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Arbitrary Refugee Decisions Expose Manus Assessment Farce

Despite various threats over the years, that they would be denied protection and deported, around 60 asylum seekers on Manus Island have consistently refused to make an application to the PNG government for protection.

Their argument was simple – they arrived in Australia and asked Australia for protection, not PNG; they were transferred by Australia to PNG, against their will; any assessment in PNG does not have legitimacy and in any case, PNG is not able to provide protection.

The UNHCR has refused to be part of refugee assessments on PNG and the assessment is not recognised by any other countries. The looming constitutional challenge in the Supreme Court seems to have prompted a number of hasty organisational changes like attempting to separate refugees from asylum seekers with negative decisions inside the detention centre.

In their efforts to intimidate asylum seekers and refugees, the PNG immigration department has arbitrarily set the end of June as a final date for all refugee determinations.

Around forty-five asylum seekers of the asylum seekers who have not made an application, have now been given a negative refugee assessment despite never having made an application. (see attachment). It is a move to try and force the asylum seekers to comply with the shonky system Australia has set up in PNG.

However, one of those who has never made an application, an Iranian asylum seeker, Behrouz Boochani, has been notified that he has been found to be a refugee. Boochani is a high profile asylum seeker; a dissident Iranian journalist who has been adopted by the international journalist association, PEN, as a political prisoner detained by Australia.

“It is obvious that the Australian government is hoping to separate the most high profile asylum seeker from others who have refused to give recognise any legitimacy to their transfer of to the processing arrangements on Manus,” said Ian Rintoul, spokesperson for the Refugee Action Coalition.

Boochani and others were sent a demand letter last October (see attachment, Behrouz October), which went unanswered.

Bochani is angry at the refugee decision and says he regards it as “illegal”. He has demanded an explanation of his positive decision given that he has made no application. His complaint letter says that he had already said, “...that I do not want to give my case to PNG and I do not want to PNG immigration to investigate my case.”

Lawyers in PNG are seeking to raise the issue at the next directions hearing in regard to the Supreme Court challenge in Port Moresby tomorrow, Thursday, 21 April.

To highlight the arbitrary nature of the processing and the lack of transparency, three asylum seekers who had made applications and been given positive assessments a year ago, have now been advised they are negative. They are seeking to appeal the negative decision.

Meanwhile the separation of those found to be refugees from those with initial negative decisions has resulted in serious over-crowding in several compounds. Delta now has over 244 people with more scheduled to come. There are already four people in each room; with no improvement in showers or toilets despite the increase in numbers.

“Australian and PNG immigration are resorting to more desperate measures to deal with a system that is in increasing disarray. The arbitrary decisions regarding those who have refused to cooperate with the system in PNG has further exposed the punitive conditions of offshore detention.

“Refugee determination is corrupt; there is no resettlement; conditions inside the detention centre deteriorate day by day,” said Ian Rintoul.

“The only way to end the farce and end the misery inflicted on those sent there by Australis, is to close Manus Island.”

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