

**With  
courage  
let us all  
combine**

**Refugee Week 2015**



# Who is a refugee?

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

Taken from the second verse of the Australian national anthem, this year's Refugee Week theme, 'With courage let us all combine', **celebrates the courage of refugees who have refused to deny their beliefs or identity in the face of persecution, fled their homeland and often endured terrifying and dangerous journeys only to face the cruelty of detention before working hard to make a new life for themselves and their families.** This theme also serves as a call to action for all Australians: how can we stand up against injustice and work together to make our country one that lives up to its national anthem as a nation with boundless plains to share?

Since 1986, Australians have come together to celebrate Refugee Week. It is a chance for all of us to engage in positive action to make refugees welcome in our communities. Refugees have been settling in Australia for more than 70 years and we have offered protection to more than 700,000 refugees during that time.<sup>1</sup> Refugee Week coincides with World Refugee Day held every year on 20 June. In 2015, Refugee Week will be held from **Sunday 14 June to Saturday 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 protection, 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 determined by the Department of Immigration and Border Protection (DIBP).

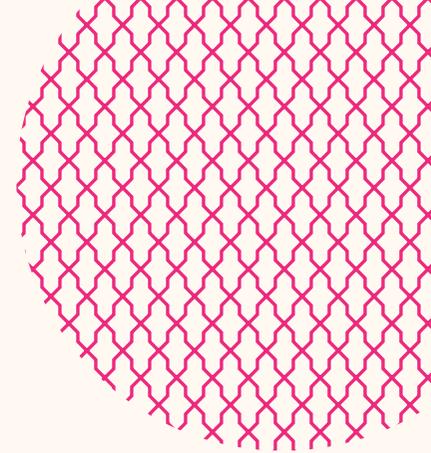
## Who is a refugee?

The word 'refugee' denotes a specific legal status granted to some asylum seekers. The United Nations uses the following definition to determine whether someone qualifies for refugee status: "A refugee is someone who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country."

In Australia, when someone is recognised as a refugee, they are given the right to live in Australia and access to the range of rights and protections that other Australians enjoy.

<sup>1</sup> Statistics from Refugee Council of Australia, [www.refugeecouncil.org.au](http://www.refugeecouncil.org.au)

# The refugee convention



In 1951, 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 *Convention Relating to the Status of Refugees*—defines who is a refugee and what rights they should be afforded. Australia acceded to the treaty in 1954. 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 are responsible for ensuring that they do not return people to countries where their life or freedom would be threatened. This principle—**non-refoulement**—is one of the key features of the international system of refugee protection.

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 a good reason for their arrival.

## Did you know?

Amendments made in December 2014 to Australia's Migration Act removed all references to the Refugee Convention and legalised some policies which are inconsistent with our international obligations.

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

- **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 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 right 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 have the right to have their case heard in a court of law without unnecessary delays.

Not all of 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.

You can read the Refugee Convention at [www.unhcr.org/3b66c2aa10.html](http://www.unhcr.org/3b66c2aa10.html)

# Myths and 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 to 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 22nd when compared with other countries that accept refugees.<sup>2</sup> Developing countries host about 80% of the world's refugees, with Pakistan currently hosting 1.5 million mostly Afghani refugees. This year Australia will only offer protection to 13,750 refugees,<sup>3</sup> a tiny proportion of the 16.7 million refugees that there were at the end of 2013, a year during which 2,821,115 asylum seekers were recognised as refugees globally.<sup>4</sup>

2

**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) by which they entered the country.

3

**Myth** Refugees should only be given temporary protection until it is safe for them to go home.

**Fact** While there are some situations where temporary protection is appropriate, the vast numbers of refugees come from places with entrenched regimes (like Iran) or protracted conflict situations (e.g. Afghanistan) where there is no hope of return. With no chance of permanency in Australia, temporary protection only creates further uncertainty, stress and mental health issues for already vulnerable people.

