

Shifting the Focus: From People Smugglers to Protection Time for a Change in Australia's Asylum Seeker Policy

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

Article 14 Universal Declaration of Human Rights

The Australian government has recently stepped up its effort to form partnerships with regional neighbours to tackle people smuggling, which it identifies as the primary focus of its asylum seeker policy¹. This focus detracts attention from the people most affected by this new strategy, those seeking asylum in Australia. As refugee lawyer David Manne has said, “There’s a disproportionate emphasis on protection of our extraterritorial borders to the serious expense of protection of people [in Australia]”².

Debunking the Myths

Word Games: The word ‘refugee’ has developed a particular meaning for Australians. In the past, Australia’s isolated geography allowed it to choose refugees it judged as suitable for settlement, from refugee camps in foreign countries. Thus, “in Australian eyes, ‘genuine’ refugees are people who wait patiently in camps far away for us to come and select them”³. This neat depiction was challenged when the first ‘boat people’, refugees from the Vietnam War, arrived in 1976. Nevertheless, this view has persisted, fuelled by some labelling asylum seekers as ‘queue jumpers’ for not patiently waiting in foreign camps, and ‘illegals’ for arriving without visas⁴. According to the United Nations, asylum-seekers are individuals who have sought international protection and whose claims for refugee status have not yet been determined⁵. Such people have a legal status under international law. Though many asylum seekers make refugee applications in countries close to their home state, this is not always possible in countries similarly swept up by violence, which offer a precarious existence for those fleeing from danger. For many, the long and often dangerous trip to Australia appears to be their best chance.

¹ Evans, C. (2008), ‘Refugee Policy Under The Rudd Government – The First Year’, Address to the Refugee Council of Australia, Parramatta Town Hall, 17 November.
<http://www.chrisevans.alp.org.au/news/1108/immispeeches17-01.php>

² Black, S. (2009), ‘Australia’s \$18 bid to keep asylum seekers in Indonesia’, *Crikey*, 24 April, [Online], Available: <http://www.crikey.com.au/> [12 August, 2009].

³ Marr, D. & Wilkinson, M. (2003), *Dark Victory*, Allen and Unwin: Crows Nest, NSW, p. 35.

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Marr, D. & Wilkinson, M. (2003), *Dark Victory*, p. 37.

⁵ UNHCR (2009), *2008 Global Trends: Refugees, Asylum-Seekers, Internally Displaced and Stateless Persons*, UNHCR, p. 5.

People who travel to Australia by boat or any other means and claim asylum are not ‘illegal’ immigrants. Accusations about the legality of asylum claims alienate the public from the reality of the situations in which many asylum seekers find themselves, and imply an orderly world in which formal systems protect the rights of all vulnerable people. This is simply not the case.

Number Crunching:

- **By the end of 2008, 42 million people worldwide had been forcibly displaced from their homes.**
- **5.7 million of these people had been in exile for five or more years in a given asylum country, with 25,000 or more people of the same nationality⁶.**
- **During 2008, 88,800 refugees were resettled in various countries throughout the world including Australia, while a further 839,000 people applied for asylum⁷.**
- **Only 4,750 of these claims were made in Australia⁸: This is 0.57% of all asylum claims⁹.**
- **In comparison, France received 35,400 claims, the United States received 49,600 and South Africa 207,000¹⁰.**
- **The queue(s): Australia has a quota for those who apply on-shore (plane and boat arrivals) and another for those who apply off-shore. Those who arrive on-shore do not knock out those from off-shore who are languishing in refugee camps overseas.**
- **96% of the 0.57% of asylum seekers who come to Australia arrive by plane, only 4% come by boat.**

⁶ UNHCR (2009), *2008 Global Trends*, p. 17.

⁷ UNHCR (2009), *2008 Global Trends*, p. 14.

⁸ UNHCR (2009), ‘Australian Asylum Seeker Numbers Reflect Worldwide Trend’, Press Release, 25 March.

⁹ By our calculation.

¹⁰ UNHCR (2009), *2008 Global Trends*, p. 15.

