

AUSTRALIAN ASYLUM POLICY

FROM 1901 TO TODAY: A TIMELINE

1901

At Federation (1901), persecuted people were able to settle in Australia. However, at this time, the Immigration Restriction Act 1901 (Cth) was in operation. This law excluded any non-white people from immigrating to Australia. This was known as the 'White Australia policy'. So persecuted people were only able to settle in Australia if they were white.

Around 20,000 refugees settled in Australia between Federation and 1948.



The Australian Natives' Association badge (1910) ¹



Polish refugees during the First World War (1914) ²

1940

Between 1947 and 1954, over 170,000 European refugees were resettled in Australia.

At this time, Australia resettled refugees because it helped Australia (for example, refugees could work certain jobs which were difficult to fill), not only because Australia was concerned about helping refugees.



Belgian refugees during the Second World War (1940) ³

1950

Australia acceded to the Refugee Convention in 1954. At this time, the Refugee Convention was limited so it applied only to European refugees from events before 1951.



Korean refugees in Haengju, South Korea (1951) ⁴

¹ Source: Australian Natives' Association

² Source: Imperial War Museum

³ Photo by Julien Bryan ³

⁴ Source: U.S. National Archives and Records Administration

1960

In the late 1960s and early 1970s, the White Australia policy was dismantled. More opportunities for migration to Australia were opened up to people from around the world. This included the 'humanitarian migration stream'. Through this stream, Australia offered visas to refugees and other people who needed help.

1970

In 1973, Australia agreed to the 1967 Protocol Relating to the Status of Refugees. This is a treaty added on to the Refugee Convention. If a country agrees to the Protocol, it agrees to protect refugees from any country and any time period, not just refugees from Europe before 1951.

1975

The Vietnam War caused many people to become refugees. Between 1975 and 1981, Australia afforded protection to 51,780 of these refugees. Many of these refugees were living in source countries and transit countries, but 2059 came to Australia by boat. Therefore, Australia afforded protection to these refugees in two different ways: through an 'offshore' process and an 'onshore' process:

- Through the offshore process, the Australian government worked with UNHCR to identify refugees living in source countries and host countries and offered them visas to settle in Australia. The Australian government introduced a formal offshore refugee resettlement program in 1977.

- Through the onshore process, representatives of the Australian government met with refugees who had arrived by boat and interviewed them to see if they met the definition of a refugee. If they did meet this definition, they were offered visas to settle in Australia. The Australian government formalised this process by introducing Australia's first national refugee policy.

Ever since the end of the Vietnam War, asylum seekers fleeing conflict and persecution have been arriving in Australia by boat. Most asylum seekers who arrive by boat arrive without valid visas.



Vietnamese refugees flee across the Perfume River in Hue before the bridge collapses (1968) ¹

¹ Source: U.S. National Archives and Records Administration

1980

In 1989, a law was passed which changed the way that asylum seekers arriving by boat were processed. There was an introduction of **discretionary detention** for asylum seekers who arrived onshore without valid visas. This meant that it was possible that these asylum seekers could be detained (i.e. kept in custody) while their refugee status was being determined.

1990

In 1992, Prime Minister Paul Keating's Labor government passed a law that introduced **mandatory detention** for asylum seekers who arrived onshore without valid visas. This meant that these asylum seekers had to be detained while their refugee status was being determined.

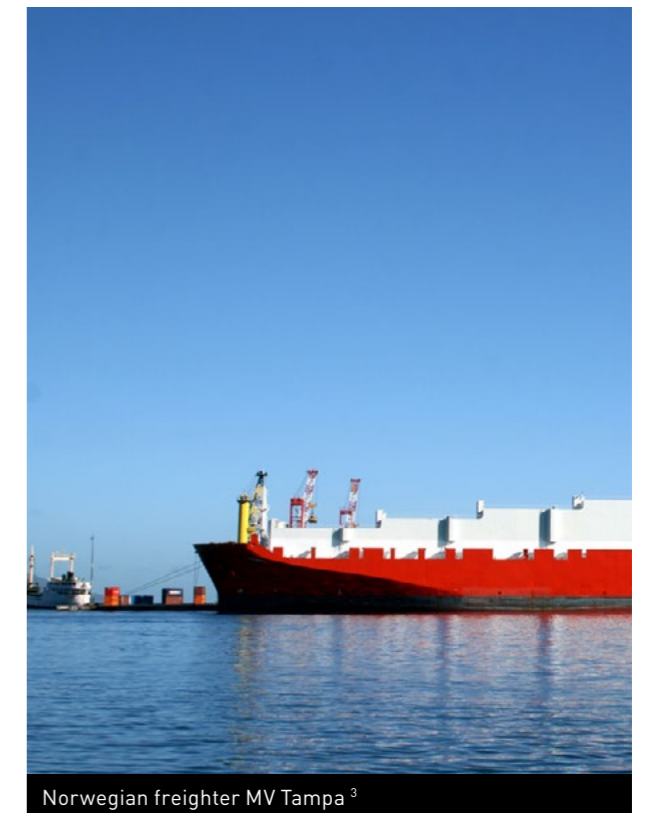
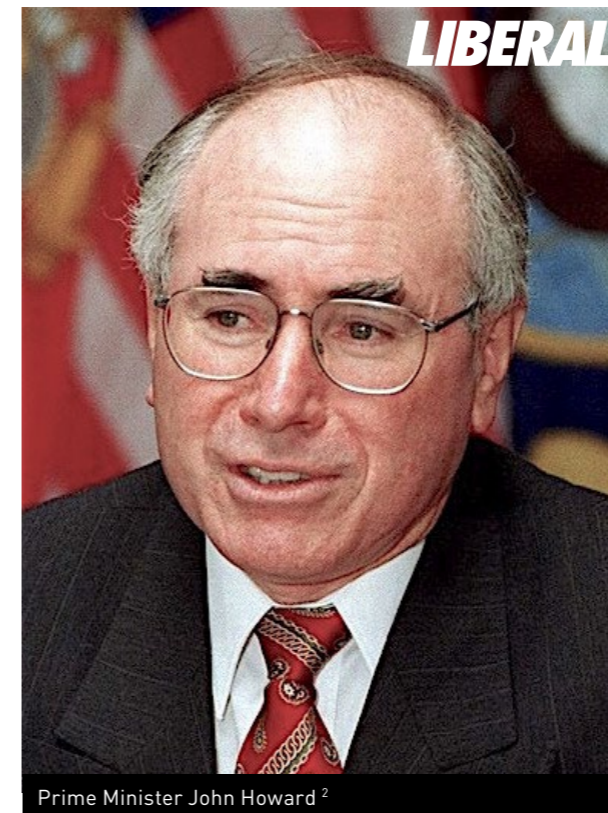


