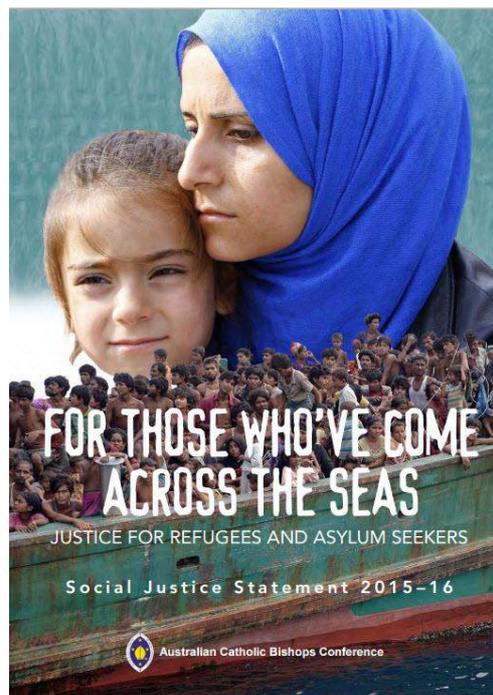


# **Social Justice Statement 2015–16**

## **FOR THOSE WHO'VE COME ACROSS THE SEAS**

**JUSTICE FOR REFUGEES AND ASYLUM SEEKERS**





## Chairman's Message

On behalf of the Australian Catholic Bishops Conference, I present the 2015–2016 Social Justice Statement, *For Those Who've Come Across the Seas: Justice for refugees and asylum seekers*.

This Statement was developed in response to the longstanding divisions in Australian society over asylum seekers, particularly those who have arrived by sea. We Australians have rightly felt appalled at the dangers that refugees experience on their journeys, but we seem to have come to believe that harshness and rejection will be enough to deter desperate people from their flight to safety.

Yet the presence of boat people proves that Australia cannot insulate itself from the worldwide movement of people. Every boat we intercept, every child we detain, is a reminder that we can be part of the problem or part of the solution. While we try to bar our doors, millions are fleeing and dying – Rohingyas, Syrians, Hazaras and Somalis, to name only a few.

For me, the desperate plight of refugees is particularly poignant because I came to Australia as a boat person, fleeing as a teenager from Vietnam. I experienced communist oppression and I saw how tyranny and cruelty can leave people with no choice but to seek refuge elsewhere, in any way possible.

That personal history was one reason why I chose for my motto as a bishop the evocative words of Jesus to his disciples, *Duc in Altum* – 'Put out into the deep' (Luke 5:4). His words to his companions were a challenge to encounter new horizons, to go where they might not have dared, to seek grace where they had not found it before. That is the journey and the hope of all asylum seekers.

I believe that those words of Jesus also challenge Australians to make a similar journey – to dare to accept the gifts that we have come to fear or reject. And there are many gifts that refugees have brought to Australia, not only as scientists, doctors, teachers and artists but as ordinary people whose talents and energy have enriched our society.

Australia rose to the challenge in the past with its generous embrace of migrants and refugees. It proved itself especially courageous during the Indochinese exodus and accepted an unprecedented number of Asian refugees. Australia changed for the better as it always has with each successive wave of new arrivals. Australia is what it is today because of their determination and drive for a better future. We honour the legacy of this great nation not by

## **Social Justice Statement 2015–2016**

excessive protectionism, isolation and defence of our privilege at all costs. Rather, we make it greater by our concern and care for asylum seekers in the spirit of compassion and solidarity that has marked the history of our country from its beginning.

With the increasing global movement of peoples and our nation's fearful response, it is timely for us to reflect on this important issue of the day. I highly commend this Statement to you and I pray that it will lead us to work for acceptance, justice and dignity for refugees and asylum seekers.

With every blessing,

Vincent Long Van Nguyen DD  
Auxiliary Bishop of Melbourne  
Chairman, Australian Catholic Social Justice Council

## FOR THOSE WHO'VE COME ACROSS THE SEAS JUSTICE FOR REFUGEES AND ASYLUM SEEKERS

*Immigrants dying at sea, in boats which were vehicles of hope and became vehicles of death. That is how the headlines put it. When I first heard of this tragedy a few weeks ago, and realised that it happens all too frequently, it has constantly come back to me like a painful thorn in my heart ...*

*These brothers and sisters of ours were trying to escape difficult situations to find some serenity and peace; they were looking for a better place for themselves and their families, but instead they found death. How often do such people fail to find understanding, fail to find acceptance, fail to find solidarity. And their cry rises up to God! ...*

*Has any one of us wept for these persons who were on the boat? For the young mothers carrying their babies? For these men who were looking for a means of supporting their families? We are a society which has forgotten how to weep, how to experience compassion – ‘suffering with’ others: the globalisation of indifference has taken from us the ability to weep!*

Pope Francis at Lampedusa<sup>1</sup>

For years Australian society has been divided by the debate over asylum seekers who arrive by boat. In the words of our National Anthem, they have ‘come across the seas’, but both sides of politics have exaggerated the challenge they present to this country. Australia’s response has been to devise ever-harsher policies that aim to deter those fleeing war and violence and to incarcerate people who are in fact victims.

