Who counts as a refugee?
The 1951 UN Refugee Convention, which Australia has signed, defines a refugee as someone who has a well-founded fear of persecution in their own country, because of their race, religion, nationality, or political or social affiliation. In other words, refugees are ordinary people trying to escape war, persecution and horror.

Where do refugees to Australia come from?
More than half of the refugees to Australia come from just four countries: Afghanistan, Iran, Sri Lanka and Iraq, places where people live in constant fear of violence, death and torture, and suffer from severe repression for their ethnic, religious, political, or sexual affiliation.

Refugees are often fleeing war, or brutal regimes like the Taliban.

Are conditions really so bad in refugees’ countries of origin?
Yes. People only become refugees as a last resort. Consider the most recent facts:

- **Afghanistan**: 2011 was the deadliest year of the war for civilians yet, with 3021 killed in war-related violence, and 4507 wounded. 16 Afghan civilians were murdered by drunken US soldiers on a rampage in Southern Kandahar province in March 2012. Women, children, schools and clinics are often targeted. Gross human rights abusers often hold public office.
- **Iran**: Thousands of people, including many democracy activists, were unjustly imprisoned following the illegitimate June 2009 Presidential election. Many remain behind bars. At least 9 political dissidents have been executed since 2009. Torture of political prisoners is common. Members of ethnic and religious minorities are subject to brutal repression. Student organizations are often banned and their leaders imprisoned. Iran executes more prisoners than any country except China.
- **Iraq**: Violence kills or injures hundreds of civilians each month. More than 500 people died in August 2011 alone. Government forces and armed militias continue to commit gross human rights abuses. Torture of prisoners is rife. Thousands of displaced people live in temporary settlements without access to clean water, electricity, or sanitation. Many are widows, who are forced into sex-trafficking and prostitution.
- **Sri Lanka**: About 50,000 people, mainly Tamils, remain detained in government camps. 7000 people have been imprisoned without trial and refused access to the Red Cross. The government continues to carry out enforced disappearances and torture. Human rights defenders and journalists are killed, assaulted and jailed. The Sri Lankan government has refused to cooperate with United Nations enquiries.

Why do refugees come by boat?
A boat is often the only way to reach safety. In war, or when persecuted by a repressive regime, refugees simply cannot get the travel documents they need in order to come by plane. The fact that refugees are ready to sell everything they have to buy a place on a treacherous ocean crossing shows how desperate they are. Refugees often cannot swim, and hundreds have died in the attempt to reach Australia by sea.

Is it legal to come by boat?
Yes. Under Australian law, it is never illegal to apply for refugee status here, no matter how you arrive. Talk of ‘illegal’ or ‘unauthorized’ boat arrivals or ‘illegal immigrants’ is prejudicial and wrong in law. The Australian Press Council specifically recommended in 2009 that the media not use these descriptions of refugees.

What about people smugglers?
Refugees have no choice but to use “people smugglers”. The people who actually crew refugee boats are usually impoverished Indonesian fishermen. Under current laws, many famous figures from the past would face prosecution as people smugglers, like Oskar Schindler, who saved more than 1000 Jews during the Holocaust. No one calls Qantas managers ‘people smugglers’, but they also take money to bring asylum seekers here by plane.

How many refugees come here?
Very few. It would take 20 years to fill the MCG with the number of refugees who come to Australia. The United Nations Refugee Agency, the UNHCR, estimates that there were 10.4 million refugees worldwide at the start of 2011. In 2010–2011, Australia’s refugee intake was just 13799 people, less than 0.14%. Australia was one of the only countries in the world to have fewer refugee claims in the first half of 2011. In those six months alone, the USA received 36,400 applications for asylum; France 26,100 and Germany 20,100.

How does Australia’s refugee intake compare to other countries?
Australia has far fewer refugees than other countries. Pakistan has 1,740,711 refugees, Iran 1,070,488, and Syria 1,054,466. Other Western countries take far more refugees per head of population than we do: the UK had 269,363 in 2010; Germany had more than half a million (593,799).

How many migrants to Australia come in as refugees?
Most new migrants here are not refugees. As of July 2010, boat arrivals constituted less than 2% of Australia’s total migration program numbers, and much less than 1% of the increase to the Australian population by birth and migration in a given year. Refugees currently make up just 6.6% of the places in our overall permanent immigration program. In the early 1980s, refugee and humanitarian intake averaged 20% of immigration, creating the Australia we know today.

Aren’t they jumping a queue?
No. In most countries from which refugees come, there simply is no queue, and no way to apply for refugee status. The world’s biggest refugee camp, Dadaab in Kenya, is now full. In war zones, access to embassies or UNHCR offices is impossible. The Australian embassy in Afghanistan does not even make its address public. There is no
way to join any queue there.

