

# **Refugees & the Rich-World Fortress**

**Sarah Stephen**

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## Myths & Facts

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# Refugees & the Rich-World Fortress: Locking Out the Poor

*By Sarah Stephen*

Australia is a nation of immigrants. More than six million people from almost 200 countries have migrated to Australia since 1945; one in ten of those were refugees. Forty-three per cent of Australians were either born overseas, or had at least one parent born overseas.

But Australia's history of immigration has an ugly side, cultivated by decades of racist misleadership by governments, some trade union leaders and the corporate media. Selection of immigrants during much of the last century was based on the colour of their skin — the White Australia policy. A hostility and suspicion of “foreigners”, particularly those who are not white-skinned, lives on.

Racist governments and the corporate media have conditioned large numbers of working-class people to have a “blame the migrants” mentality, inculcating us with the racist notion that the most recently arrived migrants are responsible for many of society's problems.

During the 1990s, Australian governments began following in the footsteps of Europe. Irregular migrants and refugees (those arriving without prior authorisation) became the focus of a new fear campaign — the “flood” that threatened jobs, security and our way of life.

Since the early 1990s, successive Labor and Coalition governments in Australia have singled out for punishment and demonisation those asylum seekers who have arrived by boat on Australia's shores. They are punished, the government argues, because they have jumped the “queue”. But even the UN High Commissioner for Refugees admits that, with more than 20 million refugees worldwide, there is no such thing as a “queue”. Those who get resettled through quota systems like Australia's are

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not those most in need; they are simply the lucky ones.

Particularly since 1999, the few thousand refugees who have been desperate and determined enough to find their own way to our shores have been the subject of the most vitriolic campaign of fear and loathing, a campaign designed to do two things: undermine solidarity between Australian working people and the world's most persecuted, to mistakenly see them as the enemy; and to divert our attention from the work of the real enemy – the government and its economic masters who, meanwhile, have been attacking our living standards and our civil rights.

Placement of detention centres in the remotest parts of the Australian desert and restricting media access has been a way of keeping asylum seekers from view, limiting the extent to which they could be humanised. The “Pacific solution” took this to its most extreme by outsourcing refugee prison camps to poverty stricken island nations — Nauru and Papua New Guinea's Manus Island — far from the Australian population.

Since 1999, three-year temporary protection visas (initially proposed by Pauline Hanson's One Nation party) have condemned thousands of refugees to perpetual uncertainty and as a result, profound trauma and mental distress.

Refugees are a global reality, a product of an ever-increasing spiral of war and development in every part of the globe. The December 26 Indian Ocean tsunami which devastated much of Aceh and Sri Lanka has created hundreds of thousands of refugees in its wake. These are environmental refugees, but their plight is no less desperate than refugees created by war and persecution. The number of environmental refugees is set to increase in future decades as global warming begins to take full effect. Entire Pacific Island nations will disappear, with their citizens forced to find refuge elsewhere. Many will understandably look to Australia — the country with the most wealth and space in the region.

We can't put our heads in the sand and hope that Australia's relative geographical isolation means we don't have to play a role in finding a solution to this humanitarian disaster.

A fundamentally different approach to refugees is both possible and necessary. This country has the wealth and resources to be able to accept far greater numbers of people.

The refugee-rights movement, which blossomed in 2001 in the wake of the *Tampa* affair, has had a significant impact on public opinion. It forced a softening of the way the Howard government has implemented its policy, but it is yet to develop the social weight and momentum necessary to force a reversal on the core policies of mandatory detention and temporary protection visas.

This pamphlet explores some of the key changes in refugee policy taking place

across the globe, as well as presenting an analysis of Australia's treatment of refugees, documenting some of the recent history, and providing activists and refugee supporters with some of the facts and arguments for a more humane and welcoming refugee policy.

Some of the chapters are articles which first appeared in *Green Left Weekly*, a newspaper which has given thorough and consistent coverage to the refugee-rights campaign, and has itself campaigned for a more humane refugee policy. ■

## **Myth: Cracking down on people smugglers will stop asylum seekers arriving on our shores**

*Fact:* While it is true that there are many people smugglers who are involved in the movement of asylum seekers simply to make as much money as possible and who often put people's lives at risk, the reality is that people smugglers perform an essentially humanitarian role. They fulfil a need for people who have no other way to travel.

Many assist the escape of asylum seekers who would otherwise have no means of making such a journey. People smugglers are not the same as people traffickers who smuggle people against their will. They carry out their role with the willing consent of the people they are smuggling.

As avenues for legal migration have dried up, as countries have tightened their criteria for accepting refugees, more and more asylum seekers have been forced to turn to people smugglers to get to a country which might offer them sanctuary.

Rich countries have introduced all manner of barriers to stop people claiming asylum, including visa requirements and carrier sanctions on planes that transport people without documents. This has pushed more people into the arms of people smugglers.

Catching and jailing people smugglers won't remove the motor which drives the industry, which is asylum seekers desperate to escape persecution and migrants desperate for a better life. There will be other people smugglers to take the place of those who are jailed.

The only way to eliminate the dangers posed by people smuggling is for rich countries to resettle far greater numbers of refugees. If more asylum seekers felt they had a good chance of being resettled, far fewer would risk their lives on dangerous journeys to try their luck at the border. It was this approach which limited the number of Vietnamese refugees from trying to get to Australia by boat.

# Polls Register Growing Sympathy for Asylum Seekers

While support for the government's anti-refugee policies remains firm among a section of the population, an increasing proportion have become passionately and vocally opposed.

The government's response to the *Tampa*'s rescue of a boatload of asylum seekers in August 2001 allowed it to whip up a sense of fear and insecurity, which was helped along by the events of September 11. Its ability to convince people that asylum seekers from Middle Eastern countries posed a threat — that they were terrorists, were not genuine refugees, and even if they were, they were stealing a place from someone else waiting in line — was very effective, because it built on the racism and xenophobia so much a part of Australian government policy for decades previous.

The opinion polls reflected this. A Roy Morgan poll conducted on September 12-16, 2001, showed that 68% of people supported the government's actions to stop asylum seekers aboard the *Tampa* from reaching Australia.

A Newspoll conducted August 31-September 2 found that 50% agreed that all refugee boats should be turned back, while 38% thought some should be allowed to enter depending on the circumstances. Only 9% thought all boats should be allowed to enter. In another Newspoll conducted October 26-28, at the height of the federal election campaign, support for turning boats back grew to 56%, while support for allowing some to enter dropped to 33%.

A Melbourne Age poll conducted August-September 2001 found that 71% of people supported mandatory detention.

However, after the protracted hunger strike in January 2002 by asylum seekers held in the Woomera detention centre, and solidarity protests organised by refugee-rights organisations in February, a March 22 Newspoll survey found that, as a result of events, 22% were more sympathetic to the release of asylum seekers. 66% said they were less sympathetic. This reflected a further polarisation of views.

Some views began to change. A Newspoll conducted February 8-10, 2002, found that 15% opposed mandatory detention for any asylum seekers, while 19% opposed the detention of women and children, and 56% supported the detention of all asylum seekers.

Following the revelations in February 2002 that government ministers had lied about asylum seekers throwing their children overboard, a Morgan poll found that 51% thought the PM knew before the election that children had not been thrown overboard, yet only 25% thought he should resign over the matter.

A February 2002 Saulwick poll found that 31% opposed the government's policy on asylum seekers. The government's dumping of asylum seekers on poor neighbouring countries, dubbed the "Pacific solution", was opposed by 50% of respondents. Thirty-four per cent opposed mandatory detention.

A Saulwick poll released on October 19, 2003, revealed a further shift in the national mood. The survey of 1000 Australian workers found that 61% thought refugees posed little or no threat to national security. It also found that 71% thought refugees should have access to government-funded employment services while on temporary visas.

Fifty-four per cent thought refugees on temporary visas should return home if it was safe to do so, while 39% thought they should be able to stay if they wanted to. However only 37% thought that the Australian government should be responsible for deciding whether it is safe for those to return; 55% would prefer it was assessed by the United Nations High Commissioner for Refugees. Only 25% of those polled thought the Australian government had been too generous in its treatment of refugees, while 32% argued that it had been too harsh.

The survey also showed a rejection of derogatory and inaccurate language to describe asylum seekers: 51% were opposed to using the term "illegals", 52% opposed the term "boat people" and 65% opposed the use of the term "queue-jumpers". Seventy-eight per cent preferred use of the term asylum seekers.

A number of opinion polls conducted by Newspoll in 2004 indicate that, on its treatment of refugees, popular opinion has swung away from the government.

- 61% thought some or all boats coming to Australia should be able to land, up from 47% three years earlier.
- Only 35% still supported the government's response to the *Tampa*, down from 68%.
- 54% said they supported children and mothers being released from detention. ■

# The Sinking of SIEV X: An Australian Tragedy

On October 19, 2001, there was a mass drowning in the seas between Indonesia and Australia. Three-hundred-and-fifty-three asylum seekers died — 146 children, 142 women and 65 men — when their small, overcrowded boat sank in the Indian Ocean, about a third of the way to Christmas Island. Those who survived were in the water for 22 hours, clinging to debris from the boat or the floating bodies of those who had already died.

Many of the boat's passengers were Iraqi asylum seekers. A significant number were women and children who would never have had to make such a perilous journey if it wasn't for the restrictions imposed on their husbands, granted temporary protection visas in Australia. Because temporary visas prohibit family reunion or travel outside Australia, it was the only way the families could be reunited.

On October 22, the sinking of the boat that became known as SIEV X (SIEV is the government's acronym for "suspected illegal entry vessel"; X is for unknown), and the stories of the 44 survivors, became international front-page news. At the time, most people assumed it was just a dreadful accident. Yet Operation Relex, mounted after the government's hysteria over the Tampa's rescue of asylum seekers near Christmas Island in August 2001, had navy ships and airplanes intensively patrolling the area between Java and Christmas Island to intercept boats carrying asylum seekers. How could an overloaded boat leave Indonesia and sink unnoticed during the most intense land, sea and air surveillance operation ever undertaken by the Australian navy?

A Senate inquiry which was originally set up to investigate the "children overboard" affair, the government's misuse of navy photos upon which it based its claims that children had been thrown from a boat full of asylum seekers, also heard evidence about the sinking of SIEV X. This is where retired diplomat Tony Kevin first presented his concerns about the sinking of SIEV X.



## Pieces of the puzzle don't fit

Kevin took an interest in the issue when it first hit the news on October 23, and as he pieced together the story he realised that a number of things didn't add up, and that the government appeared to have something to hide. Over time, and based on the weight of probability, he surmised that SIEV X had been sabotaged by being deliberately overloaded. He argued that it could well have been intended to sink as a warning to other would-be smugglers and asylum seekers, and was quite likely a victim of Australia's covert people-smuggling disruption program.

He identified many concerns about the sinking and its aftermath which point to this possibility.

- Strikingly precise official and media reporting soon after the sinking, including the boat's size of 19 metres and the number of passengers as 421, things which the survivors would not have known with such a level of precision. This indicates journalists had access to sources who knew a great deal of detail about SIEV X. This contrasts with official Australian denial that there was any precise intelligence about SIEV X.
- The ABC and CNN both reported on October 23 that the captain radioed that the engine had failed and the boat was sinking. This was the only time that reference was made to SIEV X having made radio contact. It was significant because such a transmission would almost certainly have been intercepted by Australia's Defence Signals Directorate, the intelligence agency responsible for electronic interception of communications.
- Reports by survivors of military-type boats which shone searchlights on them but failed to rescue them. Their country of origin has never been identified, although it seems most likely that they were Indonesian, and Kevin hypothesises that their ability to locate the survivors in the water points to the possibility that SIEV X was fitted with a tracking device before it left on its fateful journey.
- A well-organised rescue operation by two fishing boats who "happened to be in the area". The location was 60 nautical miles from shore, much further than local fishing boats usually went. One hypothesis is that the military boats instructed them to go in search of survivors. Alternatively they could have been given the coordinates of the boat when the distress signal was radioed through; or the location could have been identified from a tracking device which may have been fitted to SIEV X.
- Australian police showed two survivors a satellite photo of SIEV X before the passengers boarded it in Indonesia, a further indication that they knew about, and were watching, SIEV X before it began its journey.

Government, navy and police witnesses appearing before the Senate inquiry maintained two lies about SIEV X:

1. The Australian government and navy knew nothing about SIEV X until after it sank, and
2. SIEV X sank in Indonesian waters.

Witnesses testified that they did not know about the existence of SIEV X until it was too late to rescue its passengers, or that intelligence was too contradictory and inconclusive. But through the course of the inquiry this was repeatedly contradicted by a number of witnesses.

