

# Our fear isn't grounded in reality

Mike Steketee, National affairs editor | *April 23, 2009*

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**PERHAPS it is an instinctive Australian feeling of vulnerability that has triggered the disproportionate attention to a few boatloads of people who want to stay here as refugees.**

Certainly, many politicians react as if by reflex to the insecurity that is supposed to stem from a small, largely European population in a big country at the bottom of Asia. Kevin Rudd scrambled last week to catch up with this sentiment by condemning people-smugglers as "the vilest form of human life ... (who) should rot in hell".

Although most people-smugglers are motivated by a quick buck rather than compassion and sometimes put their clients' lives at risk, there are many worse crimes.

But perhaps we are out of date. The Newspoll conducted for The Australian last week found more evidence of indifference than xenophobia. Asked who was better able to handle the issue of asylum-seekers, 27 per cent said Labor, 26 per cent the Coalition and 33 per cent were uncommitted.

There is little sign here of traction for the Opposition's line about weak government policies drawing increased numbers to our shores.

Nevertheless, much of the debate seems to proceed on the basis that we are wide open to mass invasion. The reality is very different: very few slip through the multiple layers of the border protection net.

Although we were one of the first countries to sign the UN Convention Relating to the Status of Refugees after World War II, we have gone to great lengths to limit the opportunities for invoking it.

Our controls on people who move by air, which is the main way most would-be refugees come to Australia, are among the strictest in the world. Visas are required from every country except New Zealand. Last financial year, 23 Australian embassies overseas had immigration compliance officers who collect intelligence on people-smuggling. Immigration Department airline liaison officers work in airports overseas, particularly in Southeast Asia, to check on passengers to Australia. They target nationalities who are most likely to apply for refugee status. Australia has some of the most advanced methods in the world for detecting fraudulent documents.

The irony is that all this contributes to a small minority of people trying to get here by boat. People fleeing from conflict or a government or group that is persecuting them seldom can obtain legitimate travel documents.

Young Hazara males continue to be targeted by the Taliban in Afghanistan because of ethnic and religious differences. (They are Shia Muslims, while the Taliban are Sunnis.)

"In the fundamentalist mind, one way to get to heaven is to kill Hazara," says refugee advocate and lawyer David Manne.

A typical journey to Australia for a Hazara starts by going overland to Pakistan or Iran. Unable to acquire any legal status, their situation often becomes increasingly precarious.

The Taliban are active in Pakistan and Iran at best tolerates people staying without visas. But they often can obtain forged documents that pass muster for a flight to Malaysia or Indonesia. Settling in Indonesia, even if they wanted to, is not an option, except unofficially for a limited period. Indonesia is not a signatory to the refugee convention and has sometimes forced people out of the country.

This is where Australia's next layer of border protection comes in. Canberra funds Indonesia to warehouse asylum seekers and it funds the office of the UN High Commissioner for Refugees to process their claims.

It can be a tortuous process. As of March 31, the UNHCR had 1057 people on its books in Indonesia. Of those, 441 had been assessed as refugees. Australia had agreed to take just 46 of them, subject to conducting its own checks, and the US, New Zealand and Canada a total of 17 others.

The rest were waiting for the UNHCR to find countries prepared to accept them. That can take a long time: in each of the past four years, the numbers of UNHCR refugees who have left Indonesia has varied between 48 and 92. That is why some people don't wait for the UNHCR or try to avoid it in the first place. And that is another reason why people-smugglers can recruit clients.

Under the terms of the refugee convention, there is nothing to stop asylum seekers going to Australia however they can get there. Australia does not automatically have to resettle them but it is obliged to assess whether they have a valid claim to stay on the grounds that they would face persecution or death if they returned.

People who flee to Indonesia and hope to end up in Australia are not queue jumpers in any meaningful sense of the term. They cannot always get to a camp in the Middle East or Africa to patiently wait their turn; and even if they can, they will not necessarily be safe or even be able to find a queue to join.

Perhaps asylum seekers in Indonesia would be better off waiting to be processed by the UNHCR rather than trusting their fate to the open seas and unsafe boats. Yet, however evil the people-smugglers may be, 90per cent of the people they bring to Australia turn out to be refugees.

The Australian Government has to accept this reality when it imposes the last layer of border protection. Once a vessel has been intercepted by a navy ship, the standard

procedure is for passengers to be told they will be taken to Australia for health, security and other checks.

If this had occurred with the boat that blew up in the Indian Ocean last week, it would have made no sense to commit an act of sabotage in an attempt to stop being forced back to Indonesia. According to Border Protection Command head Rear Admiral Allan du Toit, the passengers were told they were being taken to Christmas Island. But HMAS Albany commander Barry Learoyd, who intercepted the boat, said the opposite. Shades of the initial confusion about children overboard. The navy seems to have a problem with getting its story straight in these situations.

Ultimately, the best way to deal with the contradictions that lie at the heart of our approach to refugees is to put more resources into tackling the problem at its root. This should include more help for countries that experience large refugee flows across their borders, and more processing of refugees in these areas.