

Factsheet

FREQUENTLY ASKED QUESTIONS ABOUT REFUGEES

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Sort the myths from the facts about refugees and asylum seekers with our FAQ.

Asylum seeker, refugee or migrant: What's the difference?

An **'asylum seeker'** is someone who is seeking protection but has not yet had their refugee claim determined by an official – in other words, they might be a refugee, but we do not yet know because no one has heard and evaluated their claim.

A **'refugee'** is someone who has a well-founded fear of being persecuted for reasons of their race, religion, nationality, political opinion or membership of a particular social group, and who cannot return home because this would expose them to a risk of persecution. Countries have obligations under international law to protect refugees, as well as people fleeing other serious human rights violations, such as torture or cruel, inhuman or degrading treatment or punishment. Recently, Australia has accepted about 15,000 refugees a year.

A **'migrant'** is someone who chooses to move to another country, usually for work, education or family reasons. Whereas refugees are compelled to leave their countries, migrants do so voluntarily. Countries have the discretion whether to admit someone as a migrant. Recently, Australia has accepted about 190,000 permanent migrants a year.

Is Australia being 'flooded' with asylum seekers?

No. Australia receives a very small number of the world's asylum seekers, both in absolute terms and in relation to other countries. Australia received its highest annual number of asylum seekers by boat in 2013, when 20,587 asylum seekers arrived; this was 1.7 per cent of the world's asylum seekers that year. Compared to Australia's annual intake of 190,000 migrants through its skilled and family migration schemes, the Refugee and Humanitarian Program intake (rising to 18,750 people in 2018-19) is relatively small. In comparison, Turkey hosts 3.5 million refugees, Pakistan and Uganda 1.4 million refugees each, and Lebanon and Iran host about 1 million refugees each.

In 2019, more than 79.5 million people worldwide were forcibly displaced from their homes – the most since the Second World War. This figure includes 26 million refugees, as well as millions of asylum seekers, stateless people and internally displaced persons (people who

have fled their homes but stayed within their country). The overwhelming majority (about 85 per cent) of the world's refugees reside in developing countries, according to UNHCR statistics.

Are asylum seekers who arrive by boat 'illegal'?

No. Although Australian law currently classifies people who come to Australia by boat seeking Australia's protection as 'unlawful non-citizens', it is not a crime to seek asylum from persecution or other serious human rights abuses, regardless of how you arrive. Under the Refugee Convention, entering a country without a visa must *not* be treated as illegal if a person is seeking asylum.

Are asylum seekers who arrive by boat 'queue jumpers'?

No. There is no queue. There is a common misconception that if refugees just waited in camps overseas, they would eventually be resettled, but there is no guarantee of resettlement. A refugee's chance of resettlement does not depend on how long they've been waiting, but rather on vulnerability, suitability, global priorities and Australia's preferences. Fewer than 1 per cent of the world's refugees are resettled annually.

Are asylum seekers 'economic migrants' or 'economic refugees'?

If someone is at risk of persecution or other serious form of harm, then they are in need of international protection – or, refugee status – whether rich or poor. 'Economic migrant' and 'economic refugee' are not legal terms. Most asylum seekers who have arrived in Australia by boat have been found to be refugees fleeing persecution.

What is Australia's offshore processing policy?

Since 2012, successive Australian governments have held that no one arriving by boat without a valid visa will be settled in Australia, regardless of whether he or she is owed protection under the Refugee Convention and regardless of any family or other ties here. Asylum seekers arriving in Australia by boat are subject to 'offshore processing' in the Pacific nations of Nauru (for women, children and families) and Papua New Guinea's Manus Island (men unaccompanied by family). Australia has sent more than 4,000 people to Manus and Nauru. These remote 'offshore' centres have been repeatedly condemned by United Nations bodies as 'inhumane' circumstances creating 'serious physical and mental pain and suffering' for asylum seekers. Since 2013, some asylum seekers and refugees held offshore have been raped or beaten, and several have died. Others face permanent separation from their spouse and children in Australia.

Is offshore processing legal under international law?

Offshore processing breaches international human rights standards. Subjecting people to harsh conditions and prolonged uncertainty on Manus and Nauru amounts to cruel and degrading treatment, in violation of the Convention Against Torture, according to UN experts. Other concerns include breaches of the right to family unity and of specific rights standards for children. The UN Special Rapporteur on the Human Rights of Migrants said, 'Regarding human rights issues, [Australia's offshore processing] system cannot be salvaged'.

Under international law, Australia is responsible for upholding the human rights of asylum seekers it sends offshore. Moving refugees to other territories and hiring private contractors to manage offshore centres does not change Australia's international legal responsibilities. Governments cannot contract out of their obligations under international law, nor do in other countries what they are prohibited from doing at home.

What happens when Australia turns back boats?

As the government does not release details of 'on water' operations, little information is publicly available about the conduct of turnback operations. Australian government policy is to turn back boats carrying asylum seekers 'where it is safe to do so'. However, senior naval officials involved with Australian turnback operations have stated that these are inherently risky endeavours. There have been many risks to the life and safety of passengers, crew and Australian personnel, including where people have gone overboard, or vessels have run aground after being turned around. Turnbacks raise a high risk that people in need of protection are turned back to danger, in violation of Australia's international obligations.

Do 'tough' border protection policies save lives?

Home Affairs Minister Peter Dutton has argued that 1,200 drownings occurred in the years before Operation Sovereign Borders, and no deaths at sea have been recorded since it began. Yet the UN Special Rapporteur on Extrajudicial Killings, Agnes Callamard, warned in October 2017 that Australia's turnback practices 'may intentionally put lives at risk'. These risks arise in the course of turnback operations and after return. The Australian government does not monitor what happens to people it has returned, however, reports from other sources suggests that some people have been turned back to danger.

Deterrence tactics – such as turning back boats, offshore processing and temporary protection – take no account of the underlying human rights violations that prompt asylum seekers to make dangerous sea journeys in the first place. They punish one group to deter another, which is contrary to human rights law. While endorsing the need for countries to save lives and prevent exploitation by people smugglers, UNHCR chief Filippo Grandi said of Australia's policies, 'There is a fundamental contradiction in saving people at sea, only to mistreat and neglect them on land.'