

# The Global Refugee Crisis



Edited by Justin Healey

**ISSUES**  
IN SOCIETY

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# INTRODUCTION

**The Global Refugee Crisis** is Volume 404 in the 'Issues in Society' series of educational resource books. The aim of this series is to offer current, diverse information about important issues in our world, from an Australian perspective.

## KEY ISSUES IN THIS TOPIC

Worldwide displacement from wars, conflict, and persecution is at the highest level ever recorded by the UNHCR, and it continues to accelerate. During the past year, around 60 million people were forcibly displaced. Alarming, over half of the world's refugees are children. One in every 122 humans worldwide is either a refugee, internally displaced, or seeking asylum.

The war in Syria, currently the world's single largest driver of displacement, has forced millions into neighbouring countries and throughout Europe, in the process challenging border security and nations' capacity and willingness to help.

What is a refugee, and why are their numbers increasing? What are better-off countries doing to respond to this growing global crisis? What are Australia's human rights obligations to asylum seekers in relation to immigration detention and 'stopping the boats'?

This book explores global refugee trends, and discusses Australia's response to the plight of asylum seekers and refugees. In our practically borderless global society, how should Australia play its part in dealing with this unprecedented humanitarian crisis?

## SOURCES OF INFORMATION

Titles in the 'Issues in Society' series are individual resource books which provide an overview on a specific subject comprised of facts and opinions.

The information in this resource book is not from any single author, publication or organisation. The unique value of the 'Issues in Society' series lies in its diversity of content and perspectives.

**The content comes from a wide variety of sources and includes:**

- Newspaper reports and opinion pieces
- Website fact sheets
- Magazine and journal articles
- Statistics and surveys
- Government reports
- Literature from special interest groups

## CRITICAL EVALUATION

As the information reproduced in this book is from a number of different sources, readers should always be aware of the origin of the text and whether or not the source is likely to be expressing a particular bias or agenda.

It is hoped that, as you read about the many aspects of the issues explored in this book, you will critically evaluate the information presented. In some cases, it is important that you decide whether you are being presented with facts or opinions. Does the writer give a biased or an unbiased report? If an opinion is being expressed, do you agree with the writer?

## EXPLORING ISSUES

The 'Exploring issues' section at the back of this book features a range of ready-to-use worksheets relating to the articles and issues raised in this book. The activities and exercises in these worksheets are suitable for use by students at middle secondary school level and beyond.

## FURTHER RESEARCH

This title offers a useful starting point for those who need convenient access to information about the issues involved. However, it is only a starting point. The 'Web links' section at the back of this book contains a list of useful websites which you can access for more reading on the topic.

## Global report: almost 60 million people forced to flee their homes in 2014

**A new UNHCR report shows that worldwide displacement from wars, conflict, and persecution is at the highest levels we have recorded, and accelerating fast**

**U**NHCR's new annual *Global Trends* report shows a sharp escalation in the number of people forced to flee their homes, with 59.5 million people forcibly displaced at the end of 2014 compared to 51.2 million a year earlier and 37.5 million a decade ago. The increase since 2013 was the highest ever seen in a single year.

The main acceleration has been since early 2011 when war erupted in Syria, propelling it into becoming the world's single largest driver of displacement. In 2014, an average of 42,500 people became refugees, asylum seekers, or internally displaced every day, representing a four-fold increase in just four years. Worldwide, one in every 122 humans is now either a refugee, internally displaced, or seeking asylum. Were this the population of a country, it would be the world's 24th biggest.

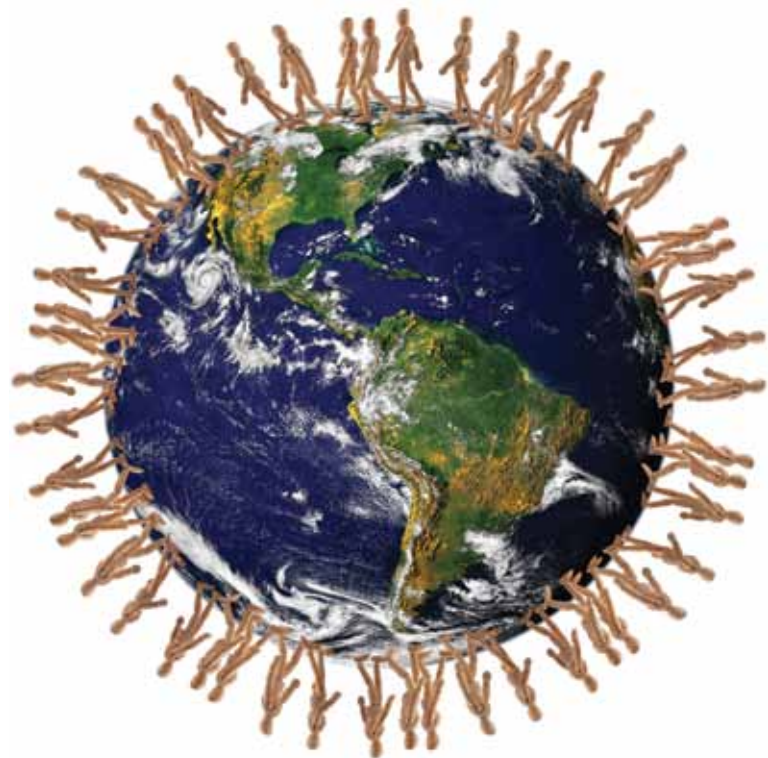
"We are witnessing a paradigm change, an unchecked slide into an era in which the scale of global forced displacement as well as the response required is now clearly dwarfing anything seen before," said UN High Commissioner for Refugees António Guterres. "It is terrifying that on the one hand there is more and more impunity for those starting conflicts, and on the other there is seeming utter inability of the international community to work together to stop wars and build and preserve peace."

UNHCR's report shows that in region after region, the number of refugees and internally displaced people is on the rise. In the past five years, at least 15 conflicts have erupted or reignited: Eight in Africa (Côte d'Ivoire, Central African Republic, Libya, Mali, northeastern Nigeria, Democratic Republic of the Congo, South Sudan and this year in Burundi); three in the Middle East (Syria, Iraq, and Yemen); one in Europe (Ukraine) and three in Asia (Kyrgyzstan, and in several areas of Myanmar and Pakistan). Few of these crises have been resolved and most still generate new displacement. In 2014 just 126,800 refugees were able to return to their home countries, the lowest number in 31 years.

Meanwhile, decades-old instability and conflict in Afghanistan, Somalia and elsewhere means that millions

Worldwide, one in every 122 humans is now either a refugee, internally displaced, or seeking asylum. Were this the population of a country, it would be the world's 24th biggest.

of people from these places remain either on the move or – and increasingly commonly – stranded for years on the peripheries of society and amid the crippling uncertainty of being long-term internally displaced or refugees. Among recent and highly visible consequences of the world's conflicts and the terrible suffering they cause has been dramatic growth in numbers of refugees seeking safety by undertaking dangerous sea journeys, including on the Mediterranean, in the Gulf of Aden and Red Sea, and in South-East Asia.

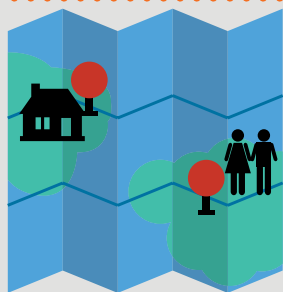




# Refugee trends 2014

Levels of forced displacement has reached unprecedented levels in 2014. There are now more refugees, internally displaced people and asylum seekers than any other time in history.

## 2014 Asylum Trends Report



1 in every 122 people in the world is displaced



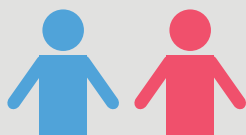
Developing nations host 86% of the world's refugees



59.5 million people displaced in the world



42,500 people become displaced every day



51% of all refugees are children



**UNHCR**  
The UN Refugee Agency  
Australia for UNHCR  
[unrefugees.org.au](http://unrefugees.org.au)

## Half are children

UNHCR's *Global Trends* report shows that in 2014 alone 13.9 million became newly displaced – four times the number in 2010. Worldwide there were 19.5 million refugees (up from 16.7 million in 2013), 38.2 million were displaced inside their own countries (up from 33.3 million in 2013), and 1.8 million people were awaiting the outcome of claims for asylum (against 1.2 million in 2013). Alarmingly, over half the world's refugees are children.

"With huge shortages of funding and wide gaps in the global regime for protecting victims of war, people in need of compassion, aid and refuge are being abandoned," said Guterres. "For an age of unprecedented mass displacement, we need an unprecedented humanitarian response and a renewed global commitment to tolerance and protection for people fleeing conflict and persecution."

Syria is the world's biggest producer of both internally displaced people (7.6 million) and refugees (3.88 million at the end of 2014). Afghanistan (2.59 million) and Somalia (1.1 million) are the next biggest refugee source countries.

Even amid such sharp growth in numbers, the global distribution of refugees remains heavily skewed away from wealthier nations and towards the less wealthy. Almost nine out of every 10 refugees (86 per cent) were in regions and countries considered economically less developed. A full quarter of all refugees were in countries ranking among the UN's list of Least Developed nations.

## Europe (up 51%)

Conflict in Ukraine, a record 219,000 Mediterranean crossings, and the large number of Syrian refugees in Turkey – which in 2014 became the world's top

## WHO IS A REFUGEE?

### REFUGEES

A refugee is a person who has fled his or her own country and cannot return due to fear of persecution, and has been given refugee status. Refugee status is given to applicants by the United Nations or by a third party country. According to the *United Nations Convention relating to the Status of Refugees*, as amended by its 1967 Protocol (the *Refugee Convention*), a refugee is a person who is outside their own country, and; has a well-founded fear of persecution due to his/her race, religion, nationality, member of a particular social group or political opinion; and is unable or unwilling to return.

### MIGRANTS

A migrant is someone who voluntarily chooses to leave his or her own country and make a new life in another country.

### ASYLUM SEEKERS

An asylum seeker is a person who has fled from his or her own country due to fear of persecution and has applied for (legal and physical) protection in another country but has not yet had their claim for protection assessed. A person remains an asylum seeker until their protection 'status' has been determined.

### INTERNALLY DISPLACED PERSONS

An internally displaced person (IDP) is someone who is living inside the borders of their own country, but is unable to safely live in their own home or region.

### STATELESS PERSONS

A stateless person is someone who does not have a nationality recognised by any country. Some examples are Palestinian people living in Palestine/Israel; ethnic Chinese people living in Brunei; Rohingya in Myanmar; Kurds in Syria; Feili Kurds in Iraq; Nubians in Kenya; and Biharis in Bangladesh.

Source: NSW Government, Department of Education, Roads to Refuge, *Who is a refugee?*



**Dadaab, Kenya – 13 August 2011: Newly arrived Somali child refugees wait following their registration at the Dadaab refugee complex, which holds more than 440,000 refugees.**

refugee-hosting nation with 1.59 million Syrian refugees at year's end – brought increased public attention, both positive and negative, to questions to do with refugees. In the EU, the biggest volume of asylum applications was in Germany and Sweden. Overall, forced displacement numbers in Europe totalled 6.7 million at the end of the year, compared to 4.4 million at the end of 2013, and with the largest proportion of this being Syrians in Turkey and Ukrainians in the Russian Federation.

### **Middle East and North Africa (up 19%)**

The massive suffering from Syria's war, with 7.6 million people displaced internally, and 3.88 million people displaced into the surrounding region and beyond as refugees, alone made the Middle East the world's largest producer and host of forced displacement. Adding to the alarmingly high totals from Syria was new displacement of at least 2.6 million people in Iraq, where as a result 3.6 million people were internally displaced as of the end of 2014, as well as 309,000 people newly displaced in Libya.

### **Sub-Saharan Africa (up 17%)**

Often-overlooked, Africa's numerous conflicts, including in Central African Republic, South Sudan, Somalia, Nigeria, Democratic Republic of Congo and elsewhere, together produced immense forced displacement totals in 2014, on a scale only marginally lower than in the Middle East. In all, sub-Saharan Africa had 3.7 million refugees and 11.4 million internally displaced people, 4.5 million of whom were newly displaced in 2014. The 17 per cent overall increase excludes Nigeria, as methodology for counting internal displacement changed during 2014 making it a statistical outlier. Ethiopia replaced Kenya as the largest refugee-hosting country in Africa and the fifth largest worldwide.

### **Asia (up 31%)**

Long one of the world's major displacement producing regions, the number of refugees and internally displaced people in Asia grew by 31 per cent in 2014 to 9 million people. Afghanistan, previously the world's leading producer of refugees, ceded this sorry ranking to Syria. Continuing displacement was seen in and from Myanmar in 2014, including of Rohingya from Rakhine state and in the Kachin and Northern Shan regions. Iran and Pakistan remained two of the world's top four refugee hosting countries.

### **Americas (up 12%)**

The Americas also saw a rise in forced displacement. The number of Colombian refugees dropped by 36,300 to 360,300 over the course of the year, although mainly because of a revision in numbers of refugees reported by Venezuela. Colombia continued, nonetheless to have one of the world's largest internally displaced populations, reported at 6 million people and with 137,000 Colombians being newly displaced during the year. With more people fleeing gang violence or other forms of persecution in Central America, the United States saw 36,800 more asylum claims than in 2013, representing growth of 44 per cent.

**The full *Global Trends* report with this information and more, and including data on individual countries, demographics, numbers of people returning to their countries, and available estimates of stateless population is available at [www.unhcr.org/2014trends](http://www.unhcr.org/2014trends)**

UNHCR (18 June 2015). *Global Report: almost 60 million people forced to flee their homes in 2014*. Retrieved from [www.unrefugees.org.au](http://www.unrefugees.org.au) on 16 September 2015.



# 'Things will get worse': UNHCR as refugees approach 60m worldwide

The numbers of refugees and people seeking asylum worldwide is the highest since the era following World War II, new figures from the UNHCR show, while Australia's offshore detention policies have made Nauru the third largest host of refugees per capita. An **SBS News** report by Jason Thomas

## UNHCR REPORT: GLOBAL TRENDS FORCED DISPLACEMENT IN 2014

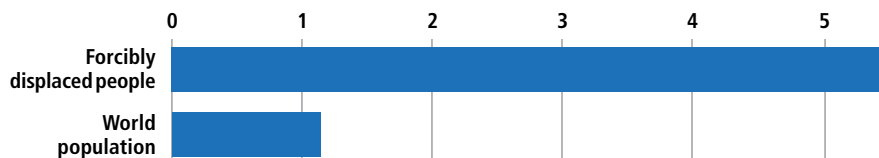
- In 2014 there were 59.5 million refugees, asylum seekers and IDPs in the world
- One out of every five displaced persons is Syrian
- Half of all refugees are children
- Turkey is the largest refugee host nation, overtaking Pakistan
- 86 per cent of refugees are hosted in developing nations
- Lebanon hosts the most refugees per capita
- Nauru is the third largest host of refugees per capita.

The number of people who fled their homes or lived in exile in 2014 was greater than any previous year since the era following World War II, the UNHCR says.

There were 59.5 million forcibly displaced people (refugees, asylum seekers and internally displaced people) in 2014, up from 51.2 million in 2013.

The increase of 8.3 million (twice

## AVERAGE YEARLY GROWTH OF WORLD POPULATION AND FORCIBLY DISPLACED PEOPLE, 2005-2014 (%)



Source: UNHCR, World Bank (<http://unhcr.org/2014trends/>).

the population of Melbourne) was the largest in any single year, the United Nations Refugee Agency (UNHCR) said.

"I believe things will get worse before they eventually start to get better," UN High Commissioner for Refugees Antonio Guterres said at a news conference in Istanbul.

Today (June 18) the UNHCR released its *Global Trends Forced Displacement in 2014* report, highlighting the worsening situation of forcibly displaced people around the globe.

The number of forcibly displaced people worldwide grew faster than the world's population between 2011 and 2014.

Australia's offshore detention

policies made the tiny nation of Nauru, with 10,000 people, the third largest host of refugees per capita in the world in 2014.

The number of people last year was "unprecedented", Mr Guterres said in the report.

"We are witnessing a paradigm change, an unchecked slide into an era in which the scale of global forced displacement as well as the response required is now clearly dwarfing anything seen before," Mr Guterres said.

In 2014, the UNHCR assisted about 80 per cent of all forcibly displaced people in the world. War, conflict and persecution are the main drivers of this accelerating displacement of human lives, UNHCR spokesperson Vivian Tan says.

"The number of people forcibly displaced around the world has risen dramatically since 2011," she said.

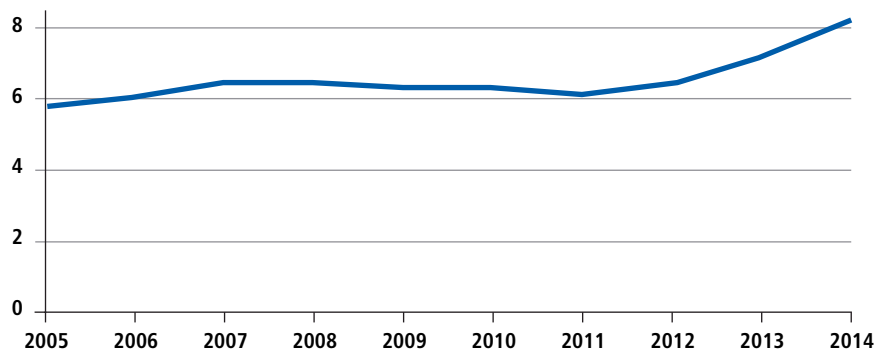
"In recent years we've seen a proliferation of conflicts in countries like Syria, Iraq, South Sudan, Central African Republic, Nigeria's north-east, Mali and Ukraine."

Ms Tan said in a few cases peace had returned and some refugees and displaced people had been able to return to their homes.

"But in most cases, conflict continues to rage and even escalate," Ms Tan said.

"At the same time, decades of instability in countries like Afghanistan and Somalia have prevented many refugees from finding long-term

## FORCIBLY DISPLACED PEOPLE, PER 1,000 PEOPLE WORLDWIDE, 2005-2014



Source: UNHCR, World Bank (<http://unhcr.org/2014trends/>).

solutions like voluntary repatriation.”

At the end of last year, the world had more than 6.4 million refugees who had been in exile for five or more years, the UNHCR report said.

The conflict in Syria was behind a significant proportion of forcibly displaced people worldwide in 2014, UNHCR said.

“Globally, one in every five displaced persons worldwide was Syrian,” the report said.

That has meant Syria is now the most common country of origin for refugees, overtaking Afghanistan, which had been the most common country of origin for 30 years.

The conflict in Syria has made neighbouring Turkey the largest refugee-hosting nation in the world, overtaking Pakistan.

The United Nations says a refugee is someone who flees their home country from fear of persecution or harm and whose claim for asylum has been verified. An asylum seeker is someone seeking refugee status.

The UNHCR report revealed a worrisome fact: half of all refugees are children.

“[It is] a figure that has increased consistently,” the report says.

“Provisional data indicate that the number of unaccompanied or separated children seeking asylum on an individual basis has reached levels unprecedented since at least 2006.”

Renewed conflict in the Democratic Republic of the Congo (DRC) displaced 1 million people in 2014. Including people who were displaced in previous years,



Syria is now the most common country of origin for refugees, overtaking Afghanistan, which had been the most common country of origin for 30 years. The conflict in Syria has made neighbouring Turkey the largest refugee-hosting nation in the world, overtaking Pakistan.

the DRC had 2.8 million internally displaced people in 2014.

When people leave their lives behind them, they commonly go to neighbouring developing countries.

By the end of 2014, this proportion had risen to 86 per cent – at 12.4 million persons, the highest figure in more than two decades.

The burden on developing nations had worsened, the UNHCR said.

“Two decades ago, developing regions were hosting about 70 per cent of the world’s refugees,” the

UNHCR report said.

“By the end of 2014, this proportion had risen to 86 per cent – at 12.4 million persons, the highest figure in more than two decades.”

Some smaller countries host proportionally large numbers of refugees.

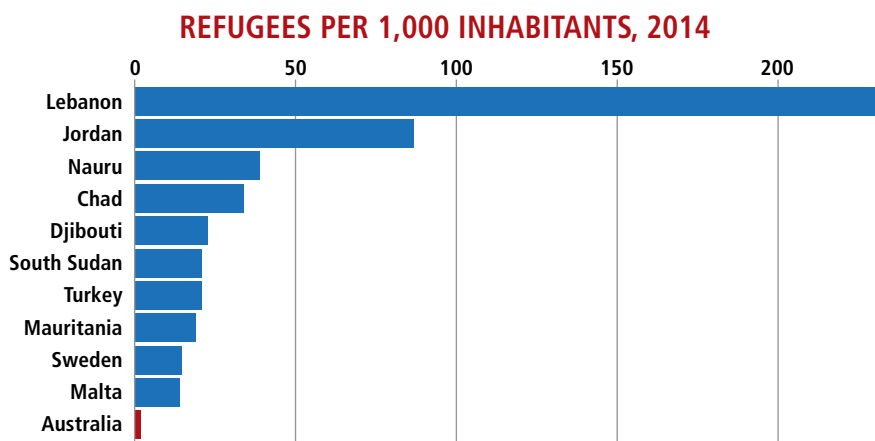
Lebanon in 2014 had 237 refugees per 1,000. While Lebanon had a population of just 4.4 million in 2013, there were 1.15 million refugees in Lebanon in 2014.

