Myths about refugees and asylum seekers: Detailed mythbuster

The circulation of myths and misinformation is one of the biggest barriers to understanding the issues affecting refugees and asylum seekers. Myths create confusion and can fuel conflict, resentment and disharmony.
This page aims to highlight the common myths about refugees and asylum seekers and correct the record for people seeking accurate information. For a shorter version of this mythbuster, see our quick mythbuster.

- “Asylum seekers who arrive by boat are illegals.”

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. Australian policies are 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 entry 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.

+ “Asylum seekers are queue jumpers. They should apply through the proper channels, rather than applying onshore.”
This myth is based on misconceptions about how Australia’s onshore refugee program and the international refugee resettlement system actually work. Seeking asylum is not a way of “jumping the queue” or bypassing the “proper channel” for applying for protection. In fact, seeking asylum is standard procedure. As a refugee is by definition a person outside his or her country of origin, every refugee in the world must have, at some point, entered another country to seek protection. Most refugees either return home once the conditions which forced them to leave have improved, or stay in the country where they sought asylum. For some refugees, however, these solutions are not possible. Ongoing conflict and human rights abuses in countries of origin may event refugees from being able to return home safely in the foreseeable future. Countries of asylum may be unable, or may simply refuse, to provide effective protection or assistance to refugees and asylum seekers. Additionally, some refugees may be in a particularly vulnerable situation due to factors such as disability, gender, risk of detention, complex health issues and isolation from community support.

In these sorts of cases, it may be necessary for refugees to be resettled in another country. However, resettling refugees does not allow countries to “opt out” of their obligations towards people seeking asylum. Resettlement is meant to act as a complement to other strategies for protecting refugees; it is not meant to be a substitute for providing protection and assistance to refugees who arrive as asylum seekers. It is not a matter of resettlement being the only “proper channel”, or even the preferred channel, through which to find protection – it is simply a different solution based on different circumstances. In fact, it doesn’t make sense to argue that refugees should apply for resettlement from overseas rather than seeking asylum, because seeking asylum is a prerequisite for resettlement: it is only through formally registering their status that a person can be identified by UNHCR as a candidate for resettlement. If all countries adopted the attitude that refugees should be resettled from overseas rather than seeking asylum, the international system of refugee protection (including the resettlement system) would collapse.

Moreover, resettlement is the exception rather than the rule. There are currently 15.4 million refugees in the world but only around 85,000 resettlement places are available annually, meaning that less than one per cent of the world’s refugees are resettled each year. At this rate would take over 180 years for all of the world’s refugees to be resettled. While resettlement mains an essential solution for some refugees and more resettlement places are certainly needed, it is not necessary, possible or even desirable for all of the world’s refugees to be settled. For the majority of refugees, returning home once the conditions which forced them t
have improved or settling permanently in the country where they first sought asylum are far more practical and desirable solutions compared to being resettled in another country.

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 settlement places are available globally and, while UNHCR aims to prioritise those in greatest need, most refugees – even people in very vulnerable 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. It is unreasonable to expect refugees to remain indefinitely in situations of danger and insecurity, or penalise them for seeking their own solutions, when the international community fails in its responsibility to provide effective protection.

+ “Asylum seekers take places away from refugees who are waiting patiently for resettlement overseas.”

This myth does have some basis in truth. However, this is not because asylum seekers are trying to rort the system or “jump the queue” – they have a right to seek asylum and Australia has a responsibility to process their claims. Rather, it is the result of an Australian Government policy which could easily be changed.

Australia’s refugee program has two components – the onshore component, for people who or people who apply for refugee status after arriving in Australia; and the offshore component, through which Australia resettles recognised refugees and other people in need of protection and assistance from overseas. The onshore and offshore components are numerically linked, which means that every time an asylum seeker is recognised as a refugee and granted a visa, a place is deducted from the offshore program.

The linking policy blurs the distinction between Australia’s legal obligations as a signatory to the Refugee Convention (addressed through the onshore component) and our voluntary contribution to the sharing of international responsibility for refugees for whom no other durable solution is available (addressed through the offshore component). The perception that there is a settlement “queue” which onshore applicants are trying to evade is actually created by a policy which could easily be changed. No other country in the world links its onshore and offshore programs in this way and Australia did not do this prior to 1996.

+ “Asylum seekers who arrive by boat are economic migrants.”
An asylum seeker is, by definition, a person who claims to be a refugee and is waiting for that claim to be assessed. It is impossible to say one way or the other whether their protection claim is credible until they have been assessed. Historically, however, the vast majority of asylum seekers who have reached Australia by boat have been found to be refugees. According to figures compiled by the Australian Parliamentary Library, between 70 and 97 per cent have typically been found to be refugees. In 2012-13, 88 per cent of asylum seekers who arrived by boat were found to be refugees.

