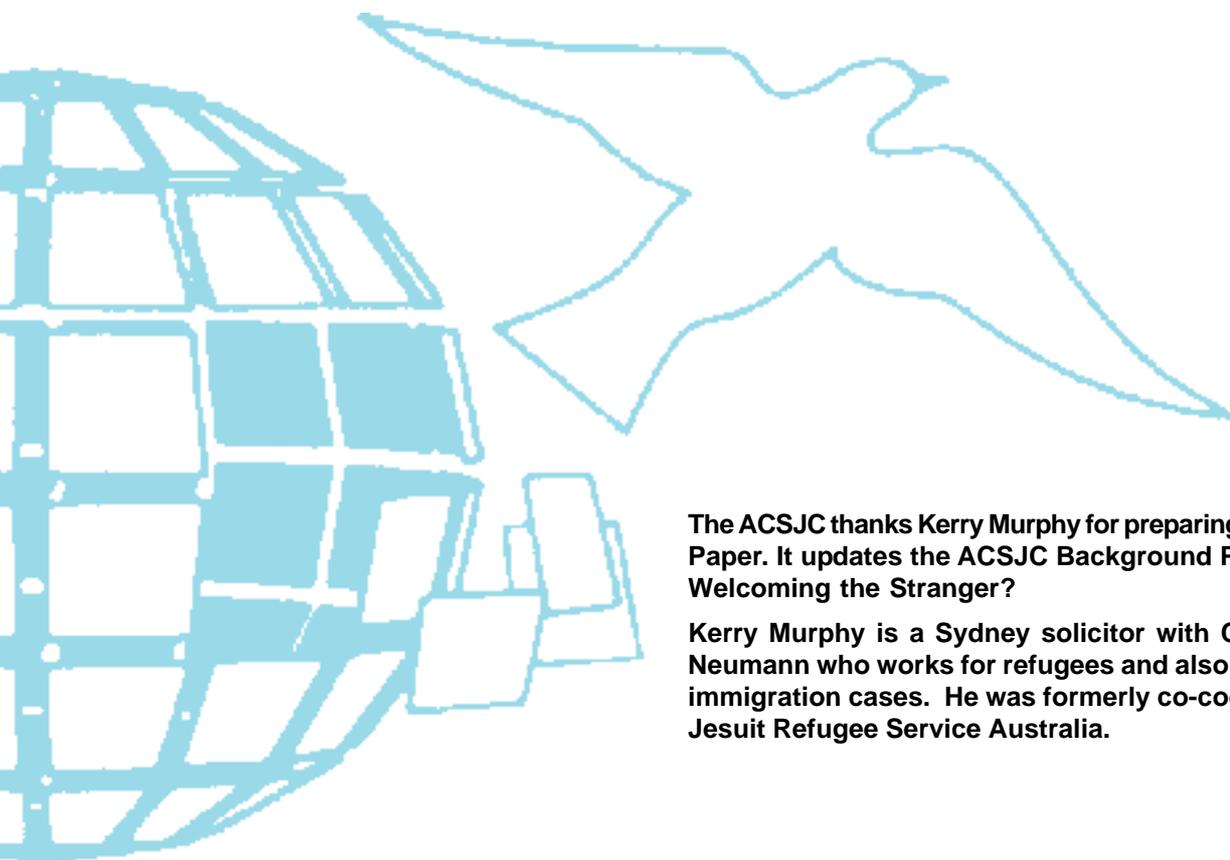


# Background Paper: The Unwanted Stranger? Refugees in Australia<sup>1</sup>

The asylum process can be a long and traumatic one for the refugee applicants. It places much stress on them to meet very strict time limits and operate in a bureaucratic and legal culture often unfamiliar to them. Mental health workers note that applicants can be traumatised by the process and may be even worse off at the end than when they started, especially if in detention. Whilst it does help a few, the Government's policy focus on immigration control means that safety nets are insufficient. Advocates fear that genuine cases miss out because there is such emphasis on preventing abuses.

Whilst it is unrealistic to hope that the Government will change the model from immigration control to a human rights model, it is possible to have a balance, which respects human rights and the dignity of people. What is required is a system designed to find the refugees and offer them the protection they need. The current system places greatest importance on border control and preventing abuses. This focus fails to recognize the complexities of human experience and does not protect rights nor respect people's dignity. These challenges are particularly relevant for Australians in the twenty-first century.



