



Myths and facts about refugees

Revised and updated February 2002

Refugees in Australia — some popular myths

At the beginning of 2002, heated public argument continues about Australia's treatment of refugees and asylum seekers.

Incidents and controversies involving refugees continue to flare up. The federal government appears to have popular support for its approach to refugees and "border protection", summed up in the election slogan: "We will decide who comes to this country and the circumstances in which they come."

In itself, that statement seems unexceptional. However, public debate suggests that support for the policies that the government claims are necessary to enforce it is at least partly based on myths and misconceptions. Some of them are outlined here.

There are several publications in circulation that purport to debunk myths and present the facts about Australia's treatment of refugees, and this paper draws freely on those sources. It does not claim to be exhaustive or complete; it does attempt to provide clear argument and accurate information, essential if positive change is to take place.

Background — the global situation

In 2001, the number of people "of concern" to the United Nations High Commission for Refugees (UNHCR) was 21.8 million, or one in every 275 persons on earth. The UNHCR defines refugees as persons who are outside their country and cannot return for fear of persecution because of their race, nationality, religion, opinion or membership of a social or political group.

Eighty per cent of refugees are women and children. The UN estimates there are also 20–25 million internally displaced persons (people forced from their homes but still within their own country) worldwide.

Under international law anyone is entitled to apply for refugee asylum if they are escaping persecution, and Australia, as a signatory to the 1951 United Nations *Convention Regarding the Status of Refugees*, has an obligation to consider their claim.

A person is entitled ... 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.

Former Chief Justice Marcus Einfeld

In September 2001, the Commonwealth amended the *Migration Act* and *Border Protection Act*, allowing it to refuse to fulfil its obligations to people who make requests for asylum in some Australian territory.

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- United Nations High Commission for Refugees *Basic Facts*, www.unhcr.ch/cqi-bin/texis/vtx/home?page=basics
- *United Nations Convention relating to the Status of Refugees of 28 July 1951*.
- Refugee Council of Australia, *Fact Sheet 3: Refugees and Migrants*

1. Australia is being “invaded” or “flooded” by asylum seekers

In the early 1980s, Australia accepted 20 000 refugees per year.

The current official quota is 12 000 per year, to include:

- people who apply to come to Australia as refugees while in another country (“offshore applicants”);
- people who apply for asylum from within Australia, either after arriving on a valid visa (“authorised onshore applicants”) or after arriving without authorisation (“unauthorised onshore applicants”).

In 2001, Australia gave 13 733 people visas under its Refugee and Humanitarian Program. In the preceding two years it did not fill the quota of 12 000. (1998-99: 11 360; 1999-2000: 9960)

Since 1996, increasing numbers of people have arrived in Australia without authorisation, mainly by boat. In 2000–01, 4141 people arrived without authority on 54 boats, compared with 4175 on 74 boats in 1999–2000.

In 2000 alone, 300 000 refugees sought asylum in Europe.

In the last two decades of the 20th century, European countries received 6.3 million requests for asylum, 75 per cent of 8.4 million applications to 37 countries in the industrialised world. Canada and the US received 2 million (24%), while Australia, New Zealand and Japan together received 107 000 — just over one per cent.

There has been an increase in the rate of arrivals in Australia, largely due to catastrophes in the Middle East and South Asia.¹ However, descriptions like “flood” or “hordes of refugees” when applied to the numbers Australia has had to deal with, bear no relation to reality when the world situation is considered.

(In Australia, it is illegal to overstay on a visa without applying for asylum. The most recent [December 2000] immigration department figures show there are over 50 000 overstayers in Australia, most of them tourists, the largest proportions being from the United Kingdom, the United States and the Philippines).

2. Opponents of current policy want unrestricted entry of refugees, which will allow terrorists into Australia

“... the sanctimonious preachers, who tell us that we should take in the poor of the world.”

P. P. McGuinness, *Sydney Morning Herald*, Aug. 30, 2001

“The people who want us to let ‘refugees’ into this country without any form of system ...”