A recent report from Amnesty International says 20 per cent of refugees in Lebanon were from Syria.

Australia’s offshore detention policy has made Nauru the third largest host of refugees per capita, with 37 refugees per 1,000 people.

The numbers of refugees in smaller countries, some of them with relatively small populations, were hard for Australians to grasp, Refugee Council of Australia (RCOA) CEO Paul Power said.

“It’s a scale just completely unimaginable to Australians,” Mr Power said.



Source: UNHCR (<http://unhcr.org/2014trends/>).



**Atmeh, Syria – 14 January 2013: Syrian children live at the camp for displaced persons outside the town of Atmeh in Idlib Province. They and their families have been driven from their homes by the ongoing civil war in Syria.**

The growth in refugee numbers around the globe was due to the failure of developed countries to address the causes that cause people to flee their homes, Mr Power said.

“It’s really the combination of a series of current crises for which the international community has not

processing policy – whereby it takes asylum seekers who attempt to reach Australia by sea to detention centres in Nauru and Manus Island (Papua New Guinea) – is particularly egregious,” the report said.

SBS contacted the Minister for Immigration and Border Security

Amnesty International report said.

A government spokesperson said preventing boats arriving in Australia had allowed the country to increase its humanitarian programme intake.

“Australia is among the top three UNHCR resettlement countries in the world,” the spokesperson said.

However, most refugees are not part of the UNHCR resettlement program.

“In total, only about one per cent of the world’s 10.5 million refugees are submitted for resettlement by the UNHCR,” a document on the Australian Parliament House website says.

Recently, (the then) Australian Prime Minister Tony Abbott likened the UNHCR program to a “front door” when asked about increasing numbers of refugees seeking asylum on boats.

“I’m sorry. If you want to start a new life, you come through the front door, not through the back door,” Mr Abbott said in response to resettling refugees from Asia this year.

Mr Abbott has previously used the term “jump the queue” to describe asylum seekers coming to Australia by boat.

Australia is among the top three UNHCR resettlement countries in the world ... However, most refugees are not part of the UNHCR resettlement program. In total, only about one per cent of the world’s 10.5 million refugees are submitted for resettlement by the UNHCR.

taken strong and effective action,” Mr Power said.

The Australian government’s policy of turning back boats to Indonesia might reduce the numbers of asylum seekers reaching Australia, but was not going to address the reasons why people flee their countries, Mr Power said.

The recent Amnesty International report, *The global refugee crisis: a conspiracy of neglect*, is damning of Australia’s offshore detention policy for what Australia calls “unlawful maritime arrivals”, or “boat people” more commonly.

“In particular Australia’s offshore

for comment on the report.

The response from a government spokesperson said Australia’s policies had saved the lives of people who may have died at sea otherwise.

The Amnesty International report said Australia’s offshore detention policies had not addressed the situations that caused people to flee their homes.

“The policies pursued by Australia, Thailand and other countries in the region are largely attempts to push the issue of refugees and migrants out of their jurisdiction and out of sight of the public,” the



# Persecution

**P**ersecution is the severe abuse and denial of the human rights of individuals or groups. Fear of persecution is the basis of refugee claims. Persecution occurs when human rights violations or threats are sustained or systematic and governments either fail to protect their citizens or, in some cases, actively participate in the violations. It may happen because a person holds a particular political opinion or religious belief, or belongs to a particular ethnic or social group.

Examples of persecution include:

- Assassination
- Torture
- Violence including sexual violence
- Arbitrary arrest
- False imprisonment
- Serious and ongoing forms of discrimination.

Men and boys are often killed, imprisoned or forced to fight in conflicts. They are forced to flee or go into hiding, often to help protect their families. Their roles as protectors and providers for their families in such case are challenged by their experiences of persecution and abuse.

Women and girls also face particular forms of abuse because of their gender. They are often targeted for sexual abuse, rape, forcible impregnation, sexual slavery, and forced prostitution.

Children in particular are vulnerable to exploitation, physical abuse, denial of education, sexual violence and exploitation and recruitment as child soldiers. They may be separated from members of their family. In some cases children witness the death of family members. They may not know where their relatives are. They are physically and psychologically less able than adults to provide for their own needs or to protect themselves from harm.

NSW Government, Department of Education (2015). *What does persecution mean in the refugee context?*. Retrieved from [www.roads-to-refuge.com.au](http://www.roads-to-refuge.com.au) on 16 September 2015.

But the UNHCR program is not like a queue, or a front door, the RCOA says.

“Refugees are prioritised for resettlement according to need, not according to how long they have been waiting,” the RCOA says.

“These needs fluctuate and are continuously reassessed.”

Not all people who the UNHCR refers to Australia are accepted

as refugees.

Mr Power said the failure to address the reasons why people flee their homes in rapidly growing numbers is a global problem.

“The UN Security Council has not been able to agree on any combined international response to the Syrian civil war over several years,” he said.

“The situation has just gotten

worse and worse.”

The UNHCR report suggested Western nations could do more, as the very poorest countries in the world host 30 per cent of refugees.

© SBS.

Thomas, J (12 June 2015). ‘Things will get worse’: UNHCR as refugees approach 60m worldwide, *SBS News*. Retrieved from [www.sbs.com.au](http://www.sbs.com.au) on 1 December 2015.





# THE GLOBAL REFUGEE CRISIS – A CONSPIRACY OF NEGLECT

THE EXECUTIVE SUMMARY FROM A KEY REPORT BY **AMNESTY INTERNATIONAL**

In the past two years, the world has witnessed a growing refugee crisis. In 2013, for the first time since World War II, the number of those forcibly displaced from their homes exceeded 50 million. Millions more have since been displaced as a result of conflict and crises around the globe.

More than half of Syria's population is displaced. Some four million women, men and children have fled the country and are refugees, making this one of the biggest refugee crises in history. The vast majority – 95% – are living in the countries neighbouring Syria. In one country – Lebanon – Syrian refugees now account for one in every five people.

Despite the huge influx of refugees, the host countries have received almost no meaningful international support. The UN's humanitarian appeal for Syrian refugees was only 23% funded as of the 3 June 2015. Calls by the UN for the international community to resettle refugees from Syria have largely fallen on deaf ears. The total number of places offered to refugees from Syria is less than 90,000, only 2.2% of the refugees in the main host countries.

It is clear that the situation in Syria will not allow refugees to go home any time soon. However, Syria's neighbours are at breaking point – and some have resorted to deeply troubling measures, including denying desperate people entry to their countries and pushing people back into the conflict.

The global refugee crisis cannot be re-cast as a trafficking and smuggling issue by governments desperate to deflect attention from their failures.

While Syria is the world's biggest refugee crisis, it is by no means the only one. In Africa people fleeing conflict and persecution in countries like South Sudan, the Central African Republic (CAR), Nigeria and Burundi, have added hundreds of thousands to the long-standing refugee populations from countries such as Somalia, Ethiopia, Sudan and the Democratic Republic of Congo (DRC). There are more than three million refugees in sub-Saharan Africa. Kenya is home to Dadaab – the world's largest refugee camp, set up in 1991.

Yet, the refugee situations in African countries receive little or no global attention – in 2013, less than 15,000 refugees from African countries were resettled and UN humanitarian appeals are severely underfunded. The South Sudan regional refugee response plan, for example, is only 11% fulfilled.



While many African countries have opened their borders to those fleeing conflict, too many refugees and migrants have faced discrimination and abuse in host states. The xenophobic attacks that took place in South Africa in April 2015, for example, left thousands of refugees and migrants displaced in that country.

In an effort to escape desperate situations refugees and migrants risk their lives – one of the starkest examples is the perilous boat journeys in the Mediterranean from North Africa to Europe. In 2014 and the first three months of 2015, the largest number of people recorded attempting to cross the Mediterranean by boat to reach Southern Europe were Syrians.

In April 2015, more than 1,000 people died in the space of ten days while attempting to cross the Mediterranean. As of 31 May 2015, the number of people who drowned making the boat journey from North Africa stood at 1,865, compared to 425 deaths recorded during the same period in 2014. The dramatic increase in the number of lives lost in the Mediterranean in 2015 is partly due to the decision by Italy and the European Union (EU) to end the Italian navy operation *Mare Nostrum* at the end of 2014 and replace it with a much more limited EU operation.

In South-East Asia in May 2015 the world witnessed harrowing scenes as fishing boats crammed with

refugees and migrants from Myanmar and Bangladesh were pushed back to sea by Thailand, Malaysia and Indonesia. Desperate children, men and women were left without food, water and medical care for a week, before the Philippines and later Indonesia and Malaysia offered to take them in.

The Mediterranean and South-East Asia crises exposed governments' willingness to ignore legal obligations and humanitarian imperatives. In situations where lives were known to be at risk and states had the means to save them, they chose not to act for political reasons. The lives lost were not a result of a violent conflict or an unavoidable natural disaster – most were entirely preventable deaths.

In both Europe and South-East Asia, people smugglers and human traffickers have – rightly – been blamed for sending thousands to their deaths. Effectively combatting the criminals who prey on desperate people is vital, but it does not absolve governments of their responsibility to provide refugees with protection. The global refugee crisis cannot be re-cast as a trafficking and smuggling issue by governments desperate to deflect attention from their failures.

The global refugee crisis may be fuelled by conflict and persecution but it is compounded by the neglect of the international community in the face of this human suffering. In the aftermath of World War II, the international community came together to create the *United Nations Refugee Convention* to protect people from being returned to countries where they risked persecution and human rights abuses. The *Refugee Convention* has been an important mechanism, providing a framework for the protection of tens of millions of people.

The *Refugee Convention* also established the principle of responsibility and burden-sharing – the idea that the international community must work together to address refugee crises so that no one country, or a small number of countries, has to cope by themselves. This fundamental principle is now being ignored, with devastating consequences: the international refugee protection system is broken.

- 86% of the world's refugees are in developing countries. Some of these countries host hundreds of thousands of people. Turkey, Lebanon and Pakistan each host more than one million refugees. There is a clearly disproportionate burden on a small number of countries
- Nearly one million refugees need resettlement or other forms of humanitarian admission – whereby the most vulnerable refugees in a country are offered residency in another country where they would receive better assistance. Yet, global annual resettlement commitments are less than a tenth of this number
- Although 145 countries have ratified the *Refugee Convention*, there are regions of the world in

which very few countries have ratified the treaty, including most of the Middle East, South Asia and South-East Asia. In these countries refugees generally enjoy limited rights and in some cases can't even be legally recognised as refugees

- Xenophobic and racist discourse has been normalised in many countries, with certain media outlets and politicians blaming refugees and migrants for economic and social problems.

The global refugee crisis may be fuelled by conflict and persecution but it is compounded by the neglect of the international community in the face of this human suffering.

The global refugee crisis will not be solved unless the international community recognises that it is a global problem and deals with it as such. Refugees are – by definition – people who no longer enjoy the protection of their state because that state will not or cannot protect them. They are people who have fled armed conflict, persecution, violence and grave human rights abuses.

This briefing paper looks at the global refugee crisis – from Lebanon to Kenya, the Andaman Sea to the Mediterranean Sea. It calls for a global response to what has become one of the defining challenges of the 21st century. The current approaches to the world's many refugee crises are failing – and the toll in lives lost and lives blighted is far higher than many armed conflicts. A paradigm shift is needed: Amnesty International is setting out a proposal to significantly reinvigorate the system for refugee protection and burden sharing amongst states.



Amnesty International believes that a paradigm shift on refugee protection must include eight key actions by the international community:

- **An international summit** on the global refugee crisis focused on increasing international responsibility and burden sharing
- **Global ratification of the *Refugee Convention***
- **Develop robust domestic refugee systems:** states must have fair domestic procedures to assess refugee claims and must guarantee fundamental rights and access to services, such as education and healthcare, to refugees
- **An absolute commitment to saving lives first:** states must prioritise saving people in distress over implementing immigration policies. In situations where people are in danger of death, including – but not limited to – people attempting sea crossings, states should invest in search and rescue operations and immediately come to the rescue of people in distress. This imperative should never be trumped by any border control objectives
- **Combat trafficking:** states must take effective action to investigate and prosecute trafficking gangs. States should offer protection and assistance to victims of trafficking and ensure they have access to refugee status determination procedures and/or resettlement opportunities
- **Fulfil all resettlement needs identified by UNHCR:** nearly one million resettlement and humanitarian admission places are required for refugees who need resettlement and this number will increase every year. Amnesty International estimates that, 300,000 annual resettlement and humanitarian admission places will be needed every year over the next four years
- **Combat xenophobia:** governments must refrain from engaging in xenophobia themselves, for example by implying or directly claiming asylum seekers and migrants are to blame for economic and social problems. Governments must also have effective policies to address xenophobic violence
- **Establish a global refugee fund:** such a fund should fulfil all UN humanitarian appeals for refugee crises. This fund should also provide meaningful financial support to countries hosting large numbers of refugees to help them provide services to refugees and their host communities. This should be additional to existing development aid.

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# What can Europe do to welcome refugees?

Europe's leaders are failing to give refugees the welcome and support they're entitled to. Here's what **Amnesty International** is asking for, and how you can help

**W**eeks after the global groundswell of #Refugees Welcome protests and outpouring of compassion after three-year-old Aylan Kurdi's little body was pictured so tragically on a Turkish beach, EU leaders have still not found a way to tackle Europe's refugee and migrant crisis.

## "Fortress Europe forces refugees to risk their lives."

Day after day, country after country in Europe is closing its borders. Thousands of refugees searching for sanctuary are being met by riot police, tear gas and batons, and getting stuck in no-man's land. Even children and disabled people are being forced to camp out under the open sky.

As governments gear up for yet another round of talks next week, Europe's most pressing crisis is one of leadership and decisive action.

So far this year, more than 350,000 people – mostly refugees, rather than so-called economic migrants – have tried to reach safety in Europe. Almost 2,800 have died. Others have been beaten, abused, forced to walk for days in the searing heat, and given little or no help – even a bottle of water – if they do make it to the EU.

For years, Europe has been building its walls ever higher, lining them with kilometres of barbed wire, and thousands of border guards. The EU's budget for protecting its borders from 2014 to 2020 stands at a cool €2.7 billion.

Fortress Europe is forcing people to undertake ever more dangerous journeys to safety.

## What Amnesty is asking for: safe and legal routes

We want Europe's leaders to open up safe and legal routes for refugees so they can reach the EU and seek asylum without having to cross the

sea in overcrowded boats or walk hundreds of miles carrying their children and all their belongings.

And instead of handing over their life savings to smugglers, they could spend their money on starting a new life in the EU.

There are several things countries can do to give people safe passage to sanctuary, and none of them are mutually exclusive. These are the options Amnesty is pushing for right now:

### 1. Resettlement

This is a UN system designed to protect the most vulnerable refugees of all, including torture survivors and people with urgent medical needs. It allows people travel to another country, usually by plane, and settle down for good. An estimated 1.38 million people will need this globally over the next two years. EU countries can do their fair share by opening their doors to at least 300,000 refugees by the end of 2017.

### 2. Humanitarian visas

Many refugees don't have all the documents necessary to get a normal travel visa. By giving them a humanitarian visa, EU countries can allow refugees to travel safely and apply for asylum when they arrive.

### 3. Family reunification

This allows refugees outside Europe to reunite with relatives who are already in the EU. Why force someone to endure a long, dangerous journey if they already have a family that can support them in Europe?

## A bit of perspective on migration

If all of this sounds like a challenge, it's time for a bit of perspective: Turkey now hosts more than 1.9



million Syrian refugees. The world's largest refugee camp is Dadaab in Kenya, home to around 350,000 mainly Somali people.

And so far, the world total for resettlement places offered to Syria's more than 4 million refugees stands at a pitiful 104,410.

**"The world total for resettlement places offered to Syria's more than 4 million refugees stands at a pitiful 104,410."**

With a population of more than 500 million, and with an annual combined GDP of €14 thousand billion, Europe can and should take on a fair share of the responsibility for tackling the biggest humanitarian crisis of our time.

## Take action

Seeking asylum is a human right, and no one should have to die to reach safety. Please sign our petition now and show the world that you too welcome refugees.

© Amnesty International.

Hulaas Sunde, K (11 September 2015). *What can Europe do to welcome refugees?* Retrieved from [www.amnesty.org](http://www.amnesty.org) on 29 September 2015.



# SYRIA'S REFUGEE CRISIS IN NUMBERS

## Refugees in the region

More than 4 million refugees from Syria (95%) are in just five countries Turkey, Lebanon, Jordan, Iraq and Egypt:

- Lebanon hosts approximately 1.2 million refugees from Syria which amounts to around one in five people in the country
- Jordan hosts about 650,000 refugees from Syria, which amounts to about 10% of the population
- Turkey hosts 1.9 million refugees from Syria, more than any other country worldwide
- Iraq where 3 million people have been internally displaced in the last 18 months hosts 249,463 refugees from Syria
- Egypt hosts 132,375 refugees from Syria.

The UN humanitarian appeal for Syrian refugees is just 40% funded. Funding shortages mean that the most vulnerable Syrian refugees in Lebanon receive just \$13.50 per month or less than half a dollar a day for food assistance. More than 80% of Syrian refugees in Jordan are living below the local poverty line.

## Conflict in Syria

Around 220,000 people have been killed and 12.8 million people are in urgent need of humanitarian assistance inside Syria. More than 50% of Syria's population is currently displaced.

## International resettlement

In total, 104,410 resettlement places have been offered globally since the start of the Syria crisis, which equates to a mere 2.6% of the total population of Syrian refugees in Lebanon, Jordan, Iraq, Egypt and Turkey. 400,000 people in the five main host countries – or 10% – are in need of resettlement according to the UN Refugee Agency, UNHCR.

Amnesty International is calling for at least 10% of Syria's most vulnerable refugees to be resettled from the main host countries by the end of 2016.

## Key facts

- Gulf countries including Qatar, United Arab Emirates, Saudi Arabia, Kuwait, and Bahrain have offered zero resettlement places to Syrian refugees.
- Other high-income countries including Russia, Japan, Singapore and South Korea have also offered zero resettlement places.
- Germany has pledged 35,000 places for Syrian refugees through its humanitarian admission programme and individual sponsorship; about 75% of the EU total.
- Germany and Sweden together have received 47% Syrian asylum applications in the EU between April 2011 and July 2015.
- Excluding Germany and Sweden, the remaining 26 EU countries have pledged around 8,700 resettlement places, or around 0.2% of Syrian refugees in the main host countries.

© Amnesty International.

Amnesty International (4 September 2015). *Syria's refugee crisis in numbers*. Retrieved from [www.amnesty.org](http://www.amnesty.org) on 18 September 2015.



Beqaa, Lebanon – 3 May 2013: Syrian Refugee children in one of the tented camps in Beqaa Lebanon.

# Europe must change course on refugee crisis response, stresses UN agency

Only a united European emergency response can address the current refugee and migration crisis, the **United Nations High Commissioner for Refugees** has stressed

Individual measures taken by countries will make an already chaotic situation worse, furthering suffering and increasing tensions among States at a time when Europe needs solidarity, the agency added in a news release.

UNHCR voiced particular concern about a series of restrictive measures recently introduced by Hungary which it said have resulted in extremely limited access for refugees at the country's border.

New legislation in the country includes deterrence measures, some of which run contrary to international law and European jurisprudence when applied to asylum seekers and refugees, cautioned UNHCR. Reports also indicate that only a few asylum seekers have been permitted to enter Hungary via the official border crossing point.

*“States should manage their borders in a way that is consistent with international and EU Law, including guaranteeing the right to seek asylum.”*

“UNHCR reiterates its call on the Hungarian authorities to ensure unimpeded access for people in need of protection in line with its legal and moral obligations,” said High Commissioner António Guterres.

“States should manage their borders in a way that is consistent with international and EU Law, including guaranteeing the right to seek asylum,” he added.

UNHCR said it was “shocked and saddened” to witness Syrian refugees, including families with children who have already suffered so much, being prevented from entering the European Union with water cannons and tear gas.

Hungary has also begun to return asylum seekers to Serbia, against UNHCR advice to governments. The asylum system Serbia is currently in the process of building is not able to cope with the magnitude of the current inflow of people, said the agency.

Responding to a question about what was happening at the Hungarian border, where police were reportedly firing water cannons and tear gas at people, Secretary-General Ban Ki-moon told a news conference in New York that he was “shocked” to see how the refugees and migrants were treated.

“It’s not acceptable,” he stated, adding that refugees and migrants must be treated with human dignity and human rights.



Mr Ban will convene a high-level meeting on 30 September to mobilise “a humane, effective and rights-based response” to the refugee crisis. “I urge all States to shoulder their responsibilities and live up to their legal obligations.”