**The ACSJC thanks Kerry Murphy for preparing this Background Paper. It updates the ACSJC Background Paper: Are We Welcoming the Stranger?**

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## I. The Global Picture

Over the last thirty years we have seen some of the largest movements of people around the world in recorded history. People are moving for many reasons and their movement can be for a short period or permanently. Their movement may be voluntary or involuntary: push and pull factors and peoples' own perceptions play a significant role in determining whether to move or not. Push factors are reasons that force people to leave their country, such as war and oppression. Pull factors are those that attract people to another country, such as protection of rights, work possibilities.

In Australia there is much recent publicity about immigration, refugees and asylum seekers. Often the debate is ill informed and driven by intolerance and fear. This article hopes to provide some perspective to these public debates and to promote views that respect the dignity and rights of all peoples.

## 2. Human Rights or Immigration Control - Presumption of the Principle of Sovereignty

*"We will decide who comes to this country and the circumstances in which they come"*  
(Prime Minister John Howard November 2001)

The presumption of sovereignty is that every country or International State has the sovereign right to determine who can and who cannot reside in that country. It is understandable that there may be cultural, religious, social or environmental reasons for restricting movement of people. It is important, however, that these be balanced by consideration of human rights issues, humanitarian responses, sustainable development and the respect for the dignity of people. The sovereignty presumption, or immigration control model, often fails to balance these matters and so developed countries increasingly use the presumption of sovereignty in order to establish stricter immigration controls through a variety of means. These include: strict visa requirements, carrier sanctions, detention of those without visas and deportation.

These all feature in Australian law. In the political arena, there is a conflict between human rights principles and the bare principle of sovereignty.

## 3. International Human Rights Law

Refugee law is part of International Human Rights Law. Among the many Human Rights Conventions the main ones applicable to interpreting refugee law and to which Australia is a signatory are:

- *Universal Declaration of Human Rights*
- *UN Convention and 1967 Protocol relating to the Status of Refugees*
- *International Covenant on Civil and Political Rights*
- *International Covenant on Economic, Social and Cultural Rights*
- *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*
- *The Declaration of the Rights of the Child*
- *The International Convention on the Elimination of All Forms of Racial Discrimination*

It is against this background that human rights violations and persecution can be measured. International human rights principles provide norms for the measurement of basic standards of the treatment of peoples in a world, which is both secular and multi-faithed. To be a member of the community of nations, a country must adhere to certain basic standards. The development of international human rights since the 1948 Declaration of Human Rights is an attempt to create these norms and standards.

## 4. Who are Refugees?

Refugees are people who are forced from their country due to fear of suffering human rights abuses. Throughout history there have been thousands of stories of refugees fleeing war and persecution. The definition of refugee used today developed from the horrific experiences of people during the Second World War (1939-1945). In the aftermath of that war millions of people were homeless or living in camps across Europe.<sup>2</sup>

Shortly after the establishment of the United Nations was the promulgation of the Universal Declaration of Human Rights (1948). This is one of the principal documents for the development of modern human rights law of which refugee law is a part. The modern definition of refugee reflected the concerns of States to protect civil and political rights of people as well as a recognition of the need to protect people from persecution due to their race or religion.

Refugee law is the way the international community protects people who are at risk of persecution in their home country. The principle of sovereignty requires every country to care for its own citizens; however, this clearly does not occur in many countries. If all countries respected human rights, there would be no refugees.

The definition of refugee used in Australia is found in the 1951 Convention and 1967 Protocol. The 1951 Convention limits 'refugees' to events occurring in Europe before 1951. The 1967 protocol removes that geographic and time limitation. This means that refugees can come from any country in the world due to events occurring today.

The definition is found in the 1951 UN Convention and 1967 Protocol relating to the Status of Refugees.

***“A refugee is someone 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 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, is unable or, owing to such fear, is unwilling to return to it.’”***

On reading the definition it is clear that there is no such person as an economic refugee or environmental refugee. Also, refugees must be outside their country of origin to be eligible for refugee protection. People inside a country and still suffering human rights abuses are generally known as internally displaced people, but internally displaced people are not protected by international law.

A person who applies to be granted refugee status is called 'an asylum seeker'. An asylum seeker may be in a country lawfully or unlawfully, but according to the United Nations High Commissioner for Refugees (UNHCR), that should not affect the way their case is assessed or the treatment they receive.<sup>3</sup>

The rights of refugees are set out in the 1951 Convention and 1967 Protocol. It sets out the definition of a refugee as well as the obligations to refugees of countries that have signed the Convention.