Why don’t they stop in some other country on the way? Very few countries between Australia and the Near East or Sri Lanka or Afghanistan have signed the Refugee Convention, meaning there is no right of asylum there. Terrible abuses have been recorded of asylum seekers in SE Asia: in March 2012, there were shocking revelations of brutality at a detention centre in Indonesia, with a 28 year-old Afghan asylum seeker tortured and beaten to death by guards. Anyone trying to escape persecution would choose to come to Australia if they could.

Is it true that many aren’t genuine refugees at all? No. The government tries to discredit refugees by claiming that they are not genuine, but the vast majority of boat arrivals are found to have a genuine claim to Australia’s protection. For example, the majority of the asylum seekers detained during the 2011 Christmas Island and Villawood riots were later found to be refugees. The assessors Australia uses to decide asylum claims are notoriously biased; findings of bias have been repeatedly made by the Federal Magistrates Court against a reviewer of Afghan claims. The vast majority of rejections of asylum claims are overturned on appeal.

Why don’t we just send them to some other country to be processed, like PNG or Nauru? Australia has a legal and moral responsibility towards the small numbers of refugees who ask us for help. We are the wealthiest and most stable state in the region, and best able to help refugees. No other country can give them the support they need.

What happens to refugees once they’ve arrived? People who arrive in Australia by plane and seek refugee status are allowed to live in the community while their claims are assessed. Only people who come by boat are locked up in detention, in line with Australia’s mandatory detention policy. This double standard is cruel to refugees, expensive for the taxpayer, and in contravention of both the 1951 UN Refugee Convention, and the International Covenant on Civil and Political Rights, both of which Australia has signed.

How many people are in detention and how long do they spend there? As of January 31 2012, there were 4944 refugees in detention. When it came to office in 2007 the government promised that detention would be capped at 90 days. But as of February 2012, 62% of detainees have been behind razor wire for 3 months or more. One third (32%) have been detained between 6 and 12 months, and 26% have been detained for more than a year. Incredibly, Australian law allows for asylum seekers to be locked up for ever.

Didn’t the government say it would get children out of detention? In 2010, the government promised that it would bring children out of detention. But as of February 29 2012, 496 children were still locked up, including 160 at Leonora, in remote outback WA. In January 2012, France was condemned by the European Court of Human Rights for detaining two children for two weeks.

What are the consequences of detention? Detention further harms already vulnerable people and breaks lives. Refugees need support after the tragedies that have forced them from home. Indefinite detention only brutalizes them more. Suicide, hunger-strikes, and self-harm are common. Children scream at night in their sleep. Detainees are regularly driven to self-harm and mutilation, such as swallowing glass light bulbs. There have been multiple suicides and attempted suicides in Darwin detention centres and at Villawood. The contract between the government and SERCO, the company that runs detention centres, reveals clinical depression is considered a “minor” incident, but unauthorised media access is “critical”. The SERCO training manual shows that new recruits are trained how to beat detainees. In March 2012 a 29-year old refugee had to be hospitalized after being beaten by guards at Villawood.

What do the experts say about mandatory detention? Mandatory detention has been condemned by Amnesty International Australia, leading medical and mental health experts, churches, and many others. Aspects of Australia’s refugee processing have been ruled illegal by the High Court, and the Commonwealth Ombudsman has criticized conditions on Christmas Island. Dr Graham Thom, Refugee Campaign Coordinator for Amnesty, has described Australia’s mandatory detention policy as ‘inhumane’, ‘unacceptable’, ‘cruel’ and ‘degrading’. He says it ‘defies logic’ and is ‘a system that is failing the people it is supposed to protect.’ Professor Patrick McGorry, psychiatrist and 2010 Australian of the year, has compared detention centres to ‘factories for mental illness’. The AMA has frequently called for refugees to be allowed to stay in the community while their claims are processed.

Aren’t refugees being released into the community on ‘bridging visas’? In late 2011, the government announced that it would release 100 detainees per month into the community. By March 2012, the numbers actually released fell far short of this mark. But even with 100 per month released, many thousands of people will still be left in detention.

How do other countries treat refugees? Mandatory detention was only introduced to Australia in 1992. Australia is the only Western country to lock refugees up in detention camps instead of allowing them to live in the community while their claims are processed. Community processing is not only humane and decent; it avoids the waste of much of the $2 billion budgeted in 2011 for refugee detention. The Christmas Island detention centre alone cost $253 million in 2010–2011 – money that could be better spent on health, education and social services.


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