

More detail needed on new asylum seeker policy

The Australian Human Rights Commission has called for further detail from the Government on the asylum seeker policy announced today, especially regarding the proposed regional processing centre in East Timor.

Commission President Catherine Branson QC, said the Commission supported a regional approach to asylum seeker issues.

“However, we are concerned about people who make claims for asylum in Australia being sent to East Timor for their claims to be processed,” Ms Branson said.

“Important questions about the proposed regional processing arrangements include: what processing regime will apply; will decisions about refugee status be reviewable; will asylum seekers be held in detention; and will adequate resettlement options be available quickly?”

“Australia has a responsibility to ensure that people seeking asylum in our country are not returned to a situation where they face persecution,” she said.

“Sending asylum seekers to a third country for processing increases this risk. However, the Commission acknowledges that East Timor is a signatory to the Refugee Convention.”

The Australian Human Rights Commission welcomed the 2008 decision to end the Pacific Solution and has consistently called for an end to the excision of parts of Australia from Australia’s migration zone. The Commission has also called for an end to the alternative processing regime in place for people who have arrived in excised offshore places.

Ms Branson said the Commission welcomed the lifting of the suspension of processing of asylum seekers from Sri Lanka and urged the government, as a matter of urgency, to do the same for asylum seekers from Afghanistan whose claims have been suspended from processing until October.

“Most of the recent asylum seekers are from Afghanistan,” Ms Branson said.

“Continuing the suspension of processing these claims means that these people remain at risk of being held in detention for prolonged and indefinite periods of time.

“This could lead to individuals being arbitrarily detained in breach of Australia’s international human rights obligations. Subjecting asylum seekers to prolonged periods of detention is not a path that Australia should go down again,” she said.

Ms Branson said it was already apparent that prolonged and indefinite detention could have devastating effects on the mental and physical health of asylum seekers and she called for all claims for asylum to be assessed as promptly as possible, based on accurate country information available at the time.

“If asylum seekers from Sri Lanka are not found to be refugees and are returned, the Australian Government has a responsibility to take all possible measures to ensure that they are safe on their return,” she said.

“Australia should ensure the humanitarian and compassionate treatment of asylum seekers, in compliance with our international human rights obligations.”

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