

THE CONVERSATION

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Asylum seekers arrive in Malta after being rescued at sea. EPA/Justin Gatt

Australia among the world's worst in dealing with asylum seekers

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You wouldn't know it by listening to Question Time, but Australia is not the only country experiencing asylum seekers arriving by boat.

Italy and Malta find themselves on the frontline of policing external EU borders against unauthorised arrivals across the Mediterranean. Malta receives the highest number of applicants for asylum per head of population in the EU. In Asia, tiny Hong Kong has been taken as a preferred destination by thousands crossing the narrow strip of sea between the former British colony and mainland China.

Unauthorised border-crossing is a global phenomenon. Its varying causes however, are rarely tackled in Australian and international debates on asylum. We note the recent **Houston report** is almost silent on the country conditions of asylum seekers coming to Australia by boat. Countries such as Afghanistan, Iraq and Sri Lanka were either at war until recently or their people suffer generalised, daily violence.

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All or nothing

Interviewing refugees who arrived by boat in Malta and Hong Kong, we found that many asylum seekers are aware of the dangers their journey will present but choose to travel anyway.

In the words of one Somali refugee,

We run away from our country because any day you could die in Somalia. But you do not know when you are going to die if you travel. There is more trouble in our countries.

But this reason alone does not explain why wealthier countries witness increased numbers of people risking death as the only pathway to migration and a chance of a better life.

Visa requirements

The increase in asylum seekers arriving on Malta and Hong Kong's shores is the result of visa requirements targeted at citizens of those countries producing higher numbers of asylum seekers, such as Afghanistan, Iraq, Somalia.

If refugees are enabled to seek asylum only when outside their country of origin, but no safe haven grants them documents to safely travel to their destination, the only remaining option is to embark on unseaworthy boats.

Outsourcing refugee protection

In this light, Australia's plans to outsource refugee obligations to countries with less geo-political muscle in the region are no solution. Refugees impeded from travelling to Australia do not stay put in their country of origin.

They travel to, or end up in, alternative destinations where provisions for international protection may be lacking or weakly implemented, resulting in the increased vulnerability of asylum seekers.

European states utilise "safe third country" and the Dublin II Regulation to evade their refugee protection obligations, leaving countries along EU external borders to cope with the influx.

Malta houses refugees in conditions criticised by numerous human rights groups as unhygienic, isolating and over-crowded. Conditions in Greece have been characterised as tantamount to torture for returning asylum seekers. In Asia, countries such as Indonesia, Thailand and China are increasingly major destinations for asylum seekers. Extensive human rights violations against illegal populations in these countries have been documented.

Internationally, Australia's insistence on offshore processing provides disgraceful leadership. The UK has been calling for offshore processing for some time under the auspices of "safe havens". These

would enable the UK to deport asylum seekers to an external processing site to await the restoration of stability in their country of origin. These plans set a time limit of six months. Current arrangements before Parliament have as yet no time limit. This is a paltry commitment to the Refugee Convention, particularly when Australia receives 2.5% of asylum applicants compared to other industrialised countries.

Offshore processing will lead to legal uncertainty for populations of people easily identifiable as vulnerable. This impact is felt physically and mentally. Our research revealed that asylum seekers generally arrive in relatively good health. Their health rapidly deteriorates once they enter detention or are left on the verge of destitution in wealthy, industrialised nations, enduring protracted delays whilst refugee processing takes place. They are denied the freedom they aimed for, and that the 145 signatories to the 1951 Refugee Convention claim to provide.

Rights to family reunion

As human beings we may well understand the desire by many refugees to be reunited with family members. Unfortunately this right is in jeopardy across the globe. In Hong Kong there is no such right while the EU has introduced diluted forms of refugee protection for asylum seekers which do not include family reunion.

The expert panel appear to be calling for a similar system with their recommendations to review refugee status determination in Australia.

This impact can also be measured in deteriorating health, and in criminal justice prosecutions as people try to reunite with family using false documents or other means. Refugee arrivals will not stop. With these expert panel recommendations however, asylum seekers will continue to be construed as defying our rules, increasing calls for a tougher stance disguised as being humane.



Refugees Europe Asylum seeker expert panel