Is Australia any closer to returning failed asylum seekers to Iran?

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On 18 April 2015, Australia’s Foreign Minister, Julie Bishop, travelled to Iran to discuss the involuntary return of Iranian nationals who have unsuccessfully sought asylum in Australia. Though her visit was touted as being significant because she was the first Australian Minister to visit Iran in 12 years, it appears on the issue of returnees, her visit did no more than pave the way for further discussions on the issue—and at a lower level. However, discussions between the two nations have been occurring for some time at a senior level, including a visit to Iran by Australia’s Ambassador for People Smuggling Issues under the previous Government.

While Minister Bishop acknowledged that the position Iran adopts globally is that it will not take back those who are not willing to return, it appears the focus of future discussions will involve Australian assurances that returnees will be treated appropriately on return. The Australian Government is clearly hoping that if failed Iranian asylum seekers can be assured that they will not be harmed upon return and they have no prospect of being settled in Australia (following offshore processing), then they will be willing to return home voluntarily.

However, previous attempts by the Australian Government to lure Iranian nationals back home have proven problematic. Back in 2000 and 2001, then Immigration Minister, Philip Ruddock similarly travelled to Iran to forge closer cooperation on ways to ‘counter illegal people movements’ and to ‘provide information on Australia’s tough new stance to curb the flow of people arriving illegally’. In March 2003 then Minister Ruddock signed an MOU on Consular Matters with the Government of Iran, representing the culmination of three years of extensive discussions by Minister Ruddock and senior departmental officials.

However, despite assertions that the MOU included provision for the involuntary removal of Iranians in immigration detention who did not volunteer to return with the assistance of the reintegration package (at the time this included $2,000 per person and up to $10,000 per family plus plane tickets home), media reports suggested the Iranian Embassy was denying that Iran had agreed to accept involuntary repatriation. Further, the Australian Financial Review reported that a leaked memo indicated the Department’s internal strategy was simply to create a credible threat of involuntary removals to induce returns. Notwithstanding concerted efforts to have the 2003 MOU tabled in Parliament, its contents have not been made public.

The Government confirmed some years later that there were only two involuntary repatriations in 2003, three in 2004 and two to 15 March 2005. In the three years from October 2008 to September 2011, the Immigration Department facilitated the removal of only one failed asylum seeker and that person was in possession of a valid Iranian passport. The precise number of failed asylum seekers Australia has forcibly returned to Iran in more recent years is not publicly known. In comparison, in 2013 the UK forcibly returned 13 failed asylum seekers back to Iran, while Germany returned nine. Sweden forcibly returned 71 failed Iranian asylum seekers (and another 22 in the first two months of 2014), while Norway returned 29 in 2013, and another 30 in the first two months of 2014 alone. In fact, Norway reportedly returned over 7,000 failed asylum seekers to their countries of origin in 2014 and will aim to exceed that number in 2015.

Recent country information from a number of sources compiled by the Canadian Government provides conflicting evidence on the treatment by Iranian authorities of failed asylum seekers. However, advice
prepared by the Australian Refugee Review Tribunal in 2010 observed that ‘at least some returnees from Australia and elsewhere have been subjected to varying degrees of ill-treatment by authorities upon return…however, it is unclear as to whether any of these examples of ill-treatment are attributable to political beliefs imputed by authorities due to asylum claims made while abroad’.

The Immigration Department has reportedly released figures revealing that there are currently almost 7,000 Iranian asylum seekers (who had arrived by boat) living in the community, most of whom are still awaiting a decision on their claims for asylum. In addition, there are over 1,000 Iranian asylum seekers currently in immigration detention facilities or in community detention. That is not to mention the substantial number of Iranian asylum seekers in Australia’s regional processing centres in Nauru and PNG. Across all nationalities, initial refusal rates on Manus Island are at approximately 40 per cent. Though departmental statistics indicate that during the period 2008—2013 more than 85 per cent of Iranian boat arrivals were ultimately found to be refugees in need of protection, significant numbers are nonetheless going to require repatriation back to Iran in the near future.

It remains to be seen whether Iran, now under the presidential leadership of Hassan Rouhani, will be prepared to have a greater role in facilitating the return of failed asylum seekers from Australia, but clearly a lot is riding on the Australian Government’s ability to progress the issue.