3. Where do refugees come from?

Since 2001 most refugees, humanitarian entrants and asylum seekers journeying to Australia have come from Africa, the Middle East and South West Asia. All have fled the terrible effects of war, civil unrest, poverty, famine, or natural disaster, and are in desperate need of a new home.

The Australian government actively supported the recent wars on Afghanistan and Iraq. Both countries are now utterly devastated. The argument that Australia has no responsibility to Afghans and Iraqis seeking asylum is therefore exceptionally weak. However, the Australian immigration system is designed to accept small numbers of a specific kind of refugee, selected in advance from a refugee camp and known as an 'off-shore' refugee, and to repel all other applicants for protection, known as asylum seekers or 'onshore' refugees.

Onshore refugees come here directly by plane or by boat. When they do so, they are exercising a right to seek asylum which is recognised by international law. Furthermore, they may have been unable to apply for recognition as a refugee in their home country because of the danger which forced them to flee, or because it is often difficult to make such an application in countries which house large numbers of refugees. The current government calls these people 'illegal migrants' or just 'illegal', despite the fact that Australia was one of the first signatories to the United Nations Convention that was designed to protect these people.

Australia has an obligation to recognise and protect the rights of both asylum seekers and refugees. However, many asylum seekers who have sought protection from Australia have been detained, removed against their will to other countries, or sent back to the danger they risked everything to escape.

Refugee Action Collective Victoria
www.rae-vc.org
4. What is the difference between an 'asylum seeker' and a 'refugee'?

A refugee is a person who has been forced to leave their home and to seek refuge in another country. There are a range of different definitions of a refugee in international law. People who flee their home country and apply for protection in another country are known as asylum seekers until a body such as the UNHCR, or a government which is a signatory to the UN Refugee Convention, has agreed to recognise them as refugees.

In Australia, asylum seekers are provided with the bare minimum of legal assistance when they make an application for a protection visa. This means that many genuine refugees unfairly miss out on being awarded refugee status.

If an asylum seeker's application for protection in Australia is rejected, they can appeal to the Refugee Review Tribunal (also known as the 'RRT'). The Migration Act 1958 says that RRT members do not have to be lawyers. In fact, the Act does not specify any particular qualifications for RRT membership. The tribunal can hear a case with only one member of the tribunal present. Members are appointed for a short term, but can be re-appointed. If past trends are any guide, members whose decision pleases the government appear to stand a greater chance of re-appointment.

If an asylum seeker disagrees with the decision of the RRT, they may ask the Federal Court to review the decision. However, the Federal Court is not able to assess the content of the application. It can only review the way the RRT has used, or failed to use, its power.

The denial to some asylum seekers of refugee status often results from legal hurdles which have been introduced by our government specifically to make it difficult for these people to be recognised as refugees.

Refugee Action Collective Victoria
www.rac-vic.org