

# It's NOT ILLEGAL to seek asylum

- Asylum seekers who enter Australia without a valid visa are not illegal. The right to ask for asylum is guaranteed by Article 31 of the 1951 Refugee Convention. Australia is a signatory.
- There is no Australian law that criminalises the act of arriving in Australia to ask for asylum. People are not charged, tried or put before a court for entering without a valid visa.
- Asylum seekers who arrive without a visa are subject to mandatory, indefinite detention, without charge or trial. This applies to everyone, even unaccompanied children. Legally the detention is administrative, not punitive. In reality the conditions endured by asylum seekers in detention have been proven to cause a great deal of physical and mental anguish. This is punishing the innocent to deter other innocent people from exercising their legal right to ask for asylum. Prior to 1992 Australia did not use mandatory detention.
- In any one year since the late 1990s, between 70 and 97% of asylum seekers arriving by boat have been found to be refugees and granted protection. The average in recent years is close to 90%.
- Australia works hard to prevent any person from flying to Australia if there appears to be a chance that they would ask for refugee status. Australia frequently refuses travel visas to anyone who seems like they might have good grounds for claiming asylum. This is why the success rate for asylum applications from people who arrive with valid travel visas is around 10%. By shutting down safe pathways of entry, Australia drives asylum seekers into the hands of people smugglers and on to boats.
- Refugees are fleeing persecution, in most cases by their own government. This makes it dangerous to travel via normal means or under your own name. Australia's foreign missions do not accept asylum claims. Some people are stateless or face such discrimination that they can not get travel documents legitimately. In spite of this most asylum seekers who arrive by boat do have identity documents. If they can't convince immigration officials of their identity, they don't get refugee visas.
- Refugees in transit countries often face persecution, arrest, gaoling or detention. Places like Malaysia and Indonesia are not safe for refugees. Australia pushes it's neighbours to crack down on refugees and this only drives people onto boats to find sanctuary here.
- The death rate among refugees trying to get to Australia by boat is around 5%. The perceptions of the risk among asylum seekers is as high as 50%. Only the most desperate people would attempt such a journey. This is why the success rate for asylum claims among people who arrive by boat is so high.

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based on a fact sheet by the Asylum Seeker Resource Centre, Melbourne

# Who and what is RRAN?

## **What is RRAN?**

RRAN is a community-based campaign group. We have in our ranks people from all walks of life. We have branches on several of the University campuses as well as the original Perth based group.

## **What does RRAN do?**

RRAN campaigns on issues around refugees and asylum seekers. We do this in a number of ways. RRAN involves refugee supporters in a grass-roots, community-based campaign. Together we intervene in the public discourse and bring pressure to bear to make positive change. RRAN focuses on protests, educational forums, visiting refugees in detention and generally challenging the myths and lies in whatever way we can. RRAN actively seeks to collaborate with other groups working in different ways on these issues. We seek to find complimentary ways of working so that our efforts all support each other.

## **Defend the right to seek asylum**

Australia is obliged to allow people to seek asylum here under the Refugee Convention. Successive Australian Governments have been abrogating this obligation over the last 20 years or so. The Refugee Convention was introduced largely in response to the genocide of the Jews in the second world war. In the wake of this the Refugee Convention countries said "Never again can it be policy to prevent people having the right and ability to seek safety from persecution". In today's world it is increasingly the case the the Refugee Convention countries are trying to prevent and deter people from crossing borders in order to seek asylum. Australia has been leading the way with mandatory detention, offshore processing and the absurd excision of the whole of Australia from the migration zone.

## **End Mandatory Detention**

RRAN condemns indefinite mandatory detention without charge or trial. It is cruel and unfair to treat already traumatised refugees in this way. It is dangerous to accept that people who are not even charged or accused of having committed a crime can be locked up without there being any intervention or oversight by the courts. This is contrary almost 800 years of legal tradition and represents a dangerous erosion of the separation of powers. If governments can take away the basic right to not be detained without charge or trial from one group, because they are maligned and marginalised, then they can do it to any group that they can malign or marginalise.

## **Challenge the Lies and Racist Rhetoric**

Successive governments and large sections of the corporate media have demonised asylum seekers and refugees by using myths and lies to foment fear and anxiety. There has been blatant appeal to and incitement of racism, particularly against Muslims. RRAN challenges this by offering an alternative analysis and evidence. We seek to promote policies that are cheaper, more humane and more in the interests of ordinary people.

**RRAN meets on Monday nights at 6.30pm, 15/5 Aberdeen St, Perth**

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