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Rudd slams asylum door

Afghan, Sri Lankan asylum seekers left in visa limbo

By KATHARINE MURPHY
and MICHELLE GRATAN

ALL asylum seekers arriving from Sri Lanka and Afghanistan will go into limbo for three to six months under a dramatic toughening of Australia's border protection policies aimed at curbing the boats.

Sri Lankans will not be processed for at least three months while Afghans will face a wait of at least six months, as the government flagged that people from these countries will face a much tougher battle for entry.

Immigration Minister Chris Evans said the shift coincided with the UN High Commissioner for Refugees reviewing its guidelines.

But Opposition Leader Tony Abbott branded yesterday's move an "election fix" that would not stop the boats.

The policy reversal, which jettisons Labor's election pledge to process arrivals quickly, was announced yesterday by Senator Evans, Foreign

Minister Stephen Smith and Home Affairs Minister Brendan O'Connor.

Senator Evans insisted the government was not abandoning its humanitarian principles. "People aren't being denied their right to seek asylum, but it's been suspended," he said. "It's humane because people will still have access to consideration of their refugee status, they will still be treated with dignity and treated as human beings."

But refugee and human rights groups condemned the move and some experts questioned whether the changes would breach the UN Refugee Convention.

Police have been deployed to Christmas Island in anticipation of trouble as asylum seekers react to the new regime. Detention facilities on the island are overflowing.

People already on Christmas Island will not be hit by the crack-down and a boat carrying about 70 people intercepted on Thursday has also escaped the new rules. People

from that vessel — which sank — were being ferried to Christmas Island yesterday.

Australian Human Rights Commission president Cathy Branson, QC, said the suspension could result in the indefinite detention of asylum seekers, "including families and children already in distress".

Refugee lawyer David Manne said that placing asylum seekers in limbo was worse than granting them temporary protection visas, as the former coalition government did. "It appears to be a fundamental betrayal of the government's own detention reforms, which promised a prohibition on arbitrary and inhumane detention."

Bassina Farbenblum, director of the University of New South Wales's migrant and refugee rights project said: "Australia will be violating its international obligations to detain people for the minimum necessary period, and honestly it's morally

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In Australia any landing can access suspected asylum seekers stranded on a wooden boat that began its international journey early on Friday morning.

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Rudd backflip slams asylum seeker door

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abhorrent." But Prime Minister Kevin Rudd defended the changes as necessary to create a deterrent. "The combined effect of this suspension and the changing circumstances in these two countries will mean that more asylum seekers from Sri Lanka and Afghanistan will be refused," he said.

So far this year 38 boats have arrived. Senator Evans insisted the new policy was within Australia's obligations under the UN refugee convention.

He admitted the policy

would not bring an early end to boat arrivals and signalled people would be accommodated on the mainland as necessary. But future unauthorised arrivals sent to the mainland will still have restricted legal rights due to their initial arrival offshore.

Mr Smith said Hazara people from Afghanistan were safer now and Sri Lanka was witnessing a parliamentary election.

But the Department of Foreign Affairs website says Afghanistan is extremely dangerous, with a "high threat of terrorist attack" and Sri Lanka remains in a state of emergency,

with a "volatile" security situation. Mr Smith admitted Australia "may well be" the first country to suspend applications from Afghanistan.

Senator Evans gave no guarantees on whether the suspensions would be lifted after reviews at the end of the three months and six months. If the suspension was lifted, the government "would then seek to process their asylum claims".

The UN High Commission for Refugees is reviewing conditions in both countries. **with AAP**