

REFUGEE
WEEK 2014

RESTORING
HOPE



Who is A REFUGEE?

All around the world, people gather every year to mark Refugee Week.

This is the final year of the “Restoring Hope” theme, reminding us that while a refugee’s journey begins with danger, it also begins with hope. Refugees flee their homelands for fear of persecution, but they also have hope: hope to find freedom, safety and security; hope for a fresh start and time to recover from past trauma.

Since 1986, Australians have come together to celebrate Refugee Week. It is a chance for all of us to engage in positive action and welcome refugees into our communities. This year Refugee Week will be celebrated from **Sunday, 15 June** to **Saturday 21 June**, which includes World Refugee Day on 20 June.

Who is an asylum seeker?

An asylum seeker is someone who has fled their own country and applies to the government of another country for protection as a refugee.

The term ‘asylum seeker’ refers to all people who apply for refugee status, whether or not they are officially determined to be refugees.

In Australia, asylum seekers may either be held in immigration detention centres or reside in the community while their claims for refugee status are being assessed by the Department of Immigration and Border Protection.

Who is a refugee?

A refugee is someone who is outside their country and cannot return due to a well-founded fear of persecution because of their race, religion, nationality or membership to a particular social group or political opinion.

At the time of writing, in Australia, when someone is recognised as a refugee, they are given a permanent protection visa, affording them access to the same kinds of support as people on permanent residency visas, and after five years they are able to apply for citizenship.

Did You know?

There are 15.4 million refugees in the world today.

Almost half of the world’s refugees are women and girls.

The Refugee Convention

After the horrors of the Second World War, the international community came together to sign an agreement about the protection of refugees. This agreement—the United Nations Convention Relating to the Status of Refugees—defines who a refugee is and what rights they should be afforded.

A protocol was added in 1967 which meant that the principles of the Convention would apply to everyone suffering persecution regardless of where they are in the world. Australia signed the Protocol in 1973, and has since incorporated many of its responsibilities into the Migration Act.

Countries that have signed the Convention and the Protocol have a responsibility to ensure people are not returned to countries where their life or freedom would be threatened. This principle—non-refoulement—is a key feature in protecting refugees.

The Convention outlines the rights of refugees, including freedom of religion and movement, the right to work, education and accessibility to travel documents.

The Convention states that no penalties should be imposed on refugees for the way that they enter a country, provided that they present themselves without delay to authorities and have good reason for their arrival.

Did You Know?

Australia protects around 13,750 refugees each year.

This is less than 0.1% of the world's refugees.

You can read the full text of the Refugee Convention at www.unhcr.org/3b66c2aa10.html

As well as the Refugee Convention, Australia has responsibilities under a number of international treaties. These include:

- **The Universal Declaration of Human Rights (UDHR)**
- **The Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT)**
- **The International Covenant on Civil and Political Rights (ICCPR)**
- **The Convention on the Rights of the Child (CRC)**

These treaties contain many important obligations for Australia. The UDHR, for instance, states that everyone is entitled to a life without persecution. The CAT states that no-one should be sent to a country when there are reasonable grounds that they may be in danger of being tortured. The ICCPR provides broad coverage for human rights, stating that everyone has a right to life and the rights to have their life protected by law. Everyone is also entitled to a life free from torture, cruel, inhumane or degrading treatment or punishment. Everyone is also entitled to live free of arbitrary arrest, and has a right to liberty and security. Importantly, asylum seekers also have the right to have their case heard in a court of law without necessary delays.

Not all these rights are being upheld in Australia, because they have not been incorporated into Australian law. This means that our domestic laws do not measure up to the commitments we have made under international law.

MYTHS vs FACTS

Are you ready for the facts?

Almost every day there is media coverage of issues relating to asylum seekers or refugees, much of which is inaccurate. Stories use language that fuels fear, anger and hostility towards vulnerable people who have no voice to combat such myths. But you can help by understanding the facts this Refugee Week.

We've busted some of the most common myths about asylum seekers and refugees because knowing the truth is one of the easiest ways you can help restore hope and change the conversation for the better. Changing the conversation is the only way to affect policy.

1 **Myth** Australia accepts its fair share of refugees.

Fact Australia ranks 68th when compared with other countries and their refugee numbers. This year Australia will only offer protection to 13,750 refugees.

2 **Myth** Disadvantaged people in Australia need help first, before accepting refugees.

