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Asylum seekers and refugees: what are the facts?

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Executive summary

- Australia has a long history of accepting refugees for resettlement and over 800,000 refugees and displaced persons have settled in Australia since 1945.
- There is a difference between an asylum seeker and a refugee—asylum seekers are people seeking international protection but whose claims for refugee status have not yet been determined.
- Although those who come to Australia by boat seeking Australia's protection are classified by Australian law to be 'unlawful non-citizens', they have a right to seek asylum under international law and not be penalised for their mode of entry.
- Although the numbers fluctuate, usually only a small proportion of asylum applicants in Australia arrive by boat—most arrive by air with a valid visa and then go on to pursue asylum claims. While the number of boat arrivals has risen substantially in recent years, it is worth noting that even in high arrival years they still comprise just over half of onshore asylum seekers in Australia and a greater proportion of those arriving by boat are recognised as refugees. In 2014, arrival numbers fell again and there was only one boat arrival in Australia. As a result, the majority of asylum applicants arrived by air.
- There is no orderly queue for asylum seekers to join. Only a very small proportion of asylum seekers are registered with the UNHCR and only about one per cent of those recognised by the UNHCR as refugees who meet the resettlement criteria are subsequently resettled to another country.
- All unauthorised boat arrivals in Australia are subject to the same assessment criteria as other asylum applicants and are also subject to comprehensive security and health checks.
- Claims that refugees in Australia are entitled to higher benefits than other social security recipients are unfounded.
- The Australian Government usually allocates around 13,750 places to refugees and others with humanitarian needs under its planned Humanitarian Program. Historically, the majority of these places are granted to offshore refugees referred to Australia by the UNHCR, but some are given to refugees who arrived by air or boat and were granted protection visas onshore. However, even during high boat arrival periods, onshore grants to boat and air arrivals combined still only comprise about 50 per cent of Australia's Humanitarian Program.

- The number of people arriving unauthorised by boat in Australia is small in comparison to the numbers arriving in other parts of the world such as Europe. Similarly, the number of asylum claims lodged in Australia is small in comparison to the USA and Europe.
- While about 20 developed nations, including Australia, participate formally in the UNHCR’s refugee resettlement program, the vast majority of asylum seekers and refugees are actually hosted in developing countries.

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Introduction

The magnitude and complexity of the issues arising from the flow of asylum seekers and refugees globally pose huge challenges for the world's destination countries, including Australia. These countries universally struggle to maintain a balance between controlling national borders and offering protection to millions of displaced people.

When the Office of the United Nations High Commissioner for Refugees (UNHCR) was established in 1951, there were approximately 2.1 million refugees internationally.¹ At the end of 2013 there were an estimated 51.2 million forcibly displaced people worldwide, including 16.7 million refugees (11.7 million under UNHCR's mandate), close to 1.2 million asylum seekers and 33.3 million internally displaced persons (IDPs). Over half of the world's refugees under UNHCR's mandate, approximately 6.3 million, remained in protracted situations (in exile for five years or more) at the end of 2013.²

Australia has a long history of accepting refugees for resettlement and over 800,000 refugees and displaced persons, including thousands during and immediately after World War II, have settled in Australia since 1945.³ However, despite this long-term commitment, there is a great deal of confusion and misinformation in the public debate in Australia particularly around the terms asylum seekers, refugees, 'illegals', 'queue jumpers' and 'boat people' which are often used interchangeably and/or incorrectly.

The purpose of this paper is to present information (in a simplified format) that may help address some of the popular misconceptions that surround asylum issues. It includes information on asylum claims, unauthorised arrivals and irregular migration in Australia and Europe.

What is the difference between an asylum seeker and a refugee?

There is a great deal of confusion about the difference between an asylum seeker and a refugee and often the terms are used interchangeably or incorrectly. An asylum seeker is someone who is seeking international protection but whose claim for refugee status has not yet been determined. In contrast, a refugee is someone who has been recognised under the *1951 Convention relating to the status of refugees* to be a refugee. The Convention defines a 'refugee' as any person who:

... owing to 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 or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it ...⁴

The definition of 'refugee' does not cover other individuals or groups of people who are forced to leave their country for other reasons as the UNHCR explains:

Migrants, especially economic migrants, choose to move in order to improve the future prospects of themselves and their families. Refugees have to move if they are to save their lives or preserve their freedom. They have no protection from their own state—indeed it is often their own government that is threatening to persecute them. If other countries do not let them in, and do not help them once they are in, then they may be condemning them to death—or to an intolerable life in the shadows, without sustenance and without rights.⁵

1. United Nations High Commission for Refugees (UNHCR), [The state of the world's refugees: fifty years of humanitarian action](#), Annex 1, p. 302, accessed 2 December 2014. This estimate does not include internally displaced persons and others 'of concern' to the UNHCR.
2. UNHCR, [Global trends 2013](#), Geneva, June 2014, accessed 2 December 2014. The UNHCR collects statistics for several population categories collectively referred to as 'persons of concern': **Refugees**: individuals recognised under the *1951 Convention relating to the Status of Refugees*; its 1967 Protocol; the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*; those recognised in accordance with the UNHCR Statute; individuals granted complementary forms of protection; or, those enjoying 'temporary protection'. The refugee population includes people in a refugee-like situation. **Asylum-seekers**: individuals who have sought international protection and whose claims for refugee status have not yet been determined. **Internally displaced persons**: people or groups of individuals who have been forced to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural, or human-made disasters, and who have not crossed an international border. For further detail see UNHCR, *Global trends 2013*, op. cit., p. 39.
3. Department of Immigration and Border Protection (DIBP), [Key facts in immigration](#), fact sheet 2, DIBP website, accessed 2 December 2014.
4. UNHCR, [Convention relating to the status of refugees](#), UNHCR, Geneva, 2007, p. 16, accessed 2 December 2014.
5. UNHCR, [Refugees: flowing across borders](#), UNHCR website, accessed 2 December 2014.

Are asylum seekers ‘illegals’?

