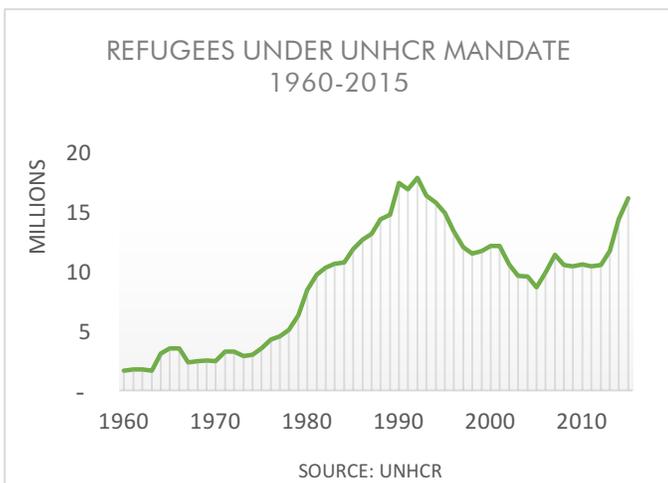


# Background Note on Refugees and Asylum Seekers

## A Global Problem

Refugees are people who have fled their country because of persecution. The term "refugee" is applied when they have been assessed to be a refugee by a recognised authority (usually a government body or the United Nations High Commission on Refugees). The term "asylum seeker" is applied to those who have fled persecution, applied for protection, but whose claim to be a refugee is still being assessed.



There were 21.3 million refugees and 3.2 million asylum seekers in the world at the end of 2015, an increase of more than 5 million compared to 5 years earlier. 5.1 million refugees were Palestinians living in territory occupied by Israel or in nations surrounding Israel. The remaining 16.2 million refugees and 3.2 million asylum seekers have fled from various countries in which there has been violence or persecution. Five countries – Syria, Afghanistan, Somalia, South

Sudan and Sudan – were the major sources of refugees. Between them they accounted for almost two-thirds of the refugees under UNHCR mandate.

### TOP 10 HOST COUNTRIES END 2015 (excluding Palestinian refugees)

1.	Turkey	2,541,352
2.	Pakistan	1,561,162
3.	Lebanon	1,070,854
4.	Iran	979,437
5.	Ethiopia	750,086
6.	Jordan	664,118
7.	Kenya	553,912
8.	Uganda	511,936
9.	DR Congo	477,187
10.	Chad	369,540

Source: UNHCR Global Trends 2015

The vast majority of refugees – 86% in 2015 - are hosted by developing countries. More than a quarter of refugees are hosted by the very least developed countries. Industrialised nations hosted only a small proportion of the world's refugees – 14% in 2015.

## In Search of Durable Solutions

When a refugee flees his/her homeland s/he faces an ambiguous and uncertain existence. Approximately one-third of the world's refugees live in camps where their movement is restricted, conditions are difficult and violence can be

prevalent. The majority live within the community of the countries to which they have fled, but usually with severely restricted rights. It may for example be illegal to work and children may not be admitted to schools.

Such a limbo-like existence is unsustainable. A solution can be found in one of three ways.

**Return home.** The vast majority of refugees want to return to their home country, but cannot do so because it is unsafe. Each year less than 2% of the world's refugee population is able to return home.

**Integrate.** The second possibility for refugees is that they are granted the right to live within the host country with the same opportunities and freedoms as regular citizens. In any given year the number of refugees who have the opportunity to this is usually less than 2% of the world's refugee population;

**Resettle elsewhere.** A third possibility is for refugees to resettle in a third country such as Australia, the United States, or Germany. In any given year less than 1% of the world's refugee population are offered the opportunity to resettle.

This means that in any given year 95% of the world's refugee population are left without a durable solution. Their living circumstances remain untenable and their future remains uncertain. There is a chronic gap between the need for durable solutions and the availability of those solutions.

## The International Convention

The United Nations Refugee Convention provides a mechanism for the protection of refugees. The Convention provides that any person forced to flee their country due to persecution has the right to enter any other country, without authorisation or documentation, and apply for asylum. This provision is made on the basis that when people are persecuted they rarely have the opportunity to leave their country through regular migration channels.

When a refugee arrives at the border of another country and seeks asylum, the Convention obligates that nation to provide the refugee with protection. This means both the opportunity to be safe from persecution and the opportunity to live a decent life.

