declaration against the removal of asylum seekers to countries where they would be tortured or suffer other violations of human rights. Calls for a system of complementary protection have been made by many church, refugee, human rights and community organisations.

* A number of Iranian asylum seekers have converted to Christianity and have become members or friends of the Uniting Church. Iranian asylum seekers who have had their refugee claim rejected face serious danger if they are returned to Iran. The US State Department and Amnesty International are among those who have documented the way Iran interrogates citizens returning from abroad. Often this leads to arrest, persecution, torture, imprisonment and sometimes even death. The US Department of State travel warning for Iran is pertinent: "Former Muslims who have converted to other religions, as well as persons who encourage Muslims to convert, are subject to arrest and possible execution."

This sheet updates information available at:

<http://www.unitingcarenswact.org.au/advocacy/archive.html>

Other useful information may be found at :

<http://assembly.uca.org.au/unitingjustice/issues/asylum/index.htm>

<http://www.hothammission.org.au>

www.asylumseekersfoundation.com