

GOVERNMENT BILL TO REMOVE LAST SAFETY NET FOR REFUGEES FLEEING DEATH, TORTURE AND PERSECUTION

A new migration bill recently recommended, with some minor clarifications, by a Senate Committee will redefine complementary protection so that it offers no real protection. This is the third attempt the coalition has made to pass this bill.

This bill would take the 'protection' out of 'complementary protection' for asylum seekers. 'Complementary protection' refers to Australia's obligations under human rights treaties not to return people to torture or other serious harm, obligations that 'complement' those of the UN REFUGEE CONVENTION. If passed the bill could mean that a person now has to prove they could not move to another country or part of a country that might be "safe" - even if that place is "safe" only because local militias, e.g. ISIS, or warlords control it. Applying this strictly it is hard to see how even fleeing Syrians and Iraqis would currently qualify as refugees, and the likely result is that many people who are refugees will no longer be given refugee status in Australia.

This is made even more likely because of the introduction in December 2014 of a new process for determining if a person was a refugee known – misleadingly – as “fast track” processing. This process which applies to around 30,000 people in Australia introduces strict new time limits for asylum seekers to put together their refugee claims and evidence. It removed the right to a full review of the initial decision by the Department of Immigration and Border Protection. These changes came in after the government removed funding for legal help for those who come by boat leaving most asylum seekers to struggle with the new system alone. The combined effect of these changes makes it more likely people will be refused protection as refugees even if they are refugees.