On the morning of October 20, Kylie Pratt, an Australian Federal Police (AFP) officer in Jakarta, phoned a warning to Coastwatch that the AFP had heard that a dangerously overcrowded boat was headed for Australia. If this unambiguous warning had been acted on immediately then far fewer passengers would have drowned.

What's more, heavily censored minutes of the people-smuggling taskforce, which briefed the Prime Minister every day, were leaked to the *Sydney Morning Herald* on June 15, 2002, and revealed that SIEV X had been discussed at six successive meetings between October 18 and 23.

## Where did SIEV X sink, and why does it matter?

Government spokespeople either declared that SIEV X had sunk in Indonesian waters, or that the location of its sinking was unknown. Either way, they concluded, Australia had no responsibility.

In Kevin's book, *A Certain Maritime Incident* — a comprehensive blow-by-blow account of the tragedy, the evidence and his hypothesis about what happened — he lists four separate pieces of evidence that SIEV X sank about 60 nautical miles south of Sunda Strait, and therefore within the Operation Relex surveillance zone. The Senate committee had the evidence that SIEV X definitely sank in international waters, but it failed to make a strong statement to this effect in its final report.

Most or all interceptions of asylum seeker boats by the Australian navy from early 2000 were facilitated by detection data from the Jindalee Operational Radar Network (JORN). JORN is a 30-year, \$1800 million project designed and built by the ADF to monitor 9 million square kilometres of ocean to Australia's north. It is a very powerful system which is able to pinpoint the location of vessels with amazing precision. It is capable even of measuring wave height!

It is simply not credible that Operation Relex, working in tandem with JORN intelligence, would have failed to pinpoint the location of any asylum seeker boats.

The government's argument that it was not possible to confirm where the boat

sank had a more sinister purpose. According to Kevin, it became “the legal shelter for a claimed Australian inability to charge Abu Quassey [the people-smuggler who organised the SIEV X voyage] with homicide in Indonesia or Australia — even though the boat had departed from Indonesia, and Australia was its destination”.

The Senate inquiry was woefully inadequate at establishing the truth about SIEV X — why it sank and why nobody came to its rescue. This was despite hundreds of hours of testimony from 60 witnesses and written evidence which generated 2181 pages of transcript.

Writing in *A Certain Maritime Incident*, Kevin commented: “Witnesses representing Australian government agencies were able, at will, to refuse to answer questions, and their agencies were free to decide how much of the documentary evidence they submitted would be blacked out. The inquiry heard no evidence from the survivors of the sinking or from bereaved family members, though many were in Australia and could have been invited to testify.”

Even to this day, Australian authorities refuse to release a list of the names of those on board SIEV X who died in the tragedy. The AFP claims that it cannot release the list because it might compromise a “confidential source” and an “ongoing investigation”. What they are no doubt fearful of revealing is how the AFP got access to a full list of names of those on board, and to what extent this links them with those who organised the voyage.

## People smuggling

The people-smuggling disruption program lies at the heart of understanding what happened to SIEV X. Australia’s war against people smuggling began secretly in 2000 when the AFP trained 20 Indonesian police officers grouped into regional Special Intelligence Units. These units were involved in gathering information, arrests and prosecutions of Indonesian-based people smugglers. Kevin argues that the SIU personnel were in effect Australian mercenaries, doing things that lay outside their responsibility to police the laws of their own country. People smuggling was not a crime in Indonesia at the time.

The AFP also paid disruption agents who posed as people smugglers. For two years, Kevin Ennis was a paid informant of the AFP. Ennis used his police links to convince people that he could get them to Australia. He took money from asylum seekers, then turned them in to Indonesian officials.

Ennis boasted to Nine *Sunday* program reporter Ross Coulthart that he had paid Indonesian locals on four or five occasions to scuttle people-smuggling boats with passengers on them. “When we reacted with horror”, Coulthart said, “he was

unrepentant, saying the boats were sunk close to land so everyone got off safely”.

Tony Kevin told Phillip Adams on ABC radio’s September 3, 2002, *Late Night Live* program, “when you’ve got an admitted strong relationship with people like Enniss, who are not only informants for AFP but also active people-smuggling disrupters for Indonesian police, by methods such as sending people out on false voyages, sabotaging engines, sinking boats, one is really 90% of the way to the SIEV X scenario.”

According to Kevin, everything points to the likelihood that Quassey was a people smuggling sting agent whose job was to disrupt and dismantle people-smuggling syndicates.

Documents released by defence minister Senator Robert Hill on July 8, 2002, revealed that an intelligence unit within the immigration department filed nearly 50 reports on the activities of Abu Quassey over three months prior to SIEV X’s departure on October 18, 2001. This is a further indication that Australian authorities were monitoring Quassey’s work, and probably knew about SIEV X right from the beginning.

Australian authorities feared any prospect of Quassey standing trial in Australia over the sinking of SIEV X, and did everything possible to prevent this from happening. When he was released from 6 months jail in Indonesia on January 1, 2003, the Australian government issued warrants for his arrest for people smuggling. While people smuggling is not a crime in Indonesia, manslaughter is — but at no stage did the Australian authorities issue a warrant against Quassey for manslaughter.

On April 25, 2003, Abu Quassey was deported from Indonesia to Egypt. Implausibly, the AFP claimed that it didn’t know Quassey had left Indonesia, and therefore did not alert international police agencies so that he could be arrested on an Interpol arrest warrant, as the AFP said it would do.

In April 2003, in a secret trial in an Egyptian national security court, Quassey was sentenced to seven years’ jail. He now cannot be tried again in Australia for the same crime, and we will probably never find out who he worked with and for what purpose.

Despite the passage of a number of Senate motions, and strong calls by many refugee-rights campaigners for a full-powers judicial inquiry into the sinking of SIEV X, the government refuses to consider such a move. It is only through such an inquiry — one that has the power to compel politicians and public servants to give evidence — that the truth about the sinking of SIEV X will ever be known.

*For more information:*

Visit [www.sievx.com](http://www.sievx.com), an online archive of all material relating to SIEV X, maintained by Marg Hutton.

Read Tony Kevin’s *A Certain Maritime Incident*, published by Scribe (320 pages, \$32.95). ■

# Aladdin Sisalem: How Green Left Weekly Broke the Story of the Last Man on Manus Island

With a shoestring budget and a small number of journalists, *GLW* isn't often the first to break a story, although we regularly cover things which the corporate press takes no interest in.

So it was a bit of a buzz to be the first to report on the little-known fact that, while the government declared on July 28, 2003, that the detention centre on Manus Island was empty, they lied. One person remained there, a young Palestinian asylum seeker called Aladdin Sisalem, and I had been corresponding with him by email for three weeks before the government's announcement.

As I pieced together Sisalem's story, I began to realise that he had an incredible story of struggle and survival to be told, but I also discovered that his detention on Manus Island was the result of deception and treachery at the hands of the Australian government.

After spending a year in Indonesia waiting for the UN High Commissioner for Refugees to grant him refugee status, Sisalem was offered a cheap place on SIEV X, the boat which sank in October 2001 leaving only 45 survivors. He decided against it, both because he didn't have the money and because he wasn't sure Australia was the best country to go to. He had heard stories about detention and felt that the government would not welcome him. Instead, he decided to try to get to Papua New Guinea, which he knew was a signatory to the UN refugee convention.

Sisalem travelled overland through the mountainous jungle of West Papua, coming close to losing his life, and arrived in PNG only to be thrown into jail for "illegal entry", where he was beaten. He paid a fine to avoid a longer prison sentence, and was set free to live on the streets in wait for a decision on his asylum application.

## Claiming asylum in Australia — and being duped

Sisalem was fearful of how he would be treated in PNG, especially when an immigration officer told him that PNG doesn't accept people from "terrorist" countries. After 10 months he decided to try to get to Australia. In December 2002 he flew to Daru island, in the south of PNG, and paid a fisherman to take him to Saibai Island, part of the group of islands in the Torres Strait.

After wading to shore through thick mud for four hours and coming within metres of a huge crocodile, Sisalem collapsed on a Saibai beach and was taken to the local police station. He explained that he was a Palestinian refugee seeking asylum. He was taken to Thursday Island where he was interviewed over the phone by an immigration officer in Canberra, with the help of an Arabic translator.

Two Australian Federal Police officers interviewed Sisalem for around 1.5 hours. He was shocked and disgusted when they asked him if he was a terrorist, or if he knew people who carried out terrorist acts.

The next day he was transported by plane to Manus Island, off PNG's northern coast. He was very alarmed, and when he asked why he wasn't kept in Australia while his claim was being processed he was told that he was being taken to an Australian-run processing centre where his claim would be processed.

The immigration department later lied about Sisalem's arrival in Australia and his claim for asylum. Leah Slattery, a public affairs officer for the immigration department told US journalist Angie Latif in October 2003: "He did not make an application for a protection visa at that time and was returned to PNG."

Why did the government lie? Removing Sisalem to Manus Island before his claim had been processed was a violation of his rights under Australian law. If someone reaches Australia's migration zone and claims asylum, the authorities are obliged to process that claim. While a number of islands to the north-west of Australia have been excised from the migration zone in recent years, the Torres Strait islands remain within it.

During the court case launched in Australia in late 2003 to challenge Sisalem's detention, the immigration department argued that he was not deemed to have applied for asylum because he did not ask for the form he needed to complete a written application — form 866. Such a ridiculous argument has never been used before, and such a requirement is not set out anywhere in the Migration Act.

## Imprisoned on Manus Island

When Sisalem arrived in the Lombrum camp on Manus Island, there were 120 asylum seekers in the camp. On the first day he arrived, he saw PNG soldiers beating 15 young

men whom the Australian government had confirmed were refugees. “Most of them stayed in the military hospital for one week because they were injured, one of them lost some teeth and others had marks on their faces and one couldn’t walk good for two weeks”, he told me.

In January, most of the refugees left to go to New Zealand, and in February another 15 went to Australia, leaving just a couple of people in the camp.

Sisalem’s persistent requests for information about his case resulted in some harsh punishment. “They really make me feel like I did a big crime and I am a dangerous person”. He explained that the PNG soldiers had hit him, with the approval of the International Organisation for Migration which ran the camp, and put him in a hot and mosquito-ridden underground isolation cell. He was only allowed toilet access once in the two days he spent there.

Sisalem sent a letter to the PNG immigration department on April 26 to withdraw his request for asylum. He explained to me that he no longer felt safe dealing with PNG authorities. When he complained about his treatment to the head of the UNHCR’s PNG liaison office, Johann Siffointe, he didn’t believe him. Siffointe then told the PNG government of Sisalem’s claims. Sisalem believes this made his treatment worse.

Siffointe told Sisalem in 2003 that it would take about three years to make a decision about his case, and that he will have to spend that time in jail unless he agreed to go back to Kuwait. Siffointe added that he didn’t believe that Sisalem had been persecuted in Kuwait, and that the UNHCR office in Kuwait made sure there was no persecution there.

Sisalem’s long struggle to find a country that would offer him asylum began in November 2000, soon after turning 21. Sisalem was considered a Palestinian refugee despite being born in Kuwait, because his father was a Palestinian refugee. Since the 1991 Gulf War, Palestinians have been used as scapegoats by the ruling elite. Tens of thousands were expelled from the country. Those who remained had to find a sponsor who agreed to give them a job. Sisalem’s parents found a sponsor, and their three children were included under that sponsor until they turned 21. After trying to survive on his own for the best part of a year, Sisalem found he had little choice but to flee Kuwait.

## Searching for help

Sisalem met a woman from New York in an internet chat-room who agreed to help him find someone in Australia who would write about his appalling situation and let the Australian people know about what was happening on Manus Island. She sent emails to news media and refugee groups all over the country pleading for someone

to take an interest.

In June 2003, she emailed me and I contacted Sisalem, who asked me to write an article. It took me many weeks and months of emailing Sisalem with questions before I could start to put together his story. It's not just because his story was complex; there was also a process of building up trust and overcoming his fear and mental fatigue so that he could more clearly remember details.

I did lots of background research. I spoke to UNHCR and Amnesty on his behalf. I spoke to the Kuwaiti embassy. I wrote a series of articles in *Green Left Weekly* which circulated through the refugee-rights movement, and other activists began to correspond with Sisalem, offering him support.

Project SafeCom's Jack Smit sent out a press release publicising *GLW*'s revelations, attaching my article. A week after that article appeared in *GLW*, the *Age*'s Andra Jackson picked up the story and began to publicise Sisalem's plight. The *Age* ran it on the front page on several occasions, and even ran an editorial calling for Sisalem's release. Jackson was challenged on her claim that the *Age* "revealed for the first time" Sisalem's presence on Manus Island, but she maintained that she had not read my article before she contacted Sisalem to write her own.