Generally speaking ‘illegal immigrants’ are people who enter a country without meeting the legal requirements for entry (without a valid visa, for example). However, under Article 14 of the 1948 *Universal declaration of human rights*, everyone has the right to seek asylum and the 1951 Refugee Convention prohibits states from imposing penalties on those entering ‘illegally’ who come directly from a territory where their life or freedom is threatened.⁶

The UNHCR emphasises that a person who has a well-founded fear of persecution should be viewed as a refugee and not be labelled an ‘illegal immigrant’ as the very nature of persecution means that their only means of escape may be via illegal entry and/or the use of false documentation.⁷ The Refugee Council of Australia similarly notes the practical difficulties encountered by asylum seekers in obtaining the requisite documentation prior to departure:

It is not a crime to enter Australia without authorisation for the purpose of seeking asylum. Asylum seekers do not break any Australian laws simply by arriving on boats or without authorisation. Article 31 of the Refugee Convention clearly states that refugees should not be penalised for arriving without valid travel documents. What may be considered an illegal action under normal circumstances (e.g. entering a country without a visa) should not, according to the Convention, be considered illegal if a person is seeking asylum. Australian and international law make these allowances because it is not always safe or even possible for asylum seekers to obtain travel documents or travel through authorised channels. Refugees are, by definition, people 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 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. In other cases, refugees may be unable to obtain travel documents because they do not have identity documentation or because they cannot meet the necessary visa requirements. Australia has very restrictive policies which work to prevent citizens of countries where persecution is widespread from getting access to temporary visas of any kind. These policies leave many people seeking to flee to Australia with no way of entering in an authorised manner. 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.⁸

Asylum seekers irrespective of their mode of arrival, like others that arrive in Australia without a valid visa, are classified by Australian law to be ‘unlawful non-citizens’. However, the term ‘unlawful’ does not mean that asylum seekers have committed a criminal offence. There is no offence under Australian law that criminalises the act of arriving in Australia or the seeking of asylum without a valid visa.⁹

The confusion about legal status arises from those arriving by boat doing so without a valid visa or any other appropriate authorisation, compared to those who arrive by air with a valid visa and then go on to lodge asylum claims. Any unauthorised arrivals (including any who arrive unauthorised by air) are subject to Australia’s mandatory immigration detention policy introduced by the Keating Government in 1992. Under this policy it is a requirement that ‘unlawful non-citizens’ be detained unless they have been granted temporary legal status by way of a bridging visa while their immigration status is determined.¹⁰

In the past, when unauthorised boat arrivals were intercepted in Australian waters, passengers were usually transferred to Christmas Island in order to establish their reasons for attempting to enter Australia without authority. Many were then transferred at a later date to immigration detention centres on the mainland or immigration detention alternatives such as community based detention.¹¹ Others were released into the

6. UN, [The universal declaration of human rights](#), 1948, UN website, accessed 2 December 2014; and UNHCR, *Convention relating to the status of refugees*, op. cit.

7. For example see UNHCR, [The detention of refugees and asylum-seekers by reason of their unauthorised entry or presence](#), Geneva, p. 1, 2007, accessed 2 December 2014.

8. Refugee Council of Australia (RCOA), [‘Myths about refugees and asylum seekers’](#), RCOA website, viewed 7 February 2015.

9. DIBP, [Seeking protection within Australia](#), fact sheet 61, DIBP website, accessed 2 December 2014.

10. J Phillips and H Spinks, [Immigration detention in Australia](#), Background note, Parliamentary Library, 2013, accessed 3 December 2014.

11. C Bowen (Minister for Immigration and Citizenship), [An update on community detention](#), media release, 21 May 2012, accessed 2 December 2014.

community on bridging visas while their asylum claims were assessed.¹² Under current Government policy, boats carrying asylum seekers without appropriate authorisation are prevented from landing in Australia—instead they may be turned around and returned to international waters, or the asylum seekers on board may be detained (usually in immigration detention facilities on Christmas Island) before being transferred to offshore processing centres in Nauru or Papua New Guinea (PNG) or returned to their country of origin.¹³

The term ‘illegal’ may more appropriately apply to those without a valid visa (‘unlawful non-citizens’) who are not seeking protection, but remain in Australia unlawfully, such as visa overstayers.¹⁴ As at 30 June 2013, it was estimated that there were about 62,700 visa overstayers present in Australia.¹⁵

In Europe, the term ‘illegal’ is also more appropriately used to describe visa overstayers or those working in breach of their visa conditions.¹⁶ However, the terms ‘illegals’, ‘irregular migrants’ and ‘irregular residents’ are commonly used interchangeably in Europe and may also refer to those arriving without authorisation. The International Organization for Migration (IOM) defines ‘irregular migrants’ as those who, ‘owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country’.¹⁷

As Europe has much more porous and less geographically isolated borders, it is almost impossible to monitor the exact numbers, but it is estimated that in 2013 over 300,000 ‘irregular’ migrants or residents (including visa overstayers, people working in breach of their visa conditions and those who go on to claim asylum after arrival) were apprehended in the EU.¹⁸ Unauthorised boat arrivals, some of whom may be asylum seekers, make up only a very small part of the ‘irregular’ migrants intercepted across Europe. It is estimated that between 1998 and 2013, 623,118 irregular migrants (some of whom would have been asylum seekers) reached European shores by boat.¹⁹ However, there has been a surge in unauthorised boat arrivals in Europe since the escalation of conflict in Syria and the UNHCR estimates that more than 207,000 people crossed the Mediterranean by boat in 2014.²⁰

Globally, the IOM points out that ‘the overwhelming majority of migration is fully authorized’ and estimates that only about 10 to 15 per cent of the world’s international migrants are irregular, most of whom are visa overstayers, not asylum seekers.²¹

Are asylum seekers ‘queue jumpers’?

