

Fact Sheet 1 **Definitions of Migrants, Refugees and Asylum Seekers**

Migrant

A person who has undergone migration from one country to another. This may be short term but usually implies long term migration. Migration can be forced migration causing an individual to become a “displaced person” or they may have migrated for choice.

For the purposes of this training and within Australia, migrants are considered to be people that have moved to Australia by choice often for work or study purposes.

Refugee

“any person who...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his (her) nationality and is unable or, owing to such fear, is unwilling to avail himself (or herself) of the protection of that country...”

The United Nations definition of a Refugee given in the 1951 convention and 1967 Protocol

A person becomes a refugee under international law once she or he crosses an international border and is assessed as meeting the definition of a refugee, either by a national government or an international agency such as the United Nations High Commissioner for Refugees (UNHCR) www.unhcr.org/

In popular use, the term refugee is often interpreted more broadly than its legal definition to include all people who flee their homes seeking refuge from harm. There are many circumstances which could force someone to flee to safety, including war or civil strife, domestic violence, poverty and natural or human-made disasters. However, the Refugee Convention only recognises people as refugees if they are displaced from their home country because of persecution on the basis of their race, religion, nationality, membership of a particular social group or political opinion.

Two important points to note about this definition are:

- a person has to be outside their country of nationality or usual residence when making a refugee application; and
- the fear of persecution has to be well founded - that is, the person fleeing must have experienced the persecution or be likely to experience it if he or she returns.

Asylum Seeker

...people who apply to the government of a country for recognition as a refugee and for permission to stay because they claim to fear persecution in their own country on the grounds of race, religion, political beliefs or nationality, or because they belong to a particular social group. Until the government has considered their application against the definition contained in the UN Convention, they will not be recognised as refugees.

The majority of asylum seekers arrive in Australia with permission to enter (i.e. they have a passport and a valid temporary visa).

If they lodge their application for refugee status within 45 days of arriving in the country, they are given a bridging visa with permission to work (attached to which are Medicare entitlements). They are not eligible for any Centrelink payments nor most federally funded support services.

If the application is made after 45 days, the asylum seeker is given a different type of bridging visa that has no work entitlements (and thus no Medicare coverage). They too are not eligible for Centrelink support.

Because they are ineligible for most support services, asylum seekers are typically supported by family and community members. Limited support is available through agencies.

Bridging visas allow an asylum seeker to remain legally in the community until 28 days after a final decision is made on their claim.

If asylum seekers arrive without authorisation or their visa is cancelled at the point of entry, the law requires that they be detained for the duration of the refugee status determination process.

There are 3 immigration detention centres on the Australian mainland.

There is also a residential housing project at Port Augusta, South Australia. Here, women and children live in family style accommodation while remaining in detention facilities.

In addition, there are immigration and reception and processing centres on Christmas Island which is south of the Indonesian island of Java, and in Baxter in South Australia. These centres are primarily for people who arrive unauthorised by boat.

Australia is the only western country to have a policy of mandatory, non-reviewable detention.

Internally Displaced person

An internally displaced person (IDP) may have been forced to flee their home for the same reasons as a refugee, but has not crossed an internationally recognised border. Many IDPs are in refugee-like situations and face the same problems as refugees, within their own country.

Unaccompanied Minor

UNHCR and UNICEF define unaccompanied minors as those children and young people under the age of 18 years who have been separated from both parents and who are not being cared for by an adult who, by law or custom, is responsible for doing so.

Sources of Further information

Refugee Council

<http://www.refugeecouncil.org.au/resources/advocacykit.html#asorref>

Information on the Convention and Protocol

<http://www.unhcr.org/protect/3c0762ea4.html>

See also the Q & A booklet available at

<http://www.unhcr.org/basics/BASICS/3c0f495f4.pdf>