

Background Information on Refugees & Asylum Seekers

Who are refugees?

The 1951 Convention Relating to the Status of Refugees (and its 1967 Protocol), to which Australia is a signatory, defines a refugee as:

Any person who owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country.

The important parts of this definition are:

- that the person has to be outside their country of origin
- the reason for their flight has to be a fear of persecution
- this fear of persecution has to be well founded (i.e. they have to have experienced it or be likely to experience it if they return)
- the persecution has to result from one or more of the five grounds listed in the definition
- they have to be unwilling or unable to seek the protection of the authorities in their country

The United Nations body responsible for protecting refugees and overseeing adherence to the Refugee Convention is the United Nations High Commissioner for Refugees (UNHCR).

What is the difference between an asylum seeker and a refugee?



An asylum seeker is a person who is seeking protection as a refugee and is still waiting to have his/her claim assessed.

The Refugee Convention definition is used by the Australian Government to determine whether our country has protection obligations towards asylum seekers. If an asylum seeker who has reached Australia is found to be a refugee, Australia is obliged under international law to offer protection and to ensure that the

person is not sent back unwillingly to a country in which they risk being persecuted.

Refugees around the world: Global trends

The latest refugee statistics have been published by UNHCR in their report, '**2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons**'. This document can be downloaded or read in full online at <http://www.unhcr.org/statistics/STATISTICS/4852366f2.pdf>

The information below is taken from this report. It is worth noting that the term 'refugee' is very specific and applies to only a fraction of the number of people who are forced to flee their homes because of violence. For instance, in 2007 UNHCR reported 26 million people around the world affected by conflict-induced **internal** displacement. These people are not counted as refugees because they remain within their own country. For more information about internally displaced people and other 'people of concern' please refer to http://www.unhcr.se/en/Basics/unhcr_2008_update_en.html

FACTS FROM 2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons'

The following statements are reflective of the period 2006-7 only

Refugee numbers fluctuate, but have been increasing over the last few years

The steady decline in refugee numbers witnessed since 2002 was reversed in 2006 when numbers started going up again. By the end of 2006, there were an estimated 9.9 million refugees. One year later, the global figure of refugees stood at 11.4 million, including 1.7 million people considered by UNHCR to be in a refugee-like situation.

Most of the world's recent refugees come from Afghanistan, Iraq and Colombia

Afghanistan continued to be the leading country of origin for refugees. As of the end of 2007, there were almost 3.1 million Afghan refugees, or 27 per cent of the global refugee population. Even though Afghan refugees were to be found in 72 asylum countries worldwide, 96 per cent of them were located in Pakistan and the Islamic Republic of Iran alone. Iraqis were the second largest group, with 2.3 million having sought refuge mainly in neighbouring countries. Afghan and Iraqi refugees account for almost half of all refugees under UNHCR's responsibility worldwide, followed by Colombians (552,000).

Where do refugees come from? Chart showing top countries of origin for world's refugees 2007

Afghanistan	3,100,000
Iraq	2,300,000
Colombia	552,000
Sudan	523,000
Somalia	457,000
Burundi	376,000
DR Congo	370,000

Most refugees live in the region they come from.

The vast majority of refugees are hosted by neighbouring countries with over 80 per cent remaining within their region of origin.

As of the end of 2007, roughly one third of all refugees were residing in countries in the Asia and Pacific region, with 80 per cent of them being Afghans. The Middle East and North Africa region was host to a quarter of all refugees, primarily from Iraq, while Africa and Europe hosted respectively 20 and 14 per cent of the world's refugees. The Americas region had the smallest share of refugees (9%), with Colombians constituting the largest number.

Who takes in the most refugees? Chart showing top host countries for refugees 2007

Pakistan	2,033,000
Syria	1,503,800
Iran	963,500
Germany	578,900
Jordan	500,300
Tanzania	435,600
China	301,100
UK	299,700
Chad	294,000
US	281,200

Overall the top five asylum countries hosted half of all refugees falling under UNHCR's responsibility.

Refugees are "flooding" industrialized countries – a myth?
The available statistical evidence confirms that most refugees flee to neighbouring countries and that they, thus, remain within their region of origin. Indeed, the major refugee-generating regions hosted on average between 83 and 90 per cent of 'their' refugees. UNHCR estimates that some 1.6 million refugees (14% out the total of 11.4 million) live outside their region of origin.



