

The Coalition's Real Action Plan for Restoring Integrity and Fairness to Refugee Decision Making

Tuesday, 6 July 2010

Source: TONY ABBOTT

THE COALITION'S REAL ACTION PLAN FOR RESTORING INTEGRITY AND FAIRNESS TO REFUGEE DECISION MAKING

Only the Coalition can be trusted to protect the integrity of our borders.

The Coalition will take direct and real action to further improve the integrity of our refugee assessment process to give Australians greater confidence in our immigration system.

Each year Australia accepts 13,750 people under our refugee and humanitarian programme. This is the most generous resettlement programme per capita in the world today.

It is only right that the Australian Government should do everything it can to preserve the integrity and fairness of this programme to ensure that we provide our assistance to the most deserving cases.

This means giving preference to those people who apply off shore from the various camps and other settlements around the world, rather than those who seek to take their place by arriving illegally, whether by boat or other means.

In particular this means attacking the criminal business of people smugglers and denying them a product to sell, namely almost guaranteed permanent residence, as currently occurs under Labor's policies.

That is why the Coalition has announced it will restore the strong regime of border protection policies that were so effective under the last Coalition Government, in particular off shore processing in another country, temporary protection visas and being prepared to turn back the boats where the circumstances allow.

These are the policies that must be implemented on our side of the fence to deter people smugglers, in addition to the continued commitment to regional and international cooperation.

Today, we announce further measures to increase the integrity of our assessment process to give Australians greater confidence that those who benefit from our protection are genuine refugees.

We will do this by putting an end to Labor's tick and flick approach where decisions are made on a 'balance of probabilities' rather than hard evidence of a person's identity.

A Coalition Government will make a presumption against granting refugee status to any applicant who is believed to have deliberately discarded their identity documentation prior to presenting themselves to Australian authorities.

The Coalition will also put greater accountability and transparency into refugee status determination, shifting the final decision away from those who make the original assessments and increasing Ministerial scrutiny, including the ability to challenge approval recommendations.

A Coalition Government will also increase the opportunities for legitimate refugees applying off shore through the appropriate channels by increasing the proportion of places we make available out of the 13,750 quota for those recommended by the UNHCR programme and the Coalition will also trial a refugee sponsorship programme similar to that employed in Canada, to enable groups within Australia to directly extend their generosity and sponsor a refugee, over and above the official programme.

Under Labor we have seen the number of illegal boat arrivals increasing from three per year under the Coalition to more than three per week.

The number of people in detention under Labor has also increased from just four people who arrived illegally by boat in November 2007 to more than 3,500 today.

The costs of our detention programme to taxpayers have blown out by at least \$1 billion, while people smugglers continue to reap their profits.

All of these pressures run the risk of compromising the integrity of our decision making process.

A Coalition Government will introduce the checks and balances needed, with the Minister taking ultimate responsibility, to ensure Australians can have confidence that those we accept as refugees are legitimate and are therefore deserving of our protection and support.

All those who fail this test must be returned home.

This is currently not occurring under the policies of the Labor Government. The combination of Labor's asylum freeze, lengthy appeals processes and now access to mainland courts, means even when people are not legitimate refugees they remain in Australia.

Labor's policies are giving people smugglers a product to sell. One hundred and forty three illegal boat arrivals do not lie. Labor cannot be trusted to implement policies that secure Australia's borders and protect the integrity of immigration programme.

6 July 2010

POLICY MEASURES:

The Coalition has already released a number of policy initiatives to restore the strong border protection regime abolished Labor and put people smugglers out of business. These include to:

- restore universal off shore processing of all illegal boat arrivals, including in a third country;
- restore Temporary Protection Visas;
- turn back the boats where circumstances permit;
- apply mandatory work for benefits scheme for all protection visa holders; and
- restore the 45 day rule and oppose complementary protection

The following measures build on these announcements and will improve the integrity of our assessment process. By imposing greater objectivity and transparency on the decision making process, these measures will give Australians greater confidence about who Australia decides to accept as a refugee, consistent with our international obligations.

A Coalition Government will end Labor's 'tick and flick' approach to refugee status determination. We will require those making asylum claims to give the Australian Government, wherever possible, more reliable information about their identity.

