

## Myths about refugees and asylum seekers

Asylum seekers who arrive in Australia by boat are neither engaging in illegal activity, nor are they immigrants.

The UN Refugee Convention (to which Australia is a signatory) recognises that refugees have a right to enter a country for the purposes of seeking asylum, regardless of how they arrive or whether they hold valid travel or identity documents. The Convention stipulates that what would usually be considered as illegal actions (e.g. entering a country without a visa) should not be treated as illegal if a person is seeking asylum. This means that it is incorrect to refer to asylum seekers who arrive without authorisation as “illegal”, as they in fact have a right to enter Australia to seek asylum.

In line with our obligations under the Convention, Australian law also permits unauthorised entry into Australia for the purposes of seeking asylum. Asylum seekers do not break any Australian laws simply by arriving on boats or without authorisation.

Australian and international law make these allowances because it is not always safe or practicable for asylum seekers to obtain travel documents or travel through authorised channels. Refugees are, by definition, persons fleeing persecution and in most cases are being persecuted by their own government. It is often too dangerous for refugees to apply for a passport or exit visa or approach an Australian Embassy for a visa, as such actions could put their lives, and the lives of their families, at risk. Refugees may also be forced to flee with little notice due to rapidly deteriorating situations and do not have time to apply for travel documents or arrange travel through authorised channels. Permitting asylum seekers to enter a country without travel documents is similar to allowing ambulance drivers to exceed the speed limit in an emergency – the action would be ordinarily be considered illegal, but the circumstances warrant an exception.

It is also incorrect to refer to asylum seekers as migrants. A migrant is someone who chooses to leave their country to seek a better life. They make a conscious choice to leave and they can return whenever they like. Refugees are forced to leave their country and cannot return unless the situation that forced them to leave improves. Some are forced to flee with no warning; significant numbers of them have suffered torture and trauma. The concerns of refugees are human rights and safety, not economic advantage.

### “Asylum seekers are queue jumpers.”

Applying for protection onshore is not a means of “jumping the queue” or bypassing the “proper” process of applying for protection. In fact, applying onshore is the *standard procedure* for seeking protection. According to the definition in the UN Refugee Convention, refugees are persons who are outside their country of origin. This means that you cannot apply for refugee status if you are inside your own country. In order to be recognised as a refugee, you must leave your country and apply for refugee status in another country. Every refugee in the world – including those who Australia resettles from overseas – has, at some point, entered another country to seek asylum.

The vast majority of the world’s refugees either return home once conditions which forced them to leave have improved; or settle permanently in their country of first asylum. For some refugees, however, these solutions are not possible. For example, some countries are hosting very large numbers of refugees or don’t have the capacity to provide effective protection, and therefore require assistance from other countries to fulfil their protection obligations. In other cases, a country may simply refuse to provide any form of protection or assistance to refugees and asylum seekers.

In these sorts of cases, it may be necessary for refugees to be resettled in a third country. However, there is no resettlement “queue” which onshore applicants are trying to evade. Resettlement is intended to be a complement to, not a substitute for, providing protection to refugees who apply for asylum onshore. It is a way of providing a solution for refugees who have been unable to find effective protection elsewhere, but is certainly not the standard or only “legitimate” way to find protection – it’s simply a different solution based on different circumstances. In fact, only a tiny minority (less than one per cent of the world’s refugees) are resettled in third countries.

The UN resettlement system does not work like a queue. The term “queue” implies that resettlement is an orderly process and, if you join the end, you are guaranteed to reach the front within a certain amount of time. In reality, the UN resettlement system works more like a lottery than a queue. Many refugees lack access to UNHCR’s

resettlement processes altogether and therefore simply do not have resettlement available to them as an option. Furthermore, refugees are prioritised for resettlement according to need, not according to how long they have been waiting. These needs fluctuate and are continuously reassessed. For example, conditions in a refugee-producing country may improve, allowing refugees from that country to return home if they wish; or conditions in a refugee-hosting country may deteriorate, placing the refugees in that country in greater need of resettlement. A person who has been waiting for resettlement for one year may be prioritised ahead of a person who has been waiting for 10 years, if the former's need for resettlement is assessed as being greater.

