

CHAPTER II

AUSTRALIA IMMIGRATION PROBLEM

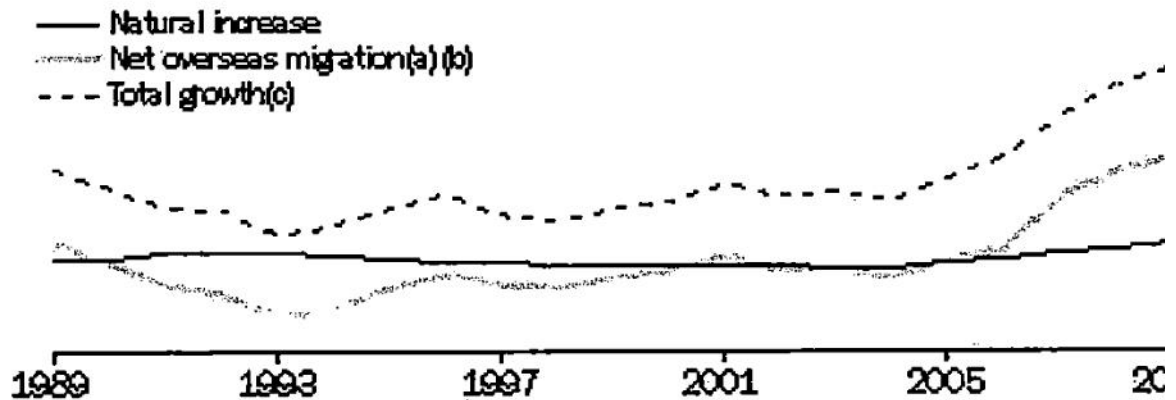
This chapter will tell about the explanation of Australia as migrant country. Following the explanation about the Australia as migrant country, this chapter also will describe about the immigration problems faced by Australia. Next it will explain about the immigration program that implemented by Australian government recent time.

A. Australia as Migrant Country

Australia is migrant country. It can be seen that from the 22,603,524 total of population¹, the 45% of them were born overseas or at least one parent who was born overseas. Immigration play important role in Australian population growth. Each year Australia's population increases as a result of both natural increase and (Net Overseas Migration (NOM)).

¹ Australian Bureau of Statistics, 'Population Clock', *Australian Bureau of Statistics website*, <<http://abs.gov.au/ausstats/abs%40.nsf/94713ad445ff1425ca25682000192af2/1647509ef7e25faaca2568a900154b63?OpenDocument>>, accessed on May 9 2011.

Figure 2.1
Australian Population Growth Component



Source: Australian Bureau of Statistics²

From its history, Australia was officially discovered by James Cook in 1770 and he claimed it as Britain possession. The British called Australia as *the Antipodes*. Beside Australia is on the opposite side of the earth to England, it is also highly contradictory with England. Like if Australia have winter, England have summer. Australia have night when England have day³.

The position of Australia which far away from its mother country England. Australia became a stranger on its area. They were rated as the white country and the colored country. Australia is also dubbed as *The Frightened Country* which means that Australia has a fear of its neighborhoods around it area.

² Australian Bureau of Statistics, '3412.0 - Migration, Australia, 2008-09: Migration and Population Growth', *Australian Bureau of Statistics website*, <<http://www.abs.gov.au/ausstats/abs@.nsf/Products/295BCEA8A2132BECCA25776E00177334document?&open=1>>, accessed on May 12 2011

³ George Blainey, *Tyranny of Distance: How Distance Shaped Australia's History*, Sun Books,

Figure 2.2

Map of Australia and South Pacific



Source: The World Factbook

The history of immigration in Australia has started long time ago. Before the British exploration, it had already begun when the ancestors of Australian Aborigines arrived on the continent via the islands of the Malay Archipelago and New Guinea. After founded by James Cook, Australia then became part of Britain. The British exploration started in Australia since the arrival of the British ships at Sydney Cove who want build a colony in Australia in 1788⁴. The number of people migrated to Australia has increased rapidly time by time from that time.