There is a view that asylum seekers, particularly those who arrive in Australia by boat, are ‘jumping the queue’ and taking the place of a more deserving refugee awaiting resettlement in a refugee camp. The concept of an orderly queue does not accord with the reality of the asylum process. According to the Refugee Council of Australia:

Even for refugees who are in need of resettlement, there is no orderly resettlement ‘queue’ to join. In reality, the resettlement system works more like a lottery than a queue. Very few resettlement places are available globally and, while UNHCR aims to prioritise those in greatest need, most refugees—even people in very vulnerable

12. C Bowen (Minister for Immigration and Citizenship), [Bridging visas to be issued for boat arrivals](#), media release, 25 November 2011, accessed 2 December 2014.
13. S Morrison (Minister for Immigration and Border Protection), [Operation Sovereign Borders](#), Transcript of joint press conference, Sydney, 23 September 2013, accessed 10 February 2015. The practice of transferring asylum seekers to offshore processing centres, first implemented by the Howard Government in 2001, was re-introduced by the Gillard Government in 2012. See C Bowen (Minister for Immigration and Citizenship), [Nauru designated for regional processing](#), media release, 10 September 2012; and [Papua New Guinea designated for regional processing](#), media release, 9 October 2012, accessed 2 December 2014. Note: there were 12 boat ‘turnarounds’ between September 2013 and September 2014—see S Morrison (Minister for Immigration and Border protection), [A year of stronger borders](#), media release, 18 September 2014, accessed 2 December 2014.
14. DIBP, [Overstayers and other unlawful non-citizens](#), fact sheet 86, DIBP website, accessed 2 December 2014.
15. DIBP, [Australia’s migration trends 2012–13](#), chapter 5, p. 77, DIBP, Canberra, 2014, accessed 2 December 2014.
16. F Duvell, ‘[Illegal immigration in Europe](#)’, Rear Vision, *ABC Radio National*, interview, 10 February 2010, accessed 2 December 2014.
17. IOM, [Towards a fair deal for migrant workers in the global economy](#), ILO, Geneva, 2004, p. 11; and ‘[Key migration terms](#)’, IOM website, accessed 2 December 2014.
18. European Commission (EC), [5th annual report on immigration and asylum](#), Brussels, May 2014, p. 4, accessed 2 December 2014.
19. See D de Bruycker, A di Bartolomeo and P Fargues, [Migrants smuggled by sea to the EU: facts, laws and policy options](#), Migration Policy Centre, 2013, p. 3 and appendix 1; and European Parliament, [Asylum study backs shared responsibility between EU countries](#), article, 3 March 2010, accessed 2 December 2014.
20. UNHCR, [Focus on saving lives says UNHCR as numbers of people taking to the seas in search of asylum or migration passed 348,000 globally](#), media release, 10 December 2014, accessed 6 January 2015.
21. IOM, [World migration report 2010](#), p. 29, accessed 2 December 2014.

situations—cannot realistically expect to be resettled in the near future, if ever. Many refugees lack access to UNHCR’s resettlement processes altogether and simply do not have resettlement available to them as an option.²²

The reality is that only a small proportion of asylum seekers are registered with the UNHCR—only 19 per cent of asylum claims were registered with the UNHCR in 2013.²³

Once registered with the UNHCR, the agency seeks durable solutions for those found to be refugees, primarily through facilitating voluntary repatriation, local integration in host countries, or resettlement to third countries.²⁴ Many refugees seek resettlement to a country such as Australia. Refugees do not have a right to be resettled, and states are not obliged under the 1951 Refugee Convention or any other instrument to accept refugees for resettlement. It is a voluntary scheme co-ordinated by the UNHCR which, amongst other things, facilitates burden-sharing amongst signatory states. Resettlement therefore complements and is not a substitute for the provision of protection to people who apply for asylum under the Convention.

According to the UNHCR, **less than 1 per cent** of the world’s refugees may be resettled in any given year:

Resettlement benefits a comparatively small number of refugees: in 2011 less than 1 per cent of the world’s refugees benefited from this durable solution ... the number of resettlement places offered by States has not significantly increased over the years and has remained at around 80,000. Global resettlement needs, assessed at some 800,000, thus exceeded the number of places available by a ratio of 1:10.²⁵

Resettlement options remain out of the reach of most refugees. In 2013, the UNHCR called on states to resettle over 100,000 refugees from Syria alone. At the end of 2013 the agency had received offers to resettle only a fraction of these.²⁶

For refugees in protracted situations (in exile for five years or more) the UNHCR points out that there are limited options:

The absence of a solution for millions of refugees in protracted situations continues to pose a major challenge to UNHCR and its partners, to host countries, the refugees themselves and the international community at large.²⁷

At the end of 2013 the UNHCR estimated that over half of the world’s refugee population under UNHCR mandate (more than 6.3 million) was trapped in protracted situations and had limited hope of finding a solution in the near future.²⁸

Due to an absence of resettlement solutions for refugees, the focus of the UNHCR in most refugee camps is on voluntary repatriation.²⁹ Despite the UNHCR’s best efforts, at the end of 2013 many millions of people, including 11.7 million refugees, were receiving assistance and protection from the UNHCR (many in protracted refugee situations).³⁰

Do most asylum seekers arrive by boat?

Over recent years, the proportion of asylum seekers applying for (onshore) protection in Australia who arrived originally by boat has fluctuated significantly in response to shifts in asylum flows and changes in Government policy.³¹

Until 2012, the majority of asylum seekers applying for protection in Australia arrived originally by air with a valid visa and then applied for asylum at a later date while living in the community. Historically, boat arrivals only

22. RCOA, [‘Myths about refugees and asylum seekers’](#), op. cit.

23. UNHCR, *Global Trends 2013*, op. cit., p. 3.

24. Ibid., p. 19.

25. UNHCR, *Global trends 2011*, Geneva, 2012, pp. 17–18; and UNHCR, [‘Resettlement’](#), UNHCR webpage, accessed 3 December 2014.

26. UNHCR, *Global trends 2013*, op. cit., p. 19.

27. UNHCR, *Global trends 2008*, Geneva, 2009, p. 4.

28. UNHCR, *Global trends 2013*, op. cit., p. 6.

29. Ibid., p. 19.

30. Ibid., p. 3.

31. For more detail see J Phillips, [Boat arrivals in Australia: a quick guide to the statistics](#), Quick guide, Parliamentary Library, Canberra, January 2014; and [A comparison of Coalition and Labor government asylum policies since 2001](#), Research paper, Parliamentary Library, Canberra, February 2014.

made up a small proportion of asylum applicants—estimates vary, but it is likely that between 96 and 99 per cent of asylum applicants arrived by air.³²

In 2012 the proportions of irregular maritime arrival (IMA) and non-IMA (that is air arrival) asylum seekers shifted due to a significant increase in boat arrivals. However, applications from boat arrivals still only accounted for about half of Australia’s onshore asylum claims until 2012–13 when the figure reached 68.4 per cent.

