

REAL SOLUTION IS ASIA-PACIFIC PACT

Genuine regional co-operation will pull the refugee system back from this crisis point

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OUR refugee policy remains in a state of permanent crisis.

Not too long ago Immigration Minister Chris Bowen announced he would start placing boatpeople in the community on bridging visas to help ease the strain on Australia's overcrowded detention centres.

Although we have yet to see how the new policy will work, the decision was welcomed by human rights advocates including the UN High Commissioner for Human Rights, Navi Pillay.

More recently it was reported that Labor was prepared to accept asylum-seekers to Nauru as part of a deal with the Coalition to legislate its Malaysia Solution and reinstate offshore processing.

Both decisions are likely to be little more than short-term stop-gap measures to temporarily ease the intense stress facing our immigration system.

In my view the measures would buy the government only a very limited time, because they do not address the long-term structural pull factors of our system.

Let's start with people released from immigration detention on bridging visas.

Considering the inherent inability of immigration authorities to process refugee visas in decent timeframes, we can confidently predict that many people released from detention will have to endure a long wait before their status is determined.

The membership of the Refugee Review Tribunal must be rapidly increased if it is to handle this additional workload. It is most likely that people on bridging visas will simply become forgotten in the long immigration queue, with some people forced to wait three, five or maybe even 10 years to gain permanent residency.

This lengthy delay means refugees will remain isolated from their families and prevented from accessing services such as Medicare, Centrelink, public housing and tertiary education.

This will ultimately result in cost shifting to the states (mainly to NSW and Victoria), additional competition for cheap accommodation and a rise in poverty and associated crime.

Just imagine how many human rights violations and complaints this could generate.

Added to this, the winding back of mandatory detention will certainly create a pull factor for refugees from Sri Lanka, Afghanistan, Iraq, Iran and other places.

For example, on December 2, *The Australian* reported the arrival of two boats, one carrying 103 people, the other 110. The previous month, a total of 892 people arrived on 11 boats, representing an increase of about 300 per cent in comparison with earlier months.

If this trend continues, boat arrivals for next year will be well over 10,000.

The recent announcement that Australia will increase its refugee quota from 13,000 to 20,000 people a year suggests our government is aware that numbers will rise.

The increased arrivals will almost certainly result in hundreds or thousands of people drowning on the way to Australia. This statement is not alarmist. It will happen. And the right to life is one of the most basic human rights of all.

The reopening of Nauru and the reintroduction of offshore processing will again put Australia's human rights record at risk, but it is unlikely to stop boats departing Indonesia, as it is common know-

ledge that the vast majority of past "guests" of Nauru and Manus Island ended up in Australia. To be effective and humanitarian, any future immigration control system must include two new elements: a legitimate and transparent queue for processing of refugee claims in our region, and the ability to return failed asylum-seekers.

Australia's proposed refugee processing framework must be based on the Refugee Convention and involve all the refugee transit countries of the Asia-Pacific region (in particular Indonesia and Malaysia), as well as the UN High Commissioner on Refugees. Its key principle should be ensuring the refugee intake is shared evenly across the region, rather than the system of buck passing and blame we presently operate under.

Australia is in a good position to provide the leadership and initial investment to get a new framework started. For example, we could propose to Indonesia that, in exchange for Indonesia signing the Refugee Convention and establishing a UNHCR-compliant refugee processing system, Australia will help clean up the refugee bottleneck in Indonesia. For example, during the next two years we could accept 30,000 to 40,000 UNHCR-determined refugees who are awaiting resettlement in Indonesia. The precedent for such a surge was established by prime minister Malcolm Fraser's decision to admit more than 80,000 Vietnamese refugees in the late 1970s and early 80s.

And what would Australia receive in return? For starters, a regional co-operation framework, if skilfully established and implemented, would help prevent most of the boats departing Indonesia for Australia by establishing a queue for the orderly processing of refugees in the region.

In addition, even if people take boats to Australia and destroy their documents, their identity would be easily available to our immigration officials, as asylum-seekers who arrive in Indonesia by air go through identity checks on their arrival.

Following the creation of a regional framework for refugees, there should be consequences for people who choose not to join the queue in Indonesia. Any asylum-seekers who arrive by boat without proper travel documents should not be given a right to permanent residency but instead be offered temporary protection visas if they are found to be genuine refugees.

Finally, the new system must be based on the principle that people who do not secure refugee status will be removed from the country. At present, many refugees cannot be returned home easily as they have destroyed their identification documents.

Often our officials are therefore unable to establish their country of origin, meaning they are unable to provide them with the documentary evidence needed for re-admission. We must create a system that allows us to quickly and efficiently remove people who are not found to be refugees.

A system based on the above principles should deliver much better protection of refugee rights and remove key initiatives for jumping on a leaky boat to Australia. It is also likely to improve Australia's international standing in the region.

Sev Ozdowski was Australia's human rights commissioner from 2000 to 2005.