

Australian government pushes ahead with lifetime refugee ban

By Max Newman
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Legislation to impose a lifetime ban on any refugees even visiting Australia passed the House of Representatives, parliament's lower house, last Thursday. The Liberal-National government remains determined to get the bill through the Senate despite widespread public opposition to its blatant violation of international law.

The bill bars any adult refugees detained in Australia's "offshore" camps on Nauru or Papua New Guinea's Manus Island since July 2013—contemptuously described as the "regional processing cohort"—from ever applying for any Australian visa. In order to punish them for trying to seek protection in Australia, they will be stopped from ever entering the country, even to visit their children or other family members.

This denial of basic legal and democratic rights flagrantly violates one of the core provisions of the 1951 Refugee Convention, which prohibits signatory countries from penalising or discriminating against asylum seekers, regardless of whether they arrive by means declared "illegal" by that country's laws.

The legislation also gives the immigration minister an arbitrary power to lift the ban on selected individuals or classifications of refugees—in the supposed "public interest"—opening the way for political, economic and social discrimination. The lawless character of that power is underscored by decreeing that the minister has no compellable "duty" to consider exempting anyone from the lifetime ban.

Prime Minister Malcolm Turnbull's government is intent on proceeding with the bill despite condemnation by the United Nations High Commissioner for Refugees (UNHCR). In a short statement last week, Thomas Albrecht, the UNHCR regional representative described the proposed legislation as "deeply

concerning."

"Seeking asylum is not 'illegal,'" Albrecht stated. "Refugees need and deserve protection and respect. The basic human right of every person to seek asylum from persecution is not diminished by their mode of arrival. Those forced to flee persecution need and deserve conducive conditions of protection, and a sustainable long-term solution."

According to media reports, the government is hoping to soon finalise a deal with the outgoing Obama administration to swap about 1,800 Nauru and Manus detainees for a similar number of Central American refugees who have been blocked from entering the United States.

Immigration Minister Peter Dutton said the bill must be passed to ensure that any swap does not permit the detainees to eventually enter Australia. "What we don't want is if somebody is to go to a third country that they apply for a tourist visa or some other way to circumvent what the government's policy is by coming back to Australia from that third country," he stated.

Any such deal would therefore be based on punishing refugees, barring them permanently from reunifying with family and friends, and overturning the basic democratic right to choose where to live.

Faced with deep popular disgust toward the legislation, the opposition Labor Party cynically decided last Tuesday to vote against it, while emphasising its bipartisan agreement on the basic anti-asylum seeker policy and its readiness to embrace a reactionary swap deal.

Labor leader Bill Shorten said his party maintained a "unity ticket" with the government on stopping any asylum seekers from ever settling in Australia. Shorten said the "unity ticket" did not extend, however, to a "lifetime ban on tourists."

In essence, Labor has made a tactical shift to head off public outrage, while propping up the underlying framework of militarily repelling refugee boats and indefinitely detaining any asylum seekers who manage to arrive.

In fact, it was the previous Labor government that reopened the brutal Nauru and Manus camps in 2012, accompanied by a lifetime ban on detainees living in Australia. Under that policy, detainees would also be incarcerated for many years—as long as refugees languished in camps in the Middle East and elsewhere—to remove any “incentive” for asylum seekers to try to reach Australia by boat.

As a result of Labor’s latest tactical ploy, and the earlier stated opposition of the Greens to the bill, the government needs the support of eight of the ten other remaining senators (“crossbenchers”) for the legislation to pass the Senate.

The depth of the popular sentiment, however, has also provoked a rift in Senator Nick Xenophon’s team, which holds three Senate seats. Xenophon, a right-wing nationalist, has said he cannot guarantee the support of his two Senate colleagues for the bill.

This situation reflects the wider precariousness of the government, which only holds 30 of the 76 Senate seats and just a one-seat majority in the lower house.

The Greens welcomed Labor’s hypocritical stance, with their immigration spokesman Senator Nick McKim calling it a “crawl towards a more compassionate approach to refugees.” He said it was “time for Labor to add some vertebrae to their newly formed spine and reject offshore detention and boat turnbacks.”

McKim’s statement only serves to whitewash Labor’s record, and the role of the Greens themselves in ensuring the parliamentary survival of the last minority Labor government, from 2010 to 2013, as it imposed the total ban on refugee settlement.

The Labor Party does indeed have a “spine” when it comes to refugees. It has been a world leader in introducing anti-asylum legislation. In 1992, the Keating Labor government imposed mandatory detention of all asylum seekers, setting a global precedent. And it was the last Greens-backed Labor government that initiated the practice, which the Coalition government continues today, of forcibly returning Sri Lankan asylum seekers to face possible

torture, imprisonment and death.

Labor’s face-saving stance was also heralded as a step forward by the Refugee Action Coalition (RAC), whose spokesman Ian Rintoul is a member of the pseudo-left state-capitalist group Solidarity. The RAC said: “Labor’s stance makes it almost certain that Turnbull’s bill will be defeated. It is a welcome first sign that the days of bipartisan support for offshore detention are ending.”

This claim seeks to sow deadly illusions in Labor, and to divert the opposition of broad layers of working, professional and young people back into the hands of the parliamentary establishment.

Meanwhile, with Labor’s full support, unknown numbers of refugee boats are being intercepted at sea by the navy and either turned around with barely enough supplies to reach land or their passengers are transported back illegally to their country of origin. All this is being done behind the backs of the Australian population, under the cover of military secrecy.

The number of people trying to flee to Australia, and other countries, will only grow as the global refugee crisis deepens, driven by the escalation of violence and war across the Middle East by the US and its allies, including Australia.

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