It has worsened over time. Twenty-five years ago, the Catholic Social Justice Statement on immigration noted: ‘underneath the surface of the Australian debate there are often unresolved fears of newcomers, other “races”, pluralism, conflict and change.’<sup>2</sup>

Today, the panic and mistrust that is stirred up by this debate are out of all proportion to the true scale of the issue in Australia.

The majority appear to regard asylum seekers as a problem and associate them with so-called ‘illegal’ arrival, the evils of people smuggling, and as a burden on the taxpayer. It seems as though the policies of successive governments – of intercepting and pushing back boats, detaining asylum seekers and stopping people applying for

protection in Australia – have been accepted and are regarded as effective, however harsh they may be.<sup>3</sup>

A minority have appealed for us to find a better way.

The ‘globalisation of indifference’ Pope Francis refers to has emerged in Australia. It is an indifference to the reasons behind people’s flight from persecution, to the human dignity of every person, and to our once proud tradition of protecting and supporting victims of war and violence.

## **RESPONDING TO THE CALL OF THE ASYLUM SEEKER**

In the first journey of his pontificate, the Holy Father travelled by boat to the island of Lampedusa, the closest land for many fleeing North Africa. Pope Francis was appalled by the number of people who died on the journey. He dropped a wreath in the sea to honour those who had perished, visited the people who were detained on the island, and led a penitential service on an altar made of the wood from wrecked boats.

In his sermon he paid tribute to the devotion of those who had rescued and supported the survivors, but he attributed the deaths to a failure of international responsibility for the conditions from which people fled. He insisted on the need for people to be placed before economics, and the responsibility of governments to come together in showing compassion for those in need.

For Pope Francis, the boats were a symptom of a wider lack of justice and compassion in national and international life. The problem was not primarily one of people smugglers or of protecting borders. It was a problem of not valuing people properly.

How should we Australians react to the policy of turning back boats, incarcerating men, women and children and preventing their entry into our nation? How do we as Christians respond to people who seek protection from violence and persecution?

In responding to these questions we are guided by Scripture and the social teaching of the Church.

Early in the Old Testament, the respect and care owing to the stranger is established. In the book of Leviticus we find the following exhortation:

*When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you; you*

*shall love the alien as yourself, for you were aliens in the land of Egypt. I am the Lord your God.*

Leviticus 19:33-34

The law called on citizens to show compassion and solidarity towards the stranger, because they too had been oppressed and exiled. In the New Testament, the subject of this law is found in the person of Christ. In the infancy narrative of Matthew's Gospel the first days of the child's life are characterised by the wise men's adoration of his majesty and, immediately afterwards, the Holy Family's escape from Herod's slaughter.

*Now after they had left, an angel of the Lord appeared to Joseph in a dream and said, 'Get up, take the child and his mother, and flee to Egypt, and remain there until I tell you; for Herod is about to search for the child, to destroy him.' Then Joseph got up, took the child and his mother by night, and went to Egypt, and remained there until the death of Herod.*

Matthew 2:13-15

This narrative of the flight into Egypt is also a story of the children of Bethlehem who did not escape Herod's wrath. The Gospel account of Matthew refers to how Rachel wept for her children and 'refused to be consoled, because they are no more' (Matt. 2:18). In the same way, the Pope at Lampedusa calls out to us: *Has any one wept? Today has anyone wept in our world?*

He speaks of how the journey of the asylum seeker is characterised by the search for understanding, acceptance and solidarity. These values are reflected in the Church's principles of human dignity, a special concern for the poor and solidarity. The Pope's challenge was directed to all nations, including Australia. Will we offer understanding, acceptance and solidarity to those who arrive by boat seeking asylum?

## **Human dignity**

All human beings are precious. Each of us possesses an inestimable value that we refer to as our *human dignity*. We are sacred and deserve respect because we are human and loved by God, not because we are useful, law-abiding, belong to a particular race and religion, or contribute economically.

We can see this in the Gospel story of Jesus blessing children:

*Then little children were being brought to him in order that he might lay his hands on them and pray. The disciples spoke sternly to those who brought them; but Jesus said, 'Let the little children come to me, and do not stop them; for it is to such as these that the kingdom of heaven belongs.'*

Matthew 9:13-14

Jesus' disciples see the children as obstacles, someone to be kept out of the way. But Jesus sees the children as persons, each loved by God and each with something to teach us. So he welcomes them and blesses each of them. He looks into their faces and sees their innate holiness.

The dignity of each person means that it is never right to use human beings as if they are things – means to an end. Jesus' attitude shows that. He would never have accepted, for example, that it was right to punish one innocent child in order to make other children behave themselves.

How can we justify Australia's policy of deterring people from claiming protection in the light of Jesus' words? As a nation, we harm innocent people by detaining them, pushing back their boats and transferring them to other impoverished nations. We pretend that the pain and diminishment of one group of people, including children, is a justifiable price to pay for sending a message to others. This policy dishonours the human dignity of people who seek protection and denies the truth of their humanity.

### **The option for the poor**

The question of how we should respond to strangers is the same as the one posed by the lawyer when he asks Jesus: 'Who is my neighbour?'

Jesus answers with a story of a man his hearers despised – a Samaritan.

