

Legal studies effective asylum seekers

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Assess the effectiveness of the legal system in dealing with asylum seekers and refugees? Introduction * Legal system: purpose to bring justice and civilization to a community Enforced by police and other figures of authority applied equally basis and fundamentals of having a cooperative society and country made up of institutions e. g. Australian Human Rights Commissions or UNHCR (United Nations High Commissioner for Refugees). (Legal Studies workbook) Ultimately the goal of the law is to protect the rights of all citizens in society.

Under the 1951 Refugee Convention a refugee is defined as a person who has a well founded fear of being persecuted, whether because of their race, religion, nationality, membership of a particular social group or political opinion, and if they are outside the country of their nationality and if they are unable, or owing to such fear, unwilling to avail himself/herself of the protection of that country, they are deemed a refugee.

* Asylum seekers are people who are seeking refugee status and safety. In Australia, nearly all asylum seekers who arrive by boat are assessed to be genuine refugees escaping violence, extremism and terror. Asylum seekers are not a threat, they are threatened. Asylum seekers undergo security checks by ASIO (Australia's Security Intelligence Organization) Main refugees come from countries Afghanistan, * Iraq and Colombia ([http://www.refugeecouncil.org.au/docs/news; amp;](http://www.refugeecouncil.org.au/docs/news; amp; events/RW_Background_Information.pdf)

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[events/RW_Background_Information.pdf](http://www.refugeecouncil.org.au/docs/news; amp; events/RW_Background_Information.pdf)) Ineffectiveness * The United nations Convention of Protocol Relation to Status of Refugees (1951, 1968) or commonly known as the refugee conventions the body that deals with

refugees. * Australia is signatory with 25 other nations. * It is legal to seek asylum in Australia, even if you arrive on a boat without a visa.

Asylum seekers are not breaking the rules – they are following the processes outlined in the UN Refugee Convention and Australian Migration Act. (<http://www.amnesty.org.au/refugees/comments/24024/>) Responsiveness; Protection of Individual Rights * The isolated location of Christmas Island makes it impossible to implement a humane immigration policy there, and is leading to extreme detention conditions. * Government believe that mandatory detention and off-shore processing will act as a deterrent.

* There are 4 immigration detention centers on the Australian mainland: • Villawood (Sydney, NSW) Maribyrnong (Melbourne, Vic) • Perth (WA) • Northern Immigration Detention Centre (Darwin, NT) * In addition, there is an immigration and reception and processing centre on Christmas Island, which is south of the Indonesian island of Java. This centre is primarily for people who arrive unauthorized by boat. * The current practice of detaining asylum seekers off-shore who arrive by boat on excised territory severely restricts their access to basic rights and services, including legal representation, education, translators, and advocacy and health services.

This approach impacts on the mental, physical and emotional health of asylum seekers and lacks compassion and dignity. * 1951 Convention Article 31: punished for illegal entry of contracting state Article 17 to 19: work 20: courts (<http://www.unhcr.org/3b66c2aa10.html>)

Conclusion Asylum seekers and refugees can and do make as valuable a contribution to the nation as other migrants. *

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Turning away boats carrying people seeking Australia's protection is inconsistent with Australia's obligations under the UN Refugee Convention.

Furthermore, as a rich country dealing with small numbers of asylum seekers, Australia sets a very poor example in the Asia Pacific by refusing to protect asylum seekers who arrive in its territory. The UNHCR report highlights that most of the world's refugees are being protected in countries much poorer than Australia.

E. g. Out of the 10. 4 million refugees under UNHCR's mandate, the largest numbers were being hosted by Pakistan (1, 740, 711), Iran (1, 070, 488) and Australia hosting 22, 548 refugees ([http://www. salvationarmy.](http://www.salvationarmy.org)

org.

[au/justsalvos/up/Refugee_and_Asylum_Seekers/refugeesandasylumseekers.](http://www.salvationarmy.org/justsalvos/up/Refugee_and_Asylum_Seekers/refugeesandasylumseekers)

df) Australia's support for UNHCR is particularly critical in the Asia-Pacific region. Australia is one of the few countries in the region which provides consistent funding to UNHCR as well as supporting its work in protecting refugees and seeking solutions to refugee situations. [http://www. abc.](http://www.abc.net.au/news/2012-08-15/senate-debates-bill-on-offshore-processing-of-asylum-seekers/4201062)

net. [au/news/2012-08-15/senate-debates-bill-on-offshore-processing-of-asylum-seekers/4201062](http://www.abc.net.au/news/2012-08-15/senate-debates-bill-on-offshore-processing-of-asylum-seekers/4201062) * AHRC recommended more equal system where all asylum seekers have access to same system e. g. asylum seekers who arrive by boat should be given bridging visas like those arrived by plane.

Article Bridging visas are a more humane way to treat people seeking protection Friday 25 November 2011 ([http://humanrights. gov.](http://humanrights.gov.au/news/2012-08-15/senate-debates-bill-on-offshore-processing-of-asylum-seekers/4201062)

<https://assignbuster.com/legal-studies-effective-asylum-seekers/>

au/about/media/media_releases/2011/115_11.html) This includes persons for whom there are serious reasons to suspect that: • they have committed a crime against peace, a war crime, a crime against humanity or a serious non-political crime outside their country of refuge; or • they are guilty of acts contrary to the purposes and principles of the United Nations. <http://www.unhcr.org/4ec262df9.html>.

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