On Tuesday, UNHCR proposed an emergency plan of action that called for the immediate creation of facilities in Greece to receive, assist, register and screen people arriving. It also called for the commencement of the relocation of 40,000 refugees to participating EU countries, as previously agreed, to be expanded with voluntary pledges by EU States.

It also asked for an emergency package from the EU to Serbia to establish sufficient capacity to assist, register and relocate people to other European countries, and stressed the need to substantially increase the opportunities for Syrian refugees being hosted in neighbouring countries to access legal channels to the EU.

As a growing number of refugees moves to enter Croatia, UNHCR has offered immediate support to the Croatian authorities and is mobilising additional teams, relief items and equipment to Greece and Serbia.

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# AUSTRALIA AND EUROPE: FAILING THE WORLD'S REFUGEES

**By failing the world's refugees – and in the process demonising them – Australia and Europe are directly challenging the right “to seek and to enjoy in other countries freedom from persecution”, writes Jeff Crisp**

**R**ohingya refugees stranded at sea”. “Italy braced for another migrant surge”. “Tourists say asylum seekers are spoiling their Greek holidays”. “Cambodia agrees to take refugees turned away from Australia”.

In the past few weeks, our newspapers have been dominated by such headlines, each of them testifying to a displacement crisis of truly global dimensions.

According to the United Nations, the number of people uprooted by persecution and armed conflict now exceeds 50 million, the largest number since the end of the Second World War. While the vast majority of refugees continue to flee to neighbouring states, a growing proportion make long, complex and usually arduous journeys from one country and continent to another, alongside migrants who are moving to improve their standard of living or rejoin family members.

The causes of this phenomenon are not difficult to discern. Recent years have witnessed a series of particularly violent armed conflicts, most notably in countries such as the Central African Republic, Iraq, South Sudan, Syria and Ukraine.

Longstanding crises in states such as Afghanistan, the Democratic Republic of Congo and Somalia have gone unresolved, preventing the repatriation of existing refugee populations and provoking new waves of displacement. Despite earlier hopes that the country would embark upon a process of democratisation, Myanmar continues to persecute its Muslim minority. And after a decade of relative peace in Burundi, political violence and instability have triggered a new refugee exodus.

There is little prospect that the current displacement crisis

will subside. The system of global governance established in the 1940s, with the United Nations Security Council at its centre, is failing to restore or keep the peace in many parts of the world. Globalisation has not only encouraged mobility by giving people better access to information and transportation, but has also reinforced inequalities within and between states, thereby providing another motivation for people to move. While its impact is impossible to quantify, the process of climate change and the increased incidence and intensity of natural disasters is acting as a new driver of displacement.

The world's response to this situation has not been particularly auspicious. Millions of dollars have been spent on emergency relief for refugees and displaced people, while the humanitarian system as a whole is striving to improve its effectiveness and efficiency. But the international community and its constituent states have failed to respond in an equitable manner to longer-distance and transcontinental movements of refugees, asylum seekers and migrants.

In the words of the *Universal Declaration of Human Rights*, “everyone has the right to seek and to enjoy in other countries asylum from persecution”. And according to the *UN Refugee Convention*, state must not “expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened”.

While Australia ostensibly endorses both of these important principles, the country has played a regrettable role in challenging and undermining them.

How exactly has it done this? By establishing a naval blockade that prevents refugee boats from reaching the country's shores. By holding asylum seekers in detention at sea for days on end and examining their claims to refugee status in the most cursory manner. By forcing such

people into lifeboats and pushing them into Indonesian waters.

By incarcerating asylum seekers and refugees in remote foreign locations where the rule of law is not respected. By trading refugees with one authoritarian state (Hun Sen's Cambodia), in exchange for huge amounts of aid.

By colluding with another (Sri Lanka under the Rajapaksa regime) in the apprehension and rapid return of its asylum seeking citizens. And by holding recognised refugees in indefinite detention on unknown security grounds.

While it contravenes both the letter and the spirit of international refugee and human rights law, the Australian approach to asylum has attracted the attention of other prosperous states, most notably those in Europe. This can be seen quite clearly in the way that the European Union is responding to the current movement of refugees, asylum seekers and migrants from Libya across the Mediterranean Sea.

EU states have scaled down search and rescue missions in the belief that they provide an incentive for desperate people to embark on overcrowded and unseaworthy boats. They have resisted the principle of international responsibility sharing, by shunning a scheme to ensure that refugees are distributed equitably across the continent. They have mooted the notion of “offshore processing” rather than admitting asylum seekers to their territory and examining their claims to refugee status there. And most alarmingly of all, they are planning to launch military operations that will identify and destroy refugee boats before they set sail.

The dangerous nature of this initiative cannot be overstated. Indeed, recently leaked documents demonstrate beyond any doubt that the risks are well known to the EU's politicians, bureaucrats and military chiefs. According to one paper, the military operation will take place in



**Dadaab, Kenya – 14 August 2011: Newly arrived Somali refugees wait for food following their registration at the refugee complex.**

“the potential presence of hostile forces, extremists or terrorists”. It “could lead to the increase of the migratory flows in other areas, especially in the Western and the Eastern Mediterranean”. It could lead to “casualties” and a “loss of life”, involve a “risk to the EU’s reputation”, and “trigger a negative response from the local population and the wider region”. “An EU information strategy” will consequently be needed from the outset, so as “to facilitate expectation management”. As in Australia, therefore, the EU’s “stop the boats” strategy will rely upon media manipulation.

It would be misleading to suggest that responding to mixed movements of refugees, asylum seekers and migrants is a simple task. When such people arrive in a country, they have to be fed, housed and provided with medical care. Their asylum applications have to be examined. Those who are deemed to be refugees have to be helped to settle successfully in their new society. And a lasting solution has to be found for those who are not recognised as refugees. None of these are simple or cost-free undertakings.

At the same time, there are several reasons why highly prosperous countries such as Australia and the EU’s member states should respect their responsibilities towards refugees.

First, such countries should be setting a much better example to the rest of the world. Why should countries such as Jordan, Lebanon and Turkey, for example, be expected

to host millions of Syrian refugees for years on end, when much wealthier states are unwilling to admit far smaller numbers of people who have escaped from armed conflict and persecution in their country of origin? The inequity of this situation is unsustainable, and it is not surprising that some developing and middle-income countries are now emulating Australia and the EU by stopping the boats and closing their borders.

**By failing the world’s refugees – and in the process demonising them – Australia and Europe are directly challenging the right “to seek and to enjoy in other countries freedom from persecution”.**

Second, history shows us that responding to large-scale maritime movements can be done in a manner that is consistent with international refugee and human rights law. In the 1980s, for example, the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA), strongly supported by both Australia and Europe, introduced a slew of measures designed to address the movement of boat people from Vietnam and Cambodia: an anti-piracy campaign; a rescue at sea and disembarkation operation; the large-scale resettlement of refugees to countries around the world; and eventually the return of those asylum seekers who did not qualify for refugee status. Could a new CPA be envisaged for the Rohingya who are escaping from Myanmar, or for the Eritreans, Somalis and Syrians

who are making their way to Europe?

Finally, by failing the world’s refugees – and in the process demonising them – Australia and Europe are directly challenging the right “to seek and to enjoy in other countries freedom from persecution”. That right is one that should be celebrated rather than challenged. It has saved the lives of millions of people around the world. It has had many positive outcomes, enabling many refugees to establish productive new lives in

the countries that have admitted them, and allowing others to return to their own countries (once it is safe for them to do so) and then to contribute to the rebuilding of their own societies.

By respecting the right of asylum, states have an opportunity to reaffirm a universal principle that was born of a previous failure of the international community – to provide adequate sanctuary to Jews and other minorities who were subjected to fascist persecution.

**Dr Jeff Crisp is a Research Fellow at the Refugee Studies Centre, University of Oxford, and a policy advisor to the NGO, Refugees International.**

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# To deal with the refugee crisis you need to understand the cause

*In the face of the current crisis, political courage and leadership is needed to reframe how refugees are seen by the public and to come up with creative solutions for refugees and vulnerable migrants on a global scale, writes **Alexander Betts***

The ongoing crisis in the Mediterranean, which has seen more than 30 times as many people die as in the same period last year, has evoked unprecedented media attention. What should be about a humanitarian tragedy has become hijacked by opportunist politicians, who in many cases have fundamentally and wilfully misrepresented the underlying causes of the problem. If solutions are based on that misrepresentation, they will fail and have harmful consequences.

From early in the week, Italy's prime minister, Matteo Renzi, focused on proclaiming a "war on trafficking", describing it as "the slavery of our time".

UK foreign secretary, Phillip Hammond and others followed suit. Yet there are at least two problems with this narrative. First, it fails to distinguish between "trafficking" and "smuggling", the former being irrelevant in this context.

Second, and more importantly, it fails to recognise that smuggling does not cause migration, it responds to an underlying demand. Criminalising the smugglers serves as a convenient scapegoat. But it cannot solve the problem. It will simply displace the problem, increase prices, introduce ever less scrupulous market entrants, and make journey ever more perilous.

## Crisis of displacement

The real causes of the tragedy are two-fold. First, we need to situate the tragedy in a broader context. There

is a global displacement crisis. Around the world, more people are displaced than at any time since the World War II. Globally, there are more than 50m displaced and 16m refugees. To take the case of Syria, there are 9m displaced Syrians; 3m of whom are refugees. Most are in Turkey, Jordan, and Lebanon. But countries like Jordan and Lebanon – whose capacities are stretched to breaking point – are now closing their borders and in need of international burden-sharing. These people have to go somewhere and increasingly they are travelling on to Europe in search of protection.

Second, the cause of the deaths can be directly linked to Europe's decision to end the Italian search and rescue operation *Mare Nostrum* in November 2014 and replace it with the inadequately funded EU-run Operation Triton. *Mare Nostrum* saved more than 100,000 lives last year. Since the ending of *Mare Nostrum* many fewer have been rescued and many more have died. To address the crisis, it is these two causes that need to be looked at first.

We know from existing data that the people crossing the Mediterranean are increasingly from refugee-producing countries such as Syria, Eritrea, and Somalia. While some – coming from West Africa – may well be more likely to be leaving poverty or seeking opportunity, a huge proportion are therefore fleeing conflict and persecution and are in need of international protection.

We have international legal obligations to protect such people. Yet the EU has largely failed to recognise this. On Monday, the EU held an emergency meeting in Luxembourg at which it produced a ten-point plan. This was vague in detail but the emphasis was on dismantling the smugglers and on containing migration from within North Africa. References to humanitarian roles such as expanding Triton and refugee resettlement remained under-specified. The logic, in other words, was primarily about containment and counter-smuggling operations.

This emphasis has been repeated in the leaked draft statement of the EU Summit. The statement highlights deportation and immigration control; it is a manifesto for containment. It proposes to deport 150,000 people and offer relocation across Europe of up to a quota of 5,000 while emphasising the aspiration to bolster Libya's capacity to control migration to the EU. It again shows a misunderstanding of the underlying causes of the problem, and is likely to be inconsistent with international refugee and human rights law.

There are no simple solutions to this issue. But the key to finding solutions is by putting the issue in its broader context. The UN rapporteur on the human





rights of migrants, Francois Crepeau, has been among the most articulate in highlighting this.

A joint statement by Antonio Guterres, Peter Sutherland, Bill Swing and Zeid Ra'ad Al Hussein has emphasised the need for solutions that go beyond the “minimalist” EU response. These include a well-resourced search-and-rescue operation; channels for safe and regular migration; making a firm commitment to receive significantly higher numbers of refugees through EU-wide resettlement; bolstering arrangements for more equitable burden-sharing within Europe and combating racism and xenophobia. These are sensible solutions and advance the debate.

However, to ultimately, address the underlying causes of the issue a global and comprehensive approach is needed. It is a symptom of a global displacement crisis and needs to be addressed in a comprehensive way.

### Learning from history

There are instructive lessons from history. After the end of the Vietnam War in 1975, literally hundreds of thousands of Indochinese “boat people” crossed territorial waters from Vietnam, Laos, and Cambodia towards South-East Asian host states such as Malaysia, Singapore, Thailand, the Philippines, as well as Hong Kong. Throughout the 1970s and 1980s the host states, facing an influx, pushed many of the boats back into the water and people drowned. Like today, there was a public response to images of people drowning on television and in newspapers. But addressing the issue took political leadership and large-scale international cooperation.

In 1989 under UNHCR leadership, a Comprehensive Plan of Action (CPA) was agreed for Indochinese refugees. It was based on an international agreement for sharing responsibility. The receiving countries in South-East Asia agreed to keep their borders open, engage in search and rescue operations and provide reception to the boat people.

But they did so based on two sets of commitments from other states. First, a coalition of governments – the US, Canada, Australia, New Zealand and the European states – committed to resettle all those who were judged

to be refugees. Second, alternative and humane solutions including return and alternative, legal immigration channels were found for those who were not refugees in need of international protection. The CPA led to millions being resettled and the most immediate humanitarian challenge was addressed.

The CPA was not perfect and it is not a perfect analogy to the contemporary Mediterranean, but it highlights the need to a broader framework based on international cooperation and responsibility-sharing. The elements of a solution to the contemporary crisis have to be at a number of different levels.

These include improvements in search and rescue to return to at least the capacity of *Mare Nostrum*; more equitable burden-sharing and relocation of refugees within the European Union; support to gradually build to protection and human rights capacities of transit countries. In addition to these creative solutions and additional support are needed for refugee-hosting countries in regions of origin – and we need to promote the refugees’ capacities to contribute to their host state. Finally, we need a European resettlement scheme that reflects a commitment to proportionately share responsibility for the global refugee population.

Above all, though, solutions have to come from a reaffirmation of the need to uphold asylum and refugee protection, and to see these as a shared global responsibility.

If there is to be a silver lining to the current crisis, it stems from the opportunity to political leadership to reframe how refugees are seen by the public and to come up with creative solutions for refugees and vulnerable migrants on a global scale.

But that will take political courage and leadership.

Alexander Betts is Leopold Muller Associate Professor in Refugee and Forced Migration Studies, University of Oxford.

## THE CONVERSATION

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# ONLY A GLOBAL RESPONSE CAN SOLVE EUROPE'S REFUGEE CRISIS

A global approach would significantly increase the burden-sharing between the refugee-hosting countries near Syria and the rest of the developed world, urges **Phil Orchard**

**T**he recent deaths of asylum seekers attempting to reach European shores have prompted ongoing calls for action. But, given the scale of the issue, only a comprehensive, global program can go some way to solving the crisis.

The UN High Commissioner for Refugees (UNHCR) notes that more than 366,000 refugees have arrived in Europe by sea so far in 2015. And 80% have come from the world's top

ten refugee-producing countries, including half from Syria.

This can be a deadly voyage. The International Organisation for Migration reports that at least 2,373 migrants have already died trying to reach Europe this year.

This reflects the immensity of the crisis created by the Syrian conflict. More than 4 million refugees are now in the countries bordering Syria – Turkey, Lebanon

and Jordan – while an estimated 7.6 million are internally displaced within Syria.

## An individual country response?

Individual countries have begun to show leadership. This began with German Chancellor Angela Merkel's commitment that Germany would begin processing all asylum seekers who applied on its territory. In so doing, she waived the European Union's (EU) Dublin Regulation, which establishes that asylum seekers must lodge their claim in the first EU country they enter.

Merkel's plan may lead to Germany taking up to 800,000 refugees this year. She laid out her country's response in stark moral terms.

She argued that:

*Germany is a strong country, we will manage ... If Europe fails on the question of refugees, then it won't be the Europe we wished for.*

The UK has reversed its previous position. Prime Minister David Cameron said:

*We will do more in providing resettlement for thousands more Syrian refugees.*

Prime Minister Tony Abbott has announced that Australia will take a "significant" number of Syrian refugees beyond the 4,500 that it has already pledged to accept.

However, the scale of the crisis means that no single country can deal with it alone. Germany's plan would involve direct EU responsibility for registering and looking after newly arrived refugees in Greece and Italy, as well as creating a common policy on safe countries of origin.

The recent deaths of asylum seekers attempting to reach European shores have prompted ongoing calls for action. But, given the scale of the issue, only a comprehensive, global program can go some way to solving the crisis.







Telskuf, Kurdistan, Iraq – 22 June 2014: Camp established in a field for internally displaced persons escaping ISIS in the Mosul region.

The UNHCR has argued that Europe cannot respond to this crisis “with a piecemeal or incremental approach”. Instead, it has recommended a mass relocation program with 200,000 places, coupled with improved reception capacities – especially in Greece.

But neither Germany’s nor the UNHCR’s plan would deal with the main issue: refugees would still have to risk death crossing the Mediterranean Sea to reach Europe to access these programs.

### A regional response?

Others argue for a regional response. One suggestion is the creation of a safe zone, which would allow Syrians to remain within the country. Australian Foreign Minister Julie Bishop has echoed this call.

Ethicist Peter Singer has argued that the affluent countries need to provide much more support to the countries supporting large numbers of refugees. Singer also said that sending asylum seekers to safe refugee camps supported by the developed world would eliminate people smuggling.

But these proposals reflect the flipside of the problem: that the world needs to respond

More than 4 million refugees are now in the countries bordering Syria – Turkey, Lebanon and Jordan – while an estimated 7.6 million are internally displaced within Syria.

to the refugees crossing the Mediterranean and also assist the countries harbouring the bulk of the 4 million Syrian refugees.

The UNHCR has announced that its budget this year will be 10% less than last year’s, while the World Food Programme (WFP) has had to cut the rations being provided to the refugees. The most vulnerable refugees in Lebanon will have only US\$13 per month to spend on food, and the WFP may need to cut all assistance to refugees in Jordan.

### What’s really needed

What is needed, therefore, is a comprehensive, global program. This would include three elements:

- Increased humanitarian assistance to the countries around Syria
- Safe processing centres in Turkey and in either Libya or Tunisia to process asylum claims
- A global resettlement scheme for refugees and provisions for

safe returns for those denied claims.

With respect to humanitarian assistance, the UN Syria Regional Refugee Response Appeal is requesting US\$4.5 billion to respond to the situation in Syria and neighbouring countries, but has received only 37% of that total.

This shortfall has been the case since the Syrian conflict began. Most yearly appeals have received only around 50% of the request funding. This has placed immense pressure on both the international aid agencies responding to the conflict and on the refugee host countries themselves.

A safe processing centre model would serve to deter refugees from crossing the Mediterranean and have the advantage of centrally co-ordinating the processing of individual refugee claims. This, in turn, could:

*... enable a fairer distribution of responsibilities among states*



This shortfall has been the case since the Syrian conflict began. Most yearly appeals have received only around 50% of the request funding. This has placed immense pressure on both the international aid agencies responding to the conflict and on the refugee host countries themselves.

*for providing protection and assistance to refugees.*

The UNHCR has noted that such centres could be legal under international law if they clearly reflect the international legal standards – including the UN Refugee Convention and the principle of non-refoulement – and have formal authorisation from host nations. The UNHCR would be the obvious organisation to run the refugee determination process within these centres.

Critically, the centres would need to be safe and agreements would need to be made with the individual host countries. Turkey would likely support such an initiative. Given the current insecurity in Libya, however, a centre would either need international protection – such as peacekeepers – even with government consent, or alternatively could be established

along the border in Tunisia.

But these centres would not work without a clear onward path for processed refugees. The EU is now discussing possible resettlement numbers. Other than the UNHCR's proposed 200,000 figure, European Commission President Jean-Claude Juncker has suggested that individual EU states resettle 120,000 asylum seekers who are currently in Hungary, Greece and Italy. Others have suggested higher figures.

A global commitment to take 400,000 refugees – 10% of the Syrian total – from these processing centres is not unreachable. The model here is the Comprehensive Plan of Action, negotiated in 1989 to respond to the Indochinese boat people. The plan included regional screening for refugees and, while not perfect, resulted in the resettlement of more than 500,000 refugees over six years.

A resettlement scheme could also be combined with a temporary admission process. The EU already has a temporary protection directive created after the war in Kosovo. That directive allows for refugees to be granted temporary protection in accordance with the *Refugee Convention* for a period of one year, which can be extended.

Given the nature of the Syrian war, a longer protection period would be warranted.

By combining these three approaches, individual countries would have the opportunity either to commit to refugee resettlement or to fund the centres' humanitarian operation and costs – or both. Most importantly, these approaches would significantly increase the burden-sharing between the refugee-hosting countries near Syria and the rest of the developed world.

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## THE CONVERSATION

Orchard, P (8 September 2015). *Only a global response can solve Europe's refugee crisis.*

Retrieved from <http://theconversation.com> on 15 September 2015.

# Australia's response to the refugee crisis

## Australia's humanitarian programme

The latest refugee-related migration trends from the Australian Government  
Department of Immigration and Border Protection

### 4.1 OVERVIEW

Australia's humanitarian programme has an offshore resettlement component and an onshore protection component.