### **“Asylum seekers who wish to seek protection in Australia should apply through the proper channels, rather than applying onshore.”**

All human beings have a right to seek and enjoy in other countries asylum from persecution, which makes refugee protection a universal and global responsibility. As a signatory to the UN Refugee Convention and as a member of the international community, Australia shares in this responsibility. There is no reason why Australia should be exempt from receiving and processing onshore asylum claims while expecting other nations to fulfil this responsibility. As a developed nation with well-established systems for refugee status determination and strong settlement support infrastructure, Australia is well-placed to play a leading role in refugee protection, both within our region and at a global level.

Applying for protection onshore is not a means of bypassing the “proper channel” of applying for protection. In fact, applying onshore is the *standard procedure* for seeking protection. According to the definition in the UN Refugee Convention, refugees are persons who are outside their country of origin. This means that you cannot apply for refugee status if you are inside your own country. In order to be recognised as a refugee, you must leave your country and apply for refugee status onshore in another country. A person experiencing persecution who wished to seek protection in Australia could not, for example, apply for refugee status through the UNHCR office or the Australian consulate or embassy in their own country. They would have to travel to Australia and seek protection after arriving here.

A common misconception about refugee protection is that applying for resettlement from overseas is the “proper channel” for seeking protection. In fact, resettlement of refugees in third countries is the exception rather than the rule. In general, resettlement is only used as a solution for refugees in cases where it's not possible for them to return home or settle permanently in the country where they first sought asylum. It's not a matter of resettlement being the only “proper” channel through which to find protection – it's simply a different solution based on different circumstances. Out of the world's 15.2 million refugees, UNHCR has identified around 800,000 (approximately five per cent) as being in need of resettlement in coming years. In 2009, just 112,000 refugees (less than one per cent of the world's refugees) were resettled.

In the 10 years to December 2009, an average of 81,000 refugees were resettled annually. At this rate, it would take 188 years for all of the world's refugees to be resettled. While there remains a significant gap between resettlement needs and available places, it is not necessary, feasible or even desirable for *all* of the world's refugees to be resettled in third countries. For the vast majority of refugees, returning home once the conditions which forced them to leave have improved or settling permanently in the country where they first sought asylum are far more practical and desirable solutions compared to being resettled in a third country.

### **“Asylum seekers take places away from refugees in overseas camps.”**

The myth that asylum seekers take places away from refugees who are resettled from overseas does have some basis in truth. However, this is not because asylum seekers are trying to rort the system or “jump the queue” – they have a right to seek asylum and Australia has a legal and moral obligation to process their claims. Rather, it is the direct result of Australian Government policy.

Australia's refugee program has two components – the onshore component, for people who or people who apply for refugee status after arriving in Australia; and the offshore component, under which Australia resettles recognised refugees and other people in need of protection and assistance. The onshore and offshore components are numerically linked, which means that every time an onshore applicant is granted a Protection Visa, a place is deducted from the offshore program.

The linking policy blurs the distinction between Australia's legal obligations as a signatory to the Refugee Convention (addressed through the onshore component) and our voluntary contribution to the sharing of international responsibility for refugees for whom no other durable solution is available (addressed through the offshore component). The perception that there is a “queue” which onshore applicants are trying to evade is actually created by a policy choice which could easily be changed. No other country in the world links its onshore and offshore programs in this way.

## **“Tough border protection policies will stop people smugglers and prevent asylum seekers from making risky journeys.”**

Refugee flows are primarily affected by war, unrest, violence and human rights abuses. Most people do not wish to leave their homes, families, friends and everything they know and hold dear. They do so as a last resort, to escape persecution and find safety and security for themselves and their families.