Proof of identity

The Coalition will establish greater objectivity in the determination of the refugee status of asylum seekers who are unable to present identity documentation.

While the Coalition recognises some applicants may never have had such documentation, or may have had their documentation destroyed or confiscated, there are also cases where such documentation is deliberately discarded or destroyed by applicants.

Where an assessor makes a reasonable assessment that an applicant for asylum has discarded their identity documentation deliberately, there will be a presumption against awarding refugee status under Section 91W of the Migration Act.

Integrity in decision making

Under a Coalition Government the Minister for Immigration will have greater oversight of decisions made on protection claims, and will reserve the right to directly intervene in the decision making process – thereby providing an additional check and balance within the system.

Around the world the rate of rejection and acceptance for refugee status determination varies markedly for asylum applications.

Determination of asylum applications on Christmas Island and on the mainland depend upon a 'balance of probabilities' assessment conducted by our immigration officials.

The Coalition is concerned that protection visa applicants are being waved through the system to clear the increased volume of applications and to relieve pressure in overcrowded detention facilities, both of which are a product of the Labor Government losing control of our borders.

While rejection decisions can be appealed by the applicant to a merits review panel established by Labor, there is no process for appealing or testing the veracity of affirmative decisions.

In relation to the processing of applications made by off-shore entry persons, the Secretary of the Department or his or her delegate will be required to make the final determination of all recommendations made by on site departmental assessors.

The Minister will also be given power under the Migration Act to call in any assessors' recommendations prior to determination by the Department before making a final determination.

The merit review panel introduced by Labor will be abolished. Instead, the applicant will have the option of appealing a recommendation made by an assessor, to another assessment officer, as practiced by the UNHCR elsewhere. Where the Department rejects an affirmation recommendation made by an assessor, the applicant may appeal the decision to the Minister. Consistent with other provision of the Migration Act regarding Ministerial decisions, the Minister's decision either on appeal or through intervention will be final.

No additional right of appeal will be made available to off shore entry persons than they would be entitled to in Indonesia or any other location where their assessment would be undertaken by the UNHCR.

The Coalition will also abolish Labor's policy of providing free legal advice to applicants appealing their decision.

A fairer chance for resettlement – off shore applicants first

A Coalition Government would give priority to resettlement of refugees who have made off shore applications to Australia's refugee and humanitarian visa programme.

To achieve this goal, a Coalition Government would increase the number of resettlement places made available through the UNHCR process for off shore applications each year by 1,500 persons, increasing the overall share of these places as part of the overall programme.

While the UNHCR would be free to recommend persons for resettlement, the decision of who is granted resettlement will be a decision of the Australian Government.

The total number of places under the Refugee and Humanitarian programme would remain at 13,750.

The Coalition will re-introduce our policy, abolished by Labor, to require off shore entry persons to first make an application for permanent residency to countries other than Australia, before being granted the permission to make application for a protection visa in Australia.

Off shore entry persons would remain in detention until such time as they have been able to secure resettlement to a third country other than Australia, have voluntarily chosen to return to their country of origin, or are given permission to make an application for an Australian visa and are granted resettlement to Australia.

This provision would enable the Australian Government to ration the number of places made available to off shore entry persons, and protect the primacy of our off shore resettlement programme.

Private refugee sponsorship pilot

The Coalition will trial a refugee sponsorship programme, to enable groups in Australia to privately sponsor refugees over and above our regular intake on a fully bonded basis.

These bonded private sponsorships would operate in a way similar to the contributory parent visa programme and enable community groups, approved by the Government, to provide sponsorship to people assessed as refugees by the UNHCR off shore. The programme would not be available to individual sponsors to protect against any abuse of the programme and would not be available to persons who entered Australia illegally. All sponsored persons would need to satisfy health, identify and security checks and be approved by the Australian Government.

The programme could potentially apply to both temporary and permanent protection visas, with different bond rates for each. The level of bond would be set to ensure the program was self funding, with no net cost to the budget.

The number of places would be in addition to those established each year for our regular refugee and humanitarian programme.

The pilot would be introduced in the first term of Coalition Government with a view to establishing a permanent programme in a subsequent term. The private sponsorship programme could therefore enable Australia to lift our refugee intake to 15,000 within three years.

The Coalition will consult on the development of the pilot programme, which would be based on the Canadian model.

[ends]