Even if an asylum seeker is found not to be a refugee, however, it doesn’t necessarily mean that the person is an economic migrant or that his or her refugee claim was “made up”. It simply means that the person isn’t a refugee. For example, some asylum seekers may legitimately fear persecution but this fear may not be well-founded (e.g. they don’t have enough evidence to back up their claims) or they may fear a form of mistreatment which isn’t sufficiently serious to trigger Australia’s protection obligations. Even people who have a well-founded fear of serious persecution may be found not to be refugees if they are able to avoid persecution by moving to another area within their home countries, or if the authorities in their home countries are able to provide effective protection.


“Tough border protection policies will save lives and stop people smugglers.”

Everyone agrees that we should stop people smuggling ventures which exploit asylum seekers and place them in danger. No one wishes to see asylum seekers board unreliable vessels and risk their lives to reach Australia. However, penalising desperate and vulnerable people, who have not committed any crime and are in need of protection and assistance, is not the answer. Policies which put people at risk, inflict harm on asylum seekers or deliberately impede access to effective protection are not acceptable ways of addressing the problem.

Asylum seekers are drawn to Australia because it has been seen as one of the few countries in the region which respects international law and human rights, treats people humanely and protects refugees and asylum seekers from being returned to situations of danger or persecution. These are not “soft” policies but responses built on basic standards of human decency. Australians should be proud that Australia has enjoyed an international reputation for
specting human rights. Attempting to change this reputation by treating asylum seekers humanely would make us little better than the countries from which they are fleeing.

In any case, the “push” factors that compel refugees to flee their homes will always be more compelling than the “pull” factors in countries like Australia. Refugee flows are primarily affected by war, unrest, violence and human rights violations. Most people do not wish to leave their homes, families, friends and everything they know and hold dear. They do so as a last resort, to escape persecution and find safety and security for themselves and their families. For many refugees, this search for safety does not end once they have escaped their country of origin. Many countries fail or refuse to provide effective protection to refugees and conditions are often very difficult; sometimes, conditions are little better than those from which refugees originally fled. These conditions drive many people to seek protection elsewhere in the hopes of finding genuine safety and effective protection – including through enlisting people smugglers and undertaking risky journeys at sea.

So long as refugees aren’t getting the protection to which they are entitled, people smugglers will have a product to sell. To put the smugglers out of business, we need to ensure that people need protection actually get it by working with other countries to improve conditions for refugees and asylum seekers.

“People who seek protection in Australia are ‘country shopping’. They could have stopped in other safe countries along the way.”

There are no hard-and-fast rules for determining whether a country is “safe” for refugees and asylum seekers. However, refugees are generally thought to have found “effective protection” if the following conditions are met:

- The country in which they have sought protection has a clear framework for assessing refugee claims and providing protection;
- Asylum seekers can have their claims assessed through a fair and credible system of status determination;
- People who are found to be refugees have a secure legal status and will be protected against forcible return to their country of origin (refoulement);
- Refugees have access to services and support necessary to ensure a decent standard of living;
- Refugees have access to a durable solution within a reasonable period of time; and
- The human rights of refugees and asylum seekers are respected and upheld.
Under international law, once a refugee has found effective protection from persecution, they are no longer considered to be in need of protection from other countries. If they wish to move to another country, they must do so as an ordinary migrant; otherwise, they can be returned to the country where they first sought and obtained protection. For example, a refugee who sought asylum in Australia after they had already sought and received effective protection in Canada could simply be returned to Canada, without having their asylum claim assessed by Australia.

However, if an asylum seeker applies for protection or travels through a country which fails or refuses to provide effective protection to refugees, they are well within their rights to seek asylum elsewhere – even if they have been recognised as a refugee while in that country. This is because different countries provide different levels of protection to refugees. The countries which happen to be closest to a refugee’s country or origin or which are easiest for refugees to reach are not necessarily countries which are able or willing to provide effective protection.

In the Asia-Pacific region, for example, few countries provide effective protection to refugees and conditions for people seeking protection are very difficult. Many countries in the region have no domestic asylum process and restrict access to asylum processes offered by UNHCR. People seeking protection are typically unable to work legally, own or rent property, access health care, send their children to school. They frequently face violence (including torture and sexual and gender-based violence), harassment, exploitation and abuse and are at risk of being detained and forcibly returned to their country of origin. These conditions drive some refugees to move to Australia in the hope that it may offer them the protection that other countries have failed or refused to provide.