With some persistence I convinced Melbourne QC Julian Burnside, a passionate opponent of the government's refugee policy, to take on Sisalem's case. After a ridiculous process of "mediation", where Sisalem's lawyers and government lawyers tried to come to an agreement on what should happen to Sisalem, which dragged out over many months, the public pressure mounted and the government eventually agreed (secretly) to Sisalem being granted a five-year temporary humanitarian visa.

Sisalem arrived in Melbourne on May 31, 2004, to a blaze of cameras and a crowd of supporters who had come to meet him, some flying from interstate to see him get off the plane. In an interview with *GLW* on June 2, Sisalem emphasised: "It's because of you that I am in Australia, because you were the first [to break my story]."

He stayed with Burnside, then with one of Burnside's friends, before getting a flat of his own. Burnside helped get him a job as a motor mechanic, but Sisalem dreams about studying to become an aircraft engineer.

In August 2004, to commemorate the third anniversary of the *Tampa*'s sea rescue of hundreds of asylum seekers, Sisalem spoke at a *Green Left Weekly* public forum on a platform with Burnside and Kate Durham with an audience of 250 refugee supporters in Sydney. They gave him a standing ovation.

Sisalem spent 17 months in detention, 10 of those alone. Mentally, that period of isolation and incarceration has taken its toll.

The UNHCR and Amnesty International both told Sisalem to trust the PNG



government and wait patiently for them to process his claim. In the end, it wasn't the high-profile human rights organisations; it was the refugee-rights movement — pro-refugee lawyers, media and activists — who secured Sisalem's eventual release from Manus and a visa in Australia.

Sisalem's experience with the UNHCR was not one which gave him confidence in the organisation's commitment to asylum seekers. UNHCR officers circulated unsubstantiated rumours that Aladdin had been a people smuggler in Indonesia, and that he had a wife and child in PNG. They were irritated by his persistent questions about what they were doing to assist him. He certainly didn't fit their profile of a "good" refugee — he felt he had a right to freedom and safety somewhere in the world and fought hard to win that right; he was impatient with the slow pace at which the UN bureaucracy dealt with simple matters; he didn't wait patiently and quietly for others to decide his fate. The UNHCR's eagerness to maintain good relations with governments means that they often put the needs of the asylum seekers they are supposed to be helping in second place. ■

### **Myth: Asylum seekers are illegal**

*Fact:* This is not true. Under Australian and international law, a person is entitled to make an application for asylum in another country when they allege they are escaping persecution. Article 14 of the Universal Declaration of Human Rights states: "Everyone has the right to seek and to enjoy in other countries asylum from persecution."

People who arrive on our shores without prior authorisation, who have no documents or false documents, are not illegal. They are asylum seekers - a legal status under international law. Many asylum seekers are forced to leave their countries in haste and are unable to get appropriate documentation. In other cases, it is impossible to escape without a false passport - carrying their own identification would alert them to the authorities they are fleeing from.

The Australian government is a signatory to conventions which uphold the right to seek asylum, with or without documents, but it has not incorporated these conventions into domestic legislation. The fact that the government has passed laws which make it illegal to arrive without documentation puts it in breach of international law.

# The Suffering of Refugees on Temporary Visas

Who remembers the swift condemnation of Pauline Hanson's announcement in 1998 that One Nation had a policy of "temporary refuge for those who meet the UN definition of a refugee, with repatriation when the situation resolves"?

Then-immigration minister Philip Ruddock expressed outrage, describing it as something that "most thinking people would clearly reject". Little more than a year later, Ruddock oversaw the introduction of the three-year temporary protection visa (TPV) for asylum seekers who arrive without authorisation and by boat.

The Labor Party has indicated that it is comfortable with the cruelty of TPVs. At its 2004 national conference, the ALP voted to retain TPVs if it is elected to government, but to restrict them to two years and allow refugees to apply for permanent residence when their TPV expires.

Labor and the Coalition have mainstreamed, and hence normalised, a policy that began life as the brainchild of One Nation. Australia remains the *only* country in the world that grants temporary visas to those who it has assessed as genuine refugees.

## TPVs: the other prison

TPVs exact an enormous toll on the physical and mental health of refugees. A study conducted in 2003 by researchers at the University of NSW compared depression and stress among people on TPVs with those who have permanent visas. It found that a TPV increases the risk of developing depression and post-traumatic stress by 700%.

Co-author and clinical psychologist Zachary Steel told ABC radio's *The World Today* on January 30, 2004: "Unless somebody has a sense of safety, all of the basic survival mechanisms that tell a person that they need to escape from danger don't get turned off. They stay on, and so the individual stays locked into this perpetual state of alarm that at any time in the future they're facing immediate life threat. So they're living with basically executioner's axe over their head, and it just doesn't provide an

environment that allows them to recover and begin to rebuild their lives.”

The *7.30 report* on December 11, 2003, explored the story of Reza Jaffari, an 18-year-old Afghan refugee. Arriving in Australia as a 15-year-old who knew no English, Jaffari finished year 12 at the end of 2002 with outstanding marks, good enough to allow him to realise his dream of becoming an architect. The principal of Sunnybank High, Vicki Farwell, told the *7.30 Report* that “he has the ability to go on and be anything in life that he chooses to be”. As many as 30 other Hazara Afghan refugees across Australia qualified for university at the end of 2003, but because of their status as TPV refugees, they would have to pay the same upfront fees as overseas students. What’s more, their visas are due to expire in 2004.

Many universities now offer a small number of scholarships specifically for refugees on TPVs. The difficulty, though, is that nobody on a TPV can be certain that they will even be able to stay in Australia for long enough to complete the course.

In March 2004 there were 8885 refugees in Australia on TPVs, more than 90% of them Afghans and Iraqis. More than 40% — 3606 visas — had expired at that point in time, and these refugees were on bridging visas pending the outcome of a decision on their application for a permanent visa. By the middle of 2005, almost all TPVs will have expired.

## Afghans

Many Afghan refugees who applied for permanent visas in 2002 got a nasty shock when they received their replies. As at January 2003, 89% of the 604 applications had been refused by the immigration department, and only 4% — 27 refugees — had been granted permanent protection. The vast majority of refugees who had their applications rejected by the immigration department appealed to the Refugee Review Tribunal for a reassessment.

Afghan refugees are terrified at the prospect of having to return to Afghanistan, a country increasingly wracked by violence between rival warlords and a resurgence of the Taliban. That’s why, despite sustained pressure from the government to take up its offer of \$2000 to return to Afghanistan voluntarily, by the beginning of 2004 only 33 out of around 4000 had done so.

Figures released in April 2004 indicated a significant development. Between July 1, 2003 and March 31, 2004, the RRT heard 132 cases from Afghan refugees whose TPVs had expired, and who had had their applications for a permanent visa rejected by the immigration department. One-hundred-and-eleven cases were set aside, which means that in 84% of cases the RRT member disagreed with the immigration department’s decision not to grant a visa. They were ruled to be refugees, and their cases sent back

to the department to be granted a visa. In only 21 cases did the RRT member agree with the department that the applicant was no longer a refugee.

This 84% approval rate reflects two factors. Firstly, it is becoming more and more ridiculous to argue that it is safe to send people back to Afghanistan. Secondly, it reflects that the level of community support and sympathy for refugees on temporary visas is strong and growing. A sustained campaign by the refugee-rights movement has had an impact on what the government feels it can get away with.

## Iraqis

Iraqis were the largest group to arrive by boat in the three years to 2002, and 4269 of them (more than 90%) were assessed as genuine refugees who had fled death or persecution. Following the expiry of their three-year visas, 4107 have applied to stay in Australia. The 1809 who arrived before the law changed in September 2001 can stay permanently if their applications are accepted, while most of the rest are eligible only for a new three-year visa.

There was a freeze on processing Iraqi applications until April 2003, due to “uncertainty” about the situation in Iraq. As soon as the Australian government considered Iraq free and on the road to democracy, visa applications began to be processed. Processing has been very slow and, to date, there have been an alarming number of rejections.

All Afghans and Iraqis should be granted the right to stay in Australia permanently, just as Vietnamese people fleeing during and after the Vietnam War were assessed en bloc as refugees. The problem with case-by-case assessments, where the immigration department stubbornly continues to reject the majority of applications for permanent visas and refugees are forced to appeal to the RRT, is that it could take more than a decade to finalise all of the 8,900 TPV cases still to be decided.

## Legislation makes TPVs even harsher

For those who have some chance of being granted a permanent visa, there is a glimmer of hope on the horizon, a chance at being able to recover from the trauma of their experiences and start to build new lives in Australia.

But many of those who arrived after September 2001 will *never* be eligible for a permanent visa. Many refugees could be on rolling TPVs for years, even decades, thanks to legislation introduced in the wake of the *Tampa* affair. Under this legislation, asylum seekers are given additional punishment for reaching an “excised” Australian territory such as Christmas Island or Ashmore Reef or, on their way to Australia, spending more than seven days in a country which could have offered them “effective

protection” (the government includes in this countries such as Syria and Indonesia).

Legislation introduced in September 2001 assigned new arrivals one of two types of TPVs — either a five-year TPV with the possibility of permanent protection if still assessed to be a refugee at the end of five years; or a three-year TPV with no possibility of permanent protection when it expires. A refugee still in danger if returned to the country they fled from is only eligible for a new three-year TPV — another three years of uncertainty and fear. ■

## Myth: Boat people are queue-jumpers

*Fact:* The bulk of asylum seekers who came to Australia by boat since 1998 were from Iraq and Afghanistan, where there are no queues for people to jump. At the time they fled, Australia had no diplomatic representation in these countries, therefore there was no embassy to visit, and there was (and still is) no standard refugee process where people wait in line to have their applications considered.

Few countries on the journey between the Middle East and Australia are signatories to the 1951 refugee convention, therefore asylum seekers are forced to continue travelling until they get to a country that will provide them with protection.

Speaking at the 2004 conference of Rural Australians for Refugees, Michel Gabaudan, the UNHCR's representative in Australia, said that people's assumption that there are orderly queues of refugees all around the world, waiting their turn to be resettled, is a myth.

According to Gabaudan, in some places there is no office or embassy to queue at, while in others there is such a large volume of refugees, the concept of a queue is meaningless. Out of 16 million people identified by the UNHCR as refugees, they are only able to resettle 70,000 each year. “We are certainly not able to identify those most in need of resettlement, so it's a bit of a lottery”, he concluded.

# Deported to Danger

Sharif, a Bedoon (stateless person) from Kuwait, spent three years in detention in Australia and had his asylum claim rejected. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) argued that he could live safely in Syria. On the basis of that advice he agreed to be deported to Damascus, no longer able to stand the conditions of detention.

Sharif did not see the visa that had been arranged for him until 15 minutes before the departure of his flight, and was shocked to find that it was only valid for a few months. He presented his travel document and US\$200 to Syrian border guards, as instructed by Australian officials.

Realising that he would very soon be an unlawful non-citizen in Syria, Sharif lived underground for three years. He rented a small flat, paying double rent to the landlord. He also paid the neighbours to not report him to the police. He ventured out only in the evenings to go to the local mosque.

In 2004, Sharif applied for asylum in another First World country. While waiting for an outcome, he was arrested, jailed and tortured. When alerted, that country's embassy sent an official to the jail who negotiated his release. Within a week, he was resettled in that country and reunited with his family.

This is one of many accounts documented in *Deported to Danger*, a 2004 report by Sydney's Edmund Rice Centre for Justice and Community Education. It is the result of a two-year project spanning 11 countries and involving interviews with 50 asylum seekers who had been deported from Australia. Material gathered from 10 deportees was withheld due to safety concerns, and of the remaining 40, Sharif was one of only five who had found safety.

The centre's director, Phil Glendenning, told the September 29, 2004, *Sydney Morning Herald* that the report was put together "because of the call the Human Rights Commission made under Chris Sidoti, in a Senate inquiry in 2000, that we can

never know if we are correctly identifying refugees unless we know what happens to those who get rejected — if they're safe or not safe”.

The report states: “This investigation is concerned with the growing volume of claims which speak of people spending fear-filled lives in hiding or, even worse, disappearance, imprisonment, torture or death after being deported from Australia.”

## Deported to Sri Lanka

A number of Sri Lankans were interviewed, including P8 [the interviewees are referred to by codes throughout the report], who had been assured by DIMIA that everything for his return to Sri Lanka would be arranged and that there would be no problems. “So therefore I decided to go”, P8 told the researchers. “At the Colombo airport, the DIMIA guard handed over my passport to officials and left. The Sri Lankan intelligence officer asked me what happened to the two missing pages. I explained that Australian immigration officials knew about this and that he should talk to that official.”

