

LA and LB v Commonwealth of Australia (DIBP)

This week, the government tables a report of the Australian Human Rights Commission into a complaint made by two Sri Lankan men against the Department of Immigration and Border Protection.

After conducting an inquiry into the complaint, the Human Rights Commission found that the Department's decisions to "screen out" the men and return them to Sri Lanka without conducting a proper assessment of their claims raised a real risk they would be subject to torture and cruel or degrading treatment as prohibited by article 7 of the International Covenant on Civil and Political Rights.

The Commission has recommended that the Department discontinue the practice of enhanced screening of asylum seekers, or in the alternative, that their practices be changed.

The Commission's report acknowledges the importance of accessing legal advice, including the importance of services provided by RACS. The report noted the significant difference representation can make to a refugee's ability to have their claims understood quickly and comprehensively.

The full report is available [here](#).

RACS and screening

RACS assisted people subject to enhanced screening policies since the commencement of these policies in October 2012. RACS assisted more than 150 asylum seekers who were told they were "screened out" and would be sent back to Sri Lanka without proper assessment of whether or not they are refugees.

RACS has reviewed records of enhanced screening interviews obtained under Freedom of Information legislation and we believe the processes are not fair and set people up to fail. In some cases, like those referred to in the report of the Human Rights Commission, people interviewed in the screening processes were not even asked if they had any concerns about being returned to their country of origin.

RACS supports the Human Rights Commission's findings in relation to screening generally: we believe there are fundamental problems with the nature of the screening interview process, and that it does not give people seeking asylum an adequate opportunity to present their case.

We support the recommendations of the Human Rights Commission that the practice of enhanced screening be discontinued. At RACS we believe that all people seeking asylum should have a proper assessment of their refugee claims and access to independent advice about the process.