



10 FACTS YOU MIGHT NOT KNOW ABOUT ASYLUM SEEKERS

1. Everyone has the right to seek asylum. *(Article 14 of the 1948 Universal Declaration of Human Rights)*
2. While it is usually illegal to enter a country without a valid visa, it is not to be considered as illegal, if it is for the purpose of seeking asylum. *(Article 31 1951 UN Refugee Convention and Australian Parliament House website www.aph.gov.au)*
3. As a UN Refugee Convention signatory, Australia is prohibited from imposing penalties on people entering if they are coming directly* from a territory where their life or freedom is threatened. *(Article 31 1951 UN Refugee Convention)*

**Coming directly, means that people haven't been offered protection and allowed to settle in another country first. (UN High Commission on Refugees guidelines on detention of Asylum Seekers)*
4. Asylum seekers cannot stay in Indonesia. Indonesia is not a UN Refugee Convention signatory. Refugees are not offered protection and are not allowed to settle there. Asylum seekers can be gaoled or deported if they are discovered.
5. People seeking protection must not be prevented from entering a UN Convention signatory country. They must not be expelled or returned to a country where their life or freedom is threatened. *(The 1951 Convention and its 1967 Protocol, UNHCR, page 5)*
6. Over 90% of people arriving by boat since 2008 have been assessed to be genuine refugees, fleeing things like war, persecution, genocide and torture. *(Department of Immigration and Border Protection, Asylum Trends Australia, 2012-13 – Annual Publication, page 30)*
7. There's no such thing as a queue. Anyone who wants to claim asylum must leave their home country first, so they flee to other countries. This is the standard way to seek asylum. "The concept of an orderly queue does not accord with the reality of the asylum process." *(Asylum Seekers and Refugees. What are the facts, Parliament of Australia website, www.aph.gov.au)*
8. International law prohibits the use of arbitrary detention. People cannot lawfully be held without a valid charge. Anyone who has been arrested must have their case brought to trial without delay or else be released *(Article 9 of the International Covenant on Civil and Political Rights)*. Yet at 31 October 2014 there were 5,235 people in immigration detention facilities. The average time spent in detention is currently 426 days. *(www.immi.gov.au)*. In August 2013 the UN Human Rights Committee found that the indefinite detention of a group of 46 refugees with adverse security assessments was arbitrary. *(www.humanrights.gov.au)*
9. The UN and Amnesty International have both presented numerous reports which condemn the conditions in detention centres on Manus Island and Nauru as being unsafe and inhumane. An Australian Human Rights Commission inquiry heard that the detention of children on Christmas Island amounted to torture. *(www.refugeecouncil.org.au)*
10. Australia receives a fraction of the world's asylum applications each year. In 2013 alone, Sweden received 54,300 requests; France received 60,100; USA received 88,400; and Germany received 109,600 requests for asylum. In 2013, 24,300 people requested asylum in Australia. *(www.unhcr.org)*