“We need to discourage irregular movement so that we can establish an orderly asylum process.”

The idea that there is, or can be, an entirely orderly process for seeking asylum ignores the reality that forced displacement is anything but orderly. When fleeing persecution, violence and human rights violations, refugees are most often not able to obtain travel documents or arrange travel through authorised channels. Moreover, 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 nowhere to go.

There are measures we can take to reduce the likelihood of asylum seekers undertaking risky journeys in the search for protection. Promoting better standards of refugee protection
throughout the Asia-Pacific region, for example, would enable refugees to find safety closer to home, precluding the need for them to travel further afield. However, it is impractical and fundamentally unrealistic to base refugee policies on the expectation that flight from persecution can be shaped into a neat-and-tidy phenomenon.

The vast majority of asylum seekers who have reached Australia by boat have been found to be refugees. According to figures compiled by the Australian Parliamentary Library, between 70 and 97 per cent have typically been found to be refugees. In 2012-13, 88 per cent of asylum seekers who arrived by boat were found to be refugees.

All asylum seekers must undergo rigorous assessment processes to obtain permanent residency in Australia on humanitarian grounds. Those who arrive by boat without authorisation are automatically detained and must pass identity, health and security checks before they can be released into the community on a temporary visa. They are only allowed to stay permanently in Australia if they are found to be in need of protection against persecution, torture or other forms of inhumane treatment, and pass the necessary security and character checks.

It is very rare for a refugee to receive an adverse security assessment. Since 2009, ASIO has issued adverse security assessments to 63 refugees who arrived by boat. By contrast, between 2009-10 and 2011-12, 9,636 refugees who arrived by boat passed the security checks required for the grant of a Protection Visa. This means that fewer than one per cent of refugees who arrived by boat over this period received an adverse security assessment.

The UN Refugee Convention excludes people who have committed war crimes, crimes against peace, crimes against humanity or other serious non-political crimes from obtaining refugee status. Any person who is guilty of these crimes will be denied refugee status. Additionally, all asylum seekers must undergo rigorous security and character checks before they are allowed to live in the community or are granted permanent residency in Australia. It is therefore highly unlikely that a war criminal, terrorist or any other person who posed a security threat would be able to enter Australia as a refugee. It is also improbable that a criminal or terrorist would choose such a dangerous and difficult method to enter Australia, or subject themselves to such scrutiny.

Sources:
Asylum seekers who arrive by boat without authorisation do not threaten Australia’s border security or the integrity of our immigration processes. This is not only because the numbers arriving are small compared to overall movement of people across Australia’s borders – 24,173 asylum seekers arrived in Australia by boat in 2012-13, while around 4.7 million permanent and temporary visas were granted – but also because asylum seekers arriving by boat are not trying to enter Australia unnoticed. On the contrary, they willingly present themselves to Australian authorities so that they will have a chance to apply for protection.

People fleeing persecution have a vested interest in cooperating with the immigration authorities and systems, to ensure that they will not be sent back to a situation where their lives or freedom may be in danger. The reason they arrive without authorisation is not because they are trying to evade normal immigration processes, but because it is too difficult or dangerous for them to travel through authorised channels (see our response to the myth that asylum seekers who arrive by boat are illegals).


Compared to other refugee-hosting countries, Australia receives a very small number of asylum applications. In 2012, Australia received 29,610 asylum applications, just 1.47 per cent of the more than two million claims lodged across the world through individual application and group recognition processes. By contrast, Turkey received 325,301 asylum applications – more than ten times the number received by Australia. Moreover, the number of people granted permanent residency under Australia’s Refugee and Humanitarian Program is well under one-tenth of Australia’s annual migration intake.

2013, 20,587 asylum seekers arrived in Australia by boat. While this was the highest number ever recorded in Australia, it is still a relatively small number in global terms. In 2012, boat arrivals to Yemen hit a record high of 107,500 people, more than five times higher than Australia’s record total. In 2013, more than 385,000 Syrian refugees arrived in Turkey, over 18 times the number of people arriving by boat to Australia in 2013. Within the space of just three weeks of February
2014, the number of refugees fleeing to Cameroon from the Central African Republic (19,565 people) fell not far short of the number of asylum seekers who arrived by boat in Australia during the whole of 2013. Moreover, all of these host countries are far less wealthy than Australia. Turkey has a GDP per capita of around $US11,800, Yemen just over $US1,500 and Cameroon around $US1,300, compared to Australia’s GDP per capita of close to $US70,900.

