

3. Are people who seek asylum and come to Australia by boat 'illegal'?

No, they are not. Article 14 of the Universal Declaration of Human

Rights states everyone has the right to seek asylum from persecution in other countries. Human rights are universal. They are basic freedoms and protections that everyone is entitled to.

It is not illegal for people to flee persecution in their homeland or to cross borders without documents or passports in order to seek asylum. It is not a crime under Australian law to arrive here by boat without a valid visa and ask for protection.

People have been fleeing persecution in their homelands for centuries, such as during the fall of the Roman Empire, during World War I and II and during the Vietnam War.

More recently religious, ethnic and political conflicts in Asia, Africa and the Middle East have left people with no choice but to flee persecution.

The Refugee Council of Australia points out that for some refugees in some parts of the world it can be far too dangerous to apply for a passport and/or an exit visa, and equally dangerous to approach an Australian embassy for a visa.

This can put their lives and their families' lives at risk.²

Based on our years of experience working directly with refugees and asylum seekers, Red Cross believes that people who come by boat often feel it is their only chance of finding a place where they will be safe from persecution.

2. Refugee Council of Australia (2014), 'Myths about Refugees and Asylum Seekers', at: <https://www.refugeecouncil.org.au/f/myth-long.php#queue>

4. Do all asylum seekers come to Australia by boat?

No. According to the Department of Immigration, many people coming to Australia seeking asylum arrive by plane with a valid visa, and then claim asylum once they are here.

The number of asylum seekers who arrived by plane in the financial year 2012-13 was 8,308, compared to 18,119 applications from people who arrived by boat.³

Unlike people who arrive by boat in Australia, people who arrive by plane and then seek asylum are not subject to mandatory detention.

Red Cross believes that all asylum seekers, regardless of whether they come by boat or plane, should receive the humanitarian support they need. While the Government may determine that immigration detention is necessary for initial health and security checks, Red Cross believes that detention should only be used as a last resort and always for the shortest possible time.

Research and Red Cross experience shows that prolonged periods in immigration detention causes further harm and distress to people seeking asylum.

3. Department of Immigration (2013), 'Asylum Statistics – Australia: Quarterly tables – June Quarter 2013', at https://www.immi.gov.au/media/publications/statistics/asylum/_files/asylum-statistics-aus-jun-qtr-2013.pdf

...and asylum seekers in Australia they have developed significant relationships and a social network in their home country and on their journey here. Australian Red Cross continues to build understanding and empathy for asylum seekers and the challenges they face."

Michael Raper
Director of Services and
International Operations,
Australian Red Cross



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5. Does Australia have more asylum claims than other developed countries?

No. The majority of asylum claims in developed countries are received in Europe and the USA.⁴ The United Nations High Commissioner for Refugees (UNHCR) estimates 612,700 asylum claims were received in 44 developed countries in 2013.⁵

UNHCR reports that the developed countries which received the most new asylum claims onshore were Germany (109,600), the USA (88,400), and France (60,100). In 2013, Australia received 24,300 applications for asylum.

According to UNHCR figures at the end of 2013, more than 51 million people worldwide were forcibly displaced due to conflict and persecution including:

- 16.7 million refugees
- 33.3 million internally displaced people
- And almost 1.2 million people whose asylum application had not yet been determined.

On top of that, UNHCR estimated that at least 10 million people were stateless in 2013, and that only about one per cent of the world's refugees were likely to be resettled in any given year.⁶

4. UNHCR (2014), 'Asylum levels and trends in industrialized countries 2013', at: <http://www.unhcr.org/5329b15a9.html>

5. UNHCR (2014), 'Asylum levels and trends in industrialized countries 2013', at: <http://www.unhcr.org/5329b15a9.html>

6. UNHCR (2014), 'Global trends report 2013', at: <http://www.unhcr.org/5399a14f9.html>

6. Who hosts the majority of the world's refugees?

The majority of asylum seekers and refugees live close to their home country, with developing countries hosting the greatest number of asylum seekers and refugees.

According to UNHCR the countries hosting the most refugees at the end of 2013 were:

- Pakistan (1.6 million)
- Iran (857,400)
- Lebanon (856,500)
- Jordan (641,900)
- Turkey (609,900)

- Kenya (534,900)
- Chad (434,500)
- Ethiopia (433,900)
- China (301,000)
- USA (263,600).⁷

UNHCR also reports that the majority of refugees and asylum seekers – particularly people fleeing conflict – prefer to stay close to home. In 2013, developing countries hosted over 86% of the world's refugees, compared to 70% ten years ago.⁸

7. Is there a queue for people who come to Australia seeking asylum?

No. Some people believe that asylum seekers who come to Australia by boat are 'queue jumpers,' and are taking the place of people who have registered with UNHCR or those who are waiting in refugee camps.

The UN resettlement system does not operate by using a queue. A queue implies that resettlement is an orderly process and by waiting for a period of time a person will reach the front of the queue. The UN resettlement system prioritises asylum seekers for

resettlement according to considered needs, rather than waiting time.

For example, refugees waiting for resettlement may return home if conditions in their home country improve.

The Refugee Council of Australia says that if this mythical global queue did actually exist, people joining the back of the queue might wait more than 180 years for a positive outcome.⁹

8. Is everyone who comes to Australia seeking asylum allowed to stay?

No. Under international law before anyone is granted refugee status, whether in Australia or another country, they must prove they have a well-founded fear of either:

- persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion
- suffering serious human rights violations, including torture or cruel, inhumane or degrading treatment or punishment.

9. Do asylum seekers come to Australia for economic reasons?

In Red Cross' experience, the majority of people who apply for asylum do so because their lives and safety are under threat from war, violence or human rights abuses in their homeland. Most people do not wish to leave the homes, families, friends and communities that they know and love.

Asylum seeker trends reflect the geopolitical environment of the time. In 2013, the number of asylum seeker claims lodged around the world was the highest recorded in the past decade. This is largely due to multiple conflicts.

The more war and conflict, the more people move across the globe.

All applications for asylum are assessed against criteria specified in the 1951 Refugee Convention and complementary protocols, which define who is a refugee, their rights and the legal obligations of states.

7. UNHCR (2014), 'Global trends report 2013', at: http://www.unhcr.org/5399a14f9_p_13

8. UNHCR (2014), 'Facts and Figures about Refugees', at: <http://www.unhcr.org/uk/about-us/key-facts-and-figures.html>

9. Refugee Council of Australia (2014), 'Myths about Refugees and Asylum Seekers', at: <https://www.refugeecouncil.org.au/f/myth-long.php#queue>