P8 was imprisoned in Negombo because of the missing pages. “After 14 days I went to court. I arranged a lawyer at 50,000 slr (US\$500). I was handcuffed at court. I was told to do another 14 days. This was repeated for three months. After three months and five days, I was released.”

Another Sri Lankan, P10, explained how an Australian immigration official handed him over to airport security upon arrival in Sri Lanka, where he was questioned by Sri Lankan immigration authorities. “Why did you go? For what reason? ... I was handed over to the Criminal Investigation Department (CID) ... I was presented to Negombo court by CID in the presence of my lawyer. I was charged with suspicion of being a terrorist. A fax had been sent from Australian immigration saying I had links with a terrorist group. The judge said the CID had 14 days to bring evidence to prove the charges. I was sent to jail. After 14 days I went to court and was found not guilty and was released. I was very fearful and uncertain [whether] because of my ethnicity I would be harassed further.”

P13 was also charged with suspicion of being a terrorist and eventually released. He spoke to researchers about the taunts of Australasian Correctional Management guards while in detention in Australia. “X [an ACM officer] used to say to me that ‘when you go back to Colombo I will make sure that you are regarded as a terrorist and that will put you in trouble’. And she did that. She faxed information (they told my lawyer) about me to the Criminal Investigation Department”.

P6 suffered from a lack of papers: “I was not safe because DIMIA had lost my documents including my ID card. The loss of my ID card caused me deep psychological fear ... I could not prove who I was ... DIMIA wrote to me after I was deported and

apologised for misplacing my ID card. Without it I was a non-entity in Sri Lanka. I could not open a bank account ... I could not proceed with normal activities — work especially ... I had to stay in my room for nearly two months.”

## Government dealing with false documents

Information provided by a number of interviewees indicated that immigration department staff and their contractors may be involved in practices used by people smugglers, including the use of false passports and the payment of bribes. Six people interviewed separately in Syria told the same story and gave names of officials who had encouraged them to buy passports from people smugglers.

Responding to the report on September 28, DIMIA labelled these allegations “ridiculous”. Denying that it supplied money to bribe officials, DIMIA said that people were only given a modest allowance to cover incidental expenses such as meals.

Chemical injection was another theme of the report. At least five rejected asylum seekers claimed they had witnessed injections or been threatened with injection. DIMIA has also denied this allegation. But it is not the first time that evidence of the use of chemical injection to sedate asylum seekers has come to light.

*Deported to Danger* was presented to the executive committee of the UN High Commission for Refugees in Geneva on October 4, 2004, with an appeal to find a safe place for those people whose lives were in extreme danger.

[The *Deported to Danger* report can be accessed by visiting The Edmund Rice Centre’s website [www.erc.org.au](http://www.erc.org.au).]

## ‘They treated me like an animal’

The following is an account by 36-year-old Sudanese asylum seeker, Abdul Khogali of Australasian Correctional Management (ACM) and immigration department (DIMIA) staff’s attempt to forcibly deport from Villawood detention centre.

“I’d been informed by the DIMA for the first time on 11 October 1999 I am denied a visa. So I expressed my denial by hitting the desk before the DIMA officer ... To prison for one week [for] frightening the immigration agent ... And from there I’ve been taken to the airport without any previous informing on the 17th October 1999 [and] handcuffed again.

“Two policemen took me [and] treated me exactly like an animal. The first policeman drew me by my throat which caused me congestion and difficulties in swallowing and eating for the consequent week. The other drew me by my hand fiercely ... by the handcuff chain, [which] has left [an] obvious scar till now. They’d put me on the airplane which the captain had refused to carry me on after I discussed the



matter with him, so they got me back to the prison.

“One week later on 24th October 1999 and in the same unexplained procedure another correction officer attended my cell, handcuffed me and asked me to come ... to the reception where [I was] received by ACM officials, including a doctor and a

## **Myth: Australia already takes more than its fair share of refugees**

*Fact:* Australia resettles relatively few refugees by world standards. In the 2004-05 financial year, Australia will resettle only 6000 people assessed by the UNHCR as refugees through its humanitarian program. While this is a 2000-per-annum increase on the number of refugees resettled in 2004, it is still very low, even by Australian standards. At the beginning of the 1980s, Australia accepted 20,000 refugees each year.

At the start of 2003, the UN High Commissioner for Refugees calculated that globally there were 10.4 million refugees and another 10.2 million people of concern (asylum seekers, internally displaced, stateless, returned refugees) — 20.6 million in total.

The 1951 UN refugee convention enshrined in international law the right to seek asylum, but it did not compel countries that signed the convention to take explicit responsibility for resettling refugees. As a result, many countries have ridiculously tokenistic resettlement quotas which are entirely unrelated to the scale of the global humanitarian crisis, and the UNHCR has no means to compel governments to take more.

Canada has a quota of 7500 and the US 50,000. They are at the generous end of the scale. Others are far smaller: New Zealand has a quota of 750 refugees per year, while Denmark has a quota of 500, Finland 750, the Netherlands 500, Norway 750, Sweden 1000 and Britain 500.

These quotas are not always filled. According to UNHCR figures, in 2002 the US resettled only 26,300 refugees, and the Netherlands only 160.

While only 10 countries have resettlement quotas, other countries grant refugee status only to those who claim asylum within their borders. For example, between 2000 and 2002, Germany granted asylum to 40,674 refugees (15% of those who applied), France granted asylum to 27,482 refugees (15% of those who applied) and Britain granted asylum to 64,950 refugees (14% of those who applied).

Many poor Third World countries host far larger numbers of refugees. According to the US Committee for Refugees, at the end of 2002:

- Iran hosted 2,208,500 refugees, most from Afghanistan (1 refugee for every 30 residents)
- Kenya hosted 221,000 refugees, most from Somalia (1:140)
- Thailand hosted 336,000, most from Burma (1:190)
- Nepal hosted 132,000, most from Bhutan (1:200)
- Egypt hosted 78,000 refugees, most from Palestine and Sudan (1:1000)
- China hosted 396,000, most from Vietnam and North Korea (1:3200)

Even at the height of Australia's refugee influx, with in excess of 4000 boat arrivals and more than double that number of arrivals by air, as well as those arriving as part of Australia's resettlement quota, Australia still only hosted 1 asylum seeker for every 1500 Australians.

nurse.

“Soon the doctor entered the cell carrying an injection with four tablets asking me to choose either the injection or the tablets. I refused them both ... the doctor ordered the security officers to do their job and he and the officers laid me down on the floor and [both sat] on my back, took my pants down [so that the doctor could] inject me. So then I accepted to receive the tablets since I got an old medical problem with injections.

“The doctor told me how those tablets are only tranquillisers. But they didn’t work. So they forced me to take a fifth tablet at the airport when they got me on the airplane with a wheelchair accompanied by a nurse, two companions and three other ACM officers. All that continued for about five to six hours with three types of handcuffs and ties of leather, plastic and steel around my hands and belly that gathered my arms to my trunk!

“I stood screaming and asking for help from the passengers there. I immediately regretted that [because] those companion escort officers started to hit me and beat me fiercely and cruelly with kicks all over my body, especially my genitalia with their knees and feet which subsequently caused left testis congested lesions and pain. The testis swelling is still evident ...

“The nurse on trying to inject in my leg missed my body [and] hit the plane seat where the needle got bent. But he didn’t change the needle and injected me again with the contaminated, bent needle in a completely odd side on my leg, immediately above my left knee where the scar and pigmentation still [can be] clearly seen.

“I continued to scream and ask for help until a few passengers cried and [came] to relieve my oppression. But they [were] rejected ... So the officers got me to [Silverwater prison] for the third time where they put me in a special quarantine room for the addicts for five days because I became physically and medically sick.

“On the 2nd December 1999 I’ve been moved from the prison to the detention centre again where I am now. Since then I haven’t consulted any medical personnel in detention since losing the trust in any of them who works for this ACM to deal with psychological trauma.”

[After seven years in detention, he was sedated and deported on January 12, 2005. As a policeman, Khogali had refused to enforce Islamic *sharia* law in Sudan. He was jailed for six days upon his return to Sudan, then released and asked to report to police the next day. His fate is unknown. This article first appeared in *Green Left Weekly*, October 20, 2004.] ■

# Government Used False Documents to Discredit Bakhtiyaris

[The Bakhtiyari family was deported to Pakistan on December 29, 2004, after a long and ultimately unsuccessful fight to have their evidence of Afghan origin presented to the courts. They are now struggling to survive in Afghanistan.]

In June 2002, the Australian immigration department claimed to have proof that Afghan refugee Ali Bakhtiyari was actually a plumber from Pakistan called Ashgar Ali.

In December 2002, Ali's temporary visa was cancelled and he was re-detained. That same month, Afghan refugee Mohib Sarwari's temporary visa was also cancelled on the accusation that he was Ali's brother, a Pakistani by the name of Ghazanfar Ali.

Sarwari had been living quietly with his family in Launceston, Tasmania, and had never met Ali. The accusation fell apart when refugee lawyer Marion Le went to Afghanistan to find the Sarwaris' village and returned with proof that they were Hazaras and had lived there until they fled to Australia.

Despite this revelation and the doubts it raises about the accusations against Sarwari's alleged "brother", Ali remains in Baxter immigration detention centre to this day.

## The myth of the 'fake' Afghan refugee

In 2002, the Coalition government responded to growing public disquiet at the treatment of asylum seekers by launching a systematic campaign to attack the credibility of Afghan refugees seeking asylum in Australia, claiming they were Pakistanis posing as Afghans. Newspaper headlines immediately promoted this unsubstantiated slander. The July 22 *Sydney Morning Herald's* front page story was headlined "Fake Afghans

caught in migration net”.

In an interview on the ABC's *Insiders* program on August 25, 2002, then-immigration minister Philip Ruddock claimed that some 700 people “claiming to be” Afghans were being investigated by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA).

The Bakhtiyari family developed a high media profile at a time when the refugee issue was centre-stage in Australian politics. Ali's wife Roqia and their five children were in Woomera detention centre with Roqia's brother Mazher Ali. In January 2002, during a hunger strike in Woomera, Mahzer threw himself onto the razor wire surrounding the camp to call attention to the family's plight. He nearly sliced his jugular and required 100 stitches.

In June 2002, Alamdar and Montazar Bakhtiyari, then aged 14 and 12, escaped from detention and were on the run for three weeks. Amid international media attention, they took refuge in the British consulate in Melbourne, unsuccessfully sought asylum in Britain and were eventually returned to Woomera.

The following day, Ruddock announced that DIMIA had informed Ali in April that it intended to cancel his visa due to its claim that he was really Pakistani plumber Ashgar Ali. Making such an announcement the very day after images of tearful children in detention were beamed across the world appears to have been an attempt to undercut any developing sympathy for the Bakhtiyari family.

## **Fake documents?**

The document DIMIA cited as proof of Ali's identity was a 1975 Pakistani application for registration with a photo attached, obtained in August 2002 by John Caspersson, a DIMIA compliance officer in Islamabad.

Supporters working on Ali's case have identified three versions of the same document, all with a slightly different photo, despite assurances that the original document was photographed only once. One photo has flash spots in the eyes; another photo is attached at a different angle on the page to the others.

An appeal under section 417 of the Migration Act was submitted to immigration minister Amanda Vanstone in June 2004, calling on her to exercise her ministerial discretion to reinstate Ali's visa. It was accompanied by an affidavit signed by Hassan Ghulam, president of the Hazara Ethnic Society in Australia, who was asked to examine the Pakistani identity document to determine its authenticity. In a detailed description of all its inconsistencies and omissions, Ghulam said that “an authenticity test of the original document did not take place” and that many parts of the document had not been translated.

In Ghulam's opinion, "the document is false, and a lot has been fiddled with. It is not reliable and does not belong to Mr Bakhtiyari as a genuine document for proof of his identity." However, there has been no response to the appeal.

## Parallel cases of dodgy documents

A number of other Afghan refugees whose visas were cancelled on grounds of identity fraud had them reinstated, on the grounds that the Pakistani documents used to allege identity fraud either appeared to have been tampered with or could not be authenticated.

In one Refugee Review Tribunal appeal on April 15, 2003, RRT member Kim Rosser noted that the grounds for cancelling the applicant's TPV included an anonymous letter and a photo of a Pakistani National Identity Card. Rosser was unable to conclude that the photo on the NIC was of the applicant, given that it was taken up to 20 years ago and the person in the photograph did not appear to be so many years younger than the applicant.

According to Rosser's findings, the photograph was "much clearer and brighter than the rest of the document" and contained other anomalies. "I consider it possible that the photograph is a recent addition to the document and is not the photograph that was originally on the document." The refugee's visa was reinstated.

