## THE PROCESS OF SEEKING ASYLUM IN AUSTRALIA TODAY: A FLOW CHART

Australia's policies regarding asylum seekers have changed a lot since Federation. As of July 2017, Australia has a Liberal federal government, and Operation Sovereign Borders is ongoing. The following flow-chart puts you in the position of an asylum seeker living somewhere around the world. It shows the processes that you would go through as a result of the Australian government's policies, depending on your circumstances.



...in a refugee camp in a source country or host country?



UNHCR officials will interview you to determine if you meet the definition of a refugee.

Are you who is.



...on the run and not able to find a refugee camp?1



You may try to make it to a safe country such as Australia by plane or boat.2



Australian officials may visit your refugee camp and, if you meet the definition of a refugee (or other specific criteria), offer you a protection visa through Australia's offshore refugee resettlement program.

However, there is only a small chance of this happening. Australia currently offers 18,750 protection visas per year. Recall that in 2015, there were approximately one million refugees around the world who needed to be resettled.<sup>3</sup>

You are likely to have to travel through several different countries on your way to Australia. Countries that asylum seekers pass through on their way to their final destination are called 'transit countries'. Two very common transit countries for asylum seekers on their way to Australia are:

#### Indonesia

- Indonesia has a huge and diverse population of 240 million people. There are around 14,000 asylum seekers and refugees in Indonesia today.
- Asylum seekers from Iran, Iraq, Afghanistan and Myanmar move through Indonesia by air, land and sea seeking protection.
- Indonesia has not signed the Refugee Convention. The Indonesian government has not established a system for providing protection to refugees. Instead, it gives UNHCR responsibility for registering and resettling asylum seekers.
- Asylum seekers in Indonesia are detained in immigration detention centres or live in the community without the right to work, and receive only a limited education. People found to be refugeesa receive a small stipend while they await resettlement.

### Malaysia

- Malaysia has a population of 29 million, made up largely of Malay, Chinese and Indian people.
- In 2017, UNHCR reported that there were 102,849 refugees and 47,531 asylum seekers in Malaysia. The majority of refugees in Malaysia are from Myanmar.
- Malaysia has not signed the Refugee Convention and does not have a system to determine the status of refugees. The Malaysian government gives UNHCR responsibility for registering and settling asylum seekers.
- Asylum seekers and refugees in Malaysia are at risk of being returned to their home country or detained for no reason. Refugee children do not have the right to attend government schools in Malaysia, so they have no access to education.





<sup>&</sup>lt;sup>1</sup> Photo by Linda Hess Miller <sup>2</sup> Photo by Mstyslav Chernov <sup>3</sup> Photo by Mark Knobil

# ASYLUM SEEKER FLOW-CHART



...plane?

...boat?

Note: You would

probably only travel by

boat if you did not have

would probably have to

which is a person who transports people to a country illegally.

access to a visa. You

Note: This would usually only be possible if you were able to obtain a visa - for example, a tourist visa or a working visa.

travel by...

pay a 'people smuggler',

by boat...

a written application for refugee status with the Department of Immigration and Border Protection. This application will be assessed by an officer of the department. If your application is accepted, you will be granted a permanent protection visa. If your application is rejected, you can apply to have the decision reviewed by the Refugee Review Tribunal.

Once you are in Australia, you can submit



If all your appeals are rejected, you will be deported back to your home country. You may be placed in immigration detention while you wait to be deported.



... before July 2013?

This means that you arrived **BEFORE** Kevin Rudd's Labor government announced that asylum seekers who arrive by boat without valid visas would no longer ever be settled in Australia.

Your claim for refugee status is part of what is known as the 'legacy caseload'. You are still waiting today for a decision on your refugee status.

While you wait, you are subject to some form of immigration detention. This could be:

- 1. Onshore closed immigration detention (where you are not allowed to leave the
- 2. Community detention (if you are eligible). This involves living in community-based accommodation while you wait for an outcome on your visa application. While you wait, you can work and study, within certain limitations.



... after July 2013?

This means that you arrived **AFTER** Kevin Rudd's Labor government announced that asylum seekers who arrive by boat without valid visas would no longer ever be settled in Australia.

### You will:

- Have your boat turned around, if it is safe to do so;
- Be deemed by the Australian government to be an 'Illegal Maritime Arrival' (IMA);
- Be transferred to an offshore detention facility in Papua New Guinea or Nauru;
- Have your application for refugee status assessed under the domestic law of PNG or Nauru:
- Not be settled in Australia instead, if you are found to meet the definition of a refugee, you will be temporarily settled in PNG or Nauru; and
- Also have the option of returning to your home country or being resettled in Cambodia.