For many refugees, this search for protection does not end once they have escaped from their country of origin. In the Asia-Pacific region, most countries in the region are not signatories to the UN Refugee Convention and lack a legal and administrative framework for addressing refugee protection issues. In these countries, refugees and asylum seekers are generally treated in the same way as illegal migrants. They are typically unable to work legally, own or rent property, access health care or send their children to school. They frequently face violence (including torture and sexual and gender based violence), harassment, exploitation and abuse and are at risk of being detained and forcibly returned to their country of origin. These conditions frequently drive asylum seekers and refugees to seek protection elsewhere in the hopes of finding genuine safety and effective protection.

Everyone agrees that we should stop people smuggling ventures which exploit asylum seekers and place them in danger. No one wishes to see asylum seekers board unreliable vessels and make risky journeys to Australia. However, penalising desperate and vulnerable people – who have committed no crime and are in need of protection and assistance – is not the answer. Policies which inflict serious harm on asylum seekers or deliberately impede access to effective protection are not acceptable ways of addressing the problem. Policies based on deterrence also fail to address the root cause of the problem, as they do nothing to resolve the conditions which force refugees to flee their homes and undertake risky journeys in the first place. A more humane, sustainable and constructive approach would be to work with other countries in the region to address protection issues in refugee-producing countries and improve standards of refugee protection in countries of asylum.

## **“If we want to establish an orderly asylum process, we must discourage irregular movement.”**

The idea that there is, or can be, an entirely orderly process for seeking asylum ignores the reality that forced displacement is anything but orderly. Refugees are fleeing persecution, violence and human rights violations, often against a backdrop of conflict and insecurity, and in most cases are being persecuted by their own government. In circumstances such as these, it is both naïve and unreasonable to expect that refugee flows will be orderly, or that refugees will always be able to obtain travel documents or arrange travel through authorised channels.

There are measures we can take to reduce the likelihood of asylum seekers undertaking risky journeys in the search for protection. Promoting better standards of refugee protection throughout the Asia-Pacific, for example, would enable refugees to find safety closer to home, precluding the need for them to travel further afield. However, it is impractical and fundamentally unrealistic to base refugee policies on the expectation that flight from persecution can be shaped into a “neat and tidy” phenomenon.

## **“Asylum seekers who arrive by boat present a security threat to Australia.”**

The majority of asylum seekers who have reached Australia by boat have been found to be genuine refugees. Between 70 and 90 per cent have typically been found to be refugees, compared to around 40 to 45 per cent of asylum seekers who arrive with some form of temporary visa (e.g. tourist, student or temporary work visa). In the 2009-10 financial year, the primary recognition rate for asylum seekers who arrived by boat was 73 per cent, compared to 44 per cent for asylum seekers who arrived on a temporary visa.

According to the Australian Security and Intelligence Organisation (ASIO), of the 39,527 security assessments made in 2009-10 relating to visa applications (including Protection Visa applications), only 19 adverse findings were made across all visa categories. Understandably, every case is assessed on its individual merits; however, from these numbers it can be seen that the risks are very low.

The UN Refugee Convention excludes people who have committed war crimes, crimes against peace, crimes against humanity or other serious non-political crimes from obtaining refugee status. Any person who is guilty of these crimes will be denied refugee status. Additionally, all asylum seekers must undergo rigorous security and character checks before being granted protection in Australia. It is therefore highly unlikely that a war criminal, terrorist or any other person who posed a security threat would be able to enter Australia as a refugee.

It is also improbable that a criminal or terrorist would choose such a dangerous and difficult method to enter Australia, given that asylum seekers who arrive without authorisation or without valid travel documents undergo more rigorous security and identity checks than other entrants to Australia.

### “Mandatory detention of unlawful asylum seekers is an essential security measure”

Australia is one of few nations in the world which imposes mandatory detention on asylum seekers who arrive without visas. In North America and many European nations, most asylum seekers – regardless of how they arrive in the country – are allowed to live in the community while their applications are processed. Only those individuals deemed to be a high security risk are detained.

