

February 3 2016 Refugee Action Coalition Media Release

AFTER HIGH COURT RULING: Sydney Protest to Call on Government to Let Nauru and Manus Asylum Seekers Stay in Australia

The High Court decision that detention of asylum seekers on Nauru and Manus is lawful has again revealed the fundamental flaws in the Australian law.

Just as the High Court has found that indefinite detention in Australia is lawful, the High Court has found that Australian law allows the government to send asylum seekers to be detained on Nauru and Manus Island.

The High Court decision hides behind a legal technicality. It avoided the substance of the challenge by finding that the asylum seekers on Nauru are detained by the Nauruan government.

This is a legal fiction. Detention on Nauru only exists because of the Australian government. It is maintained at the behest of the Australian government. Its funding and management is maintained by the Australian government.

The UN Committee on Torture last year declared that under international law, Australia could not escape its responsibility for the offshore detention centres it maintains on Nauru and Manus.

The High Court also maintained the legal fiction that the asylum seeker would not be sent back to detention because of the “open centre” arrangements put in place by the Nauru government.

But the so-called open centre arrangements have changed little in practice. Asylum seekers are still searched going in and out of the camp. They are still not allowed to bring anything, even food, back into the camp.

In any case, Nauru itself is a prison.

“The government cannot hide its responsibility for Manus and Nauru behind the High Court decision. In the higher court of public opinion, everyone knows that Australia is responsible. The fate of the 260 people presently in Australia is with the Minister for Immigration. The government has always had the power not to send asylum seekers back to offshore detention,” said Ian Rintoul, spokesperson for the Refugee Action Coalition.

Protest: The Refugee Action Coalition has called a protest, 12.30pm Thursday 4 February, Immigration Office, Lee Street, City, as part of national mobilisations (details below) to call on the government to let the asylum seeker and refugees stay in Australia.

Speakers include: NSW Greens MP Mehreen Faruqi; Gaby Judd, Grandmothers Against Detention of Refugee Children; refugee speaker, others to be announced.

For more information contact Ian Rintoul 0417 275 713

Other cities:

MELBOURNE | THURS FEB 04

5:30pm, State Library of Victoria

<https://www.facebook.com/events/907459779369725/>

CANBERRA | THURS FEB 04

5:30pm, Cnr Northbourne Avenue and Barry Drive

<https://www.facebook.com/events/1665817080357729/>

PERTH | THURS FEB 04

6:30pm, Perth Immigration Residential Housing (PIRH)

<https://www.facebook.com/events/1588568718056611/>

BRISBANE | FRI FEB 05

12:00pm, DIBP, 299 Adelaide St

<https://www.facebook.com/events/1245663552126787/>

DARWIN | MON FEB 08

5:30pm, Nightcliff Pool