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# Rethinking refugee policy

By Noel Preston

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There was a time when Australia's immigration and refugee policy was administered with a rough consensus between both sides of politics. Originally, that bipartisanship found its coherence in a common stance on the exclusion of non-Europeans (the so called White Australia Policy). As that racist policy was dismantled in the sixties and seventies, the ALP and the Coalition approached the immigration question with a great deal of harmony which survived through the Fraser and Hawke years in a flexible, humanitarian stance toward "boat people" refugees.

The push of asylum seekers resulting especially from the wars prosecuted in Iraq and Afghanistan changed all that in the Howard years. The Tampa election of 2001 will forever be the marker of how the issue of refugee policy was used to divide the Australian people and to foment xenophobic sentiment. The point the nation has now reached in "our dysfunctional asylum-seeker debate" was well summarised by journalist [Mike Steketee](#) in *The Weekend Australian*: "While the opposition has a simple strategy of mining every possible vote from these misapprehensions, the government has given up trying to educate and lead on the issue."

Now, in the wake of the recent High Court ruling that resoundingly vetoed the practice of sending asylum seekers offshore for processing, Tony Abbot is offering to revive bipartisanship on this vexed question. The offer is seductive indeed. But the Australian body politic has moved past the 'innocence' of bygone years when both sides, by and large, refrained from playing politics with the treatment of immigrants and especially stateless people. The fixation on boat arrivals and the alleged people smugglers, which has spawned policies of mandatory detention and offshore processing of potential refugees, has taken us a bridge too far. Any consensus between the dominant parties to retain that direction would not only be morally reprehensible, but arguably, it would sit uneasily with a large segment of Australian society.

Julia Gillard would do well to see parallels between the demise of Kevin Rudd as Prime Minister and the situation now unfolding for her. Rudd lost his moral authority as Prime Minister, in particular, when he appeared to walk away from his determination to deal with, in his words, "the greatest moral question of our times", climate change. Similar superlatives may be attributed to our lucky country's response to the global issue of refugees – given there are about 15 million stateless persons. Far from being seen as an unexpected and unwarranted rejection of Government policy, the recent High Court ruling on Australia's asylum seeker strategy should be seen as an opportunity to revise our treatment of desperate refugees in line with our international obligations.

Admittedly, the "Malaysian solution" had redeeming elements for which Minister Bowen should be given some credit – the 4000 extra persons to be added to Australia's target refugee intake and the attempt to address the issues regionally – but the arrangement overall was always too cute an avoidance of the need to fundamentally revise our miserable commitment to the global challenge of displaced persons. Australia's 15 226 boat arrivals in the five years to the end of last year compares with the following sample: Greece 56 180, Italy 91 821, Spain 74 317 and Yemen 185 810.

As an island continent Australia will always be in a different situation from most countries in controlling its borders. To exploit this through offshore processing in other poorer countries is morally questionable and now is illegal, as the High Court has decreed. The stated aim is to deter people from the "dangerous sea journey" and outsmart "people smugglers". Their trade (or service) depends primarily on people fleeing from desperate situations. The key to thwarting their trade is the reduction of the "push" factor coming from these areas of conflict and tyranny, a complex project indeed. Furthermore, if the people smugglers are acting criminally then efforts should focus on catching and punishing them as criminals.

The outrage of those concerned about the violations of human rights in the administration of this Australian policy centres on the damaging and repugnant impact of mandatory detention on persons already traumatised. Psychiatrist and Australian of the Year Patrick McGorry described detention centres as "mental illness factories". Nor are they a

cheap solution. In the same article quoted above Mike Steketee stated that Oxfam estimates that the Howard government's much vaunted Pacific Solution cost about \$500,000 per asylum seeker, an overwhelming number of whom were accepted as refugees ultimately. Informed commentators like John Menadue, once head of Immigration, suggest releasing asylum seekers into the community after initial health and security checks, estimating that the abolition of mandatory detention would save the national budget up to \$425 million a year.

Alongside the High Court intervention is the investigation of the Joint Select Committee of Parliament into current asylum seeker policy including, at the Greens' insistence, the practice of mandatory detention. The Committee is due to report on October 7. Already its hearings have signalled the confusion behind current policy, especially when the Immigration Department chief, Andrew Metcalfe, indicated to the Joint Committee his doubts about mandatory detention.

The Greens' policy platform is squarely opposed to offshore processing and mandatory detention. (Incidentally, it also puts on the agenda the need for a category in U.N. refugee processing of "environmental refugees" which, given Australia's maritime location, might add another ingredient to our humanitarian challenges.) Clause 26 in the Greens' platform provides a worthwhile basis for the policy review necessitated by the High Court judgement: "grant asylum seekers an Asylum Application Visa (AAV) and assist without delay their move into the community, provided medical and security checks are satisfied or after 14 days are passed whichever occurs first."

This approach is not the end of detention centres, nor protection of the Australian community, but it is the end of policies which demonise poor, frightened and desperate human beings while giving ordinary Australians, once again, the chance to show their benevolence to individuals and families who generally will give back much to Australian society. If the average Australian was in their situation, isn't that what they would want for themselves?

Come on Julia. Stop trying to outplay the Opposition on their playing field. We know the job of government is very hard, but the High Court have handed you and your government an opportunity to demonstrate moral courage and leadership. And, just in case your advisers are still hamstrung by their fear of polls, on this one I think there are a lot of us out here who have gone cold on you, not because we want to rush into the arms of Tony Abbott, but because we've had enough of supine, me-too-ist governing, especially on matters where our national integrity is at stake.

Do the right thing! The consequences might not be so bad after all!

With respect to the topic of this article, Dr Preston's original doctoral thesis – from Boston University 1972 – involved an examination of aspects of Australian foreign policy including what was then termed "immigration restriction".

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