



ACADEMY OF
THE SOCIAL SCIENCES
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THE REGIONAL IMPACTS OF
AUSTRALIAN ASYLUM SEEKER
POLICIES: WHAT "STOPPING THE
BOATS" MEANS FOR PEOPLE SEEKING
ASYLUM IN OUR REGION

ACADEMY PAPER

THE REGIONAL IMPACTS OF AUSTRALIAN ASYLUM SEEKER POLICIES: WHAT “STOPPING THE BOATS” MEANS FOR PEOPLE SEEKING ASYLUM IN OUR REGION

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The regional impacts of Australian asylum seeker policies

The mantra of both major Australian political parties is that “stopping the boats” has saved the lives of people seeking asylum because they are prevented from reaching Australia by sea. However, this ignores the reality of the lives of many now effectively warehoused in our region because of this policy. To date, relatively little attention has been given to their experiences.

There are a growing number of reports that outline the profoundly disturbing experiences of people who have been locked up in Australian-funded sites of immigration detention on Manus Island, Nauru and across Australia. Reports are similarly available on the impacts Australia’s policies have on people released from detention and who have been living in the Australian community for much of the past three years, forced to live without the right to work for most of it.

Far less is known about how other people seeking asylum since “stop the boats” has become settled policy. While their experiences also depend on the policies of the country in which they are residing, it is clear from researchers, non-government organisations (NGOs) that work in the region, and those who are living the experience themselves, that Australian policies are having disturbing impacts beyond our borders.

This was the conclusion of a gathering of academics, NGOs and refugee communities who examined the regional impacts of Australia’s policies in September 2015. The ASSA-funded workshop focused on people’s experiences in Indonesia, Malaysia and Sri Lanka following the commencement of the Coalition Government’s Operation Sovereign Borders (OSB). The discussion in this report is drawn from the findings of this workshop.¹ In the wake of the Coalition’s victory in the July 2016 federal election, these findings continue to be pressing and require attention.

Since OSB was adopted in late 2013, the Australian Government has funded joint operations with Indonesia, Malaysia and Sri Lanka to disrupt people smuggling activities and increase intelligence operations. It also turned back boats of asylum seekers, mostly to Indonesia. As a result, OSB has severely limited the arrival of people seeking asylum to Australia by sea at a time when people displaced globally and regionally has increased to the greatest number since World War II. It is also at a time when 86 per cent of people recognised as refugees by the United Nations High Commissioner for Refugees (UNHCR) reside in developing countries.²

So what impacts are these measures having in our region?

Impacts in Malaysia

Malaysia, like most other countries in this region, is not a signatory to the 1951 Refugee Convention. This means people seeking asylum are treated as illegal immigrants. As at April 2016, there were over 154,000 refugees and asylum seekers registered with the UNHCR in Malaysia,³ though NGOs report that figure to be much higher.

Since the commencement of OSB, the Australian Government has established a range of agreements with Malaysia to extend Australia’s asylum policies beyond its physical borders. These include policies and interventions that restrict the ability of people seeking asylum to move beyond Malaysia. In recent times large-scale crackdowns by the Malaysian Government have led to the arrest and detention of undocumented migrants, including people seeking asylum, and there have been increasing numbers of policies denying their access to social services, notably health care. The climate of fear within refugee communities in Malaysia continues to escalate.⁴

While some reports indicate that immigration restrictions are seeing fewer people from Iran, Syria, Iraq and Sri Lanka arriving in Malaysia since the commencement of OSB, community members suggest that those seeking safety and protection from their home countries are now undertaking longer and more hazardous journeys to Europe.⁵

There has been no decrease in the number of asylum seekers coming to Malaysia from Myanmar, however, such as the Rohingya. Given their ongoing persecution in Myanmar, many Rohingya remain in perilous circumstances throughout the region, including in Malaysia. Australia has only resettled 250 Rohingya since 2008 (most from Bangladesh) and refused to accept any who were rescued after being stranded in southeast Asian waters in May last year.⁶ This further diminishes their resettlement prospects and leaves little space for them to find safety anywhere.

Impacts in Indonesia

As at June 2015, there were over 5,000 refugees and nearly 8,000 asylum seekers registered with the UNHCR in Indonesia.⁷ Again, the numbers are thought to be much higher. People seeking protection in Indonesia are living in limbo without an end in sight.

While it is widely reported in the media that the number of boats leaving Indonesia for Australia has significantly dropped since the commencement of OSB, NGOs in Indonesia highlight that people seeking asylum have continued to arrive to the country. While some live in supported shelters or independently in the community, others are locked up in immigration detention centres.⁸ By 2015 there were 33 sites of immigration detention throughout Indonesia. Australian funding through the International Organisation for Migration (IOM) has expanded the capacity of this detention network since 2011.⁹

People living independently in the community have no right to work and financial assistance is only provided by the IOM after a referral from the Indonesian Directorate of Immigration. There are increasing levels of destitution and an estimated 3,300 people have resorted to presenting themselves to immigration detention centres to be locked up in a desperate effort to access to food, shelter and health care. Australia's policy of not resettling those who arrived to Indonesia after 1 July 2014 has worsened the situation.¹⁰

In response to their stagnant situation, communities of people seeking asylum have begun to form and develop relationships with local Indonesians. Initiatives such as the Cisarua Refugee Learning Centre for children, managed by people seeking asylum, are indicative of these efforts of resilience but need funding to be sustained.¹¹

Impacts in Sri Lanka

Sri Lanka has been a significant source country of refugees, particularly the persecuted Tamil ethnic group. Some arrived to Australia by boat and were recognised as refugees before successive Australian governments acted to prevent and deter further arrivals.

