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## 1. Background information

### 1.1 A summary of the key features of the PNG Scheme

Commencing 19 July 2013, any unauthorized maritime arrival entering Australian waters will be liable for transfer to Papua New Guinea (in the first instance, Manus Island) for processing and resettlement in Papua New Guinea and in any other participating regional, including Pacific Island, states. Papua New Guinea undertakes for an initial twelve month period to accept unauthorised maritime arrivals for processing and, if successful in their application for refugee status, resettlement. This program will be for 12 months and will be subject to review on an annual basis through the Australia-Papua New Guinea Ministerial Forum.

In the case of Papua New Guinea, unauthorised maritime arrivals would be transferred to Papua New Guinea following a short health, security and identity check in Australia. Transferees would be accommodated in regional processing centres. Papua New Guinea will undertake refugee status determination. The regional processing centre will be managed and administered by Papua New Guinea under Papua New Guinea law, with support from Australia.

Persons found to be refugees will be resettled in Papua New Guinea and any other participating regional, including Pacific Island, state. Persons found not to be refugees may be held in detention or returned to their home country or a country where they had right of residence.

Australia will bear the full cost of implementing the Arrangement in Papua New Guinea for the life of the Arrangement. If this requires additional development of infrastructure or services, it is envisaged that there will be a broader benefit for communities in which transferees are initially placed.

Regional Processing Centres will continue to play an important part in bilateral cooperation, especially as locations to house transferees temporarily should the capacity of communities require development. Australia will work with Papua New Guinea to expand the Manus Island Regional Processing Centre and will also explore with Papua New Guinea the possible construction of other Regional Processing Centres and other options. Regional Processing Centres will be developed so that they can be utilised flexibly for the benefit of local communities or for wider national purposes.<sup>1</sup>

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<sup>1</sup> Department of Immigration & Citizenship, *Regional Resettlement Arrangement between Australia and Papua New Guinea* (2013), <<http://www.immi.gov.au/visas/humanitarian/novisa/regional-arrangements.pdf>>, accessed 30 July 2013.

## 1.2 Asylum application statistics as per means of arrival

“Irregular Maritime Arrivals” (or IMAs) – asylum seekers who enter Australia by boat without a prior visa, “leaky boats”.

“Non-IMAs” – all other asylum seekers but typically those who enter Australia by air with a pre-arranged temporary visa (e.g. tourist or student visa).

Program year	Non-IMA (air arrival) Protection visa (PV) applications lodged		IMA (Irregular Maritime Arrival) refugee status determination requests received		Total
	No	Per cent of total applications	No	Per cent of total applications	
2007-08	3986	99.5	21	0.5	4007
2008-09	5072	88.0	690	12.0	5762
2009-10	5987	56.6	4591	43.4	10578
2010-11	6316	55.0	5175	45.0	11491
2011-12	7036	48.8	7379	51.2	14415

Sources: DIAC, *Asylum Trends Australia 2010-11 Annual Publication*, Canberra, 2011, p. 2; and *Asylum statistics-Australia*, Quarterly tables, September quarter 2012, Canberra, 2012.<sup>2</sup>

## 1.3 Number of refugees admitted to Australia for resettlement, including country of origin

Final grant rate (non-IMAs – air arrival)

Year	Granted refugee status	Refused refugee status	Total decisions	Grant rate
2007-08	1,898	2,107	4,005	47.4%
2008-09	2,173	2,618	4,789	45.3%
2009-10	2,365	2,271	4,636	51.0%
2010-11	2,101	2,739	4,840	43.4%
2011-12	2,272	2,887	5,159	44.0%

<http://www.refugeecouncil.org.au/r/stat-as.php#>

Final grant rate (IMAs – Irregular Maritime Arrival), 2008-09 to 2011-12

Year	Granted refugee status	Refused refugee status	Total decisions	Grant rate
2008-09	209	0	209	100%
2009-10	2,151	28	2,179	98.7%
2010-11	2,719	190	2,909	93.5%
2011-12	4,766	474	5,240	91.0%

<http://www.refugeecouncil.org.au/r/stat-as.php#>

<sup>2</sup> Parliament of Australia, Asylum seekers and refugees: What are the facts? (2013), <[http://www.apf.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2012-2013/AsylumFacts](http://www.apf.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AsylumFacts)>, accessed 30 July 2013..