*A man was going down from Jerusalem to Jericho, and fell into the hands of robbers, who stripped him, beat him, and went away, leaving him half dead. Now by chance a priest was going down that road; and when he saw him, he passed by on the other side. So likewise a Levite, when he came to the place and saw him, passed by on the other side. But a Samaritan while travelling came near him; and when he saw him, he was moved with pity. He went to him and bandaged his wounds, having poured oil and wine on them.*

Luke 10:30-34

Jesus asks, 'Who proved himself a neighbour to the man?' and the lawyer replies, unwilling to even name the Samaritan, 'The one who took pity on him.' The one who is neighbour is the one who acted because he was moved by compassion.

If there is a question of priority in who we should care for, Jesus' message is crystallised in the Catholic social teaching principle of the option for the poor. It says that the test of solidarity and of commitment to the common good is the care we have for the people who are most disadvantaged. A just and healthy society is one in which all people are able to live decently, and where all contribute to the needs of the

weakest, including non-citizens. This principle applies to communities and nations, not simply to individuals.

The first step in showing a special concern for the poor is to notice. Jesus notices. He turns to people who are scorned, rejected or overlooked in the society of his time: the children, the widow with only a small coin to offer in the temple, the outsiders – even lepers, extortionists and prostitutes – and finally the criminal who is crucified with him on Calvary. He shows that God loves them unconditionally.

In the story of the Good Samaritan we see that our understanding of ‘who is our neighbour’ and what we owe them is not limited by borders, race, caste, religion or politics. Our neighbour is the person before us in need. Those kept faceless and nameless behind the veil of border security operations are now revealed to be our brothers and sisters – the mother and child fleeing war, the father desperate to secure a future for his family.

### **Solidarity and the common good**

Jesus was often asked what mattered most in our relationship with God.

*One of the Pharisees, a lawyer, asked him a question to test him. ‘Teacher, which commandment in the law is the greatest?’ He said to him, ‘You shall love the Lord your God with all your heart, and with all your soul, and with all your mind.’ This is the greatest and first commandment. And a second is like it: ‘You shall love your neighbour as yourself.’ On these two commandments hang all the law and the prophets.’*

Matthew 22:36-40

Jesus places our love of God and our love of our neighbour together. He also says that we should love our neighbour as ourselves. Our neighbours are not things: they are people like us, who share a common humanity. This is why Catholic social teaching insists on the importance of the relationships that bind us to one another and to our world.

We all depend on other people: for our very existence, for our food, health, education and work. Our security and economic welfare depend not just on our fellow Australians but on nations around us.

In Catholic teaching this is expressed in the principle of solidarity. Because we depend on one another and our relationship to one another makes us human, we have a responsibility to build a society together that will benefit all people. We do not seek simply our own good but look to the common good.

This is equally true of the relationship between nations. Our security and welfare depend on other countries, so we need to build a world in which all nations recognise their interdependence. Nations are not responsible only for their own citizens. They have a shared responsibility for the world.

People who come to Australia claiming protection are not aliens, but our brothers and sisters. If they cannot find protection in their own countries, they are entitled to claim it from other nations, including ours.

## THE GLOBAL MOVEMENT OF PEOPLE

Pope Francis, in his words and actions at Lampedusa, cuts through the global indifference by making the issue personal. He shows us that, when we look into the face of the asylum seeker and really hear their story – each stage of their journey – they are no longer a stranger to be feared and we can no longer be indifferent to their need.

People who seek protection in Australia are only part of a much larger group.

In 2014 there were almost 60 million people who had been displaced because of persecution, conflict or violence.<sup>4</sup>

Of the world's 59.5 million forcibly displaced:

- 38 million were displaced in their own countries.
- 19.5 million were refugees.
- 1.7 million applied for refugee status in 2014 alone.
- Only 105,000 refugees were resettled in other countries.

UNHCR (2015), *World at War*, p. 2.

The numbers of people in need are so enormous that we can easily lose sight of the faces of each of our brothers and sisters. They become just another statistic or an anonymous tragic figure we see on the nightly news. If the tens of millions of displaced people were a nation, they would constitute the 24<sup>th</sup> largest, with a population similar to that of Italy or the United Kingdom.<sup>5</sup>

When people are forced into flight, it is the neighbouring countries that are most affected. Five years ago, Syria was ranked the second largest refugee-hosting country in the world. Now it has become the world's

'More than 5.9 million refugees under UNHCR's mandate (42%) resided in countries where the GDP per capita was below USD 5,000 ... Turkey became the largest refugee-hosting country world-wide, with 1.59 million refugees ... followed by Pakistan (1.51 million), Lebanon (1.15 million), the Islamic Republic of Iran (982,000), Ethiopia (659,500), and Jordan (654,100).'

UNHCR (2015), *World at War*, pp. 2-3.

largest refugee-producing country, with around four million people fleeing mostly to the neighbouring countries of Turkey, Lebanon, Jordan, Iraq and Egypt.<sup>6</sup>

It is not wealthy nations like Australia who bear the cost of care, but those least able to afford it. Developing countries host 86 per cent of the world's refugees and this proportion has increased by 16 per cent over the past two decades.<sup>7</sup> The available food, shelter, security and medical care are inadequate, and people have no chance of getting on with their lives and raising a family with dignity. Many people have spent years in such appalling conditions.