<sup>2</sup> 2012 statistics from the United Nations High Commissioner for Refugees (UNHCR) showed Australia was 22nd on a per capita basis in 2012 and 24th over the past decade [www.refugeecouncil.org.au/n/mr/130719\\_GlobalStats.pdf](http://www.refugeecouncil.org.au/n/mr/130719_GlobalStats.pdf)

<sup>3</sup> In December 2014, in the context of negotiations with cross-benchers to secure passage of the Government's *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014*, the Immigration Minister announced that the Government would increase the number of visas available under Australia's Humanitarian Program to 16,250 in 2017-18 and to 18,750 in 2018-19. [www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1415/RefugeeResettlement#\\_Toc410727182](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/RefugeeResettlement#_Toc410727182)

<sup>4</sup> [www.refugeecouncil.org.au/fact-sheets/who-are-refugees/the-global-picture/](http://www.refugeecouncil.org.au/fact-sheets/who-are-refugees/the-global-picture/)

4

**Myth** Asylum seekers who come to Australia are criminals.

**Fact** The majority of asylum seekers who reach our shores by boat are found to be owed protection. That is, they are not criminals. 88% of asylum seekers who arrived by boat in 2013 were found to be refugees. Fewer than 1% of asylum seekers who arrive by boat receive an adverse security assessment.

7

**Myth** We've stopped the boats, and saved lives. That's humane.

**Fact** Australia is still turning boats around. This policy has not stopped all the boats and has shifted the problem. While lives have been tragically lost at sea, policies that inflict further harm upon asylum seekers and refugees are morally unacceptable and breach our human rights obligations. We now know of the sexual and physical abuse of women and children in offshore detention centres and the significant mental and emotional harm caused to children and their families in detention.

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.

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 Asylum Seeker Assistance Scheme (ASAS) which is equivalent to around 89% of the Newstart allowance.

6

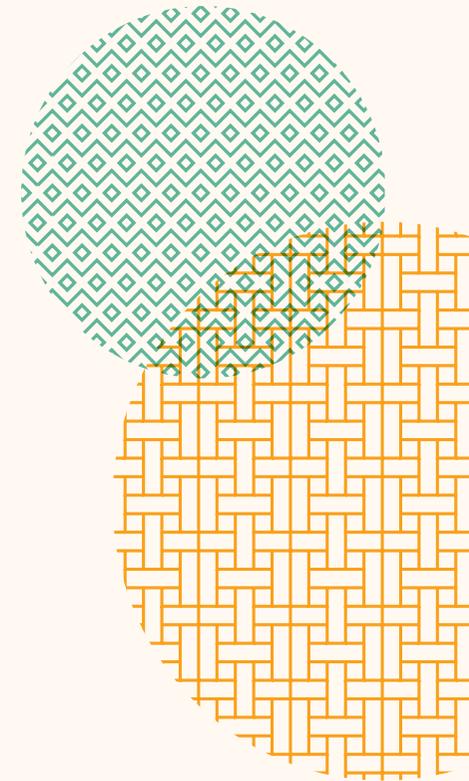
**Myth** Asylum seekers who arrive by boat are 'queue' jumpers.

**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.

9

**Myth** Refugees contribute nothing to society.

**Fact** Australia has accepted over 700,000 refugees since Federation, and during that time many refugees have contributed significantly to academia, the arts, sports, media, science, research, business and civic and community life and politics. Research indicates that second generation refugees are more likely to continue their education, to achieve a university degree or diploma, to work in a professional or managerial position and to have purchased or be purchasing their own home than third generation Australians.



# Children in detention

**As of 31 March 2015, there are 227 children held in Australia's immigration detention facilities.** This number includes children on Nauru, and on Christmas Island. Children are currently held in detention for an average of 14 months.

On 11 February 2015, 'The Forgotten Children' report into the situation of children in detention was tabled in Parliament. This report, the result of an inquiry conducted by the Australian Human Rights Commission, details the impacts of conditions in detention on children. Drawing on interviews with more than 1000 children and their parents the report points to psychological damage, delayed development and, most horrifying, 233 assaults involving children, 128 incidents of self-harm involving children, and 33 incidents of sexual abuse involving children.

The report also highlights that 85% of children and parents indicated that their emotional and mental health had been affected since being in detention. 30% of adults have a mental health problem, and the mental health of adults is believed to directly impact on the mental health of children. Length of time spent in detention increased these rates.

The report recommends releasing all children from immigration detention, introducing legislation to prevent children from being detained for immigration purposes in the future, ending the offshore processing of asylum claims, and referring allegations of child sexual abuse to the Royal Commission into Institutional Responses to Child Sexual Abuse.

