



Asylum seekers: 13 things you should know

Frequently Asked Questions



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PEOPLE HELPING PEOPLE
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Australian Red Cross/Anna Warr

Foreword

Each year, millions of people are forced to flee their homes to seek protection from persecution because of their race, religion, nationality, social group or political opinions. Australian Red Cross has been working with people impacted by migration - including people seeking protection - for almost 100 years.

Sadly, there is much misunderstanding in the community about why and how people seek protection, and what happens once they arrive here. Because of this, asylum seekers are not only one of the most vulnerable groups in Australia, but also one of the most marginalised.

Red Cross has created this document to help address some of the misconceptions that exist about the process of seeking asylum, and to help contribute to an informed public debate.

Robert Tickner
Chief Executive Officer

Frequently Asked Questions

This document provides answers to frequently asked questions about asylum seekers and refugees in Australia. We encourage the Australian public and media to use these facts and figures to better understand the key issues in the debate, as we seek to understand how we can best support people seeking protection in Australia.

About Red Cross

Red Cross works to assist people impacted by migration, including people seeking asylum, irrespective of their legal status, whose survival, dignity or mental health is under threat. We aim to prevent and reduce the vulnerability of migrants, and protect them against abuses, exploitation and denial of rights.

Our work focuses on helping people in urgent need of humanitarian assistance combined with longer-term assistance and empowerment.

We focus on:

- restoring family links for people who have been separated by war, conflict, disaster or migration
- the wellbeing of people awaiting an outcome on their visa application
- making sure that the dignity, health and wellbeing of people in immigration detention is protected
- building capacities, skills, support and service access for refugee and

asylum seeker communities to re-establish their lives

- humanitarian diplomacy and advocacy.

Our Principles

As a member of the global Red Cross and Red Crescent Movement, everything we do is built on our seven Fundamental Principles:

- Humanity
- Impartiality
- Neutrality
- Independence
- Voluntary Service
- Unity
- Universality.

Developing countries host over 86% of the world's refugees.

- UNHCR 2014 Global Trends Report



Frequently Asked Questions

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1. What is the difference between an asylum seeker, a refugee and a migrant?

An asylum seeker is someone seeking protection because they have a well-founded fear of being persecuted for reasons of their race, religion, nationality, political opinion or membership of a particular social group. An asylum seeker could also be someone who is fleeing other serious human rights violations, including torture or cruel, inhumane or degrading treatment or punishment. Not every asylum seeker will ultimately be recognised as a refugee, but every refugee is initially an asylum seeker.

A refugee is a person who has fled persecution, has sought protection and has been granted refugee status. A refugee may be residing in a refugee camp waiting for an opportunity to return to their home country, waiting for resettlement in another country, or may have been resettled in another country such as Australia.

A migrant is a person who chooses to leave their country, generally to seek work, undertake study or be reunited with family. They can return home at any time if things don't work out.¹

1. Kaldor Centre, UNSW, 'Debunking Myths on Refugees and Asylum Seekers,' at: http://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/kaldor_centre_mythbusters_final.pdf

2. Does Australian Red Cross work with asylum seekers and refugees?

Yes, Red Cross has been working with and advocating for asylum seekers and refugees for decades.

Australian Red Cross is part of the world's largest humanitarian organisation, with millions of volunteers, members and staff in more than 180 countries. The Red Cross and Red Crescent Movement seeks to prevent and reduce human suffering, wherever it is found. All our work is underpinned by our Fundamental Principles including humanity, neutrality and impartiality.

Every day, we work to help people seeking asylum, refugees, trafficked people, people who are stateless or in immigration detention, and families separated by war, conflict, disaster and migration based on their needs.

We assist asylum seekers through a number of programs, including those funded by the Department of Immigration. These programs represent a humane and cost-effective alternative to prolonged stays in immigration detention and enable asylum seekers to participate in, and contribute to a community while they wait for an outcome on their application for protection.

