

Background to the Synod 2003 resolution on asylum seekers and refugees

Rationale

This proposal builds on the synod's resolution of 2002, and the Assembly policy on refugees and asylum seekers.

(a) Each clause of the proposal is about 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.

A number of Uniting Churches and ministers have worked with Iranian and other asylum seekers in detention centres and become involved in seeking to protect those in danger of forced deportation to countries which grossly and systematically abuse human rights. This proposal arises out of that work.

The wording of clause (a) has been already endorsed on behalf of the NSW Synod in November 2002 when the Moderator and other Christian leaders, together with the Heads of the Moslem and Jewish communities signed a Declaration against the removal of asylum seekers to countries where they would be tortured or suffer other human rights violations outlined in the Convention against Torture.

However, the Australian Government interprets its responsibilities under the Convention against Torture as relating only to those asylum seekers who fit the narrow definition of refugee which many human rights advocates around the world want broadened to include all persons in danger of torture as stated in Article 3 of the Convention against Torture which states :

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

In the case of Iranians there is evidence they are being heavily pressured to sign statements that they are willing to be sent back to Iran. The USA State Department and Amnesty International are among those who have documented the way Iran intercepts and interrogates citizens returning from abroad. Often this leads to arrest, prosecution, torture, imprisonment and sometimes even death. Given that a number of Iranians have converted to Christianity during detention – some have become members of the Uniting Church - the warning of the latest 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.”

In May 2003, the Department of Immigration issued 28 day notices to over 100 Iranian detainees in Port Hedland, Baxter and Villawood detention centres to accept voluntary repatriation back to Iran with a \$2,000 grant, or be forcibly removed. Before the 28 days were up, advocates had assisted the Iranians to lodge claims to the Federal Court arguing that their removal would be contrary to the Convention against Torture. The 28 day warning was accompanied by an onslaught of psychological harassment and threats from DIMIA staff, that if the option of voluntary removal was not taken up within 28 days even though they had cases before the courts, that these detainees will be forcibly removed to Iran. Up till now Iran had not accepted forcible repatriation. On Monday 15 September 2003, 14 day notices offering \$1,000 voluntary return incentives were offered to the same returnees followed by the same psychological harassment but this time including the news that 2 Iranian asylum seekers had already been forced back to Iran.

(b) A few years ago the Australian government introduced a two-tier system of visas for refugees – permanent protection visas for those who arrived in an “authorized manner” and temporary protection visas for those who arrived “unauthorized” (eg as boat people). In the last few weeks it has announced that in future all refugees will be granted only temporary protection visas. These visas are for only three years, and must then be renewed. People on Temporary Protection Visas (TPVs) do not have certainty about their future, and cannot sponsor their families to join them in Australia. They do not have the rights of permanent residents. This is a very inhospitable, grudging and inhumane approach to refugees, giving the barest minimum required by international law as if refugees are a burden. It is unacceptable from a Christian viewpoint. People need to be allowed to get on with their lives. Hospitality is a significant Christian (biblical) virtue.

(c) Some asylum seekers are allowed to live in the community on Bridging Visa Es or under *habeus corpus* orders while their claims for refugee status are evaluated. They are not allowed to work, to claim social security payments, or to use Medicare. Children are not entitled to free education or training. No concessions apply. That is, they are allowed no means of survival in Australian society, except total dependence on friends, families or strangers of goodwill. The Minister for Immigration has been approached by Uniting Church and other representatives about these matters but opposes providing social security payments and allowing people to work. Again, this is a very inhospitable, grudging and inhumane approach to refugees. Providing a social security payment would be far, far cheaper than the \$47,000 or more it costs to keep each person in a detention centre. The Bridge for Asylum Seekers Foundation is a community foundation set up with the help of UnitingCare to raise money to support these people.