CRIME AND PUNISHMENT

Detention of asylum seekers, be it onshore or offshore, is imprisonment. The average asylum seeker suffers imprisonment for a year or thereabouts between the time of arrival and that of recognition by way of visa.

In our system of criminal justice, a period of imprisonment is a sequel to conviction of an indictable offence, preceded by a trial wherein the defendant has received an opportunity to mount a defence to the charge. Following arrest, a statutory chain of events must precede a guilty verdict and consequent imprisonment.

Not so in the case of an asylum seeker. Australian Governments of both political persuasions have unilaterally absolved themselves of any obligation towards equity and justice for refugee peoples who make landfall in Australia, seeking nothing more than physical survival and relief from oppression. Without the benefit of any form of legislative prerogative, Australian Governments assert that Asylum Seekers are by virtue of their status, felons, deserving of summary and indefinite imprisonment.

Australian Governments deny asylum seekers the natural justice which is otherwise taken for granted even by those Australians who are charged with the foulest of offences against society. Australian Governments abrogate the international conventions which permit refugees to seek asylum in any country, regardless of mode of arrival.

VOLUME OF REFUGEES

Neither Government nor Opposition can assert that the numbers of refugees in Australia is inordinately high. Refugee arrivals is not an Australian peculiarity. Refugee numbers in Australia are miniscule by comparison to those in other countries; around 22500 by comparison to Pakistan (1.7 million), Iran (1.07 million), Germany (0.6 million) USA and UK, each with a quarter of a million.

There is no inhibition (other than irrational fear and prejudice) upon Australia's capacity to absorb our current refugees and 6000 or so current detainees in to our society upon a fully participative basis.

REGULATION OF ASYLUM SEEKERS

Imprisonment is not an equitable option. Australia is, of course, entitled to assess and determine the veracity of an applicant's refugee status, but has no right to submit applicants to the debasing practice of unreasoning imprisonment. All refugees, asylum seekers included should be released in to the community, on the basis of whatever temporary visa device might be developed, pending conclusion of assessment. Should asylum seekers be considered a flight risk in the sense of "disappearing in to the woodwork" as do those overseas visitors who simply overstay their visas, there are mechanisms which have been practised for years in Australian correctional systems such as requiring periodic reporting to a given agency, or if considered warranted, some kind of electronic detection device. It would be considerably less resource intensive and overwhelmingly less de-humanising to require an asylum seeker to wear an electronic bracelet in preference to the current grossly expensive (approaching three quarters of a billion dollars per annum) and de-humanising process of imprisonment.

THE DRIVERS OF CURRENT POLICIES

What rational drives both Government and Opposition to maintain an economically non-viable and overtly brutal agenda of refugee imprisonment? So-called “border security” can hardly be relevant to the case. Certainly was in 1942 when we were confronted by a savage and determined enemy intent upon invasion. Hardly so today when the “threat” comprises a mere trickle of dispossessed refugees whose only agenda is the survival of their families and themselves.

The fact is that asylum seekers present no threat to our national security, economy or health.

What is truly factual is that asylum seekers represent a source of political capital. Both Government and Opposition display a keen awareness of the irrational phobia which elements of the community harbour towards “boat people”. (It seems that no such prejudice arises in the case of a refugee who can afford QANTAS).

Both Government and Opposition display a keen sense of the public approbation which arises from any Government action to the prejudice of asylum seekers. Every astute Pollie recalls the Howard Government’s vote-winning initiative in despatching a Royal Australian Navy frigate to confront a leaky boat full of miserable refugees.

What is required is a deal of moral courage so as to enable a humanly sensitive rather than a politically sensitive bi-partisan approach to Asylum Seekers.

Hopefully, this Committee can produce a set of recommendations to that end, with the degree of conviction required to impact upon your political principals.

Laurie Gillespie