## S7.2 HUMANITARIAN PROGRAM VISA GRANTS, by category 2007–08 to 2009–10

Category	2007–08 no.	2008–09 no.	2009–10 no.
Offshore			
Refugee	6 004	6 499*	6 003
Special Humanitarian Program	4 795	4 511	3 233
Onshore			
Temporary Humanitarian Concern visa	84	5	—
Special Humanitarian Program	231	75	11
Resolution of Status	—	39	8
Temporary Protection visa	196	9	—
Permanent Protection visa	1 704	2 369	4 515
Total	13 014	13 507	13 770

— nil or rounded to zero

\* Includes a one-off allocation of 500 refugee places for Iraqis.

Source: [Department of Immigration and Citizenship](#), June 2011, Population Flows: Immigration aspects, 2009–2010 Edition.

## S7.4 FINAL PROTECTION VISA GRANTS\*, by top five countries of citizenship—2009–10

Country of citizenship	Final grants no.
IRREGULAR MARITIME ARRIVALS (IMA)	
Afghanistan	1 425
Sri Lanka	315
Stateless	170
Iraq	134
Iran	64
Other	12
Total	2 120
NON-IRREGULAR MARITIME ARRIVALS (NON-IMA)	
China (excludes Taiwan)	492
Zimbabwe	255
Pakistan	212
Iran	211
Sri Lanka	190
Other	1 007
Total	2 367

\* Due to different methodologies employed, the count of protection visa grants to IMAs varies by 28 persons from the total included in table S7.2.

Source: [Department of Immigration and Citizenship](#), June 2011, Population Flows: Immigration aspects, 2009–2010 Edition.

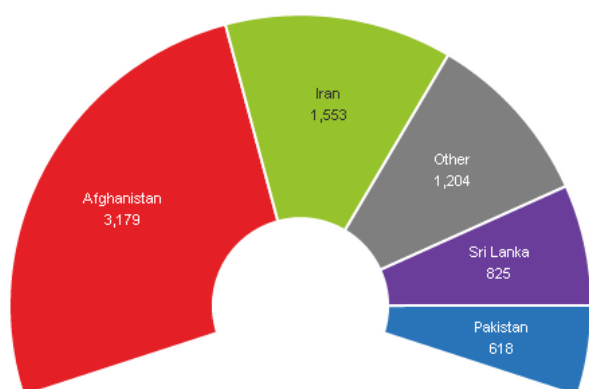
### 1.3 The number of boat arrivals, including country of origin

Asylum seekers arriving by boat, (calendar year)

Year	Number of boats	Crew	Number of people (excludes crew)
2009	60	141	2726
2010	134	345	6555
2011	69	168	4565
2012	278	392	17 202
2013 (to 30 June)	196	407	13 108

### IMA's country of origin

Irregular maritime arrivals, 2011-12



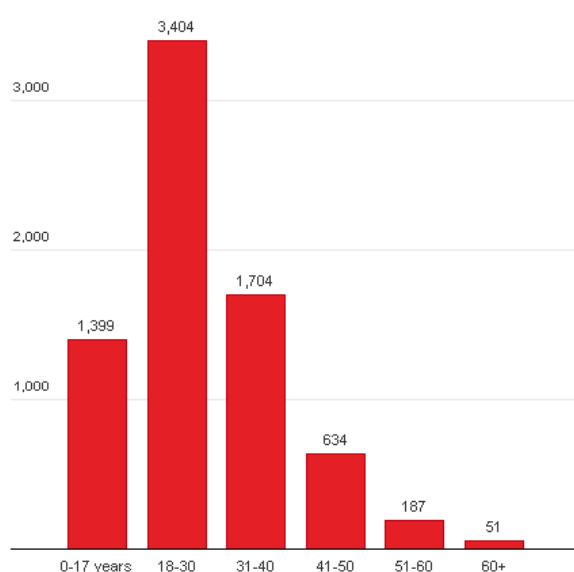
SOURCE: DEPARTMENT OF IMMIGRATION & CITIZENSHIP  
[GET THE DATA](#) [EMBED](#) [FULLSCREEN](#)

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They are also younger – and predominantly male. In 2011-12, 6,512 of the 7,379 applicants were male.