Australian practice has shown that asylum seekers allowed to live in the community which their asylum claims are processed are highly unlikely to abscond. This is because they have a vested interest in cooperating in order to gain full protection rights. Treating people with dignity and presuming innocence rather than guilt helps to reinforce their trust in the system. In 2005, Australia introduced a community-based detention system which allowed a small number of asylum seekers to live unsupervised in the community, supported by the Red Cross. Of the 244 people placed in this program between July 2005 and May 2009, the Department of Immigration and Citizenship reports that only two (less than one per cent) had absconded.

### “Australia is being swamped by asylum seekers.”

Compared to other refugee-hosting countries, Australia receives a very small number of asylum applications. In 2010, Australia received 8,250 onshore asylum applications, just 2.2 per cent of the 358,840 applications received across 44 industrialised nations.

#### *Asylum applications in selected industrialised countries, 2006-2010*

Year	Australia	Canada	France	Germany	Sweden	UK	USA
2006	3,520	22,910	30,750	21,030	24,320	28,320	51,880
2007	3,980	28,340	29,390	19,160	36,370	28,300	50,720
2008	4,770	36,900	35,400	22,090	24,350	31,320	49,560
2009	6,170	33,250	41,980	27,650	24,190	29,840	49,020
2010	8,250	23,160	47,790	41,330	31,820	22,090	55,530

In the five years to December 2010, 9,630 asylum seekers have arrived in Australia by boat. Over the same period, over 6,000 people arrived by boat in Malta, a country of 420,000 people (compared to Australia’s 22.3 million); and at least 185,000 people arrived by boat in Yemen, a developing country with a GDP per capita of just over US\$1,200 (compared to Australia’s GDP per capita of over US\$54,000). Statistics on boat arrivals to Yemen are unavailable for 2010; however, even excluding 2010 arrivals, the number of people arriving by boat in Yemen over the past five years was almost 20 times the number arriving in Australia.

#### *No. of irregular arrivals by sea, by country, 2006-10*

Country	2006	2007	2008	2009	2010	Total
Australia	60	148	161	2,726	6,535	9,630
Greece	9,050	19,900	15,300	10,165	1,765	46,015
Italy	22,000	19,900	36,000	8,700	4,348	82,248
Malta	1,800	1,800	2,700	1,470	28	6,328
Spain	32,000	18,000	13,400	7,285	3,632	67,032
Yemen	29,000	29,500	50,000	77,310	unavailable	185,810

“Australia takes more than its fair share of refugees.”

The overwhelming majority of the world’s refugees are situated in the developing world in countries neighbouring their own. In 2009, of the 10.4 million refugees under the mandate of UNHCR, 8.3 million or 80 per cent were hosted by developing countries. Only 17 per cent of the refugees under UNHCR’s mandate live outside their region of origin.

At the end of 2009, Pakistan was hosting over 1.7 million refugees and asylum seekers. Syria and Iran each hosted more than a million refugees and asylum seekers. Germany was the only developed nation to host in excess of half a million refugees. At over 590,000, Germany’s refugee population dwarfed Australia’s total of around 22,500.

### **Refugees hosted, 2009**

<b>Rank</b>	<b>Country</b>	<b>Total</b>
1	Pakistan	1,740,711
2	Iran	1,070,488
3	Syria	1,054,466
4	Germany	593,799
5	Jordan	450,756
6	Kenya	358,928
7	Chad	338,495
8	China	300,989
9	USA	275,461
10	UK	269,363
47	Australia	22,548

**Source:** UNHCR's "Global Trends".

Australia does, however, make an essential contribution to addressing the global refugee situation. Due to the fact that Australia receives so few onshore asylum claims, Australia has been able to establish the third largest resettlement program in the world behind the USA and Canada. Australia's resettlement program provides a vital solution for refugees who cannot return home and have been unable to find effective protection elsewhere. In 2009, over 11,000 refugees and humanitarian entrants were settled in Australia.