Refugees in Australia

*The following information is taken from the website of the Refugee Council of Australia <http://www.refugeecouncil.org.au>
Statistics are taken from the Department of Immigration and Citizenship <http://www.immi.gov.au>*

Many refugees are not safe in bordering countries, and they must look further afield for protection. Sometimes they will need to take complex and dangerous routes in order to reach a country where they believe they will be safe and can start a new life. Australia has agreed to take in 13 500 refugees and other humanitarian entrants in 2008-9.

How do refugees come to Australia?

The **Refugee Program** is for people subject to persecution in their home country and in need of resettlement. Refugees arrive in Australia by two ways: either through the offshore **Refugee and Special Humanitarian program** or as onshore **asylum seekers**.

The claims of asylum seekers need to be processed in order to decide whether they qualify for refugee status.

The **Special Humanitarian Program (SHP)** targets people who are outside their home country and are subject to substantial persecution and/or discrimination in their home country amounting to a gross violation of their human rights. Applications for the SHP visa (subclass 202) must be supported by a proposer who is an Australian citizen, permanent resident or a community organisation based in Australia. SHP entrants must meet health and character tests and they receive less support than Refugee Visa entrants.

In 2007-08 the top five countries of origin for offshore Refugee and Special Humanitarian program entrants to Australia were Burma, Iraq, Afghanistan, Sudan and Liberia.

Where do 'our' refugees come from?

Over the years, Australia has assisted refugees from many parts of the world.



After the Second World War, most came from countries such as Germany, Poland and the Ukraine. In the 1950s we saw refugees coming from Hungary and in the 1960s many came from Czechoslovakia. In the 1970s refugees started coming from Indochina (Vietnam) and Latin America (Chile and El Salvador), and these groups continued to come well into the 1980s.

The 1990s were dominated by the Balkan War, with large numbers coming from Bosnia and Croatia. There were also significant numbers of refugees arriving from the Middle East and South Asia during this decade. Many of these people were ethnic and religious minorities or opponents of the Taliban regime in Afghanistan or Saddam Hussein's regime in Iraq.

In the 2000s the majority of entrants coming in under the Refugee and Special Humanitarian Program have come from Africa, in particular Sudan. Refugees have also continued coming from the Middle East and South Asia. The following table provides an example of some of the countries of origin of refugees resettled in Australia in 2007-2008.

<http://www.immi.gov.au/media/fact-sheets/60refugee.htm#i>

Humanitarian visa grants 2007-08	
Offshore humanitarian program	Visa grants
Burma	2961
Iraq	2215
Afghanistan	1185
Sudan	1158
Liberia	410
Democratic Republic of Congo	348
Burundi	303
Iran	302
Sierra Leone	267
Sri Lanka	243
Others	1407
Total offshore humanitarian program	10 799
Onshore program*	2215
Grand total	13 014

* Protection visas and onshore humanitarian visa grants

In the past 60 years, Australia has offered permanent residency to around 700,000 refugees and others in need of humanitarian protection. At least 7% of Australians have been through the experience of being a refugee or have a parent or grandparent who has. Many former refugees are prominent in Australian business, government, education, the arts, sport and community life. Offering a new start for people in peril has proven to be an important nation-building exercise for Australia.

Topics for Discussion 2009

The recent arrival of asylum seekers by boat has sparked accusations that the government 'has gone soft on asylum' and that increasing numbers of asylum seekers are coming to Australia as a result.

Attached are some press releases from the Refugee Council of Australia and an opinion piece to enable you to see the kind of arguments that are presently taking place, and the Refugee Council's view on them. There are, of course, many more articles that have been published across national, regional and local papers.

For more detailed information about topics of concern or the Refugee Council's policies please contact info@refugeecouncil.org.au or call 9211 9333.

PRESS RELEASE: REFUGEE COUNCIL OF AUSTRALIA
April 20, 2009

Refugee Council calls for humane and moral response to unauthorised boat arrivals

The Refugee Council of Australia has today called for strong moral leadership on asylum policy and urged the Opposition to abandon its call for a return to the cruel and counterproductive Temporary Protection Visa (TPV) regime, which inflicted intense suffering on people known to be refugees, failed in its attempt to deter people smuggling, and attracted widespread international condemnation.

“As a nation, we cannot contemplate the return to policies that have inflicted so much harm on people who came seeking our protection. The repugnant phenomenon of “people smuggling” is critical to address, but doing this by harshly treating those who are its victims defiles our international responsibilities and reputation.” said Paris Aristotle, a Refugee Council Board member and Director of Victoria’s specialist refugee trauma agency, Foundation House.