However, in 2013–14 the proportions shifted back and the majority of applications (51.5 per cent) were again lodged by air arrivals:

Onshore asylum applications

Program year	Non-IMA (air arrival) Protection visa (PV) applications lodged		IMA (boat arrival) refugee status determination requests received		Total
	No.	Per cent of total applications	No.	Per cent of total applications	
2001-02	7026	76.0	2222	24.0	9248
2002-03	4959	98.8	60	1.2	5019
2003-04	3485	97.6	87	2.4	3572
2004-05	3062	95.4	146	4.6	3208
2005-06	3191	96.9	101	3.1	3292
2006-07	3723	99.4	23	0.6	3746
2007-08	3987	99.5	21	0.5	4008
2008-09	5072	88.0	678	12.0	5750
2009-10	5981	56.6	4597	43.4	10 578
2010-11	6335	55.0	5166	45.0	11 501
2011-12	7063	48.8	7373	51.2	14 436
2012-13	8480	31.6	18 365	68.4	26 845
2013-14	9646	51.5	9072	48.5	18 718

Sources: DIBP, [Asylum Trends Australia 2010–11 Annual Publication](#), Canberra, 2011, p. 2; [Asylum Trends Australia 2012–13 Annual Publication](#), Canberra, 2013, p. 4; and [Asylum statistics Australia: quarterly tables—June quarter 2014](#), Canberra, 2014, p. 5. Note: September and December quarter 2014 statistics not available.

Although the proportion of asylum seekers arriving by boat has increased significantly in the last few years, and boat arrivals continue to be the focus of much public and political attention, they are in fact more likely to be recognised as refugees than those who have arrived by air. For example, the final protection visa grant rate for asylum seekers from the top country of citizenship for boat arrivals (Afghanistan) has varied between about 96 and 100 per cent since 2009; while the final protection visa grant rate for those applying for asylum from one of the top country of citizenship for air arrivals (China) is usually only around 20 to 30 per cent.³³ Dr Khalid Koser (Lowy Institute for International Policy) argues that it is important to note this distinction:

The reason this ... point is important is that it means that arguably Australia is worrying about the wrong asylum seekers. Whereas the majority of those arriving by boat are refugees, the majority of those arriving by air are not.³⁴

However, it is interesting to note that in recent years there has been an increase in the number of protection visas granted to non-IMA asylum seekers arriving by air. For example, in 2012–13 the top ten countries of citizenship for non-IMAs granted protection visas included six with high grant rates—Pakistan (80.4 per cent), Iran (91 per cent), Egypt (78.7 per cent), Iraq (91.1 per cent), Libya (78.6 per cent) and Syria (97.4 per cent).³⁵

As mentioned earlier, under current Government policy, asylum seekers attempting to arrive in Australia by boat may be turned around and returned to international waters, or transferred to offshore processing centres. Presumably the subsequent drop in boat arrival numbers will result in a return to the historical norm whereby

32. As historical onshore asylum application data does not specify the mode of arrival of each applicant, it is only possible to roughly calculate the proportions. For more detail see J Phillips and H Spinks, [Boat arrivals in Australia since 1976](#), Research paper, Parliamentary Library, Canberra, 2013; and E Karlsen and J Phillips, [Seeking asylum: Australia’s humanitarian program](#), Background note, Parliamentary Library, Canberra, 2010.

33. DIBP, [Asylum Trends Australia 2012–13 Annual Publication](#), Canberra, 2013, pp. 20 and 30.

34. K Koser, [Responding to boat arrivals in Australia: time for a reality check](#), Lowy Institute for International Policy, Sydney, 2010, p. 6, accessed 3 December 2014.

35. DIBP, [Asylum Trends Australia 2012–13 Annual Publication](#), op. cit., p. 20.

the majority of those applying for protection onshore in Australia will have arrived originally by air with a valid visa.

In the case of Europe, the figures on irregular migration are not as reliable due to its porous borders. While unauthorised arrival figures for Australia are more precise owing to our geography, those for Europe are only estimates. We know how many unauthorised arrivals there are in Australia because we are able to monitor unauthorised boat arrivals in Australian waters and all air arrivals at Australian airports.

Historically, unauthorised boat arrivals in Europe make up only a very small proportion of the 'irregular migrants' intercepted across Europe each year as most irregular migrants arrive with a valid visa originally and then overstay or breach the conditions of their visa at a later date (and a relatively small proportion of these migrants apply for asylum). Even those countries along the European coasts (that naturally receive all the boat arrivals due to their geography) estimate that boat arrivals only make up a small proportion of their 'irregular migrants'. For example, historically in Italy only about 15 per cent of irregular migrants arrive by sea. Nevertheless, in 2009 it was estimated that people on board these boats comprised 70 per cent of Italy's asylum seeker arrivals:

The vast majority of asylum seekers arrive in Italy within mixed migratory flows, travelling alongside irregular migrants, including victims of trafficking, through highly dangerous channels managed by smugglers. Whilst some of these arrive by air or by land, some 70 per cent of asylum seekers in Italy are now estimated to arrive by sea.³⁶

Do boat arrivals 'bring disease' and are they a threat to security?

Unauthorised boat arrivals have always undergone comprehensive security and health checks. In the past, asylum seekers were usually transferred to Christmas Island initially where the following checks were made:

Unauthorised arrivals, regardless of whether they arrive on the mainland or at an excised offshore place, undergo a comprehensive and thorough assessment process, including security checking, to establish if they have a legitimate reason for staying in Australia. This process includes assessing identities, as many people dispose of all personal papers en route to Australia; assessing whether the person is raising claims which may engage Australia's protection obligations; and obtaining formal police clearances from countries of first asylum in which they have resided for at least 12 months, to confirm they are of good character...

