



Media Release

Plans to detain asylum seekers exercising appeal rights

The Asylum Seeker Resource Centre (ASRC) has serious concerns that the government has plans to begin detaining asylum seekers whose legal cases are post the Refugee Review Tribunal (RRT) stage, but may still be in the process of judicial review or awaiting the outcome of a humanitarian request to the Minister Scott Morrison.

Under this plan, asylum seekers who arrived by boat will be issued with a 6 week long visa for the purpose of making arrangements to leave Australia. If they do not agree to voluntary repatriation, they face detention at the expiry of that visa.

The ASRC condemns this proposed action by the government, as it circumvents natural justice and the right to appeal. It is particularly significant when 28% of cases that were remitted back to the RRT by the courts resulted in a different decision in 2012/13.

ASRC CEO Kon Karapanagiotidis states, "Judicial review exists as a check and balance against errors made by the RRT, who are not infallible decision makers, and to ensure asylum seekers who are in fact refugees are not sent home to face torture or death."

The ASRC is concerned that this plan also undermines the process of requests for ministerial intervention on humanitarian grounds, by moving people into detention while they await an outcome. 2, 441 protection visas have been granted under this process since 2008.

At a time when the Minister is seeking to repeal complementary protection, this is particularly concerning and will compromise legal avenues for people seeking life-saving protection.

The capacity to access appeal rights in detention is diminished and the state of mental health for people to continue is severely compromised.

This will place Australia at risk of returning people to countries where they face significant harm and persecution, in breach of our non-refoulement obligations.

"The practical impact of this policy may see potentially thousands of asylum seekers facing long term detention. With extensive evidence of the mental harm caused, detaining people currently in the community who are still exercising their appeal rights will have devastating consequences. The Minister must immediately confirm his plans and on what basis this policy may proceed," states Kon.

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