The introduction of TPVs in 1999 was followed by a more than two year period of boat arrivals to Australia that was significantly higher than any previously seen and dramatically higher than numbers of recent arrivals. Many of those asylum seekers who were unauthorised boat arrivals such as those on board the SIEV X, for example, which sunk with tragic loss of life, were the immediate relatives of recognised refugees denied the right to seek family reunion under the restrictions imposed by their TPVs.

The Refugee Council called upon commentators to remember the origins as well as legacy of the TPV. The temporary protection policy was conceived by Pauline Hanson. When she raised the suggestion in 1998, former Coalition Minister for Immigration, Phillip Ruddock, described it in Parliament “as highly unconscionable in a way that most thinking people would clearly reject”. The Howard government proceeded to introduce it the following year. “Its consequences have, indeed, been utterly devastating for the individuals concerned, and massively tarnished our human rights record” said Refugee Council President, John Gibson.

The Refugee Council today urged all politicians and commentators to engage maturely with the complex global issues surrounding the arrival of boats in Australia, including tackling the need for significantly improved conditions in countries of first asylum and in assisting UNHCR with support and processing of asylum seekers in countries like Indonesia. Many asylum seekers attempting to reach Australia are immensely susceptible to exploitation by people smugglers because they have passed through one or more countries without finding safety after fleeing life-threatening situations in their home countries.

Mr Gibson said, “The message which we need to send is that Australia is a moral and responsible country. That we are committed to honouring our humanitarian obligations while combating criminal acts, and that we are engaging collaboratively with our neighbours and the UN in the development and implementation of solutions to complex global and regional problems.”

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PRESS RELEASE: REFUGEE COUNCIL OF AUSTRALIA
April 17, 2009

**Refugee Council calls for rational public debate in wake of
asylum seeker boat tragedy**

The Refugee Council of Australia has called for calm in the wake of yesterday's horrific boat incident, off Ashmore Reef, and has strongly urged all commentators to refrain from politicising the tragedy or distorting the facts.

"The current priority is to attend to the medical emergency at hand, and we commend government for their swift evacuation of all critically injured survivors and their efforts to locate missing individuals", said Refugee Council President John Gibson.

"It is essential, however, that in re-entering a public debate on asylum seeker issues, we learn, as a nation, from past mistakes and focus scrupulously upon the facts. What must be avoided at all costs is any return to the divisive and destructive debate surrounding Tampa, 'children overboard' and the Pacific Solution", he added.

The Refugee Council of Australia refutes claims of a link between the introduction of more humane immigration policies and the increased numbers of boat arrivals. "There is no credible argument that has been put forward to corroborate a link. What we do know, is that the increased number of arrivals witnessed over recent months is consistent with international trends and with deteriorating situations in a number of countries, resulting in greater numbers of people being displaced and attempting to flee persecution."

Figures recently released by the United Nations High Commissioner for Refugees indicate that there has been a 12% global increase over the last year in the number of asylum seekers lodging protection claims in industrialised countries. The UNHCR report also confirms that the numbers of asylum seekers arriving to Australia are very small by international measures, with Australia falling outside the top 10 receiving countries.

Mr Gibson also urged commentators and the Australian public to remember that the act of entering another country to seek protection from persecution – with or without a pre-issued visa – is sanctioned under both Australian and international law. "There is nothing "illegal" about the process of seeking protection from persecution. And as a mature democratic nation which has signed the Refugee Convention, we need to treat asylum seekers and handle their claims in a manner which is consistent with the "fair go" ethos of which we are rightly proud."

The Refugee Council notes that the vast majority of asylum seekers taken to Christmas Island, whose claims have been assessed, have been found to be refugees.

Contact: Tamara Domicelj, National Policy Director (02) 9211 9333

ARTICLE: THE AGE

Letter by Paris Aristotle

As a nation, we cannot contemplate the return to policies that have inflicted so much harm on people who came seeking our protection.

EVEN as the victims were being flown to receive urgent medical care, the explosion of a boat off our north-west coast dramatically inflamed discussion of one of the most contentious domestic issues of the past two decades: how should we respond to the plight of people seeking refuge who arrive on our territory without prior authorisation?

To my dismay, but not surprise, it continues to be a discussion too often marred by misconceptions, lack of rigour in assessing the evidence and a failure to engage that profound sense of compassion Australians demonstrate so readily in response to tragedies at home and abroad.