There are several factors that influence the high number of immigrant come to Australia. For instance like colony making from British and the discovery of gold in

⁴ James Lyon. *From White Australia to Woomera: The Story of Australian Immigration*. Cambridge

New South Wales and Victoria. Some world events like World War II, conflict and dictatorship in some countries also led the victim of the events move to Australia. Besides, the facilities offered by Australia which is more complete and interesting also become the reason people choose Australia as their migrant destination country.

1. Immigrant Background

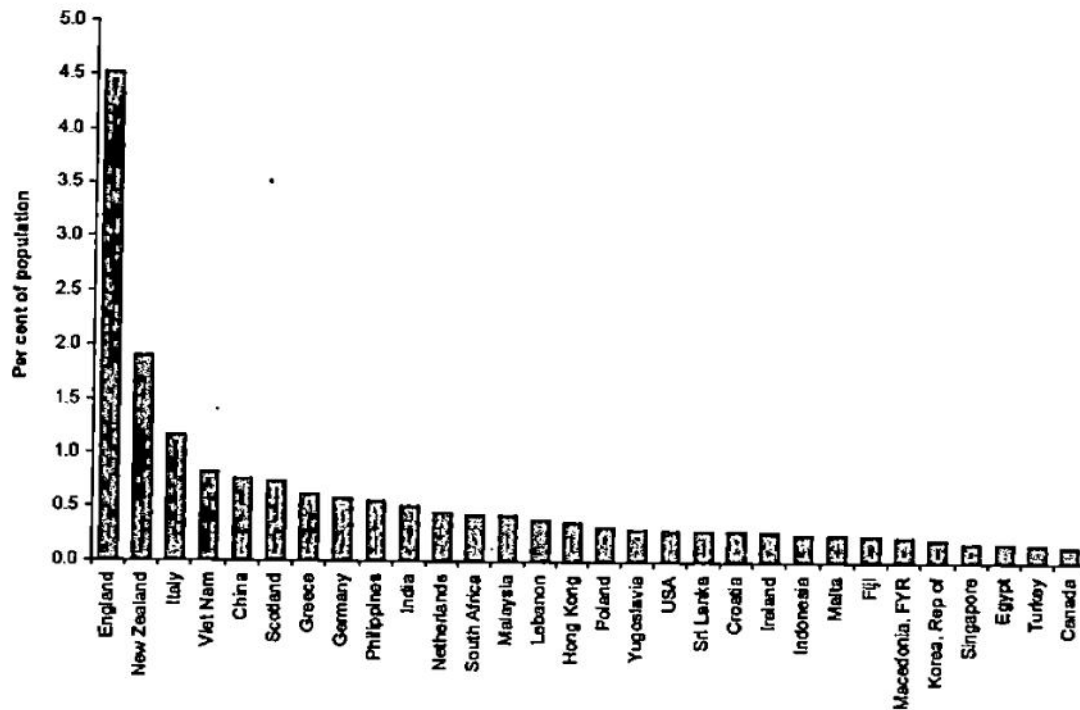
Immigration has important role in shaping the Australian society. Immigrant that comes to Australia is very varied. They have different motive why they migrate to Australia. First is economic motive. The immigrant migrates to Australia because they want to improve their life by working in Australia. Second is humanitarian motive. Immigrant moves to Australia because they want to seek protection for their life due to the unsafe condition in their home country.

Besides the various motive, the immigrant in Australia also has variety in cultural, ethnic, and linguistic background. In Australia, the immigrant speaks over 200 different languages and the most commonly spoken languages (other than English) are Italian, Greek, Cantonese, Arabic, Vietnamese and Mandarin⁵. The immigrant in Australia is come from many areas around the world. There are top 30 countries births of the people in Australia and its growing.

⁵ Department of Foreign Affairs and Trade, 'Australia in Brief: A Diverse People', *Department of Foreign Affairs and Trade website* June 2008 <<http://www.dfat.gov.au/aih/society.html>> accessed on

Figure 2.3

Top 30 Overseas Birth in Australia



Source: Department of Multicultural and Indigenous Affairs.