Expressions like ‘flood of refugees’¹¹ used in public debate ignore this context: they serve only to deceive and weaken that debate. Australia receives no more than a tiny trickle of asylum seekers; a trickle of the millions of people waiting in what for many becomes a never-ending ‘queue’.

The Fear from Which They Flee

*So often the world sits idly by, watching ethnic conflicts flare up, as if these were mere entertainment rather than human beings whose lives are being destroyed. Shouldn't the existence of even one single refugee be a cause for alarm throughout the world? **Urkhan Alakbarov***

The Australian government has announced that it expects a surge in the numbers of asylum seekers coming from Afghanistan and Sri Lanka¹².

Afghanistan

Afghanis represent one of the largest refugee groups in the world today, with over 2.8 million refugees located in over 69 different asylum countries¹³, fleeing conditions caused and compounded by chronic instability over three decades of conflict. The recent intensification of this conflict (in which Australia is directly involved) has caused an increase in civilian casualties, with over 2,100 deaths in 2008, 40 percent more than 2007¹⁴. The Red Cross says, “The daily lives of people living in areas where the fighting is taking place are being disrupted, be it because of air-strikes, night raids, suicide attacks, the use of IEDs [Improvised Explosive Devices], or because of intimidation and the population being pressurised or co-opted by the different parties to this conflict”¹⁵. Many people live in constant fear of being caught in the cross-fire, while jobs are scarce, wages are low, and poverty is widespread. The very fabric upon which people rely to

¹¹ Narushima, Y. (2009), ‘Softer border controls blamed for suspected flood of refugees’, *The Sydney Morning Herald*, 1 July, [Online], Available: <http://www.smh.com.au/national/softer-border-controls-blamed-for-suspected-flood-of-refugees-20090630-d3tb.html> [23 August, 2009].

¹² AAP. (2009), ‘More Sri Lankan Asylum Seekers Expected,’ *The Age*, 23 April, [Online], Available: <http://news.theage.com.au/breaking-news-national/more-sri-lankan-asylum-seekers-expected-20090423-afqv.html> [23 August, 2009].

¹³ UNHCR (2009), *2008 Global Trends*, p. 2.

¹⁴ Faiez, R. (2009), ‘Afghan Civilians Could Bear Brunt of Increased War’, *Associated Press*, 2 March, [Online], Available: <http://abcnews.go.com/International/wireStory?id=6986688> [13 August, 2009].

¹⁵ Faiez, R. (2009), ‘Afghan Civilians Could Bear Brunt of Increased War’.

survive, such as infrastructure and basic services, has been extensively destroyed by the ongoing conflict¹⁶.

Abdul Ahad is a 26 year old Afghani national who decided to flee from his country. He lost his full-time driving job and forced to take the only work he could find: a once-a-week driving job through Taliban territory. Within eight months he nearly lost his life twice, first in a suicide bombing and then in a fire fight. “People can't find jobs here,” Abdul said. “If you go to a place where there's work, you'll be killed in a week. I'm desperate. It's not a big dream. I just want to finish my studies and live normally.”¹⁷

Sri Lanka

The devastating effects of Sri Lanka's 26 year civil war, characterised by massive displacement of civilians, ongoing human rights abuses and violation of international humanitarian law by both sides, linger on and threaten the safety and welfare of Sri Lankan citizens¹⁸. Tensions between the Sinhalese majority and the Tamil minority erupted into war in 1983, claiming tens of thousands of lives. By the end of May 2009, there were over 300,000 internally displaced people (including 50,000 children). Most have now been detained in over 40 camps throughout the north of the country¹⁹. The military has limited access to these camps by international humanitarian agencies and press. Reports have leaked out of overcrowding, unsanitary conditions, poor food, inadequate health services²⁰ and growing despair amongst the displaced population²¹. Detainees are not permitted to leave the camps, because the government insists that they be screened for possible links to the defeated Tamil Tigers²². Tens of thousands have yet to be investigated²³.

¹⁶ Farhad, M. N. (2009), ‘Hard time lure Afghans to Iran, deter some refugees from returning’, *UNHCR*, 11 August, [Online], Available: <http://www.unhcr.org/4a81840f9.html> [13 August, 2009].