The most important right a refugee has is the right not to be returned to a country where they may be persecuted. This is called the prohibition of expulsion, or the *non-refoulement* principle. This enshrines the basic protection of refugees from the risk of future persecution.<sup>4</sup>

Other refugee rights are similar to the rights of citizens in a liberal democracy:

- Non-discrimination (article 3)
- Freedom of religion (article 4)
- Right to acquire property, real estate or personal property (article 13)
- Equal protection for intellectual property and artistic rights (article 14)
- Right to non-profit associations (article 15)
- Equal access to courts of law (article 16)
- Right to work (article 17)
- Right to housing (article 21)
- Equal access to public education (article 22)
- Equal access to public relief and assistance (article 23)
- Right of freedom of movement within a country of asylum (article 26)
- No penalty for illegal entry (article 31).

These rights are essentially respected in Australia. However, there are some areas where refugees are treated differently depending on how they came to Australia. Australia has a mandatory detention policy for all people arriving without a valid visa.

Human rights advocates believe this treatment is contrary to article 31 of the UN Convention, because refugees who arrive without a visa, such as 'boat people', are given fewer rights than other refugees in Australia.

## 5. The UNHCR

The UN established the United Nations High Commissioner for Refugees (UNHCR) as the international body with the mandate of refugee protection. The UNHCR estimates that there are over 20 million people of concern in the world in need of protection. There are about six million refugees and asylum seekers in Africa, seven million in Asia, seven million in Europe and one million in North America. In Oceania, there were 80,000.<sup>5</sup>

## 6. Refugee Solutions

Three solutions are posited for people who are refugees. The first is repatriation when the conditions in their home country are safe. The second is local integration into the community to which they fled. Such a solution will depend upon the capacity of the host country in receiving and resettling refugees. The third solution is resettlement in a third country. This solution is limited by the willingness of the rich developed countries to accept refugees for resettlement.

As most refugees are living in the poor countries of the world, these countries have little ability to accept many new people.

It is common for developed countries to have quotas of refugees they will accept for resettlement. This enables the establishment of programs for resettlement and language training often needed for resettling refugees. Australia will resettle 4,000 refugees in the year 2001/2002. They come from a variety of countries but the largest group is from Europe.

## 7. Asylum Seekers & Refugees in Australia

Australia has a good record in resettling refugees in the last half century. Nearly 600,000 refugees and displaced people have resettled in Australia since the end of the Second World War in 1945. These refugees came to Australia from all over the world and most have made Australia their home.

One of the first refugee resettlements occurred before the Second World War. A group of 7,500 Jewish refugees were resettled in Australia in 1938-1939. This was part of an international settlement initiated by President Roosevelt of the USA to help Jewish people in areas controlled by the Nazi government in Germany.

After the Second World War Australia resettled an estimated 170,000 people from the displaced persons' camps in Europe. The next significant resettlement of refugees was about 14,000 Hungarian refugees after the failed anti-communist Hungarian rising in 1956. The third major refugee movement was 5,000 Czech refugees after the crushing of the 'Prague Spring' by the Soviet Union in 1968. Some Chilean refugees were resettled in 1973 after the coup by General Pinochet. Other refugees were resettled in Australia on an *ad hoc* basis, as there was no formal program for refugee resettlement at that time.

It was with the fall of Saigon and the end of the Vietnam War in April 1975 that the policies regarding refugee resettlement started to change dramatically in Australia. In April 1976 a small boat arrived in Darwin with Indochinese refugees aboard. The boats continued to arrive and by 1979, 2011 refugees had come to Australia by boat. Most were approved under the new refugees processing system established by the Fraser government. Most refugees from Vietnam who had not sailed to Australia were resettled from camps in South East Asia. Between 1975 and 1995, over 189,500 refugees from Vietnam, Cambodia and Laos were resettled in Australia.

Australia continues a policy of accepting and resettling refugees and humanitarian cases. However, the response to onshore asylum seekers has hardened considerably over the last decade. No longer are refugees who are accepted by Australia automatically granted permanent residence. The uncertainties created by temporary residence are becoming more common for more refugees in Australia.

## 8. Onshore Applications for Refugee Status

"In recent years some European States, in questioning the Convention, have expressed fears of being 'swamped' by asylum seekers and have used this as a ground for restriction of access to their territories and asylum systems. But the stark fact is that Iran and Pakistan host twice as many refugees as all the nations of Western Europe combined, and Pakistan is not even a party to the Convention. These figures highlight the vital importance of addressing urgently the issue of burden sharing."<sup>6</sup>