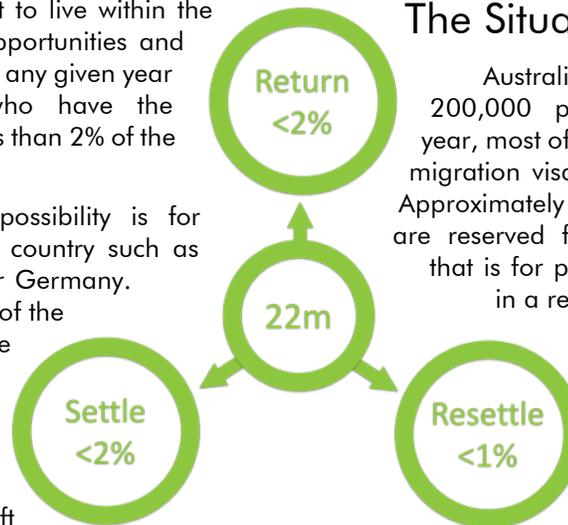
For most of the world's major refugee receiving countries the reality is hundreds of thousands of people showing up on their borders seeking asylum. Australia, which is distant from global hotspots, has relatively few arriving without authorization.

## The Situation in Australia

Australia receives approximately 200,000 permanent migrants each year, most of whom arrive on a business migration visa or a family reunion visa. Approximately 13,700 thousand places are reserved for humanitarian entrants, that is for people who are refugees or in a refugee like situation.

For most of our history, refugees have arrived by way of a resettlement program. Between 1949 and 1951 for example, Australia took 159,000 refugees from post-war Europe. In the mid 1970s however, the Indochina crisis saw boats filled with asylum seekers start to arrive on Australian shores. Australia was now receiving both asylum seekers who arrived without documentation or authorisation and refugees who were being resettled from overseas. For the next three decades Australia filled approximately half its humanitarian quota through resettling people from overseas and half through the provision of humanitarian visas to those who arrived by unauthorised means.

Throughout this period there was an off expressed fear that the number of boat arrivals would escalate to the point where the full humanitarian quota would be exceeded by boat arrivals alone. In 2012 and 2013 there was





indeed a sharp spike in boat arrivals, with 20,587 asylum seekers arriving in 2013 alone. This created a determination among politicians from both major parties to implement new measures to deter people from arriving by boat. This determination was strengthened when an asylum boat broke up off the rocks of Christmas Island and Australians watched their TV screens in horror as asylum seekers drowned. Political leaders now cited two reasons for deterring boat arrivals: the maintenance of control over our borders and the prevention of deaths by drowning. The International Office of Migration estimates that from 2000-2014 approximately 1500 asylum seekers lost their lives on the passage from Indonesia to Australia.

Prior to 2013 a number of deterrence measures had been put in place with debatable effect. These included keeping asylum seekers in detention centres, both in Australia and offshore, while their application for refugee status was processed and providing asylum seekers with temporary protection visas that gave them a limited range of rights. In 2013 the Rudd government reintroduced the policy of detaining asylum seekers in offshore centres on Manus Island and Nauru, but added the condition that those who arrived without authorisation would never be settled in Australia. The Abbott government, elected soon after the implementation of this policy, maintained it and added the policy of turning boats back to the port from which they disembarked. The combined effect of these policies was to almost completely stem the flow of boats of asylum seekers to Australia. The government now fills around 11,000 of the humanitarian quota of 13,700 by resettling refugees and people in refugee-like situation from overseas. The remaining places are filled by asylum seekers who have been here for some years and those who arrive by authorized means (eg student visa) and subsequently seek asylum.

Advocates point out that there are a number of serious problems with the current approach:

- It abrogates our obligations under the Convention. The Convention obliges countries

to provide protection to those who arrive seeking asylum and are found to be refugees. If every country in the world adopted Australia's policy there would be nowhere for refugees to find shelter;

- Indefinite detention without the hope of resettlement in Australia leaves people in a state of despair and growing hopelessness and creates an environment where children and women in particular are vulnerable to violence and abuse;
- It is highly improbable that the policy has prevented drownings at sea, for it has shut off the supply of places in Australia but done nothing to address the demand for protection. Refugees, desperate to find safety, are now simply likely to make the journey to someone else in the world, journeys which are generally as dangerous as that to Australia.

## What is the solution?

The central problem facing the world's refugees is the lack of durable solutions available to them. As noted above, in any given year, less than 5% of refugees are able to return home, integrate into the life of the country that is hosting them, or be resettled by a third nation. On current trends it will take 25-30 years to find solutions for those already refugees, let alone those who will become refugees in the future.