EK is another Afghan refugee whose visa was cancelled on grounds of identity fraud, after DIMIA decided that he resembled the passport photograph of a man called Muhammad Anwar. The Pakistani passport was among documents seized by Indonesian police when they intercepted asylum seekers in November 2000.

DIMIA claims that it subsequently obtained from Pakistani authorities Anwar's application for a Pakistani NIC, lodged in 1978. At the time, Anwar was 22, which would make him 49 years old today. EK is only 30 years old!

EK has been detained in the Baxter immigration detention centre since August, and has a RRT hearing in mid-December to appeal his visa cancellation.

While the government tried to create the impression that there was widespread fraud among Pakistani migrants posing as Afghan refugees, the number of visas eventually cancelled was very small. On February 17, immigration minister Amanda Vanstone confirmed in parliament that a total of 27, or a tiny 0.8% of all Afghan TPV-holders, had their visas cancelled on the grounds of identity fraud. Who knows how many of these refugees were victims of fraudulent documents that did not belong to them.

Even a suspicion that documents may have been forged to strip some Afghans of their visas should have thrown every allegation of identity fraud into question, but it

did not. There have been no exposes in the press, no Senate inquiries and no police investigations.

### Corporate media helps to throw mud

DIMIA's case against Ali wasn't limited to the Pakistani documents. The department also worked hand in hand with a number of journalists to sow further doubt about Ali's identity. Some went to Pakistan to find "evidence" and others went to Afghanistan.

In a July 28, 2002 article in Sydney's *Sun Herald* titled "He's from Pakistan and he used to repair our pipes", Matthew Behns alleged that Ali was really Ashgar Ali, a pipe fitter from Pakistan. He claimed he was educated, four years older and that he had a different family. The story carried a picture of a plumbing shop purportedly in Quetta with a picture of Ali above it taken in Sydney. This was interpreted by many as Ali in front of his alleged shop.

Writing in the August 2, 2002, *Sydney Morning Herald*, two weeks after the Bakhtiyari boys' attempt to claim British asylum, Alan Ramsey claimed "evidence builds that Ali is not who he says he is". Some details in the article were only available from the Bakhtiyaris' DIMIA files, indicating collaboration between Ramsey and DIMIA.

Ramsey quoted extensively from DIMIA's initial decision to grant Ali a visa on August 3, 2000. According to Ramsey, DIMIA thought he could be "Ali Bakhtiyari, Haja Ali Aghisar or Ashgar Ali Bakhtiyari, a Pakistani plumber and gas fitter who reportedly owned shops in Kuwait and a gas company and/or a plumbing business in Quetta, Pakistan". DIMIA couldn't even decide who it thought Ali was.

On July 26, 2002, the *Australian* carried a map showing the location of Ali's village in the centre of Afghanistan's Oruzgan province. The *Australian's* Alastair McLeod went to Afghanistan to verify Ali's story. On August 14 he described how nobody recognised Ali's photo when it was shown around in the village. It is quite likely that McLeod was in the wrong area. According to the map accompanying his article, McLeod was in the north-eastern corner of Oruzgan and he refers to the village being high in the mountains. However, Ali says his village is in a valley.

The *Age's* Russell Skelton also made a trip to Afghanistan that year, but it appears from his map in the August 23 *Age* that he also went to the wrong part of Oruzgan province. Skelton also claimed to have showed Ali's photo to villagers, who said they didn't know him.

According to Dr William Maley, who has appeared as an expert witness in a number of other cases of identity fraud involving Afghan refugees, there are many reasons why villagers' claims not to know a person should be considered unreliable. In particular, when strangers or government officials enter a village, the locals often say

they don't know the person in question in order to protect him or her, due to justified suspicion of the intention of those asking the questions.

Despite the contradictions, factual inaccuracies and serious lack of evidence to support the journalists' claims, they assisted the government in sowing serious doubt in the minds of even the most sympathetic.

Following Mahzer Ali's forcible deportation from Australia in July 2003, he obtained documents proving that Roqia Bakhtiyari was from a village in the Jaghoori district of Ghazni and that all her children were born in Afghanistan. Her identity was confirmed by the residents and the statement signed by the district governor.

DIMIA has told Roqia that it now accepts that she is Afghan — or at least is no longer certain that she is Pakistani. DIMIA offered to grant permanent visas to her and her children if she agreed to divorce her husband. Roqia and her children are currently living in home detention in Adelaide.

Skelton visited Baxter in July 2003 and met the Bakhtiyari family for the first time. Roqia, Alamdar and Montazar have all recounted to friends how Skelton offered to change his story about them.

In the last week of November, Ali came under pressure to sign documents agreeing to his removal from Australia. He has few avenues left to appeal the cancellation of his visa.

[For an excellent summary of the government's campaign against the Bakhtiyari family, visit [www.eurekastreet.com.au/articles/0504curches.html](http://www.eurekastreet.com.au/articles/0504curches.html).] ■

# Gulags in the Sun: The Human Suffering of the ‘Pacific Solution’

In the four months following the *MV Tampa*'s dramatic standoff with the Australian government in 2001, 1547 asylum seekers were intercepted by the Australian Navy on their way to Australia and taken to Australian-funded detention centres on Nauru and PNG's Manus Island.

Of the first arrivals on Nauru, the 438 rescued by the *Tampa*, 133 mainly Afghan families and unaccompanied children were airlifted for processing in New Zealand. All of them received refugee status. The rest, mainly single men, remained on Nauru. By May 2004, after nearly three years of waiting, only 22 of the original *Tampa* refugees remained. Their cases had been reassessed by the UNHCR following a 29-day hunger strike which started in December 2003. Ten were found to be refugees, but the New Zealand government announced it would take all 22 of them.

What happened to the 1547 asylum seekers who were stopped from reaching Australia's shores?

According to government records, as at August 16 2004, 31% were successfully pressured to return home, 62% were resettled and 7% remained on Nauru.

- 531 were given temporary protection in Australia
- 379 were given permanent protection in New Zealand
- 19 were resettled in Sweden
- 6 were resettled in Denmark
- 10 were resettled in Canada
- 4 were resettled in Norway

Mohammed Mussa Nazari was one of those who succumbed to pressure to return to Afghanistan. He was murdered in August 2003, reportedly by members of the Taliban. He never set foot on Australian soil. From Nauru, his claim for refugee status was



denied, his fears of the Taliban declared unreasonable. Faced with indefinite detention and inevitable deportation, in January 2003 Nazari accepted the Australian government's offer of \$2000 to go back to Afghanistan. Eight months later, he and his friend were murdered as they rode his motorbike through the Zardak Pass in the back blocks of Malistan, Afghanistan. He was shot by Taliban foot soldiers who wanted his bike and wanted him dead. His crime was to be Hazara and to have returned from the West.

On May 28, 2004, Palestinian refugee Aladdin Sisalem, the last remaining person in the Australian-funded camp on Manus Island, Papua New Guinea, was finally granted a visa by the Australian government, negotiated by his lawyers.

In May 2004, 252 asylum seekers remained on Nauru. The Afghans had their asylum claims reassessed, and the vast majority were granted refugee status. At the beginning of November, 82 asylum seekers still remained on Nauru, their mental health rapidly deteriorating.

In December 2004, 27 of the 41 Iraqi asylum seekers were finally granted refugee status. At the end of their third year of hell, 55 asylum seekers still remained on Nauru.

The Pacific Solution has proved to be a brutal and expensive exercise in keeping asylum seekers from public view and removing their opportunity to access the limited rights they would have had in Australia.

It has ruined the mental and physical health — perhaps forever — of hundreds of desperate and vulnerable people who simply asked for our help. ■

# Alternatives to Detention: The Vietnamese Experience

In the past decade, Villawood detention centre in south-western Sydney has imprisoned many hundreds of asylum seekers, locked behind tall fences and coils of razor wire. Next to the centre are dozens of unused small brick houses, which were once part of Westbridge migrant hostel. Melbourne's Maribyrnong detention centre stands alongside a similarly disused migrant hostel.

Until 15-20 years ago, these and other hostels throughout Australia provided a transitional and supportive environment for newly arrived migrants and refugees, including those who travelled here without documents.

Tan Le was four when her family arrived at the Pulau Bidong refugee camp in Malaysia in 1982. They spent three months there before departing for Melbourne. She described the experience: "We were taken from the airport to a special hostel for newly arrived migrants. We were given our own apartment to live in, and we were taken care of until we found a place to live. The apartment was clean. All the people were friendly. We had all the food we needed. We were given lessons in English. We were taken out on trips and introduced to our new country. The adults were given help to find work... it was friendly and accepting and hospitable."

Another young woman, Lan, explained her memories of arriving in Australia as a six-year-old: "We arrived in Melbourne in 1978 with almost nothing. We lived in a migrant hostel in Nunawading, which was quite nice. I particularly remember the food. We used to have our lunch packed for us and I still remember picking up my lunch in a paper bag before school."

On April 26, 1976, a small fishing boat arrived in Darwin harbour carrying five young men who had travelled 2600km from Vietnam. They had first tried to land in Thailand, then Malaysia, then Borneo, but had been pushed on by authorities at every

stop. They arrived in Darwin after two months at sea.

Two of the five men, Nguyen Le Han and Tran Quoc Tai, still lived in Darwin in 1980 when they were interviewed by My-Van Tran for her report *The long journey — Australia's first boat people*. They were granted one-month residential permits, which did not give them access to social security, while the government worked out what to do with them. They were given accommodation by the Society of St Vincent de Paul. They eventually found labouring work and were granted permanent residence three months after their arrival, in July 1976.

In his 1990 book, *Australia's Immigrants*, Geoffrey Sherington explains that Australia responded slowly to the plight of the Vietnamese refugees: "By the end of 1975, about 1000 Vietnamese and small numbers of Laotian and Cambodian people had been admitted. Others were allowed to come in on a case-by-case basis over 1975-77. By then some had taken matters into their own hands. By 1979, 200,000 were in settlement camps in south-east Asia." Between 1976 and 1981, 2100 Vietnamese "boat people" arrived on Australia's shores.

Unlike the current federal Coalition government, the Coalition government led by Malcolm Fraser actually increased the number of Vietnamese refugees Australia took from Third World refugee camps, in an attempt to decrease the number of Vietnamese arriving in Australia by boat.

As Corazon Gatbonton explained in her 1980 study, *A statistical survey of the Vietnamese population in Australia and Brisbane*: "The Australian government developed agreements with Malaysia, and later Indonesia, to hold boats planning to depart to Australia in return for taking more refugees from the camps. As a result, 73% of arrivals in 1978 were from Malaysian camps." From 1979 to 1982, Australia took 12,500 asylum seekers from South-East Asian refugee camps. Boat arrivals peaked in 1978. Just 300 refugees arrived by boat in 1979 and 30 in 1981.

In her 2001 paper, *The detention of boat people*, Adrienne Millbank wrote: "There were few concerns within the government or the department of immigration about the 'bona fides' of these boat people (they were fleeing a regime that Australia had fought against), and they were 'processed' for permanent residence immediately on arrival. These mainly Vietnamese boat people were held in 'loose detention' in an open part of Westbridge (now Villawood) migrant centre in Sydney, together with migrants who had been granted visas under the humanitarian and refugee programs. They were not allowed to leave the centre during processing and had to report for roll-call daily."

Refugees from camps in Malaysia, Thailand and Hong Kong were flown at government expense to Australia.

The majority of Vietnamese refugees were housed in migrant centres, run by the Commonwealth Accommodation and Catering Services (CACS). There were four centres in Sydney, four in Melbourne, and one each in Adelaide, Hobart, Darwin, Perth and Wollongong.

Families were entitled to stay for 12 months, childless couples for six months and singles for three months, although extensions were available in special circumstances. Accommodation for the first seven days was paid for by the government. The refugees were eligible for special social security benefits, and the cost of accommodation was jointly met by deduction from the benefit and government subsidy.

“House parents” were employed by CACS to be responsible for unaccompanied children, and child care was available. All meals were provided, except in Hobart and Darwin where cooking was done by the residents. There were numerous complaints in other centres because residents were not allowed to cook their own food. There were especially complaints about how rice was cooked. Over time, the menus were changed to incorporate more South-East Asian food.

Free English tuition was available to everyone. Course lengths were varied to meet the needs of participants, varying from five to 10 weeks full-time or a combination of full-time and part-time.

Orientation sessions were run on topics such as unemployment, housing, law, health, finances, social security and interpreting services.

Nurses were available at all centres and doctors visited regularly. Refugees received comprehensive medical screening during their first weeks in residence. Dental care was also provided.

Welfare officers helped the refugees with their documentation, discussed family allowances and schooling and provided advice on available welfare services.