Mary Robinson's statement in December 2001 to the Ministerial Meeting of State Parties to the 1951 Convention and 1967 Protocol is also applicable to the situation faced by asylum seekers in Australia. Successive Australian governments have created obstacles for asylum seekers to make refugee applications in Australia. The stated reason is to limit and target perceived 'abuse' of the process and to maintain 'the integrity of the immigration system'. However, the effects of the various sanctions affect genuine and unfounded applications alike and they are overly punitive. This is like the teacher who punishes the whole class because someone talked. Historically, the desire of Australian Governments has been to make the selection of refugees when the refugee is still overseas. This provides more certainty for the Government planners as well as keeping applicants away from the review systems

for onshore applications. The 'control' model of immigration has been fundamental to Australian policy. Such an approach is common throughout the richer countries of the world in Europe and North America.<sup>7</sup>

The asylum process in Australia is a two-stage process. The initial application is assessed by an officer of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). Unsuccessful applicants can appeal to the Refugee Review Tribunal (RRT). The RRT is funded by DIMIA and appointments to the RRT are approved by the Minister for Immigration; however, the RRT is administratively and legally separated from DIMIA and the Minister. Judicial review in the Federal Court or the High Court is available after merits review by the RRT but the grounds of review are so limited to be almost non-existent.<sup>8</sup>

The Government has provided a small fund to provide 'application assistance' for asylum seekers. There is no longer any legal aid available to assist applicants for refugee status. The limited amount of application assistance does not stretch to all the needy claimants. This leaves some asylum seekers in the difficult position of completing the form themselves, or paying a lawyer or migration agent to help them. People in detention have access to representation funded by DIMIA but can choose a private lawyer or migration agent if they wish.

Asylum seekers in the community have 45 days after their arrival in which to lodge an application. If they lodge the application outside the 45-day period then they will not receive permission to work whilst their case is in progress. It is not possible for people to get permission to work, even though they are suffering severe financial hardship or have children to support. A limited amount of money is available for impoverished asylum seekers through the Australian Red Cross administered Asylum Seekers Assistance Scheme (ASAS).

Australia receives a relatively small number of applications for asylum compared to developed countries in North America and Europe.

Number of applications in comparative countries:

Country	1998	1999	2000
Australia	8,390	12,128	13,105
Canada	24,973	30,124	36,534
UK	46,020	71,160	76,040
Germany	143,429	138,319	117,648
Sweden	12,844	11,231	16,303

(Source: Refugee Council of Australia)

On 20 October 1999 the Federal Government amended the law to create two types of refugee applicants. Both are 'refugees' according to international law.

The first class of applicants who are 'not immigration cleared' applies for the temporary protection visa (785 subclass). These are people who did not have a visa when they arrived in Australia or their visa was cancelled at the point of entry. They must be held in detention pending the decision in their application. From 1 November 2000 a further change was made, which meant that people arriving on false passports or on false visas could only apply for the 785 subclass, even though they were immigration cleared.

The subclass 785 visa only entitles refugees to:

- a 3 year residence visa;
- no right to sponsor immediate dependent family members (spouse and dependent children);
- no right of return to Australia if they leave Australia, and
- only allowed to apply for the permanent protection visa (subclass 866).

The 866 subclass visa will only be granted 30 months after the grant of the subclass 785 visa. These refugees have permission to work but no access to free English language classes, not the full range of social security, no support from Migrant centres and workers must pay overseas student rates for study.

'Immigration cleared' cases who are successful are granted the subclass 866 visa and permanent residence which entitles them to English classes, full social security benefits, right to sponsor immediate family, settlement support services. Changes in September 2001 mean that many refugees on the 785 subclass will find it very difficult to ever get permanent residence. They will find themselves on renewable 3-year visas until the situation in their country makes it safe for them to return. This will cause extreme hardship for those separated from spouses and children who are unable to be reunited due to the strict visa conditions.

There is no logic in this separation and it is deliberately punishing people for arriving on boats or in planes 'illegally'. It creates a refugee underclass, which will be a social problem for years to come. The Coalition Government and Labor opposition both support this policy as being 'in the national interest'.

These changes were supported by those claiming that 'boat people' were 'queue jumpers' and that somehow the 'real refugees' were missing out. Such arguments are just not applicable when

discussing human rights. Protecting human rights is not like standing in the bus queue or the check out aisle in the grocery store. Refugees do not flee in an orderly manner. The very nature of refugee flight and seeking asylum is impossible to describe in terms of queues or order. Such arguments as proposed by those calling asylum seekers 'queue jumpers' fail to recognise the real fear and danger in which refugees find themselves.

A number of asylum seekers are in immigration detention. They are often not 'immigration cleared' as they did not have a passport or valid visa when they arrived in Australia. The main detention centres are in Sydney (Villawood), Melbourne (Maribynong), Perth, Curtin and Port Hedland in Western Australia and Woomera in South Australia.

