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📷 Omar, born in Burj Brajane, the largest refugee camp in Lebanon.
Read his story at www.jrs.org.au Photo: Lisa Hogben/CMRC

Director's Letter:

Denying asylum seekers a fair go

Aloysius Mowe SJ

At the end of August this year, the Supreme Court in Papua New Guinea (PNG) issued an injunction to stop the government there from forcibly removing asylum seekers for deportation to their home countries. Two asylum seekers had already been returned to Iran in the week before the injunction was granted, despite the fact that there was a case before the court to stop their deportation. Just before he was deported, one of the two men wrote a letter that read:

*Not leaving the compound that I am living in and/
or not wish to be returned to my country of origin
against my will.*

The PNG government, by deporting these men, was likely to have committed the most serious breach of the Refugee Convention and of customary international law, that of *refoulement*, or the return of a person to a country where that person is at risk of persecution.

Australia, by entering into an agreement whereby asylum seekers coming by boat to Australia are sent to PNG to be processed, is claiming that the PNG government can be trusted with the fair and lawful determination of the refugee claims of those asylum seekers. The PNG government's blatant contempt for the rule of law

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exposes Australia's offshore processing stance for what it truly is: a cynical and unprincipled attempt to hive off to poor countries, with poor governance, our obligations to process asylum seekers who come to our shores.

Australia has therefore put itself at risk of breaching the principle of non-refoulement, simply by transferring asylum seekers to PNG in the first place: by transferring asylum seekers to a country where it knows due process cannot be guaranteed, Australia takes on legal and moral responsibility for any harm that might befall those asylum seekers.

This kind of "chain" *refoulement* has been recognised in international law: for example, in 2011 the European Court of Human Rights found that Belgium had breached the principle of *non-refoulement* by returning an Afghan asylum seeker to Greece, when there was clear evidence that Greece in fact had such poor procedures for assessing asylum claims that asylum seekers were at risk of being returned to persecution without a proper assessment of the merits of their protection claims.

Beyond "chain" *refoulement*, Australia places itself at risk of directly breaching the principle of *non-refoulement* by other means: the present government has blocked access to free legal support to all asylum seekers who arrive by boat. About 30,000 asylum seekers in Australia therefore have to negotiate the complex and stressful process of proving their asylum claims without legal aid.

It is bad enough that a lack of proficiency in English, and ignorance about the legal framework

for seeking asylum, already compromise many asylum seekers' ability to participate in the process in any kind of meaningful way. The inability to get legal assistance makes a mockery of the much-cherished and yet rarely-observed Australian notion of everyone having a "fair go".

Denied legal advice, asylum seekers are at risk of presenting poorly-prepared cases, and of not knowing their rights. Genuine refugees may therefore end up having their asylum claims rejected, and of subsequently being returned to countries where they may be persecuted, harmed, and even killed.

Thanks to a partnership with the Refugee Advice and Casework Service (RACS), JRS is able to provide, out of Arrupe Place in Parramatta, free legal assistance to asylum seekers in their pursuit of protection in this country.

What this partnership can accomplish, however, will always be limited by the resources available to us, and a large number of asylum seekers will still be left, in Sydney and elsewhere, without the ability to make proper applications for refugee status.

To deter boat arrivals, the Australian government is willing to send asylum seekers back to places where they face persecution, physical harm, and worse.

If, after years in politics, they still have functioning consciences, our political leaders should re-examine those consciences: that they haven't actually fired the gun themselves does not necessarily mean they won't have blood on their hands.

Asylum seekers to receive travel concessions in NSW

This ... will have a hugely positive impact on people's lives.

JRS has welcomed the announcement by NSW Premier Mike Baird that his government will "provide travel concessions to asylum seekers to help them access important social and community services and increase their participation in our society".

JRS was instrumental in lobbying, along with other NSW-based agencies, for the introduction of these concessions. The most generous of any Australian state in the nation, they will apply from 1 January 2016.

"JRS congratulates Premier Mike Baird on this ground-breaking announcement," says Oliver White, JRS' Executive Officer.