The offshore resettlement component is for people outside of Australia who are in need of resettlement. It has two categories:

1. Refugee – generally for people identified by the United Nations High Commissioner for Refugees (UNHCR) as a refugee in need of resettlement. The visa subclasses in this category are:
  - *Refugee* – for applicants who have fled persecution in their home country and who are living outside their home country.
  - *In-Country Special Humanitarian* – for applicants living in their home country who are subject to persecution. These applicants are not referred by UNHCR as they remain in their home country and therefore fall outside the UNHCR's mandate.
  - *Emergency Rescue* – for applicants living in or out of their home country and who are in urgent need of protection because there is an immediate threat to their life and security.
  - *Woman at Risk* – for female applicants and their



dependants living outside their home country, who are in danger of being victimised, harassed or seriously abused because of their gender.

2. *Special humanitarian programme* – for people outside their home country who are subject to substantial discrimination amounting to gross

**TABLE 4.1: OFFSHORE HUMANITARIAN PROGRAMME VISAS GRANTED AND ONSHORE PROTECTION VISAS GRANTED, 2004-05 TO 2013-14**

Category	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Refugee	5,483	5,719	5,926	5,950	6,438	5,956	5,987	5,992	11,974	6,501
Special humanitarian programme	6,643	6,688	5,135	4,698	4,438	3,228	2,966	714	503	4,515
Total offshore component	12,126	12,407	11,061	10,648	10,876	9,184	8,953	6,706	12,477	11,016
% of total programme	92.7	90.9	86.6	84.6	81.3	66.9	65.0	48.8	62.4	80.0
Total onshore component <sup>1</sup>	952	1,247	1,707	1,934	2,497	4,535	4,827	7,044	7,508	2,752
% of total programme	7.3	9.1	13.4	15.4	18.7	33.1	35.0	51.2	37.6	20.0
Total humanitarian programme	13,078	13,654	12,768	12,582	13,373	13,719	13,780	13,750	19,985	13,768

1. Includes a small number of visas granted through ministerial intervention counted against the programme.

Note: Figures are as officially revised at the end of 2013-14 and therefore may differ from statistics previously published.

Source data: DIBP systems.

**TABLE 4.2: OFFSHORE HUMANITARIAN VISAS GRANTED – TOP 10 COUNTRIES OF BIRTH, 2009-10 TO 2013-14**

Country of birth	2009-10		2010-11		2011-12		2012-13		2013-14	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Afghanistan	523	427	521	505	349	363	1,177	1,254	1,267	1,487
Iraq	859	819	1,081	1,066	788	688	2,056	2,007	1,196	1,168
Myanmar	991	959	731	711	809	1,047	1,119	1,232	928	891
Syria	5	<5	<5	0	<5	5	46	52	522	485
Bhutan	556	578	498	503	346	349	508	508	260	247
Iran	98	86	138	126	99	117	212	256	230	201
DRC <sup>1</sup>	291	289	295	270	163	137	261	228	159	167
Eritrea	75	68	99	84	114	107	99	85	141	136
Somalia	149	151	106	96	85	75	185	194	118	119
Ethiopia	203	188	185	188	177	153	92	90	112	109
Others	999	869	919	830	367	364	391	425	520	553
<b>Total top 10</b>	<b>4,749</b>	<b>4,435</b>	<b>4,574</b>	<b>4,379</b>	<b>3,301</b>	<b>3,405</b>	<b>6,146</b>	<b>6,331</b>	<b>5,453</b>	<b>5,563</b>
<b>Grand total</b>	<b>9,184</b>		<b>8,953</b>		<b>6,706</b>		<b>12,477</b>		<b>11,016</b>	

1. Democratic Republic of Congo.

Note: Figures are as officially revised at the end of 2013-14 and therefore may differ from statistics previously published. Top 10 countries are based on 2013-14 visas granted.

Source data: DIBP systems.

violation of their human rights in their home country. These applicants must be proposed for resettlement by an Australian citizen, permanent resident or organisation that can support them through the settlement process.

The onshore protection component is for people seeking asylum in Australia who have their claims assessed in Australia.

## 4.2 THE HUMANITARIAN PROGRAMME

### 4.2.1 Summary

Australia's 2013-14 humanitarian programme granted 13,768 visas – 11,016 under the offshore resettlement component and 2,752 under the onshore protection component (Table 4.1).

The top 10 countries of birth for people granted offshore visas in 2013-14, in descending order, were Afghanistan, Iraq, Myanmar, Syria, Bhutan, Iran, Democratic Republic of Congo, Eritrea, Somalia and Ethiopia.

Those granted onshore visas entered Australia either as illegal maritime arrivals (IMAs) or by air on a valid visa (non-IMAs).

The top 10 countries of citizenship for non-IMAs granted protection visas in 2013-14, in descending order, were Pakistan, Egypt, Iran, Libya, the People's Republic of China, Iraq, Afghanistan, Lebanon, India and Papua New Guinea. The key citizenships for IMAs granted Protection visas in 2013-14, in descending order, were Afghanistan, Stateless persons, Iran, Sri Lanka, Pakistan and Iraq. In addition, persons who claimed

**TABLE 4.3: OFFSHORE HUMANITARIAN VISAS GRANTED BY AGE GROUP, 2009-10 TO 2013-14**

Age group	2009-10		2010-11		2011-12		2012-13		2013-14	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
0-14	1,585	1,651	1,536	1,596	1,042	1,129	1,955	2,119	1,736	1,840
15-19	608	561	564	548	361	391	649	769	613	677
20-24	489	429	490	450	347	369	633	590	533	531
25-29	475	395	451	369	348	345	558	568	500	549
30-34	411	342	356	309	289	306	510	511	464	420
35-39	313	275	339	267	234	218	470	423	397	384
40-44	229	231	267	218	198	191	392	378	339	321
45-49	195	146	179	205	146	136	297	310	246	249
50-54	131	102	128	161	95	107	193	238	195	200
55-59	109	108	92	89	83	59	160	151	144	121
60+	204	195	172	167	158	154	329	274	286	271
<b>Total</b>	<b>4,749</b>	<b>4,435</b>	<b>4,574</b>	<b>4,379</b>	<b>3,301</b>	<b>3,405</b>	<b>6,146</b>	<b>6,331</b>	<b>5,453</b>	<b>5,563</b>
<b>Grand total</b>	<b>9,184</b>		<b>8,953</b>		<b>6,706</b>		<b>12,477</b>		<b>11,016</b>	

Note: Figures are as officially revised at the end of 2013-14 and therefore may differ from statistics previously published.

Source data: DIBP systems.

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**TABLE 4.4: ASYLUM SEEKERS BY PROGRAMME YEAR, 2004-05 TO 2013-14**

Programme year	Protection visa applications lodged (non-IMA)	Refugee status termination requests (IMA) <sup>1</sup>	Total
2004-05	3,062	147	3,209
2005-06	3,191	101	3,292
2006-07	3,722	24	3,746
2007-08	3,987	21	4,008
2008-09	5,067	682	5,749
2009-10	5,981	4,597	10,578
2010-11	6,313	5,212	11,525
2011-12	7,007	7,430	14,437
2012-13	8,480	18,365	26,845
2013-14	9,646	9,072	18,718

1. Refugee status determination requests from 2008-09 onwards are counted as people screened into a determination process for IMAs.

Note: Figures are as officially revised at the end of 2013-14 and therefore may differ from statistics previously published. Source data: DIBP systems.

to be stateless were among the top cohorts for IMAs granted protection visas in 2013-14.

In 2013-14, 9,646 applications for asylum were made by non-IMAs and 9,072 requests for refugee status determination were made by IMAs.

#### 4.2.2 Offshore humanitarian programme

A total of 11,016 visas were granted under the offshore resettlement component of the humanitarian programme in 2013-14 (Table 4.2). Offshore humanitarian visas granted represented 80.0 per cent of all places in the programme and comprised:

- 6,501 refugee visas (59.0 per cent)
- 4,515 Special humanitarian visas (41.0 per cent).

Of the refugee visas granted, 1,052 (16.2 per cent) were woman at risk visas; exceeding the programme's target of 1,000 visas under the refugee category allocation. More than 14,500 vulnerable women and their dependants have been resettled under this visa category since it was introduced in 1989.

The government continues to work closely with the UNHCR, other resettlement countries and countries of first asylum – particularly those in the region in which Australia sits – to ensure comprehensive, integrated responses to a number of refugee situations.

In 2013-14, most offshore humanitarian visas granted were to young people, with 63.4 per cent under 30 years of age (Table 4.3). Almost one-third (32.5 per cent) of grants were made to children 14 years of age and under.

People born in Afghanistan were ranked highest among recipients of offshore humanitarian visas in 2013-14, with 2,754 grants or 25.0 per cent of total offshore humanitarian visas granted. In regional terms, the highest number of offshore visas granted in 2013-14 was to applicants from Asia and the Pacific



(50 per cent), followed by the Middle East (35 per cent) and Africa (15 per cent).

#### 4.2.3 Protection visas (onshore)

People seeking protection in Australia arrived as IMAs, unauthorised air arrivals or legally on valid visas (non-IMAs).

In 2013-14, 18,718 protection visa applications and refugee status determination requests from people seeking asylum in Australia were made, a decrease of 30.3 per cent on the previous year (Table 4.4).

This comprised:

- 9,646 protection visa applications from non-IMAs
- 9,072 refugee status determination requests from IMAs.

In 2013-14, people seeking protection had their claims considered and their protection status decided by departmental officials. They were able to appeal negative decisions to the Refugee Review Tribunal. The final grant rate reflects all visa grants, including those made after review processes. No IMA who arrived after 13 August 2012 was able to lodge a valid Protection visa application in 2013-14.

As a result of applications and refugee status determination requests, 2,752 protection visas were granted to IMAs and non-IMAs in 2013-14 (Table 4.5). This represented a 63.3 per cent decrease compared with 2012-13 and comprised:

- 2,207 protection visas granted to non-IMAs, 307 less than in 2012-13

**TABLE 4.5: FINAL PROTECTION VISA AND RESOLUTION OF STATUS GRANTS, 2012-13 AND 2013-14**

Grant type	2012-13	2013-14
Protection visas granted to non-IMAs	2,514	2,207
Protection visas granted to IMAs	4,994	545
<b>Total protection visas granted</b>	<b>7,508</b>	<b>2,752</b>
Resolution of status visas granted <sup>1</sup>	<5	0

1. A Resolution of status visa provides permanent residence to people who were granted a temporary protection visa prior to 9 August 2008 and who are still in Australia.

Note: Figures are as officially revised at the end of 2013-14 and therefore may differ from statistics previously published. Source data: DIBP systems.

**TABLE 4.6: FINAL PROTECTION VISAS GRANTED<sup>1</sup> AND GRANT RATES  
– TOP 10 COUNTRIES OF CITIZENSHIP (NON-IMA), 2011-12 TO 2013-14**

Citizenship	2011-12	Final grant rate (%)	2012-13	Final grant rate (%)	2013-14	Final grant rate (%) <sup>2</sup>
Pakistan	310	76.0	462	81.2	382	73.5
Egypt	204	66.4	278	77.7	342	82.4
Iran	341	93.7	313	91.0	309	87.0
Libya	19	70.4	125	78.6	192	91.0
People's Republic of China	264	27.7	215	26.4	144	20.6
Iraq	143	96.6	199	91.3	100	84.1
Afghanistan	47	92.2	57	81.4	85	97.5
Lebanon	55	45.1	27	19.9	64	29.6
India	34	7.1	38	6.4	59	13.4
Papua New Guinea	41	65.1	46	86.8	53	89.8
Others	786	n/a	754	n/a	477	n/a
<b>Total</b>	<b>2,244</b>	<b>44.5</b>	<b>2,514</b>	<b>48.5</b>	<b>2,207</b>	<b>49.1</b>

1. Final protection visas granted include grants made at the conclusion of all merits and judicial review processes.

2. The final grant rate for 2013-14 includes only decisions made up to 5 March 2014 when a cap was introduced that prevented further protection visas granted during the year.

Note: Figures are as officially revised at the end of 2013-14 and therefore may differ from statistics previously published. Top 10 countries are based on 2013-14 visas granted.

Source data: DIBP systems.

**TABLE 4.7: FINAL PROTECTION VISAS GRANTED<sup>1</sup> AND GRANT RATES  
– KEY COUNTRIES OF CITIZENSHIP (IMA), 2011-12 TO 2013-14<sup>3</sup>**

Citizenship	2011-12	Final grant rate (%)	2012-13	Final grant rate (%)	2013-14	Final grant rate (%) <sup>2</sup>
Afghanistan	1,970	96.4	2,354	96.2	232	85.0
Iran	640	95.0	468	94.9	78	89.7
Stateless <sup>3</sup>	1,278	87.3	1,027	84.6	73	65.2
Sri Lanka	303	87.6	279	55.0	58	18.8
Pakistan	96	92.3	473	95.7	50	86.2
Iraq	351	87.5	275	84.6	30	63.8
Other	158	n/a	118	n/a	24	n/a
<b>Total</b>	<b>4,796</b>	<b>91.9</b>	<b>4,994</b>	<b>88.6%</b>	<b>545</b>	<b>59.0</b>

1. Final protection visas granted include grants made at the conclusion of all merits and judicial review processes.

2. The final grant rate for 2013-14 includes only decisions made up to 5 March 2014 when a cap was introduced that prevented further protection visas granted during the year.

3. A stateless person is an individual who lacks identity as a national of a state for the purpose of law and is not entitled to the rights, benefits, or protection ordinarily available to a country's nationals. Statelessness is established where no country recognises the person as holding its citizenship.

Note: Figures are as officially revised at the end of 2013-14 and therefore may differ from statistics previously published. Top five key countries are based on 2013-14 visas granted.

Source data: DIBP systems.

- 545 protection visas granted to IMAs, 4,449 less than in 2012-13.

Non-IMA applications in 2013-14 were 13.8 per cent higher than in 2012-13. The top five countries of citizenship for applications in 2013-14, in descending order, were the People's Republic of China, India, Pakistan, Egypt and Fiji, which accounted for 51.3 per cent of all lodgements.

As shown in Table 4.6, for the top five countries by volume of final grants, the final grant rates in 2013-14 were Pakistan (73.5 per cent), Egypt (82.4 per cent), Iran (87.0 per cent), Libya (91.0 per cent), the People's Republic of China (20.6 per cent) and Iraq (84.1 per cent).

#### 4.2.5 Outcomes for illegal maritime arrivals

A total of 9,072 people who arrived by sea were screened into a refugee status determination process in 2013-14. The top citizenships were Iran, Afghanistan, Sri Lanka, Stateless persons, Pakistan and Vietnam.

The average final grant rate in 2013-14 was 59.0 per cent. For key citizenships (Table 4.7), the final grant rates in 2013-14 were Afghanistan (85.0 per cent), Iran (89.7 per cent), Sri Lanka (18.8 per cent), Pakistan (86.2 per cent) and Iraq (63.8 per cent). For persons who claimed to be stateless the final grant rate for 2013-14 was 65.2 per cent.

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Department of Immigration and Border Protection (2014). *Australia's Migration Trends 2013-14*, pp. 60-66. Retrieved from [www.border.gov.au](http://www.border.gov.au)

# ASYLUM SEEKERS AND REFUGEES GUIDE

Over the last decade the **Australian Human Rights Commission** has worked to promote and protect the rights of asylum seekers and refugees in Australia. The Commission aims to provide clear, factual information to highlight the human rights issues involved in the treatment of these groups of people.

## Who are asylum seekers and refugees?

**A**n asylum seeker is a person who has fled their own country and applied for protection as a refugee. The *United Nations Convention relating to the Status of Refugees*, as amended by its 1967 Protocol (the *Refugee Convention*), defines who is a refugee and sets out the basic rights that countries should guarantee to refugees.

According to the Convention, a refugee is a person who is outside their own country and is unable or unwilling to return due to a well-founded fear of being persecuted because of their:

- Race
- Religion
- Nationality
- Membership of a particular social group, or
- Political opinion.

Asylum seekers or refugees and migrants have very different experiences and reasons for moving to another country. Migrants choose to leave their home country, and can choose where to go and when they might return to their home country. Asylum seekers and refugees, on the other hand, flee their country for their own safety and cannot return unless the situation that forced them to leave improves.

## What are Australia's human rights obligations in relation to asylum seekers and refugees?

Australia has international obligations to protect the human rights of all asylum seekers and refugees who arrive in Australia, regardless of how or where they arrive and whether they arrive with or without a visa.

While asylum seekers and refugees are in Australian territory (or otherwise engage Australia's jurisdiction), the Australian Government has obligations under various international treaties to ensure that their human rights are respected and protected. These treaties include the *International Covenant on Civil and Political Rights* (ICCPR), the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) and the *Convention on the Rights of the Child* (CRC). These rights include the right not to be arbitrarily detained.

As a party to the *Refugee Convention*, Australia has



agreed to ensure that asylum seekers who meet the definition of a refugee are not sent back to a country where their life or freedom would be threatened. This is known as the principle of non-refoulement.

Australia also has obligations not to return people who face a real risk of violation of certain human rights under the ICCPR, the CAT and the CRC, and not to send people to third countries where they would face a real risk of violation of their human rights under these instruments. These obligations also apply to people who have not been found to be refugees.

For an overview of the key human rights issues that arise from Australia's approach to asylum seekers and refugees, see the Commission's publication, *Asylum seekers, refugees and human rights: snapshot report 2013*.

## How many refugees does Australia grant permanent protection to each year?

Under the Humanitarian Program, Australia accepts a certain number of people every year who are refugees or have special humanitarian needs. The Humanitarian Program has two main components:

- **Offshore resettlement** for people who are found to





Australia has international obligations to protect the human rights of all asylum seekers and refugees who arrive in Australia, regardless of how or where they arrive and whether they arrive with or without a visa.

be refugees (and others whose need for protection has been acknowledged) in another country before they come to Australia, and

- **Onshore protection** for people who come to Australia with a valid visa and make a successful claim for asylum after they arrive.

The Australian Government has indicated that in the 2014-15 financial year, it intends to provide 13,750 places in the Humanitarian Program.

In addition, asylum seekers who arrived in Australia without a valid visa but are not transferred to Nauru or Manus Island may be granted temporary protection visas or safe haven enterprise visas.

### **Why are asylum seekers and refugees in immigration detention?**

Asylum seekers may arrive in Australia without a valid visa or other documentation for a number of reasons. For example, a person who is fleeing persecution by the government of their country of origin might not be able to obtain a passport from officials in that country. Alternatively, a person fleeing persecution might travel without documentation to avoid being identified as they leave their country of origin in order to reduce the risk to themselves and their family.

Under the *Migration Act 1958* (Cth) (the *Migration Act*), asylum seekers who arrive in Australia without a valid visa must be held in immigration detention until they are granted a visa or removed from Australia.

There is no limit under Australian law to the length of time for which a person may be held in immigration detention. Some asylum seekers spend long periods of time in immigration detention waiting for their refugee claim to be assessed; waiting for the completion of health, identity and security checks; or awaiting removal from Australia if they have been found not to be a refugee nor someone who is owed 'complementary protection'.

For more information about immigration detention and human rights go to [www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/projects/immigration-detention-and-human-rights](http://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/projects/immigration-detention-and-human-rights)

While the legal framework for mandatory detention remains in place, over the past few years, increasing numbers of asylum seekers have been permitted to reside in the community while their claims for protection are assessed, after spending an initial period in closed detention. The Commission has welcomed the increased use of alternatives to closed immigration detention such as community detention and the grant of bridging visas, but remains concerned that thousands of asylum seekers and refugees are still held in closed immigration detention facilities.

### **How are asylum seekers' claims decided?**

#### ***Asylum seekers who arrive in Australia with a valid visa***

Asylum seekers who arrive in Australia on a valid visa and then apply for protection (i.e. as part of the onshore protection program mentioned above) have their claims assessed through the refugee status determination and complementary protection system that applies under the *Migration Act*.

The Department of Immigration and Border Protection (Department) will make a primary assessment as to whether the person is a refugee as defined by the *Migration Act*. In some cases, a person may not be a refugee, but may nevertheless face significant human rights abuses, such as torture, if returned to his or her country of origin. If an asylum seeker is found not to be a refugee, the Department will assess whether he or she meets 'complementary protection' criteria – that is, whether he or she is owed protection under the ICCPR, CAT or CRC because if they were to be sent to another country there is a real risk they would suffer serious harm.

If a person is found to be a refugee or to be owed complementary protection, providing he or she satisfies health, identity and security requirements, he or she will be granted a protection visa.

People who are refused protection by the Department at the primary stage have access to independent merits review by the Refugee Review Tribunal (RRT), or in some circumstances the Administrative Appeals Tribunal (AAT). In some circumstances, they can seek judicial review of decisions made by the RRT or the AAT. In some exceptional circumstances they can seek Ministerial intervention to allow them to remain in Australia on other humanitarian or compassionate grounds.

#### ***Asylum seekers who arrive in Australia by boat without a valid visa***

Since August 2012 there have been a number of changes in law and policy in relation to what happens to people who come to Australia seeking asylum without a valid visa. What policies apply to these asylum seekers

now depends on their mode of arrival, and on what date they arrived.

