



REFUGEE REFORM: THE NEXT CHAPTER

By DAVID HOLDCROFT

The changes to Australia's asylum policy announced last week by the immigration minister, Chris Evans, were as inevitable as they were sensible. They are also incremental: they remove some of the worst aspects of a cruel system but leave intact much of the deterrent apparatus inherited from the former government.

The introduction of mandatory detention is generally regarded as the work of Keating Government immigration minister Gerry Hand in 1992, although the policy direction can be traced three years previously to 1989.

The Howard Government strengthened it in response to what it saw as a sizeable increase in numbers of boat people making for Australia's shores in the late 1990s.

At the same time it introduced the infamous Pacific Solution, excising offshore islands from Australia's migration zone, taking people to Nauru for processing, introducing temporary protection for those who had transited 'safe' countries for more than seven days and employing a narrow definition of the Refugee Convention with which to process claims. The aim was to deter applications for asylum 'on shore'.

Undoubtedly, the Liberals will say their tough strategy set up the conditions under which last week's changes became possible. There is some evidence for this. Recent research from the Australian National University indicates that deterrent measures such as limiting access to territory and those aimed at reducing the proportion of successful claims have played their part in reducing asylum applications worldwide.

However the policies were notable for the sheer cruelty they visited on those caught in the middle.

The same research attributes the overwhelming determinants of forced migration to so-called 'push' factors, namely oppression, terror and debilitating economic conditions in the countries of origin. Asylum seekers and refugees move because they have to.

Australia's stance did nothing to address the causes of forced migration. It only shifted the burden elsewhere. The increase in overall numbers of displacement last year, to 38 million, further demonstrates this.

What the Coalition can take credit for is the high degree of cooperation with Indonesian authorities that has developed since 2001. However there is a perception in Indonesia that Australia is increasingly prepared to transfer its problems to its neighbour.

There are people in Jakarta and Bogor who have been 'warehoused' after trying to reach Australia. Some have been there for years. Their low morale reflects the uncertainty of having been caught in limbo. Australia recognises some moral and financial responsibility for their welfare, and is encouraging Indonesia to accede to the Refugee Convention. Preventing people from coming to Australia is not the end of the asylum story.

Evans is acting cautiously. He wants to restore trust and cohesion to a discredited system. He also needs to manage public perceptions. People arriving in excised territories will go to Christmas Island for processing. Onshore asylum numbers will continue to be included as part of the overall refugee quota of around 7000.

And it remains to be seen the degree to which the move of claimants to the community will burden the sector. The role of measures such as the Community Care Pilot to manage complex cases across the range of their need is critical and needs expansion.

The vexed issues of work rights and ministerial appeal remain as the last vestiges of a system that punishes the victims and concentrates too much power in the minister's office. The ANU research indicates that diminishing the socio-economic conditions of asylum seekers once here has little effect on deterring applications. But it has a huge impact on the community likely to bear the cost of their care in an ongoing manner.

More positively, Evans has moved to broaden criteria for refugee-like situations which will mean fewer people in protracted legal processes and a more transparent system of assessment.

Clearly the building of a cohesive system is a huge management challenge for this Government. Rest assured it will keep a close eye on the numbers of arrivals.

But any policy will only achieve its goals if the question around asylum seekers and refugees ultimately is recast. It is not a matter of how effective our border controls are and how many people we 'let in', as much as what is causing the people to seek refuge in the first place.

Is the Rudd Government willing to take on the causes of forced migration? If not, the victims will inevitably continue to suffer.

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