¹⁷ Ellick, A. B. (2009), ‘Running Out of Options, Afghans Pay for an Exit’, *The New York Times*, July 4, [Online], Available: <http://www.nytimes.com/2009/07/05/world/asia/05smuggle.html> [13 August, 2009].

¹⁸ Amnesty International, (2009), *Unlock the Camps in Sri Lanka*, p. 5.

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Amnesty International, (2009), *Unlock the Camps in Sri Lanka*, p. 5.

²⁰ Amnesty International, (2009), *Unlock the Camps in Sri Lanka*, p. 24.

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Haviland, C. (2009), ‘Sri Lanka refugees plead for freedom’, *BBC News*, 6 October, [Online], Available: http://news.bbc.co.uk/2/hi/south_asia/8293982.stm [7 October, 2009].

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United Nations, (2009), UNHCR concerned about safety of displaced persons in Sri Lanka, Press Release, [Online], Available: http://www.un.lk/media_centre/press_releases.php?id=74# [7 October, 2009].

²³ Haviland, C. (2009), ‘Sri Lanka refugees plead for freedom’.

Kumar, a Tamil man in his 50s, tells of the suffering of those trapped by the recent fighting; “You have to remember that Tamils have suffered the consequences of conflict for many years... The people were used to... coping with very little but the aggression of this war tested us to the limit... we heard shells and running to the bunker we could hear screams of the wounded but it was too dangerous for us to help...”²⁴

Life in Transit

Asylum seekers who attempt to reach Australia usually come via transit countries such as Indonesia, Thailand and Malaysia, which are not signatories to the United Nations refugee convention, and have much less capacity to respond adequately to asylum seekers. Asylum seekers are often obliged to survive in these transit countries unlawfully, in hiding, unable to earn a living, while their children have no access to education or health care.

“Alex”, a spokesman for a group of Sri Lankan asylum seekers, spoke of his fears of this life when, after spending a month in the Malaysian jungle before boarding a boat bound for Australia, that was intercepted and turned back to Indonesia. “Please convince the Australian people to make sure the Prime Minister reconsiders his decision,” he said. “Indonesia cannot care for us. Indonesia cannot even take care of its own people.”²⁵ This assessment is blunt, but it reflects a reality. If Australia pursues a policy with its near neighbours to prevent such asylum seekers reaching its shores, it will be tantamount to denying them asylum; to denying them the chance of building a life.

Bring Humanity Back into Focus

As a signatory of the United Nations refugee convention, Australia has a responsibility to protect asylum seekers, and regional partnerships could go a long way in fulfilling this duty. The cooperation and provision of assistance to under-resourced transit countries should be continued and encouraged, however the focus *must* be on the welfare of the asylum seekers. While border security is important, and although ‘people smugglers’

²⁴ Amnesty International, (2009), *Unlock the Camps in Sri Lanka*, p. 8-10.

²⁵ AAP, (2009), ‘Sri Lankan asylum seekers detained in Indonesia beg Kevin Rudd to intervene’, *The Herald Sun*, 15 October, [Online], Available: <http://www.heraldsun.com.au/news/national/sri-lankan-asylum-seekers-detained-in-indonesia-beg-kevin-rudd-to-intervene/story-e6frf7l6-1225786900685> [15 October, 2009].

might prey on these vulnerable people, such issues should not distract our attention from respecting the rights of those who are suffering the most.

After being on the losing side in the Vietnam War, Australia made an agreement with Indonesia, Thailand, Malaysia, Hong Kong and the Philippines, where these countries would stop pushing boats of Vietnamese refugees back out to sea, if Australia, Canada and the US agreed to resettle those people deemed to be refugees²⁶. This sort of cooperative agreement is still possible, and it should be attempted, in order to ensure that human rights become the rule, not just the luxury of those who can pay.

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²⁶ Steketee, M. (2009), 'Compassion trumped by expediency in asylum-seeker response', *The Australian*, July 18, [Online]. Available: <http://www.theaustralian.news.com.au/story/0,25197,25797512-25072,00.html> [10 August, 2009].

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