



5th March, 2013

Dear Mr. Morrison,

I am writing to you regarding your recent comments on asylum seekers living in the community, including your calls for the suspension of bridging visas and the introduction of “behaviour protocols”.

As you are aware, UnitingJustice Australia, the justice and advocacy unit of the Assembly of the Uniting Church in Australia, has a long history of positive engagement and advocacy for the rights of asylum seekers and refugees. We have maintained a longstanding opposition to statements that demonise or vilify vulnerable men, women and children who often have no voice of their own.

I am deeply concerned that your recent comments, in particular those made during your interview on the *Insiders* program on Sunday 3rd March, are misleading and contribute to the deep dissension within Australian communities on this issue.

During Sunday’s *Insiders* interview, you stated that “the Refugee Convention allows for people to be detained while their refugee status is being determined.” At no point in the *Convention Relating to the Status of Refugees 1951* is any reference made to immigration detention, nor to the continued and unjustified deprivation of liberty of asylum seekers by the country in which they seek a new life.

Article 31 of the Refugee Convention does state, however, that signatories are not permitted to impose penalties on those who enter or are present in their territory without authorisation, provided they present themselves without delay and can show good cause for their entry or presence. Article 31 also prohibits states from restricting the freedom of movement of refugees who arrive without authorisation, with the exception of restrictions necessary for regularising their status. Furthermore, such restrictions should be applied only until their status in the country is regularised or they obtain admission into another country. It is a gross over-reach to interpret this important aspect of the Refugee Convention being as a positive right for successive Australian governments to persist with mandatory and indefinite detention – a practice that the UNHCR has consistently condemned.

For a World Reconciled

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I was also disconcerted to hear you claim that, “With more than 90 per cent of people turning up without documentation, there is an absence of process and guidelines.” As I am sure you are aware, the figure you quote refers to a small group of asylum seekers (documented in Senate estimates in early 2012) who arrived from Indonesia between July 2010 and October 2011 – representing approximately 8% of those who have arrived by boat. To imply then that nearly all those arriving by boat have no documentation is a serious distortion of the truth.

Two additional statements, categorising current security checks for those asylum seekers living in the community as “light-touch assessments based on an identity that has not yet been established,” and stating that “the ASIO does not do full security assessments until someone has been found to be a refugee,” breed fear and further entrench misinformation in the community. In 2005 the Howard-led Government amended the *Migration Act* to speed up processing of protection visas issued to asylum seekers. The introduction of the 90-day rule by your own Party reflected the fact that only a miniscule percentage of those seeking asylum in Australia warranted the full security assessments by ASIO that you now apparently seek. By indicating that those asylum seekers living in the community – despite being 45 times less likely to commit a crime than members of the general public – are somehow dangerous because they have not been “properly” screened is imprudent and unnecessarily alarmist.

Asylum seekers living in the community are subject to the laws set down in the jurisdiction in which they reside, just as we all are. Recent reports demonstrate that the vast majority do so far more successfully than members of the general public. Seeking to impose another set of “behaviour protocols” on a particular group of people serves only to demonise them.

The mandatory, prolonged and indefinite detention of asylum seekers has caused irreparable psychological harm for many who have arrived in Australia. Moving asylum seekers into the community while their claims are processed is not only the humane thing to do, it is also consistent with our international legal obligations. Seeking to damage the reputations of those living in the community, intentionally or otherwise, is harmful not only to asylum seekers themselves but to the wellbeing of our society as a whole. I ask that you reconsider your future public statements on this matter so that we may build a welcoming and hospitable nation, worthy of us all.

Peace and grace,



Rev. Elenie Poulos

National Director UnitingJustice Australia

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