



22<sup>nd</sup> December 2011

Prime Minister Stephen Harper  
Canadian Government

Dear Prime Minister Harper

We are writing as a coalition of Australia's leading asylum seeker and refugee organizations to express our strong opposition to Bill C – 4, the *Preventing Human Smugglers from Abusing Canada's Immigration System Act* that is currently before your Parliament.

This bill represents a significant backwards step for human rights for your country. To date, Canada has had a proud tradition of compassion, commonsense and fairness in its approach to asylum seekers and refugees. The proposed introduction of Mandatory Detention and Temporary Protection Visas (TPVs) in the footsteps of Australia would be to replicate two of our greatest policy and legislative failures. The former policy is in disarray as the human and financial cost spiral out of control while the latter has already been long abandoned as government policy.

### **Why Australia abandoned TPVs in 2008**

The Labor Government abolished TPVs in 2008. At the time, the Immigration Department said that:

*The government is committed to providing fair and certain outcomes for refugees and abolishing TPVs is consistent with the government's commitment to treating asylum seekers fairly and with dignity.*

Contrary to popular belief, 'tough' immigration policies in the past have not succeeded as an effective deterrent:

- In 1999 less than 1000 'unauthorised arrivals' applied for asylum, the year TPVs were introduced.
- In 2001, when the policy was in full force, the arrivals rose to more than 4000.
- Under this policy, denying the right to refugees on TPVs to apply for family reunion pushed the wives and children of asylum seekers onto boats in an attempt to be reunited.
- In 2001 353 people drowned in the tragic SIEVX disaster while travelling by boat to Australia.
- Most of the 288 women and children aboard the SIEVX were family members of TPV holders already in Australia.

## **What's wrong with TPVs?**

During their existence under the Coalition Government in Australia (1998-2008), TPVs created a second class of refugees who, in contrast to permanent visa holders, faced ongoing limbo and uncertainty about their ability to remain in Australia, as well as deliberate exclusion from basic welfare and integration services, such as:

- No right to apply for family reunion with spouses and children who remained overseas in high risk situations.
- Barred from most forms of Centrelink support.
- No right to funded English classes, interpreting or translation services.
- No access to emergency accommodation and limited access to state housing.

Australia was the only country to introduce TPV's for refugees as a form of penalty and this has damaged Australia's international reputation.

## **TPV's are not a workable and sustainable policy response**

Most refugees have fled countries involving protracted situations of danger that last 10 years or more. Despite their intended 'temporary' nature and detrimental ongoing effect, over 90% of refugees initially granted TPVs under the Howard government were eventually granted Permanent Protection because it was still not safe to go home.

## **A policy of Mandatory Detention will be a financial and humanitarian disaster for Canada**

Australia's system of mandatory detention has been an unmitigated disaster. We currently have 4223 asylum seekers in detention including 370 children at a cost of \$137,317 per year per person. It is a billion dollar plus a year policy failure that doesn't deter asylum seekers coming by boat. Add to this six suicides in detention in the past year and over 17,000 incidents of self harm in the last two years in our detention centres and we have a crisis on our hands. It's little wonder that the Gillard Government recently announced its intention to start emptying out our detention centres with between 1200 to over 2000 asylum seekers potentially being released into the community onto Bridging Visas with the right to work, health care and income support.

## **You have an alternative way that works, is humane and sustainable: community based processing.**

The facts are clear – the system of mandatory detention is broken, it doesn't deter and is damaging people at unprecedented levels. In stark contrast community processing of asylum seekers is tried, tested and successful in Canada as it is in Australia.

Community based processing is also far more humane, fairer and up to 90% cheaper than keeping people locked up in detention. Here is a way forward that is not just best for asylum seekers but for your country too. You can save a billion dollars a year while also investing in our future Canadians. Close to 90% of people who come by boat will one day be Canadian citizens. Community processing creates healthy, strong, proud Canadians with skills and a desire to give back to a country that has provided them with sanctuary and freedom as refugees always have for Canada.

We ask you not to follow the failures of Australia by creating new laws that will bring untold financial and human cost while damaging your international reputation and proud history of multiculturalism and fairness. Please abandon this Bill. It will not deter. It will not work. It will fail like such laws have here in Australia.

Yours faithfully

**Asylum Seeker Resource Centre**

**Refugee Council of Australia**

**International Detention Coalition**

**Human Rights Law Centre**

**Brigidine's Asylum Seeker Project**

**Asylum Seeker Welcome Centre**