“... let’s not write open cheques for them to waltz in through our borders until we have done some real research on their backgrounds.”

Contributors to Margo Kingston’s *Web Diary*, Sept. 14 & 18, 2001

¹ For example, the Afghan people have suffered continual war and repression for the last 20 years, since the Soviet invasion in 1979. In that time the country has been devastated, producing the world’s largest-ever single refugee case load, at times as high as 6.2 million persons.

No-one who speaks on behalf of refugees advocates a policy of unrestricted entry.

Australia does not allow, and has never allowed, unrestricted entry of Muslims, or anyone else. People who arrive without authorisation are detained, and their claims for asylum scrutinised at length. Most are found to be genuine refugees.

Any well-organised, well-resourced terrorists planning to come to Australia are unlikely to make a long, dangerous journey by land and sea, with the certainty of detention when they arrive.

The subsequent refugee determination process involves lengthy security checks, which would also discourage terrorists from attempting to enter by that route.

They would almost certainly arrive with false documents and enter through conventional channels — a security problem, but not one likely to be solved by harshness towards asylum seekers. There is no evidence that any asylum seekers who have arrived in Australia by boat have connections to terrorism.

3. Refugees are too “culturally different” to fit in with the Australian way of life

That accusation has been levelled at just about every immigrant minority group since white settlement in Australia began, from the Catholic Irish and the Chinese, to Jewish refugees from the Nazis, Greeks, Italians and Vietnamese.

All of those groups have settled successfully in Australia. The process has not always been smooth or easy, but compared with the strife and hatred elsewhere, Australian multiculturalism is a demonstrable success.

At present the emphasis is on Muslims and their “religious fanaticism”.

Muslims are not typically “fanatical”. They live according to many different interpretations of their faith which has, historically, had easily as much, or more, concern with justice, tolerance and humane conduct as Western religious and philosophical traditions.

Afghan people, as it happens, have had a presence in Australia for over a century, and played an important role in the opening up of trade routes through some of the country’s most inhospitable areas.

4. Muslim refugees should go to Indonesia and stay there

Indonesia has not signed the 1951 UN Refugee Convention or the related Protocol, which obliges signatories to consider claims for asylum.

The country is racked by internal strife and economic instability. It already has a million internally displaced people.

The Refugee Review Tribunal has repeatedly stated that asylum seekers should not be sent to Indonesia, as Indonesia is likely to send them back to their home country regardless of the danger they may face there.

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- Department of Immigration & Indigenous & Multicultural Affairs, www.immi.gov.au
Fact Sheets:
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 - 61. Seeking Asylum within Australia
 - 74. Unauthorised Arrivals by Air and Sea
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- News articles, letters and opinion columns, especially in the *Sydney Morning Herald*, and Margo Kingston's *Web Diary*, SMH online smh.com.au/news/webdiary
- Refugee Council of Australia
Fact Sheets:
 - 3. Refugees and Migrants
 - 5: Australia's Response to the World Refugee Situation
- www.illywhacker.net/asylum (website with statistical analysis of claims about refugees)

5. Australia is one of the most generous countries in the world to refugees

Both the government and the opposition², have repeatedly claimed that Australia is second only to Canada in its generosity to refugees.

That assertion is based on the fact that Australia is one of only nine countries whose immigration program specifies an annual quota for resettling refugees. Per capita, Australia's quota of 12 000 is the second highest, but other countries, such as Germany and the UK, which allow similar limited resettlement, also have large refugee accommodation and protection programs *outside* their resettlement quotas.

In contrast, the 12 000 quota constitutes the total number of refugees of all types that Australia will accept per year, whether offshore applicants, authorised onshore applicants, and unauthorised onshore applicants (mainly boat people).

Australia's arrangements do not reflect any particular generosity compared to other countries, many of which have to deal with hundreds of thousands of refugees.

Australia is able to impose its all-inclusive quota because so few asylum seekers actually come here.