This global movement of people cannot be stopped or managed by any single country, including Australia. In the Asia Pacific region there are over 3.8 million people who are refugees or in refugee-like situations.<sup>8</sup> The United Nations High Commissioner for Refugees (UNHCR) has reported that in 2014, around 53,000 people have embarked upon dangerous sea journeys from the Bay of Bengal to Thailand, Malaysia and Indonesia.<sup>9</sup>

Australia claims to have 'stopped the boats' for now. In fact, we have shifted the problem somewhere else. It is clear that desperate people have not stopped embarking upon journeys that expose them to deadly risks and unscrupulous people smugglers.

Australia's political debate has focused not on the millions of people displaced around the world, but almost entirely on a small segment of its immigration intake, the refugee and humanitarian program of 13,750 places annually. The policies of both major parties are aimed at deterring so-called 'illegal maritime arrivals' who, at their height in 2013, amounted to about 20,000 people.<sup>10</sup>

It seems Australia is losing sight of the human dignity of the person seeking asylum and our obligation to assist and protect. A myopic focus on the interception of boats and deterrence of asylum seekers has closed the nation's mind to the true picture of the asylum seeker's journey.

We need to hear their story and appreciate the full picture of their journey.

## **1. The flight from persecution and violence**

*Sometime we are just thinking that we are ... some useless parts in the world.  
Just our people – Hazara people ... Now [the] Taliban has started special  
missions to kill the Hazaras ... It is our mistake we were born in this world.  
Everywhere we will be threatened. Even when we came to Australia so there is  
also no mercy to look after us.*

Mohammad's story<sup>11</sup>

Where there is war or terror, people will flee from the immediate situation and hope that their exile is temporary. Most refugees want only to return to their own nations in peace and in freedom, so they stay in camps near the border with their own country.

In addition to war and violence, some are fleeing from threats directed at them because of who they are – their ethnicity, religion, disability or something about themselves that they cannot change. Remaining on the border may be as dangerous as staying where they were. They may have to flee much further.

For example, the century-old persecution of Afghanistan's Hazaras continues to this day at the hands of the Taliban. In Sri Lanka in 2009, thousands of Tamil civilians were trapped and fired on by Sri Lankan forces and the Tamil rebels. They were then herded into internment camps where the atrocities continued.<sup>12</sup> In the Central African Republic 800,000 people were recently displaced as a result of sectarian violence, with significant flows of refugees into Congo, Chad and Cameroon.<sup>13</sup>

Women and children are particularly at risk during periods of conflict and where civil society breaks down. The vulnerable are exposed to sexual abuse and exploitation, and warring parties kidnap children to be new recruits. The UN Office of Drugs and Crime reports that eight countries in the Middle East and Western Europe have detected Syrian victims of people trafficking, where victims from this country were rare before the Syrian turmoil in 2011.<sup>14</sup>

Reports from Syria speak of the atrocities of radical jihadis against Christian minorities.<sup>15</sup> The Pope's representatives, the Apostolic Nuncios in the Middle East, have made this impassioned plea:

*One cannot be silent, nor the international community remain inactive, in the face of the massacre of persons merely because of their religion or ethnicity, in the face of decapitations and crucifixions of human beings in public squares, in the face of the exodus of thousands of persons and the destruction of places of worship.*<sup>16</sup>

For these people, there is no choice but to flee or perish.

Pope Francis has also recently highlighted how the disproportionate impact of climate change in developing countries is displacing entire communities. In his Encyclical Letter, *Laudato Si'*, the Holy Father reminds us of how the poor of the world are most susceptible to the effects of environmental degradation and natural disasters:

*There has been a tragic rise in the number of migrants seeking to flee from the growing poverty caused by environmental degradation. They are not recognised by international conventions as refugees; they bear the loss of the lives they have left behind, without enjoying any legal protection whatsoever.*

*Sadly, there is widespread indifference to such suffering, which is even now taking place throughout our world.*<sup>17</sup>

Their loss of livelihoods and lack of social support means they too are forced to leave their homes with little hope for the future.

## **2. Embarking upon a dangerous journey**

*Leaving your country for good is one of the hardest decisions a person can be forced to make. It means a break with all that you know ...*

*Asylum seekers carry sorrow and distress and depend on human sympathy. An asylum seeker is a kneeling person; kneeling in front of the ship to ask for a reduced escape price; kneeling in front of the aid agency asking to be saved.*

*They get on a boat, on a piece of wood, not knowing where it is taking them; their safety and security limited to that piece of wood, risking starving or drowning at sea.*

Najeeba's story<sup>18</sup>

Imagine being uprooted from the life you know – leaving your home, your possessions, your whole way of life. Think of what it would be like to leave family members behind or to lose them in a journey with an uncertain end and in the hands of strangers.

The journey of a refugee is chaotic. There is the immediate need to find food, water and shelter and to be safe. From the moment of departure there is the risk of death, incarceration and further persecution.

In desperation, some people flee to developed nations where they may find protection. Since they have no other choice, they pay people who will help them travel. Many of these agents exploit them: they make unrealistic promises and charge exorbitant prices. The journey can be gruelling and boats are often unseaworthy and overcrowded.

