

It is NOT ILLEGAL to seek asylum

- Asylum seekers who enter Australia without a valid visa by boat or plane are not illegal. They are permitted to enter without prior authorisation because this right is protected by [Article 31 of the 1951 Refugee Convention](#) which recognises they have good cause for entering without a visa.
- No offence under Australian law criminalises the act of arriving in Australia without a valid visa for the purposes of seeking asylum.
- Asylum seekers who arrive without a visa are detained for identity, security and health checks and to prevent absconding while their legal status is resolved, rather than as a punishment for breaking the law. However, the conditions endured by asylum seekers during long-term detention have been proven to cause a great deal of physical and mental anguish which is tantamount to punishment. This is unjustifiable, especially since it is unnecessary and counterproductive and there are viable cheaper arrangements available.
- The allegation that boat arrivals are not genuine in their appeals for protection from persecution is **untrue**. In any one year since the late 1990s, between 70 and 97 per cent of asylum seekers arriving by boat have been found to be refugees and granted protection. The average in recent years is closer to [90 per cent](#).
- It has been long-standing Australian government policy to prevent any person from travelling to Australia in order to lodge a claim for refugee status. This is true whether they attempt to enter authorised or unauthorised, by boat or by plane. By shutting down legal pathways of entry, Australia drives asylum seekers into the hands of people smugglers.
- [Refugees](#) are, by definition, persons fleeing persecution and in most cases are being persecuted by their own government. It is often too dangerous for refugees to apply for a passport or exit visa or approach an Australian Embassy for a visa, as such actions could put their lives, and the lives of their families, at risk. Refugees may also be forced to flee with little notice due to rapidly deteriorating situations and do not have time to apply for travel documents or arrange travel through authorised channels.
- No boat arrivals who are subject to rigorous security checks, have ever been found to be a threat to national security.
- Check out our [comprehensive myth buster](#) for the latest facts and figures on asylum seekers.