Commonwealth Employment Service workers helped residents to find work. Housing officers kept a comprehensive list of accommodation available for purchase or letting, and acted as intermediaries between residents, real estate agencies and state housing commissions.

A special loan fund was established for refugees resident at a migrant centre. The maximum amount available was \$600 for families, \$300 for married couples and \$100 for singles. The fund was run by voluntary agencies, and was interest-free. The repayment period was usually two years. In the first five months of 1981, an average of 207 loans were issued each month.

A refugee-sponsorship program, the Community Refugee Resettlement Scheme, was also established and by October 1981 had helped 2995 Indochinese refugees. Refugees involved in the scheme were placed in private accommodation arranged by

sponsors, friends or family, who agreed to support them for six months. They were eligible for the same government assistance as those refugees in migrant hostels, but it was the responsibility of the sponsor to assist them to access it. Periodic follow-up visits were made by bilingual departmental staff.

In total, 150,000 Vietnamese refugees have settled in Australia. Fifty-five thousand came as refugees between 1975 and 1982, while a further 95,000 came through family reunion.

This history gives an insight into the potential for an alternative response to the Afghans and Iraqis who arrived seeking refuge in Australia since 1999, and to groups of asylum seekers who come to Australia in the future. ■

## **Myth: There is no alternative to mandatory detention**

The Coalition government argues that mandatory detention is necessary to determine people's identity and to make sure they are "available for removal" if they are assessed not to be refugees; that people will simply disappear into the community if they are not detained.

*Fact:* Australia is the only Western country that mandatorily detains asylum seekers for the entire period their claims are being assessed. Asylum seekers are not criminals and detention should be minimal. The policy of detention is very expensive. Community-based alternatives to mandatory detention can be found internationally and within the current Australian parole system. Prior to the 1990s, no asylum seekers were detained. They were housed in open hostels.

Sweden receives similar numbers of asylum seekers as Australia, despite having less than half the population. Detention is only used to establish a person's identity and to conduct criminal screening. Most detainees are released within a very short time, particularly if they have relatives or friends living in Sweden. Of the 17,000 asylum seekers in Sweden in 2002, 10,000 resided outside the detention centres. Children are only detained for the minimum possible time (a maximum of six days).

If there was a real concern that those not assessed to be refugees would disappear into the community, what about those who arrive in Australia by plane? In the 2001-02 financial year, 8435 people visiting, working or studying in Australia made claims for asylum. In 2002-03, the figure was 4900. Only 1366 protection visas were granted in those two years, an approval rate of just 10%. Yet the remaining 90% were not detained pending their deportation. There was no media hysteria about thousands of "bogus" asylum seekers in our midst.

This inconsistency demonstrates that there is no problem with people "disappearing", and that mandatory detention is used by the government primarily as a political tool to punish and demonise asylum seekers who arrive by boat.

# Australia Part of a Rich-World Fortress

If you'd told anyone at the beginning of 2001 that the Australian government would start using the Navy to turn back refugee boats, even at risk of those boats sinking and asylum seekers drowning, chances are they wouldn't have believed it.

They wouldn't have believed that the government would deport people to Iran, Syria and Algeria in the knowledge that this could result in torture, imprisonment and death. Yet by 2002 these became the hallmarks of a government determined to use the most cruel and extreme measures to keep out those it considered unworthy of the right to enter Australia.

These ever more horrifying policy shifts have led many of the government's opponents to view Australia as a global pariah, a government that is completely out of step with the more humane and tolerant policies practised by other Western countries, in particular the governments of New Zealand and western Europe.

But this is no longer true. For many years now, Australian government policy has been closely in step with changes being made throughout the entire rich world to fortify the fortress walls. New Zealand, Canada, the United States and the countries of western Europe have made similarly dramatic policy shifts over the past decade. They, too, have put in place measures to keep people out at a time when war, poverty, persecution and misery — imposed by the rich minority on the poor majority — are driving more people to flee in search of safety and a better life. What follows are summaries of the trends in refugee treatment in three parts of the world: Europe, North America and New Zealand. ■

# European Expansion: Extending the Fortress Walls

On May 1, 2004, the European Union expanded from 15 to 25 countries with a combined population of 450 million people. While there are some initial restrictions, the expansion of the EU brings with it unprecedented freedom of movement between countries that make up the EU. Paradoxically, freedom of movement to the EU from countries outside has never been more restricted — the fortress walls are being built higher.

Prior to May 1, treatment of asylum seekers differed substantially from one EU country to the next. The adoption of common methods of assessment is a big step backwards because it is the more powerful countries which have succeeded in forcing their restrictive and controversial practices onto all 25 members of the expanded EU.

In a March 29, 2004, media release, UN High Commissioner for Refugees Ruud Lubbers commented: “In some cases these practices have not even been passed into their own national legislation, or are under domestic legal challenge, yet they are pushing them at the EU level.”

## Safe third country

One such measure is the “safe third country” concept, which deems that an asylum seeker can be sent back to a country they have travelled through on their way to claiming asylum. This is in violation of international law which states that primary responsibility remains with the country where the asylum claim is lodged. It is a mechanism to shift responsibility to another country, regardless of whether that country can offer a durable solution, including protection from deportation and access to a fair asylum procedure.

In April 2004, Human Rights Watch expressed concern at a proposal for the exceptional application of the safe third country concept to countries in the European region, arguing that no country can be labelled as a safe third country for *all* asylum seekers. HRW pointed out in a letter to the EU that “under the current proposal, a

border guard ... could be given the sole power to decide on the removal of an asylum applicant even before the competent authority has had a chance to look into the claim”.

## Safe country of origin

The EU will also begin using the “safe country of origin” concept to restrict access to the regular asylum procedure. This is already used by a number of countries to deny asylum to people based on where they come from rather than on the specifics of their claim.

British law, for example, stipulates that asylum applicants from 24 countries have no right of appeal against return to the country they fled from, if it is what the British government considers a safe country.

Since November 2002, the British government has considered the 10 countries soon to become EU member states as “safe” countries that don’t produce refugees. In April 2003, the British government added Albania, Bulgaria, Jamaica, Macedonia, Moldova, Romania and Serbia & Montenegro (previously the Federal Republic of Yugoslavia) to the list. The latest countries to be added to the list, in June 2003, were Brazil, Equador, Bolivia, South Africa, Ukraine, Sri Lanka and Bangladesh.

There is widespread outrage at the implications of this policy for returning genuine refugees to danger. In the first three months of 2003, there were 170 successful appeals by Sri Lankan asylum seekers against flawed British Home Office decisions. Under the new legislation, they would have been sent back to Sri Lanka without the opportunity to prove their case for refugee status.

## Fortress borders

A series of EU summits over the past few years have adopted measures which make it increasingly difficult and dangerous for refugees and asylum seekers to gain entry to the EU, and which increase cooperation on the surveillance, harassment and deportation of “illegal” immigrants. The summits have pushed for the development of biometric identifiers in visas, residence permits and passports.

It is EU policy to treat irregular asylum seekers as they would treat criminals. Fingerprinting and registration under the Eurodac system, which became operational in 2003, mean asylum seekers can now be more easily identified if they move from state to state. Information about rejected asylum seekers is kept in the database for a period of 10 years. Under the “Dublin II” regulation — which also entered into force in 2003 — asylum seekers can then be sent back to the first state they entered.

Increased security at external borders will be enforced by a Border Management



Agency and an EU police force, drawn from all member states, with its own uniform and badge.

EU policy is directed toward the containment of refugees and migrants within their home regions, regardless of the human cost. One of the strategies to achieve this has been to target migrants' country of origin and force their governments to cooperate in "migrant management". For example, at the EU summit in Seville in 2002 it was agreed that in future all EU agreements with non-EU states are to "include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration".

According to the Institute of Race Relations' Liz Fekete, writing in a March 2003 article, a whole list of non-EU countries are being brought into the "managed migration" process, coerced and cajoled into adopting measures to prevent people entering and leaving. Development aid is increasingly being tied to agreements to take back "illegal immigrants".

"The purpose of these measures is to ensure that eastern European countries and Turkey form a bulwark around the EU's existing eastern border", Fekete explained. "Morocco, Tunisia and Algeria are expected to perform a similar function on Europe's southern flank. The idea is to create as many barriers to refugee movement, in as many different countries and regions, as possible and, in the process, expand the EU's authority over poorer neighbours."

## Increasing surveillance

Fortress Europe of the 21st century is starting to sound a lot like George Orwell's *1984*. In a 2002 article titled *Building Fortress Europe*, Deirdre Hogan wrote: "Increasingly draconian measures are being taken to increase police powers of surveillance. Since 9/11 there has been a drive to extend the Schengen Information System and set up two new databases, one dealing specifically with protesters and the other dealing with 'foreigners'. The aim is to facilitate the removal of third country nationals who have not left the EU within the 'prescribed time frame'. This database would be in effect a register of all third country nationals in the EU who will be tagged with an 'alert' if they overstay their visa or residence permit."

In November, the British government floated the idea of a national ID card linked to a high-tech database that would be able to authenticate identities. The set-up cost of 3 billion pounds would include iris scanning and fingerprinting of 60 million people. While the card will initially be offered as a voluntary piece of ID for Britons, the country's 4.6 million foreign nationals will be required to have the card.

Between 1997 and 2001, the EU spent 30 million euros to equip Hungary's border

guards with everything from uniforms to thermal imaging cameras to lock up the border to former Yugoslavia and the Ukraine. The most famous high-tech border control project was started to control the Spanish south coast and especially the Straits of Gibraltar, where Africa almost touches Europe. The Surveillance System for the Straits monitors a 115km stretch of coastline containing radar systems and infrared cameras.

Border militarisation, asylum laws, detention policies, deportations and carrier sanctions have led many tens of thousands of asylum seekers trying to enter Europe clandestinely to seek even more dangerous avenues — crossing in small boats from Morocco or Turkey, or by hiding in lorries and under trains crossing from Britain to France. Forced to resort to methods which often prove fatal, thousands have died in the process.

### **Policies that kill**

Many would remember the press coverage of the 58 Chinese asylum seekers who suffocated inside a truck in June 2000 trying to get to the UK. It is just one example of many tragic incidents in recent years. Eight asylum seekers, thought to be Romanian, were found dead inside a shipping container at the Irish port of Waterford in December 2001. It is believed they were locked in the container for at least nine days. An asylum seeker hiding on top of a train bound to Britain from France was electrocuted and killed in January 2002. A small wooden ship trying to smuggle 70 asylum seekers to Greece sank off the Turkish coast in December 2003. Only one person survived.

These deaths are not isolated incidents. In the ten years between 1993 and 2002, approximately one person has died every day as a result of the policies of Fortress Europe.

Austria, Belgium, the Netherlands and Greece deport between 10,000 and 20,000 people between 1998 and 2001. Ten deportees died in this time from strangulation, suffocation, beatings, tranquilisers or medical neglect at the hands of police and security services.

No matter how draconian the laws become, Europe is not capable of shutting its borders. But it is shutting its eyes to the realities of capitalist globalisation, where the number of refugees and asylum seekers remains at around 20 million, and migrants are compelled to escape the poverty and suffering of the majority Third World which increases by the day. ■

# Canada: Pulling Up the Welcome Mat

Of all the countries of the Western world, Canada has had perhaps the most liberal and progressive asylum policy. It won the Nansen Medal in 1986 for its generous support of uprooted people worldwide, the highest honour bestowed for protecting refugees.

Canada was among the earliest states to recognise gender-based persecution as a ground for establishing refugee status. It remains among the most generous countries in its willingness to resettle refugees identified abroad as being in need of protection or lacking durable solutions.

Its offshore refugee resettlement quota of 7500 is second only in size to the United States. In 2001, Canada resettled 10,900 refugees. Of those, 7300 were government-sponsored. Of those asylum seekers who arrive at the border, 58% were granted refugee status in 2000 and 2001, one of the highest acceptance rates in the world.

## History

Despite its key role in drafting the 1951 refugee convention, Canada did not sign it until 18 years later. Canadian governments thought it was highly unlikely that refugees fleeing persecution would find a direct route to Canada. They believed their role in helping to resolve refugee problems should be as a country of resettlement.

The asylum process set out in the 1976 Immigration Act was cumbersome and time consuming, designed to handle a maximum capacity of 500 cases per year. However, by the time the new act came into force in 1978, increasing numbers of people coming to Canada were asking for protection under the UN convention. In 1980, 1600 asylum claims were filed, putting the new system under stress. Rather than changing the asylum process to manage the increase, the government began to impose visa requirements on those countries producing most of the asylum claims.

During the 1980s, with pressure mounting, there was debate about how to reform

and update Canada's asylum system. In 1984 close to 10,000 asylum claims were registered, and the backlog of people waiting for a decision on their claim exceeded 20,000. There was much debate over whether to update the assessment process so it could accommodate the larger numbers of asylum claims, or whether to introduce measures to restrict the number of claims being made.