The department has a comprehensive process for checking the health of unauthorised arrivals. An initial health assessment is conducted to identify conditions that will require attention. This assessment includes the collection of personal and medical history, a physical examination and formalised mental health screening and assessment.

Treatment management is coordinated through the department's contracted Health Services Manager for all people who have a clinically identified need for ongoing medical treatment. As well as the initial health assessment there are mechanisms in place to identify health needs that may emerge during a person's time in detention. All unauthorised arrivals can access appropriate health care commensurate with the level of care available to the broader community.

A discharge health assessment is completed for each person leaving any immigration detention placement. This assessment includes the provision of a health discharge summary from the Health Services Manager to the individual, which informs future health providers of relevant health history, treatment received during detention and any ongoing treatment regimes. Where appropriate, linkages are made with relevant community health providers to facilitate ongoing care beyond discharge.³⁷

Furthermore, under Australia's migration programs, applicants for any permanent visa are also required to undergo health examinations for permanent entry to Australia. Depending on the individual circumstances, reasons for entering and country of origin, temporary visa applicants may also be required to undergo a health examination.³⁸

36. UNHCR, [Refugee protection and international migration: a review of UNHCR's operational role in southern Italy](#), UNHCR, Geneva, September 2009, pp. 12 and 55, accessed 3 December 2014.

37. Department of Immigration and Citizenship (DIAC), *Processing irregular maritime arrivals*, fact sheet 75, DIAC website, 2010.

38. DIBP, [The health requirement](#), fact sheet 22, accessed 3 December 2014.

Are boat arrivals ‘genuine refugees’?

Asylum seekers who arrive by boat are subject to the same assessment criteria as all other asylum applicants. Past figures show that between 70 and 100 per cent of asylum seekers arriving by boat at different times have been found to be refugees and granted protection either in Australia or in another country.

For example:

- under the offshore processing regime during the Howard Government (known as the ‘Pacific Solution’) a total of 1637 unauthorised arrivals were detained in the Nauru and Manus facilities between September 2001 and February 2008.³⁹ Of those, 1153 (70 per cent) were found to be refugees and ultimately resettled to Australia or other countries⁴⁰ and
- since 1999, (onshore) final refugee status determination rates for IMAs from Afghanistan (the top country of citizenship for boat arrivals for many years) have consistently been very high—in the range of 88 to 100 per cent.⁴¹ The following table demonstrates the grant rates for IMAs from the top five countries of citizenship since 2008–09:

Table 34: Final Protection visa grants and refusals by top 5 countries of citizenship¹² (primary and review processes completed) (IMA)

Citizenship	2008-09		2009-10		2010-11		2011-12		2012-13	
	Grants	Grant Rate	Grants	Grant Rate	Grants	Grant Rate	Grants	Grant Rate	Grants	Grant Rate
Afghanistan	176	100.0%	1440	100.0%	1336	95.9%	1972	95.9%	2352	96.0%
Iran	4	100.0%	67	100.0%	333	96.2%	1269	87.3%	1020	84.8%
Pakistan	0	na	6	85.7%	14	82.4%	94	92.2%	469	94.9%
Stateless	5	100.0%	176	100.0%	482	97.8%	628	92.4%	459	93.5%
Sri Lanka	5	100.0%	316	93.2%	241	90.3%	299	87.2%	269	52.1%
Iraq	15	100.0%	140	99.3%	255	93.8%	347	87.0%	266	83.6%
Other	4	...	7	...	60	...	157	...	114	...
Total	209	100.0%	2152	98.8%	2721	95.3%	4766	91.3%	4949	88.0%

Source: DIBP Systems

Source: DIBP, [Asylum Trends Australia 2012–13 Annual Publication](#), op. cit., p. 30.

In contrast, asylum claims from people who enter Australia by air on a valid visa and subsequently apply for asylum have not had such high success rates historically and the majority have not been found to be refugees. This is demonstrated by the lower protection visa grant rates for non-IMAs (air arrivals) of around 45 per cent annually.⁴² The average final (primary and review) grant rate for non-IMAs for 2012–13 was 48.4 per cent.⁴³ The grant rate for asylum applicants from China (one of the top countries of citizenship for non-IMA asylum applications) was even lower at 25.8 per cent.⁴⁴

In other words, past figures show that more asylum seekers who arrived by boat have been recognised as refugees than those who entered Australia by air.

Do boat arrivals ‘take all Australia’s refugee places’?

Historically, successful onshore applicants (boat and air arrivals) usually only make up a relatively small proportion of the total number of refugees and other humanitarian entrants accepted by Australia each year—usually in the region of 17 to 20 per cent.⁴⁵ In 2000–01 and again more recently, the proportions have been

39. The ‘Pacific Solution’ refers to the decision made by the Howard Government in 2001 to excise some of Australia’s territory from the migration zone in order to discourage non-citizens from arriving unlawfully in Australian territory by boat. Subsequent boat arrivals intercepted at sea were either returned to Indonesia or removed to third countries in the Pacific (Nauru and Manus Island). These border protection measures become known as the ‘Pacific Solution’.

40. C Evans (Minister for Immigration and Citizenship), [Last refugees leave Nauru](#), media release, 8 February 2008, accessed 5 January 2015.

41. Expert Panel on Asylum Seekers, [Report of the expert panel on asylum seekers](#), Canberra, August 2012, p. 98, accessed 7 January 2015; and DIBP, [Asylum Trends Australia 2012–13 Annual Publication](#), op. cit., p. 30.

42. DIBP, [Asylum trends](#), various years, DIBP website, accessed 10 February 2015.

43. DIBP, [Asylum Trends Australia 2012–13 Annual Publication](#), op. cit., p. 20.

44. Ibid.

45. DIBP, [Asylum trends](#), op. cit.

higher due to an increase in the number of boat arrivals. However, even then onshore grants to boat and air arrivals combined still only comprise about 50 per cent of Australia's Humanitarian Program.