"My hope finished now. I don't have any hope. I feel I will die in detention."

An unaccompanied child in Phosphate Hill Detention Centre, Christmas Island, 4 March 2014

"In Iran I was the only one being tortured, and now my children are being tortured here [in Australia]."

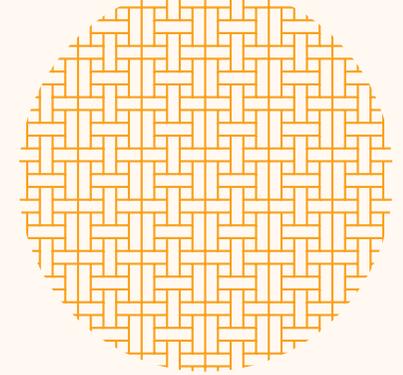
Father of 3 children, Construction Camp Detention Centre, Christmas Island, 7 March 2014

"Our friends are going to school in Iran and we are not... [child crying]. This was a mistake to come to Australia."

Nine-year-old girl, Construction Camp Detention Centre, Christmas Island, 2 March 2014



A six-year-old child's drawing: under international and Australian law, children are supposed to be detained only as a measure of 'last resort'. Photograph: Australian Human Rights Commission/AAP



# Offshore processing

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 poorer countries in our region and leaves people in detention indefinitely while Australia searches for other countries to resettle them.

It's important to remember that asylum seekers flee their homeland in fear for their safety and seek to travel from transit countries such as Indonesia because they still do not feel safe and have no future in those countries.

Currently Australia sends all asylum seekers who arrive by boat to offshore processing centres in Nauru or Manus Island. Conditions on these islands are incredibly harsh. The conditions on Christmas Island are also unsuitable for vulnerable asylum seekers. The accommodation is cramped and often lacks privacy. Healthcare, education, translation and legal services and recreational facilities have been documented by a number of organisations including UNHCR, Amnesty International and the Australian Human Rights Commission to be insufficient. The centre on Nauru has ongoing problems with cleanliness and hygiene in the showers and toilets and most concerning, there have been numerous allegations of sexual and physical abuse of children and women. The centre on Manus Island is prone to violence and breeds severe mental health problems among the men.

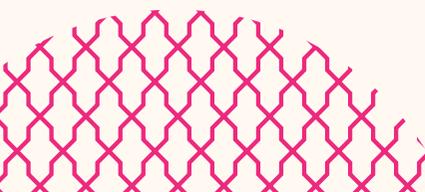
Conditions in offshore processing centres in Manus Island in PNG and Nauru have meant little more than death for many asylum seekers. One unaccompanied child wrote:

**“Some people they are free but I’m not free. I feel upset when I see them. I am 12 years old and my life is really bad and deth [death] I leave [live] in a jail. Why I have a bad life. I think to stay in the room for ever when I go because if I stay in room no eat no drink. I will die. Better I kill myself.”<sup>5</sup>**

There have been two deaths on Manus Island. In February 2014 a young Iranian man, Reza Barati, was beaten to death during a riot at the detention centre. Dozens of others were injured. Another young Iranian man, Hamid Kehazaei, died in hospital after he contracted septicaemia after cutting his foot.

Punishing asylum seekers for coming here by boat does not stop people smuggling activity. It just shifts the problem. Countries like Nauru and PNG are not adequately equipped to provide the care that asylum seekers need upon arrival, and in some cases do not have sufficient legislative frameworks to offer adequate protection. 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.

<sup>5</sup> [www.humanrights.gov.au/sites/default/files/document/publication/forgotten\\_children\\_2014.pdf](http://www.humanrights.gov.au/sites/default/files/document/publication/forgotten_children_2014.pdf)



# A regional solution

Successive governments have talked of regional solutions to the resettlement and protection of refugees in the Asia-Pacific. The Howard Government established the 'Pacific Solution' in 2001, following the Tampa crisis, with offshore processing centres opened in Nauru and on Manus Island, as well as an immigration detention facility on Christmas Island. The centres have at various times been closed only to be opened again under the guise of re-instituting a 'regional solution' to stopping the boats. Along with new agreements with Nauru and Papua New Guinea, the last few years have seen the Gillard Government sign an agreement with Malaysia (eventually blocked by federal parliament) and the Abbott Government sign an agreement with Cambodia to take refugees from Nauru on a voluntary basis (at the time of writing, not one refugee has taken up this offer of resettlement).