By restricting its total annual intake to 12 000 offshore and onshore applicants, the government reduces the number of quota places available to offshore applicants by the number it grants to onshore applicants. It promotes the idea that offshore applicants are more "deserving" of resettlement but are having their opportunities restricted as the number of boat people increases — part of an apparent campaign to demonise boat people, not only in the eyes of the general public, but also in the eyes of other refugees.

The government should cease trying to stir up ill-will towards boat people and publicly promote the UN Refugee Convention principle that refugees' claims should not be influenced by how they enter a country to seek protection. Assessment should be purely according to the legitimacy of those claims.

In any case, since legislative changes in September 2001, most onshore applicants are granted only Temporary Protection Visas, and may actually never be allowed permanent protection in Australia, a trend which further compromises the alleged "generosity" of the quota.

²We maintain a policy of generosity towards the entry of refugees into Australia. If you look at the UNHCR's list of those who are engaged in this process, I think we run second. That is of course a position that was achieved under the previous Labor government, but it's been sustained on a bipartisan basis since then." Kim Beazley, National Press Club Address, Nov 7, 2001.

Of 71 countries that accommodate refugees and asylum seekers, Australia is ranked 32nd in terms of total numbers accepted. Per capita, Australia is 38th, slightly behind Kazakhstan, Guinea, Djibouti and Syria. Of the 29 developed countries that accept refugees and asylum seekers, Australia is ranked 14th.

The heaviest burden of hosting refugees is borne by poor nations.

There are nearly four million Afghans in refugee camps in Pakistan and Iran.

Tanzania is hosting 680 000 refugees, Yugoslavia 484 000, Guinea 433 139 and Sudan 401 000. Of industrialised nations, only Germany (906 000) and the United States (507 290) host large numbers.

- Tanzania hosts one refugee for every 76 Tanzanian people (1:76)
- Britain hosts one refugee for every 530 British people. (1:530)
- Australia hosts one refugee for every 1583 Australian people. (1:1583)

The website www.illywhacker.net/asylum provides statistical analysis that challenges the claim that boat people are “queue jumpers”, and the legitimacy of assertions that boat people place pressure on Australia’s humanitarian program.

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- www.illywhacker.net/asylum (website with statistical analysis of claims about refugees)

6. People who arrive unauthorised are not “genuine” refugees

Most of the obligations that Australia has accepted by becoming a signatory to the UN Refugee Convention concern proper treatment of people who seek asylum, regardless of the means by which they arrive in a country to ask for it.

The Convention states that assessment of refugees’ claims should not be influenced by how they enter a country to seek protection. Assessment should be purely according to the legitimacy of those claims.

However, Australian Government promotes the idea that those applying for asylum offshore, under its Humanitarian Program, are more “deserving” of refugee status than those who arrive unauthorised, and pursues the electorally popular course of “getting tough” with unauthorised arrivals.

To justify the strategy, it insists that unauthorised arrivals are, collectively, not “genuine” refugees.³

Nonetheless, the immigration department’s figures indicate that around 84 per cent of those who arrive in Australia seeking asylum are found to be legitimate refugees.

In order to be granted refugee status asylum seekers have to prove they would be under real threat of persecution, as defined by the Convention, if they were to return to their home country — that to send them back could mean death, imprisonment or torture.

³ For example: “In the main, people who have sought to come to Australia and make asylum claims do not come from a situation of persecution ; they come from a situation of safety and security. They may not be able to go back to their countries of origin but they are making a lifestyle choice.” Philip Ruddock, Minister for Immigration, reported in *The Australian*, January 8 2002.

Anyone in that situation is a genuine refugee.

In the last two years the government has made various claims to support its argument that boat people, collectively, are not really refugees, including that:

7. Boat people are “queue jumpers”, stealing the places of “genuine” refugees waiting patiently in camps for their turn at orderly processing by the UNHCR

8. Boat people are rich because they can afford to pay people smugglers

“... on the Afghan-Pakistan border, a family sit hopelessly in a wretched refugee camp. No chance for them to start a new life because a group of selfish, relatively rich illegal immigrants made a lifestyle choice, passed through at least three countries where they could have applied for asylum, and tried to barge their way through Australia’s back door.”