**“Australia’s refugee program must have strict limits, otherwise we will end up hosting millions of refugees.”**

There are only three countries in the world – Pakistan, Iran and Syria – which host more than one million refugees. The high numbers of refugees in these countries are largely the result of major and prolonged conflicts in Afghanistan (bordering Pakistan and Iran) and Iraq (bordering Syria and Iran).

Worldwide, the most common way that refugees travel to a country of asylum is overland, not on planes or boats. Overland arrivals are impossible in Australia because, being an island, it has no land borders with any other country. This factor, combined with Australia's geographical isolation, makes Australia one of the most difficult countries in the world for asylum seekers to reach. Australia also has universal visa requirements and sanctions against airlines which allow foreign nationals to fly to Australia without visas. These measures greatly restrict access to Australia to citizens of many refugee-producing countries. It is therefore highly unlikely that Australia will ever receive the large numbers of onshore asylum applications that other countries experience.

**“These situations don’t go on forever. Refugees should be granted temporary protection until they can go home.”**

The majority of the world's refugees do eventually return home. This is the most durable solution for the largest number of refugees, both in terms of what is feasible and what is desired by the refugees themselves. UNHCR participates in the voluntary repatriation of thousands of refugees each year, assisting people to return home once conditions in refugee-producing countries have improved and people are no longer at risk of persecution.

For many refugees, however, this is not possible. In the world's top five source countries for refugees (Afghanistan, Iraq, Somalia, the Democratic Republic of the Congo and Burma), conditions are characterised by protracted conflicts, ongoing insecurity and widespread violations of human rights. There are often limited prospects for significant improvement in these conditions in the near future, seriously limiting opportunities for refugees to return home in safety. Additionally, certain ethnic or religious groups, for example the Hazaras in Afghanistan, have a long history of persecution in the home countries. A change in government or an end to general hostilities may not be enough to ensure their safety.

Past temporary protection policies have been proven to extremely damaging to refugees, notably the Temporary Protection Visa (TPV) regime introduced by the Howard Government in 1999. Under the TPV regime, refugees who arrived without authorisation were only granted protection for three years, after which time they had to reapply for protection. Refugees on TPVs were unable to apply for family reunion, did not receive adequate settlement assistance (for example, they were ineligible for the free English language classes available to other humanitarian entrants) and were deprived of the stability and security of permanent protection. The psychological damage caused by TPVs due to these factors has been well documented by medical experts. Furthermore, most

TPV holders came from countries such as Afghanistan and Iraq where there was no prospect for safe return in the foreseeable future. Almost all TPV holders were eventually granted permanent protection when their claims were later reassessed.

There is also evidence to suggest that TPVs may have actually *encouraged* some asylum seekers to undertake risky journeys to Australia. Because TPV holders could not apply for family reunion, their family members facing persecution overseas – the majority of whom were women and children – were driven to undertake the same dangerous journey to Australia. After TPVs were introduced, the proportion of women and children amongst asylum seekers arriving by boat more than tripled, from 12.8 per cent of boat arrivals in 1999, to 27.6 per cent in 2000, to 41.8 per cent in 2001. Among the 353 people killed when the unauthorised vessel SIEV X sank in 2001 were 142 women and 146 children – several of whom were attempting to reunite with husbands and fathers already in Australia on TPVs.

### **“If someone can afford to pay a people smuggler thousands of dollars to travel to Australia, they cannot be a ‘genuine’ refugee.”**

Economic status has no bearing on refugee status. A refugee is someone who has a well founded fear of being persecuted because of their race, religion, nationality, membership of a particular social group or political opinion. It makes no difference whether a refugee is rich or poor – the point is that they are at risk of, or have experienced, persecution. Many refugees who come to Australia are educated middle-class people, whose education, profession or political opinions have drawn them to the attention of the authorities and resulted in their persecution.

