



# ASYLUM SEEKER AND REFUGEE POLICY

ASSEMBLY STANDING COMMITTEE, UNITING CHURCH IN AUSTRALIA  
RESOLUTION 02.47.01

*Adopted in resolution 02.47.01*

## Rationale

The Uniting Church in Australia was born in 1977 when the Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia joined together to form the nation's only truly indigenous mainstream Christian movement. The Uniting Church shares with Australian people in the search for meaning, purpose and community in life. From its inception, it has been committed to justice and reconciliation between people. Through worship, sharing the story of Jesus, and service in the community, we witness to the belief that life is most fully found in God. Our social justice advocacy and community welfare services express our belief that every individual is equal before God regardless of background. The Church considers that the world is a community in which all members are responsible for each other and the strongest have a special responsibility for the vulnerable. Christianity teaches that all humanity will be judged by its attitude to neighbours, visitors and strangers.

In the *Statement to the Nation* made by the Inaugural Assembly in 1977, the Uniting Church promised to 'seek the correction of injustices wherever they occur', to 'work for the eradication of poverty and racism within our society and beyond' and to 'oppose all forms of discrimination which infringe basic rights and freedoms'. We must help bring about a society that honours God and values others and all creation. When we do this with integrity, and as a proclamation of the Gospel, we bear witness to Christ, and enter fully into the faith and mission of the Church.<sup>1</sup>

We approach the issue of asylum seekers and refugees in the context of the words of Jesus. He spoke of a new community established on righteousness and love, and based on a fellowship of reconciliation — a community in which all members work together for the good of the whole.<sup>2</sup> In essence, working for this kind of society is our contribution to civil society.<sup>3</sup> When we work for freedom, human rights and the common good of the community we are expressing our faith. It is an outworking of the community of God.

This policy arises from the Uniting Church in Australia's belief in the inherent dignity of all people. The principles it expresses reflect the Church's commitment to work for justice and to oppose all forms of discrimination. These principles should underpin Australia's policies, legislation, and practices toward asylum seekers<sup>4</sup>, refugees<sup>5</sup>, and humanitarian entrants<sup>6</sup>.

1 Paragraph 2, *Basis of Union*, Uniting Church in Australia, 1992 version.

2 Rev Dr Chris Budden in *Doing Justice* – yet to be published

3 Rev Dr Ann Wansbrough on Civil Society see 'Speaking Together' (PhD thesis, University of Sydney, 2001) and 'Principles for a Fair and Equitable Social Security System in Australia' (UnitingCare Australia and National Social Responsibility and Justice, 2000)

4 In Australia, people who have applied for protection (onshore or offshore) and who are awaiting the determination of their status, by either the United Nations High Commissioner for Refugees (UNHCR) or the Australian Government, are referred to as asylum seekers.

5 The United Nation's (UN) definition of a refugee is someone who has a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group. To be a refugee, a person must have fled their country of origin and be unable or unwilling to return to that country.

6 A humanitarian entrant is someone who is accepted for resettlement in Australia under the *offshore* humanitarian component of the migration program. This program provides resettlement to those who have experienced substantial discrimination amounting to a gross violation of human rights, and includes refugees and women at risk.



- (1) The human rights of all people must be upheld at all times.

All people should be treated with respect and accorded the dignity they deserve as human beings.

We must uphold the rights recognised under the *Universal Declaration of Human Rights*.

All people have a right for their cultural background to be respected.

We must uphold the rights recognised under, and fulfil our obligations under, all UN treaties that Australia has ratified, including the *Convention on the Rights of the Child* and the *Covenant on Civil and Political Rights*.

The rights of asylum seekers and refugees must be upheld at all times.

We must fulfil Australia's obligations under the Convention and Protocol Relating to the Status of Refugees.

We must strive to meet recommendations made by the United Nations High Commissioner for Refugees (UNHCR) in recognition of its mandate to lead and coordinate international action for the world-wide protection of refugees and the resolution of refugee problems.
- (2) The Australian response toward asylum seekers and refugees should be culturally sensitive and should take into account the situations from which people have come.
- (3) Australia's policies and legislation should reflect a commitment to the rights and safety of asylum seekers and refugees and should clearly distinguish these from issues of border protection and security, and from attempts to deal with people smuggling.
- (4) There should be no discrimination in the treatment of asylum seekers, refugees and humanitarian entrants.