**While successive governments have described these as 'regional' arrangements, this is not the case.**

Australia has used its power and influence (often in the form of increased development aid) to convince poorer countries in the region to take asylum seekers who have arrived in Australia or been intercepted on the way here. Such an approach 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. These bilateral, short-term, politically motivated arrangements undermine the protection of refugees in the region and the international refugee protection regime. Australia has also acted unilaterally in turning and towing boats back to Indonesia. Such actions undermine Australia's credibility and negatively impact on the development of a genuinely regional approach.

**What is needed is a planned, coordinated solution that is negotiated regionally.** To make this happen the Government now needs to end offshore processing and demonstrate good faith by taking a substantial number of refugees from the region. It also needs work with countries for a genuinely multilateral regional protection solution that ensures people are safe where they are while their claims are processed fairly, quickly and transparently (thereby minimising the need for people to use people smugglers). All refugees should be able to stay where they are in safety or have a prospect for resettlement to a safe country. 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.

A genuine regional protection framework must begin with Australia demonstrating that it is prepared to act in the region to uphold human rights and respond generously to the needs of vulnerable people.

Development aid should be given in a spirit of international burden sharing, capacity building and humanitarian concern, rather than for reasons of nation interest, border protection or with trade relationships in mind.

# Worship resources

## Prayer of Invocation

God of hospitality and refuge,  
come to us here in this place of security and safety.  
Remind us that you are the God Almighty;  
large enough for all people,  
all nations, all tongues.  
Help us, with the presence of your Holy Spirit,  
to be able to create space  
for those who seek asylum and refuge.  
In the name of Jesus, your Son.  
Amen.

From *Uniting in Worship 2*, Second Order of Service for the Lord's Day, pp. 200-202, adapted, The Assembly of the Uniting Church in Australia (2005), Sydney: Uniting Church Press.

## Affirmations

We are not alone. We live in God's world.  
We believe in God,  
who has freely given the Holy Spirit  
to bind us together as a community of grace.

We believe that the spirit can lead us  
in the discovery of truth,  
in the pursuit of justice, and  
in the practice of caring for one another.

In our homes, in the church and in the community  
the Spirit offers us inspiration and courage.  
We are not alone. Thanks be to God.

From *Prayers on Parade* (2006), compiled by Allan Shephard, Stepney, South Australia: Axiom Publishing.  
Permission is given for the use of this text in worship.

## Call to worship

Let us come and praise the God of refuge.

**We were strangers from distant lands,  
abused and searching, broken and running.**

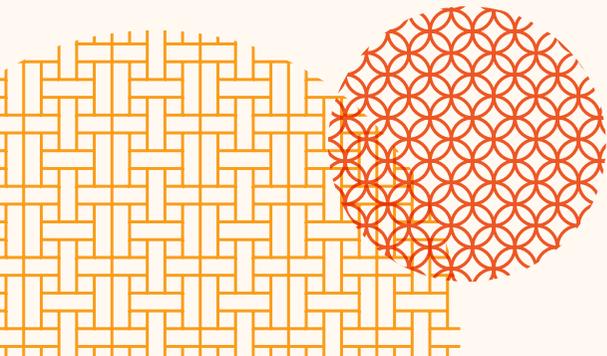
“The Lord is my rock, my fortress,  
and my deliverer,  
my God, my rock in whom I take refuge,  
my shield and the horn of my salvation,  
my stronghold and my refuge,  
my saviour.”

2 Samuel 22:2b-3a

**We were aliens from far away places,  
rejected and lost, injured and burdened.**

“You saved me from violence.  
I call upon the Lord,  
Who is worthy to be praised,  
And I am saved from my enemies.”

2 Samuel 22:3b-4



## Prayer of intercession

Wise and compassionate God,  
help us to be willing to respond to the needs of refugees and asylum-seekers  
and not simply seek to shift the burden of care onto others.  
Call our leaders to justice, generosity and compassion.  
Help them create and implement strategies that are fair and just  
and treat refugees and asylum-seekers with dignity and care.  
O God, our comforter,  
we ask you to comfort the broken-hearted and protect the vulnerable.  
We pray for those who live in fear of detention and removal,  
for those who are in detention at this time  
and for those who face removal to an uncertain future.  
We ask you to assure them of your great love,  
surround them with your presence and fill them with your peace. Amen.