Letter to Sydney Morning Herald, Jan 17 2002

Many boat people have themselves come from refugee camps.

A queue is an orderly line with an eventual end — conditions in many refugee camps throughout the world are such that the chances of survival, let alone getting out, are poor. The situation for refugees is more like a lottery than a queue, even if they do manage to find their way into the official processing system. For example, in the last three years, of 535 certified refugees processed by the UNHCR in Jakarta, only 31 have been resettled, and only two taken by Australia.⁴

There have been numerous detailed accounts of conditions in refugee camps, and explanations of the circumstances that lead refugees to seek methods of getting to countries where they can seek asylum.

Among the most commonly made points:

- In many of the countries generating high numbers of refugees, including Iraq and Afghanistan, there is no Australian diplomatic presence and no “queue” for would-be emigrants to join. Even to express a desire or intention to leave can be dangerous.
- Refugees in the camps often have to pay large bribes to processing officials, to have their claims assessed.
- Increasingly, many refugees will try to avoid taking refuge in a camp, as they don’t believe doing so will increase their chances of escape, or even survival. People in camps in countries whose governments support regimes from which the camp inmates have fled are likely to experience hostility and violence.
- Families in strife-torn areas may sell everything they have to buy a passage out from smugglers. Extended families may pool resources to send one person to the West, with the expectation that that person will work hard to send money home to enable other family members to make the trip.
- Many families end up with large debts to the smugglers. A study by the French agency Medecins Sans Frontieres, in refugee camps on the Iranian border, found that nearly all families were in debt, with members held hostage by smugglers until the debt was paid.

⁴ Those two are the mothers of children drowned when their refugee boat sank on its way from Indonesia. They have been accepted to come to Australia to be with family already here. The government refused to countenance allowing the women’s husbands, who have temporary protection in Australia, being allowed to return to this country if they went back to Indonesia to be with their wives in the aftermath of the sinking.

It’s important to note that both women were recognised as genuine refugees by the UNHCR yet still felt driven to become boat people.

- A truly well-off person can afford other methods of getting to Australia than by making a perilous sea journey in an unreliable craft.
- There is, in any case, no reason why possession of wealth should disqualify a person from being considered a refugee. Material prosperity is unlikely to save people from persecution if a hostile regime, or a society in which they are a minority, seriously targets their ethnic or religious group. The relative prosperity of many Jews in pre-war Germany made them more of a target of resentment.

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9. Refugee detention centres are like holiday camps

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.

United Nations High Commissioner for Refugees

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

Asylum seeker, after two years in detention

During 2000–2001, 8401 people were held in six immigration detention centres in Australia, the largest number (1288) in Woomera, a remote region of South Australia.

The facilities resemble medium-security prisons. The government’s Immigration Detention Advisory Group has described the detention centre at Woomera as “harsh and intimidating”, and has recommended it be closed.⁵

The detention centres are managed by Australasian Correctional Management, a subsidiary of Wackenhut Correctional Services, a US private prison manager. Wackenhut is facing several lawsuits in the US, for failure to meet contracts and over deaths of its “clients” (prisoners) in detention.⁶

Length of detention varies from person to person. Over half are detained for longer than three months, while some remain in detention for as long as six years. It is not unusual for people to be detained for longer than a year.

Refugees often exhibit chronic and acute health problems, originating in experiences of torture and trauma, or years in refugee camps. Emerging medical evidence shows that the experience of being in an Australian detention centre often exacerbates such problems.

Doctors and workers report poor record keeping and misdiagnosis are common in Australia’s detention centres.

⁶ Edwards, N. 2002, “Financial Analysis of Detention Centre Costs” *Sydney Morning Herald*, smh-online, 24 Jan.

⁵ Funnell, R. 2002, “Humane solution for refugees can still win the day”, *Sydney Morning Herald*, Jan. 29.