### Age of IMA applicants

#### Age of applicants

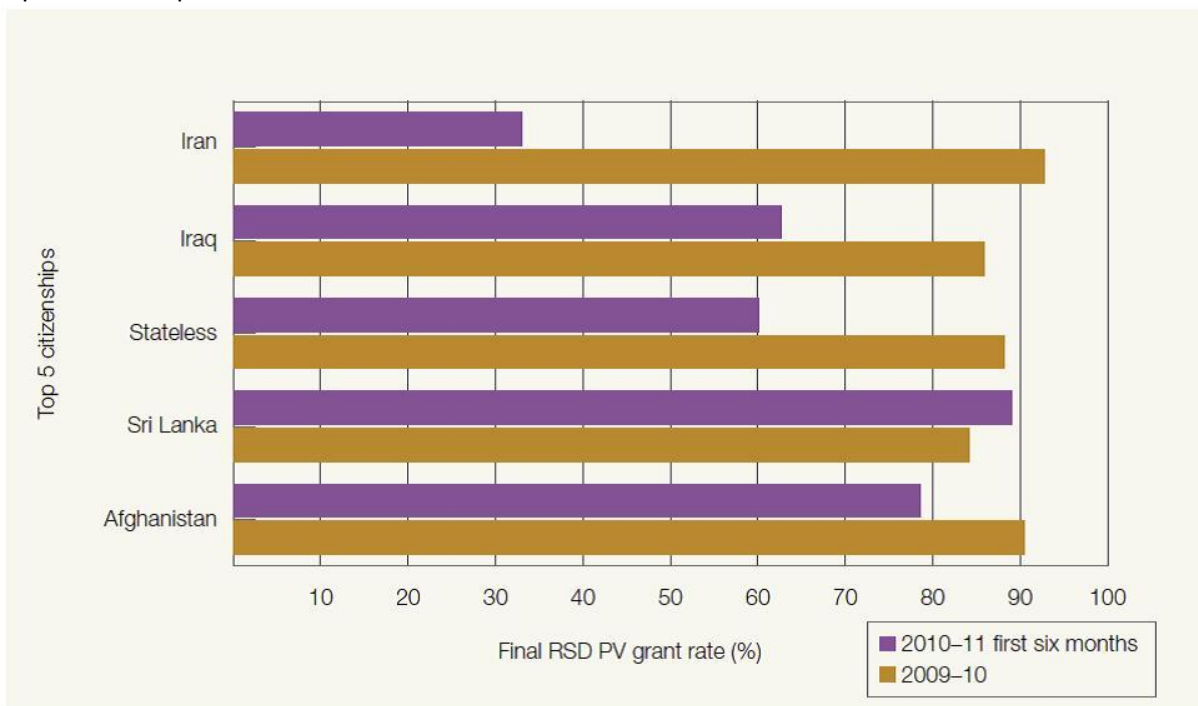


SOURCE: DEPARTMENT OF IMMIGRATION & CITIZENSHIP  
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#### 1.4 Approximate percentage of boat arrivals found to have refugee status

Final Refugee Status Determinations (RSD) Protection visa grant rates for Irregular Maritime Arrivals: top 5 citizenships



Source: DIAC, *Asylum statistics 2010-11 (first six months)*, Canberra, 2011, p. 38.

## 2 Summary of Jewish perspectives on the PNG Scheme and the traditional obligations and compassion to the 'stranger':

### Executive Council of Australian Jewry

Statement by ECAJ President Dr Danny Lamm on new regional settlement arrangements between Australia and Papua New Guinea - 22 July 2013

“There are as yet too many unknowns about the legality, workability and effect of the new regional settlement arrangements between Australia and Papua New Guinea to enable any informed judgements to be made. We will closely follow developments and will make a further statement if and when we consider it appropriate to do so.”

### Australia/Israel & Jewish Affairs Council

Statement on Australian asylum-seeker policy  
JUL252013

AIIAC strongly believes in a non-discriminatory, generous and compassionate Australian policy on asylum-seekers but also that these objectives must be balanced, and indeed would be enhanced, by maintaining an orderly and fair process, effectively addressing Australia's genuine border security concerns, and above all, by dramatically reducing the incentives which cause people to place their lives at severe risk in unseaworthy boats supplied by the illegal people-smuggling industry.

