

GUIDE TO ASYLUM SEEKER POLICIES: AUSTRALIAN FEDERAL ELECTION 2016

We've ranked the policies of three major Australian political parties against CAPSA's 10 principles.

Here's how they perform.

CAPSA Principle	Simplified Policy Stance	LNP Policy	ALP Policy	Greens Policy
1. Australia should continue to work within the region and international context to lead a more humane, ordered response to processing the claims of people seeking asylum.	Support for a regional processing centre.	No focus on regional processing. Lack of pathways provided for those stuck in Indonesia to resettle in Australia.	Commitment to increase funding to UNHCR work in South East Asia & Pacific. Providing \$450 million over 3 years. Commit to take leadership role in South East Asia and Pacific to build a regional humanitarian framework to improve situation of PSA.	\$500 million to assessment and support organisations in our region to speed up the process and give people access to education and work rights while they wait. Greatly enhanced regional cooperation in the Asia-Pacific region to provide safer pathways for asylum seekers, with long-term planning. Fostering international cooperation on protecting asylum seekers and refugees, founded in shared responsibility according to capacity, and by encouraging all nations to sign and ratify the Refugee Convention.
2. People seeking asylum should not be referred to as 'illegal' or in other derogatory terms.	Use of negative language and rhetoric.	Relevant policy is titled Protecting our Borders – no mention of 'asylum seekers': the term used is 'illegal maritime arrivals'. Use of negative language – including 'No Way' campaign and constant demonization of refugees.	Use of relatively positive language. Calling for a 'compassionate approach to asylum seekers which enables refugees to progress their claims safely and securely'. Will maintain 'Border Security' in department title.	See people seeking asylum as assets to Australia and generally use very positive language about the benefit of diversity in the community

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<p>3. All asylum seekers who make a claim on Australia must be processed with respect for their human dignity demanded by the UNHCR Convention on the Status of Refugees. Their claims for protection should be processed promptly and fairly.</p>	<p>Commitment to a fair and efficient refugee determination process.</p>	<p>Have:</p> <ul style="list-style-type: none"> Re-introduced Temporary Protection Visas (TPVs) Introduced Safe haven Enterprise Visas (SHEVs) which require holders to work in specified regional areas Introduced Independent Assessment Authority (IAA) with limited review options. Introduced 'Fast Track' process – includes limited or no access to review, to presenting evidence etc., or new information <p>More difficult path to permanent protection or residency</p>	<p>Commit to:</p> <ul style="list-style-type: none"> Restore UN refugees Convention in Migration Act Abolish TPVs Increase humanitarian intake to 27,000 (up from 13,750) Reinstate Refugee Review Tribunal and abolish IAA Re-introduce '90-day rule' to work to process claims within this period – not binding. Implement independent oversight of Australian-funded processing facilities, through Commonwealth Ombudsman. Commit to fair and efficient processing, but without any articulated policies to do so. 	<p>30 day limit for people held in on-shore immigration detention to conduct necessary checks and to assess their claims for asylum.</p>
<p>4. The principles of deterrence, by which the members of one group of people who have come to Australia to seek protection are treated harshly in order to modify the behaviour of others, should form no part of Australian policy.</p>	<p>Position on policy of deterrence.</p>	<p>Core principle is to 'Stop the boats' and stop deaths at sea. Claims around resulting cost savings enabling acceptance of 12,000 Syrians etc. No mention of cost of offshore detention</p>	<p>Commit to 'prevent deaths at sea' through offshore processing, regional resettlement and 'turning back the boats'. Maintain policy of deterrence.</p>	<p>Do not believe in principles of deterrence.</p>