The only way to resolve this is for the international community to work together to create more opportunities for refugees. We must invest peace efforts that will make it safe for more refugees to return home; in the integration of more refugees into the life of their host nation; and in enlarging the number of resettlement places on offer.

How might this play out for Australia? How many refugees, for example, should Australia resettle? There is no simple answer, but if we assume that one-third of the world's refugees would choose resettlement if the opportunity were available and that the responsibility to resettle was shared equitably among the world's high income



nations, Australia, with 2.8% of high-income GDP<sup>i</sup> would be responsible for resettling around 180,000 of the world’s existing population of refugees and asylum seekers. This would not necessarily occur in a single year, but could be spread out over a number of years.

The existing refugee population has built up over many years. If the world came together and found durable solutions for all existing refugees, what would be required going forward? The answer depends on the number of people who become refugees in any given year. The table below shows the number of people who became refugees or asylum seekers in the years 2011-2015 and Australia’s resettlement fair share for those years (assuming again that one-third of refugees would select resettlement if it was available and that Australia took 2.8%).

YEAR	NO. NEW REFUGEES	AUSTRALIA FAIR SHARE
2011	800,000	7,457
2012	1,100,000	10,253
2013	2,500,000	23,302
2014	2,900,000	27,031
2015	3,800,000	35,419

A consensus is emerging around the notion that Australia should increase its humanitarian migration program from the current 13,750 places per annum and projected 18,750 by 2018-19 to 30,000 places per annum. The target of 30,000 is suggested by the Refugee Council of Australia.<sup>ii</sup> A similar suggestion was made by the Expert Panel on Asylum Seekers appointed by the government in 2012, which recommended an increase to 27,000 places per annum.

Increasing our humanitarian intake should be part of a new regional approach, in which the major refugee transit nations (Malaysia, Thailand and Indonesia in particular) and the region’s middle and higher income nations (Australia, New Zealand, Japan, South Korea, the Philippines) support the processing of asylum claims and equitably share the responsibility to settle those found to be refugees. This would provide all

nations in the region with certainty that should they welcome substantial numbers of refugees they will not be left to absorb them on their own. Refugees and asylum seekers would have little incentive to board boats to Australia, for the years of anxious waiting and uncertainty that currently drives asylum flows would be replaced with a prompt assessment of their asylum claim and resettlement shortly thereafter. Australia would be able to end the practice of turning boats back, indefinite detention and temporary protection visas. These are designed to disincentivise travel to Australia but would be made redundant by a regional burden sharing approach.

If, to facilitate this regional framework, Australia increased its annual humanitarian quota to 30,000 this would add around \$1 billion to the budget<sup>iii</sup>, which would be offset entirely by savings on offshore detention centres.

## What are we asking?

1. For an increase in the humanitarian program to at least 30,000 places per year during the course of the next term of government. The policy of the ALP is to achieve 27,000 but not until the year 2025, while the Coalition has promised to increase the quota to 18,750 by the year 2018-19;
2. For government to place a priority on the development of a regional approach. The Expert Panel on Asylum Seekers, whose recommendations gave rise to the current raft of policies, also recommended that Australia make it the highest priority to develop agreements with Malaysia and Indonesia that would see Australia agree to resettle substantially larger numbers of refugees from those countries, and for these agreements to be the first step towards a broader regional agreement. We are asking both parties to implement this part of the expert panel's report. If successful, this will make the offshore detention centres redundant.
3. For both parties to commit to finding a third country of resettlement for those currently



detained on Manus Island and Nauru as a matter of the highest priority. Furthermore that the countries in which resettlement occurs should be capable of providing the refugees with genuine protection. In order to do this they should be either highly developed or very highly developed countries according to the United Nations Human Development Index.

4. For an end to the issuing of Temporary Protection Visas to those who arrived by boat and are already in Australia. TPVs leave people unable to construct a new life for the fear they will be deported when their visa runs out.

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<sup>i</sup> I have used the World Bank income classification, which identifies high income nations as those with per capita GNI of US\$12,476 or more.

<sup>ii</sup> Refugee Council of Australia, "Australia's Response To A World In Crisis. Community views on planning for the 2016-17 Refugee and Humanitarian Program" March 2016

<sup>iii</sup> The Expert Panel on Asylum Seekers received advice from the government that it would cost \$350 million per year to increase Australia's humanitarian program by 6250 places