Over the last fifteen years, approximately 13,700 places have been granted under Australia's Humanitarian Program each year with fluctuating levels of onshore visa recipients. For example:

- due to an increase in boat arrivals, 41.8 per cent of the 13,733 Humanitarian Program grants in 2000–01 were to onshore applicants (boat and air arrivals)
- only 17.9 per cent of the 13,507 humanitarian grants in 2008–09 were protection visas granted under the onshore component
- due to another increase in boat arrivals, 32.9 per cent of the 13,770 grants in 2009–10 were to onshore applicants (boat and air arrivals). In 2011–12, 51.2 per cent of the 13,759 grants were to onshore applicants
- in 2012–13 the Government made a decision to raise the Humanitarian Program intake to 20,000 with the majority of the places allocated to offshore refugees. As a result, only 37.5 per cent of the available visas were granted to onshore (air and boat) applicants and
- in 2013–14 the intake returned to 13,750 and only 20 per cent of the grants went to onshore (air and boat) applicants.⁴⁶

Do refugees receive higher welfare benefits than Australians?

The following material has been reproduced from L Buckmaster and J Guppy, *Australian Government assistance to refugees: fact v fiction*, Background note, Parliamentary Library, Canberra, 2014.⁴⁷

Refugees

In recent years, a series of emails have been widely circulated throughout Australia claiming to describe the social security entitlements for refugees, compared with those of other Australian residents. A common claim in these emails is that refugees in Australia receive higher social security benefits than age pensioners. Some also suggest that refugees receive free gifts such as houses. Claims of this kind are erroneous and appear to have caused some confusion in the community.

There is no truth to claims made in emails circulated throughout Australia that refugees are entitled to higher benefits than other social security recipients. Refugees have the same entitlements as all other permanent residents—they do not receive special refugee payments or special rates of payment.

Given the circumstances in which refugees come to settle in Australia, they are exempt from the standard waiting period that applies to migrants seeking to access social security payments or concession cards. Refugees also receive short-term assistance from DSS under the Humanitarian Settlement Services program, aimed at helping them settle effectively once they have received permanent residency.

Asylum seekers

Funding is also provided to assist asylum seekers living in the community through the Asylum Seekers Assistance Scheme and Community Assistance Support Program. This assistance is provided through NGOs such as the Australian Red Cross. The financial component of such assistance does not exceed 89 per cent of the DHS Special Benefit (which would currently amount to \$458.88 per fortnight for a single person) and 89 per cent of DHS Rent Assistance (which would currently amount to \$75.71 per fortnight). Limited assistance in the form of services is provided in order to assist asylum seekers living in the community to meet basic needs such as access to health and community services.

Funding is also provided to NGOs such as the Australian Red Cross aimed at ensuring that people placed in community detention are appropriately supported. The financial component of such assistance does not exceed

46. For detailed statistics see J Phillips, *Australia's Humanitarian Program: a quick guide to the statistics since 1947*, Parliamentary Library, 2015.

47. Reproduced from L Buckmaster and J Guppy, *Australian Government assistance to refugees: fact v fiction*, Background note, Parliamentary Library, Canberra, 2014, accessed 7 January 2015.

60 per cent of the DHS Special Benefit (which would currently amount to \$309.36 per fortnight for a single person). Assistance provided also includes access to housing, health and community services and social support networks.

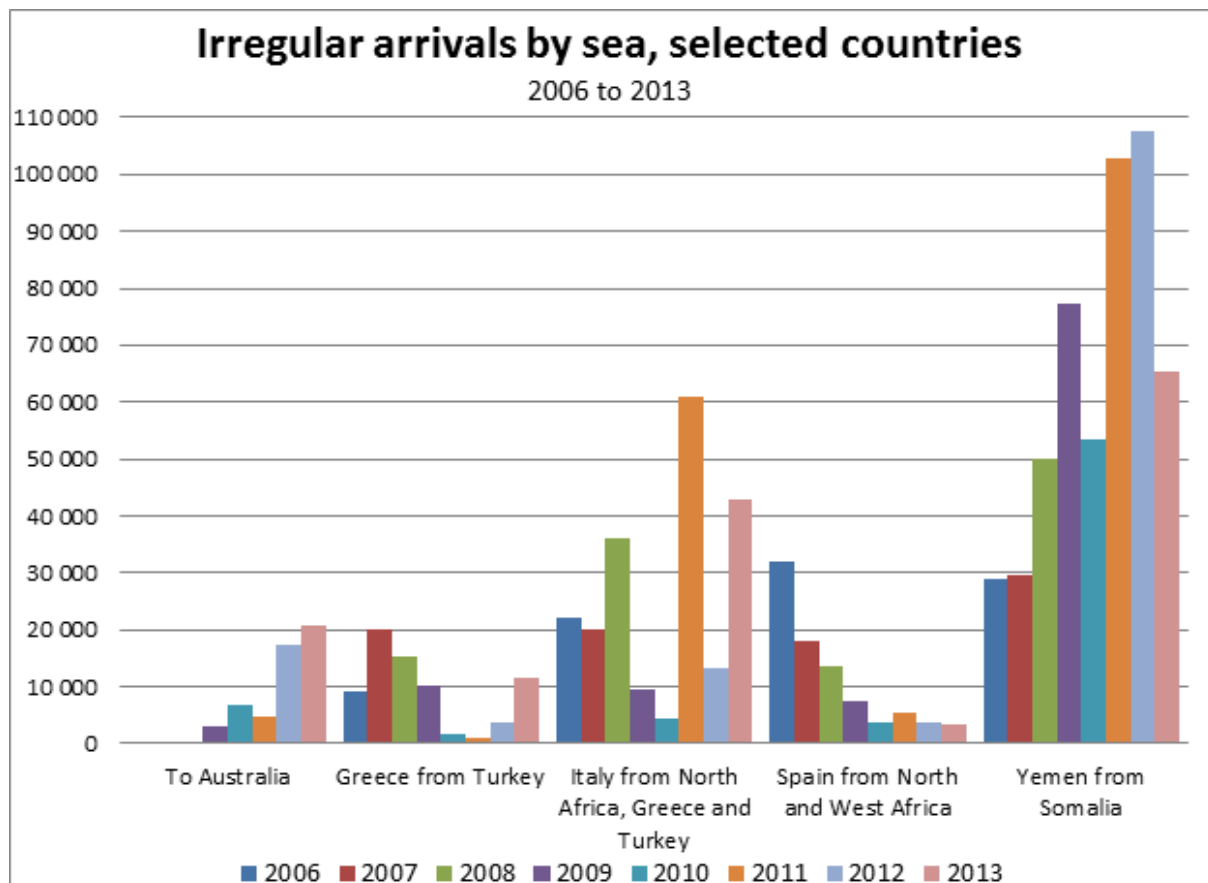
Asylum seekers in immigration detention centres do not receive DHS equivalent payments or percentages of such payments. They are entitled to a range of services, including access to health care, religious facilities, television, library services and other educational and entertainment facilities, clothes, footwear, toiletries, hygiene products and other personal items. Detainees also have access to the income allowance program, through which they are allocated points that can be exchanged for small items at the facility shop.