They brave storms, risk shipwreck and drowning, and suffer starvation, dehydration and heatstroke. Sometimes the smugglers and crews are as much of a threat: in South-East Asia, there are regular reports of killings, torture and rape. People have been beaten or imprisoned as their captors extort more money from their families. One said: 'If I beat them, the money will come out'.<sup>19</sup>

Those travelling through countries that lack refugee protections can experience hostility, abuse and extortion at the hands of police and other officials. Ill-treatment and long delays in resettlement, even when the UNHCR has granted refugee status,

has meant that many have had little alternative but to move on.<sup>20</sup> For these people, there is no organised ‘queue’.

For too many, this is not a journey of choice. Such people fear the dangers of the journey far less than the persecution and dangers from which they have fled.

The actions of recent Australian governments from both sides of politics to ‘send a message’ to people smugglers by turning back boats, detaining people offshore and refusing resettlement have effectively made vulnerable people a means to an end.

About 90 per cent of boat arrivals who have been processed in the past have been found by our rigorous refugee status determination process to be genuine refugees in need of protection.<sup>21</sup> This alone should tell us that ‘turning back the boats’ is harming genuine refugees.

Australia has obligations to protect people who are found to be refugees and to those who are asylum seekers. As a global citizen, Australia has the opportunity to lead a regional response that respects the right of each nation to protect its borders while ensuring protection for asylum seekers and the establishment of prompt refugee status determination and resettlement options.

### **3. Prolonged detention onshore and offshore**

*I am here, an unknown person. No one knows about us. We are on this island. We thank them for what they are providing for us, these services, everything we need that they are providing for us. We just need to have some certainty. I have lived in war zones, with bombs and explosions. I have never experienced what I am experiencing here with the uncertainty we face. If we had died in the ocean, that would have been better. I just need to know my destiny so that I can sleep at night. Just to know, so I can be prepared for what will happen.*

An Iraqi asylum seeker detained on Manus<sup>22</sup>

In our pastoral care of asylum seekers in detention we have heard the stories and witnessed for ourselves the overcrowding, insufficient staffing and services, isolation, riots, self-harm and suicide.<sup>23</sup>

In 1992 Australia introduced mandatory detention for non-citizens who arrive by boat without a valid visa. Increasingly, detention facilities have been constructed in isolated locations without adequate resources for the care of detainees. They have been described as ‘barbed wire encampments set in the midst of an inhospitable environment’.<sup>24</sup> The institutionalised cruelty in places like Baxter, Curtin and Christmas Island has now been outsourced to Papua New Guinea and Nauru.

The financial cost to Australians has been huge. In 2014–15, Australia devoted almost \$3 billion to onshore and offshore detention and community placement services for several thousand asylum seekers. The budget for the Manus Island and Nauru facilities alone was over \$820 million.<sup>25</sup> By comparison, the UNHCR has a budget of around \$5.5 billion to attend to the needs of almost 60 million people around the world.<sup>26</sup>

The real cost is borne by those who are detained indefinitely. For anyone, to be deprived of freedom is an ordeal. For people who have endured persecution and the dangers of travel, it can be uniquely destructive. They are distressed and ashamed that they can do nothing to help their families still at risk outside Australia. They are terrified that they will be sent back into danger. And, unlike convicted criminals, they do not have a definite sentence.

The 2010 Australian of the Year, psychiatrist Dr Patrick McGorry, described detention facilities as ‘factories for producing mental illness and mental disorder’.<sup>27</sup> Dr Peter Young, former chief psychiatrist to Australia’s detention centres, described them as ‘inherently toxic’. Psychiatrist Professor Louise Newman said that when the Labor government reopened the Manus Island and Nauru facilities in 2012, ‘they replicated the very conditions that they have admitted contribute to mental harm and deterioration.’<sup>28</sup>

Concerns have been raised by the UNHCR and the United Nations Committee Against Torture about the poor conditions and treatment of detainees, the slowness of processing, the arbitrary nature of detention and the risk of detainees being deported to danger.<sup>29</sup>

Mandatory offshore detention does not save lives. Recent immigration ministers from both sides of politics admitted as much to the Human Rights Commission.<sup>30</sup> There is no evidence that measures like suspending refugee status determination and denying resettlement in Australia will stem the flow of people seeking asylum.

Australia cannot claim the moral high ground and justify its policies by claiming they prevent deaths of asylum seekers at sea, when it offers no other way of giving protection and organising any avenue of safe arrival. We need to work:

- globally to develop in-country solutions that can effectively protect displaced people
- regionally to increase genuine protection spaces in countries such as Malaysia and Indonesia, and
- locally by substantially increasing Australia’s humanitarian intake.

Because the safety of these asylum seekers cannot be guaranteed and durable solutions are unlikely to be found for them immediately in Papua New Guinea and Nauru, both of these detention facilities should be closed.

The billions of dollars spent each year on deterring and detaining thousands of vulnerable people would be better spent in our region on policies that are far more humane and effective.

#### 4. Particularly vulnerable groups

*If only you could feel how much it hurts to be locked up behind the fence.  
If only you could see how my tears are falling down every moment.  
If only you could know how much it means to me, to be a normal person,  
Like any other – like people outside the fence.  
If only you could see the world I left behind.  
If only you could see how lonely I am without my family,  
And knowing they are not safe.  
If only you could hear me out and listen to why I came.  
If only you could feel the pain inside my chest.  
If only you could see how many times I wake up in the middle of the nights,  
My blue bag to Nauru waiting at my door.  
If only you could see how many dreams I have for my future.<sup>31</sup>*

This poem by a 17-year-old asylum seeker held at Christmas Island speaks eloquently of the experience of all asylum seekers of the world who are incarcerated, without family and without any hope of a durable solution.