### **“Refugees and asylum seekers receive higher social security payments than Australian aged pensioners.”**

A refugee who has permanent residency in Australia receives exactly the same social security benefits as any Australian resident in the same circumstances. Refugees apply for social security through Centrelink like everyone else and are assessed for the different payment options in the same way as everyone else. There are no separate Centrelink allowances that one can receive simply by virtue of being a refugee.

Centrelink payments are calculated at exactly the same rate for both refugees and non-refugees. A single person with no dependent children applying for Special Benefit or the Newstart Allowance (whether or not he or she is a refugee) will receive \$469.70 per fortnight, whereas a single person on an Age Pension payment will receive a fortnightly payment of \$658.40. A single age pensioner therefore receives over \$180.00 *more* per fortnight more than a single refugee (or a single Australian citizen or permanent resident) who qualifies for Special Benefit or Newstart. Australian citizens and permanent residents with dependent children on lower to middle incomes (including refugees) may also be eligible to receive Family Tax Benefits or Parenting Payments. However, none of these allowances are paid at a higher rate than the single age pension.

Asylum seekers are not entitled to the same forms of financial support as citizens or permanent residents. The Asylum Seeker Assistance (ASA) Scheme provides assistance to some eligible asylum seekers who are in the process of having their refugee status determined. The ASA Scheme offers income support to cover basic living expenses, at a rate below Centrelink benefits.

*Please note that the figures on Centrelink payment rates quoted above are current as at February 2011 and are subject to change. For the latest payment rates, visit [www.centrelink.gov.au](http://www.centrelink.gov.au)*

### **“Refugee camps are perfectly safe. Why can’t these people just go there?”**

The majority of the world’s refugees live in countries bordering their own. Some refugee camps can hold hundreds of thousands of people, in conditions that are, at best, very difficult. For the six million refugees in what UNHCR classifies as “protracted situations”, the average length of time spent in a refugee camp is 17 years. Food and water supplies are unpredictable and refugees are often not allowed to leave or work outside the camp. Violence, especially rape, is common.

A growing number of refugees are unable to reach refugee camps or seek asylum in areas where there are no camps. UNHCR estimates that more than half of the world’s refugees live in urban areas, while around a quarter live in camps.

### **“Refugees don’t contribute to Australian society in any meaningful way.”**

By definition, refugees are survivors. They have survived because they have the courage, ingenuity and creativity to have done so. These are qualities which we value in Australia. The challenge for Australia is to assist newly arrived refugees to process the experiences of their past and rebuild their lives in Australia. If we do this we will reap the benefits of the qualities and experiences they bring to Australia.

Research carried out by the Refugee Council of Australia has shown that refugees make important economic, civil and social contributions to Australian society. Australia's refugees and humanitarian entrants have found success in every field of endeavour, including the arts, sports, media, science, research, business and civic and community life. For further information, click [here](#).

Just some of the many Australian high achievers who once were refugees include scientists Sir Gustav Nossal and Dr Karl Kruszelnicki, 2009 Victorian of the Year Dr Berhan Ahmed, painter Judy Cassab, comedian Anh Do, filmmaker Khoa Do, author Nam Le, academic Associate Professor My-Van Tran, Dr Anita Donaldson, poet Juan Garrido-Salgado, painter and restaurateur Mirka Mora, actor Henri Szeps, broadcasters Les Murray and Caroline Tran, Australian Rules footballer Alex Jesaulenko, footballer Atti Abonyi, swimmers John and Ilsa Konrads, newspaper editor Michael Gawenda, architect Harry Seidler, business people Sir Peter Abeles, Larry Adler, Ouma Sananikone and Judit Korner, public servant Tuong Quang Luu and politicians Jennie George and Nick Greiner.

Source: Refugee Council of Australia website: [www.refugeecouncil.org.au/](http://www.refugeecouncil.org.au/)