B. Australia Immigration Problem

The increasing number of the immigrant arrival to Australia has caused several problems domestically. First, the problem is about the arrival of illegal immigrant. The high numbers of immigrant arrival also led to the increasing number of people enter Australia illegally. Illegal migrant issue is related to the sovereignty and border protection issue in Australia. And it is one of the problems concerned by

Secondly, immigrant issue recently is also related to the environmental issue. Australia is the flattest continent in the world. Its low average elevation (300 meters) is caused by its position near the centre of a tectonic plate, where there are no volcanic or other geologic forces of the type that raise the topography of other continents⁶. With total area 7,682,300 sq km, Australia can't accommodate large number of people. The high number of immigration to Australia has caused the environmental degradation. Besides, the arrival of immigrant to Australia which is led to the large population in Australia also has increased the greenhouse gas emissions in Australia. In fact, Australia is one of countries has the highest greenhouse gas emissions per capita at 26.7 tons per year⁷. Greenhouse gas emission is the crucial problems for environment. In addition, the study indicates that immigration also contribute to additional emissions.

Socially, the arrival of immigrant to Australia cause many pros and cons among Australian society. The large number of migrants who come from different countries with different cultural backgrounds had led to various kinds of social pressures in the Australian community. The various backgrounds of immigrants are worried will led social conflict between Australian citizens with migrants who have different social cultural backgrounds.

⁶ Richard Machev, 'Map from above shows Australia is a very flat place', *The Sydney Morning Herald*, January 22 2005, <<http://www.smh.com.au/news/National/Map-from-above-shows-Australia-is-a-very-flat-place/2005/01/21/1106110947946.html>>, accessed on April 1 2011.

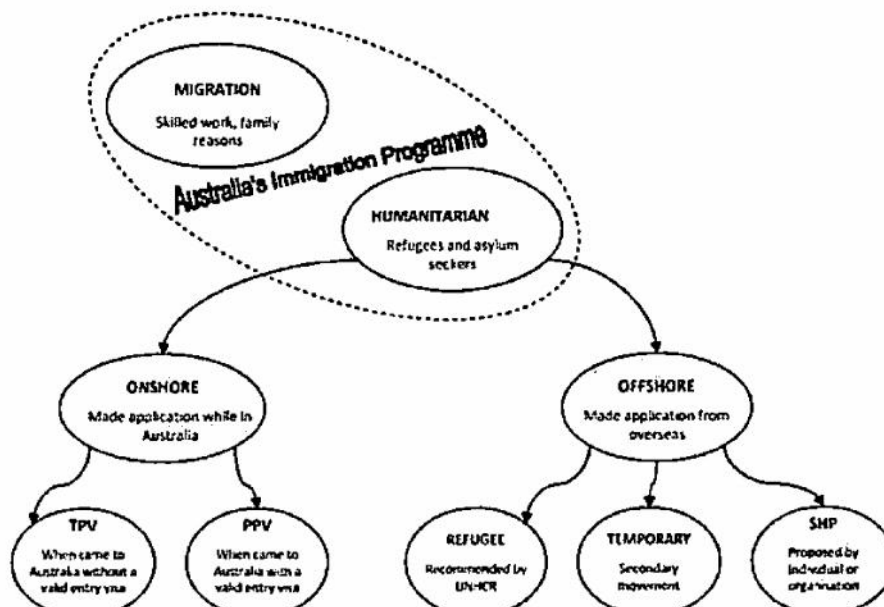
⁷ H. Turton and C. Hamilton, *Population Growth and Greenhouse Gas Emissions: Sources, trends and projections in Australia*, The Australia Institute, Canberra, 1999, p.16

Next, in security and economic side, the immigrant arrival in Australia becomes a problem for Australia. The increasing number of immigrant come to Australia is perceived as threat for Australian security and Australian economic. In security side, the immigrant arrival is worried will threaten Australia sovereignty. While, in economic, the immigrant will influence the number of unemployment in Australia that later will affect the Australian economic growth.