## Prayer of intercession

God of Justice, give us ears to hear with you the cries of  
your children held captive by prejudice and racism;  
God of Justice, give us eyes to see with you  
beyond our own prejudices to dignity and identity;  
God of Love, give us hearts to love with you  
beyond the structures and systems  
we have created to keep your children in bondage;  
God of Love, give us courage to seek reconciliation  
and be mediators for peace and freedom for all. Amen.

Ranjini Rebera, *Mission Prayer Handbook* 1992,  
*Uniting Church in Australia Assembly* p. 26, adapted.

You can find more resources for worship including hymns  
and songs with the 2012 resource, 'Justice for Asylum  
Seekers' on the [UnitingJustice Australia website](#).

## Lament

O Lord, how long shall we cry for help,  
and you will not listen?  
Or cry to you, 'Violence!'  
and you will not save?  
Why do you make us see wrong-doing  
and look at trouble?

In faith and hope, we respond:  
**'How long, O God, how long?'**

(The response can be sung. The musical setting  
can be found in *Uniting in Worship 2*, p. 200)

Where is your justice, God?  
Where is your purpose?  
Where is your reason?  
Where is your compassion?  
Do you not care for your people,  
your creation, your reputation?  
Your purpose is hidden from our eyes.

In faith and hope, we respond:  
**'How long, O God, how long?'**

Your reason is absent to our ears.  
Your compassion is not discerned by our hearts.  
We have no hope (and remember asylum seekers who have no hope).  
We are lost (and remember asylum seekers who are lost).  
We are afraid (and remember asylum seekers who are afraid).

In faith and hope, we respond:  
**'How long, O God, how long?'**

From *Uniting in Worship 2, Second Order of Service for the Lord's Day*,  
pp. 200-202, adapted, The Assembly of the Uniting Church in Australia  
(2005), Sydney: Uniting Church Press.



# What can I do?

**“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.” Margaret Mead**

It’s easy to feel overwhelmed and despondent when we learn about the horrific experiences and needs of asylum seekers and refugees in Australia. This year’s Refugee Week theme is a reminder to us all to stand up courageously and be counted. Here are some ideas that might inspire you, your youth group or congregation to start an action for justice.

**Contact your Member of Parliament** by email or telephone to remind her or him 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/](http://apps.aec.gov.au/esearch/) and enter your suburb. You could also organise a small group to visit your MP, using some of UnitingJustice Australia’s advocacy briefs to guide your conversation: [www.unitingjustice.org.au/refugees-and-asylum-seekers/information-and-action-resources](http://www.unitingjustice.org.au/refugees-and-asylum-seekers/information-and-action-resources)

**Give us a sign!** Why not work with your congregation to put up a public sign expressing support for refugees? Churches around Australia are making their views felt, either by using one of the ideas from the Give Us a Sign Campaign or displaying a unique message on their changeable street sign: [www.giveusasign.org](http://www.giveusasign.org)

**Visit asylum seekers:** Consider arranging for your church group to visit a detention centre, or write letters to asylum seekers in detention in Australia and offshore. Alternatively, you could make contact with asylum seekers in your local area. Local refugee support organisations should be able to tell you about asylum seekers living in your region and provide advice about how to go about making contact with them: [www.immi.gov.au/About/Pages/detention/frequently-asked-questions-about-visiting-immigration-detention-facilities.aspx](http://www.immi.gov.au/About/Pages/detention/frequently-asked-questions-about-visiting-immigration-detention-facilities.aspx)



