



For in every one of our brothers and sisters, especially the least, the most vulnerable, the defenceless and those in need, God's image is found.

Gaudete et Exsultate 61

FRATELLI TUTTI

Pope Francis provides special consideration for refugees and migrants in *Fratelli tutti*, particularly addressing conceptions of them as “other” or strangers in a foreign land. In creating a foundation for this, Pope Francis dedicates the encyclical’s second chapter (“A Stranger on the Road”) to discussing the parable of the Good Samaritan, where he speaks of “neighbours without borders.” With this well-known parable, Pope Francis describes how Jesus Christ “challenges us to put aside all differences and, in the face of suffering, to draw near to others with no questions asked. I should no longer say that I have neighbours to help, but that I must myself be a neighbour to others.”

Pope Francis also warns against “instances of a myopic, extremist, resentful and aggressive nationalism” which is emergent in many parts of the world. Such sentiments tend to breed xenophobia and contempt for those who are different, for those on the margins, and for refugees and migrants. To counter these trends, he writes, it is critical that catechesis and preaching speak “about the social meaning of existence, the fraternal dimension of spirituality, our conviction of the inalienable dignity of each person, and our reasons for loving and accepting all our brothers and sisters.”

WHO IS A REFUGEE?

The terms ‘refugee’, ‘asylum seeker’ and ‘migrant’ are often used interchangeably, particularly in the media. However, there are important distinctions between their definitions.

A ‘refugee’ is someone who has a well-founded fear of being persecuted for reasons of their race, religion,

nationality, political opinion or membership of a particular social group, and who cannot return home because this would expose them to a risk of persecution. Countries have obligations under international law to protect refugees, as well as people who are fleeing other serious human rights violations, such as torture or cruel, inhuman or degrading treatment or punishment.

WHO IS A PERSON SEEKING ASYLUM?

A person seeking asylum is someone who is seeking protection as a refugee and is still waiting to have their claim assessed. Every person who has been recognised as a refugee, has at some point sought asylum.

WHO IS A MIGRANT

A migrant is someone who chooses to move to another country, usually for work, education or family reasons. Countries have the discretion whether or not to admit a person as a migrant.

Although the differences between these terms are important, the distinction may not be clear cut in every case.

WHO ARE ILLEGAL IMMIGRANTS?

The term ‘illegal immigrants’ is usually used in a negative way by people who wish to denigrate others. It is very often used incorrectly. The term refers to unlawful non-citizens, who are residing in a country without permission. In Australia, most people who fall under this category have entered the country legally but then overstayed their visas. Most are from ‘western’ countries.

People who seek asylum are NOT illegal immigrants. Nor are they breaking any laws. Although Australian law currently classifies people who come to Australia by boat seeking

Australia’s protection as ‘unlawful non-citizens’. It is not a crime to seek asylum from persecution or other serious human rights abuses, regardless of how you arrive. Under the Refugee Convention and the Universal Declaration of Human Rights, entering a country without a visa must not be treated as illegal if a person is seeking asylum.

Australia’s asylum seeker policies are regularly in breach of the Refugee Convention, to which we are a signatory. For example, successive Australian governments have chosen to punish people because they arrived by boats.

AUSTRALIA’S OFFSHORE PROCESSING POLICY

Since 2012, successive governments have held that no one arriving by boat without a valid visa will be settled in Australia, regardless of whether he or she is owed protection under the Refugee Convention and regardless of any family or other ties in Australia. People seeking asylum who arrive by boat are subject to ‘offshore processing’ in the Pacific nations of Nauru (for women, children and families) and Papua New Guinea’s Manus Island (men unaccompanied by family). Australia has sent more than 4,000 people to Manus and Nauru. These remote ‘offshore’ centres have been repeatedly condemned by United Nations bodies as ‘inhumane’ circumstances creating ‘serious physical and mental pain and suffering’ for asylum seekers.



OFFSHORE PROCESSING AND INTERNATIONAL LAW

Offshore processing breaches international human rights standards. Subjecting people to harsh conditions and prolonged uncertainty amounts to cruel and degrading treatment, in violation of the Convention Against Torture, according to UN experts. Other concerns include breaches of the right to family unity and of specific rights standards for children. The UN Special Rapporteur on the Human Rights of Migrants said, ‘Regarding human rights issues, [Australia’s offshore processing] system cannot be salvaged.’



ENCOURAGING HOSPITABLE HEARTS

Throughout the world preoccupied with coronavirus and the difficulties of overcoming it, people are tempted to be focused on their own lives, their own families, and their own nations. They may see people who are outside their own group or their own country sometimes as threats to their health to be expelled and excluded, sometimes as a burden, and always as people to whom they have no responsibility.

We see this in the way wealthy societies hoard vaccine and refuse to make it available to people in poor nations, the way in which passing boats leave refugees fleeing in sinking boats, the way in which governments lock their doors

against immigrants and visitors and even their own citizens caught outside the nation. It is seen also in the treatment of refugees and overseas students already living in the nation.

It is reflected, too, in the general lack of sympathy for refugees both in developed nations and seeking to go there.

This is a global phenomenon that threatens to erode compassion for all people who suffer from disadvantage or are different. The lack of sympathy for refugees is reflected in Australia in the separation of family members within Australia, the way in which security is appealed to in order to make detention centres inhumane, the sudden decisions to process people who have sought protection for seven years or more, with a finishing date that will prevent many from seeking legal advice essential for their cause, and in the cruel detention of people in hotels which offer the sights and sound of freedom while depriving people of its reality.

In the present climate it would be wishful thinking that things will change soon. In public debates governments will win more votes than they lose through the brutal treatment of refugees. If we care for refugees, then, we must be in for the long haul, encouraging one another ‘officially to keep alive’, to take the opportunity to meet refugees, to speak on their behalf to our friends and institutions, to keep writing to government ministers and our members of parliament in support of people in detention and in the community, and to ask more of our government.

When the national mood changes from suspicion of outsiders to a more hospitable outlook, we must be ready to encourage it. Hospitality to refugees must begin in hospitable hearts which ultimately will outlive the walls that fear and prejudice erect against it.

Fr Andrew Hamilton, *Eureka Street* June 2021