

JustComment

www.erc.org.au

A joint publication of Edmund Rice Centre for Justice and Community Education & The School of Education, Australian Catholic University

Welcoming the vulnerable?

ASYLUM SEEKERS IN AUSTRALIA

Universal

Declaration of Human Rights – Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

Refugees and Asylum Seekers: Who are they?

Each year millions of people throughout the world leave their home country looking for a better life, fleeing poverty, persecution and other human rights violations.

The 1951 United Nations Convention defines a refugee as a person who has fled his or her country because of “a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion”.

In every 115 people on earth has been forced into flight and a new refugee is created every 21 seconds. 80% of the world’s displaced people are women and children.

Refugees re-settle all over the world. However, the distribution of refugees between rich and poor nations is very unequal. Tanzania hosts one refugee for every 76 Tanzanians, whilst the figure for Britain is 1:530. In 2001 Australia will receive only 12 000 refugees through its humanitarian program.

This number has remained static for three years, despite the ever-increasing numbers of refugees worldwide. Australia accepted 20 000 refugees each year at the beginning of the 1980s.

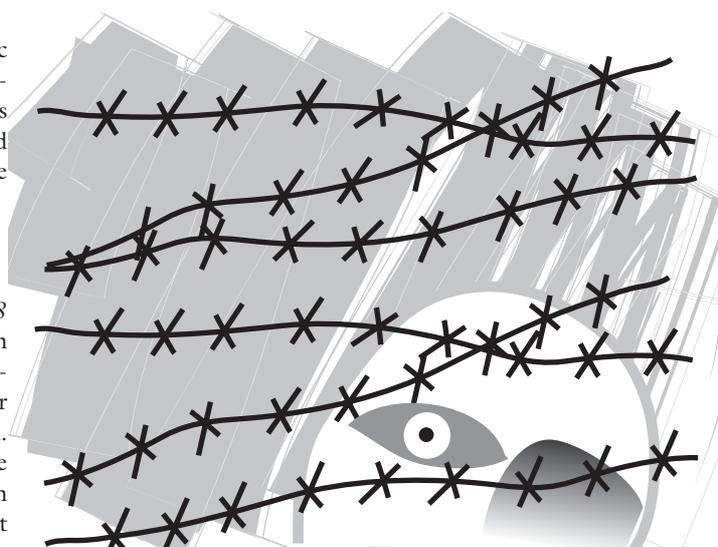
How does Australia treat Asylum Seekers?

Australia’s *Migration Act 1958* requires that all people who are in Australia without valid documentation must be detained whilst their application for asylum is considered. During 2000/2001, 8401 people were held in immigration detention facilities in Australia, the largest number (1288) in Woomera, a remote region of South Australia.

In effect, these people are confined in facilities that resemble medium security prisons before their cases are heard. Length of imprisonment varies from person to person. Over half are detained for longer than three months, whilst some remain in detention for as long as six years. It is not unusual for people to be detained for longer than a year.

Impact of detention

Many asylum seekers who reach Australia are dealing with the impact of severe trauma resulting from the experience of persecution, torture and poverty in the countries from which they are fleeing. Australia’s incarceration policy compounds the state of trauma. The effects of detention are long-term and profoundly disabling.



I prefer to go back and be killed. You die and suffer for one day and its all over. Every single day here I feel I am dying gradually.”

Asylum seeker, who remains in detention after two years

A medical doctor, who remains in detention in Australia after two years, writes about “Immigration Detention Syndrome,” a severe state of depression that is common among detainees.

Dealing with the issues

1. Asylum seekers are queue jumpers

Australia’s Immigration Minister, Phillip Ruddock, has frequently claimed that people arriving in Australia to claim asylum are jumping a queue and unfairly taking the place of other refugees who have to wait in line.

“Everytime someone who has the resources to pay people smugglers arrives unlawfully in Australia and is granted refugee status, a place is denied to someone else languishing in the most undesirable

No journalists are allowed into Australia’s six immigration detention centres.

Those people who are allowed in such as doctors, nurses and lawyers are often reluctant to speak to the media for fear that it may jeopardise their future access to the detainees, or their future contracts with either DIMA (Department of Immigration and Multicultural Affairs) or Australasian Correctional Management (ACM), the private company that runs the camps

P Mares, Borderline – NSW Press, Sydney p12 (2001)

Liberty is a fundamental human right, like asylum. As a general rule, detention of asylum-seekers is not acceptable. It is particularly undesirable when those detained include the very vulnerable children, single women, and people with special medical or psychological needs, such as torture victims. They are not criminals; they have already suffered great hardship and jailing them is wrong.