In May 1987, Canada restricted access to those who came to Canada via a "safe third country", that is, from a country that was a signatory to the refugee convention, was democratic, followed the rule of law, and had a good human rights record. This was designed to limit to a "manageable" level those asylum seekers who had access to asylum in Canada. There was a strong campaign against the legislation, and its passage was delayed for more than a year, eventually coming into effect in 1989. The legislation also established an independent tribunal, the Immigration and Refugee Board.

1999 marked the beginning of the Canadian establishment's campaign against a flood of "boat-people". On July 20, 123 exhausted Chinese asylum seekers straggled ashore in British Columbia. The *Vancouver Sun* declared: "Compassion has limits".

During a six-week period, four boats landed in British Columbia carrying 599 Chinese asylum seekers, 134 of them children, mostly unaccompanied. All came from Fujian Province, where they (or their parents) had arranged with traffickers to take them to the United States. Most applied for asylum in Canada when their plan to slip into the United States was foiled.

"These were not Canada's first boat people, nor was this Canada's first bout of immigration anger", wrote Judith Kumin, the UNHCR's Canadian representative, in an article titled "Between sympathy and anger: how open will Canada's door be?": "In 1986, 155 Tamils were rescued off Newfoundland. Canadians protested that they had short-circuited normal immigration channels, and the government's decision to let them remain was unpopular.

"In 1987, when a boatload of Sikhs arrived in Nova Scotia, the incident threatened to derail passage of Bill C-55, which had just been introduced in parliament to revamp Canada's refugee status determination system. Parliament was recalled from its summer recess, and the government reacted to the public outcry by introducing Bill C-84, intended to deter the smuggling of persons into Canada, including by allowing the authorities to turn away ships.

"Although the government sought emergency passage of C-84, it took nearly a year, and the power to turn boats back was finally limited to six months. The furore died down, Bill C-55 passed, and during the 1990s, Canada's refugee policy continued to be among the world's most generous. On average, there were 28,000 asylum requests each year, and the recognition rate (more than 50 per cent) was one of the world's

highest. Canada's resettlement program, second in size only to that of the United States, enabled an additional 132,000 refugees to start new lives in Canada during that decade."

## How the asylum process works in Canada today

A senior immigration officer from Canada's Department of Citizenship and Immigration first determines whether an asylum seeker's claim is eligible for a Refugee Protection Division hearing. An asylum seeker's claim can be deemed ineligible, and the person "screened out" of the determination process if:

- refugee protection has already been granted in another country (even if they face persecution in that country) or refused in Canada;
- the claimant came to Canada from, or through, a designated "safe third country" where refugee protection could have been claimed; or
- a claimant has been determined to be a security risk, a violator of human rights, a serious criminal or a person involved in organised crime.

Asylum seekers can be assessed under two processes: an expedited process, or a full hearing. The expedited process is used when a claim appears to be manifestly well founded, and the claim is assessed without a hearing. A full hearing is held if the claimant is not granted refugee status through the expedited process. In 2001, the normal refugee determination process took 10 months.

The *Immigration and Refugee Protection Act*, enacted in June 2002, replaced all prior immigration and refugee legislation and made significant changes to Canadian asylum procedures. First tabled in 2000, immigration minister Elinor Caplan said it was designed to "close the back door to those who would abuse the system".

In the past, refugee claimants were heard by two members of the Refugee Protection Division and received a positive decision if at least one board member decided that the claimant was a refugee. Since the introduction of the 2002 legislation, decisions are heard by only one board member. The reduction in board members hearing a refugee claimant was supposed to be a trade-off in return for the introduction of the Refugee Appeal Division, which would hear appeals on the merits. But the government failed to set up this body, while still reducing board member panels to one. As a result, a refugee claimant's fate now lies in the hands of a single person.

The 2002 law change also bars mothers or fathers from sponsoring their children if they are on social assistance. Unaccompanied minors who are found to be refugees in Canada can apply for permanent residence for themselves, but not for their parents and siblings, leaving no avenue for family reunification for these separated children.

While applying for refugee status, asylum seekers must apply for the right to

work. Those who cannot subsist without public assistance are generally eligible for employment authorisation. Children are able to go to school. Access to health services is limited to emergency requirements only.

When a claim is rejected, an asylum seeker has three possible courses of action.

1. They can ask the Federal Court for permission to apply for judicial review. This can only take into account errors of law, and less than 1% of decisions of the Refugee Protection Division are overturned by the Federal Court.

2. They can apply to remain in Canada on humanitarian or compassionate grounds.

3. They can lodge an application for a Pre-Removal Risk Assessment, which (at least in theory) ensures that people are not sent back to a country where they would be in danger or face risk of persecution. However applicants can only raise new evidence, and only 3% of decisions are positive.

The immigration minister always has the discretion to intervene in individual cases, where circumstances warrant, but has not made regular use of this power to correct errors.

Detention of refugee claimants in Canada has increased since 2002, with the law facilitating the detention of those without identity documents. Prior to this, the main grounds for detention were

1. if the person is a flight risk,
2. if there are questions over their identity, or

3. if they are a danger to the public. In any given week throughout 2003, approximately 290 refugee claimants were in immigration detention in Canada.

Following September 11, three asylum seekers were detained on “security certificates”. Since 2001 there has been increased use of security certificates, which allow the government to make accusations without showing the accused, or even their lawyer, the evidence against them. The trend is towards an expansion of powers under the security certificate: a right of review for permanent residents was withdrawn in 2002, and Prime Minister Paul Martin reduced the number of ministers required to sign a certificate from two to one.

## Basic rights eroded

Security measures taken in the wake of the September 11 attacks have eroded basic rights in Canada, with some of the worst impacts being experienced by refugees and immigrants. The Canadian government has used the broad powers of the *Immigration and Refugee Protection Act* to detain, arrest and deport people based on mere suspicion or secret evidence.

Visas are required, documents are checked before boarding aircraft, immigration

control officers are posted overseas and airlines are fined for bringing refugee claimants to Canada. All these measures make it harder for people in need of protection to reach safety, and force them to turn to people smugglers.

In December 2002, the governments of Canada and the US signed a “safe third country” agreement. According to the Canadian Council for Refugees, approximately 35% of asylum claims made in Canada in 2001 (14,807 claims) were made by claimants who arrived in Canada from the United States. Few asylum seekers travel through Canada to file claims in the United States.

The effect of this agreement, not implemented until May 2004, will be to close the door to refugee claimants trying to get to Canada via the US, without regard to what might happen to those forced to claim asylum in the US. Even before the implementation of this agreement, Canada began forcing claimants back in January 2003, through a policy of “direct-backs”.

The tightening of the US-Canada border could see a repeat of some of the tragedies at the US-Mexican border, with people taking increasing risks to avoid detection crossing the border, leaving refugees vulnerable to smugglers who may transport them across the border illegally.

While the agreement means the US will have to deal with a greater number of asylum claims, in return US authorities expect greater Canadian cooperation on other border security measures. ■

# United States: A Refugee Haven No More

The United States was founded on mass immigration. The Statue of Liberty on Ellis Island in New York City's harbour is inscribed with the words: "Bring me your tired, poor and huddled masses".

While immigration to the US began in the 1700s, it wasn't federally overseen until 1891 when the Immigration Service was established to deal with the big increase in immigration which started in 1880. Nearly 8 million immigrants came to the US in one decade alone, 1901-1910, increasing the foreign-born population from 9.7% in 1850 to 14.7% in 1910.

During the 20th century, almost 36 million people came to the US, 20 million through Ellis Island, including approximately 6 million Germans, 4.8 million Italians, 4.6 million Irish, 4.3 million from the collapsing Austro-Hungarian empire, 4.3 million English, Scottish and Welsh, 3.4 million Russians and 2.3 million Scandinavians.

Until 1965, there were a range of racial and national barriers in place, including the explicit prohibition of Asian immigration. The 1882 Chinese Exclusion Act was in place for 10 years. These exclusion laws were made permanent in 1904, until they were repealed in 1943. Japanese labour was restricted in 1907, and the 1917 Immigration Act created the Asia-Pacific "barred zone", further limiting Asian immigration.

Not surprisingly, this racial exclusion was reflected in immigration statistics. In 1790, 80% of immigrants came from England, with the remainder from Scotland, Germany, Holland and Ireland. In 1890, 87% of immigrants came from Europe (mainly western Europe), 11% came from Canada and just 3% from other countries.

The Quota Act introduced in 1921 established legal discrimination on the basis of race and ethnicity by restricting any Eastern Hemispheric nationality coming to the US to 3% of their 1910 resident population. The 350,000 "quota immigrants", therefore, came mostly from northern and western Europe. In 1924 US Congress also created the US Border Patrol within the Immigration Service.



Immigration remained relatively low during the 20 years following World War II, because the 1920s national-origins system remained in place.

## Eliminating quotas

The 1965 Immigration Act, passed at the height of the civil rights movement, marked a significant change to the method of selecting immigrants. It eliminated country quotas which, at the time, saw 70% of places for new immigrants allocated to the UK, Ireland and Germany, many of which were not filled, while there were long waiting lists for a small number of visas allocated to southern and eastern European countries such as Greece, Portugal and Poland. Italy, with an annual quota of 5666, had 249,583 people waiting for admission to the United States in 1965.

Family reunion became the cornerstone of US immigration policy from 1965 onward. Spouses, parents, siblings and children of US citizens were automatically allowed entry. Quotas of 170,000 and 120,000 were set for the Eastern and Western Hemispheres respectively.

### Myth: Australia is a 'soft touch'

With the government's decision to stop the *Tampa* from offloading a boatload of rescued asylum seekers at Christmas Island, PM John Howard explained on August 27, 2001 that the asylum seekers, most of them Afghans fleeing the Taliban, were "people who seek to exploit the generosity of Australia". "They are coming because it is seen as easy to get to this country", he said.

*Fact:* Even before the *Tampa* affair, Australia had some of the harshest legislation in the world.

- Mandatory detention, introduced by a Labor government, is unique to Australia in that it jails asylum seekers for the entire process of assessing their claims, and not simply for health checks, or in advance of their deportation, as many other countries do. It is common for some asylum seekers to remain in detention for two, three or four years.

- Temporary visas for refugees who arrive by boat. Australia is the only country in the world to deny permanent protection to those it assesses to be refugees. Other countries have temporary visas for those they judge not to be refugees, but who have strong humanitarian reasons for not being returned to the country they fled.

With the climate of fear generated by the government, manipulating the *Tampa* affair and the events of September 11 to its advantage, legislation was passed in September 2001 which narrowed the definition of a refugee, made temporary visas much harsher, and blocked asylum seekers' access to the courts to appeal against flawed decisions.

Australia is the only country that pays its poor neighbours (Nauru and Papua New Guinea) millions of dollars to house asylum seekers in detention facilities, where they are not subject to the limited protections of Australian law (such as the right to an administrative appeal), and are isolated from lawyers, the media and refugee advocates.

The legislative change in 1965 was, in part, a response to the fact that the majority of applicants for immigration visas now came from Asia and Latin America rather than Europe.

A snapshot of post-war migration indicates a significant shift. In 1960, 75% of immigrants came from Europe (including many southern and eastern European countries), 10% from Canada, 9% from Latin America and 5% from Asia.

By 2000, the immigrant profile was dramatically different: 51% of immigrants came from Latin America, 26% from Asia, 15% from Europe, 2% from Africa and 2% from Canada.

Seven preferences were specified for Eastern Hemisphere quota immigrants:

1. unmarried adult sons and daughters of citizens;
2. spouses and unmarried sons and daughters of permanent residents;
3. professionals, scientists, and artists of “exceptional ability”;
4. married adult sons and daughters of US citizens;
5. siblings of adult citizens;
6. workers, skilled and unskilled, in occupations for which labour was in short supply in the United States; and
7. refugees from Communist-dominated countries or those uprooted by natural catastrophe.

The past three decades have marked some of the largest intakes of immigrants. 4.5 million immigrants were admitted in the 1970s; 6 million immigrants were admitted in the 1980s; 8.6 million immigrants came in the 1990s, surpassing the previous decade record of 8 million (1901-1910).

## Refugees

While large numbers of refugees were resettled from Europe during the post-war years, it was not until the Refugee Act of 1980 that the United States had a specific policy governing the admission of refugees. A quota was established to resettle 125,000 refugees annually, the largest resettlement program in the world. From 1981 to 1986, more than 450,000 refugees and asylum seekers were resettled in the United States.