In August 2012, the Australian Government introduced a system of third country processing for asylum seekers who arrive in Australia by boat without a valid visa. Under this system, asylum seekers who have arrived by boat must be transferred to a third country as soon as is reasonably practicable unless the Minister for Immigration and Border Protection decides otherwise.

If asylum seekers are transferred to a third country, their claims for protection will be processed under that country's laws. For more information about the transfer of asylum seekers to third countries, [www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/projects/transfer-asylum-seekers-third-countries](http://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/projects/transfer-asylum-seekers-third-countries)

If asylum seekers who arrive unauthorised by boat after August 2012 are allowed by the Minister to remain in Australia, they are only able to apply for temporary protection visas or safe haven enterprise visas – they are not able to apply for permanent protection. How their applications will be processed depends on when they arrived in Australia. If they arrived on or after 1 January 2014, they apply through the refugee status determination and complementary protection system that applies under the *Migration Act* the same way as for asylum seekers who had a valid visa (i.e. with access to merits review by the RRT, etc).

However, asylum seekers who arrived unauthorised by boat between 13 August 2012 and 1 January 2014 and are permitted by the Minister to apply for a visa may be put through the new 'fast track' assessment process (introduced in April 2015).

Under the 'fast track' process, the Department will make a primary assessment of an asylum seeker's claim for protection. If the Department makes a negative assessment, fast track applicant will not be able to apply to the RRT for merits review of that decision. Instead, these applicants will only be able to apply to the newly established Immigration Assessment Authority (IAA) for a much more limited review of their application.

The IAA generally will not hold hearings, and will not consider any information not raised by the applicant at the primary interview with the Department. Unlike the RRT, the IAA cannot make a decision to grant a (temporary) protection visa to an applicant if it determines that the Department wrongly refused one – it can only send the matter back to the Department for reconsideration.

There is more information about the asylum application process, including the fast track assessment process, temporary protection visas and safe haven enterprise visas, under the section 'Protection visa processing' on the Department's website.

### What is the 'enhanced screening process'?

In October 2012 the Australian Government introduced an 'enhanced screening process' for people who come unauthorised by boat to Australia from Sri Lanka. The Commission is concerned that this process may not contain sufficient safeguards to protect people from being removed to a country where they face a real risk of significant harm (refoulement).

Under the enhanced screening process an individual is interviewed by two officers from the Department. If the Department determines that an individual raises claims that may engage Australia's non-refoulement obligations, they are 'screened in' to the third country processing regime.

If the Department determines that an individual does not raise claims that engage Australia's non-refoulement obligations then they are 'screened out' of the protection assessment process and removed back to their country of origin.

For information about the enhanced screening process and the Commission's concerns about the process, see the Commission's fact sheet: *Tell Me About: The 'Enhanced Screening Process'*.

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Australian Human Rights Commission. *Asylum seekers and refugees guide*, Last updated 14 August 2015. Retrieved from [www.humanrights.gov.au](http://www.humanrights.gov.au) on 16 September 2015.



# Fact check: does Australia take more refugees per capita through the UNHCR than any other country?

When you look at the big picture, other countries host or take more refugees per capita than Australia. They just don't do it through the UNHCR resettlement program, notes **Mary Anne Kenny** and **Sara Davies**

*We are a country which, on a per capita basis, takes more refugees than any other. We take more refugees than any other through the UNHCR on a per capita basis, but obviously this is a very grave situation in the Middle East.*

Prime Minister Tony Abbott  
press conference, 6 September 2015.

The first part of the prime minister's statement that "we are a country which, on a per capita basis, takes more refugees than any other" is not correct.

The prime minister is correct to say that Australia's resettlement program through the office of the United Nations High Commissioner for Refugees (UNHCR) is the highest per capita globally.

However, less than 1% of the

world's refugees are handled by the UNHCR resettlement program. It is a very tiny part of the picture.

When you look at the big picture, other countries – including many developing countries – host or take more refugees per capita than Australia.

They just don't do it through the UNHCR resettlement program.

## What is 'resettlement' and how many does Australia take?

The number of people displaced due to persecution, violence and conflict is estimated to be almost 60 million, the highest number since the second world war. This includes an estimated 19.5 million refugees. The UNHCR estimates that approximately 42,500 persons

are displaced per day. Almost one in every four refugees is Syrian.

For those refugees who cannot go home or who cannot stay in the country where they have sought protection, the UNHCR may seek to 'resettle' them in a third country.

Only a small number of countries have agreed to accept refugees for resettlement. These include Australia, the United States, Canada and a variety of Nordic countries.

In 2014, approximately 73,000 people were resettled to third countries. The UNHCR says:

*Of the 14.4 million refugees of concern to UNHCR around the world, less than 1% is submitted for resettlement.*

The highest number of refugees resettled in Australia was following the Vietnam War, under Malcolm Fraser's government (with opposition leader Gough Whitlam's support). The numbers peaked in 1980-81, when Australia granted 20,795 visas mostly to Indo-Chinese refugees as part of the Comprehensive Plan of Action.

Since the early 2000s, the annual intake of refugees referred from the UNHCR has been around 6,000, with the exception of the year 2012-13 when the Gillard Labor government doubled the intake to 12,000 in response to the recommendations of the Expert Panel on Asylum Seekers.

Temporary protection by way of 'safe haven visas' such as those granted to the East Timorese and Kosovar refugees are not included in our permanent resettlement program.

In 2014, Australia accepted 6,501 refugees for resettlement. This is the second-biggest resettlement





# AUSTRALIA VERSUS THE WORLD: REFUGEES AND ASYLUM SEEKERS

THE LATEST FIGURES FROM THE **ASYLUM SEEKER RESOURCE CENTRE**

## HOW AUSTRALIA COMPARES (REFUGEES)

Australia's world ranking (2014)			
By total number of refugees			50th (prev 48th)
Compared to our population size (per 1,000 inhabitants)			67th (prev 62nd)
Compared to our national wealth per billion GDP			84th (prev 85th)
Australia's ranking of 44 industrialised countries (2013)			
By total number of refugees			12th (prev 14th)
Compared to Australia's population size (per 1,000 inhabitants)			13th (prev 22nd)
Compared to Australia's national wealth GDP (PPP) per capita			20th (prev 17th)
Category	Global total	Australia total	Australia's share and rank
Refugees under UNHCR mandate	14,380,094	35,582	0.25% (50th)
Refugees resettled from other countries	105,197	11,570	10.99% (3rd)

## HOW AUSTRALIA COMPARES (ASYLUM SEEKERS)

Australia's world ranking (2014)			
By total number of asylum seekers			16th (prev 18th)
By total number of asylum applications			40th (prev 33rd)
Applications compared to our population size (per capita)			49th (prev 48th)
Applications compared to our national wealth per billion GDP			75th (prev 73rd)
Category	Global total	Australia total	Australia's share and rank
Asylum applications received in 2014	3,682,041	8,988	0.24% (40th)
Asylum seekers recognised as refugees in 2014	3,262,960	2,780	0.09% (37th)

## STATISTICS AT A GLANCE

59.5 million people displaced, as at end of 2014; this is 8.3 million persons more than 2013, and the biggest increase in a single year.	
<b>Refugees</b>	19.5 million
(14.4 million under UNHCR mandate, 5.1 million Palestinian refugees under UNRWA)	
<b>Asylum seekers</b>	1.8 million
<b>Internally displaced persons</b>	38.2 million
<b>Stateless</b>	3.5 million (however, estimated to have affected at least 10 million persons)

Asylum Seeker Resource Centre. *Australia vs. the World*, pp. 1-2. Last updated July 2015. Retrieved from [www.asrc.org.au](http://www.asrc.org.au) on 16 September 2015.

program in the world. The United States takes the largest number, approximately 50,000-80,000 (but Australia is still highest per capita).

The UNHCR has also praised Australia as having one of the best refugee resettlement programs in the world.

The prime minister is correct to say that Australia's resettlement

program is the highest per capita globally. However, while Australia has a generous resettlement program, it must also be recognised that Australia does not receive a large number of people seeking asylum.

### Global perspective

The Refugee Council of Australia and academic Robin Davies have

criticised the way Australia's refugee response has been framed as the most generous in the world.

The Refugee Council of Australia has said that Australia received just 0.43% of the world's asylum claims in 2014.

Australia's Refugee and Humanitarian Program has two components: the issuing of protection visas

# World's refugee burden explained

"During 2014, 42,500 individuals per day had to leave their homes and seek protection elsewhere – more than the total number of asylum seekers arriving in Australia in a year."

## Refugees under UNHCR mandate

Of the 19.5 million refugees under UNHCR's mandate as of 2014, for the first time, Turkey hosted the largest numbers of refugees. The next top hosting countries Pakistan (1.51 million), Lebanon (1.15 million) and Iran (982,000).

Developing countries hosted 86% of global refugees, the highest for the past 22 years. Least Developed Countries provided asylum to 25% of the total.

Australia was ranked 50th, hosting 35,582 refugees, or 0.25 per cent of the global total. Taking into account relative population size, that rank drops to 67th, from 62nd last year.

Children under the age of 18 represented an average of 51% of the total refugee population, the highest figure in more than a decade.

## Capacity versus contribution

Lebanon hosted the largest number of refugees compared to its national population (232 refugees per 1,000 inhabitants). More than half (53%) of all refugees worldwide came from just three countries: the Syrian Arab Republic (3.88 million), Afghanistan (2.59 million), and Somalia (1.11 million).

A record high of 1.7 million individuals submitted asylum applications or refugee status. Asylum applications to Australia numbers 0.93% of total applications.

26 countries admitted 105,200 refugees for resettlement during 2014. Australia resettled 11,570.

## REFERENCES

1. For statistics and global rankings on refugees, see UNHCR (2015). *Global Trends Report*, June 2015 and accompanying data tables, [www.unhcr.org/558193896.html](http://www.unhcr.org/558193896.html)
2. For statistics on asylum rankings see UNHCR (2014). *Asylum Trends 2014: Levels and Trends in Industrialised Countries* and accompanying data tables, [www.unhcr.org/551128679.html](http://www.unhcr.org/551128679.html)
3. For worldwide displacement statistics, see UNHCR (2014). *Statistical Yearbook*, [www.unhcr.org/54cf9bd69.html](http://www.unhcr.org/54cf9bd69.html)
4. For detailed rankings, see Refugee Council of Australia (2015). Media Release, [www.refugeecouncil.org.au/media/australias-harmful-policies-exacerbating-refugee-challenges-as-global-displacement-reaches-record-levels/](http://www.refugeecouncil.org.au/media/australias-harmful-policies-exacerbating-refugee-challenges-as-global-displacement-reaches-record-levels/)

Asylum Seeker Resource Centre. *Australia vs. the World*, p. 3, Last updated July 2015.  
Retrieved from [www.asrc.org.au](http://www.asrc.org.au) on 16 September 2015.



to refugees through Australia's domestic asylum process (the onshore component) and the resettlement of refugees from other countries overseas (the offshore component).

The total number of visas granted in this program annually is about 13,750. However, these are not all allocated to resettled refugees.

Within the offshore program are two primary categories of permanent visas.

The first is the refugee category for which the majority of applicants are identified and referred to Australia for resettlement from the UNHCR (as stated above, this amounts to approximately 6,000 people per annum).

The second is the special humanitarian category, which is for people who are outside their home country who are subject to "substantial discrimination amounting to gross violation of human rights in their home country" and who are supported by an immediate family member in Australia who has been granted protection in Australia.

The Refugee Council argues that a fairer analysis is to consider the total number of refugees in Australia in both the onshore and offshore program and compare it to refugees resettled and asylum seekers received in other countries. Based on statistics from the 2014 UNHCR *Global Trends* report, the Refugee Council says:

*By this measure, Australia assisted 0.43% of the refugees recognised or resettled in 2014. It was ranked 22nd overall, 28th per capita and 46th relative to total GDP ...*

*The 2014 statistics are similar to those of the previous decade. In the 10 years to 31 December 2014, the 141,047 refugees recognised or resettled by Australia accounted for 1.16% of the global total of 12,107,623 – with Australia ranked 23rd overall, 27th per capita and 46th relative to national GDP.*

Germany resettled around 3,000–4,000 in 2009–13. However, Germany



*The prime minister is correct to say that Australia's resettlement program is the highest per capita globally. However, while Australia has a generous resettlement program, it must also be recognised that Australia does not receive a large number of people seeking asylum.*

also hosted over 200,000 refugees in 2014. And with around 173,100 new asylum applications, Germany was the largest recipient of new asylum claims in 2014.

Germany has also just announced it will accept and admit 800,000 asylum seekers by the end of this year.

Developing countries shoulder the most significant burden, hosting around 86% of the world's refugees, compared to 70% ten years ago. Turkey, Lebanon and Pakistan each host more than 1 million refugees.

### Verdict

The first part of the prime minister's statement that "we are a country which, on a per capita basis, takes more refugees than any other" is not correct, as is evident from the statistics provided in the FactCheck. The FactCheck focused on the second part of that statement, which is correct. The prime minister is right to say that Australia's resettlement program through the office of the United Nations High Commissioner for Refugees (UNHCR) is the biggest per capita relative to GDP.

However, less than 1% of 14.4

million refugees of concern to UNHCR around the world are submitted for resettlement.

### Review

*This is a sound analysis. Australia's annual resettlement quota has been one of the most generous and sustained with the UNHCR resettlement scheme. However, the global resettlement need for refugees has doubled since 2005, while the Australian government annual resettlement quota has remained static (the peak being the 2012–2013 quota under Gillard government).* – Sara Davies

**Clarification:** This story was updated on September 8 to clarify that the first part of the prime minister's statement, that "we are a country which, on a per capita basis, takes more refugees than any other" is incorrect. Originally, the FactCheck had focused only on the second part of his statement, which is correct.

**Mary Anne Kenny** is Associate Professor, School of Law, Murdoch University.

**Sara Davies** is ARC Future Fellow, Queensland University of Technology.

## THE CONVERSATION

Kenny, MA and Davies, S (8 September 2015). FactCheck: Does Australia take more refugees per capita through the UNHCR than any other country?. Retrieved from <http://theconversation.com> on 15 September 2015.



# Refugees and asylum seekers: Australian public misses the mark on basic facts

Australians are misinformed when it comes to some basic facts on refugees and asylum seekers, according to a recent poll by the **Australian Red Cross**

**M**ost people think it's a crime to come by boat without a visa seeking protection and most think there's an official queue refugees and asylum seekers can join to be resettled.

Our survey of 1,000 people 18+ across Australia found the public don't really know the scale of the issue nor the realities refugees and asylum seekers face. Further, women are more likely than men to get the facts wrong. The quiz-style survey questions included facts based on the most recent data from the United Nations High Commissioner for Refugees.

"It's not a crime to come to Australia by boat without a visa and ask for protection – yet almost seven out of 10 people think it is," Australian Red Cross CEO Robert Tickner says.

"Everyone has the right to seek asylum from persecution in other

countries, and it's not illegal to cross boundaries without documents or passports to do so. People have been fleeing persecution for centuries; think the fall of the Roman Empire, World War I, the Vietnam War.

"Red Cross is concerned there's so much misunderstanding. We think if some of the myths are dispelled we will have a more compassionate and stronger community," Mr Tickner says.

"People impacted by migration need our help. They are some of the most vulnerable in Australia today; they often face much hardship, limited choices and have few support networks."

Our survey found that even though there is no official queue for people coming to Australia seeking asylum more than six in 10 people think there is. "The UN system doesn't work on a queue system, there is no orderly line, it's

a discretionary process and there is no guarantee that if a refugee waits for a period of time they will be resettled."

There are some 17.9 million refugees and asylum seekers in the world today. But we found close to one-third of people think there are more than four times (about 80 million) as many as there actually are, and almost a quarter think there are half as many (about 9 million).

This year for Refugee Week (14 to 20 June 2015) Red Cross is running a *Fact v Fiction* campaign challenging public misconceptions about refugees and seeking asylum.

"Added to this lack of knowledge of basic facts, our survey also found some two-thirds of people think Australia is doing enough or should do less to help refugees and asylum seekers. Younger people (18 to 34 year olds) are the age group most likely to think we should do more, while people over 55 are more likely to think Australia does enough," Mr Tickner says.

"Red Cross works with people based on need regardless of how they arrived in Australia or their visa status because we believe that everyone deserves to be treated with respect and dignity. Red Cross operates on the principle of neutrality and our work leaves us well placed to discuss the realities faced by asylum seekers, refugees and other migrants."

You can take of a version of the *Fact v Fiction* survey on our website at [redcross.org.au/refugeefacts](http://redcross.org.au/refugeefacts). To support our work with vulnerable migrants you can make a donation via our website [redcross.org.au](http://redcross.org.au) or by phoning 1800 811 700.

Australian Red Cross (15 June 2015). *Refugees and asylum seekers: Australian public misses the mark on basic facts* (Media release). Retrieved from [www.redcross.org.au](http://www.redcross.org.au) on 29 September 2015.

"It's not a crime to come to Australia by boat without a visa and ask for protection – yet almost seven out of 10 people think it is."



# REFUGEE FACTS

## AMNESTY INTERNATIONAL AUSTRALIA SEPARATES REFUGEE FACTS FROM MYTHS

**FACT 1:** An ASYLUM SEEKER is someone seeking protection whose claim for refugee status has not yet been assessed.

Asylum seekers may arrive in Australia by boat or plane and ask for protection. The government should process their claims promptly and fairly and if they are found to be refugees they should be granted a visa.

**Fact 2:** A REFUGEE is someone who has been forced to flee their country because of persecution, war or violence.

Until 2012, when processing ceased, 90 per cent of asylum seekers who arrived by boat were assessed to be refugees fleeing persecution.

**FACT 3:** It is NOT ILLEGAL to seek asylum in Australia, even if arriving by boat.

The right to seek asylum is recognised under Australian (1958 Migration Act) and international law.

**FACT 4:** There is no queue.

As of the end of 2013, there are 51.2 million people displaced by conflict and persecution worldwide. 16.7 million of them are registered refugees but only 80,000 resettlement places are available every year.

**FACT 5:** Globally, 348,000 people attempted dangerous, cross-border boat journeys in 2014. A significant number of these people were refugees fleeing persecution.

**FACT 6:** In 2012-13, most asylum seekers coming to Australia by boat came from Afghanistan, Iran, Pakistan, Sri Lanka and Iraq.

These are all countries experiencing conflicts or high levels of human rights abuses.

**FACT 7:** ASYLUM SEEKERS 2013 (UNHCR Global Trends 2013)

Australia	Canada	France	Lebanon
34,503	160,349	232,487	846,546

Australia receives a very SMALL number of asylum seekers by international standards.

**FACT 8:** Nearly all asylum seekers are peaceful members of our society.

In 2011-12, asylum seekers living in the community on bridging visas were about 45 times less likely to be charged with a crime than members of the general public.



# REFUGEE MYTHS

<b>MYTH:</b> Asylum seekers who arrive by boat are illegal.	It is legal to seek asylum in Australia, even if you arrive on a boat without a visa. Seeking asylum is a legal right guaranteed under Australian and international law. It is illegal for governments to punish asylum seekers for arriving by boat.
<b>MYTH:</b> Offshore processing deters people getting on boats.	People who get on boats often know the risks but feel they have no choice because of the terrible danger they face where they are. If we really want to 'stop the boats', we would make refugees' lives safer in countries like Malaysia and Indonesia, instead of further punishing people who arrive on our shores fleeing terror and violence.
<b>MYTH:</b> Asylum seekers are just after a better job.	Nearly all asylum seekers are found to be refugees fleeing persecution, war and violence.
<b>MYTH:</b> If all they want is protection, they could stay in Indonesia/Malaysia.	Most asylum seekers do stay in a neighbouring country or other countries in our region like Pakistan, Indonesia and Malaysia. These countries are either struggling to cope with the influx of refugees or do not offer protection to refugees under law.
<b>MYTH:</b> Asylum seekers come here because the government has taken a soft approach.	Australia's treatment of asylum seekers remains very tough by international standards. Nearly all the boat arrivals in recent years have been people from Sri Lanka, Afghanistan, Iraq and Iran – countries where human rights abuses are widespread. Asylum seeker arrival numbers follow regional and global trends – no policy of deterrence is going to change the fact that people are fleeing for their lives.
<b>MYTH:</b> If asylum seekers can afford to get here, they don't need protection.	On average, it costs \$5,000-20,000 to seek asylum in Australia. Many asylum seekers are not wealthy, but borrow money from relatives and/or sell land and possessions to make the journey to safety. Refugee status is not based on income but on whether or not a person has faced persecution.
<b>MYTH:</b> Supporting asylum seekers means supporting people smuggling.	People smugglers may be breaking the law, but asylum seekers are not. It is inhumane and against the law to punish asylum seekers escaping war and terror in order to send a message to people smugglers. To stop people smuggling, we need to make sure that refugees can seek protection without resorting to using people smugglers.
<b>MYTH:</b> Charity begins at home, let's help our poor and homeless first.	The government does not have to choose between supporting Australians and protecting refugees. Australia spends billions on detention and offshore processing. This could happen in the community, for a fraction of the cost.
<b>MYTH:</b> Asylum seekers should get help from the UN in their country.	It is often very difficult, and even impossible, for asylum seekers to get help from the UN. Often they don't even know the UN exists, or it is too dangerous to go to the city where the UN office is. Even if they are able to contact the UN and get UN refugee status, there is often very little the UN can do to help them find safety.
<b>MYTH:</b> Asylum seekers destroy their identity documents to get refugee status.	When escaping oppressive governments or sudden violence, it is often impossible to bring a passport, or these documents are lost or stolen during the long journey to safety. But governments can and should assess asylum claims and protect refugees, even without identity documents.
<b>MYTH:</b> Boat people are potential terrorists and pose a security risk to Australia.	No asylum seekers who have arrived by boat have been found to be terrorists. All asylum seekers arriving in Australia by boat must pass security checks before being granted protection. If a person is found to have committed a serious crime they are not given refugee status.