Fact It is not morally right to suggest that different groups of vulnerable people should be in competition with each other for care and support. Refusing to protect refugees does not solve complex problems such as homelessness and poverty. As a nation, we have the resources to improve our assistance to both those who are disadvantaged in our community and those fleeing persecution overseas.

3 **Myth** Asylum seekers who arrive by boat are illegal.

Fact Even if you arrive by boat without a visa, it is still legal to seek asylum in Australia. The right to seek asylum is guaranteed under international law and Australian law. It is also against the law to punish asylum seekers for the mode (plane or boat) in which they entered the country.

4 **Myth** If asylum seekers can afford to get here, they don't need protection.

Fact On average it cost between \$5000 to \$20 000 to seek asylum in Australia. This doesn't mean that asylum seekers are wealthy. Many have to sell their land and possessions to make the journey, and can only afford to send one member of their family to safety.

MYTHS vs FACTS

5 Myth Asylum seekers destroy their identity documents to get refugee status.

Fact Asylum seekers who arrive without any proper documentation face a prolonged time in detention, and so there is no benefit in arriving without documents. An asylum seeker may not have time to obtain a visa before fleeing, or documents may be lost or stolen on the long and dangerous journey to safety.

6 Myth Asylum seekers who arrive by boat are 'queue' jumpers.

Fact There is no 'queue'. Resettlement through official UN channels is only available to a very small number of refugees. If a 'queue' did exist and all the world's refugees were in it, a newly recognised refugee would have to wait 170 years for resettlement.

7 Myth Stopping the boats will save lives and end people smuggling.

Fact We all agree that we should try to stop the exploitation of asylum seekers travelling on dangerous journeys to Australia. However, punishing asylum seekers for coming here by boat will not stop people smuggling activity. Unless human rights and security issues in refugee-producing countries are addressed and regional cooperation is enhanced, asylum seekers will continue to use people smugglers to seek safety.

8 Myth Boat people are living on Centrelink payments.

Fact No asylum seeker is eligible for Centrelink payments of any kind. Some asylum seekers living in the community while their claims are being processed are eligible for financial assistance from the Red Cross which is equivalent to around 89% of the Newstart allowance.

CHILDREN in DETENTION

This year, the Australian Human Rights Commission launched an inquiry into children in immigration detention to investigate its impact on the health, well-being and development of children. The inquiry will also explore changes since the Commission released *A last resort? a decade ago*.

For more information about the inquiry visit <http://bit.ly/1nFSSVk>

As of April 2014, there are currently over 2000 children held in Australia's immigration detention facilities or community detention. Of these, about 190 children are detained in the Nauru Detention Centre, including ten children who are there without parents. There are also about 25 children on Christmas Island.

In 2005, Australia's *Migration Act 1958* was amended to include the principle that children should only be detained "as a measure of last resort," which reflected article 37(b) of the United Nations Convention on the Rights of the Child (CRC). This meant many children were eventually moved into community detention.

A few years later large numbers of children began being held in lower security immigration detention facilities on Christmas Island and on the mainland. Regardless of what the centres and programs are called, this was still secure detention but it was to get worse. By May 2013, high security immigration detention facilities were announced for Christmas Island, Curtin in Western Australia, and Wickham Point in the Northern Territory. Children were once again being forcibly detained and guarded by security personnel, their movement restricted and access to education and recreational activities limited.

More recently, even more punishing policies have been instituted. Under 'Operation Sovereign Borders', any child (or adult) who arrived by boat after 19 July 2013 or tries to enter Australia today, **will** be detained offshore and **won't** be resettled in Australia. Highly vulnerable children are therefore facing indefinite detention in inadequate facilities. This is a clear breach of the Convention on the Rights of the Child.

All detainees are vulnerable to the physical, emotional and psychological impacts of our immigration detention system, but children and young people are the most at risk of serious long-term damage. They are at risk of developing post traumatic disorders and often experience feelings of hopelessness and despair, manifesting in long term depression and anxiety.

“I saw other kids in detention centre ... They were hanging themselves ... They are cutting themselves ... I did go out of detention centre while I was going to school and I saw other kids at the school which is Australian kids. They were free ... but for me I have to go back into detention centre at the end of the day which has make me very sad.”