Sources:


“The overwhelming majority of the world’s refugees are residing in the developing world in countries neighbouring their own. At the end of 2012, over 80 per cent of the 10.5 million refugees under the mandate of UNHCR were hosted by developing countries. Moreover, the proportion of refugees hosted by developing countries has actually increased from around 70 per cent a decade ago.

At the end of 2012, Pakistan was hosting over 1.6 million refugees, Iran was hosting 868,242 and Kenya was hosting 564,933 – dwarfing the 13,750 refugees granted permanent residency by Australia each year. In 2012, Australia offered protection or resettlement to less than one per cent of the refugees protected or resettled in that year.

Australia does, however, make an essential contribution to addressing the global refugee situation. Due to the fact that Australia receives relatively few onshore asylum claims, Australia has been able to establish the third-largest resettlement program in the world behind the USA and Canada, and the most generous per capita. While resettlement forms only a small component of international refugee protection, Australia’s resettlement program provides a vital solution for refugees who cannot return home and have been unable to find effective protection elsewhere. In 2012, 5,937 refugees and humanitarian entrants were resettled to Australia.

Sources:

“Refugees should only be granted temporary protection until it is safe for them to go home.”

Temporary protection can sometimes be used to meet urgent protection needs in exceptional circumstances. For example, temporary protection may be granted to asylum seekers during a mass influx situation, to allow time for their applications to be assessed individually on a case-by-case basis. However, temporary protection should not be considered a substitute for refugee status and should never be applied arbitrarily without regard for the conditions in a refugee’s country of origin.

UNHCR notes that once a person is determined to be a refugee, they “should not be subjected to constant review of their refugee status” but should maintain their status until they fall under one of the “cessation clauses” in the Refugee Convention. These clauses set out the situations in which a person’s refugee status can be legitimately terminated, such as: when a refugee returns voluntarily to their country of origin; when a refugee gains a new nationality and enjoys protection in their new country; or when the circumstances which compelled a refugee to flee have “ceased to exist”. In other words, a refugee remains a refugee unless their status is terminated by their own actions (e.g. through voluntary repatriation) or if there has been fundamental, durable and comprehensive change in their country of origin which allows them to turn home safely.

The Temporary Protection Visa (TPV) regime, introduced by the Howard Government in 1999 and abolished in 2007, did not uphold this principle. Under this policy, refugees who arrived without authorisation were only granted protection for three years, after which time they had to reapply for protection – regardless of whether conditions in their country of origin had changed. Most TPV holders came from countries such as Afghanistan and Iraq where there was no prospect for safe return in the foreseeable future. Around 90% of TPV holders were granted permanent protection when their claims were later reassessed.

The TPV policy also had an extremely damaging impact on refugees. TPV holders were unable to apply for family reunion, did not receive adequate settlement assistance (for example, they were ineligible for the free English language classes available to other humanitarian entrants) and were deprived of the stability and security of permanent protection. The psychological damage caused by TPVs due to these factors has been well documented by medical experts.

There is also evidence to suggest that TPVs actually encouraged some asylum seekers to undertake risky journeys to Australia. Because TPV holders could not apply for family reunion,
Some of their family members facing persecution overseas – the majority of whom were women and children – were driven to undertake the same dangerous journey to Australia. After TPVs were introduced, the proportion of women and children amongst asylum seekers arriving by boat increased from around 25 per cent to around 40 per cent. Among the 353 people killed when the unauthorised vessel SIEV X sank in 2001 were 142 women and 146 children, several of whom were attempting to reunite with husbands and fathers already in Australia on TPVs.

Sources:

+ “If someone can afford to pay a people smuggler thousands of dollars to travel to Australia, they cannot be a ‘genuine’ refugee.”

Economic status has no impact on refugee status. A refugee is someone who has a well-founded fear of being persecuted because of their race, religion, nationality, membership of a particular social group or political opinion. It makes no difference whether a refugee is rich or poor – the point is that they are at risk of, or have experienced, persecution.

Many refugees who come to Australia are educated middle-class people whose advocacy work, political opinions or profession (e.g. journalists, lawyers) has drawn them to the attention of the authorities and resulted in their persecution.

+ “Refugees and asylum seekers receive higher social security payments than Australian age pensioners.”