Amnesty International Australia (20 January 2015). *Refugees facts, Refugee myths* (Fact sheet).  
Received from [www.amnesty.org.au](http://www.amnesty.org.au) on 12 October 2015.

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# Immigration detention and human rights

The human rights of people who are in immigration detention are of special concern to the **Australian Human Rights Commission**. Liberty is a fundamental human right, recognised in major human rights instruments to which Australia is a party, including the *International Covenant on Civil and Political Rights* and the *Convention on the Rights of the Child*. People who are held in detention are particularly vulnerable to violations of their human rights.

## Why people are held in immigration detention in Australia

Since 1992 Australia has had a system of mandatory detention. Any non-citizen who is in Australia without a valid visa must be detained according to the *Migration Act 1958* (Cth) (*Migration Act*). These people may only be released from immigration detention if they are granted a visa, or removed from Australia.

Categories of people who are currently in immigration detention in Australia include:

- People who have arrived in Australia without a visa, including people seeking asylum from persecution
- Refugees who have received adverse security assessments
- People who have had their visa cancelled on character grounds
- Students who have had their visa cancelled because they breached one or more of the conditions attached to the visa
- People who have overstayed their visa
- People who are suspected of involvement with people smuggling
- Non-nationals who are alleged to have been illegally fishing in Australian territorial waters.

Children are held in immigration detention in Australia. Go to [www.humanrights.gov.au/information-about-children-immigration-detention](http://www.humanrights.gov.au/information-about-children-immigration-detention) for further information.

## Numbers of people in immigration detention, and how long they have been detained

The number of people being held in immigration detention in Australia changes on a constant basis. As at 30 June 2015 there were 2,013 people held in immigration detention facilities and 1,189 in community detention.

There is no set time limit to how long a person may be held in immigration detention in Australia. The period of time a person spends in detention may vary from a few weeks up to a few years, or even longer. As at 30 June 2015 the average period of time a person would spend in closed immigration detention was 405 days, but 348 people had been held in immigration detention for over 2 years.

The Department of Immigration and Border Protection publishes statistics setting out the number of people in immigration detention, and how long they have been in detention for. For a summary of the most recent immigration detention statistics, go to: [www.humanrights.gov.au/immigration-detention-statistics](http://www.humanrights.gov.au/immigration-detention-statistics)

## Where in Australia people are detained

### Immigration detention centres

Immigration detention centres (IDCs) are the most secure of Australia's immigration detention facilities. As of June 2015 there were IDCs in the following locations:

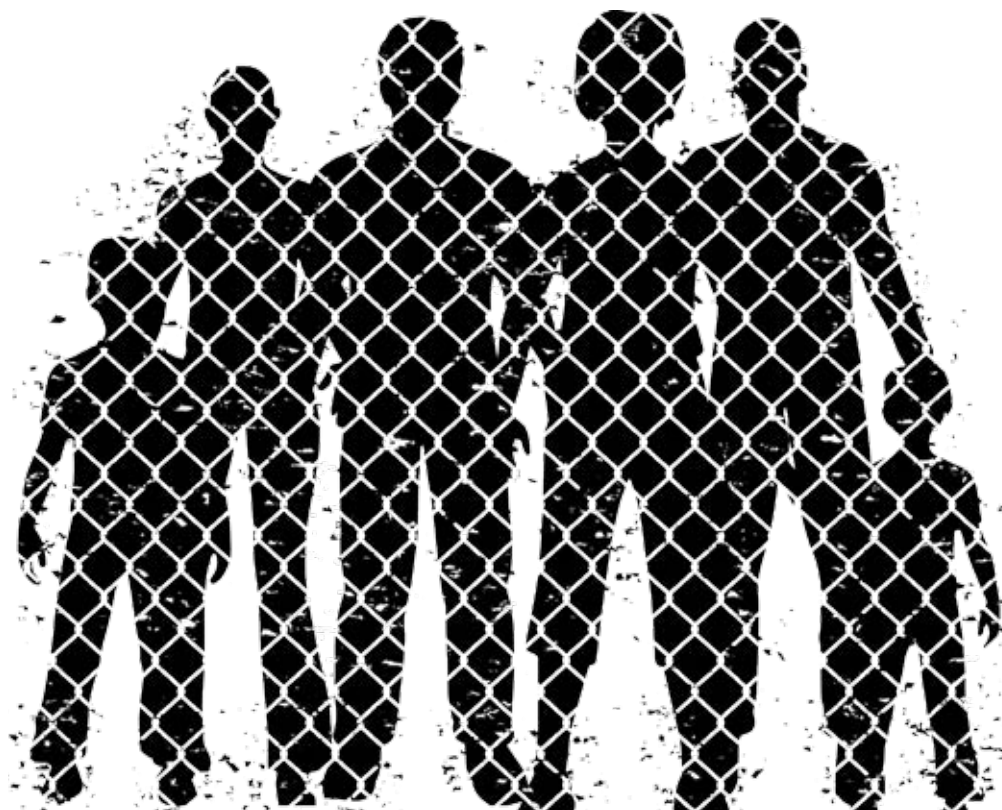
- Christmas Island IDC on Christmas Island
- Maribyrnong IDC in Melbourne
- Perth IDC
- Villawood IDC in Sydney
- Yongah Hill IDC in Western Australia.

### Immigration residential housing

Immigration residential housing (IRH) facilities are closed detention facilities, but they have less intrusive security measures than IDCs. They provide more flexible accommodation including housing that can accommodate families.

As of June 2015 there were two IRH facilities:

- Perth IRH in a suburb of Perth
- Sydney IRH next to Villawood IDC.



### ***Immigration transit accommodation***

Immigration transit accommodation (ITA) facilities are closed detention facilities, but they have less intrusive security measures than IDCs. They were originally intended to be used for people who were departing Australia, or in the process of being transferred to other places of detention, but have increasingly been used for longer-term stays. As of June 2015 there were three ITA facilities:

- Adelaide ITA in Kilburn
- Brisbane ITA in Pinkenba
- Melbourne ITA in Broadmeadows.

### *Alternative places of detention*

Immigration detainees may be held in designated 'alternative places of detention' (APOD). These can include places such as correctional centres, hospitals, hotels, psychiatric facilities, foster care arrangements, or with a designated person at a private residence. For people detained in one of these alternative places of detention, what conditions and restrictions apply to them will depend on where they are held, and what arrangements are made for them to be supervised while detained there.

There are also a number of low security immigration detention facilities that are classified by

the Department as alternative places of detention. As at May 2015 these include Phosphate Hill and Construction Camp on Christmas Island and Wickham Point APOD in the Northern Territory. People detained in these facilities remain under supervision and are not free to come and go.

### *Community detention*

Some immigration detainees are permitted to live at a specified residence in the community, in what is known as 'community detention'. Legally these people remain in immigration detention, but in community detention they are generally not under physical supervision.

For further information see alternatives to using closed immigration detention at [www.humanrights.gov.au/alternatives-detention](http://www.humanrights.gov.au/alternatives-detention)

As at 30 June 2015 around 37% of the people in immigration detention had been placed in community detention. The Commission welcomes the increased use of community detention but remains concerned that thousands of people are still being held in closed immigration detention facilities, on average for over a year.

## Asylum seekers transferred and detained in other countries

Under the third country processing regime introduced in August

2012, asylum seekers who arrive by boat in Australia must be transferred to a third country as soon as is reasonably practicable, unless the Minister for Immigration exercises his or her discretion to exempt them from transfer. As at 30 June 2015 there were 655 asylum seekers, including 88 children, detained in Nauru, and 945 adult asylum seekers detained on Manus Island, Papua New Guinea.

For more information see transfer of asylum seekers to third countries at [www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/projects/transfer-asylum-seekers-third-countries](http://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/projects/transfer-asylum-seekers-third-countries)

## The human rights of people in immigration detention

Australia's international human rights obligations are relevant to how people are treated while in immigration detention.

These obligations are contained in a range of international treaties that the Australian Government has ratified, including:

- The *International Covenant on Civil and Political Rights* (ICCPR)
- The *Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment* (CAT)
- The *Convention on the Rights of the Child* (CRC)
- The *Convention Relating to the Status of Refugees*, as amended by its 1967 Protocol (*Refugee Convention*).

These treaties cover a broad range of rights and freedoms. Key human rights principles in these treaties which are relevant to people in immigration detention include:

- Everyone has the right not to be subjected to arbitrary detention.
- Children should only be detained as a measure of last resort, and for the shortest appropriate period of time.
- Anyone who is detained has the right to challenge the lawfulness of their detention in





court, and should have access to independent legal advice and assistance.

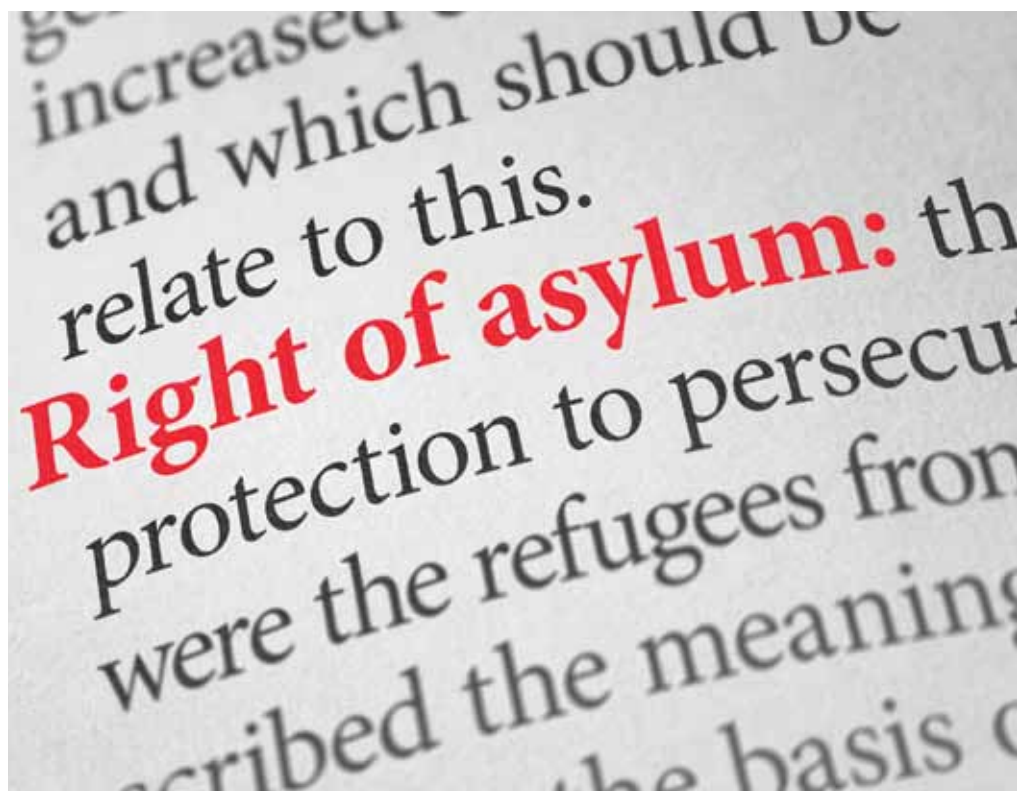
- All persons who are detained should be treated with humanity and respect for their inherent dignity.
- No one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- In all actions concerning children, the best interests of the child should be a primary consideration.
- Refugees and people with certain claims under the ICCPR, CAT or CRC cannot be returned to a country where their life or freedom would be threatened.
- Everyone is entitled to respect for their human rights without discrimination.

The conditions for people in immigration detention, and the manner in which they treated while in detention, should comply with these human rights obligations. To help facilitate this, in April 2013 the Commission published *Human rights standards for immigration detention*, setting out benchmarks for the humane treatment of people held in immigration detention facilities.

The purpose of the Standards is to assist independent bodies such as the Commission to monitor and inspect Australia's immigration detention facilities (see further information about the Commission's role in relation to people in immigration detention at [www.humanrights.gov.au/commissions-role](http://www.humanrights.gov.au/commissions-role)).

The Standards should also assist in providing a framework for the monitoring and inspections that will be undertaken when Australia becomes party to the *Optional Protocol to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment* (OPCAT).

There are also a range of international guidelines on the treatment of people who are in detention.



**There is no set time limit to how long a person may be held in immigration detention in Australia. The period of time a person spends in detention may vary from a few weeks up to a few years, or even longer.**

These include:

- The Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment
- The Standard Minimum Rules for the Treatment of Prisoners
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty guidelines issued by the United Nations High Commissioner for Refugees, including the Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers.

### **Australia's mandatory detention system leads to breaches of human rights**

Australia continues to have one of the strictest immigration detention regimes in the world. Not only is it mandatory, it is not time limited, and people are not able to challenge the need for their detention in a court. The Commission has for many years called for an

end to this system of mandatory immigration detention because it leads to breaches of Australia's human rights obligations, including its obligations under the ICCPR and CRC not to subject anyone to arbitrary detention.

The Commission has raised particular concerns about the mandatory detention of children, including in *The Forgotten Children: National Inquiry into Children in Immigration Detention 2014*. The National Inquiry found that mandatory and prolonged immigration detention of children is in clear violation of the *Convention on the Rights of the Child*.

For further information about the Commission's concerns regarding the detention of children, see [www.humanrights.gov.au/information-about-children-immigration-detention](http://www.humanrights.gov.au/information-about-children-immigration-detention)

To avoid being arbitrary, detention must be necessary and reasonable in all the circumstances of the case, and a proportionate means of achieving a legitimate





There are effective alternatives to holding people in immigration detention centres or other closed facilities for prolonged and indefinite periods. In fact, the use of community-based alternatives is required of the Australian Government under its international human rights obligations.

aim. If that aim could be achieved through less invasive means than detaining a person, their detention will be arbitrary.

The Commission acknowledges that use of immigration detention may be legitimate, in some circumstances, for a strictly limited period of time. However, in order to avoid detention being arbitrary, there must be an individual assessment of the necessity of detention for each person, taking into consideration their individual circumstances.

A person should only be held in an immigration detention facility if they are individually assessed as posing an unacceptable risk to the Australian community, and that risk cannot be met in a less restrictive way. Otherwise, they should be permitted to reside in the community while their immigration status is resolved – if necessary, with appropriate conditions imposed to mitigate any identified risks.

Australia's mandatory detention system does not provide a robust and transparent individual assessment

mechanism to determine whether the immigration detention of each person is necessary, reasonable or proportionate. The detention of unlawful non-citizens is not an exceptional step, but the norm – and it is often for lengthy periods.

Also, under Australia's international human rights obligations, anyone deprived of their liberty should be able to challenge their detention in a court. To comply with article 9(4) of the ICCPR, that court must have the power to order the person's release if their detention is found to be arbitrary.

Currently, in breach of its international obligations, Australia does not provide access to such review. While people in immigration detention may be able to seek judicial review of the domestic legality of their detention, Australian courts have no authority to order that a person be released from immigration detention on the grounds that the person's continued detention is arbitrary, in breach of article 9(1) of the ICCPR.

## Alternatives to using closed detention

There are effective alternatives to holding people in immigration detention centres or other closed facilities for prolonged and indefinite periods. In fact, the use of community-based alternatives is required of the Australian Government under its international human rights obligations.

For more information, see alternatives to closed immigration detention at [www.humanrights.gov.au/alternatives-detention](http://www.humanrights.gov.au/alternatives-detention)

## What the Commission does to promote and protect the human rights of people in immigration detention

The Commission has monitored and reported on the conditions for people in immigration detention in Australia for over 17 years.

The Commission's work on immigration detention includes:

- Investigating complaints about alleged breaches of human rights in immigration detention facilities
- Conducting visits to immigration detention facilities and publishing reports on those visits
- Developing minimum standards for the protection of human rights in immigration detention, the *Human rights standards for immigration detention*
- Conducting national inquiries.

For further information about work the Commission does to promote and protect the human rights of people in immigration detention, see the Commission's role at [www.humanrights.gov.au/commissions-role](http://www.humanrights.gov.au/commissions-role)

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# PEOPLE SMUGGLING MYTHBUSTER

People will always get on boats because they have nothing to lose when a likely death awaits them if they remain in their country of origin, and transit countries offer nothing but a state of utter hopelessness, according to the **Asylum Seeker Resource Centre**

## **MYTH: People smuggling is a business model that needs to be smashed**

People smuggling has come about as an avenue utilised by people in need of protection from persecution. There is a legitimate need to address the behaviour of people smugglers who exploit vulnerable people. A real solution would focus upon providing adequate alternative pathways for asylum seekers to escape their conditions of persecution and destitution. Until such options exist people will always get on boats because they have nothing to lose when a likely death awaits them if they remain in their country of origin, and transit countries offer nothing but a state of utter hopelessness.

## **MYTH: Asylum seekers get on boats from Indonesia, Sri Lanka and Malaysia because of people smugglers**

The vast majority of boat arrivals to Australia risk the journey because they have no genuine alternatives. Indonesia, Sri Lanka and Malaysia have not signed the *Refugee Convention* and asylum seekers in those countries face long periods without protection. Additionally, according to the Parliamentary Library,<sup>1</sup> Australia resettled only 560 refugees from Indonesia during the period of 2001 to February 2010 and only 490 refugees from Malaysia in 2010-11.

In 2012, there were 10.5 million refugees under the UNHCR's mandate, with 6.4 million of these people in protracted situations.<sup>2</sup> The average duration of these protracted situations has risen over the last few years and is approaching 20 years.<sup>3</sup> In 2012, only 74,800 refugees were submitted for resettlement.<sup>2</sup> Based on these figures, a refugee able to find a 'queue' and wait in it could conceivably wait decades.

## **MYTH: 'Stop the boats' is the solution**

Both the Government and Coalition opposition are promising to stem the flow of boats to Australia's shores in the next electoral term.<sup>4</sup> Both approaches – either 'turning the boats back', or promising to send all arrivals to PNG and forever refusing them protection in Australia, misunderstands the factors that result in people getting on boats in search of protection from genuine persecution. What is required is a full spectrum focus including a regional framework that provides adequate protection to individuals facing persecution.

A collaborative regional processing approach, including close involvement of the UNHCR and major transit countries, that also processes people within an ordered and reasonable time frame, is the only sustainable approach that will genuinely reduce the demand for people to be smuggled to Australia. Asylum seekers who know that they won't be languishing in transit countries for years without re-settlement will be far less likely to risk the lives of themselves and their families in dangerous and expensive boat crossings. Measures such as excising the mainland or exporting our international obligations to resource-poor countries such as PNG and Nauru will not solve the problem of people smuggling either.

## **NOTES**

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Lake Tanganyika, Tanzania – 28 December 2009. A crowded boat is transporting refugees on Lake Tanganyika from the Democratic Republic of the Congo into Tanzania.

# Operation Sovereign Borders

**Asylum Seeker Resource Centre** explains the federal government's border protection policy involving asylum seekers arriving on Australian shores by boat

## What is Operation Sovereign Borders?

**O**peration Sovereign Borders is a military-led response to 'combat people smuggling and protect [Australia's] borders', a policy the Coalition took to the September 2013 federal election. Its aim is to stop asylum seekers from reaching Australia by boat, and to deny such asylum seekers resettlement in Australia.<sup>1</sup>

Policy measures include:

- Turning back boats, including providing support to source and transit countries to intercept asylum seekers departing their shores
- Intercepting all SIEVs travelling from Sri Lanka and arranging for the immediate return of all passengers, regardless of their asylum seeker status
- Increasing the capacity of offshore detention centres on Manus Island and Nauru, and denying those in offshore detention resettlement in Australia, even if found to be genuine refugees
- Purchasing and deploying vessels, such as orange lifeboats, to turn (and tow) back asylum seekers whose boats are unseaworthy
- Reintroducing temporary protection visas (TPVs) for asylum seekers currently in Australia, awaiting determination of their refugee status
- Denying refugee status for those who are 'reasonably believed' to have discarded or destroyed their identity documents – the Coalition government intends to simply refuse to process such asylum seekers.