Bashir, a refugee child held in Australian detention centres for almost 1 year

Once an asylum seeker child undergoes necessary health and security checks, there's no reason why they shouldn't be moved into the community while their status is being determined. Children in the community can access proper schooling and healthcare, and have an opportunity to socialise in an environment that promotes normal growth and development.





OFFSHORE OF PROCESSING ASYLUM SEEKERS

Offshore processing allows for asylum seekers' applications for protection to be processed outside of Australia's territory and legal system. This approach allows Australia to shift its responsibilities for processing and protecting refugees onto poor countries in our region and leaves people in detention indefinitely while Australia searches for other countries to resettle them.

Offshore processing of asylum seekers who are intercepted before they reach the Australian mainland began in 2001 after the 'Tampa crisis'. In 2006, the Australian Government announced that this process would extend to all asylum seekers who landed in Australia without a valid visa. Even if they were found to be refugees, they would not have automatic access to asylum in Australia.

By the time this policy was changed at the end of 2007, this 'Pacific Solution' had come at an immense human cost. It severely impacted the mental and physical health of asylum seekers detained on Nauru and Manus Island, Papua New Guinea, inflicting further suffering on vulnerable people who were not breaking any laws.

The 2010 federal election saw both sides of politics adopt slogans and rhetoric around 'stopping the boats', as a so-called commitment to border protection or preventing deaths at sea. The language used spreads mistrust and fear—fear of large numbers of asylum seekers coming by boat, fear of refugees taking peoples' jobs, and fear and suspicion of asylum seekers themselves.

Two years later, offshore processing was reintroduced, with detention centres on Nauru and Manus Island both reopened. This new version of the 'Pacific Solution' was based on the principle of 'no advantage' (getting on boat would not be any better than staying in Indonesia), designed to deter asylum seekers from getting on boats and making the dangerous journey to Australia. This was further entrenched with the announcement that asylum seekers who arrived by boat after 19 July 2013 or those who try to enter Australia today, **will** be detained offshore and **won't** be resettled in Australia.

Australia is the first country, ever, to essentially export its humanitarian obligations to another nation.



It's important to remember that people flee their homeland for fear of their safety. Boat arrivals therefore reflect the conditions in the countries from which refugees flee; they do not hinge on the domestic policies of destination countries. The fear of persecution, discrimination, ethnic conflict, human rights abuses and civil war have a greater influence on an asylum seeker than any domestic policy like offshore processing; a policy they're very unlikely to even be aware of. People desperate to escape persecution will take their chances with people smugglers, deterrence measures are therefore futile.

The exploitation of asylum seekers travelling on dangerous journeys to Australia must be addressed. However, punishing asylum seekers for coming here by boat will not stop people smuggling activity. Unless human rights and security issues in refugee-producing countries are addressed and regional cooperation for better protection of people is enhanced, asylum seekers will continue to seek safety by engaging people smugglers.

The Uniting Church in Australia has written to the Australian Government to offer sanctuary for all children without parents currently held on Christmas Island.

You can find out more here:
<http://bit.ly/1i8FMzP>

CAMBODIA resettlement DEAL

The Australian Government has recently reached an agreement with Cambodia for the resettlement of refugees. At the time of writing, the arrangement applies to those currently detained on Nauru who receive a positive refugee status determination.

While few details have been released, including how many people may be resettled, a number of serious concerns about the agreement have already been raised.

While Cambodia is a signatory to the Refugee Convention, it is also responsible for some of the most blatant human rights breaches in the Asian region, including forcibly returning Montagnard refugees to Vietnam where they face ethnic and religious persecution.

Refugees who've fled their homeland to Australia, do so to escape persecution, war, torture, imprisonment and death, after which under Australian law, they can be detained for long periods of time in harsh conditions. Those who have been detained in the harsh and damaging conditions of the detention centre on Nauru, now face the prospect of being resettled in a country where their safety is far from guaranteed and opportunities to build a new life with decent work and secure housing would be limited. Cambodia is one of the poorest countries in the world.

Australia using its power and influence to convince Cambodia to take refugees does not make a positive contribution to the development of a long-term, effective and

genuinely shared regional solution for the better protection of refugees. Such bilateral, short-term, politically motivated solutions undermine the protection of refugees in the region and the international refugee protection regime. Australia is one of the world's wealthiest and most secure nations and we have the means and capacity to make a strong, generous and positive contribution to what is a global problem.