A refugee who has permanent residency in Australia receives exactly the same social security benefits as any Australian citizen or eligible permanent resident in the same circumstances. Refugees apply for social security through Centrelink like everyone else and are assessed for different payment options in the same way as everyone else. The two-year waiting period for Centrelink eligibility which applies to other newly arrived permanent residents is waived for refugees and humanitarian entrants, in recognition of the fact that (unlike other migrants) they often arrive in Australia with few or no financial resources. However, Centrelink payments are calculated at exactly the same rate for both refugees and non-refugees and there are no separate Centrelink allowances that people can receive simply by virtue of being a refugee.
A single person with no dependent children applying for the Newstart Allowance (whether or not they are from a refugee background) will receive $501.00 per fortnight, whereas a single person on an Age Pension payment will receive a fortnightly payment of $751.70. A single age pensioner therefore receives around $250.00 more per fortnight than a single refugee (or a single Australian citizen or permanent resident) who qualifies for Newstart. Australian citizens and permanent residents with dependent children on lower to middle incomes (including people from refugee backgrounds) may also be eligible to receive Family Tax Benefits or Parenting Payments. However, none of these allowances are paid at a higher rate than the single age pension.

Asylum seekers are not entitled to the same sorts of financial support as citizens or permanent residents. The Asylum Seeker Assistance Scheme (ASAS) provides assistance to asylum seekers living in the community who are experiencing financial hardship. ASAS offers income support to cover basic living expenses, paid at 89 per cent of the Centrelink Special Benefit (which is usually paid at the same rate as the Newstart Allowance). This equates to around $446.00 per fortnight, or around $300.00 less than the single age pension.

Please note that the figures on Centrelink payment rates quoted above are current as at February 2014 and are subject to change. For the latest payment rates, visit http://www.humanservices.gov.au/customer/dhs/centrelink.

“Charity begins at home. We should be helping disadvantaged Australians first, rather than refugees and asylum seekers.”

Solving problems such as poverty and homelessness is not simply a matter of resources. The most significant barriers to addressing these problems are often structural issues, such as discrimination, lack of political will and the way government systems work. Unless these barriers are addressed, such problems will be very difficult to resolve even if there are plenty of resources available.

Any of RCOA’s member organisations – such as Anglicare, the Brotherhood of St Laurence, Life Without Barriers, Lutheran Community Care, the Salvation Army, the Sisters of Charity, the Sisters of Mercy, St Vincent de Paul Society and UnitingCare – work directly with some of the most disadvantaged people in Australia. They also support fair and humane policies towards refugee and asylum seekers. It is very telling that these organisations clearly do not see helping disadvantaged Australians and helping refugees and asylum seekers as being mutually exclusive.
It is also important to note that refugees are not simply a “drain” on resources. In fact, people from refugee backgrounds and their descendants make important contributions to Australia’s economy and society (see our response to the myth that refugees don’t contribute to Australian society in any meaningful way).

+ “Refugees don’t contribute to Australian society in any meaningful way.”

Research has shown that refugees, once they have the opportunity to establish themselves, make important economic, civil and social contributions to Australian society. Australia’s refugees and humanitarian entrants have found success in every field of endeavour, including the arts, sports, media, science, research, business and civic and community life. Former refugees are very entrepreneurial, being more likely to set up their own businesses than other migrant groups.They play an important role in facilitating the development of trade and other links with their countries of origin. Former refugees value the education of their children very highly, with the proportion of young refugees attending an educational institution being higher than other migrants and even than people born in Australia. They make substantial social contributions to Australia through volunteering, promoting community development and engaging in neighbourhood activities and events.

Just some of the many Australian high achievers who once were refugees include scientists Sir Gustav Nossal and Dr Karl Kruszelnicki, 2009 Victorian of the Year Dr Berhan Ahmed, painter Judy Cassab, comedian Anh Do, filmmaker Khoa Do, author Nam Le, academic Associate Professor My-Van Tran, Dr Anita Donaldson, poet Juan Garrido-Salgado, painter and restaurateur Mirka Mora, actor Henri Szeps, broadcasters Les Murray and Caroline Tran, Australian Rules footballer Alex Jesaulenko, footballer Atti Abonyi, swimmers John and Ilsa Konrads, newspaper editor Michael Gawenda, architect Harry Seidler, business people Sir Peter Abeles, Larry Adler, Ouma Sananikone and Judit Korner, public servant Tuong Quang Luu and politicians Jennie George and Nick Greiner.

By definition, refugees are survivors. They have survived because of their courage, ingenuity and creativity. These are qualities which we value in Australia. If we assist newly arrived refugees to cover from the experiences of their past and rebuild their lives in Australia, we will reap the benefits of the qualities and experiences they bring to our society.

get involved

The Refugee Council of Australia is small, not-for-profit organisation and relies on public financial support to continue its vital work in research, education and advocacy. Donations to the RCOA are tax-deductible.

To make an online donation by credit card using our secure donations system.

be involved

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keeping you informed with the news

To stay informed with current news and events with the Refugee Council Of Australia, fill out the form below!