Airlines or ships which bring in people without valid visas face penalties known as 'carrier sanctions'. Such persons can be 'turned around' by sending them back to the place from where their flight departed. Only people who can somehow convince the immigration officer that they are a potential refugee will be allowed in to make an application for refugee status. This is the initial process of screening. There is no right to receive reasons for being screened in or out and there is no merits review. It is possible to delay or prevent a deportation through an injunction granted by a Federal Court judge.

People who arrive by boat, commonly referred to as 'boat people', are in the same position as people arriving by plane without a visa.

If the 'unauthorised arrival' clears this *prima facie* check, then they are placed in immigration detention until they are permitted to enter Australia or are deported. Many applicants are advised by smugglers to destroy passports before arrival so that they will not be deported. Whilst this prevents immediate deportation, it can create identity problems during the processing.

The other main group of people in detention are those who have overstayed their visas or breached visa conditions, such as no work conditions. They may apply for a bridging visa whilst their case is processed; however, it is not automatically granted.

Some advocates, including the Refugee Council of Australia and the Human Rights and Equal Opportunity Commission, have promoted alternative models to the mandatory detention model.<sup>9</sup> There are proposals that at least women and children ought be released from detention, as is done in Sweden. At the time of writing, the Government is considering these alternative models and some women and children are living in the community in Woomera.

### **Ali's story<sup>10</sup>**

*'Ali' (not his real name) is an Afghan who is from an ethnic minority called Hazaras. In Afghanistan Ali helped on his family farm and although he never had any education, the family was reasonably prosperous. In 2000, the fundamentalist Taliban captured his village.*

*The Taliban are from a different ethnic group to Ali and they do not accept his Shi'a religious practice as 'true Islam'. As a young man from an ethnic and religious minority, Ali was at great risk as he heard how the Taliban killed many young Hazara men in other villages they captured. Ali's family sold what they could and paid a smuggler to get Ali to Pakistan and away to safety. They could not afford to pay for Ali's wife and young child to go with him.*

*The smuggler took Ali to Pakistan and then arranged for him to fly to Indonesia and board a boat for Australia. Ali has never been on a plane or a boat before and he was very afraid but did what he was told by the smuggler, as his fear of the Taliban was greater.*

*Ali arrived on Ashmore reef in the Indian Ocean and was rescued by Australian Naval patrols in early 2001. He now waits in the detention center in Western Australia while his refugee application is assessed. Ali has not been able to contact his family to tell them he is alive. If Ali's case were approved, he cannot sponsor his wife and child to Australia for at least three years. Ali worried about his family under the rule of the Taliban but he was helpless to do anything for them.*

*Since the Taliban left, Ali's family have been targeted by rival ethnic groups in gangs and militias, extorting money and threatening the family because they are an ethnic and religious minority.*

## 9. Social & Health Issues for Refugees

"It is therefore difficult to avoid the conclusion that the policy of mandatory detention of asylum seekers is leading to serious psychological harm. Even if many of those who spend long periods of time in detention are not deemed by the strict criteria enforced to have proven their refugee claims, this administrative decision should not be grounds for inflicting grave ongoing psychological injury on the applicants."<sup>11</sup>

A significant number of refugee applicants are victims of torture and trauma. Their experiences can vary greatly from those who are brutally tortured, to those who have had family members tortured and been traumatized by that experience. Torture is a far too common practice throughout the world.

Several studies have been conducted to measure the psychological trauma suffered by refugees so that appropriate counselling and treatment can be provided to help these people restart their lives.

A study of asylum seekers in Australia by Uniya, the Jesuit Social Justice Centre, found that when comparing 'push' and 'pull' factors, it was the former that was a major cause for people leaving their country. Asylum seekers were asked what were their reasons for coming to Australia. The top ten reasons were all 'push factors':

- Lack of confidence in their country's political structures
- Fear of police against them or their family
- Absence of institutions offering protection or justice
- Threat to life or freedom because of their political opinion
- Breakdown in civil order leading to constant feelings of insecurity
- Attraction to greater political freedom
- Denial of rights (eg; to speak out, to a fair trial, to assemble, to education)
- Oppression by government forces
- Discrimination due to family background
- Abusive or degrading treatment by police.

