



Australian Refugee Rights Alliance

Fear and loathing in Australia: politicians and asylum seekers

Refugee crisis hits home: As Christmas Island overflows, boat people are enjoying shopping trips in Queensland



“They’re here” screamed the headline on the front page of Brisbane’s Sunday Mail on March 28, 2010. “Refugee crisis hits home: As Christmas Island overflows, boat people are enjoying shopping trips in Queensland” the News Limited tabloid newspaper told its readers. Inside, readers saw the evidence for themselves – a photo of a woman wearing a hijab, shopping with her children in a supermarket. They were, the Mail wrote, “suspected immigration detainees ... returning from a shopping excursion at CentroToombul shopping centre”. The article recounted that the Australian Government had transferred some asylum seekers from its immigration detention facilities on Christmas Island to a detention centre in Brisbane, capital of the state of Queensland. Some had been allowed to go shopping while waiting for the outcome of their Protection Visa applications.

The Sunday Mail article is just one of many articles published in the Australian media in the past year which have sensationalised a modest increase in the number of asylum seekers entering Australia by boat. Much of the hype has been politically driven, with the Opposition Liberal-National Coalition doing everything it can to present Kevin Rudd’s Labor Government as “weak on border protection” as national elections draw nearer. The Opposition’s first campaign advertisement featured Opposition Leader Tony Abbott promising “real action on illegal immigration”, as a graphic behind him titled “Illegal immigration” showed red arrows heading towards Australia from Indonesia, Sri Lanka, Afghanistan, Iran and Iraq – a clear reference to the entry of asylum seekers on boats.

How many asylum seekers does Australia receive?

In 2009, Australia received just 6170 first instance applications for asylum. According to UNHCR statistics, Australia was ranked 16th among 44 industrialised countries for asylum applications in 2009 and 21st on a per capita basis. However, the Australian Opposition made much of the fact that asylum applications in Australia in 2009 were 29% higher than the previous year and that the entire increase was related by a jump in asylum seekers arriving by boat, from 161 in 2008 to 2727 in 2009. Every arrival of a boat carrying asylum seekers is reported in the Australian media and pounced on by the Opposition, creating the impression in the minds of many Australians that the nation faces an enormous problem which is not being managed properly by the Government. What is little known or understood (despite the best efforts of various NGOs) is that Australia receives fewer than 1% of the world’s asylum applications and that the asylum seekers recognised as refugees make up less than 1.5% of the annual increase in Australia’s population through immigration.

From racist exclusion to multiculturalism

When Australia, previously a collection of British colonies, become an independent nation in 1901, one of the first pieces of legislation passed by the Australian Parliament was the Immigration Restriction Act, legislation which used a dictation test to restrict the immigration of non-British people.¹ In 1947, following the Second World War, the need for population growth and increased labour led to Australia’s agreement with the International Refugee Organisation (IRO) to select and admit displaced persons from camps in Europe. By 1952 Australia had accepted 170,000 displaced persons; the largest group being 63,400 Poles.² In 1954 Australia ratified the 1951 UN Convention Relating to the Status of Refugees. The revised Migration Act 1958 introduced a shift in immigration policy away from its ‘white’ focus by reducing the emphasis on race as a determinant for migration. However, it wasn’t until 1973 that the Australian Government abolished the White Australia Policy by introducing policy that admits immigrants without ‘account of race, colour or nationality’.³ In 1978, the government establish procedures to determine refugee status and turned its ad hoc

¹ York, B. (2003) *Australia and Refugees, 1901-2002: An Annotated Chronology Based on Official Sources*, Social Policy Group, Parliament of Australia, available at: http://www.aph.gov.au/library/pubs/online/refugees_s1.htm

² Oxfam Australia (2009) *Refugee Realities: Education Kit: Topic 9: An Eye on Australia*, available at: <http://www.oxfam.org.au/refugee/public/resources/education/docs/ACT/ACT-EdKit-LA-T9.pdf>

³ York, B. (2003) *Australia and Refugees, 1901-2002: An Annotated Chronology Based on Official Sources*, Social

refugee resettlement arrangements into an ongoing annual program.⁴ These initiatives were incorporated in broader Australian social policy with adoption of the *National Agenda for a Multicultural Australia* in 1989, with bipartisan political support for celebrating multiculturalism and the positive contribution of non-Anglo immigrants.⁵ This shift in public policy was driven by political leadership. It was the same quality of political leadership which saw the ground work laid for policies which enabled the settlement in Australia of more than 700,000 former refugees in the 65 years since World War II.

Asylum seekers become political targets

In the early 1990s, however, refugee policy began to shift, as Paul Keating's Labor Government introduced a policy of indefinite mandatory detention in response to a modest increase in asylum seekers entering Australia by boat. The continued numerical link between the visas to asylum seekers recognised as refugees (onshore protection visas) and the refugee and humanitarian resettlement visas reduces the available resettlement visas as onshore protection visas were issued. This added to the common myth in Australia that asylum seekers were attempting to "jump the queue", to take the places of deserving refugees wanting patiently for resettlement in refugee camps in other countries.⁶ As political pressure from a small far right party grew and numbers of boat-borne asylum seekers increased, the Howard Government introduced harsher policies, stripping some asylum seekers of the right to work and introducing temporary protection visas. After the infamous MV Tampa incident⁷ in 2001, the "Pacific Solution", a process of extra-territorial processing of asylum claims from boat arrivals, was introduced, with Australia establishing detention centres in Nauru and Papua New Guinea.