2000

In 1999, Prime Minister John Howard's Liberal government created a new type of visa: the **Temporary Protection Visa (TPV)**. This was now the only visa that could be given to asylum seekers who arrived onshore without valid visas. TPVs lasted for three years, as opposed to protection visas, which offered permanent residency.

At the turn of the century, several incidents occurred which led to more significant changes in the way asylum seekers arriving by boat were processed. For example:

- In August 2001, a Norwegian freighter ship called the 'MV Tampa' rescued 430 asylum seekers from a broken down boat heading for Christmas Island. The asylum seekers requested to be taken to Australia; however, the Howard government refused the ship permission to disembark the asylum seekers in Australia.
- In October 2001, an Indonesian fishing boat carrying asylum seekers sank on its way to Australia. 353 of its passengers drowned.



¹ Source: White House Photograph Office
² Photo by Helene C. Stikkel
³ Photo by Rémi Jouan

2005

In response to such incidents, in 2001 the Australian Parliament passed laws to set up the **Pacific Solution**. The purpose of the Pacific Solution was to discourage asylum seekers from traveling to Australia by boat. The new laws:

- Excised (removed) certain territories (e.g. islands to the north and east of Australia) from Australia's 'migration zone'. This basically meant that if asylum seekers arrived at certain islands, they could not legally claim to have arrived onshore in Australia, even though the island did actually belong to Australia.
- Allowed for asylum seekers who arrived in Australia onshore to be detained in 'offshore' locations. (In this context, 'offshore' means 'in countries other than Australia'. This process is different from the 'offshore refugee resettlement program'.) This meant that asylum seekers who arrived by boat and without valid visas were detained not in Australia but at Manus Island (Papua New Guinea) and Nauru while their refugee status was being determined. These asylum seekers could still ultimately receive visas to come to Australia.

In 2001, John Howard's Liberal government introduced a **boat turnback** policy. Under this policy, the Australian Navy could intercept asylum seeker boats at sea, and, if they were seaworthy, tow them back to their point of departure (which was usually Indonesia).



The offshore refugee resettlement program continued since it was formalised in 1977. Between 2001 and 2008, approximately 90,589 people received visas to settle in Australia through this program.

In 2008, Prime Minister Kevin Rudd's Labor government dismantled many of the asylum seeker policies that the Liberal government had established. For example, it:

- Took apart the Pacific Solution – detention centres on Manus Island and Nauru closed and the government went back to processing onshore asylum seeker arrivals in Australia (including on Christmas Island, which is part of Australia's territory);
- Abolished Temporary Protection Visas; and
- Discontinued the boat turnback policy.



¹ Source: Office of the Hon. Kevin Rudd

2010

From 2008 to 2012, the number of asylum seekers arriving in Australia by boat increased dramatically. During approximately the same period, around 610 asylum seekers died trying to reach Australia by boat. In August 2012, Prime Minister Julia Gillard's Labor government passed laws that allowed asylum seekers arriving by boat to be transferred to 'regional processing countries' while their refugee status is determined. The chosen regional processing countries were Papua New Guinea and Nauru. This essentially reinstated the Pacific Solution, but the Gillard Government intended this to only be temporary. The asylum seekers detained in PNG and Nauru could still ultimately receive Australian visas.

In 2013, Kevin Rudd became Prime Minister again. In July 2013, his Labor government announced that asylum seekers who arrive by boat without valid visas would no longer ever be settled in Australia. The government made arrangements with Papua New Guinea and Nauru. Under these arrangements, asylum seekers who arrived in Australia by boat without valid visas would be:

- Sent to Manus Island (PNG) or Nauru to have their refugee status determined; and
- Settled in PNG or Nauru – not Australia – if they were found to meet the definition of a refugee.



2019

In September 2013, the Liberal Party won government and Tony Abbott became Prime Minister. The Abbott Government established 'Operation Sovereign Borders', a military-led policy that aims to completely stop asylum seekers from arriving in Australia by boat. Under this policy, the offshore processing and settlement arrangements with PNG and Nauru continued, and a boat turnback policy was reinstated. The Liberal government has been continuing Operation Sovereign Borders since September 2015.

Asylum seekers remain a hotly contested issue in Australian politics and society. The numbers of asylum seekers and refugees in offshore detention on Nauru and Manus Island are reducing, but people remain there indefinitely. There have been cases of deaths and severe illness in detention. In 2019, Australia's federal parliament passed the 'Medevac' bill, which allows doctors to recommend seriously ill asylum seekers and refugees be transferred from Nauru and Manus Island for medical treatment in Australia.



¹ Photo by Kate Lundy
² Source: DIAC Images