



## REFUGEES: THE FACTS

### *Who counts as a refugee?*

The **1951 UN Refugee Convention**, which Australia has signed, defines a refugee as someone who has a **wellfounded 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 two-thirds of the refugees arriving in Australia by boat last year came from just three countries: **Sri Lanka, Afghanistan and Iran**, 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 dictatorial regimes.

### *Are conditions really so bad in refugees' countries of origin?*

**Yes.** People only become refugees as a last resort. Consider recent facts:

- **Afghanistan:** In the first six months of 2013 the mid-year report by the UN Assistance Mission in Afghanistan (UNAMA) documented **1,319** civilian deaths and **2,533** injuries. Its Director of Human Rights Georgette Gagnon said, "Deaths and injuries to women and children increased by 38 per cent ... reflecting a grim reality of the conflict today in Afghanistan."

- **Iran:** Refugee numbers from Iran surged following crackdown on the **democracy movement** in 2009. Critics of the government continue to face **arrest, torture and extended prison terms** for supposed crimes like "propagating against the regime", says Amnesty International. According to Reporters Without Borders, 48 journalists and bloggers were imprisoned as of August 2012. Iran executed 724 people between January 2012 and June 2013, more than any country except China. These include political prisoners, such as 16 ethnic Baluchi and two Kurdish activists executed in October 2013. Members of ethnic and religious minorities are subject to **brutal repression**. Religious discrimination has seen 300 Christians arbitrarily arrested since 2009. Student organisations are often banned and their leaders imprisoned.

- **Sri Lanka:** Persecution of ethnic Tamils remains ongoing. Local rights groups reported arbitrary arrests, abductions, and killings in the north and the east in 2012. In April 2013, nearly 220 Tamil men and women in the Trincomalee area were arrested and held for several days without charge in military detention camps. **Disappearances and assassinations** carried out by the government have increased since the end of the civil war, with one reported every five days. At least 44 journalists disappeared between 2004 and 2010. **Asylum seekers deported** back to Sri Lanka have **reported being tortured**. As a result, the UK High Court has put a stop to the deportation of Tamil asylum seekers.

### *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 needed 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.

### *Is it legal to come by boat?*

**Yes.** Under Australian and international 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". 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. The fact remains that people smuggling is the only way most refugees can find safety.

### *How many refugees come here?*

**Very few.** The United Nations Refugee Agency, the UNHCR, estimates that there were 15.2 million refugees worldwide at the start of 2012. Australia permanently accepts just 13,750 refugees a year, **less than 0.14%**. Even the exceptional number of boat arrivals in 2013, around 21,000, is equal to only 9% of Australia's total annual immigration intake of 230,000. In the early 1980s, the refugee and humanitarian intake averaged 20% of immigration, creating the Australia we know today.

### *How does Australia's refugee intake compare?*

Australia has **far fewer refugees** than other countries. In 2012 **Pakistan** hosted **1.6 million** refugees and **Iran 868,200**. **Lebanon** had **830,000** registered refugees from Syria in December 2013. Other Western countries take far more refugees than we do: in 2012 there were **83,400 new applications in the US** and **64,500 in Germany**.

### *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. 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. Nor is there any real queue in refugee camps. According to the UNHCR only one third of refugees worldwide make it to a refugee camp. The majority live illegally in places like Malaysia and Indonesia. Most will never be resettled: less than 1% of the world's refugees are resettled each year. **At current rates resettling refugees**

from the war in Syria alone would take over 25 years.

***Why don't they stop in some other country on the way?***

Very few countries between Australia and places like Sri Lanka, Iran and Afghanistan have signed the **Refugee Convention**, meaning there is no right of asylum there. In places like Malaysia and Indonesia that refugees come through they **cannot work legally, have no right to send their children to school and face the risk of imprisonment. Terrible abuses** have been recorded of asylum seekers there: in March 2012, a 28 year-old Afghan asylum seeker was **tortured and beaten to death** by guards at a detention centre in Indonesia. Anyone trying to escape persecution would choose to come to Australia if they could.

***Is it true 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**. The most recent figures from 2010-11 show 90.1% of those processed were found to be refugees. This is consistent with acceptance rates over many years of between 70 and 97%. This is despite efforts under successive governments to tighten the rules.

***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 face mandatory detention. This double standard is cruel to refugees, expensive for the taxpayer, and in contravention of 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 October 2013, there were **8129** asylum seekers in detention centres on the Australian mainland and in offshore centres on Nauru and Manus Island. Over 1000 have been imprisoned for six months or more. Another 3290 are in a lower level of detention in housing in the community. The Abbott government is keeping all those who have arrived since July 19, 2013 in indefinite detention—either in offshore processing centres in the Pacific or in Australia. They face a prolonged wait for their asylum claims to be processed. The UNHCR has expressed concerns that there is **'no time limit on detention'** under the Government's offshore processing arrangements.

***Are there still children in detention?***

Although Immigration Minister Scott Morrison has said that closed detention centres are not the best place for children, as at 31 October 2013 there were 1045 children detained. There are now also **102 children on Nauru**, an

offshore processing centre **condemned by the UNHCR for its poor conditions**, that has failed to process a single asylum application since September 2012. Morrison remains steadfast that if you are healthy enough to get on a boat to come to Australia, regardless of your age, you are healthy enough to remain in detention.

Detention is the first, and only, option available to children on arrival in Australia if they have no visa. The laws do not provide a presumption against detention of children nor do they permit a case-by-case assessment of the need to detain in the individual circumstances of the child.

***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 brutalises them more. Suicide, hunger-strikes, and self-harm, such as swallowing glass light bulbs, are common. There have been **multiple suicides and attempted suicides** in Darwin detention centres and at Villawood. A leaked SERCO training manual from 2010 advised new recruits on **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. 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'?***

There are almost 23,000 asylum seekers living on bridging visas, but they are denied the right to work and must somehow survive on just \$220 a week—less than the lowest Centrelink payment.

***How do other countries treat refugees?***

Mandatory detention was only introduced to Australia in 1992. Australia is the **only Western country** to impose mandatory indefinite detention on refugees while their claims are processed. Allowing asylum seekers to live in the community while claims are processed is not only humane; it avoids the waste of much of the **\$2.5 billion annual cost** of refugee detention. Detention on Nauru and Manus Island alone will cost around \$1 billion for the 2013-14 year—money that could be spent on health, education and social services.

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