This is admittedly a complex task, but any policy which means that people with a genuine and well-founded fear of persecution in their homeland who arrive here have absolutely no prospect of ever being resettled in Australia is unacceptable.

Mark Leibler AC - National Chairman

Dr. Colin Rubenstein AM - Executive Director

### Union for Progressive Judaism

UPJ STATEMENT ON CURRENT ASYLUM SEEKER POLICY July 23 3013

As members of the Jewish community, which has benefitted greatly from a humane and compassionate Australian Government policy towards people seeking refuge, it is with great sadness that the UPJ has followed recent events regarding asylum seekers and refugees.

We understand and support the need for Australia to protect its sovereignty but also believe that such efforts must be coupled with ensuring the humane treatment of people seeking protection, as well as fulfilling our commitments as a responsible member of the global community and a signatory to the Refugee Convention.

According to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, countries have an obligation to promote and protect human rights. The Universal Declaration of Human Rights (1948) states: *"Everyone has the right to seek and to enjoy in other countries asylum from persecution" [Article 14]*. The Torah states "(God) upholds the cause of the fatherless and the widow, and befriends the stranger, providing food and clothing" and we are particularly aware of that "You too must befriend the stranger, for you were strangers in the land of Egypt." (Deuteronomy 10:18-19).

At this time there is inadequate information for us to determine whether the Government's new policy will be effective in combating "people smuggling" or in preventing people seeking asylum here by other means.

It would be naive to hope that our politicians will remove this issue from the political agenda and to address it in a bipartisan manner, particularly in the lead up to a General Election. All we can do, therefore, is to express the hope that the debate, and the policies that emerge from it, address the needs of these people with dignity, respect and compassion.

We believe that Australian asylum seeker policy should be based on fairness and compassion and should reflect the values of Australian society. Similarly, by speedily accepting and welcoming the full quota of already approved refugees, we note that Australia could reduce the need for people to seek dangerous alternative ways of reaching our shores.

#### NSW Rabbinical Council

One of the greatest Biblical values is the preservation of human life and the responsibility to do everything possible to help those in need, regardless of race, religion, colour or creed.

If life is in danger, especially when victims are escaping genocide and have nowhere else to go, they should be given protection. Importantly, all sides of politics in this country affirm this principle.

The implementation of how to properly care for asylum seekers whilst maintaining Australia's interests raises complexities which are currently the subject of intense political discussion.

There is bipartisan agreement on many of the issues, including a high standard of proof and character required in each asylum application.

RCNSW [does](#) not see how the resettling of genuine refugees in a country such as PNG would be a violation of the Biblical injunction to save lives.

It is incomparable to Holocaust victims who were refused entry everywhere and callously returned to certain death because no option for third country processing existed.

Australia is a compassionate society which sends aid and assistance to people throughout the world in the worst areas of conflict to rescue those most in danger. Few countries do more for those in need and that is a record we are proud of.



*The following was received from Rabbi Chaim Ingram, Honorary Secretary of the Rabbinical Council of NSW, as this document was about to be distributed:*

No fewer than 36 times does the Torah talk about compassion for the stranger. A seminal verse in Deuteronomy (23"16) forbids the handing over of a slave (or refugee) to his master if the latter will treat him inhumanely or subject him to pagan worship. This is of course relevant to the refugee issue but as our statement has already said the issue is very complex. Certainly we have a responsibility.

### Rabbinical Council of Victoria

RCV responds to new rules for asylum-seekers

The Rabbinical Council of Victoria (RCV) views with grave concern the latest government policy, that denies asylum---seekers entering Australia illegally, by boat, any possibility of settling in Australia.

Whilst mindful of the need for secure borders, the safety of the asylum---seekers, and of the cost of integrating asylum---seekers into the community, Jewish teaching, and our own historical experience, informs us that these considerations cannot and must not override our ethical and moral obligation to help "the stranger", and to offer refuge to those fleeing persecution.

Rabbi Meir Shlomo Kluwgant, RCV President, said "We hope that this policy will only be a temporary measure, and that the time will come when Australia will once again continue its proud tradition of welcoming those in genuine need into our country".