### Siva's story<sup>12</sup>

*Siva (not his real name) is a young man of Tamil ethnicity from the north of Sri Lanka. His elder brother was killed in a Sri Lankan airforce raid on his village and his other brother joined the Tamil Tigers, an armed group fighting for an independent homeland for the Tamils.*

*Siva was studying medicine, but the continuing war in Sri Lanka has seriously interrupted his studies. His family paid for him to study at a University in Colombo. One day, there was a suicide bomb attack near his University and the security forces rounded up all the young Tamils. Siva was terrified of what would happen because he had heard of Tamils being killed by the security forces.*

*Siva was interrogated by the security forces who believe that he is involved in the Tamil Tigers like his brother. During the questioning, Siva was beaten with a stick and tortured. A family friend learned Siva had been arrested and paid a bribe to get him released. The friend knew an agent who could arrange for Siva to leave Sri Lanka for his safety. Siva left on a passport obtained by a bribe and arrived in Australia. He was still feeling very traumatized by his torture and is afraid to tell people what happened to him out of shame.*

*He makes a refugee application with the help of a new friend but he does not tell about the torture as Siva is trying to forget that incident. His case is rejected and now on appeal, the RRT doubts he really was tortured because he did not explain this happened in his first application. Siva is seeing a counselor who helps him set out his full story. Siva hopes that he will be believed, as he is so afraid to return to Sri Lanka.*

In his analysis of several studies, Professor Derrick Silove and Clinical psychologist Zachary Steele concluded that asylum seekers had high rates of mental stress across all the studies. The levels of Post Traumatic Stress Disorder (PTSD) 'were many times higher than those found in the general population. This means that a high percentage of asylum seekers live in a state of demoralization and fear. They suffer horrifying memories of the past which interfere with their concentration and make them anxious and withdrawn.' A factor which can cause further psychological deterioration is prolonged detention whilst awaiting the outcome of a refugee application and Silove and Steele recommended a review of the practice of mandatory detention.<sup>13</sup>

There are a number of other health and social issues raised by advocates for refugees. These include problems in finding housing, education of children, medical treatment and restrictions on work permission.

Restrictions of the right to work for asylum seekers are a cause of much stress and potential employer abuse. Refugee applicants not in detention must lodge their applications for refugee status within 45 days of arrival in Australia or they will not be entitled to a bridging visa with permission to work. The grant of the bridging visa depends solely on when someone applies, it has nothing to do with their needs or the strength or otherwise of their case. Appeals can take over a year of more to process and so asylum seekers may be without work rights in that period.

They become dependent on their community, family, friends and charitable and welfare organizations. If they work illegally they can be placed in immigration detention. Others find unscrupulous employers who know their workers are too afraid to complain about poor work conditions.

Even after their cases are approved, refugees can face long periods waiting for their family to join them. Those on the 785 visa have a forced separation of at least 3 years, being unable to visit family in a safe country, as they will not be allowed to return to Australia despite their refugee status. The emotional and psychological strains are exacerbated by economic pressures to support families. These effects on refugees are the result of government policies which are said to be 'in the national interest.' The presumption of sovereignty over the protection of human rights can be clearly seen in Australia.

## **Amal and his family<sup>14</sup>**

*Amal (not his real name) is from Iraq. He is from the Sabian Mandeian community, a Gnostic group who are followers of John the Baptist. Sabians are unprotected from the majority because they are not Christians and not Moslems. Amal is targeted by Islamic fundamentalists because his children are not learning the Koran. When his family tries to worship in their traditional way by the river, fundamentalist gangs throw rubbish and hurl abuse at them.*

*One day, the security forces came and arrested Amal on allegations he was opposed to Saddam Hussein. The charges are trumped up by people seeking to harm Amal because of his religious beliefs. Amal pays a bribe of his family savings and escapes from Iraq, finally arriving in Australia by boat.*

*He has been in detention in Woomera for eight months with his wife and two young children, awaiting a decision on his case. Amal really believes he is at risk but he was not able to answer questions from the Immigration officer very well, and was stressed during his appeal hearing. Amal knows that even if his case is refused, the Australian government will not be able to send him back to Iraq as there is no way to get back. Amal is worried he and his family will be stuck in detention for many more months.*

## 10. The Judaeo-Christian Tradition of Social Justice & Welcoming the Stranger

Christians have a long history of working for refugees. Many groups and individuals give their time for refugees. There are many scriptural references to refugees and people forced to move. The story of the Holy Family fleeing to Egypt is a typical refugee story of escaping threatened persecution.<sup>15</sup>

The Exodus story of the people of Israel also is a story of a refugee people. The ancient custom of welcoming the stranger is a recognition of this:

“When a stranger stays with you in your land, do him no wrong. He shall be to you as the native among you. Love him as yourself for you have been strangers in the land of Egypt.”<sup>16</sup>

In the Catholic tradition there are many statements of Popes calling on people to support and help refugees. Pope John XXIII referred to the plight of refugees in *Peace on Earth* (1963) where he expressed the ‘bitter anguish of spirit’ he felt about refugees:

*‘There are countless thousands of such refugees at the present time, and many are the sufferings – the incredible sufferings – to which they are constantly exposed.’*

The document “Refugees: a challenge to solidarity” of the Pontifical Councils for Cor Unum and for the Pastoral Care of Migrants and Itinerant People contains reflections on the plight of refugees.

