

COMPLEMENTARY PROTECTION: THE CHANGING FACE OF A REFUGEE



By **SARAH SCROOPE.**

In September the Migration Amendment (Complementary Protection) Bill 2009 was introduced to the Australian parliament proposing to widen the definition of a refugee. If passed, Complementary Protection will extend protection rights to include those who cannot live in their country for real fear of human rights abuses, torture and/or death.

The need to revisit the description of a refugee is timely as our current laws are based on a 50-year-old definition contained in the 1951 Convention Relating to the Status of Refugees (and its 1967 Protocol). The Convention, developed by UNHCR, defines a refugee as a person who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. Owing to such fear, the person is unwilling or unable to avail themselves of the protection of their own country.

Australia is signatory to this Convention and adopted this definition into the Australian Migrant Act 1958.

Since that time the nature of armed conflict and violence has changed. The world has experienced the wars in Vietnam, Iraq and Afghanistan. Conflict between Israel and Palestine has intensified. Terrorism is shaping international and domestic politics and there has been an increase in civil unrest in many African countries. As global citizens, we are becoming more aware of what life is like for people in other countries and of international human rights issues. This proposed amendment to the Act would protect those facing persecution on grounds which fall outside the Refugee Convention but are included in other human rights treaties.

In 2008-09, the Australian government granted 13,507 Refugee and Humanitarian visas. The 10 leading source countries for offshore Refugee and Humanitarian visas were: Iraq (2,874); Burma (2,412); Afghanistan (847); Sudan (631); Bhutan (616); Ethiopia (478); Democratic Republic

of Congo (463); Somalia (456); Liberia (387); and Sierra Leone (363).

While there may be similarities in the nature of the trauma suffered by these people, they have all arrived in Australia under different circumstances and are learning to deal with their personal refugee journey. Not all people seeking protection in Australia are escaping refugee camps on the other side of the world. Some have fled personal persecution and were in fear for their lives, others have been deemed stateless and are unable to go home while others are facing what can be described as the cruelest case of human rights abuse - as described below.

GRACE** (22)

Where are you from?

Kenya.

When did you arrive in Australia?

I came to Sydney last year on a tourist visa but immediately lodged an application for a protection visa so I could stay in Australia as a refugee.

Why and how did you get here?

I came to Sydney for World Youth Day in 2008 but I am too scared to return home to Kenya because I know that when I do I will be circumcised (genitally mutilated). I do not want this to happen but I know that I cannot fight it. My mother was killed because she refused and my life will be threatened if I do the same.



BEN* (29)

Where are you from?

The Democratic Republic of Congo.

When did you arrive in Australia?

Seven years ago.

Why and how did you get here?

I left Congo in 1988 and spent some time in neighboring Burundi then Kenya. In 1996, while I was studying in Kenya, war broke out in DRC and the government stated that my tribe was no longer considered part of Congo. I became stateless, lost my passport, identity and citizenship. I could not return home, yet I could not stay in Kenya as I had no valid paperwork. I spent three years in a refugee camp in Kenya waiting for UNHCR to investigate my case. I was eventually granted refugee status and was told that I was going to New Zealand. Due to some mix up I was granted a visa to Australia. Even though the war did not find me in Congo, it found me in another country and I became a refugee.

What did you leave behind?

Family, friends, connection to my tribe and a lot of history.

ALI* (32)

Where are you from?

I was born in Afghanistan, but my family moved to Pakistan when I was two years old to escape the war. My family was quite wealthy so it was easy to move and I liked growing up in Pakistan.

When did you arrive in Australia?

I came to Sydney four years ago on a refugee visa.

Why and how did you get here?

There was trouble for my family in Pakistan and we were personally targeted by local 'terrorists'. My wife and child were killed by these people so my older brother and I fled to South Africa. We stayed there for a while until the people after us in Pakistan found us again. From South Africa I applied for a refugee visa to enter Australia. It was a long journey.

What did you leave behind?

My mother. I have not seen her for four years and I am waiting until I get my Australian citizenship so I can go back and see her, although I am a little bit scared of returning. She is old and is not able to travel to Australia to see me. I also left behind my identity. I no longer use my real name, I changed it when I left Pakistan to make it harder for the people to find me.

* Names have been changed

** Adapted from an interview published in the Sydney Morning Herald, 22/09/09