C. Australia Immigration Program Recent Time

Recently, the Australian government has divided the program assisting people migrate to Australia into two programs that are Migration Program and Humanitarian Program. It can be seen from the figure below:

Figure 2.4
Australia's Immigration Program



Source: Oxfam⁸

The Migration Program covers all people intent to migrate to Australia. There are three streams for Migration Program, they are⁹:

a. Skill Stream

Skill Stream's of Migration Program is designed to the migrants who have particular skills or abilities that will give contribution in economic side. The migrants also should pass several tests and be nominated by particular Australia employers.

b. Family Stream

Family Stream is designed to the migrants who have family relationship with their sponsor in Australia. There are four categories of Family Stream¹⁰:

i. Partner

It is including for the spouse or de facto partner of the Australian sponsor and for a fiancé who plans to marry their Australian sponsor (prospective marriage).

ii. Child

⁸ Oxfam, 'Refugee Realities Education Kit Later Adolescence: Topic 9', *Oxfam website*, <<http://www.oxfam.org.au/refugee/public/resources/education/docs/ACT/ACT-EdKit-LA-T9.pdf>>, accessed on June 2 2011.

⁹ Department of Immigration and Citizenship, 'Fact Sheet 1: Immigration The Background Part One', *Department of Immigration and Citizenship website*, <<http://www.immi.gov.au/media/fact-sheets/01backgd.htm>>, accessed on April 2 2011.

¹⁰ Department of Immigration and Citizenship, 'Fact Sheet 29: Overview of Family Stream Migration', *Department of Immigration and Citizenship website*, <<http://www.immi.gov.au/media/fact->

It is including for the dependent child of the Australian sponsor, a child adopted overseas by the Australian sponsor and for a child under 18 years at that time of application that cannot be cared by either parent (orphan relative).

iii. Parents

There are two type visas for parents. There are visas for the parent category and the contributory parent category.

iv. Other Family

There are three types of visas for other family. First is carer, for a person willing and able to give substantial, continuing assistance to an Australian relative or member of their family who has a medical condition that impairs their ability to attend to the practical aspects of daily life. Second is aged dependent relative for a single, widowed, divorced or formally separated person who is dependent on an Australian relative. And the third is remaining relative for a person who has no near relatives outside Australia and is the brother, sister, child or step equivalent of an Australian citizen, Australian permanent resident or eligible New Zealand citizen.

c. Special Eligibility Stream

Special Eligibility Stream covers former residents who had not acquired Australian citizenship and want to return to Australia as permanent residents

Next, the Humanitarian Programs offers help to refugees and to displaced person who have suffered of human right violation. The Humanitarian Program has played two important functions¹¹. First it fulfils Australia's international obligation that has responsibilities to protect these refugees and resolve refugee situations. This is also known as the onshore protection. The onshore protection is the guarantee of protection visas to non-citizens who claim their refugee status after they land on Australia. Most of these applicants arrive on valid visa on short-term visas, and then they seek to change their status to permanent residence by claiming their self as refugee. And some other of them enters Australia without valid visa and seeks protection as refugee¹². The onshore protection components are¹³:

- a. determines whether the claims of people already in Australia satisfy the refugee definition under the 1951 Convention Relating to the Status of Refugees or are due protection under other international treaties and grants protection visas to those who qualify
- b. considers through Refugee Status Assessment (RSA) arrangements the claims of people who arrive at an excised offshore place and are unable to lodge a visa application unless the minister allows

¹¹ Department of Immigration and Citizenship, 'Fact Sheet 60: Australia's Refugees and Humanitarian Program', Department of Immigration and Citizenship website, < <http://www.immi.gov.au/media/fact-sheets/60refugee.htm>>, accessed on April 2 2011.

