



Operation Sovereign Borders

What is Operation Sovereign Borders?

Operation Sovereign Borders is a military-led response to 'combat people smuggling and protect [Australia's] borders', a policy the Coalition took to the September 2013 federal election. Its aim is to stop asylum seekers from reaching Australia by boat, and to deny such asylum seekers resettlement in Australia.¹ Policy measures include:

- Turning back boats, including providing support to source and transit countries to intercept asylum seekers departing their shores
- Intercepting all SIEVs travelling from Sri Lanka and arranging for the immediate return of all passengers, regardless of their asylum seeker status
- Increasing the capacity of offshore detention centres on Manus Island and Nauru, and denying those in offshore detention resettlement in Australia, even if found to be genuine refugees
- Purchasing and deploying vessels, such as orange lifeboats, to turn (and tow) back asylum seekers whose boats are unseaworthy
- Reintroducing temporary protection visas (TPVs) for asylum seekers currently in Australia, awaiting determination of their refugee status
- Denying refugee status for those who are 'reasonably believed' to have discarded or destroyed their identity documents – the Coalition government intends to simply refuse to process such asylum seekers.

Upon taking office, the Coalition government subsumed 'Border Protection' into the Department of Immigration's portfolio becoming the Department of Immigration and Border Protection (DIBP) and allocated \$10m for a new headquarters to oversee a joint agency taskforce, and employed a three-star general to command *Operation Sovereign Borders*.²

Who does Operation Sovereign Borders affect?

Asylum seekers fleeing persecution in their home countries, and those languishing in transit countries such as Indonesia and Malaysia are directly affected by *Operation Sovereign Borders*. It denies asylum seekers resettlement in Australia and leaves them languishing in transit countries or in offshore detention centres, adding to their trauma and mental anguish.³ As former Prime Minister Malcolm Fraser stated, the policy is 'costly, cruel and, as shown by the events on Manus Island, increasingly dangerous'.⁴

The policy has also affected Australia's international relations, with Indonesia stating on numerous occasions that tow-backs and turn-backs – including repeated breaches of Indonesia's maritime boundaries by the Australian navy – are an affront to their national sovereignty, and they do not agree to any such plan.^{5 6}

¹ <http://www.nationals.org.au/Portals/0/2013/policy/The%20Coalition%E2%80%99s%20Operation%20Sovereign%20Borders%20Policy.pdf>

² <http://www.nationals.org.au/Portals/0/2013/policy/The%20Coalition%E2%80%99s%20Operation%20Sovereign%20Borders%20Policy.pdf>

³ <http://www.asrc.org.au/wp-content/uploads/2013/07/MythBusterJuly2013FINAL.pdf>

⁴ <http://agora-dialogue.com/manus-island-so-many-questions-one-simple-solution/>

⁵ <http://www.abc.net.au/news/2013-07-16/marty-natelegawa-says-indonesia-will-not-accept-boats-which-hav/4822114>

⁶ <http://www.abc.net.au/news/2014-02-14/australias-ambassador-in-jakarta-summoned-by-indonesian-governm/5261466>

The UNHCR has repeatedly raised concerns regarding offshore processing, stating that the “legal framework and physical conditions for the detention and treatment of asylum-seekers remain below international standards and, overall, do not provide for a safe, fair and humane standard of treatment”.⁷

Will it stop the boats?

Whilst the government claims *Operation Sovereign Borders* is ‘stopping the boats’, it is telling that DIPB media releases give the number of days since ‘a successful people smuggling venture to Australia’ – they do not claim that no boats have attempted the voyage.⁸

Are asylum seekers being processed and resettled?

Since the September 2013 election, there is no evidence that asylum applications are being processed on Manus Island, which subverts the UN *Refugee Convention*, of which Australia is a signatory.⁹

The government refuses to allow asylum seekers currently in offshore detention resettlement in Australia, even if they are found to be refugees. However, Papua New Guinea still has no system in place for resettlement, and the UNHCR has voiced concerns about their ability to do so safely and effectively.¹⁰

The Australian government is also in talks with Cambodia to resettle refugees, a deal which would result in asylum seekers being sent to a country that has no social welfare and where 20 per cent of the population live in poverty and 40 per cent of children under the age of five are malnourished, according to the World Bank.¹¹

On April 7 2014, Immigration Minister Scott Morrison told Sky News, ‘I just don’t buy into this argument that only first world countries are able to participate in resettlement.’¹²

What happens to asylum seekers in Australia?

On 18 October 2013 the government reintroduced Temporary Protection Visas (TPVs) for asylum seekers in Australia apply for protection. The reintroduction of TPVs was disallowed in the Senate on 2 December 2013, which led the government to introduce Temporary Humanitarian Concern Visas (THCVs)¹³. THCVs, like TPVs were disallowed by the Senate. Even though both TPVs and THCVs were disallowed by the Senate, any asylum seeker who was placed on one of these visas are subject to their conditions.

The government’s future intentions regarding temporary visas for onshore applicants are not known at this time.

⁷ <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>

⁸ <http://www.liberal.org.au/latest-news/2014/03/13/78-days-without-successful-people-smuggling-venture>

⁹ <http://www.theage.com.au/comment/the-age-editorial/end-the-misery-of-offshore-detention-20140219-330yk.html#ixzz2yGnFkRWH>

¹⁰ <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>

¹¹ <http://www.smh.com.au/federal-politics/political-news/scott-morrison-in-cambodia-in-hope-of-striking-a-deal-on-asylum-seekers-20140404-zqghu.html#ixzz2yGp4FjkZ>

¹² <http://www.smh.com.au/federal-politics/political-news/refugee-status-no-ticket-to-the-first-world-says-scott-morrison-20140407-zgrqz.html#ixzz2yGpkOiOQ>

¹³ <http://www.asrc.org.au/resources/information-regarding-thcvshstvs-2/>

The government has also twice put a freeze on granting any protection visa to asylum seekers. In early December 2013 the government implemented the first visa freeze, which was struck down by the high court. The second began on March 6 2014 and continues today. The freeze leaves thousands of asylum seekers in limbo with very little support.

Veil of secrecy

As well as militarising the issue the government has shrouded its policy in secrecy. The Minister for Immigration, Scott Morrison, and the DIBP has severely restricted access to information regarding all aspects of *Operation Sovereign Borders*, including:

- The number and notification of detected SIEVs still attempting voyages
- The number and notification of turn backs, tow backs, and use of lifeboats to transfer asylum seekers
- Conditions and security incidents in offshore detention centres, including incidents of self-harm, hunger strikes, accusations of rape, and the violence on Manus Island in February 2014 that resulted in the death of one asylum and scores more being seriously injured.

While there are reporting guidelines for incidents at detention centres, the firms responsible for them have failed to submit reports to the government, and the government has failed to follow up these reports.¹⁴

¹⁴ <http://www.theguardian.com/world/2013/sep/16/g4s-serco-australia-asylum-centre>