Position Paper on ‘People Smuggling’

“Every day thousands of people take even critical risks in their attempts to escape from a life with no future. Unfortunately, the reality they find in host nations is frequently a source of further disappointment.

At the same time, States with a relative abundance tend to tighten their borders under pressure from a public opinion disturbed by the inconveniences that accompany the phenomena of immigration. Society finds itself having to deal with the ‘clandestine’, men and women in illegal situations, without any rights in a country that refuses to welcome them, victims of organized crime or of unscrupulous entrepreneurs.”


This paper outlines the concern of the Australian Catholic Social Justice Council (ACSJC) and the Australian Catholic Migrant and Refugee Office (ACMRO) regarding recent Federal Government changes to the regulations governing the treatment of those who arrive in Australia without authority and the phenomena of ‘people smuggling’.

It builds on the ACSJC and ACMRO’s two previous papers on asylum seekers in Australia. These two papers, ACSJC/ACMRO Position Paper on The Plight of Asylum Seekers in Australia, and ACSJC/ACMRO Background Paper on Asylum Seekers in Australia are available on request from the ACSJC.

Welcoming Refugees

The ACSJC & ACMRO support an expanded humanitarian program as a response to the human rights abuses that are forcing people to flee their countries and seek refuge elsewhere. Increasing the humanitarian program within the immigration intake would help to combat ‘people smugglers’ by reducing the reliance of would-be asylum seekers on illegal activities to find refuge and safety.

Respect Human Dignity

Human beings are an end in themselves. Their inalienable God-given dignity demands that they never be used as a means to influence the behavior of others. Asylum seekers should not be treated punitively in order to ‘send a message’ to ‘people smugglers’. Asylum seekers are human beings and their human rights must be respected at all stages of the processing of their claims to refugee status.

The ACSJC & ACMRO believe that issuing temporary visas, renewable after three years,
to those whose claims to refugee status are upheld, creates an unstable situation for these vulnerable people.

**Penalise the Smugglers, not their Victims**

The ACSJC and ACMRO affirm that ‘people smuggling’ is a serious international issue involving immense suffering and exploitation and welcomes tough new penalties for ‘people smugglers’ including large fines and the destruction of boats.

The ACSJC and ACMRO stress that asylum seekers and people with humanitarian cases should not be penalised for entering the country without authority. Those who are fleeing persecution or human rights abuses may have little choice as to their means of flight. Those who turn in desperation to ‘people smugglers’ to escape from persecution and human rights abuses are exploited by ‘people smugglers’. The victims of human rights abuses should not be victimized again by the Australian community.

Many find the ‘illegal boat people’ terminology offensive and unfair. Instead, Australians should be aware of the desperate situation that causes people to enter Australia this way. They should not be encouraged and supported through the popular media to have intolerance and lack of compassion for people seeking refuge.

**The New Regulations**

During late 1999 the number of people arriving in Australia without authority seeking asylum rose significantly. In response to this development the Federal Government has introduced tough new measures to deter ‘people smuggling’.

Until recently, the granting of a protection visa automatically resulted in permanent residence, provision of settlement services, health, medical and social security benefits, and entitlement to family reunion.

Under the three-year temporary visa system, all people arriving in Australia without authority will continue to be placed in detention initially. Those with successful refugee claims will be granted the temporary visa and released from detention.

This visa allows them access to Medicare and Special Benefits only, unlike permanent visa holders who have access to the full range of social security benefits. The three-year temporary visa holders are unable to access English language training, and have limited access to government settlement services.

The punitive nature of these measures is clear, with tough restrictions preventing family reunion, including spouse and children, and with no automatic right of return if they should leave Australia.

Even though they are in theory allowed to work, without having an entitlement to study English, and having only temporary status, it will be difficult to find suitable employment.
Those who arrive in Australia without authority and are neither granted refugee status nor allowed to stay on humanitarian grounds through the exercise of ministerial discretion, will be repatriated.

According to the Government the temporary visa system will remove the ‘pull’ factors of permanent residence and family reunion that may attract asylum seekers.

