

Share and Advocate: May 2012

Who are Refugees?

The 1951 Convention relating to the Status of Refugees (and its 1967 Protocol), to which Australia is a signatory, defines a refugee as:

Any person who owing to a 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/her nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country.

The important parts of this definition are:

- the person has to be outside their country of origin
- the reason for their flight has to be a fear of persecution and the fear has to be well founded (i.e. they have to have experienced it or be likely to experience it if they return)
- the persecution has to result from one or more of the 5 grounds listed in the definition
- they have to be unwilling or unable to seek the protection of their country

Who are Asylum Seekers?

For some of the world's refugee population it is either impractical or impossible to go first to a neighbouring country and then to seek resettlement from there. This could be because the neighbouring countries are not signatories to the international laws that would ensure their protection in these countries (few countries in this region, for instance, are signatories to the Refugee Convention). It could also be because they would not be safe in a neighbouring country, in particular if that country was sympathetic to the persecutory regime. In these cases, individuals may choose to try to go directly to a country, such as Australia, where they can seek protection.

Such people are called asylum seekers. Those who come to Australia have usually entered with a visitors', student or other temporary visa. Some arrive with no documents or with false documents.

Arriving without appropriate papers should not be interpreted as an attempt to defraud the system. By definition, refugees are people who are at risk of persecution. In most cases, the agent of persecution is their government. Applying for a passport and/or an exit visa can be far too dangerous for some refugees; so too can be an approach to an Australian Embassy for a visa. These actions can put their lives, and those of their families, at risk. In such cases refugees may have to travel on forged documents or bypass regular migration channels and arrive without papers.

So what are IDPs?

Internally Displaced People, or IDPs, are often wrongly called refugees. Unlike refugees, IDPs have not crossed an international border to find sanctuary but have remained inside their home countries. Even if they have fled for similar reasons to refugees (armed conflict, generalized violence, human rights violations), IDPs legally remain under the

protection of their own government - even though that government might be the cause of their flight. As citizens, they retain all of their rights and protection under both human rights and international humanitarian law.

Onshore/Offshore Processing?

Some islands under Australian jurisdiction and authority are excised from Australia's migration zone. They include Christmas Island, Ashmore and Cartier Islands and the Cocos (Keeling) Islands.

Under the Migration Act 1958, a non-citizen who first enters Australia at an excised offshore place without legal authorisation is unable to submit a valid visa application unless the Minister for Immigration makes a personal intervention into the case. This process of ministerial intervention until 2011 was non-compellable and non-reviewable.

Asylum seekers in these detention centres are processed with the same system as those processed on the Australian mainland. Successful applicants are recommended to the minister to be allowed to lodge an application for a Protection Visa. If the assessment is unsuccessful, the asylum seeker - instead of undergoing a full status assessment process - will be "fast tracked" to an Independent Protection Assessment.

In November 2010, the High Court of Australia ruled that two Sri Lankan asylum seekers were denied procedural fairness in the review of their claims under the processing arrangements which apply to asylum seekers who enter Australia through an excised offshore territory. In a unanimous decision, the High Court ruled that any review of a refugee status assessment must be bound by the provisions of the Migration Act and the decisions of Australian courts.

As a result of the decision, both the mainland and offshore status determination processes are now subject to judicial review in situations where an error in legal reasoning has occurred or where procedural fairness has been denied. However, asylum seekers arriving in excised zones still cannot submit a Protection Visa application except at the Minister's discretion and continue to lack access to the Refugee Review Tribunal and refugee status determination process that applies on the mainland.

Mandatory Detention versus Community Detention

Since the introduction of mandatory, non-reviewable detention of unauthorised asylum seekers in 1998, the policies and practices of immigration detention have drawn widespread criticism domestically and from the international community. Many of these criticisms and proposals for alternatives are highlighted in the reports below.

While the policy of immigration detention remains in place, there have been some small, but significant changes over recent years which have begun to address some of the issues associated with the detention of asylum seekers. Many of these changes have been brought about by the ceaseless advocacy efforts of non-government organisations, concerned members of the Australian public and a small

number of vocal Federal Parliamentarians. Despite these changes, there is a continuing need for widespread reform of government policy concerning asylum seekers.

Environmental refugees:

Using a legal definition of what a refugee is leaves no room for someone forced to leave their country because of changes in the environment. Some countries in the Pacific are facing rising sea levels. This erodes their islands and pollutes their water supplies. They are also at increased risk due to storm surges or king tides.

In other parts of the globe, people are moving because of drought. There is currently no legal framework for these people to use and their numbers are only set to increase. Many of the world's densely populated cities lie on the coast and if sea levels continue to rise this cause of human migration will affect rich and poor countries alike.