Policies, including access to visas and the formulation of visa subclasses and access to public services, social services, and settlement support, should not discriminate against people on the basis of their movements prior to their application for protection or resettlement being made.

There should be no discrimination, within Australia's offshore resettlement program, on the basis of an entrants movement to a third country or attempted entry into Australia.

There should be no discrimination, within Australia's onshore protection program, on the basis of movement to a third country or entry into Australia.

All people accepted under Australia's onshore protection program or offshore resettlement program should have full access to settlement support, public services, and social security.
- (5) We must use appropriate and sensitive language when we describe and discuss refugees and asylum seekers.

Government policies and statements must not use language that encourages fear and hatred towards refugees and asylum seekers.
- (6) We must help those who come to Australia seeking asylum.

On arrival, asylum seekers should have access to the protections afforded to them in international law.



On arrival, asylum seekers should be able to notify the Red Cross and United Nations High Commission for Refugees that they have arrived.

Australia must provide adequate psychological, social, and medical care for all asylum seekers.

All asylum seekers should have access to sufficient and culturally sensitive translation services from the time that they arrive in Australia.

All asylum seekers should have access to government assistance to meet their basic needs from the time that they arrive in Australia.

All asylum seekers should have access to health care including trauma and torture services, Medicare and public health services from the time that they arrive in Australia.

(7) Asylum Seekers must have full legal rights and protection.

Once a person has told the Government that they are seeking asylum they should cease to be considered to be an illegal entrant by the Australian Government.

Refugee claimants should only be detained for short pre-determined periods of time for the sole purpose of conducting health, identity, and security checks.

An independent authority should monitor the conditions under which asylum seekers are held by the government and ensure that they are being treated justly and humanely.

Upon completion of health, identity and security checks, all asylum seekers should be issued a bridging visa valid until they are either granted a Protection Visa or, if their claim is unsuccessful, are returned.

All asylum seekers should have access to legal advice and assistance to prepare their claims.

All asylum seekers should have full rights of administrative and judicial appeal.

(8) We must help those who come to Australia for resettlement.

On arrival, refugees should be able to notify the Red Cross and United Nations High Commission for Refugees that they have arrived.

Australia must provide adequate psychological, social, and medical care for all refugees and humanitarian entrants.

All refugees and humanitarian entrants should have access to sufficient and culturally sensitive translation services.

All refugees and humanitarian entrants should have access to government assistance to meet their basic needs.

(9) Australia's policies and legislation should refer particularly to the rights and needs of child asylum seekers and refugees.

All decisions about child asylum seekers and refugees should be made with the best interests of the child as the primary consideration.

Trained independent guardians who can advocate and care for unaccompanied minors should be appointed to care for a child as soon as he or she is identified as an unaccompanied minor.



The specific rights of child asylum seekers, including the right to education, should be upheld.

- (10) Australia must take a truly global approach to refugees, asylum seekers, and displaced persons.

We must recognise our responsibilities, including our obligation to develop compassionate policies regarding the global movement of all displaced persons.

Our approach should embody the spirit of international burden sharing, in the knowledge of our nation's relative wealth and good fortune. We should not continue to place the burden of processing refugee claims onto poor and developing countries.

Australia must demonstrate its commitment to the responsibility to protect vulnerable individuals through the formulation of generous intake numbers.

Australia must maintain its commitment to offering resettlement places for refugees referred to us by UNCHR.

Australia must maintain its commitment to our onshore protection program for asylum seekers who travel to Australia.

The migration zone for the purposes of entry into Australia and access to visa application and review processes should be consistent with the definition of the migration zone under the *Migration Act 1958*.

- (11) The immigration system should be accountable and transparent.

There should be respect for applicants' rights and dignity.

Accountability and transparency within government process in the processing of refugees and asylum seekers must be ensured.

The desire to build a trading relationship with a country should not be a factor taken into account when determinations are made on the refugee status of citizens of that nation.

- (12) People whose refugee claims have been rejected and who are waiting to be returned should be treated justly and humanely.

People whose refugee claims have been rejected should have access to adequate psychological, social, and medical care (including trauma and torture services, Medicare and public health services), sufficient and culturally sensitive translation services, and government assistance to meet their basic needs.