No journalists are allowed into the centres. People who are allowed in, such as doctors, nurses and lawyers, are often reluctant to speak to the media for fear of jeopardising future access to refugees or future contracts with either the Department of Immigration and Multicultural Affairs or Australasian Correctional Management.

Several government and other reports have raised questions about the running of the centres, including reports by Parliamentary Committees, Amnesty International, The Commonwealth ombudsman and the Human Rights Commission. The government's response on each occasion has been dismissive.

It has said that the disturbances, riots, hunger strikes, self-mutilation and allegations of poor treatment that have occurred in the detention centres reflect only the poor moral character of the asylum seekers, and have nothing to do with the conditions under which they are being held.

In early 2002, a fresh wave of hunger strikes and protests, took place, involving between 200 and 400 inmates⁷ protesting the length of time taken to process asylum requests, conditions in the centres and the government's apparent hostility towards them. Some sewed their lips together, several have drunk poisonous substances, one threw himself onto razor wire.

In responses to the end of January 2002:

- The government initially refused to alter policy or practice in response to such "inappropriate behaviour".
- Medical practitioners working in detention centres stated that they were considering breaking their confidentiality agreements with Australasian Correctional Management in an attempt to expose poor healthcare practices in the centres. The announcement was supported by the Australian Medical Association.
- Neville Roach, Chair of the Council for Multicultural Australia, resigned because the government's asylum seeker policy was "inflexible" and "tearing at Australia's multicultural fabric". He said the Government had deliberately demonised the asylum seekers and given "comfort to the prejudiced side of human nature", causing an upsurge in public hostility not only to refugees, but all Australians of "Middle-Eastern appearance".
- The Catholic Archbishop of Sydney, supporting calls by other churchmen, said that the government should urgently reassess its policy to stop the situation going "from bad to something infinitely worse".
- The Immigration Detention Advisory Group managed to broker a deal that ended the worst of the hunger strikes, based on undertakings that the protesters' concerns would be met. The group recommended that Woomera not be used as a processing centre for asylum seekers and said the present situation had "the potential to create a human tragedy of unknowable proportions". It denied that detainees were "barbarians" or are "devious and clever manipulators seeking to change Australian immigration policy", characterising them as humane and caring people who had been pushed to extremes.⁸

The situation continues to evolve.

⁷ Precise figures were disputed by the government and lawyers representing inmates.

⁸ "Despite their poor physical condition (hungry, dehydrated, tired, emotional), in their discussions with us they have been invariably calm and courteous. They have turned their protest in on themselves, as many people do in similar circumstances, where they feel trapped in a pervasive sense of hopelessness because of the circumstances in which they now find themselves. They have lost all hope and any real control over their lives. They are, however, taking the best care they can of those on hunger strike. To characterise them as other than humane and caring is simply not accurate." Ray Funnell, A/Chairman of the Immigration Detention Advisory Group, *Sydney Morning Herald*, Jan. 29.

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10. Detention Centre costs

Mandatory detention is the most expensive way of dealing with asylum seekers. The high security and remote locations of the centres add considerably to the cost.

There is potential for large savings if asylum seekers were allowed to live in the community while awaiting their hearing.

Estimates of the cost per day per asylum seeker vary. The Department of Immigration and Multicultural Affairs estimates \$104.00. Accountant Naomi Edwards, in the *Sydney Morning Herald* on 24 January 2002, estimated \$117 per day, with the cost of housing an average total of 3500 people per year \$150 million.⁹

⁹ Edwards calculates the profit margin for Wackenhut Correctional Services, the US private prison manager that runs the detention centres, is around \$8.5 million. She writes: "While DIMA have downplayed and even denied Wackenhut's involvement with the detention centres, it is clear from the Wackenhut filings and annual reports that their relationship with DIMA is extremely important and they are very anxious to both increase numbers in the Detention Centres and to increase their profit margin on the relationship." Edwards, N. 2002, "Financial Analysis of Detention Centre Costs" *Sydney Morning Herald*, 24 January.