### 3 Refugee Council of Australia

Key points:

- The Australian Government's new arrangement with Papua New Guinea will exacerbate the Asia-Pacific region's challenges with people movement by undermining efforts to improve refugee protection for those who most need it.
- Important questions need to be asked about what the policy would mean for asylum seekers sent to Papua New Guinea, what the Government expects the regional impacts of this arrangement to be and how Papua New Guinea would be supported to develop specialised refugee settlement services.
- The Regional Resettlement Arrangement was widely, and deservedly, seen as a domestic political fix rather than a serious attempt at regional cooperation.

Full text:

Australian hypocrisy undermines regional efforts to protect refugees

The Australian Government's new arrangement with Papua New Guinea will exacerbate the Asia-Pacific region's challenges with people movement by undermining efforts to improve refugee protection for those who most need it, the Refugee Council of Australia says.

RCOA chief executive officer Paul Power said Australia could not outsource its Refugee Convention responsibilities to a much poorer neighbour and remain credible in advocating that other nations improve protection standards for refugees.

"Through the Bali Process, Australia has rightly encouraged governments in the region to consider a regional cooperation framework which improves refugees' access to durable solutions, emphasising the principles of 'burden sharing and collective responsibility'," Mr Power said.

"However, by unreasonably shifting its responsibilities for asylum seekers to Papua New Guinea through this Regional Resettlement Arrangement (RRA), Australia's international advocacy for responsibility sharing has been exposed as hollow and hypocritical.

"This arrangement is without precedent in the world. It cannot possibly be presented as an example of regional cooperation because it is little more than a wealthy country paying a much weaker neighbour to take on its international responsibilities to people seeking asylum."

Mr Power said important questions needed to be asked about what the policy would mean for asylum seekers sent to Papua New Guinea, what the Government expects the regional impacts of this arrangement to be and how Papua New Guinea would be supported to develop specialised refugee settlement services.

"It was particularly troubling to hear the Prime Minister of Papua New Guinea telling reporters at Friday's media conference that he hoped there would be no refugees for his country to settle. How can the Government of Papua New Guinea reasonably embark on the complex process of building national capacity to settle refugees when its starting point is that it doesn't actually want any refugees?"

Mr Power said the Australian Government must explain how the RRA will deal with the following issues:

- The need for meaningful pathways to protection in the Asia-Pacific: The RRA states that it hopes to make a contribution "to encourage [asylum seekers] to avail themselves of lawful channels to seek asylum". Putting aside that seeking protection in Australia by boat is not unlawful, the Australian Government has not made significant or meaningful steps towards establishing channels so that people facing persecution can seek and receive safety.
- The risk of family separation: It is not clear what will happen if asylum seekers and refugees subject to this Arrangement have family members in Australia. The impact of prolonged or indefinite family separation because of this Arrangement goes against key principles of resettlement.
- The unrecognised complexity of return issues, particularly for stateless people: There is a lack of clarity on what will happen to people who are stateless and cannot return to previous places of residence (even if they are willing to return). Languishing in a detention centre in PNG is not a viable option and is also not a choice that people can make in this situation.

- The best interests of children: It is unclear how an assessment of the best interests of each child will be reconciled with this arrangement.
- Medical concerns for transferred asylum seekers, including children There is a lack of clarity on how medical care will be delivered to asylum seekers and refugees, including specialist torture and trauma support. There is also uncertainty related to how young children can be transferred without the requisite inoculations against malaria, cholera and other diseases that are high risk in PNG.
- Australia's obligations under international law: It is not clear how the RRA is not in violation of Australia's obligations under the Refugee Convention and other international human rights treaties. It is necessary for the government to demonstrate how this Arrangement is in line with Australia's international obligations.
- Conflicts with PNG domestic law: There is no clarity related to refugees given protection from persecution whose membership of a particular group would be in violation of domestic PNG law, particularly refugees persecuted because of sexuality.
- Basic living conditions in the short and long-term: It is unclear how asylum seekers will be housed in the short-term nor where they will live if found to be refugees and resettled in PNG. While the Arrangement sets out that both Australia and PNG "take seriously the welfare and safety" of all asylum seekers subject to this Arrangement, there are no details about how people will be supported. As Australia's resettlement program highlights, the needs of resettled refugees require specialist support, particularly in the initial settlement period. It is unclear how refugees will be supported to find housing, access appropriate healthcare, find employment and educational opportunities, or learn English. There are also concerns for the safety and security of refugees on PNG given the high rates of violence prevalent there.
- Lack of established oversight mechanisms: There is a lack of oversight mechanisms for the current processing centre, so it is disturbing that not only will there be unlimited people transferred but many could face indefinite detention.
- The care of unaccompanied minors: the guardianship arrangements for unaccompanied minors and Australia and PNG's duty of care to these children needs urgent consideration.