¹² Mary Crock, p.16

¹³ Department of Immigration and Citizenship, Population Flows: Immigration Aspects 2008-09 Edition. Commonwealth of Australia. 2008. p. 80

- c. considers the unique and exceptional circumstances of requests for ministerial intervention under s. 417 of the Migration Act to remain in Australia by failed asylum seekers whose visa application refusal has been upheld by the Refugee Review Tribunal

Then the Humanitarian Program also shows Australia's commitment to refugee protection by going beyond these obligations and offering resettlement to people overseas for whom this is the most appropriate option. It is known as offshore resettlement. The offshore resettlement grants the visas to two groups of people that are the Refugee and people under the Special Humanitarian Program (SHP)¹⁴. The group of refugee is for people who are subject to persecution in their home country, who are typically outside their home country, and are in need of resettlement. Their status as refugee is identified by UNHCR or other designated relief agency. While the group of SHP is for people outside their home country who are subject to substantial discrimination amounting to gross violation of human rights in their home country, and immediate family of persons who have been granted protection in Australia and they should be sponsored by Australian citizen, permanent residence or by an organization that is based in Australia¹⁵.

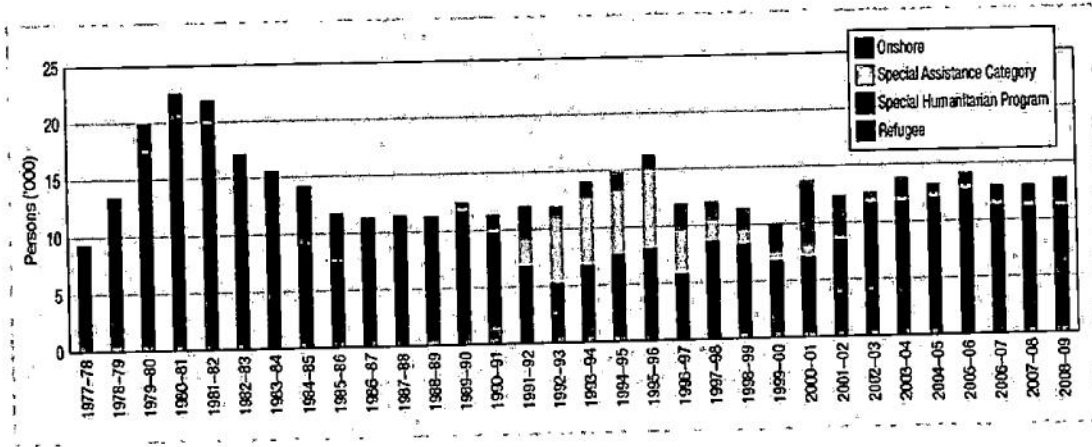
There are some steps should be run by people under humanitarian program. They will be helped by the government if their claimed as refugee is accepted. The

determining process started with the making of a claim by way of an Application for a Protection Visa. This application is lodged at any office of the Department of Immigration and Citizenship (DIAC). Then DIAC screens applicants for eligibility in relation to whether applicants have made prior Applications for Protection Visas. In order to be granted a protection visa, applicants must not only meet the definition of a refugee but also undergo medical examinations and satisfy Public Interest Criteria 4001, 4002 and 4003. When an Application for a Protection Visa is received by DIAC and screened for eligibility, a delegate of the Minister of Immigration and Citizenship conducts a merits assessment of the claim. The delegate is an officer of DIAC who has been delegated authority by the Minister to make certain decisions. The delegate may make a decision based on the documents. The delegate usually invites the applicant to attend an interview in more complex cases. Once a decision is made, the delegate must provide the applicant with a written decision and reasons for the decision¹⁶.

Australia has a long history of helping refugees and others in humanitarian need. Since 1945, more than 735 000 people from around 100 countries have started new lives here under the Humanitarian Program. It can be seen from the figure below:

¹⁶ Anonymous, 'Australia's Asylum System', 2009, <<http://www.cdp-hrc.uottawa.ca/projects/refugee-forum/projects/systems/documents/AustraliaAsylumSystem.pdf>> accessed on June 2 2011

Figure 2.5
 Humanitarian Program Visa Outcomes
 (1977-1978 to 2008-2009)



Source: Department of Immigration and Citizenship