Edwards estimated that allowing asylum seekers to live in the community and paying them the equivalent of the single person's disability allowance would reduce the cost to \$63 per day, saving the taxpayer \$80 million per year.

Community-based alternatives to mandatory detention can be found internationally and within the current Australian parole system.

A select committee of the NSW Parliament has costed alternatives to incarceration, including home detention and transitional housing. The average costs of community-based programs are (per person, per day): Parole: \$5.39. Probation: \$3.94. Home Detention: \$58.83. Those options are clearly more economically efficient, and much more humane.

There is little evidence for claims that mandatory detention is a deterrent to those thinking of coming to Australia. Despite ever-harsher deterrent measures, in 2000 the decrease in the total number of refugees arriving, compared with the 1999 total, was 34. 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.

On 24 January 2002, The Sydney Morning Herald reported that leaked Cabinet documents revealed that the "Pacific Solution" whereby Australia pays neighbouring nations to process asylum seekers on their territory, had cost almost twice as much — \$285 million — as the government had originally projected.

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11. It is not safe to let asylum seekers into the community

Many fear that if asylum seekers are allowed to stay in the community they will commit crimes, spread disease and disappear from view without being cleared by the authorities.

Those concerns are expressed around the world, however Australia is the only Western country that mandatorily detains asylum seekers while their claims are being heard.

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.

Sweden receives similar numbers of asylum seekers to Australia, despite having less than half the population. Detention is used only to establish identity and to conduct criminal screening. 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 live outside the detention centres. Children are detained for a maximum of six days.

12. Australia is a “soft touch” because of its “generosity” to refugees

Life in Australia for many refugees is hard even after their status has been officially endorsed.

People arriving *without* authorisation, who are detained and subsequently found to be refugees, are given a Temporary Protection Visa (TPV).

Under the temporary protection regime, they are:

- ineligible for all federally funded employment programs, English language tuition and for the settlement services provided to entrants under the Humanitarian Program, such as assistance with orientation, accommodation etc.
- completely denied access to the family reunion program, even being unable to travel to another safe country to visit their family without relinquishing Australian protection.

Denial of English language tuition and employment assistance is a major barrier to their participation in society.

Until September 2001, TPV holders had the right to apply for permanent protection after 30 months. That is no longer the case after seven amendments to the *Border Protection Act* and *Migration Act* that:

- exclude refugees who arrive without authorisation from ever gaining permanent protection in Australia;
- place people who apply from Indonesia or Nauru on a 4.5 year temporary protection visa before they are eligible to apply for permanent protection in Australia;
- limit asylum seekers’ access to Australia’s courts if they wish to seek review of immigration department decisions;
- provide immunity from any future legal action for the Commonwealth Government and all Commonwealth officers involved in the Tampa/Nauru efforts;
- excise key Australian territories, including Ashmore Reef, the Cocos Islands, Christmas Island, and the Cartier Islands, from Australia’s Immigration Zone;
- narrow the definition of a refugee.

The thrust of the changes is to restrict entry, not only for boat people but for any refugee who has left a supposedly “safe” country outside their country of origin to come to Australia.

The changes are complex and still being analysed. They involve fundamental change in the direction of the government’s Refugee and Special Humanitarian program, in effect making it no longer a migrant program. Permanent protection is not guaranteed and many will have to live their lives in Australia on a succession of temporary visas.

Community agencies report that the Federal government is discouraging them from offering any support to TPV holders, telling them they risk losing Federal settlement funds if they do so.¹⁰ They also report greatly increased tension and division in the affected communities. The stress flows on to affect service providers, including the local government councils, state governments, and the various small, under-resourced, community-based organisations that provide refugees with help that ranges from housing and employment assistance to medical and psychological counselling for the effects of torture and trauma.

Increased uncertainty and insecurity among refugees is leading to increased demands on services. In turn, service providers’ resources are stretched, sometimes to breaking point, reducing their ability to help.

¹⁰ Mann, R. *Temporary Protection Visa Holders in Australia*, Queensland Government, February 2001

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