*The problem of refugees must be confronted at its roots, that is, at the level of the very causes of exile. The first point of reference should not be the interests of the State or national security but the human person, so that the need to live in community, a basic requirement of the very nature of human beings, will be safeguarded.*<sup>17</sup>

Pope John Paul II has spoken out strongly for refugees during his papacy. In his statement for World Migration Day in November 1999, Pope John Paul II spoke of the conflict caused by globalisation of capital but restrictions on the movement of people:

*On the one hand, globalization accelerates flows of capital and exchanges of goods and services between people and inevitably influences human movement. Every important event that occurs in a specific part of the world tends to have repercussions on the entire planet, while the sense that all nations share a common destiny is increasing. The new generations have a growing conviction that the planet is now a ‘global village’, and they make friendships that transcend the differences of language or culture. Living side by side is becoming an everyday reality for many people.*

*At the same time, however, globalization produces new ruptures. Within the framework of a liberalism without adequate controls, the gap between the ‘emerging’ and the ‘losing’ countries is widening. The former have capital and technologies that allow them to enjoy the world’s resources at will, a possibility that they do not always use with a spirit of solidarity and sharing. The latter, instead, do not have easy access to the resources needed for adequate human development, and sometimes even lack the means of substance; crushed by debt and torn by internal divisions, they often end up wasting their meager wealth on war.”*

‘Laissez-faire’ capitalism pushes for greater ‘globalisation’ for the movement of money around the world. What it balks at is the effect of the movement of wealth, the movement of people in search of somewhere to live in peace, without fear and to care for their families.

Fr Mark Raper sj, former international director of the Jesuit Refugee Service, has proposed challenges from the world of refugees for people everywhere. He wrote of this in answer to the question, ‘What can Australia do to create a more just world?’

On welcoming refugees:

The second challenge is forced migration itself, especially the impact of refugees. The global community is divided on this question. Rising xenophobia, closed door policies, restrictive asylum practices, the increase in detention as a deterrent, these are all ways of failing to face the reality of what is happening to people. The challenge is surely first to analyse and understand what is happening, why increasing numbers of people are forced to leave their homes. If we can understand the refugee phenomenon better, then we may respond openly and with greater justice to those who seek asylum.<sup>18</sup>

## References

- <sup>1</sup> This article first appeared in *Australasian Catholic Record*, April 2002, Vol 79, no2 pp176-188. It has been updated and only slightly rewritten for this publication
- <sup>2</sup> Background on the refugee definition can be found in Hathaway, J.C. (1991) *The Law of Refugee Status* (Butterworths) and Crock, M, (1998) *Immigration and Refugee Law in Australia*, (Federation Press)
- <sup>3</sup> Article 31
- <sup>4</sup> Article 33
- <sup>5</sup> Sourced from UNHCR statistics, [www.unhcr.ch](http://www.unhcr.ch)
- <sup>6</sup> Statement by Mary Robinson, UN High Commissioner for Human Rights, Geneva, 12 December 2001, from UNHCHR website [www.unhchr.ch](http://www.unhchr.ch)
- <sup>7</sup> For discussion on the Australian process viz Mares, P (2001) *Borderline*, (UNSW Press) and McMaster, D (2001) *Asylum Seekers* (Melbourne University Press)
- <sup>8</sup> The Australian Immigration Department produces facts sheets available on their website regarding Government policy in this area, [www.immi.gov.au](http://www.immi.gov.au) . Also the RRT website [www.rrt.gov.au](http://www.rrt.gov.au)
- <sup>9</sup> Obtainable from the Refugee Council Website, [www.rcoa.org.au](http://www.rcoa.org.au) and also see the website for the Human Rights and Equal Opportunity Commission [www.hreoc.gov.au](http://www.hreoc.gov.au)
- <sup>10</sup> This boxed refugee story is drawn from the writer's experience of working for refugees. The experience of the refugee is actual, but it is not intended to present it as a case study, merely as the type of experience of refugees in Australia.
- <sup>11</sup> Aamer Sultan and Kevin O'Sullivan, 'Psychological disturbances in asylum seekers held in long term detention: a participant-observer account' in *Medical Journal of Australia* Vol 175, 3/17 December 2001, p596. Dr Sultan is a medical doctor and detainee in Villawood, Kevin O'Sullivan is a clinical psychologist.
- <sup>12</sup> See note 10
- <sup>13</sup> Silove & Steele and viz articles in *Medical Journal of Australia*, 3/17 December 2001, Volume 175 number 11/12
- <sup>14</sup> See note 10
- <sup>15</sup> Matt 2:13-14
- <sup>16</sup> Lev19:33-34
- <sup>17</sup> Pontifical Councils 'Cor Unum' and Pastoral Care of Migrants and Itinerant People, *Refugees A Challenge to Solidarity*. St Paul Publications 1993, section 9, p. 11
- <sup>18</sup> Raper sj, M. in *What Can Australia do to Create a More Just World?* Jesuit Publications (2000) p 22