Children are a particularly vulnerable group in any detention setting. The findings of the Human Rights Commission's 2014 National Inquiry into Children in Immigration Detention show that these policies have caused terrible harm to children and their parents. As a signatory to the Convention of the Rights of the Child, Australia is obliged to ensure that the detention of children is a measure of last resort, for the shortest period of time possible, that children are not detained arbitrarily, and are not separated from their parents.<sup>32</sup>

Australia is the only nation that detains child asylum seekers as a matter of course.<sup>33</sup> Most other countries have far more humane policies towards those who seek protection. The United Kingdom, for example, detains people only when absolutely necessary before they are to be removed from the country; children may be detained for only 72 hours or, with the minister's approval, for a maximum of a week.<sup>34</sup>

We are concerned when we hear reports of pregnant women seeking abortions because of the dire conditions in detention, of young mothers on 24-hour suicide

watch, of children living in close proximity to depressed adults, and of high numbers of children self-harming and being exposed to potential abuse.<sup>35</sup>

What can have justified separating a six-year-old girl suffering post-traumatic stress from her mother for an extended period while her mother was sent to the mainland to have a baby? Or seizing the medical records and destroying the medication of a three-year-old girl suffering from epilepsy?<sup>36</sup> These actions speak of an institutionalised cruelty that cares little for the most vulnerable.

There is clearly a conflict when the Minister for Immigration and Border Protection is the legal guardian for unaccompanied minors and at the same time is responsible for their detention. The Australian Churches Refugee Taskforce has rightly called for the establishment of an independent Office of Guardian for Unaccompanied Non-Citizen Children able to truly look out for the best interests of the child and maintain a commitment to the protective role of parenthood.<sup>37</sup>

Concerns have also been raised about the high incidence of mental illness among detainees and the inadequate screening for victims of torture.<sup>38</sup>

Around 50 people have languished in detention for years because ASIO has issued an adverse security assessment even though they have been given refugee status. If they had committed a crime they would not have been granted refugee status. The assessment remains secret and there is no opportunity to seek an independent appeal. They cannot be returned home and it is unlikely another country will take them.<sup>39</sup> They remain in a legal limbo, the forgotten of the forgotten.

It might seem surprising that we mention another group who are vulnerable. They are Australians: the men and women of the Australian Defence Force and officials and contractors running detention facilities. Some personnel who are involved in the dangerous business of turning back boats have been traumatised by the experience.<sup>40</sup> Staff in the detention centres, too, can suffer. In volatile conditions they endure great stress. And anyone employed in ensuring that other human beings remain locked up is likely to become less sensitive to human suffering. They also experience the toxic effects of this system.

## **5. In the community but in poverty**

*I left my country Uganda due to the circumstances that I had that threatened my life. Coming to Australia and leaving my family behind was the most challenging decision I ever faced in my entire life ... Arriving in Australia was scary for me; I knew no one, had no money, nowhere to sleep. I was stranded, anxious, desperate and eventually stressed and depressed.*

*I went through a rough time; my entire life depended on charity. Immigration took some time while processing my application; it felt like an eternity.<sup>41</sup>*

The treatment of asylum seekers in detention is cruel. So are the conditions for those permitted to live in the community while their claims are assessed. On bridging visas without work rights, they have been placed in situations that lead to destitution and hopelessness. Because they rely on income support that is lower than regular allowance levels, they experience severe hardship and the indignity of having to search for charity wherever they can.

In 2013, the Australian Red Cross revealed that around half of asylum seekers who rely on government support did not have access to quality long term accommodation, and of these, 13 per cent of single individuals and nine per cent of single parents lived in short-term emergency accommodation or were sleeping rough. Almost 40 per cent had experienced food insecurity largely due to housing costs and income below the poverty line.<sup>42</sup>

These are lives characterised by dependence, enforced inactivity and the denial of opportunity to develop and contribute to society.

As one woman said:

*Because we are not working we don't pay taxes, we feel that we ... don't belong here because we can't contribute to this country. When we work and when we pay our taxes then we feel we are a member but for the time being we think that we can't be a part and we always think that we are a burden for Australia.<sup>43</sup>*

The meagre support and restrictions on work were originally justified on the grounds that asylum seekers would be processed and receive final determinations relatively quickly. Constant shifts in policies and the current delay in status determination for boat arrivals living in Australia have affected around 30,000 people.

Asylum seekers who are denied the right to work are left in an impossible situation, without adequate means to feed, clothe, house and educate themselves while they are in the community and their claims are being assessed. We must ensure that, having fled the desperation of their homelands, they do not face destitution in Australia.

We acknowledge the untiring efforts of women and men of Church and community organisations who offer material and financial assistance, as well as emotional and social support to asylum seekers in poverty. They see first-hand the impact of government policy upon the dignity of people. They have stood in true solidarity with the vulnerable in the face of inflammatory public debate. Catholic Social Services, the Religious Orders, the Society of St Vincent de Paul, organisations such as the House

of Welcome, Asylum Seekers centres, the Refugee Council of Australia and countless parish and community groups are to be commended for their commitment.

