

Australian churches welcome ruling against refugee "swap"

by [David Crampton](#)

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Sydney, August 31 (ENInews)--Christian leaders in Australia have welcomed a ruling from Australia's highest court that Australia cannot send asylum seekers to Malaysia, throwing the Australian government's refugee "swap" plan into disarray.

A full bench of the High Court, in a 6-1 majority decision on 31 August, found Immigration Minister Chris Bowen's declaration of Malaysia as a country to process asylum seekers was "invalid." This made permanent an 8 August injunction preventing Australia from transferring 800 asylum seekers to Malaysia, in return for Malaysia sending 4,000 registered refugees.

The Uniting Church, Australia's third largest, welcomed the decision, calling for asylum seekers to be processed in Australia within current laws. "What this shows is that the government has not paid enough care to the law," said the Rev. Elenie Poulos, the church's national director for justice. "These people are vulnerable. We don't want offshore processes; it's not appropriate. We have an obligation to welcome the alien, care for the stranger, and care for those in need."

Australia's Catholic Church has offered to work with the government to find a reasonable and just outcome and is encouraging Australia to continue to receive refugees from Malaysia. "It is the responsibility of all civil nations to do so," said Bishop Gerard Hanna, the Bishops' Representative for Migrants and Refugees. "It is to be hoped that this High Court decision does not lead to crass politics in Australia but rather to a determination to find reasonable and just outcomes for those seeking asylum," he said.

Describing the decision as "profoundly disappointing," Bowen said the High Court has applied a "new test" to the protection of asylum seekers and has

commissioned urgent legal advice for offshore processing. While the judgment cannot be appealed, the government can seek ways to revive the policy, however any legislative amendment would require cross-party support.