The day before the fatal boat blast, one newspaper carried a story about an earlier group of arrivals on Christmas Island under the headline: "Well-dressed arrivals were living in hotel". I don't know if those responsible for the story were just ignorant of the fact that the rich and the middle-class as well as the poor suffer persecution because of their religious faith or political beliefs, or were they implying that we should use a clothing standard to decide who deserves our protection.

I am reminded of Arif and Fahim, who spent three years in detention on Nauru and were eventually found to be refugees. At that time as well, some commentators made disparaging remarks about how asylum seekers were dressed or had journeyed to Australia.

Arif and Fahim had been tortured in Saddam Hussein's Iraq, family members were murdered and both survived experiences that many of us could barely imagine. They continue to suffer the psychological consequences of that time. They have always presented as well-groomed and well-dressed. Indeed, they are two of the most impeccably dressed individuals I have met. Not because of their wealth (they are not wealthy) but because to them good dress is an expression of respect for themselves and for other people.

Over the years, I have met many like Arif and Fahim, who fled intolerable situations in their homelands in search of safety for themselves and their families. They have evoked the nation's most generous instincts as well as its fears and prejudices. Deeply anxious that the nation was seriously threatened, successive Australian governments put in place a series of harsh measures designed to deter unauthorised refugees from coming and remaining here.

The tough regime included mandatory detention, the "Pacific Solution" and Temporary Protection Visas (TPVs). The Rudd Government has eased or ended those policies and debate now rages as to whether the reforms have caused an increased

number of people to seek asylum here. I do not think that the evidence supports the view that there is such a direct link. As the United Nations High Commissioner for Refugees states, the deteriorating conditions in countries around the world are forcing people to flee in greater numbers. The phenomenon is global and the numbers arriving here are dramatically fewer than those seeking asylum in other developed countries. The changes still leave a tough process in place but one that meets our obligations as a nation to the rest of the world.

When I visited Christmas Island last year I met Mohamed, who had been to Australia before. In 1999, he was detained in Woomera and after a year was granted a TPV. In 2003, after having held down a job for three years Mohamed could no longer bear the separation from his family. He gave up his TPV in order to return and take them to the relative safety at that time of Pakistan. For Mohamed, it was not the changes to Australian policy that pushed him to risk perilous journey once more but rather the deteriorating situation in Pakistan. And so with hope in his heart again he raised the funds to pay for passage to Australia via "people smugglers".

As calls for the reinstatement of harsh policies mount, it is critical that the discussion is informed by sound evidence about geopolitical and economic factors affecting people without faces, names and personal stories. We must also have regard to the impact of our words and our actions on Arif and Fahim and Mohamed, on all the vulnerable men, women and children whose lives and wellbeing are at stake.

Ali, whom I assessed in 2005 following his three years of detention, is another example. Early in his detention being able to call home and talk to his wife and children provided him relief because it maintained a tether to his sense of hope for them all. Eventually, those calls turned from relief and hope to dread and despair. Calling his children, who naturally did not understand our asylum policies, only to repeat that they had to remain apart was soul-destroying.

On his release from detention, the dread was compounded by guilt as the conditions of the TPV prevented them from being reunited in safety. He is now a shell of the person he could be, battling to regain a sense of dignity and rebuild his family life.

Our agency is presently conducting research into the psychosocial effects of long-term detention and temporary protection visas. The findings are alarming. Severe depression, sleep disorders and anxiety symptoms and serious difficulties with concentration persist years after their release. Long family separation has engendered a strong sense of failure on the part of those who are parents and deep pessimism about their ability to rebuild family relations. Belief in humanity has been shattered. Hope has been crushed and supplanted by despair. How can we contemplate the return to policies that have inflicted so much harm on people who came seeking our protection?

This week's tragedy emphasises the important nature of these issues and the imperative to discuss them sensibly. The repugnant phenomenon of "people smuggling" is critical also to address, but doing this by harshly treating those who are its victims defiles our international responsibilities and reputation.

Addressing these separate but related issues constructively is the mark of a mature nation grappling with modern global dilemmas. It is in this vein that we should respond to people seeking protection, the processing of their claims and the ensuing public debate.

Paris Aristotle is director of the Victorian Foundation for Survivors of Torture and a member of the Immigration Detention Advisory Group. Jo Szwarc, research and policy manager at VFST, assisted with this article.