Jubilee Challenge

"In celebrating the Great Jubilee of the Year 2000, the Church does not want to forget the tragedies which have marked the century now drawing to a close: the bloody wars which have devastated the world, the deportations, extermination camps, "ethnic cleansing" and the hatred which has spread and continues to darken human history.

The Church hears the suffering cry of all who are uprooted from their own land, of families forcefully separated, of those who, in the rapid changes of our day, are unable to find a stable home anywhere. She senses the anguish of those without rights, without any security, at the mercy of every kind of exploitation, and supports them in their unhappiness.

In all the societies of the world the figure of the exile, the refugee, the deportee, the clandestine, the migrant and the "street people" gives the Jubilee celebration a very concrete meaning, which for believers becomes a call to change their mentality and their life, in accordance with Christ's appeal: "Repent, and believe in the Gospel" (Mk 1: 15). In its highest and most demanding motivation, this call to conversion certainly includes the effective recognition of the rights of migrants: "It is urgent in their regard that one know how to overcome a strictly nationalistic attitude to create a State which recognizes their right to emigration and encourages their integration.... It is the duty of all - and especially Christians - to work energetically to establish the universal brotherhood which is the indispensable basis of true justice and a condition for lasting peace" (Paul VI, Encyclical Octogesima adveniens, n. 17).

Working for the unity of the human family means being committed to the rejection of all discrimination based on race, culture or religion as contrary to God's plan. It means bearing witness to a fraternal life based on the Gospel, which respects cultural differences and is open to sincere and trustful dialogue. It includes the advancement of everyone's right to be able to live peacefully in his own country, as well as attentive concern that in every State immigration laws be based on the recognition of fundamental human rights.

May the Virgin Mary, who set out with haste to visit her cousin Elizabeth and, in receiving hospitality, rejoiced in God her Saviour (cf. Lk 1: 39-47), sustain everyone who in this Jubilee year sets out with their hearts open to others, and help them to meet them as brothers and sisters, children of the same Father (cf. Mt 23: 9).


Further Reading:

ACSJC/ACMRO Background Paper, Asylum Seekers in Australia (1999)


For further Information:

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Refugee Council of Australia
Phone: 02 9660 5300
Website: www.refugeecouncil.org.au
(this site contains policy analysis and relevant facts and figures in easy to read graphs)

Department of Immigration and Multicultural Affairs
Website: www.immi.gov.au
(this site carries the latest media releases and a range of fact sheets)

The Australian Catholic Social Justice Council

The Australian Catholic Social Justice Council (ACSJC) is the national social justice and human rights agency of the Catholic Church in Australia. It advises the Bishops on social justice issues in Australia and overseas; undertakes research and advocacy on such issues; educates the Catholic community about the Church's social justice teachings and their application; and facilitates the development of social justice networks within the Catholic Church in Australia.

The work of the ACSJC falls into three areas: building social justice networks; education and formation; and research, advocacy and public policy.

The ACSJC is made up primarily of lay people and its membership is drawn from each of the ecclesiastical provinces of Australia. The ACSJC is responsible to the Australian Catholic Bishops Conference (ACBC) through the ACSJC Chairman, who is also a member of the Bishops Committee for Justice, Development and Peace (BCJDP). Two other members of the
BCJ DP also sit on the ACSJC along with the BCJ DP’s Executive Secretary who is an ex officio member of the ACSJC.

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The Australian Catholic Migrant and Refugee Office

The Australian Catholic Migrant and Refugee Office was established by the Australian Catholic Bishops’ Conference in July 1995. It emerged from the Federal Catholic Immigration Office and the Australian Catholic Refugee Office.

The ACMRO dedicates its efforts towards the acceptance and settlement of refugees and migrants into Australia. It does this especially by its efforts to influence government policies in this area. It also seeks to form Catholic Church policy in Australia for the pastoral care of migrants and refugees.

Asylum seekers merit the special consideration of the ACMRO which undertakes special service in their regard, irrespective of their creed or origin.

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