Mr Power said that the Regional Resettlement Arrangement was widely, and deservedly, seen as a domestic political fix rather than a serious attempt at regional cooperation.

"We have heard so much from political leaders justifying deterrence policies as essential to breaking the people smugglers' business model. In reality they are breaking the hopes of some of the most vulnerable people in the world who feel they have no other option but to risk their lives to find basic refugee protection in Australia."

#### Law Council of Australia

Key Points:

- Law Council President, Mr Michael Colbran QC, said there were a number of issues of concern stemming from the continued lack of clarity about the details of the system for processing claims in PNG and its conformity to Australia's obligations under the applicable UN Convention.
- PNG is a party to the 1951 UN Refugees Convention, there is no regional human rights infrastructure or other mechanisms in place to ensure basic common standards for processing and protection will be met in the region.
- The recent report of the UN High Commissioner for Refugees monitoring visit to Manus Island highlighted shortcomings in the applicable legal framework and, also, the harsh physical conditions.

Full text:

#### Law Council expresses concerns over PNG Asylum Seeker Arrangement

The Law Council of Australia has expressed concern over the Australian Government's recent announcement of a Regional Settlement Arrangement with Papua New Guinea (PNG).

The Arrangement involves the transfer of asylum seekers, arriving by boat from 19 July 2013 onwards, to PNG for processing and resettlement, and builds on the existing Memorandum of Understanding between Australia and PNG relating to the processing of asylum seekers on Manus Island.

Law Council President, Mr Michael Colbran QC, said there were a number of issues of concern stemming from the continued lack of clarity about the details of the system for processing claims in PNG and its conformity to Australia's obligations under the applicable UN Convention.

The 1951 United Nations Convention relating to the Status of Refugees established a fundamental structure for the refuge of those fleeing persecution and the responsibility of nations to grant asylum—Australia has been a signatory to his convention since 1951.

"In its 2011 ruling relating to the 'Malaysia Solution' the High Court said that an arrangement that doesn't legally guarantee refugees rights such as the right to work and education breached Australia's obligations under the UN refugee convention and that it was not within the Minister's power to transfer asylum seekers to Malaysia under the relevant Migration Act provision at that time.

"These rights do not currently appear to be guaranteed by the PNG agreement even though the PNG Government has agreed to withdraw the relevant reservations to the Refugees Convention in relation to asylum seekers transferred to PNG.

"While the changes to the Migration Act to repeal a provision that was so central to the High Court decision may make it difficult to successfully challenge the PNG agreement, a real question remains regarding Australia's obligations under the Refugees Convention," Mr Colbran said.

Although, unlike Malaysia, PNG is a party to the 1951 UN Refugees Convention, there is no regional human rights infrastructure or other mechanisms in place to ensure basic common standards for processing and protection will be met in the region.

The recent report of the UN High Commissioner for Refugees monitoring visit to Manus Island highlighted shortcomings in the applicable legal framework and, also, the harsh physical conditions.

“The system for processing claims in PNG is still under development.

“The Law Council is concerned that the PNG system may lack sufficient safeguards to ensure procedural fairness and access to justice,” Mr Colbran said.

The Law Council understands that there is limited capacity for PNG officials to undertake the processing of the asylum seekers currently detained, with only a small number of officials having recently received training for this purpose.

Mr Colbran said the progress made towards establishing a legal framework for processing in PNG falls short of what is required for Australia to properly meet its obligations.

“It appears that no appeal mechanism for asylum seekers whose claims are refused has yet been established.

“Such a mechanism was a recommendation of the Government’s own Expert Panel on this issue.

“The existing PNG processing framework does not reflect rule of law principles because of the absence of appeal rights.

