

REFUGEE COUNCIL OF AUSTRALIA

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MARCH 2002

RCOA POSITION PAPER ON UNAUTHORISED ARRIVALS

The majority of unauthorised entrants to Australia who seek asylum are coming from two countries – Afghanistan and Iraq. All have spent some time – sometimes weeks, sometimes several years – in countries of first asylum. The Refugee Council argues that if the issue of irregular movement is to be addressed, it has to tackle some fundamental questions:

Why are people moving from countries of first asylum?
Why are they coming to Australia?
How can the problem of irregular movement be addressed?

Refugee Council's research has led us to make the following conclusions:

- push factors are stronger than pull factors in the current movement of unauthorised arrivals; - there are clearly defined factors in countries of first asylum that indicate a significant breakdown of effective protection;
- Australia is not the only destination. Afghans and Iraqis were the two largest groups of asylum seekers across all industrialised countries in 2001. Australia is but one of the destinations in what is a global movement; - blocking the movement in mid-stream (through interception arrangements) is unlikely to resolve the problem;
- fostering a "solution" that sees large numbers of people from the Middle East remaining in Indonesia for extended periods will only exacerbate the existing ethnic tensions in the archipelago and take resources away from dealing with the much more pressing internal problems; - burden shifting to Australia's Pacific neighbours is not a sustainable solution. It is excessively costly, will damage Australia's relations with its neighbours, is bringing Australia into disrepute internationally and will almost inevitably have exactly the same net result as if the asylum seekers were not intercepted – i.e. they will come to Australia;
- the TPV regime has done nothing to deter entry, in fact, it can be argued that it has in fact encouraged more people (spouses and children of TPV holders) to come through smuggling routes. Further, it has caused incalculable suffering and may well cause major social problems that will take considerable time and resources to heal.

The Council therefore argues that the way ahead must involve a philosophical re-examination of the "problem" such that:

- protection is placed at the core of any solution in accordance with our Convention obligations; - the emphasis is on cooperation rather than "burden shifting";
- resources are redirected to target the root causes of the irregular movement; and
- the community is helped to understand that refugees and asylum seekers do not pose a threat when there is a well managed program.

The Refugee Council favours a multilateral rather than bilateral approach to finding a solution to the current “problems” and argues that the dialogue must engage all relevant players, not just governments but also UNHCR, IOM, NGOs and ideally representatives of the effected refugee communities.

The Council further argues that any coordinated response must include, inter alia:

- a significant increase in Australian aid to assist those responsible for the protection and support of refugees in countries of first asylum; - an increase in the numbers of resettlement places offered and the resources directed at processing resettlement referrals and applications;
- assisting transit countries to ensure that the rights of asylum seekers are protected;
- preserving the right to seek asylum and ensuring that the rights of asylum seekers are respected;
- rethinking the value of the “deterrent measures” that are currently in place. This would include an analysis of the true costs – financial, social and political – of the current policy;
- devising alternatives that address the Government’s concerns, are cost-effective and, most importantly, ensure that Australia is able to meet its protection obligations in a comprehensive and responsible fashion;
- helping the Australian public to understand the importance of such a coordinated response and the role they can play in assisting refugees.