



Refugee Council of Australia

Media use of 'illegal' for asylum seekers and refugees: Guide to making complaints

The media and politicians often use the term 'illegal' to refer to asylum seekers and refugees. This term is incorrect and only cheapens the debate around refugee and migration issues. Find out what you can do to stop the rampant use of the term.

Why is it wrong?

- The 1948 Universal Declaration of Human Rights states: "Everyone has the right to seek and to enjoy in other countries asylum from persecution."
- The UN Convention relating to the Status of Refugees (1951) stipulates that even if unauthorised entry is illegal according to domestic law (which in Australia it's not) authorities should not discriminate against and have an obligation to process people that are seeking asylum.
- It is not illegal under any Australian domestic law, including the Migration Act 1958 which recognises entry without a visa for the purpose of seeking asylum. There simply is no such crime.
- The Immigration Minister Senator Chris Evans last year acknowledged this by ordering that the term 'unauthorised arrivals' and 'suspected illegal entry vessels' be replaced with 'irregular maritime arrivals' in all official government documents. The Immigration Department said the new term was less punitive.
- To use the term illegal when referring to asylum seekers or refugees, is to accuse them of a crime they have not committed, and indeed does not exist. This is a clear breach of journalistic ethics.

Press Council rules

The Australian Press Council has a guideline and has made two rulings regarding the term 'illegal' for refugees and asylum seekers:

1. [Guideline No. 262 \(2004\)](#) states: *The Australian Press Council has received complaints about the terminology that is applied, and ought to be applied, to those arriving in Australia who do not have normal immigrant credentials. Technically in Commonwealth immigration legislation they are referred to as 'unlawful non-citizens'. However, they are often referred to as 'illegal immigrants', or even 'illegals'. The problem with the use of terms such as 'illegal refugee' and 'illegal asylum seeker' is that they are often inaccurate and may be derogatory. The Council cautions the press to be careful in the use of such unqualified terms in reports and headlines".*
2. [Adjudication No. 1430 \(31 July 2009\)](#) states: *The Australian Press Council has upheld a complaint brought by an advocacy group, A Just Australia, against The Australian about some of the language used in four articles and an editorial on boat arrivals published in April 2009*
3. [Adjudication No. 1242 \(June 2004\)](#) states: *The Australian Press Council has upheld a complaint brought by Mira Wroblewski and others against The Sydney Morning Herald concerning the terminology used in a headline to describe people without the requisite migration documents or authority, who arrive seeking asylum in Australia.*

So under Australian and international law and professional media industry guidelines the term 'illegal' should not be applied to refugees or asylum seekers

How to make a complaint

- Write a letter or send an email to the editor or other representative of the publication concerned.
- If an email address is not given in the newspaper, try calling the organisation's front desk.
- In your letter, include the date and heading of the article, as well as the page number if you have it. Include the quote of which you are complaining that breaches the Australian Press Council guidelines
- Ask that the editor make staff aware of the Press Council rulings and incorporate findings into internal style guides etc.
- If you do not receive an adequate response, you can make a complaint to the Press Council – complaints must be lodged within 60 days of publication, so if you have not heard from the newspaper within 2 weeks, try again. If not response, then put in your complaint with the Press Council.
- An explanation from the Press Council of what happens once you have lodged the complaint can be [found here](#).

Sample letter:

Dear Editor,

I write to draw your attention to the use of the term 'illegal immigrants' by *The Australian* on 24 September 2009 ("*New boatland has island at breaking point*" by Nicolas Perpitch).

Our concern is with the third paragraph of the article: "The latest arrival follows the discovery on Saturday by Australian authorities of a boatload of 54 **illegal immigrants** found adrift in international waters without food or water and on an uncrewed vessel".

Arriving by boat to Australia for the purpose of seeking asylum is not illegal under Australian law, and is a right protected by international law. To use the term illegal is to accuse asylum seekers of a crime that does not exist. This is a breach of journalistic ethics.

Please note the Australian Press Council guidelines no 262 about this term:

The Australian Press Council has received complaints about the terminology that is applied, and ought to be applied, to those arriving in Australia who do not have normal immigrant credentials. Technically in Commonwealth immigration legislation they are referred to as "unlawful non-citizens". However, they are often referred to as "illegal immigrants", or even "illegals".

The problem with the use of terms such as "illegal refugee" and "illegal asylum seeker" is that they are often inaccurate and may be derogatory. The Council cautions the press to be careful in the use of such unqualified terms in reports and headlines.

In addition, there have been two adjudications made by the Press Council which upheld complaints made on this issue: [Adjudication No. 1430 \(31 July 2009\)](#) and [Adjudication No. 1242 \(June 2004\)](#)

I request that you advise journalists and sub-editors at *The Australian*, particularly the journalist in question, against the incorrect use of the term 'illegals' by distributing the press council guidelines. Please let me know of any action you take regarding this particular article and to ensure that these terms are not used in any future publications.

Yours sincerely,

Contact details of major newspapers:

We have included full contact details for each paper so you can cut and paste into your letters.

Adelaide Advertiser

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Adelaide SA 5001
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The Age

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The Australian

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Daily Telegraph

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