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## Other ACSJC Resources on Refugees & Asylum Seekers

### ACSJC Position Papers

- ACSJC Position Paper on the 'Pacific Solution' (May 2002)
- ACSJC Position Paper on 'People Smuggling' (February 2000)

ACSJC Position Papers are prepared in response to evolving issues, and spell out the ACSJC's stance.

ACSJC Position Papers can be downloaded from [www.socialjustice.catholic.org.au](http://www.socialjustice.catholic.org.au) or ordered from the ACSJC Secretariat for \$2.20.

### Catholic Social Justice Series

- Catholic Social Justice Series No 44, *The Call to Hospitality: Catholic Teaching on Refugees*, by Sandie Cornish

This paper provides an overview of Catholic teaching on asylum seekers and refugees, surveying major Church documents and Vatican interventions at the United Nations.

Order copies from the ACSJC Secretariat for \$5.50 plus postage.

### Action Leaflets & Prayer Cards

- Ten Steps Towards Welcoming Asylum Seekers Action Leaflet and Prayer Card.

Ten Steps Towards Welcoming Asylum Seekers provides suggestions of simple actions that can be taken by individuals and small groups, along with contact details for groups working with asylum seekers.

Contact the ACSJC Secretariat for free copies.

Donations towards the cost of printing and distribution would be appreciated.

## In touch with Social Justice

You can keep abreast of current Catholic social justice thinking year-round by subscribing to the ACSJC's *Catholic Social Justice Series*, *Justice Trends* and the *Social Justice Sunday Statement* for just \$25 a year.

The subscription also includes *Seasons of Social Justice - Social Justice Calendar* and occasional Background and Position Papers on current developments in social justice.

To become an ACSJC subscriber, fill in the form below and send with your cheque or money order for \$25 to:

**The Australian Catholic Social Justice Council**  
**19 MacKenzie Street**  
**North Sydney NSW 2060**

Tel (02) 9956 5811  
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Email [admin@acsjc.org.au](mailto:admin@acsjc.org.au)

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# The Australian Catholic Social Justice Council

The Australian Catholic Social Justice Council (ACSJC) was set up by the Australian Catholic Bishops' Conference (ACBC) in 1987 as the national justice and peace agency of the Catholic Church in Australia. The Australian Catholic Bishops' Conference mandates the ACSJC to promote research, education, advocacy and action on social justice, peace and human rights, integrating them deeply into the life of the whole Catholic community in Australia, and providing a credible Catholic voice on these matters in Australian society. In this way the ACSJC seeks to bring good news to the poor, release to captives, sight to the blind and freedom to the oppressed. The ACSJC is accountable to the ACBC through the Bishops' Committee for Justice, Development and Peace.

The major responsibilities of the ACSJC are:

- Researching issues and monitoring trends in public policy and current affairs in Australia and overseas;
- Presenting Catholic Social Teaching and the social justice tradition of the Catholic Church;
- Applying Catholic Social Teaching to current social justice, human rights, development and peace issues in Australia and overseas;
- Speaking out against injustice, the abuse of human rights, poverty and violence and in favor of change for a more just society and thereby ensuring a credible national Catholic voice on these issues;
- Promoting a spirituality of justice and the integration of concern for social justice into the liturgy, worship and general life of the whole Church;
- Building social justice networks within the Catholic Church, encouraging local action, coordinating action at the national level, and maintaining contact with relevant international Catholic agencies;
- Collaborating with national and international agencies with objectives similar or complementary to those of the ACSJC;
- Witnessing to and promoting unity among Christians through ecumenical action in favour of justice and peace;
- Educating the Catholic and wider community on social justice, human rights, development and peace issues in Australia and overseas by providing guided experience and educational materials;
- Advising the Bishops on statements and actions for justice and peace.

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ACSJC Position Paper: The Unwanted Stranger? Refugees in Australia  
June 2002

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