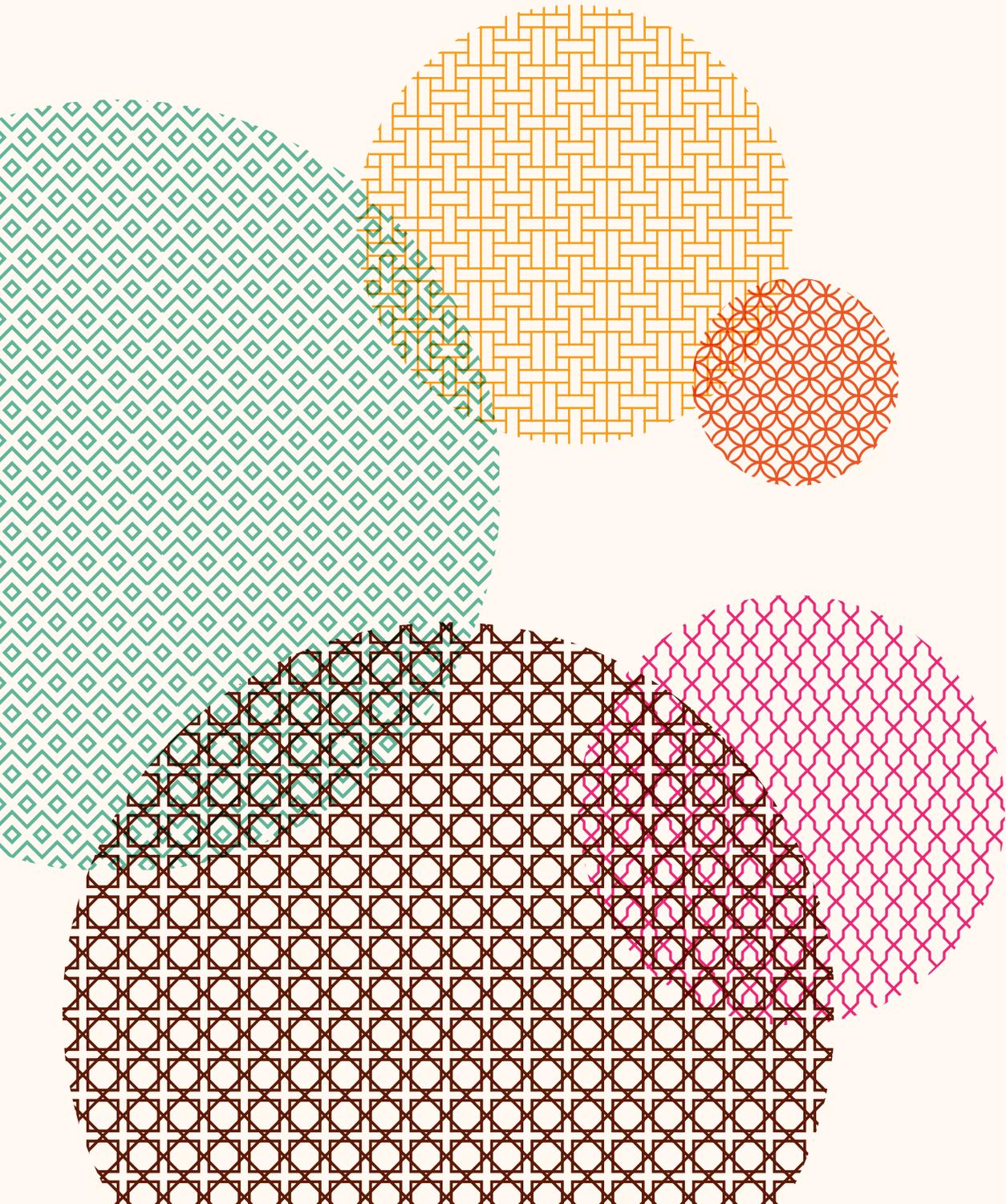
Photo © Siobhan Marren

**Organise an event:** Perhaps you could organise a movie night during refugee week to a few episodes of the SBS television series *Go Back To Where You Came From* or the documentaries *Between the Devil and the Deep Blue Sea* or *Mary Meets Mohammad*. Alternatively, you could organise a trivia evening or awareness raising event for your congregation and the wider local community. Any funds raised could be donated to UnitingJustice Australia or to another organisation that provides services to asylum seekers.

**Volunteer your time:** Whether it is one day a month or more, or whether you are providing language tuition, stuffing envelopes or logistical support, by donating your time you are giving the gift of hope all year round. The Refugee Council of Australia has a list of organisations that need volunteers: [www.refugeecouncil.org.au/get-involved/volunteering/](http://www.refugeecouncil.org.au/get-involved/volunteering/)

**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](http://www.givehope.org.au)

The UnitingJustice Australia website [www.unitingjustice.org.au/refugees-and-asylum-seekers](http://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!



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