## **CALL FOR A NEW GLOBAL RESPONSE OF COMPASSION**

Australia's response to asylum seekers and refugees has been marked by vitriolic political debate at every federal election campaign since 2001. As ever tougher deterrence measures have been introduced, our nation has retreated from its obligation to protect the fundamental right of those in fear of their lives to seek asylum. Australia is forgetting its proud tradition of welcoming the stranger. As a nation, we are at risk of becoming indifferent.

The essential issue for Australia is whether we will live up to our reputation as the land of the 'fair go' that lends a hand to those in desperate circumstances. In the second verse of our National Anthem we sing:

*For those who've come across the seas  
We've boundless plains to share;  
With courage let us all combine  
To Advance Australia Fair.*

We sing with pride of the generosity, welcome and unity we offer. This ideal stands in stark contrast, however, to the self-interest, incarceration and exclusion that have characterised our nation's response over many years to asylum seekers who arrive by boat.

At the end of the Second World War when millions of people were displaced, national leaders committed themselves to care for refugees. Australia helped draft the United Nations Convention on the Status of Refugees and signed it in 1954. We willingly took up our responsibilities: to recognise the right of individuals to seek asylum in a country bound by the Convention, not to penalise people because of their mode of arrival, and to undertake not to return people to a country where they have a well-founded fear of persecution.<sup>44</sup>

These and other human rights treaties provided the framework for the orderly and compassionate reception of refugees, particularly through the critical periods following the Second World War and the Vietnam War.

Australia has benefited greatly through the contribution of generations of immigrants, including those who were refugees and asylum seekers. They have brought wonderful diversity to our culture, lent their skills and hard work to the labour market and added youth and vitality to the nation. However, it is not the potential contribution

immigrants can make to Australia that should be the focus when responding to claims for refugee status but, rather, our primary obligation to protect desperately vulnerable people.

There are terrible and pressing reasons why the global movement of people is increasing. Each day, conflict and persecution force more than 42,000 people to flee their homes in search of safety and protection.<sup>45</sup> The crises in Iraq and Syria have increased the already high level of displacement. The United Nations High Commissioner for Refugees, Antonio Guterres, has described the situation as ‘the worst displacement situation in the world since World War II’.<sup>46</sup>

Yet in 2014, on the 60th anniversary of signing the Refugee Convention, Australian policy-makers succeeded in writing most of the Convention out of the Migration Act. The amended legislation includes a ‘new, independent and self-contained statutory framework’ that allows the government to make its own interpretation of the nation’s obligations under international law.<sup>47</sup>

Some decisions of recent years have included:

- excising Australia from its own migration zone
- returning asylum seekers to the countries from which they fled
- incarcerating men, women and children in remote offshore detention centres
- freezing the Refugee Status Determination process and introducing measures to rush through assessments with little legal support or appeal rights
- refusing refugees resettlement places in Australia
- re-introducing Temporary Protection Visas.

Australia, like every other nation, has the right to regulate migration flows and assess the status of people seeking protection within its borders through a rigorous processing system. However, a system that restricts both the individual’s right to seek asylum and the state’s obligation to provide protection is inherently flawed. A respected Professor of Law, Frank Brennan SJ, has pointed out that if every country did what Australia is doing, no refugee would be able to flee from persecution and the Refugee Convention would be a dead letter.<sup>48</sup>

There must be an alternative. We must recognise our regional responsibility and also acknowledge that the dangers people face are so great that deterrence alone is not an adequate response.

We call on our political leadership to ensure public debate is characterised by respect for the human dignity of people seeking asylum.

## Social Justice Statement 2015–2016

Australia should be processing asylum seekers' claims onshore. Detention in immigration facilities should be for the shortest period possible to undertake identity, health and security checks. No child should be detained solely on the basis of their immigration status and all children are entitled to a healthy family life with the support and nurture of their parents.

Australia should be showing leadership in the region, not just in combating people smuggling but in increasing the capacity for protection and resettlement places in South-East Asia. Globally we should be making concrete efforts to engage with source countries to provide in-country support to people who are displaced.

There should be a substantial increase in Australia's humanitarian intake with a flexibility to increase this number in the case of major global crises.

People living in the community while their asylum claims are being processed should be afforded work rights.

We must ensure that no one seeking Australia's protection, regardless of whether they are in onshore or offshore facilities, or in a third country under a bilateral resettlement agreement, is ever deported to danger.

These suggestions are not new or extraordinary. Such policy approaches have been successfully implemented before.

### **We all have a role to play**

What can we do as individuals and a community to help our brothers and sisters and work for a conversion in our nation? The task is not easy, but there are many things that we can do.

First, we can make sure that Australians understand the issues better. Quiet conversation and example are powerful tools for conversion.

We can also support the organisations that work to help asylum seekers: organisations like the Society of St Vincent de Paul, Catholic Social Services, Jesuit Refugee Services, Asylum Seeker centres and many others.

We can work within our parishes to ensure that they are welcoming places. Creating social events, organising or joining support networks, introducing refugees and hearing their stories: all these are ways in which we can recognise the humanity of those who have come in need of protection.

