Debunking myths on refugees and asylum seekers

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What is the difference between an ‘asylum seeker’, a ‘refugee’ and a ‘migrant’?

An ‘asylum seeker’ is someone who is seeking protection as a refugee. The term implies that the person 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. In recent years, Australia has accepted around 13,750 refugees annually.

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 or not to admit someone as a migrant. Each year, Australia accepts around 190,000 permanent migrants.

Are asylum seekers who arrive by boat ‘illegal’?

No. It is not a crime to seek asylum from persecution or other serious human rights abuses. Rather, it is the right of every individual under international law. The right to seek asylum is enshrined in article 14 of the Universal Declaration of Human Rights. Moreover, article 31 of the Refugee Convention provides that actions that would otherwise be illegal, such as entering a country without a visa, must not be treated as illegal if a person is seeking asylum. This is because the drafters of the Refugee Convention recognized that the very nature of refugee flight might make it impossible to obtain travel documents. As the Refugee Council of Australia has explained:
Refugees are, by definition, persons fleeing persecution and in most cases are being persecuted by their own governments. It is often too dangerous for refugees to apply for a passport or exit visa [as required by some countries] or approach an Australian Embassy for a visa, as this could put their lives, and the lives of their families, at risk. Refugees may also be forced to flee with little notice due to rapidly deteriorating situations and do not have time to apply for travel documents or arrange travel through authorised channels … Permitting asylum seekers to [enter] a country without travel documents is similar to allowing ambulance drivers to exceed the speed limit in an emergency – the action may ordinarily be illegal but, in order to protect lives at risk, an exception is made.

Are asylum seekers who arrive by boat ‘queue jumpers’?

No. There is no queue. But there is a common misconception that if refugees just waited in camps or urban areas overseas, they would eventually be resettled. A refugee’s chance of resettlement does not depend on how long he or she has been waiting. It is not like taking a ticket at the supermarket deli and waiting for the number to be called. Rather, a refugee’s chance of resettlement depends on factors such as vulnerability, suitability for resettlement, UNHCR’s assessments of global resettlement needs and priorities, and the views of individuals and organizations in Australia conveyed during community consultations with the Immigration Minister. A refugee who arrives today with an acute resettlement need, such as extreme vulnerability on account of sexual abuse or disability, may be prioritized ahead of someone who has been waiting for 10 years.

Moreover, there is no guarantee of resettlement – less than one per cent of the world’s refugees are resettled annually.

In 2014, the global number of displaced people exceeded 59.5 million – the highest number since the Second World War. This figure includes refugees, asylum seekers and internally displaced persons.

Are asylum seekers who arrive by boat ‘economic migrants’?

The terms ‘economic migrant’ and ‘economic refugee’ are sometimes used to describe asylum seekers who are presumed to have left their homes for economic reasons, rather than because of persecution. These are not legal terms, but descriptive labels. Since many refugees come from very poor countries, they may have several motivations for leaving. But this does not necessarily mean they are not refugees. If they are at risk of persecution or other serious forms of harm, then they are in need of international protection – whether they are rich or poor.

In fact, most asylum seekers who have arrived in Australia by boat have been found to be refugees fleeing persecution. Figures from the Immigration Department show that between 2010 and 2013, around 90 per cent of asylum seekers who came by boat were refugees. In recent years, most have come from countries experiencing conflict or human rights issues,
such as Iran, Afghanistan, Sri Lanka and Pakistan. For example, since 2009, over 96 per cent of Afghan asylum seekers arriving by boat have been found to be genuine refugees.

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 when considered in relation to other countries. In 2013, 20,587 asylum seekers arrived in Australia by boat, the highest annual number. Yet, this represented only 1.7 per cent of the world’s asylum seekers that year. According to the Refugee Council of Australia, in 2014 Australia received 8,988 new asylum applications, which represented just 0.24 per cent of the global number. The numbers of asylum seekers coming to Australia are very small when compared to global figures, but also when viewed in light of Australia’s annual intake of 190,000 migrants through its skilled and family migration schemes. It is also important to remember that the overwhelming majority of the world’s refugees reside in developing countries. UNHCR’s statistics show that about 86 per cent of the world’s refugees (that is, more than 10 million people) are hosted by developing countries.

Do ‘tough’ border protection policies deter asylum seekers from coming to Australia by boat and therefore ‘save lives at sea’?

Research shows that the details of a country’s asylum policy, including deterrence mechanisms, have little influence on an asylum seeker’s choice of destination. The need to ‘save lives at sea’ has been invoked by politicians to justify policies of deterrence, such as turning back boats, offshore processing and temporary protection. However, the problem with this approach is that it is easy to lose sight of the underlying human rights violations that prompt asylum seekers to make dangerous sea journeys in the first place – and the fact that closing formal channels for family reunion mean more women and children get on boats. People smugglers offer a service that exists because of the absence of other options.

Are refugees dangerous people?

While there have been some highly publicised cases of refugees and asylum seekers committing crimes in Australia, these are few and far between. Statistics show that refugees and asylum seekers are 45 times less likely to be charged with a crime than an average member of the Australian public. If a refugee or asylum seeker does commit a crime in Australia, they can be charged like any other person and serve the appropriate sentence for their crime.

They should not be subjected either to a disproportionate punishment (eg deportation to persecution, or indefinite detention) or to a double punishment (eg deportation after serving their sentence).
Do refugees receive higher welfare payments than Australians?

No. A refugee who has permanent residency in Australia has the same social security entitlements as other permanent residents. Refugees do not receive higher benefits. Moreover, refugees must meet the same requirements as other Australians for public housing – they are not accorded preferential treatment and must remain on waiting lists, just as other Australians do.

In recognition of the circumstances in which refugees come to Australia, they are exempt from the waiting times that usually apply to migrants who are newly arrived residents in Australia and are seeking to access social security or concession cards. Refugees also have access to short-term settlement services from the Immigration Department to assist them in their initial period of settlement.

Do refugees make economic contributions to Australia?

Yes. In 2011, the Immigration Department commissioned Professor Graeme Hugo at the University of Adelaide to examine the economic, social and civic contributions made by refugees and their children. His research found that while refugees may initially experience higher unemployment and lower incomes than other migrant groups, with the passage of time, refugees experience convergence towards the labour market outcomes of the general Australian population. Refugees also display greater entrepreneurial qualities than other migrant groups. For instance, five of Australia’s eight billionaires in 2000 came from a refugee background. Refugees establish economic and other links between Australia and their countries of origin by sending remittances home, thereby contributing to development in their countries of origin, and by fostering trade.

Can the Australian government ‘turn back’ asylum seekers?

The principle of non-refoulement makes it unlawful to send refugees to any country where their life or freedom would be threatened on account of their race, religion, political opinion, nationality or membership of a particular social group, or where they would be at risk of torture or other serious harm. It is Australian government policy to turn back boats containing asylum seekers on their way to Australia. If people on such boats are in need of protection, then this practice constitutes a breach of international law. The government’s secrecy about the nature of any assessments it carries out before turning boats around makes it difficult to determine whether breaches have occurred. However, on-water assessment procedures are unlikely to meet the minimum procedural standards required by international law to identify protection needs. Further, since the majority of people who seek asylum in Australia by boat are found to be refugees, the turn-backs place people at risk of persecution or serious harm, in breach of Australia’s obligations under international law.