It is hard to link a clear event with the need for environmental refugees to move. This means that there appears to be a greater aspect of "choice" in moving. Often these people have lost everything, including their ability to grow food, before they move. There is no place for them to go back to.

Source: www.refugeecouncil.org.au

Advocacy & Action!

In Matthew 25: 31-46 Jesus links our treatment at God's hand to our treatment of the poor, oppressed and foreigner.

- **Walk Together**
Join us for Walk Together, an upcoming event during Refugee Week, held in every major city at 1pm on Saturday 23 June. Pastor Brad Chilcott founded Welcome to Australia to welcome refugees and people seeking asylum. Welcome to Australia is coordinating Walk Together, with the support of many other organisations including TEAR Australia. Get involved! Visit www.WelcomeToAustralia.org.au
Refugee Week runs from 17-23 June 2012, and this year's theme is 'Restoring Hope'
- Host a "Welcome to Australia" party. Welcome to Australia aims to "engage everyday Australians in the task of cultivating a culture of welcome in our nation." Host a party and make it a welcoming one. Or choose another engaging opportunity on their website: www.welcometoaustralia.org.au
- Why not combine the above with Refugee Week. It will be celebrated from Sunday 17 June to Saturday 23 June, to coincide with World Refugee Day (June 20). www.refugeeweek.org.au/

Arrange the screening of a documentary:

- Between the Devil and the Deep Blue Sea.
- Go Back to Where You Came From (SBS): www.sbs.com.au/shows/goback
- Leaky Boat (ABC): www.abc.net.au/tv/programs/leakyboat.htm

Use this evening to raise awareness in your community of what it takes to get here by boat and how we can responsibly respond in a welcoming way.

- Visit or mentor a refugee. Refugee detention centers are scattered around Australia. There is often scope for people to arrange some level of involvement on a voluntary basis. Other places have mentor schemes in place. A bit of research (local councils are a great place to start) can land you with wonderful friendships!

TEAR Projects/Partners

TEAR Partners also respond to the needs of IDPs. They often need to help the IDPs and also the communities where camps are set up. This is one such project in Ethiopia:

Emergency Relief for Somali Refugees in Hilaweyn and Buramino Refugee Camps, Dollo Ado District, Ethiopia

Project Outline:

This project is a response to the emergency needs of the Somali refugees in Hilaweyn and Buramino camps. It also helps some of the most vulnerable host community members. This project has more of an emergency aid focus rather than being a development project. The provision of fuel saving stoves, the construction of semi-permanent school buildings that are staffed, furnished, and that have an adequate water supply and latrines, and the provision of educational and recreational materials, high protein biscuits and Plumpy Nut, are all part of this project.

Countries & Geographic Location:

The Federal Democratic Republic of Ethiopia, located in the landlocked region of the Horn of Africa, borders Djibouti, Somalia, Sudan, Kenya and Eritrea. Ethiopia, while a land of great natural beauty and resources, is one of the poorest countries in the world. Harassed by drought and flooding, hampered by internal and cross-border conflict, and host to large numbers of refugees fleeing across its borders, Ethiopia is ranked 157 out of 169 in the 2010 UNDP Human Development Index. Ethiopia has long been a gracious host to hundreds of thousands of refugees who flock across its borders from Eritrea, Sudan, and Somalia.

Escalation of the humanitarian crisis in Somalia, aggravated by the limitations of the Transitional Federal Government and the Islamist movements, fuelled a sharp influx of Somali asylum seekers into the Somali Regional State of Ethiopia in 2011. The Dollo Ado District of the Liben Zone of the Somali Regional State of Ethiopia received approximately 100,000 Somali refugees fleeing conflict and drought in their homeland in 2011, nearly doubling the existing Somali refugee population in Ethiopia.

The original refugee camps in Dollo Ado were soon overflowing, and three additional camps were established. The five refugee camps are Bokolomanyo, Melkadida, Kobe, Hilaweyn, and Buramino. Due to ongoing distress in Somalia, between 200 and 300 refugees continue to arrive in Dollo Ado every day. The refugees arrive in extremely poor health, with many families leaving children, disabled, weak, and elderly family members behind, or losing them en route. The number of deaths among children under five has decreased since the start of the emergency, however there continues to be high levels of malnutrition. The majority arrive without assets or income and are wholly dependent on relief provided by the government, the UN organizations, and non-government organizations. Further troubling, the host population of pastoralists and agro-pastoralists in the Dollo Ado district are, themselves, facing extreme economic hardship due to the prolonged drought in the region.