Is Australia being ‘swamped by boat arrivals’?

Concerns in Australia over unauthorised maritime arrivals (commonly referred to as ‘boat people’) have occupied successive governments since the first wave of boats arrived carrying people seeking asylum from the aftermath of the Vietnam War in 1976.⁴⁸ However, in terms of migration to Australia generally, boat arrivals have always been a very small cohort:

...in the context of our migration program, the number of asylum seekers arriving by boat to Australia is very, very minor. It is less than 1.5 per cent of new migrants.⁴⁹

In 2014 there was only one boat arrival in Australia, but even in high arrival years comparisons show that the number of boat arrivals in Australia is very small when compared to the flows of unauthorised arrivals in other parts of the world, particularly the coasts of Italy and Yemen. The following table provides comparative data between 2006 and 2013:



Parliamentary Library, data source: UNHCR, [All in the same boat: the challenges of mixed migration](#), UNHCR website.⁵⁰

48. See J Phillips and H Spinks, [Boat arrivals in Australia since 1976](#), op. cit.

49. J Gillard (Prime Minister), [‘Moving Australia forward: address to the Lowy Institute’](#), 6 July 2010, accessed 7 January 2015.

According to UNHCR initial estimates, 2014 proved to be a record year for boat arrivals globally (largely due to Syrian asylum flows). At least 348,000 people risked their lives in boats seeking asylum or a better life—most of these (207,000) were recorded attempting to cross the Mediterranean.⁵¹

Specifically in our region, approximately 54,000 people embarked on irregular maritime journeys in 2014. However, the vast majority (53,000) departed from Bangladesh and Myanmar on their way to Thailand or Malaysia—only a handful attempted to reach Australia.⁵²

In the previous peak boat arrival years of the 1970s (when just over 2000 people arrived by boat in Australia over a five year period) and 1999–2001 (when around 12 000 people arrived by boat over a three year period) the arrival numbers in Australia were also small compared to other destination countries.⁵³

Is Australia being ‘swamped with asylum claims’?

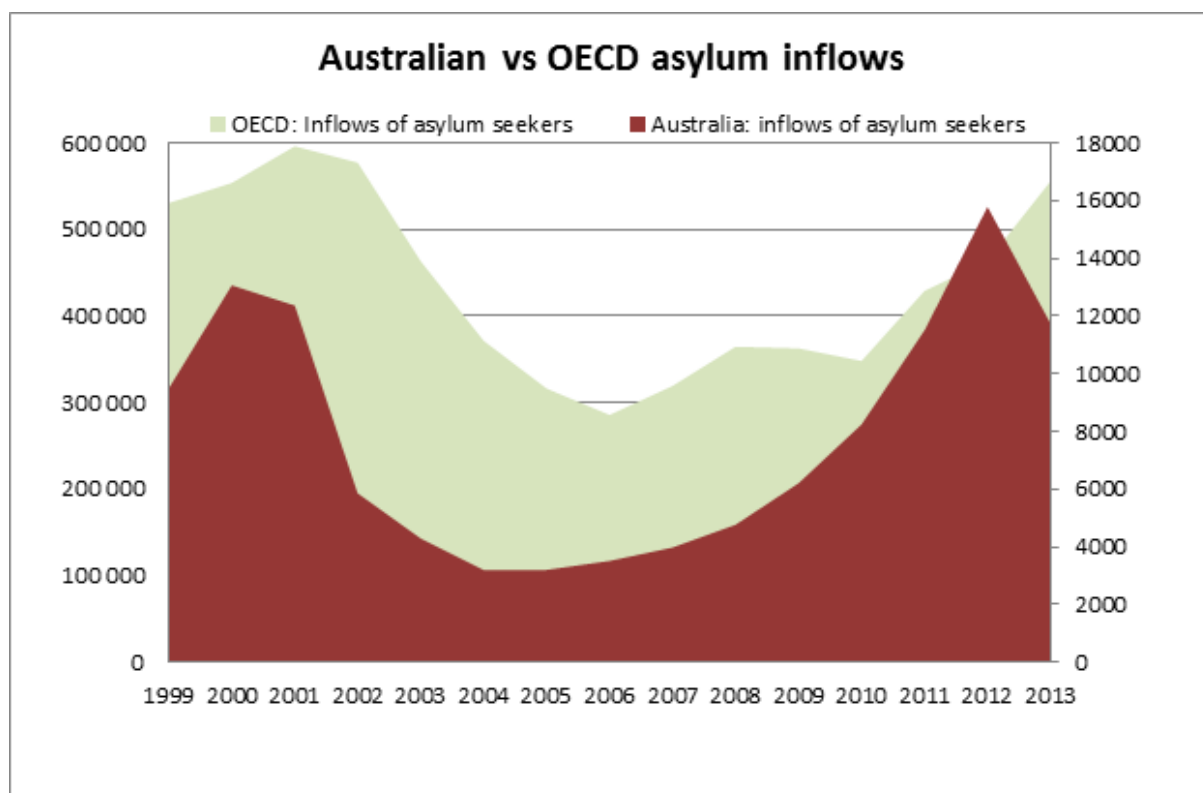
The UNHCR summarises trends in the number of individual asylum claims submitted in 44 industrialised countries in Europe and selected non-European countries each year. In 2013 these countries received an estimated 612,700 asylum applications—the second highest level of the past 20 years.⁵⁴