Red Cross also conducts confidential advocacy with federal and state governments to encourage them to adopt and promote humanitarian policies towards asylum seekers and refugees. We seek to promote humane and considered public debate about complex policy issues, and encourage parliamentarians to ensure a focus on humanitarian outcomes.

In addition to advocacy, Red Cross has led the development and implementation of programs to support people living in the community while they wait for the outcome of their protection visa applications.

Our advocacy and other work is strengthened by our commitment to help prevent and reduce the vulnerability of all migrants, to protect them against abuses, exploitation and denial of rights.

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

“By the time asylum seekers arrive in Australia, they have often faced significant hardships and discrimination 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



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

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>

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.



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.

10. Do asylum seekers arriving by boat in Australia undergo a health check?

Yes. According to the Department of Immigration, all asylum seekers arriving in Australia by boat undergo comprehensive health checks. The health check includes collecting personal medical history, a physical examination, and mental health screening and assessment.

This is undertaken for each person held in an immigration detention facility.

11. Do asylum seekers and refugees pose a security risk?

All asylum seekers and refugees must undergo security checks. There are procedures in place to ensure no one is released into the community if there are any security concerns.

People found to have committed a serious crime may not be granted a protection visa.

Under the UN Refugee Convention and the Migration Act (1958)¹⁰ the right to refugee protection is not given to those

who are strongly suspected of having committed: a crime against peace, a war crime, a crime against humanity or a serious non-political crime outside their country of refuge, or anyone guilty of acts contrary to the purposes and principles of the United Nations.¹¹

10. Australian Government Comlaw (2013), 'Migration Act 1958, Clause 200', at: <http://www.comlaw.gov.au/Series/C1958A00062>

11. UNHCR (2013) 'The 1951 Refugee Convention', at: <http://www.unhcr.org/pages/49da0e466.html>



Developed countries that received the most new asylum claims in 2013 were:

- **Germany (109,600)**
- **USA (88,400)**
- **France (60,100).**

- UNHCR 2014 Global Trends Report

12. Do asylum seekers living in the community receive more benefits than Australians in need?

No. They receive fewer benefits. In our experience the majority of asylum seekers living in the community do so with access to few resources and almost no possessions.

The Australian Government provides basic income support to eligible asylum seekers. Those eligible for support receive a maximum of 89 per cent of the Centrelink unemployment benefit.

The Government also provides limited assistance to this group to meet their basic needs, such as assisting people to access health and social services.

Not every asylum seeker in the community is eligible for support under these programs.

Those who are not eligible do not receive any Government financial assistance or support whatsoever.

Many asylum seekers in the community on Bridging Visas do not have the right to work. In our experience, asylum seekers want to work and be self-reliant, but often find it difficult because of limited English language skills and

understanding of how to find work in Australia.

If an asylum seeker is granted refugee status they are then entitled to most of the same benefits as a resident.

13. How do refugees contribute to the Australian community?

A recent study commissioned by the Department of Immigration and conducted by the University of Adelaide looked at the economic and social contributions refugees made to Australia.¹² The report found that while refugees face many barriers, they contribute positively to Australian society:

- Many refugees settle in non-metropolitan areas which creates social and economic benefits for regional communities.
 - Refugees help meet labour shortages, including in low skill and low paid occupations. They display strong entrepreneurial qualities, with many running small and medium-sized businesses.
 - Most refugees and their children show considerable achievement and contribution during their working lifetimes.
 - Refugees make significant contributions through volunteering in both the wider community and their own community groups.
- Refugees benefit the wider global community through developing and maintaining economic links with their countries of origin.
 - For more than 50 years, many of Australia's successful and respected citizens have been refugees, having fled their home country to escape persecution.

12. Department of Immigration (2011), 'Economic, social and civic contribution of first and second generation of humanitarian entrants', at: http://www.immi.gov.au/media/publications/research/_pdf/economic-social-civic-contributions-about-the-research2011.pdf

For more information

- United Nations High Commissioner for Refugees - www.unhcr.org
- Department of Immigration - www.immi.gov.au
- Refugee Council of Australia - www.refugeecouncil.org.au
- Australian Red Cross - www.redcross.org.au

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