



Refugee Council of Australia

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Removing review rights for asylum seekers would deny natural justice

The ability of asylum seekers to appeal to courts and have an independent review of their refugee claims is a fundamental right that must be protected, the Refugee Council of Australia (RCOA) said today.

Responding to the Federal Coalition's new asylum policy released today, RCOA President Phil Glendenning said independent review and access to courts provided safeguards against errors in decision-making that could potentially place the lives of asylum seekers at risk if returned.

"Australia's constitution guarantees a role for the courts to determine the lawfulness of decision-making and ensure that anyone subject to a government decision is provided with procedural fairness.

"The courts don't decide on the rights or wrongs of a refugee claim but are essential in ensuring those decisions are made in accordance with the Australian constitution and laws that have been passed by the Australian Parliament.

"In a democracy committed to the rule of law and natural justice, the opportunity to appeal to the court or apply for independent review of decisions made by a bureaucrat must be maintained.

"Without this basic right to appeal, we risk creating a culture where decision-makers in the Department of Immigration and Citizenship are not accountable to anyone outside their organisation and decisions that may have been made in error would stand unchallenged."

Mr Glendenning said the outcome of refugee claims were a matter of life and death for many asylum seekers fleeing persecution and genocide.

"Legal avenues for appeal and judicial review exist because mistakes are made and have been made. For asylum seekers, a mistake by a decision-maker may lead to them being returned to danger and in many cases to their deaths.

"When the Pacific Solution was first introduced more than 10 years ago, people were returned to dangerous situations and sadly, they were killed."

Mr Glendenning said the Coalition's vow to reintroduce Temporary Protection Visas for asylum seekers who have since been recognised as refugees in Australia and allowed to live in the community, undermined Australia's reputation for giving people a fair go.

"Denying recognised refugees any chance of reuniting with their families, preventing them from re-entering the country and making them work for unemployment benefits creates unprecedented unfairness for people with no other options for refugee protection.

"Sadly in Australia there is an unlimited capacity for cruelty in refugee policy. At next month's elections, the Government and Opposition are giving Australia a choice between the most draconian refugee and asylum policies ever put forward to the electorate."

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The Refugee Council of Australia represents
non-government organisations and
individuals working with and for refugees
in Australia and around the world