Upon taking office, the Coalition government subsumed 'Border Protection' into the Department of Immigration's portfolio becoming



the Department of Immigration and Border Protection (DIBP) and allocated \$10m for a new headquarters to oversee a joint agency taskforce, and employed a three-star general to command *Operation Sovereign Borders*.<sup>2</sup>

## Who does Operation Sovereign Borders affect?

Asylum seekers fleeing persecution in their home countries, and those languishing in transit countries such as Indonesia and Malaysia are directly affected by *Operation Sovereign Borders*. It denies asylum seekers resettlement in Australia and leaves them languishing in transit countries or in offshore detention centres, adding to their trauma and mental anguish.<sup>3</sup> As former Prime Minister Malcolm Fraser stated, the policy is "costly, cruel and, as shown by the events on Manus Island, increasingly dangerous."<sup>4</sup>

The policy has also affected Australia's international relations, with Indonesia stating on numerous occasions that tow-backs and

turn-backs – including repeated breaches of Indonesia's maritime boundaries by the Australian navy – are an affront to their national sovereignty, and they do not agree to any such plan.<sup>5,6</sup>

The UNHCR has repeatedly raised concerns regarding offshore processing, stating that the "legal framework and physical conditions for the detention and treatment of asylum seekers remain below international standards and, overall, do not provide for a safe, fair and humane standard of treatment".<sup>7</sup>

## Will it stop the boats?

Whilst the government claims *Operation Sovereign Borders* is "stopping the boats", it is telling that DIPB media releases give the number of days since "a successful people smuggling venture to Australia" – they do not claim that no boats have attempted the voyage.<sup>8</sup>

## Are asylum seekers being processed and resettled?

Since the September 2013 election, there is no evidence that



asylum applications are being processed on Manus Island, which subverts the *UN Refugee Convention*, of which Australia is a signatory.<sup>9</sup>

The government refuses to allow asylum seekers currently in offshore detention resettlement in Australia, even if they are found to be refugees. However, Papua New Guinea still has no system in place for resettlement, and the UNHCR has voiced concerns about their ability to do so safely and effectively.<sup>10</sup>

The Australian government is also in talks with Cambodia to resettle refugees, a deal which would result in asylum seekers being sent to a country that has no social welfare and where 20 per cent of the population live in poverty and 40 per cent of children under the age of five are malnourished, according to the World Bank.<sup>11</sup>

On 7 April 2014, Immigration Minister Scott Morrison told *Sky News*, “I just don’t buy into this argument that only first world countries are able to participate in resettlement.”<sup>12</sup>

### What happens to asylum seekers in Australia?

On 18 October 2013 the government reintroduced Temporary Protection Visas (TPVs) for asylum seekers in Australia to apply for protection. The reintroduction of TPVs was disallowed in the Senate on 2 December 2013, which led the government to introduce Temporary Humanitarian Concern Visas (THCVs)<sup>13</sup>. THCVs, like TPVs were disallowed by the Senate. Even though both TPVs and THCVs were disallowed by the Senate, any asylum seeker who was placed on one of these visas are subject to their conditions.

The government’s future intentions regarding temporary visas for onshore applicants are not known at this time.

The government has also twice put a freeze on granting any protection visa to asylum seekers. In early December 2013 the government implemented the first visa freeze, which was struck down by the high

court. The second began on 6 March 2014 and continues today. The freeze leaves thousands of asylum seekers in limbo with very little support.

### Veil of secrecy

As well as militarising the issue the government has shrouded its policy in secrecy.

The Minister for Immigration, Scott Morrison, and the DIBP has severely restricted access to information regarding all aspects of *Operation Sovereign Borders*, including:

- The number and notification of detected SIEVs still attempting voyages
- The number and notification of turn backs, tow backs, and use of lifeboats to transfer asylum seekers
- Conditions and security incidents in offshore detention centres, including incidents of self-harm, hunger strikes, accusations of rape, and the violence on Manus Island in February 2014 that resulted in the death of one asylum seeker and scores more being seriously injured.

While there are reporting guidelines for incidents at detention centres, the firms responsible for them have failed to submit reports to the government, and the government has failed to follow up these reports.<sup>14</sup>

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# Has the tide turned on how we treat asylum seekers? Not quite

On the face of it the events in Syria and Australia's response to it suggest we're undergoing a transformation in the way we respond to asylum seekers. But while we did well this week, we're far from global leaders, writes the ABC's **Barrie Cassidy**

**I**s Australia undergoing a transformation in the way we respond to the extraordinary movement of refugees around the world?

Have events in Syria – and the awful image of the drowned toddler – caused not just the Government and the media, but the community more generally to be more sympathetic and compassionate towards those forced from their homes?

On the face of it, that seems to be the case.

The candlelight vigils earlier this week; the outpouring of concern for the displaced Syrians; the fact that the Prime Minister, after a hesitant start, trumped the Opposition by embracing 12,000 Syrian refugees; the treatment of the story in the tabloids; all that suggests a significant shift in the public mood.

But not so fast.

Yesterday in Port Moresby, Tony Abbott insisted there was “a world of difference” between the Syrians and “people who have done a deal with people smugglers to go beyond the country of first asylum”.

He went on:

*... and we will never do anything that encourages the evil trade of people smuggling, and all of those who have come to Australia by boat are here as a result of people smuggling and this is the self-same trade which resulted in the deaths of more than 1,000 people at sea in the waters to our north and has currently resulted in the deaths of perhaps many, many more thousands in the Mediterranean.*

And to underline the point, former minister for immigration, Scott Morrison, told the ABC's AM program that in its response to Syria, the Government hadn't changed its border protection policy.

He said:

*What we've decided to do is to respond to a genuine refugee and humanitarian crisis in the Middle East ... we'll be helping those who are in that zone ... those who have come here courtesy of people smugglers, there is a process in place for those individuals and those processes will be followed.*

That is the Government's view, unequivocally. But will it resonate in quite the same way from now on? Can Tony Abbott in the future exploit the national security issue with the same effectiveness as he has in the past?

Maybe now, the distinction between the Syrian refugees and the rest will be harder to define. Those – in parts of the media – who wish to demonise asylum seekers, might not be listened to in quite the same way. And maybe, just maybe, even those who want tough action taken against those who arrive by boat, might nevertheless think again about the conditions asylum seekers are forced to endure on Manus Island and Nauru.

Significant events can change attitudes. The Border Force fiasco in Melbourne, for example, has created concerns in the minds of some about an uniformed paramilitary-type organisation having responsibility for essentially immigration issues.

But whatever the wash-up, the

## EMERGENCY ASYLUM SEEKER INTAKE FROM SYRIA EXPLAINED

- In September 2015 the federal government announced it would accept a one-off intake of 12,000 refugees displaced by the conflict in Syria and Iraq. Those accepted will be eligible for permanent resettlement in Australia.
- The first group is expected to arrive before Christmas 2015, however the immigration department already has a considerable caseload which includes the 13,750 people from the existing program and the 30,000 asylum seekers who have attempted to reach Australia by boat.
- Displaced women, children and families will be prioritised from camps in Jordan, Lebanon, and Turkey. Single men are considered best able to look after themselves. There will be a focus on persecuted minorities. Unaccompanied children present a very difficult task in terms of both identification and resettlement because the Government has to become their guardian.
- There are 630,000 Syrians in Jordan who have already been registered by the United Nations High Commissioner for Refugees. There are 81,000 people in the Zaatari refugee camp. The situation in Lebanon and Turkey is less well-ordered.
- Applicants will have identity, health, character and security checks. The identity checks will include taking biometric data.
- Those refugees chosen for resettlement will have to complete an Australian values statement that pledges allegiance to the national way of life and laws. They will also need to undertake a final health check and a final security assessment.
- There is no English language requirement and applicants can be assessed in the refugee camps or via video conferencing.
- The refugees will be given permanent visas and will come to Australia on commercial flights.

Source: Henderson, A and Uhlmann, C, 'Asylum seeker intake explained: Who will come to Australia under the Government's plan?', *ABC News*, 9 September 2015.



Prime Minister will benefit from the decisions taken this week. It was, as he said, the right thing to do. It captured the community spirit. He would, of course, be given more credit if his initial instincts weren't so astray.

He not only mused about absorbing the Syrian numbers into the existing intake, but spoke quite openly about the "crisis" in Europe, and the comparison with Australia, where "we stopped the boats".

It remains, however, that this time Tony Abbott listened to those in the party who are not of the hard right. He gave a voice to those who are closer to the critical centre.

Without question, the Government this week landed in the right place.

What a pity though that along the way the public had to be so mislead about the reality of Australia's contribution to the worldwide refugee crisis.

As recently as Thursday morning Scott Morrison repeated what others have said so often: that Australia is "the single biggest resettler of refugees per capita in the world".

Rubbish. We don't even come close. Australia has 35,000 refugees. By far the greatest burden falls on the developing countries near to the crisis zones. Turkey, for example, according to the UNHCR, has close to 1.6 million refugees; Pakistan has 1.5 million. A quarter of Lebanon's population are refugees.

Had Morrison said that per capita – under the UNHCR's refugee program – Australia is the most generous in the world, he would have been accurate.

Australia – per capita – does take more refugees than any other country under that program. In fact, since Australia signed up in 1977, Australia has been top three, along with the United States and Canada. But that's because those three countries account for 90 per cent of global resettlements under that specific scheme. Those three countries are in effect, the only serious signatories.

If it's a competition, then



Sid, Serbia – 18 September 2015: Syrian family walking on a dirt road, preparing to cross the border between Serbia and Croatia, looking for a better future in European Union countries.

Australia – per capita – does take more refugees than any other country under that program. In fact, since Australia signed up [to the UNHCR program] in 1977, Australia has been top three, along with the United States and Canada. But that's because those three countries account for 90 per cent of global resettlements under that specific scheme.

Australia is excelling in a very small field.

And more to the point, the UNHCR program accounts for less than 1 per cent of the movement of refugees around the globe. That is such a small share that comparisons – against overall movement – is virtually meaningless.

Yet the Government clings to that figure as a measure of Australia's role as a global citizen. We did well this week. But we are not world leaders.

Barrie Cassidy is the presenter of the ABC program *Insiders*. He writes a weekly column for *The Drum*.

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Cassidy, B (11 September 2015). 'Has the tide turned on how we treat asylum seekers? Not quite', *The Drum*. Retrieved from [www.abc.net.au/news](http://www.abc.net.au/news) on 16 September 2015.



# IS AUSTRALIA DOING ENOUGH FOR THE PEOPLE OF SYRIA?

Australia's commitment to take 12,000 Syrians is significant and important, but is it enough, asks Amnesty International Australia's **Graham Thom**

**T**he short answer is no. Australia could and should resettle more. But the Syrian crisis is complex and our response must go beyond just resettlement.

## *What's life like for Syria's refugees?*

I first visited Jordan's Za'atri refugee camp, 30 kilometres from the Syrian border, in 2013. The camp had been open for 10 months and in that time its population had soared to over 120,000. It was chaotic, hot, dusty and dangerous.

On my return a year later the situation had improved, but only slightly. Security for women and children was a little better, a few schools had opened, and sanitation had improved. But despite such progress, the harsh environment was taking its toll on those trapped in the camp. Winter in the desert is brutal. I can only imagine the impact it has had on those who have now been there for more than three years.

The majority of the 3.9 million Syrian refugees living in Jordan, Lebanon and Turkey are not in camps. They live in cities and villages, finding shelter where they can. With no work rights and little savings after years of displacement, people are forced to live day to day.

## *The chances of resettlement*

For most Syrian refugees, resettlement won't happen. Less than one per cent of the world's 13 million refugees will be resettled in the next 12 months.

The response from the international community has been appalling. Fewer than 90,000 resettlement places for Syrians have so far been pledged. The numbers resettled by the US and Canada have been shamefully low. The same goes for Europe. Why should Jordan, Lebanon and Turkey keep their borders open if the rest of the world refuses to help?

Australia's offering of 12,000 additional places sends a positive message to Syria's neighbours. And with luck, it will also encourage other resettlement countries to increase their intake.

But 12,000 is still a drop in the ocean. We can do better. Turkey alone is saving 1.9 million refugees. Yes, 1.9 million. Australia has a proud heritage of being a generous nation with a humanitarian heart. We must continue this tradition by welcoming more desperate Syrians.

## *Basic aid needed on the ground*

Support for UNHCR and countries hosting over 90 per cent of

Syrian refugees has been pathetic. UNHCR has received around 40 per cent of the funding it needs to provide food, shelter and medicine to the millions who need it. That is nowhere near enough.

Aid organisations are having to make heartbreaking decisions when it comes to using limited resources. Do they pay for an operation that might save a child's life? Or do they use that money to vaccinate hundreds of children at risk of serious disease? Which would you choose?

If refugees have no chance of living in safety or having access to basic necessities, what choice do they have but to risk their lives? This is where resettlement is critical. The more people resettled, the more resources UNHCR can access and more lives it will save.

## *What needs to happen next?*

While resettling 12,000 Syrian refugees is a good start, the Australian Government needs to:

- Move quickly to offer safety and enough funding for basic food and necessities for the refugees we embrace
- Protect the rights and dignity of refugees currently in Australian detention centres
- Take all possible steps to avoid civilian casualties during any military action taken in Syria
- Help improve humanitarian access for the most vulnerable Syrians.

Graham Thom is Amnesty International Australia's National Refugee Coordinator.

Graham started volunteering with Amnesty's refugee casework team in 1999, after completing his PhD in Citizenship and Immigration at The University of Sydney.



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# Global pressures expose the limits of Australian foreign policy

The federal government's instinct on foreign policy is to approach it through the lens of domestic politics, observes **Matt McDonald**

Much was made of the Abbott government's seeming reluctance to join a growing international effort to address the Syrian refugee crisis. But, on Wednesday, it announced a one-off, permanent intake of 12,000 Syrian refugees and A\$44 million in extra funding for the UN High Commissioner for Refugees (UNHCR).

This decision is a welcome one in response to a humanitarian catastrophe. But Prime Minister Tony Abbott's initial reluctance and his apparent response to party and public pressure suggest it was a grudging change of heart. It is also piecemeal in the context of the millions displaced by the conflict and in comparison to the burden other countries are facing.

The pressure the government faced over the Syrian refugee crisis also hints at a broader trend. That is, global political dynamics are exposing a credibility deficit in Australian foreign policy.

## Refugees and human rights

On refugees, Australia's immediate response to the Syrian crisis stood in stark contrast to the generosity of other countries. As a host of European and even South American nations moved to welcome those displaced by war, Abbott initially ruled out any change to Australia's small humanitarian intake.

This was a particularly bad look for the government. While Australia was willing to join others on the battlefield in the region, it appeared unwilling to act to protect victims of violence. Wednesday's announcement goes some way to addressing the damage.

Even before this episode, however, international pressure had been mounting on the government's asylum seeker policy. Continued

revelations of suffering and abuse in detention centres led to the UN accusing Australia of violating the torture convention. The UNHCR has also consistently criticised Australia's asylum seeker policy, especially the practice of offshore detention.

*Western governments should resist the lure of a ruthlessly efficient refugee policy in favour of one oriented towards human rights.*

In response, the government has moved to hide conditions in detention centres from public view. Its *Border Force Act* allows the prosecution and imprisonment of those who speak out on abuse in offshore detention centres.

Internationally, Australia's deterrence-based approach to refugees may have won admirers among the global far-right. But a recent *New York Times* editorial launched a scathing attack on Australian asylum policy, describing it as "inhumane" and "unconscionable". In particular, it argued that other Western governments should resist the lure of a ruthlessly efficient refugee policy in favour of one oriented towards human rights.

## Aid and climate

Pressures are mounting too on foreign aid. Foreign Minister Julie Bishop's recent move to engage the private sector as aid "partners" seems designed to draw attention away from unprecedented aid budget cuts.

These cuts have particularly hit funding for international agencies. The Syrian crisis exposed the massive global underfunding of agencies like the UNHCR, as

countries like Australia scale back their contributions.

On climate, domestic and international criticism of Australia's weak targets for the UN climate talks in Paris in December was immediate.

Australia's target, of a 26-28% reduction in emissions on 2005 levels by 2030, is well below fellow developed nations' norms on almost any measure. Domestic polling points to a growing concern that the government is not taking this issue seriously. While pressure is evident now, it will surely mount as the climate talks loom.

## Foreign policy as domestic politics?

Abbott's instinct in foreign policy is to approach it through the lens of domestic politics.

Climate action is viewed as a challenge for jobs and electricity prices; refugees are a threat to sovereignty and Australian values; aid is money that could be spent at home rather than on needy foreigners.

If changing public opinion on climate change and masses of Australians taking to the streets to protest Australian refugee policy is anything to go by, this may be dangerous enough for the government. But with the ongoing erosion of Australia's international stocks – and transnational pressures mounting – Australia's international credibility problem could get a whole lot bigger.

## Foreign policy in a globalised world

One striking feature of the latest crisis in Syria is the connection between the above dimensions of policy. Many reports are noting climate change's role in the conflict and even in the rise of Islamic State.





Dakar, Senegal – 23 November 2008: Africans in an overloaded boat are approaching a big ship.

In turn, effective management of refugee flows created by the Syrian conflict requires a commitment to funding international aid programs and an internationally focused refugee policy.

In these senses, Australian foreign policy has not been fit for purpose.

In a globalised world, countries cannot insulate themselves from global politics.

Even on the government's own terms – a commitment to national security and the national interest

– its foreign policy comes up short. National security requires international co-operation in response to increasingly transnational problems.

*In a globalised world, countries cannot insulate themselves from global politics.*

Until the government understands this reality, its foreign policy will not genuinely serve Australia's

long-term interests. And Australia will certainly not be seen as a credible international player.

**Matt McDonald** is Associate Professor of International Relations at the University of Queensland.

## THE CONVERSATION

McDonald, M (9 September 2015). *Global pressures expose the limits of Australian foreign policy*. Retrieved from <http://theconversation.com> on 15 September 2015.



# Where does the magic number for Australia's refugee intake come from?

**There is no sound reason why 13,000 should remain the benchmark number around which discussions of how many refugees Australia should take revolve. It is likely that these decisions are largely political, writes Sandy Gifford**

Australia commendably agreed this week to take an additional 12,000 refugees affected by the Syrian conflict. This almost doubles the humanitarian intake, from 13,750 to 25,750.

Almost all the discussion about how many refugees Australia should or could take revolve around the figure of roughly 13,000. Why? How did this number come about? Why has it become the de facto starting point for debates about Australia's response to refugees? And why the number 12,000 for the one-off intake of refugees displaced by the Syrian conflict?

## Historical evolution

The answer to how the magic number 13,000 has come about is elusive. Although Australia has been settling refugees for more than 170 years, the current co-ordinated system of refugee resettlement came into being in 1981 with the establishment of the Special Humanitarian Program.

In the early 1980s the annual intake of refugees numbered about 20,000. Then, in 1984, the annual intake was 14,207. It has fluctuated between 11,000 and 14,000 ever since, with the exception of about 20,000 humanitarian visas being issued in 2012-13.

The details of what makes up these numbers is messy, being a combination of refugee and other humanitarian visas. But whatever the rationale was for setting yearly quotas around 13,000 back in the early 1980s, it has persisted for more than 30 years.

With the additional 12,000 places, Australia will now take close to 18,000 refugees. How will these refugees be selected for resettlement? Prime Minister Tony Abbott said that Australia will work with the UN High Commissioner for Refugees (UNHCR) to resettle 12,000 refugees who are in refugee camps in Lebanon and Jordan. Priority will be given to women, children and families from persecuted minorities.

But the UNHCR has commented that this way of selecting UNHCR refugees is highly unusual.

## The UNHCR's role

Each year, the UNHCR sets an annual quota for submission places in its Refugee Resettlement Program. The UNHCR's capacity to process resettlement applications largely determines actual submission places. It is estimated that, without additional resources, the UNHCR will be able to process only 53% of refugee applications in 2016. This is one reason it can fall short of its target.

Resettlement countries then set their quotas and this shapes the acceptance rates of UNHCR submissions. Finally, there are the actual resettlement departures. This happens after resettlement nations have completed all their requirements for processing those refugees they have agreed to resettle.

Sometimes this can take years. The upshot is that while resettlement under the UNHCR scheme is a critical part of the protection puzzle, it plays a very small part in finding durable solutions for refugees. Increasingly, alternative forms of admission – such as family reunification and labour mobility – are necessary to complement the traditional resettlement program.

So, in selecting refugees under this program, what is 'usual' is a partnership process between member nations and the UNHCR. Member nations do not simply say what kinds of refugees they will or will not take, although they do set out their own priorities for filling their quotas within the submissions put up by the UNHCR.

Member nations do this in part through annual meetings held each year in June or July. These meetings, hosted by the UNHCR and held in Geneva, are known as the Tripartite Consultations on Resettlement. They have been held for the past 21 years. NGOs, the UNHCR and member resettlement nations come together and craft policy around resettlement. The meetings inform and are informed by a UNHCR report on projected global resettlement needs for the coming year.

The UNHCR projected resettlement needs for refugees in 2016 is 1,150,000 – an increase of 66% from the estimated needs for 2014. Much of this increase is attributed to the Syrian conflict. The 80,000 resettlement places made available by member nations





in 2015-16 will fail to meet this need.