Politicians need to know that we feel passionately about this issue, and not just at the ballot box, when we cast our vote. Writing to local members and ministers does have

an effect, and can give encouragement to those in Parliament who also seek a better way.

The Australian Catholic Migrant and Refugee Office is a valuable source of advocacy and information. The Office provides education resources for schools and materials for the annual World Day of Migrants and Refugees – the last Sunday in August.

The Australian Catholic Social Justice Council distributes a Ten Steps leaflet that will include ways in which we can work to promote understanding and help such people in practical ways. Many dioceses have very active Justice and Peace offices that can make suggestions about practical steps you can take or organisations you can support.

## **RESPONDING TO THE CALL OF JESUS**

How will we answer the call of our brothers and sisters who come knocking on our door?

Jesus Christ reveals the love of God and the full truth of the human being. God, who created us all, loves us so much that he became incarnate, was crucified for our sake and rose from the dead.

From the beginning, Jesus experienced the terrors of the refugee when his family fled tyranny and sought refuge in Egypt. In his ministry he led the life of a wanderer and relied on the hospitality of others: ‘The Son of man has nowhere to lay his head’ (Matthew 8:20). He urged his disciples to do the same: ‘Take no gold, or silver, or copper in your belts, no bag for your journey’ (Matthew 10:9-10). He embraced the outsider and the exile as a person like himself, and he commands us to do as he did. When we Australians support policies of cruelty and rejection, we close our ears to Christ’s call and turn him away from our doors.

We know that we are better than this. As Christians, we know that it is within us to hear the call of Jesus. As Australians we have shown ourselves willing to take the path of generosity and leadership. We can do so again.

The words and actions of Jesus demand a response. We do not open our hearts and our home to vulnerable people simply because they are ‘deserving’ of charity or compassion. We take them in, provide shelter and bandage their wounds because they are equal to us in dignity. They are no longer ‘aliens’ (Lev. 19:33) but our brothers and sisters.

Pope Francis has made this point strongly in his recent Encyclical:

*We need to strengthen the conviction that we are one single human family. There are no frontiers or barriers, political or social, behind which we can hide, still less is there room for the globalisation of indifference.*<sup>49</sup>

So we ask: how would we want our families and loved ones to be treated if they took such a journey of danger? How would we want them to be received by the countries to which they had fled in desperation?

As people of faith we go further and ask: do we see the face of Jesus Christ in those who've come across the seas? Do we recognise the family and child fleeing Herod's massacre? And what of those who have not survived?

There is another way; a way to make a real difference. No longer need we fear the alien approaching our shores as a burden. Instead, we would realise that we are blessed because we do have the means to welcome our brothers and sisters. This other way is characterised by acceptance, leadership and generosity.

Once more the words of Pope Francis remind us that the presence of Christ transforms the darkness of human despair into the light of hope. On Christmas Eve of 2014, he telephoned a group of refugees in a camp in Northern Iraq and said to them:

*You are like Jesus on this night and I bless you and am close to you. Think about how you are like Jesus in this situation and this makes me pray more for you ...*

*Jesus is coming tonight, he comes as a child, tender, innocent. The children who are among, the children who have died, and those who are exploited. Let us think about the children: the Child Jesus comes among us, it is the love and tenderness of God. May the Lord give us the grace to receive them with a lot of love.*<sup>50</sup>

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<sup>3</sup> Alex Oliver (2014), *The Lowy Institute Poll 2014*, Lowy Institute, p. 10.

<sup>4</sup> United Nations High Commissioner for Refugees (UNHCR) (2015), *World at War*, UNHCR Global Trends 2014, Geneva, pp. 2-3.

<sup>5</sup> Ibid, pp. 2, 5.

<sup>6</sup> Ibid, pp. 2, 8, 10, 13.

<sup>7</sup> Ibid, pp. 2, 15.

<sup>8</sup> Ibid, p. 10.

<sup>9</sup> UNHCR (2015), *Irregular Maritime Movements: January – November 2014*, UNHCR Regional Office for South-East Asia.

<sup>10</sup> Bob Douglas, Claire Higgins, Arja Keski-Nummi, Jane McAdam & Travers McLeod (2014), *Beyond the Boats: Building an asylum and refugee policy for the long term*, Australia21, p. 17. Since 2013 the government has referred to unauthorised boat arrivals as ‘illegal’, even though they are not: see Jane McAdam & Fiona Chong (2014), *Refugees: Why seeking asylum is legal and Australia’s policies are not*, New South Publishing, pp. 51-52; Refugee Council of Australia (2013), *Stop using “illegal” label: 138 groups appeal to PM*, Media statement, 6 November 2013.

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<sup>16</sup> Vatican City (2014), ‘Statement of Apostolic Nuncios in the Middle East on October Meeting’, ZENIT, 6 October 2014.

<sup>17</sup> Pope Francis (2015), *Laudato Si’*, Encyclical Letter ‘On Care for Our Common Home’, n. 25.

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<sup>19</sup> UNHCR (2015), *Irregular Maritime Movements*, p. 4.

<sup>20</sup> Amnesty International (2013), *This is Breaking People: Human Rights Violations at Australia’s Asylum Seeker Processing Centre on Manus Island, Papua New Guinea*, Amnesty International Australia, pp. 19, 27f.

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<sup>22</sup> Amnesty International (2013), pp. 61ff.

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