By closing our borders to refugees, we're also ignoring the myriad of ways in which refugees support and enrich the Australian community. Our country prides itself on being a diverse and harmonious society made up of people from many different cultures, language groups and faith traditions. Refugees have helped build a vibrant and healthy society and have made significant contributions to every part of our life, including science and medicine, commerce, welfare and the arts. Refugees do not choose to be refugees. They are forced to leave their homes to seek safety. As a nation, we have only benefited from their commitment to build new lives for themselves and their families in their adopted homeland.

What are the Alternatives?

Want to know more about a regional refugee protection framework? You can read a joint statement prepared by UnitingJustice Australia and several other non-government organisations at

<http://bit.ly/1gCh3U4>

WHAT CAN I DO FOR REFUGEE WEEK 2014?

Contact your Member of Parliament by email or telephone to remind them that giving asylum seekers and refugees the gift of hope is something that matters to you. To find your federal MP, visit apps.aec.gov.au/esearch/ and enter your suburb.

Celebrate Refugee Week by visiting one of the hundreds of events hosted around the country. You can search for events in your state or territory at www.refugeeweek.org.au. Nothing local? It's not too late to host your own event! It can be something as simple as hosting a movie night and sharing meals from another country.

Add your name to the growing list of Australians who believe that asylum seekers in Australia should be treated fairly and with compassion. Visit Amnesty International Australia's website and sign the pledge www.amnesty.org.au/splash/30500/

For many young refugee and asylum seekers football is a source of hope and a way for them to start healing from the traumas of the refugee experience. *Asylum Sneakers* is an initiative by Welcome to Australia to provide sneakers to young asylum seeker boys and girls, who couldn't otherwise afford them. **You can help by visiting asylumsneakers.net.au to donate.**



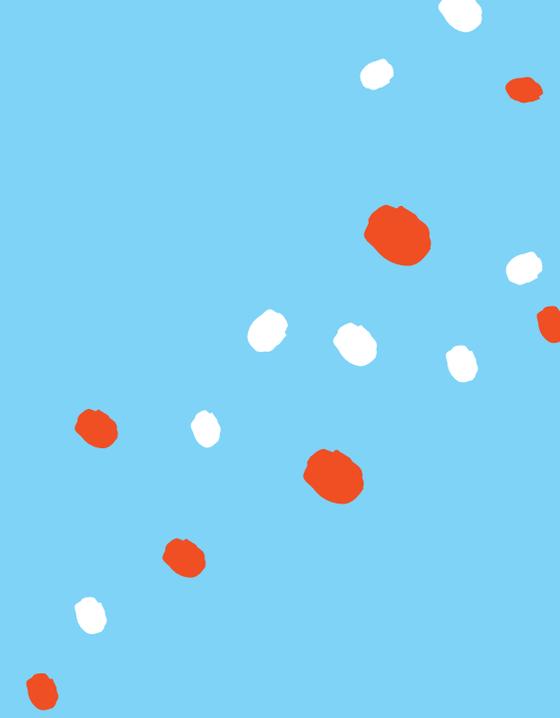
Free The Children is a positive social action hosted by the Australian Coalition to End the Immigration Detention of Children. From June 11-15 they will be outside Sydney's QVB, then touring the country with a stunning installation that the public can enter, free a child from and write to their local MP. **Volunteer in Sydney**, come down and say hi or get a DIY kit and host this action in your local community. For more information visit www.endchilddetentionoz.com

In the early 2000s human rights advocate, Julian Burnside, initiated a letter writing campaign, which helped keep up the spirits of asylum seekers in detention. Now he's asking people to help him do it again to let asylum seekers know there are people who care about them. **To find out how to take part in the campaign visit:** www.getup.org.au/letters-to-asylumseekers

The Refugee Council of Australia lists volunteer opportunities throughout Australia. Whether it is one day a month or more, by donating your time you are giving the gift of hope all year round. Find out more at www.refugeecouncil.org.au/g/vol.php

Check out how you can get involved in the *Give Hope—Uniting for Asylum Seekers* campaign being run by the Uniting Church in NSW and ACT www.givehope.org.au

The UnitingJustice Australia website www.unitingjustice.org.au/refugees-and-asylum-seekers contains important statements made by the Uniting Church in Australia, government inquiry submissions, information and action resources and more!



This resource, originally published in 2012, has been revised by Leila Druery on behalf of UnitingJustice Australia and is supported by Equilibrium Design equilibriumdesign.com.au

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