

Appendix A

FAQs on Asylum Seekers

Q: What is the Expert Panel on Asylum Seekers?

A: On 28 June 2012, the Prime Minister and the Minister for Immigration and Citizenship announced that the Government had invited Air Chief Marshal Angus Houston to lead an Expert panel (the panel) to provide a report on the best way forward for Australia to prevent asylum seekers risking their lives on dangerous boat journeys to Australia. The panel also included Mr Paris Aristotle the Director of the Victorian Foundation for Survivors of Torture Inc (also known as Foundation House) and Professor Michael L'Estrange Director of the National Security College at the Australian National University. The Panel was asked to provide advice to the Prime Minister and the Minister for Immigration and Citizenship prior to the start of the following Parliamentary sitting period in August 2012.

Q: When was the Expert Panel Report on Asylum Seekers released?

A: The Report of the Expert Panel on Asylum Seekers was released on 13 August 2012. It contained 22 recommendations to Government on the policy options available to prevent asylum seekers risking their lives on dangerous boat journeys to Australia.

Q: What is an Irregular Maritime Arrival (IMA)?

A: It is a term to refer to people arriving to Australia by boat to seek asylum.

Q: What is the difference between a refugee and an asylum seeker?

A: An asylum seeker is a person who has sought protection as a refugee, but whose claim for refugee status has not yet been assessed. Every refugee has at some point been an asylum seeker.

Q: What is the difference between a refugee and a migrant?

A: A migrant is a person who makes a conscious choice to leave their country to seek a better life elsewhere. Refugees are forced to leave their country because they are at risk of, or have experienced, persecution.

Q: Are asylum seekers who arrive by boat 'illegal immigrants'?

A: No. Asylum seekers who arrive in Australia by boat are neither engaging in illegal activity, nor are they immigrants. Both international and Australian law permit unauthorised entry into Australia for the purposes of seeking asylum. Asylum seekers do not break any Australian laws simply by arriving on boats or without authorisation. It is also incorrect to refer to asylum seekers as immigrants. Refugees, unlike immigrants, are forced to leave their country and cannot return unless the situation that forced them to leave improves. The concerns of refugees are human rights and safety, not economic advantage.

Q: Who is managing the asylum seeker programs?

A: Community Detention (CD) and the programs for people on Bridging Visas E (BVE) are Department of Immigration and Citizenship (DIAC) programs. Both AMES and the Red Cross have been engaged by in Victoria to manage both community detention and programs for people on BVEs.

Q: How many Irregular Maritime Arrivals (IMAs) will there be in community detention and where are they from?

A: There are currently a little over 1,300 (IMAs) in community detention in Australia. This figure is expected to increase as the government moves to implement the recommendations of the Expert Panel on Asylum Seekers. The nationalities with the largest numbers arriving in Australia by boat in 2011-2012 were respectively, Afghan, Iranian and Sri Lankan.

Q: How long will they stay?

A: Until DIAC has finished investigating their request for asylum and they are either accepted as a refugee and granted a protection visa or refused refugee status and removed from Australia.

Q: Why are they being sent to live in the community?

A: In line with the review findings of the Expert Panel on Asylum Seekers and community concerns about the impact of immigration detention on traumatised asylum seekers, the government has decided to make greater use of community detention and BVEs.

Q: Who are the people in community detention?

A: The majority of IMAs in AMES-managed community detention are families with children and single women who have been preliminarily assessed by DIAC who has determined that they are of good health and character and don't pose a security risk. Other agencies manage community detention programs for unaccompanied minors.

Q: What security arrangements are in place for community detention?

A: IMAs released into community detention are not closely supervised; DIAC has already assessed that they are of good character and don't pose a security risk. They are, however, required to live in the accommodation they are given and will receive regular case management visits by AMES staff.

Q: What immediate accommodation arrangements are in place for people in community detention?

A: People in community detention are accommodated in houses or units suitable to the size of the family. These properties are leased by AMES and the cost is funded by DIAC. Furniture and other household goods in the properties are also paid for by and remain the property of DIAC.

Q: How many people will there be in the community on BVEs?

A: There are currently a little over 2,300 IMAs in the community on BVEs. This figure is expected to increase as the government moves to implement the recommendations of the Expert Panel on Asylum Seekers.

Q: Who are the people on BVEs?

A: The majority of IMAs released on BVEs are single men (ie men without their families). The people chosen as suitable for a BVE have already been preliminarily assessed by DIAC who have determined that they are of good health and character and that they don't pose a security risk.

Q: What security arrangements are in place for people on BVEs?

A: IMAs released into the community on a BVE are not closely supervised; DIAC has already assessed that they are of good character and don't pose a security risk. They are required to report to their Case Manager and to remain in contact with DIAC.

Q: What immediate accommodation arrangements are in place for people on BVEs?

A: During their six weeks of transitional support in the CAS Transitional Support program managed by AMES, many IMAs will initially live in one of AMES short-term accommodation facilities. Clients will be required to leave AMES accommodation within six weeks and may choose where they live. They must advise of their address and report to their Case Manager on a regular basis. Other clients will go directly to live with a friend or relative – a “Community Link”. These clients are also required to report to their Case Manager on a regular basis.

Q: Can asylum seekers work?

A: Those released on a Bridging Visas E are expected to find work as soon as possible. Those in community detention have not been given a visa and are therefore not entitled to work.

Note: Those on a Bridging Visa and who arrived after 13 August 2012 do not have a right to work