“The rule of law also requires that everyone should have access to a lawyer to establish and defend their rights and that the Government should provide such access where an individual does not have the necessary means.

“There are reports that only one firm of lawyers and migration agents will be providing this service and this will clearly not be adequate if numbers of asylum seekers in PNG increase.

“For these reasons, the Law Council considers that the PNG Arrangement falls short of rule of law requirements and will urgently seek advice from the Prime Minister and the Attorney-General on how the arrangement complies with the rule of law and Australia’s international obligations,” Mr Colbran concluded.

#### Australian Human Rights Commission

##### Key Points:

- The Commission has repeatedly made clear its concerns that third country processing and the conditions on Manus Island may violate fundamental human rights. The recently announced Regional Resettlement Arrangement risks breaching Australia’s legal obligations.

- The Commission's long standing view that, where asylum seekers transferred to Papua New Guinea are subject to mandatory and indefinite detention, this may amount to "arbitrary detention" contrary to human rights law.

Full text:

## Human Rights concerns in Regional Resettlement Arrangement

*Thursday 25 July 2013*

The Australian Human Rights Commission has asked the Australian Government to explain how the recently announced Regional Resettlement Arrangement with Papua New Guinea will address Australia's obligations under international human rights law.

"The Commission has repeatedly made clear its concerns that third country processing and the conditions on Manus Island may violate fundamental human rights," said Commission President, Professor Gillian Triggs. "The recently announced Regional Resettlement Arrangement risks breaching Australia's legal obligations"

Professor Triggs acknowledged that asylum seekers attempting to travel to Australia by sea posed serious and complex challenges, with no simple solution.

"Firstly, the loss of life among asylum seekers who are making the journey by sea is of serious concern to Australians," Professor Triggs said.

"Nonetheless, Australia remains bound to ensure that the human rights of asylum seekers are recognised in any regional arrangement," she said.

Professor Triggs said the Australian Government should exercise leadership by ensuring the humane treatment of asylum seekers in conformity with the rule of law.

"All asylum seekers should have their claims assessed in Australia by the Government, and we should provide protection to those who are found to be refugees."

In particular, the Commission believes that the needs of children are a priority. Professor Triggs noted that the Minister has special obligations to protect the rights of unaccompanied children who arrive in Australia as he is their legal guardian.

"Accordingly, the best interests of the child must be the Minister's primary consideration," she said. "It is difficult to see how, in the vast majority of cases, transferring unaccompanied minors to Papua New Guinea could possibly be in their best interests."

Professor Triggs reiterated the Commission's long standing view that, where asylum seekers transferred to Papua New Guinea are subject to mandatory and indefinite detention, this may amount to "arbitrary detention" contrary to human rights law.

The conditions on Manus Island in Papua New Guinea have been described by the United Nations High Commissioner for Refugees as harsh and below international standards.

“The impacts of prolonged detention on asylum seekers who were last detained on Nauru and Manus Island are well documented,” Professor Triggs said. “Some of these people were diagnosed with a range of mental illnesses including depression, anxiety, post-traumatic stress disorder, adjustment disorder and acute stress reaction, and there were also high levels of actual and threatened self-harm.”

Professor Triggs said the new Regional Resettlement Arrangement with Papua New Guinea should comply with the international human rights by which Australia has agreed to be bound.

#### 4 NSW Jewish Board of Deputies policy on refugees

The NSW Jewish Board of Deputies reaffirms its existing policy calling for the compassionate treatment of refugees by the Australian Government, which states as follows:

The NSW Jewish Community reaffirms its support for a humane refugee admission program in Australia.

This year is the 50th anniversary of the Convention on the Status of Refugees which grew out of the need to assist Jews seeking new homes after the Shoah. We recall with pride the efforts of many Jewish advocates in developing the Convention, and, the important contribution that refugees, and in particular Jewish refugees, have made to the development of Australia.

It is essential that in a developed nation such as Australia, which takes such pride in its multiculturalism and respect for human rights, refugee policy respects these ideals.