UNHCR www.unhcr.ch/refworld/country/cdr/cdrkos.htm

circumstances.” *World Refugee Day Statement from Minister for Immigration, Phillip Ruddock, June 20, 2000.*

The United Nations states that refugees should not be judged on the basis of how they got to a country, but on the legitimacy of their claims. In order to be granted refugee status asylum seekers have to prove they are under real threat if they were to return to their home country to send them back would often mean death, imprisonment or torture.

Asylum seekers who arrive in Australia without documentation are people who see their final option as the search for freedom and safety in another country. Many are fleeing persecution and violence and their lives are in danger in their home countries and accordingly may take extreme and desperate measures to escape life-threatening situations.

In reality there is no queue to jump. Australia receives relatively few refugees by world standards. However, the Australian Government reduces the number of people it will take every time someone is granted refugee status. Refugees do not take the place of other refugees, it is Governments that refuse entry.

2. It is not safe to let them out

The news coverage of asylum seekers escaping from detention centres often depicts these people as criminals. People are warned not to approach them and to notify police.

Many fear that if asylum seekers were allowed to stay in the community they would commit crimes, spread disease and would disappear into the community without being cleared by the authorities.

These same concerns are expressed around the world, however Australia is the only Western country that mandatorily detains these people whilst their claims are being heard. Other countries that do not have mandatory detention have not seen crime waves, the spread of disease or other social problems, indeed in some countries the rules are becoming more humane.

A useful comparison to Australia is Sweden which receives similar numbers of asylum seekers and people from the Middle East make up the largest group of asylum seekers in both countries. However, with a population of 8 million Sweden has many more asylum seekers per capita.

Nonetheless, when numbers reached 80,000 following the Bosnian war asylum seekers were housed in high schools and hotels. Given the numbers involved it may be expected that Sweden would have developed harsher policies of detention, but in fact the reverse is true and policy has been shaped with a clear focus on upholding the “obligation to protect refugees and asylum seekers”.

In 1997 while Australia was privatising its detention centres, Sweden was going public, putting detention in the hands of civil servants. The Swedish government’s intention was to reflect the fact that detainees were not criminals and the limitations on their civil rights should be minimal.

Detention is used to establish a persons identity and for those that the authorities fear may disappear into the community. But most detainees are released within a very short time, particularly if they have relatives or friends living in Sweden. Of the 17,000 asylum seekers currently in Sweden 10,000 reside outside the detention centres.

Children are only detained for

the minimum possible time (a maximum of 6 days) and are given access to the Swedish Immigration system and a tutor who is fluent in their native language. All asylum seekers are informed of their rights and the press are granted full access to the detention centres.

3. Refugees cost too much

Mandatory detention is the most expensive way of dealing with asylum seekers. The high security and remote locations of the centres adds considerably to the cost. The Minister for Immigration, Phillip Ruddock, has estimated that it costs over \$10,000 to keep one person in detention (*SMH 2/5/00*). There is potential for large savings if asylum seekers were allowed to live in the community while awaiting their hearing.

The Prime Minister and others have claimed that mandatory detention serves as a deterrent to those thinking of coming to Australia. There is little evidence for this. Since the policy was introduced numbers have increased. Most refugees do not know about the conditions in Australia until they get here and most are fleeing even worse conditions in their home countries.

“People do not arrive illegally. That is a mistake. A person is entitled under Australian and International law to make an application for refugee asylum in a country when they allege that they are escaping persecution or would be persecuted if they returned. That is simply the law.”

Marcus Enfield

ACTION

- Contact the Refugee-Action-Collective@yahoogroups.com for further information
- Hold a classroom or community debate or discussion “Should Australia end mandatory detention? What are some of the alternatives to mandatory detention?”

 **Edmund Rice Centre**
Awareness ■ Advocacy ■ Action

90 Underwood Road, Homebush NSW 2140

Phone (02) 9764 1330 Fax (02) 9764 1743

Email zeena@erc.org.au Web www.erc.org.au



Australian Catholic University

179 Albert Rd, Strathfield 2135

Phone (02) 9739 2100 Fax (02) 02 9739 2105