In practise, admission of refugees and approval of asylum claims has been closely tied to US political considerations. Heavy preference has been given to refugees from communist countries and those with family ties in the US, rather than those most urgently in need of resettlement. The most well-known mass resettlement was of Vietnamese refugees, totalling nearly half a million over two decades.

From 1975 to 1999, 56% of the 2.2 million refugees resettled came from east Asia, the majority from Vietnam; 24% came from the Soviet Union (prior to 1990) and 9%

from Russia. Only 11% came from the rest of the world.

After the 1959 revolution, any Cuban who made it out of Cuba was automatically entitled to political asylum in the United States. In 1994, the US and Cuba renewed an agreement first signed by the Reagan administration in 1984 to accept a quota of up to 20,000 Cuban immigrants annually. The US never fulfilled this commitment after the 1984 signing. In the decade to 1994, barely 10,000 visas were granted, precipitating an exodus of Cubans in 1994 trying to get to the US by boat.

The US continues to accept those Cubans who illegally make it to the shores of the US, and for political reasons encourages more illegal immigration by restricting the number of places granted to legal migrants. The Cuban government puts no restrictions on the legal emigration of Cubans, but makes every effort to stop the flow of illegal immigration which unnecessarily risks people's lives.

## Asylum seekers

One in four asylum seekers arrive in the US without valid documents.

The number of people applying for asylum from within the United States borders has increased dramatically in the past 30 years. In 1973, the first year for which such statistics are available, asylum was granted to 380 people. In 1995 the number was 12,477; in 2000 it rose to 30,500.

In 1996, legislation was introduced aimed at deterring “unfounded” claims. New asylum applications received by the INS declined from 150,000 in 1994 to 35,000 in 1999, but the acceptance rate was higher.

The 1996 legislation removed the right to work until asylum is granted, or until 180 days pass without a final decision in an immigration court, whichever comes first. As a result, asylum seekers are reduced to living off the charity of friends, family, or assistance organisations, for as much as six months. Many resort to working illegally.

The legislation also increased border control personnel, equipment and technology. It doubled, for example, the number of border patrol agents from 5,175 in 1996 to almost 10,000 by 2000.

In May 2001, 14 Mexicans died after crossing the Mexican border into the US after smugglers abandoned them in the blistering heat of the Arizona desert. Later that month, the Mexican government announced plans to distribute 200,000 survival kits to Mexicans who plan to sneak across the border.

Southern Arizona became a popular crossing point for illegal immigrants in the 1990s, after crackdowns in California and Texas pushed more people to try to enter the country through remote and dangerous areas. 106 people died while crossing southern Arizona's deserts between September 1999 and September 2000. Many of

them died from exposure.

Researchers conclude that while the 3400-kilometre border is more daunting and dangerous, the additional enforcement has done little to actually stop the flow of illegal immigration.

Immigration and Naturalization Service (INS) statistics show that immigrant deaths on the US side of the border are up to 369 in 2000 from 231 in 1999. According to the Mexican government, the number rose on both sides of the border, with some 122 deaths on their side in the first year of the new century.

The United States' treatment of asylum seekers is both better and worse than it is in other countries:

*Positives*

- The US does not use a “safe third country” list to exclude people from making a claim based on their country of origin.
- Refugees win permanent residence; there is no temporary status.

*Negatives*

- Asylum seekers are denied any government-supported legal representation.
- Asylum seekers who, during their initial interview, cannot establish a “credible fear” of returning home, can be deported immediately without the right of appeal. In 2000, 86,000 people were deported.
- There is a one-year deadline on filing an asylum claim.
- Undocumented immigrants are ineligible for Social Security benefits.
- Detention can be used for the entire process of assessing an asylum seeker's claim, but is used in only a minority of cases. 5% of those granted asylum in 2000 spent time in detention. It is mandatory where there is a flight risk, questions surrounding identity, or no clear means of support available.

## Rights under attack

September 11, and the racist policy shifts which followed the attacks, had a significant effect on refugee resettlement. The 2001 Refugee Protection Act was stalled, legislation which would have restored all asylum seekers' access to legal representation and appeal, as well as limiting deportations to “immigration emergencies”, and instead of using detention, place asylum seekers in the care of voluntary agencies.

The US administration halted the refugee resettlement program after the 9/11 attacks, and instituted a security review that established new screening procedures for incoming refugees.

In 2002, the ceiling set for refugee resettlement was only 70,000. By May 31, 2003, eight months into the fiscal year (FY), 13,777 refugees had arrived in the United States

— less than one third of the 41,721 who arrived during the same period in FY 2001. Admissions spaces do not roll over into the next fiscal year, so those that go unused are lost. This amounts to the lowest refugee admission in two decades. ■

# New Zealand: Refugees Not So Welcome

In September 2001, New Zealand Prime Minister Helen Clark announced that the Labour-Alliance coalition government would be willing to take a small number of the 438 refugees aboard the *Tampa*, which was then stranded in seas off Christmas Island because of the Australian government's refusal to let it anchor.

On September 26, the first of 131 Afghans refugees arrived in NZ amid a great deal of international praise for the country's compassionate response to the refugees' plight. Six months later, all of the 131 asylum seekers had been granted refugee status in NZ. The government's comparatively swift processing and acceptance of the refugees was lauded. It compared starkly to the painfully (and deliberately) slow processing of refugees' claims in Australia.

Over the next 16 months, NZ took a further 268 refugees from Australia's "Pacific solution" dumping grounds — Papua New Guinea's Manus Island and Nauru. On December 20, 2003, the NZ government resettled around 390 of their relatives. The first 109 relatives arrived in NZ on February 5, 2004, and were given residence status as part of a humanitarian gesture. They are related to 14 of the 40 youths who arrived in New Zealand as unaccompanied minors in September 2001.

The NZ government has helped to reunite a number of families in the past few years, offering visas to women and children stranded on Nauru and to fathers in Australia who would otherwise have remained separated from their families because of the conditions of their temporary visas, which restricted them from bringing family members to Australia, or returning to the country if they leave to visit them.

Having been granted permanent residence, these families are now eligible to apply for New Zealand citizenship, and consequently to travel to Australia.

However this compassionate gesture towards refugees abandoned by the Australian

government is only a small part of the picture of NZ's approach to asylum seekers. The Labor government tried hard to portray itself as socially progressive in its first term of government, and taking in the *Tampa* refugees was part of that. Clark made it appear that her government went out of its way to help, but in reality the 600 refugees and their families were not accepted over and above New Zealand's annual UNHCR resettlement quota of 750, so just 150 more refugees were resettled that year.

## Using Tampa intake to introduce detention

The *Tampa* asylum seekers who arrived in September 2001 were housed in the Mangere Refugee Reception Centre near Auckland for a period of almost five months. During that time, what began as an open migrant centre was transformed into a detention centre with barbed wire and security guards.

The NZ government used the *Tampa* refugees — the country's largest single intake of asylum seekers — as a pretext to introduce detention. Green Party immigration spokesperson Keith Locke spoke out against the transformation of the Mangere centre, condemning the use of detention unless there was definite evidence that they had a criminal background.

Soon after their arrival, two teenage Afghan asylum seekers were held in Mount Eden Remand Prison for six days. According to the government, they were detained to allow further security checks after their original interviews at Auckland airport raised "concerns". According to the October 4 *NZ Herald*, the lawyer representing the teenagers said that the misunderstanding had arisen because of the lack of competent Afghan interpreters.

According to Bill Smith, Amnesty International (NZ)'s refugee coordinator, Australian policy has had a significant influence on the direction of NZ government policy. Clark has refused to voice any criticism of the Australian government's harsh and punitive refugee policy. This is hardly surprising when her government is increasing the use of detention. The September 11 attacks have also been used as a pretext for tightening NZ's immigration controls.

## Legislation changes

NZ immigration officers have the discretion to deny any unauthorised asylum seeker a temporary visa. A refusal results in detention. On September 19, 2001, the government announced two levels of detention for asylum seekers who could not prove their identity or were suspected of being security risks. Those refused a permit on these grounds could be detained at the Mangere refugee centre or in prison until their identity was proven or refugee status granted.

In May, a young man from Yemen who had escaped from the Villawood detention centre in Australia, managed to reach NZ to claim refugee status. He was refused a work permit and denied government benefits because he would not disclose how he obtained a false passport.

An Algerian asylum seeker, who also escaped from Villawood, was imprisoned in Mount Eden prison before being returned to Australia on December 7, 2001. A Somali man, the third Villawood escapee to reach NZ, was also detained.

In February 2002, there were five asylum seekers detained in Auckland's central remand prison. In May 2002 the High Court ruled against the government's policy of routinely detaining asylum seekers. Helen Clark's government ignored the court's decision, according to Locke, who established that in the five months following the High Court's decision, only three of the 61 asylum seekers arriving at the border without proof of identity were not locked up. Before September 11, less than 5% of refugee status claimants arriving in New Zealand were imprisoned.

In April 2003, the NZ Court of Appeal found that while the government did have the power to detain asylum seekers, it should be the exception rather than the rule.

## Polarised views

In early 2002, the NZ government initiated a discussion about whether to lift its refugee quota from 750 to 1000 if it was re-elected in November. Even though the number of asylum seekers who arrive in NZ each year without authorisation is tiny (it has never been more than 350 per year), and the number of refugees accepted through the resettlement program is small, public opinion is just as polarised as it is in Australia.

A *National Business Review*-Compaq poll, released on March 1, 2002, found that 36% of people surveyed said the current quota of 750 refugees was too high; only 9% said it was too low. Forty-nine per cent said the level was about right. Most people (58%) thought that NZ should take refugees who were in the most immediate danger, regardless of where they came from. Twenty-eight per cent thought NZ should give priority to refugees from countries with similar cultural and ethnic backgrounds.

Winston Peters, leader of New Zealand First, a right-wing, anti-immigrant party, argued that more refugees would render New Zealanders "second-class citizens".

Former Labour minister Richard Prebble, who leads the right-wing ACT New Zealand, said on January 28, 2002: "There are millions of refugees around the world and instead of taking those who have most difficulty settling in New Zealand — e.g. those from desert cultures — we should look sympathetically at refugees who would have no difficulty integrating into New Zealand society. For example, white farmers being driven off their land in Zimbabwe are real refugees and they'd make good



citizens but they'd never be selected by this politically correct government.”

The quota remained at 750 when Labour won another term in office in 2003.

## Case studies of a more punitive system

Two recent incidents indicate most clearly the direction of government policy towards asylum seekers.

In December 2002, Algerian Professor Ahmed Zaoui fled to NZ via South Africa on false travel documents and sought asylum. He has been held in a maximum security prison ever since, deemed a potential “security risk”, the details of which cannot be disclosed. Zaoui was a leading figure in an Algerian opposition party banned after a military coup in 1992, and is now an outspoken critic of the current Algerian regime.

Zaoui was granted refugee status by the Refugee Status Appeals Authority in August 2003. On December 9, 2004, in recognition that there is a limit to how long the state can detain without charge someone who has refugee status, the NZ Supreme Court released Zaoui on bail.

This is a chilling indicator of the way governments are using the pretext of the “war on terrorism” to seriously undermine people’s basic human rights.

On February 12, 2004, a 16-year-old Sri Lankan asylum seeker known only as Thakshila, so terrified she had to be sedated and put in a wheelchair, was deported from New Zealand. Her grandmother claimed that she was not only sedated but also handcuffed. Immigration officials denied she was handcuffed, then later admitted she was. The immigration minister was forced to resign in disgrace.

“She was tranquilised like a horse”, another Sri Lankan, Sonali Amarasingham, told TV1 News on February 15. Much to the annoyance of the government, a New Zealand film crew was waiting for her to arrive in Sri Lanka and images of her, collapsed, corpse-like, in the wheelchair were flashed on New Zealand TV screens.

In early May, the 16-year-old fled to Hong Kong rather than be forced to testify against a sexually abusive uncle. Her mother works in Hong Kong as a domestic servant, but because of her age, Thakshila was only entitled to a one-month visitor’s visa. As of October 2004, Thakshila was still in Hong Kong and had applied through the NZ Immigration Service to return there as a student. ■

The Australian government's appalling treatment of asylum-seekers has shocked people around the world. Refugees desperate to escape oppression and misery in their homelands have not found shelter and comfort here but instead have been subjected to soul-destroying incarceration and loss of all hope. They have been made the scapegoats in a racist campaign to boost the Coalition's stocks and enable it to retain power.

But the Howard government's miserable record is part of a global pattern. Worldwide, tens of millions of people are fleeing war, persecution, hunger and environmental disaster. Yet the imperialist countries are building ever-higher walls to protect their rich-world fortresses and keep out the victims of their policies in the Third World.

This pamphlet provides activists and those concerned with securing human rights for refugees with the global context and basic facts and arguments on this burning issue.

*Resistance books*