"This is a small but significant change in policy that will have a hugely positive impact on people's lives.

Asylum seekers will now be able to travel to appointments much more easily and use their precious and limited finances on other needs such as food and medicine."

Community warms up asylum seekers' winter

Sydney's winter – one of the coolest in years – was felt keenly by asylum seekers this year. With limited finances, many of them struggled to find enough money for rent, food and medicine, let alone the luxury of warm clothes.

“As the weather got colder, a number of clients mentioned that they were in need of warmer clothes and blankets, particularly those with young children,” explains Maeve Brown, JRS Shelter Project Coordinator.



The winter clothes bazaar held at Arrupe Place

In response, JRS asked local schools and community members to donate new and used winter clothes – and they were overwhelmed by the response.

“We’ve received donations from individuals, church groups and schools, with students and staff from Our Lady of Mercy College, St Vincent’s College, and St Monica’s Primary being especially generous,” says Mrs Brown.

The winter clothes bazaar held at Arrupe Place, Parramatta provided free warm clothes and bedding to help people stay warm.

JRS volunteers spent the days leading up to the bazaar sorting donations, and were on hand during the day to help asylum seekers find what they needed from the mounds of donated clothes.

“What really impressed me was how respectful the interactions were between volunteers and the people coming in,” says Helen McLenaghan, Arrupe Place Volunteer.

“People took their time to carefully look through the overwhelming amount of clothing and blankets, and the volunteers were there to help them sort, look for sizes and pack things.”

Asylum seekers, who travelled from far and wide, expressed their gratitude to the Australian community for its generosity during their time of need.

“God bless JRS and God bless you all. This is so much more than I could afford to buy,” said a JRS client from Fiji.

“I love my new red coat. It’s been so cold and I’m wearing it every day,” said another from Iran.

While clothing donations are not currently needed, to donate to the Shelter Project please go to www.jrs.org/donate-now



Make a difference. **Please act now.**

Name _____

Address _____

Suburb _____ State _____ Postcode _____

Telephone (_____) _____

Email _____

Donations of \$2 or more are tax deductible

Please return to:

Jesuit Refugee Service
PO Box 522, Kings Cross NSW 1340

I wish to make a donation as follows:

\$50 \$75 \$100 \$250 \$500 Other \$ _____

Donate online (single or recurrent donation):

www.jrs.org.au/donate-now/

OR I enclose a cheque/money order

payable to Jesuit Refugee Service for \$ _____

OR please debit my credit card the amount of \$ _____

Visa Mastercard

Expiry date ____/____/____

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Voices: lost and found

JRS marked Refugee Week 2015 with a photographic exhibition by Time magazine cover photographer Lisa Hogben called *Lost & Found: The Case for Courage*. The exhibition was held in partnership with the Multicultural Community Network.

“I wanted to show that most refugees are isolated from their new background and environment, and are completely dispossessed of those things that we all find important to remind us of who we are,” says Ms Hogben.

“That’s why I chose to photograph them in the plain white studio set-up, with just an inkling of an office type scenario behind it to indicate what processes they have had to go through to come to Australia.

[The] bureaucracy and dehumanisation of the scenarios that lurk behind the plain white backdrop are also signified by the chairs [and] the separation from the objects they hold dear to them are shown over the distance of empty white space.”

View the photos from the exhibition at www.jrs.org.au/lost-found-photographic-exhibition

social media

JRS on Twitter

You can follow JRS on Twitter at @JRS_Aus where we will highlight developments around Australian asylum seeker and refugee policy, raise awareness of the plight of refugees seeking asylum in this country, and continue to advocate on behalf of these vulnerable people in the powerful social media sphere.

This is your opportunity to follow us, dialogue with us and share the story of JRS and the people it serves.

donate

How your donation will help

Donations to Arrupe Place will directly fund the following:

- Emergency assistance (medication, travel, rent...)
- Food vouchers
- Casework services
- Home visiting services
- Legal advice
- Social support activities

link online

Would you like to receive Link online?

Sign up for our electronic newsletter at www.jrs.org.au and you’ll be helping to conserve both the environment and JRS’s precious resources.

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