Around the world most asylum claims are lodged in Europe and the USA—in fact more asylum claims are lodged in Europe (particularly in France, Germany and Sweden) than in any other part of the world.⁵⁵ Asylum claims in Europe have increased significantly with 484,600 claims in 2013 compared to 368,400 asylum claims in 2012; 327,200 in 2011; 269,900 in 2010; 286,700 in 2009; 283,700 in 2008; and 249,600 in 2007.⁵⁶

In 2013, the largest number of asylum claims for an industrialised country was experienced by Germany with 109,600 claims, followed by the USA with 88,400; France with 60,100, Sweden with 54,300 and Turkey with 44,800 claims. In Australia 24,300 claims were lodged in 2013.⁵⁷

Although Australia’s global share of asylum applications is small compared to many other OECD countries, in terms of fluctuations in applications the trends since 1999 reflect similar patterns:

-
50. **Note:** decreases in arrivals in countries such as Italy and Spain in 2009 and 2010 were affected by Italy’s ‘push back policy’ whereby Libya was provided with Italian Government funding to intercept and forcibly return boats to Libya. Irregular arrival figures rose again in the region in 2011 due to the internal crisis in Libya and the subsequent collapse of these arrangements.
 51. UNHCR, [Focus on saving lives says UNHCR as numbers of people taking to the seas in search of asylum or migration passed 348,000 globally](#), op. cit.
 52. UNHCR, [South East Asia irregular maritime movements](#), January—November 2014, p. 1, accessed 8 January 2015.
 53. See for example the arrivals in Italy over time in UNHCR, [Refugee protection and international migration: a review of UNHCR’s operational role in southern Italy](#), September 2009, p. 12, accessed 7 January 2015.
 54. UNHCR, [Asylum levels and trends in industrialized countries 2013](#), UNHCR, Geneva, 2014, p. 2, accessed 8 January 2015.
 55. Ibid., p. 9.
 56. Ibid., p. 7 (and various other years of *Asylum trends*).
 57. Ibid., pp.9–13.



Parliamentary Library, data source: OECD, [Stocks and flows of immigrants](#), Inflows of asylum seekers, OECD website.

Which countries bear the burden of hosting asylum seekers and refugees?

It is true that Australia is one of only about 20 nations worldwide that participate formally in the UNHCR's resettlement program and accepts quotas of refugees on an annual basis.⁵⁸ In 2013, under this program, Australia accepted the second largest number of refugees (includes refugees and other humanitarian entrants) for resettlement in the world (13,200) after the USA (66,200). Canada ranked third after Australia (12,200).⁵⁹

However, in terms of the total number of 'people of concern' globally, the UNHCR's resettlement program currently contributes to resettling only a small proportion of the world's refugees—usually less than 1 per cent of the world's refugees are resettled under this program.⁶⁰

Most asylum seekers and refugees actually remain in their region of origin in the hope that they will be able to return to their home country as soon as possible. This places the burden on neighbouring countries and these are usually developing countries—about 86 per cent of refugees were hosted by developing countries in 2013.⁶¹

Since the vast majority of asylum seekers and refugees are hosted in developing countries, then the burden of assisting the world's asylum seekers and refugees actually falls to some of the world's poorest countries. UNHCR's latest available data shows that Pakistan is host to the largest number of refugees worldwide, followed by Iran, Lebanon, Jordan and Turkey. In 2013 Pakistan also hosted the largest number of refugees relative to its economic base (512 refugees per 1 USD GDP per capita), followed by Ethiopia and Kenya.⁶²

58. J Phillips and H Spinks, op. cit.

59. UNHCR, [Global trends 2013](#), op. cit., p. 20.

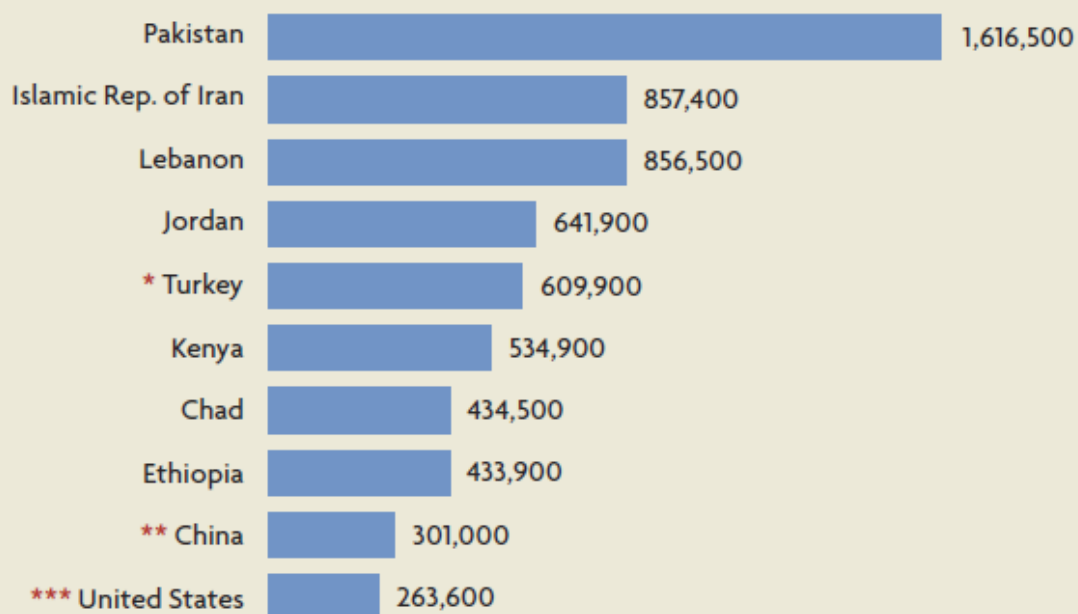
60. UNHCR, ['Resettlement'](#), op. cit.

61. UNHCR, [Global trends 2013](#), op. cit., p. 17.

62. Ibid., pp. 13 and 17.

Fig. 4

Major refugee-hosting countries | end-2013



* Refugee figure for Syrians in Turkey is a Government estimate.

** The 300,000 Vietnamese refugees are well integrated and in practice receive protection from the Government of China.

*** UNHCR estimate.

Source: UNHCR, [Global trends 2013](#), op. cit., p. 13.

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