

RIGHTS, RACISM AND SOCIAL COHESION – AUSTRALIA’S ASYLUM SEEKER DEBATE

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Any detailed look at Australian public opinion polls about asylum seekers shows that there is clearly widespread confusion about who asylum seekers are, what motivates them to come and how Australia should respond. The results of polls vary considerably in the responses received, largely dependent on the way in which each poll frames its question. Many polls suggest that the majority of Australians support the idea of Australia protecting people who are fleeing persecution and of our country “doing the right thing”. But also the majority of people polled support the notion that asylum seekers should follow the “proper process”. The challenging questions then are: What is the right thing that Australia should be doing? And what is the proper process that people seeking asylum should follow?

It is not surprising that many Australians are confused about asylum seekers and asylum processes because few residents of this country have direct experience of the difficult choices for people facing persecution and many Australians would have little regular contact with people they know to be asylum seekers or refugees. The information that most people receive is third hand at best, often filtered through highly divisive and self-serving political debates and through often skewed and simplistic media coverage.

In the absence of constructive political leadership on asylum issues, these issues have become a touchstone for some Australians who are being swept up in an ever-growing culture of complaint in Australia. It is ironic that, in a country where wealth is at a level almost unparalleled in human history, so many Australians should resent the poor and the underprivileged, worrying that those at the bottom of the socio-economic heap may be receiving some small amount of assistance not available to those who are better off.

I agree with Brad Chilcott from Welcome to Australia who said at the FECCA Conference yesterday that we have to do some serious thinking about the development of our national character. What does this much-discussed national concept of a “fair go” actually mean when applied to the situation of people seeking protection from persecution?

When one looks at the national and international systems of refugee protection, it is hard not to be depressed. UNHCR, the UN refugee agency, has for years been promoting three “durable solutions” for refugees – the first being return to the country of origin when conditions improve, the second being integration into the country where refugees seek asylum and the third being resettlement to a third country. Of the 15.2 million people classified by the UN as refugees, three-quarters of them are in situations where there is no durable solution in sight, including 4.8 million Palestinians (whose care is the responsibility of the UN Relief and Works Agency) and more than 7 million of the 10.5 million refugees under the mandate of UNHCR. These refugees are what UNHCR classifies as protracted situations, with the majority of those protracted situations remaining unchanged for more than 15 years.

As people in this audience can personally attest, life for the many of the three million refugees living in refugee camps is extremely difficult, particularly for women and girls where sexual and gender based violence can often be at endemic levels. The majority of the world’s refugees do not live in UN-run camps but in cities, towns and villages where they are trying to survive largely without external support. In many parts of Asia and the Middle East, even UN registered

refugees live without legal status, forced to live a life on the fringes, working illegally in order to survive and generally without access to local education or health care.

Millions more people who have fled their home countries primarily because of persecution are left without access even to the rather minimal systems of refugee protection which exist in many countries. Thailand officially has 97,000 refugees but there are estimated to be close to two million people in the country who are classified as illegal migrant workers but would be found to be refugees if they had access to a refugee status determination system. Even the official refugee camps along the Thai-Burma border have tens of thousands of unregistered refugees, because the Thai Government has not allowed new registrations for refugees in most camps for six years.

UNHCR's durable solutions are in very short supply. Last year, fewer than 200,000 refugees felt safe enough to return to their country of origin – the lowest annual number in 20 years. Resettlement, which peaked at just 112,000 per year in 2009, is declining again, largely because of cumbersome security clearance processes now being applied by some resettlement states.

As UNHCR's head of policy development, Jeff Crisp, observed in a conference in Sydney in June, refugee families are increasingly trying to find their own mixture of solutions, in the face of the lack of official durable solutions available. He spoke of a Somali refugee family which may send some brave members of the clan back into Somalia to protect the family property in the hope that they all may be able to come back at some point in the future. The most vulnerable family members would then head go to a refugee camp in Kenya while some of the young men in the family would head towards Nairobi to try to earn some income to help those in the camp to live at a basic level of subsistence. The strongest and most resourceful family members would then be sent much further afield, perhaps towards South Africa, in the hope of finding income and a lifeline to get the family out of its predicament.

Clearly, we are seeing that too in Australia, with families going into debt to send some members to seek asylum here in the hope that they can get their relatives out of places where they feel unsafe and see no future for themselves. One of the most arresting images I have seen this year was a photo taken in Quetta in Pakistan in September just after a terrorist attack targeting members of the Hazara Shi'a community, refugees from Afghanistan. The scene shows bodies, blood and burning vehicles, with people rushing to tend the seriously injured. In the background is a large billboard, apparently paid for by the Australian taxpayer, warning people in Urdu not to come to Australia the illegal way by boat. And there in front of this billboard was a shocking illustration of why refugees in a country of asylum feel they need greater protection.

Clearly, Australia cannot solve these endemic problems alone – and no one is asking for our nation to do that. But also Australia cannot complain about small increases in the number of asylum seekers entering by boat if it is not prepared to attempt to improve the situation.

To this end, the Refugee Council of Australia has ceaselessly been promoting several clear points in all our advocacy with government and with the public.

Firstly, stop creating additional harm to already damaged people seeking asylum, by ending the indefinite nature of mandatory detention for boat arrivals, reducing any period of detention to a very short period focused on identifying potential identity, health and security threats.

Our second point is that Australia cannot credibly ask other countries in the Asia-Pacific region to do more to protect refugees if it is attempting to shift its responsibilities for asylum seekers to other countries such as Malaysia and Papua New Guinea.

Thirdly, we support the initiatives the Australian Government and UNHCR have taken in promoting discussion of refugee protection through the Bali Process. This must now be converted into concrete action, with governments in Asia-Pacific supporting each other to take national and regional steps progressively towards improving refugee protection. For Australia's part, these steps should include increased resettlement, targeted aid and support to governments building domestic refugee status determination systems.

We have proposed, very conservatively, that refugee resettlement to Australia be increased incrementally to 20,000 places per year. This is still below the 22,500 places offered in 1980-81, when Australia's population was two thirds of its current size, when national wealth was considerably lower than it is now and when the economy was struggling to remain out of recession.

And our final point is about leadership. We want to see our national leaders show the same quality of leadership that our national leaders showed, in a bipartisan manner, on matters of refugee protection and immigration from 1947 until 1988. In my view, it all gets back to that question of character.

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