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5. Arbitrary or indefinite detention at any stage of the refugee determination process is unacceptable.	Position on mandatory detention.	Central to LNP policy is mandatory detention of anyone who arrives by boat and many by plane as well.	Mandatory, offshore detention maintained for those who arrive by boat. Belief in community-based processing as most effective, but mandatory detention for all 'unauthorised arrivals'.	No offshore detention and 30 day limit for people held in on-shore immigration detention to conduct necessary checks and to assess their claims for asylum.
6. People who come to Australia to seek protection should not be transferred from Australian territory to other nations for processing or protection unless there is a firm regional agreement assuring that they will have equivalent rights and support in the countries to which they are transferred, and that they will be promptly resettled if found to be refugees.	Position on offshore processing and settlement.	Central to LNP policy is offshore processing and settlement. For a cost of \$55million, LNP paid to resettle 2 refugees in Cambodia . Malcolm Turnbull rejected NZ offer to resettle 150 refugees on the ground that it would reignite people smuggling trade.	Strong support for offshore processing and continued commitment that no person arriving by boat will be processed or resettled in Australia. Commit to working with PNG, Malaysia and Nauru govt. for resettlement.	Will shut Manus Island and Nauru camps and abolish practice of offshore detention. To be settled in community. Restoration of migration zone to match Australia's territory. Assess all claims of people seeking protection from within the migration zone.

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<p>7. People who seek asylum should live in the Australian community. Respect for their humanity demands that they have the right to work, access to basic services, and to some financial support if they cannot find work. The financial burden of their support should be accepted by the Government and not be shifted to the community sector.</p>	<p>Position on access to Medicare, work and education rights and financial support for people seeking asylum.</p>	<p>TPV holders have access to Medicare, primary and secondary education, limited Centrelink and have work rights. Unable to apply for family reunification, no access to settlement services and limited access to English classes.</p> <p>Those on bridging visas have even greater restrictions placed on access to education, healthcare, Centrelink but have work rights.</p>	<p>Belief in community-based detention.</p> <p>Commitment to extensive settlement services for those on permanent visas.</p> <p>No information on support for those on bridging visas.</p>	<p>Will abolish temporary protection visas and provide permanent protection to people seeking safety.</p> <p>Services to include English language, financial and literacy classes, social security, health, legal expertise.</p>
<p>8. Children should not be held in detention in Australia or in offshore detention centres, but housed in the Australian community with the full range of services necessary for their welfare. Young unaccompanied children and adults, families with children and those with mental and physical health issues should also be carefully supported when living in the community.</p>	<p>Policy on children being held in detention.</p>	<p>LNP announced it had released all children from mainland detention on 3rd April, but that refers only to those who arrived by boat. It is clearly an aspiration but there is some question about the validity of the claim. At least 50 still held in detention on Nauru.</p>	<p>Commitment to children not being held in detention, but not to legislated change in this area.</p> <p>Will appoint an advocate independent of DIBP with statutory powers to pursue best interests of asylum seeker children.</p> <p>Commit to legislate mandatory reporting of child abuse in all detention facilities.</p>	<p>All children and their families will be immediately removed from detention. Recognise that unaccompanied children have special needs that require a separate approach from the adult system.</p>

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<p>9. In the Catholic tradition, if people are to live with dignity their family ties are essential. People should have the opportunity to be reunited with separated close family members promptly once they are found to be refugees.</p>	<p>Policy on family reunification.</p>	<p>No family reunification available to those who are on TPV or SHEV visas. Limited access for those on PPVs especially if arrived by boat or without visas.</p>	<p>With abolition of TPVs, family reunification would be available to those on Permanent Resident Visas.</p>	<p>Given priority in migration and refugee policies</p>
<p>10. Those who have exhausted all appeals against rejection of their claims but who cannot be returned to their countries should not be compelled by destitution to return in keeping with the principle of non-refoulement.</p>	<p>Process for dealing with negative refugee claims in line with non-refoulement to danger.</p>	<p>The Minister for Immigration has new powers to detain people at sea and to transfer them to any country or a vessel of another country – even without that country’s consent to do so. These powers can be exercised without consideration of Australia’s non-refoulement obligations, the law of the sea or any other international obligations.</p>	<p>No information provided.</p>	<p>Where a person is stateless, provision of accommodation in the community until they are issued with a visa or another durable solution is found.</p>