To this end, the Coalition Government's OSB involves the provision of assistance to Sri Lankan security agencies, such as the Criminal Investigation Department and the Police, to prevent the departure of asylum seekers. This includes providing technology, vehicles, surveillance equipment and training. According to the Sri Lankan Government, more than 4,500 people have been prevented from leaving Sri Lankan shores and those prevented from leaving are held in sites where the use of torture is a common practice.¹²

In addition, more than 1,200 Sri Lankans seeking asylum who arrived to Australia by boat, or were intercepted at sea by Australian forces, have been subjected to an “enhanced screening” process and returned to Sri Lanka during the terms of both the Coalition and previous Labor Government. Under this process, people are given a brief screening interview by the Department of Immigration and Border Protection and, if the Department considers that a person raises claims that potentially engage Australia’s protection obligations, they are “screened in” and can make a protection claim. If not, they are “screened out” and removed from Australia. Serious concerns have been raised about this process. These include that it was more likely to lead to incorrect negative decisions with no prospects for independent review. For those returned to Sri Lanka, Australia has done little to monitor their situation despite disturbing reports that some of the people returned were tortured by Criminal Investigation Department officials.¹³

A way forward

This snapshot of some of the impacts of Australian policies is disturbing and highlights that large numbers of people seeking protection are effectively being warehoused on a long term basis in our region with limited prospects for resettlement. And while there is an extremely diverse range of factors as to why people are forced to leave their own countries and try to find safety elsewhere, Australian policies have largely ignored this. Australian policy makers need to recognise this complexity and acknowledge that our border protection policies are having dire impacts on our fellow human beings.

But there is a way forward. In the short term, the very least that can be done is to support the coping efforts of people seeking asylum who remain in countries in our region, including with funding. Continuing efforts are also essential to challenge governments, including our own, to change their policies and to actively foster the protection of people seeking asylum.

Solutions put forward by the Asia Pacific Refugee Rights Network¹⁴ and the Refugee Council of Australia¹⁵ would be a good place to start. These solutions include expanding Australia’s offshore refugee resettlement program to demonstrate our commitment to doing our fair share to address the needs of people who desperately require safety and security. Importantly, the solutions also include bringing an end to policies that punish people who are seeking our support to find protection just because of the way they managed to arrive to Australia.

¹ *The Regional Impacts of Australian Asylum Seeker Policies: ASSA Workshop Report*. Available at: <http://www.assa.edu.au/events/workshop/126>

² UNHCR (2014) *UNHCR Global Trends: Forced Displacement 2014*. Available at: <http://unhcr.org/556725e69.pdf>

³ UNHCR (2016) *Figures at a Glance*. Available at: http://www.unhcr.org/my/About_Us-@-Figures_At_A_Glance.aspx

⁴ *The Regional Impacts of Australian Asylum Seeker Policies*, p. 3.

⁵ *Ibid.*, p. 4.

⁶ Refugee Council of Australia (2015) *Understanding and Responding to the Rohingya Crisis*. Available at: <http://www.refugeecouncil.org.au/wp-content/uploads/2015/05/150525-Rohingya.pdf>

⁷ UNHCR (2015) *Indonesia*. Available at: <http://www.unhcr.org/pages/49e488116.html>

⁸ *The Regional Impacts of Australian Asylum Seeker Policies*, pp 4-5.

⁹ Global Detention Project (2016) *Indonesia Immigration Detention*. Available at: http://www.globaldetentionproject.org/countries/asia-pacific/indonesia#_ftn6

¹⁰ *The Regional Impacts of Australian Asylum Seeker Policies*, pp 4-5.

¹¹ *Ibid.*, p. 6.

¹² *Ibid.*

¹³ Human Rights Law Centre (2014) *Torture, Rape and Ill-treatment Suffered by Sri Lankans Returned Home*. Available at: http://hrlc.org.au/wp-content/uploads/2014/09/HRLC_BackgroundBrief_SriLankan_returnees_Sep2014.pdf

¹⁴ Asia Pacific Refugee Rights Network (2015) Available at: http://aprrn.info/wp-content/uploads/2015/11/Combined_AUS_Final.pdf

¹⁵ Refugee Council of Australia (2015) *Regional Cooperation: What Can Australia Do?* Available at: <http://www.refugeecouncil.org.au/getfacts/international/asia-pacific/regional-cooperation-can-australia/>