The following key points reflect the NSW Jewish Community’s perspective on admission of asylum seekers to Australia:

- *We affirm the Australian Governments right to establish and maintain its own immigration policy and to screen all potential immigrants. The admission of asylum seekers is a humanitarian act, and differs from other aspects of immigration policy. It also is subject to international law in a way that other immigration policy is not.*
- *The Australian Jewish Community reaffirms its view that Australia’s Government and the Parliament should work constructively with other governments and appropriate non-government organisations to ameliorate the plight of refugees around the world and in Australia, and to implement Australia’s important legal and moral obligations with respect to refugees.*
- *In that context there needs to be:*
  - *an end to a system in which many refugee applicants - including women, children, the elderly and those with special needs - are subject to non-reviewable mandatory detention. Non-reviewable mandatory detention is wrong for refugees and asylum seekers, other than those reasonably suspected of wrongdoing, for whom reviewable detention may be appropriate.*
  - *an end to the temporary protection visa regime because the grant of only temporary protection is a breach of Australia’s obligations under Article 31 of the Refugee Convention. The Convention envisages prompt and effective assessment of claims to refugee status, so that those who are entitled to protection as refugees are admitted without having to face further discrimination, and those who are not entitled to refugee status are dealt with in*

- *accordance with existing immigration laws.*
- *an end to the application of dehumanising labels to asylum seekers and refugees and inappropriate discrimination against onshore asylum seekers.*
- *We particularly call on the Australian Government not to be tempted by present exigencies to veer from Australia's important legal and moral obligations with respect to refugees, and we support Australia's continued commitment to the Refugee Convention.*

We also take this opportunity to acknowledge again the great benefits that multiculturalism, aided by immigration, has created for Australian society as a whole. The Jewish community of New South Wales respects all ethnic and religious communities and looks forward to continuing harmonious relationships with them long into the future.

## 5.ECAJ policy on refugees and asylum seekers

This Council:

<b>7.1</b>	NOTES with grave concern the increase in the number of people around the world who have been made refugees as a result of war and civil conflict;
<b>7.2</b>	NOTES that a small number of these refugees seek asylum in Australia;
<b>7.3</b>	RECOGNISES the difficulties faced by successive Australian Governments in balancing the Government's obligations to its citizens to carry out proper screening (including health and security checks) on all potential new entrants to Australia, in particular unauthorised arrivals, and the Government's humanitarian obligations under the International Convention on the Status of Refugees (1951) (the Refugee Convention) and the 1967 Protocol to the Refugee Convention, as well as under customary international law;
<b>7.4</b>	RECALLS WITH SHAME that especially prior to, but also during and immediately after, World War II many thousands of Jewish refugees attempting to flee persecution in Europe were denied entry into other countries or forced to engage "smugglers" to try to escape to freedom;



7. 5	RECALLS that the Refugee Convention came into existence in belated recognition by the international community of the great wrong that had been done by ostensibly civilised nations in refusing to grant asylum to Jewish refugees fleeing from Europe prior to and during World War II, and as a principled and compassionate response to the moral imperative of assisting European Jews in seeking new homes after the Holocaust;
7. 6	NOTES the important and positive contribution that Jewish and other refugees, from many countries, have made to Australian society and the development of Australia;
7. 7	NOTES that in the past, after proper processing of their claims by Australian officials, the vast majority of those seeking asylum in Australia have been found to be genuine refugees who had fled their country of usual residence because of a well-founded fear of persecution;
7. 8	<p>ACCORDINGLY CALLS UPON the Australian Government:</p> <ol style="list-style-type: none"> <li>1. to process applications by persons seeking asylum in Australia as expeditiously as possible and in a spirit of compassion, regardless of whether those applications are made through the offices of the United Nations High Commissioner for Refugees;</li> </ol> <p>to work constructively with other governments and appropriate non-government organisations, to ameliorate the plight of refugees around the world and in Australia;</p> <p>to implement in good faith and with humanity, Australia's important legal and moral obligations with respect to refugees;</p> <p>not to hold women and children asylum seekers in mandatory detention while their applications for recognition of their refugee status are processed; and</p> <ol style="list-style-type: none"> <li>5. to desist from actions that are likely to result in persons who seek asylum in Australia being sent to countries which are not parties to the Refugee Convention;</li> </ol>
7. 9	URGES all Australians to engage in discussion of the issues in a considered and respectful manner and without resorting to pejorative generalisations, which are unhelpful and can be misleading and unfair;