Reform of refugee policy

Under pressure from moderate MPs from within the government from 2004, the Howard Government began some modest reforms. Temporary protection visa holders were allowed to apply for permanent protection, children were released from immigration detention and community alternatives to detention were developed. When Kevin Rudd's Labor Government was elected in November 2007, it embarked on further reform, ending the "Pacific Solution", abolishing temporary protection visas, building on detention alternatives and changing work rules for asylum seekers.

Reform stalls

But, as the numbers of asylum seekers arriving by boat to Australia started to increase (from 148 in 2007 to 2,727 in 2009), the Liberal-National Opposition began to revert to its former policies and the Labor Government's reform process began to falter. On 9 April 2010, the Rudd Government announced that a freeze on new asylum applications from Sri Lankans (for three months) and Afghanistan (six months), supposedly to enable it to understand changing country conditions. Inexplicably, asylum applications lodged from 9 April continue to be processed. A week later, the government announced the reopening of a notorious remote detention centre to house asylum seekers affected by the freeze.

The impact of political rhetoric on public opinion

As the political argument about asylum seekers arriving by boat rages, public sympathy for asylum seekers continues to fall. Fed an endless diet of political rhetoric about "border security", "people smugglers", "unauthorised arrivals", "illegal immigrants" or "soft" policies responsible for "opening the floodgates", and the mythical "queue", the majority of Australians now support tough measures against asylum seekers entering Australia without visas. Polls point to a widespread view that asylum seekers are not following the "proper process" by not waiting in refugee camps in other countries for resettlement.

Concerns of refugee communities in Australia

Despite this political battle over asylum seekers, Australia maintains, with bipartisan political support, a refugee resettlement program which currently sees 13,750 refugees resettled each year. However, the political divisions on asylum policy, which are given great prominence in the Australian media, are having a

Policy Group, Parliament of Australia, available at: http://www.aph.gov.au/library/pubs/online/refugees_s1.htm

⁴ Oxfam Australia (2009) *Refugee Realities: Education Kit: Topic 9: An Eye on Australia*, available at: <http://www.oxfam.org.au/refugee/public/resources/education/docs/ACT/ACT-EdKit-LA-T9.pdf>

⁵ Webber, J. (2001) *Multiculturalism and the Australian Constitution*, University of New South Wales Law Journal 882, Vol. 24(3)

⁶ Refugee Council of Australia (2008) *Australia's Refugee and Humanitarian Program: Community Views on Current Challenges and Future Directions*, available at: http://www.refugeecouncil.org.au/docs/resources/submissions/2008-09_intakesub.pdf

⁷ On August 27, 2001, Australia gained international attention when it refused to allow a Norwegian freighter to deliver 433 asylum seekers rescued at sea, most of them originally from Afghanistan, to Christmas Island, Australia, the closest place of safety. In September 2001 Australia enacted legislation with the explicit objective of stemming the unauthorized arrival of refugees from the Middle East and South Asia.

growing impact on Australian public attitudes to refugees, as the Refugee Council of Australia (RCOA) heard when it conducted its annual consultations with refugee communities and NGOs in November and December 2009. Consultation participants spoke about a general failure of political leadership, specifically negative leadership from some politicians seeking to increase division about the treatment of asylum seekers creating mixed messages about refugee issues, for example, the public criticism of resettled refugees from Sudan in October 2007 by the then Immigration Minister, Kevin Andrews⁸. The negative political culture was identified as the single largest factor in the public misunderstanding of refugee. This culture was seen to have shaped the media's portrayal of refugee policy as a source of political conflict, generating negative public discussion about refugees and asylum seekers.

There was widespread criticism of the demonisation of "people smugglers", which was seen as an indirect demonisation of the refugees and asylum seekers who engaged them. There was also a strong view that the media agenda on refugee policy clearly reflects the political agenda and shapes the public debate about refugees. People spoke about false and distorted information about refugees, and difficulties in trying to encourage the media to report more balanced or positive information about the contributions of former refugees to Australian society⁹.

The struggle to find effective responses

Australians concerned about humane refugee policy are struggling to know how best to respond in the face of damaging political opportunism and endless negative publicity about asylum seekers. Much NGO effort has been put into trying to correct the common myths:

- Acknowledge positive statements made by politicians and the media about refugees and asylum seekers and challenge negative statements and media coverage, responding through letters to editor, internet blogs, opinion pieces, using evidence-based research and facts.
- Create opportunities for former refugees to speak publicly and to act as official spokespeople for organisations defending and promoting the refugee program.
- Use opportunities such as Refugee Week and Harmony Day to promote awareness of the experiences of refugees and the contributions made by former refugees to Australian life.
- Promote community education through local celebrations, cross-cultural training and programs to bring people of different cultures together.¹⁰

⁸ In September 2007 the then Immigration Minister, Kevin Andrews presented a briefing to parliament suggesting that transit police believed Sudanese men were responsible for 99% of assaults and armed robberies on two Victorian rail lines.

⁹ Refugee Council of Australia (2008) *Australia's Refugee and Humanitarian Program: Community Views on Current Challenges and Future Directions*, available at: http://www.refugeecouncil.org.au/docs/resources/submissions/2008-09_intakesub.pdf

¹⁰ Strategies put forward by Participants in RCOA's community consultations, See Refugee Council of Australia (2010) *Australia's Refugee and Humanitarian Program 2010-11* RCOA submission, available at: <http://www.refugeecouncil.org.au/docs/resources/Intake%20Sub%202010-11.pdf>

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