Of the 30 member resettlement nations, 28 have confirmed they will receive Syrian refugees. In the 2016 *Global Resettlement Needs Report*, many countries were specifically noted for their contributions to meeting this need. Some member nations – including Germany – were welcomed for introducing alternative forms of admission for Syrian refugees.

*There is a persistent and large gap between resettlement needs and resettlement departures. This underlies the need for alternative forms of resettlement.*

Australia was noted in the report as having had a negative impact on refugee resettlement. This is due to the change in government policy that removed the right to family reunion for those who arrived by boat.

### **Raising the number**

While the traditional UNHCR refugee resettlement program is important, it is able to make only a small impact on the growing numbers of refugees in need of a permanent solution.

Resettlement needs have always been larger than resettlement submissions, which have always been larger than member nations' acceptance rates. So, there is a persistent and large gap between resettlement needs and resettlement departures. This underlies the need for alternative forms of resettlement.

This leads back to Australia's magic number of 13,000, which appears to act as the constraining average for

debates on how many refugees Australia should and can resettle. But this number should be substantially higher than it currently is.

Australia claims it leads the world when it comes to refugee resettlement. Much of this claim is true – and this is why Australia should and can take more refugees. Australia's first co-ordinated resettlement program – the Special Humanitarian Program – brought a significant growth in specialist refugee settlement services, including torture and trauma services.

These programs – the On Arrival Accommodation program, the Community Settlement Services Scheme, and, in 1997, the Integrated Humanitarian Settlement Strategy – built specific expertise in refugee settlement needs across the social services sector.

There is no sound reason why 13,000 should remain the benchmark number around which discussions of how many refugees Australia should take revolve. It is likely that these decisions are largely political.

And why the number 12,000 for the new intake of refugees from the Syrian conflict? It is larger than the 10,000 proposed by the Labor opposition and smaller than the 13,000 that has been the 'norm' for the last 30 years. Let's begin change by making 26,000 the new 'black' and go up from there.

**Sandy Gifford is Professor of Anthropology and Refugee Studies, Swinburne University of Technology.**

## **THE CONVERSATION**

Gifford, S (11 September 2015). *Where does the magic number for Australia's refugee intake come from?* Retrieved from <http://theconversation.com> on 15 September 2015.



# MOST NEWLY-RESETTLED REFUGEES UNABLE TO FIND WORK, REPORT FINDS

Only one in 20 newly-resettled refugees finds a job after six months, a report has found. **Nick Grimm** explains in this report for *ABC News*

**T**he Building a New Life in Australia research project was set up in 2013 with the aim of following the experiences of 2,400 refugees in the five years following their arrival in Australia. It comes as the federal government continues its preparations for the arrival of 12,000 Syrian asylum seekers.

Social Services Minister Scott Morrison said the results showed resettling people in Australia was not an easy process.

"It is very difficult job and that's why how you identify and how you select people and bring them into the country, you've got to do that in a way which gives people who you're trying to help the best opportunity of success in Australia," he said.

It is hoped the study will provide a wealth of data on how resettlement programs should be targeted.

The statistics released today only relate to their experiences within the first six months of their arrival.

It found that most spoke little or no English and almost half had never held a paying job before.

Only 10 per cent held a university degree and 6 per cent had a trade or technical skill.

Many suffered psychological problems such as post-traumatic stress disorder and close to 40 per cent said their health was fair or worse.

For about 90 per cent of those studied, their main source of income was welfare payments.

Just 6 per cent had managed to find a job – mainly those able to speak English.

Associate Professor Daryl Higgins, who helped conduct the research for the Institute of Family Studies, said that the results were only to be expected.

"I don't know why we would expect anything other than there would be a process and a period of adjusting to a new country where

"There is going to be a significant period of settling in and understanding how things are done and how to access supports, and over time we will start to see things shift."

you may not know the language, you may not know the typical cultural ways of doing things, you may not understand the service system, the schooling system etc," he said.

"So there is going to be a significant period of settling in and understanding how things are done and how to access supports, and over time we will start to see things shift."

Associate Professor Daryl Higgins said this first wave of data shows that a significant proportion were engaging in study as well as work.

"So we know that that is going

to be an important thing to track through is the degree to which that study can be maintained and that that can lead to positive outcomes for those individuals and families as they progress through the settlement journey," he said.

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Grimm, N (14 September 2015). 'Most newly-resettled refugees unable to find work, report finds', *ABC News*. Retrieved from [www.abc.net.au/news](http://www.abc.net.au/news) on 15 September 2015.

## FINDINGS FROM 'BUILDING A NEW LIFE IN AUSTRALIA' STUDY

- 80 per cent reported feeling welcome in Australia 'always' or 'most of the time'
- 15 per cent have never attended school in their lives
- Over a third had completed high school, a trade or university
- Many participants report significant levels of psychological distress indicating possible mental health problems
- Main source of income for 88 per cent was from government payments, followed by a wage or salary at 6.8 per cent, and family income at 1.3 per cent
- Only 6 per cent had secured jobs at the time of interview
- Males and those with better English proficiency were more likely to be employed.







## Supporting refugees

### ON ARRIVAL

In Australia, when people from refugee backgrounds are settled into communities, there are many things for the (federal, state and local) governments to consider:

- Healthcare
- Housing
- Education (including access to English language classes)
- Finding employment
- Community support services
- Interpreters and translations
- Finance/financial support
- Mental health services.

### SETTLEMENT CHALLENGES

Leaving everything behind in one life and beginning another in a different country with different laws, different education and health systems, different languages and different cultural expectations requires a period of adjustment.

For people who seek asylum and refuge this process is all the more difficult due to the circumstances under which they depart their home country.

Some of the documented challenges that face people from refugee backgrounds in Australia are:

- Finding affordable housing
- Finding employment
- Language and communication barriers
- Racism and discrimination
- Community attitudes
- Impact of disrupted education on schooling
- Learning English
- Distance and lack of communication with families in the home country and/or countries of asylum (particularly if/ where the family remains in a conflict situation)
- Ongoing mental health issues due to trauma, including survivor guilt
- Financial difficulties
- Separation from family members; living in blended families
- Changes in roles and status of family members.

### **Impact on children**

Young people also face particular challenges because of their age and experiences. They carry the scars of war and displacement with them. Sometimes children are forced to flee alone and arrive in Australia as unaccompanied minors.

Although children are very resilient, some children experience:

- Physical and psychological effects of trauma
- Language and literacy difficulties due to disrupted or limited prior education
- Issues with identity and belonging
- Changing family responsibilities.

Source: NSW Government, Department of Education 2015, Roads to Refuge, *Refugees in Australia, Refugee Settlement*.

# EXPLORING ISSUES

## WORKSHEETS AND ACTIVITIES

The Exploring Issues section comprises a range of ready-to-use worksheets featuring activities which relate to facts and views raised in this book.

The exercises presented in these worksheets are suitable for use by students at middle secondary school level and beyond. Some of the activities may be explored either individually or as a group.

As the information in this book is compiled from a number of different sources, readers are prompted to consider the origin of the text and to critically evaluate the questions presented.

Is the information cited from a primary or secondary source? Are you being presented with facts or opinions?

Is there any evidence of a particular bias or agenda? What are your own views after having explored the issues?

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Brainstorm, individually or as a group, to find out what you know about the global refugee crisis.

**1. What is the difference between a refugee and a migrant?**

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**2. Who is considered to be an asylum seeker, and how do they differ from a refugee?**

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**3. What is Operation Sovereign Borders, and who does it affect?**

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**4. What is immigration detention, and why are people held there?**

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*Worldwide, one in every 122 humans is now either a refugee, internally displaced, or seeking asylum. Were this the population of a country, it would be the world's 24th biggest.*

**Consider the above statement. In light of so many people worldwide leaving their country of origin, write a few paragraphs addressing the following issues: the reasons why people choose to leave their country of origin; why people may enlist the assistance of people smugglers; the types of human rights issues asylum seekers might face after leaving their country of origin; and the reasons why people in many receiving countries view asylum seekers in a negative light.**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



*“Leaving everything behind in one life and beginning another in a different country with different laws, different education and health systems, different languages and different cultural expectations requires a period of adjustment.”*

Consider the possible challenges that people from refugee backgrounds may face after arriving in Australia. Make a list of these challenges and provide examples of any types of support and/or programs newly resettled refugees may have access to. Discuss your list and ideas with others in the class.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



## MULTIPLE CHOICE

Complete the following multiple choice questionnaire by circling or matching your preferred responses. The answers are at the end of the next page.

- 1. In what year did Australia introduce mandatory detention?**
  - a. 1900
  - b. 1958
  - c. 1967
  - d. 1992
  - e. 2103
  - f. 2015
  
- 2. On two occasions, the Australian government has put a freeze on granting protection visas to asylum seekers. In what year did the government implement the first visa freeze?**
  - a. 1900
  - b. 1958
  - c. 1967
  - d. 1992
  - e. 2103
  - f. 2015
  
- 3. Under which of the following international treaties does the Australian Government have obligations to ensure that asylum seekers and refugees human rights are respected and protected? (select all that apply)**
  - a. International Covenant on Civil and Political Rights (ICCPR)
  - b. International Covenant on Asylum Seekers and Refugees (ICASR)
  - c. International Covenant on Economic, Social and Cultural Rights (ICESCR)
  - d. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
  - e. Convention on the Rights of Humans (CRH)
  - f. Convention on the Rights of the Child (CRC)
  
- 4. As at December 2015, how long can a person be held in immigration detention in Australia?**
  - a. 24 hours
  - b. 2 days
  - c. 2 weeks
  - d. 200 days
  - e. 2 years
  - f. There is no set time limit
  
- 5. Which of the following countries is home to the world's largest refugee camp?**
  - a. Australia
  - b. Germany
  - c. Kenya
  - d. United States
  - e. Nauru
  - f. Sudan
  - g. Egypt
  - h. Vietnam
  - i. Iraq





## MULTIPLE CHOICE

Complete the following multiple choice questionnaire by circling or matching your preferred responses. The answers are at the end of this page.

**6. Respond to the following statements by circling either 'True' or 'False':**

- |  |              |
|--|--------------|
| a. It is a crime to come to Australia by boat without a visa and ask for protection.   | True / False |
| b. Asylum seekers can join a queue and wait in line to come to Australia.  | True / False |
| c. Indonesia, Sri Lanka and Malaysia have not signed the <i>Refugee Convention</i> and asylum seekers in those countries face long periods without protection. | True / False |
| d. Boat people are potential terrorists and pose a security risk to Australia.   | True / False |
| e. On average, it can cost \$5,000-20,000 to seek asylum in Australia.   | True / False |
| f. In the early 1980s the annual intake of refugees in Australia numbered about 20,000.  | True / False |
| g. Australia is not a signatory to the <i>1951 United Nations Convention Relating to the Status of Refugees</i> .  | True / False |
| h. The majority of asylum seekers arrive by plane.   | True / False |

### MULTIPLE CHOICE ANSWERS

1 = d; 2 = e; 3 = a, c, d, f; 4 = f; 5 = c; 6 = a = False (Seeking asylum is a legal right guaranteed under Australian and international law), b = False (There is no queue – as of the end of 2013, there are 51.2 million people displaced by conflict and persecution worldwide – 16.7 million of them are registered refugees but only 80,000 resettlement places are available every year), c = True, d = False (in 2011-12, asylum seekers living in the community on bridging visas were about 45 times less likely to be charged with a crime than members of the general public), e = True, f = True, g = False (Australia became a signatory to the Convention in 1954), h = True.

- 59.5 million people were forcibly displaced at the end of 2014 compared to 51.2 million a year earlier and 37.5 million a decade ago. The increase since 2013 was the highest ever seen in a single year (UNHCR, *Global report: almost 60 million people forced to flee their homes in 2014*). (p.1)
- The main acceleration [in people being forcibly displaced] has been since early 2011 when war erupted in Syria, propelling it into becoming the world's single largest driver of displacement. In 2014, an average of 42,500 people became refugees, asylum seekers, or internally displaced every day, representing a four-fold increase in just four years (*ibid*). (p.1)
- Worldwide, one in every 122 humans is now either a refugee, internally displaced, or seeking asylum. Were this the population of a country, it would be the world's 24th biggest (*ibid*). (p.1)
- In 2014 alone 13.9 million became newly displaced – four times the number in 2010. Worldwide there were 19.5 million refugees (up from 16.7 million in 2013), 38.2 million were displaced inside their own countries (up from 33.3 million in 2013), and 1.8 million people were awaiting the outcome of claims for asylum (against 1.2 million in 2013). Alarming, over half the world's refugees are children (*ibid*). (p.2)
- Syria is the world's biggest producer of both internally displaced people (7.6 million) and refugees (3.88 million at the end of 2014). Afghanistan (2.59 million) and Somalia (1.1 million) are the next biggest refugee source countries (*ibid*). (p.2)
- 1 out of every 5 displaced persons is Syrian (UNHCR, *Global Trends 2014*). (p.4)
- Turkey is the largest refugee host nation, overtaking Pakistan (*ibid*). (p.4)
- 86% of refugees are hosted in developing nations (*ibid*). (p.4)
- Lebanon hosts the most refugees per capita (*ibid*). (p.4)
- The UNHCR program is not like a queue, or a front door. Refugees are prioritised for resettlement according to need, not according to how long they have been waiting. These needs fluctuate and are continuously reassessed (Thomas, J, *'Things will get worse': UNHCR as refugees approach 60m worldwide*). (p.6)
- More than half of Syria's population is displaced. Some four million women, men and children have fled the country and are refugees, making this one of the biggest refugee crises in history. The vast majority – 95% – are living in the countries neighbouring Syria. In one country – Lebanon – Syrian refugees now account for 1 in every 5 people (Amnesty International, *The Global Refugee Crisis: A Conspiracy of Neglect*). (p.8)
- While Syria is the world's biggest refugee crisis, it is by no means the only one. In Africa people fleeing conflict and persecution in countries like South Sudan, the Central African Republic (CAR), Nigeria and Burundi, have added hundreds of thousands to the longstanding refugee populations from countries such as Somalia, Ethiopia, Sudan and the Democratic Republic of Congo (DRC). There are more than three million refugees in sub-Saharan Africa. Kenya is home to Dadaab – the world's largest refugee camp, set up in 1991. Yet, the refugee situations in African countries receive little or no global attention (*ibid*). (p.8)
- The global refugee crisis will not be solved unless the international community recognises that it is a global problem and deals with it as such. Refugees are – by definition – people who no longer enjoy the protection of their state because that state will not or cannot protect them. They are people who have fled armed conflict, persecution, violence and grave human rights abuses (*ibid*). (p.9)
- Australia's humanitarian programme has an offshore resettlement component and an onshore protection component (Department of Immigration and Border Protection, *Australia's Migration Trends 2013-14*). (p.21)
- Asylum seekers or refugees and migrants have very different experiences and reasons for moving to another country. Migrants choose to leave their home country, and can choose where to go and when they might return to their home country. Asylum seekers and refugees, on the other hand, flee their country for their own safety and cannot return unless the situation that forced them to leave improves (Australian Human Rights Commission, *Asylum seekers and refugees guide*). (p.25)
- Australia's resettlement program through the UNHCR is the highest per capita globally. However, less than 1% of the world's refugees are handled by the UNHCR resettlement program (Kenny, MA and Davies, S, *Fact check: does Australia take more refugees per capita through the UNHCR than any other country?*). (p.28)
- The number of people being held in immigration detention in Australia changes on a constant basis. As at 30 June 2015 there were 2,013 people held in immigration detention facilities and 1,189 in community detention (Australian Human Rights Commission, *Immigration detention and human rights*). (p.35)
- Australia continues to have one of the strictest immigration detention regimes in the world. Not only is it mandatory, it is not time limited, and people are not able to challenge the need for their detention in a court (*ibid*). (p.37)
- Operation Sovereign Borders is a military-led response to 'combat people smuggling and protect [Australia's] borders'. Its aim is to stop asylum seekers from reaching Australia by boat, and to deny such asylum seekers resettlement in Australia (Asylum Seeker Resource Centre, *Operation Sovereign Borders*). (p.40)
- Leaving everything behind in one life and beginning another in a different country with different laws, different education and health systems, different languages and different cultural expectations requires a period of adjustment. For people who seek asylum and refuge this process is all the more difficult due to the circumstances under which they depart their home country (Roads to Refuge, *Refugees in Australia, Refugee Settlement*). (p.50)

## Asylum seeker

A person who has fled from his or her own country due to fear of persecution and has applied for (legal and physical) protection in another country but has not yet had their claim for protection assessed. A person remains an asylum seeker until their protection 'status' has been determined.

## Boat people

Informal term used in the media and elsewhere describing asylum seekers who arrive by boat or attempt to arrive by boat without authority to enter Australia. Referred to by the Department of Immigration and Border Protection as 'unauthorised boat arrivals' or 'unlawful boat arrivals'.

## Community detention

A form of immigration detention that enables people to reside and move about freely in the community without needing to be accompanied or restrained by an officer.

## Country of first asylum

A country that permits a person fleeing from persecution to enter its territory for purposes of providing asylum temporarily, pending eventual repatriation or resettlement.

## Detention centre

Specialised facility for people who have arrived at an Australian border without a visa and sought entry or legal visitors who have subsequently offended against the immigration law, visitors overstaying their visas, or individuals awaiting deportation.

## Displaced people

People who flee their homes to escape conflict, violence, human rights abuses or other disasters.

## Humanitarian Program

Australia's humanitarian program has two components: the onshore protection/asylum component which fulfils Australia's international obligations by offering protection to people already in Australia who are found to be refugees according to the *Refugee Convention*; and the offshore resettlement component which offers resettlement for people overseas who are in the greatest need of humanitarian assistance.

## Internally displaced person

A person who has been forced to flee or to leave his or her home or place of habitual residence, in particular as a result of, or in order to avoid the effects of, armed conflict, situation of generalised violence, violations of human rights or natural or human-made disasters, and who remains within the borders of his or her own country.

## Mandatory detention

The automatic detention of every unauthorised entrant, including asylum seekers, for the duration of their application procedures and appeals. All illegal entrants and overstayers are detained, regardless of circumstances or likelihood of absconding.

## Migrant

Someone who voluntarily chooses to leave his or her own country and make a new life in another country, for reasons

including work, education or to join family members. Migration may be temporary or permanent. Migrants are accepted at the discretion of the state, as opposed to refugees and other persons with protection needs whom the state may be required to accept due to international legal obligations.

## Non-refoulement

Obligation on states under the *Refugee Convention* not to expel or return a person (that is, refoule), either directly or indirectly, to a place where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion.

## People smuggling

The procurement, in order to obtain directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident.

## Protection

The protection owed under international law to refugees and others with international protection needs (such as beneficiaries of complementary protection). At a minimum, it requires respect for the principle of non-refoulement, and safeguarding of basic human rights in accordance with international refugee and human rights law.

## Refugee

A person who has fled his or her own country and cannot return due to fear of persecution, and has been given refugee status. Refugee status is given to applicants by the United Nations or by a third party country. According to the *United Nations Convention relating to the Status of Refugees*, as amended by its 1967 Protocol (the *Refugee Convention*), a refugee is a person who is outside their own country, and; has a well-founded fear of persecution due to his/her race, religion, nationality, member of a particular social group or political opinion; and is unable or unwilling to return.

## Source country

Includes the country of origin or a country of first asylum for an asylum seeker or refugee (as distinct from transit countries).

## Stateless person

Someone who is not considered a national by any country. In some cases, they are not legally recognised as a citizen by any country (a situation known as *de jure* statelessness). In other cases, a person may possess a legal nationality but cannot in practice exercise their citizenship rights (known as *de facto* statelessness).

## Third country

Where refugees move from their countries of first asylum to another country, such as Australia, that country is described as a third country (the first being the home country, and the second being the country of first asylum).

## Unauthorised arrival

Any person arriving or attempting to arrive in Australia by sea or air without authorisation or a valid visa, many of whom are asylum seekers.



## Websites with further information on the topic

Amnesty International Australia [www.amnesty.org.au/refugees](http://www.amnesty.org.au/refugees)  
 Asylum Seeker Resource Centre [www.asrc.org.au](http://www.asrc.org.au)  
 Australian Human Rights Commission [www.humanrights.gov.au](http://www.humanrights.gov.au)  
 Australia for UNHCR [www.unrefugees.org.au](http://www.unrefugees.org.au)  
 Children Out of Immigration Detention (ChilOut) [www.chilout.org](http://www.chilout.org)  
 Department of Immigration and Border Protection [www.border.gov.au](http://www.border.gov.au)  
 Refugee Council of Australia [www.refugeecouncil.org.au](http://www.refugeecouncil.org.au)  
 Roads to Refuge [www.roads-to-refuge.com.au](http://www.roads-to-refuge.com.au)  
 United Nations High Commissioner for Refugees (UNHCR) [www.unhcr.ch](http://www.unhcr.ch)

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## THANK YOU

- Amnesty International
- Asylum Seeker Resource Centre
- Australian Human Rights Commission
- United Nations High Commissioner for Refugees.

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