

1. BACKGROUND INFORMATION ON REFUGEES

Who are Refugees?

Until 1951 there was no commonly accepted term for people fleeing persecution. People who fled their country were known as stateless people, migrants or refugees. Different countries treated these people in different ways. Following the mass migrations caused by the Second World War (particularly in Europe) it was decided that there needed to be a common understanding of which people needed protection and how they should be protected.



Children play in Ifo camp, Kenya, as the sun goes down. © UNHCR/E. Hockstein.

The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (commonly known as the Refugee Convention), to which Australia is a signatory, defines a refugee as:

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/herself of the protection of that country.

Refugees often have little idea about where they are going. They are running away, not running to.

Those who come to Australia often have scant understanding about our country and the nature of society here.

They have had no opportunity to prepare themselves physically or psychologically for their new life in Australia.

Rarely do refugees have the chance to make plans for their departure: to pack their belongings, to say farewell to their friends and families. Some refugees have to flee with no notice, taking with them only the clothes on their backs. Others, like the family that pretends to be going on a weekend break, have to keep their plans secret from all around them in case they are discovered.

The important parts of this definition are:

- The person has to be outside their country of origin
- The reason for their flight has to be a fear of persecution
- This fear of persecution has to be well founded (i.e. they must have experienced it or be likely to experience it if they return)
- The persecution has to result from one or more of the five grounds listed in the definition
- They have to be unwilling or unable to seek the protection of their country

The United Nations body responsible for protecting refugees and overseeing adherence to this Refugee Convention is United Nations High Commissioner for Refugees (UNHCR).

The Refugee Convention definition is used by the Australian Government to determine whether our country has protection obligations towards asylum seekers. If an asylum seeker is found to be a refugee, Australia is obliged under international law to offer protection and to ensure that the person is not sent back unwillingly to their country of origin.

Rights of Refugees



A young Somali refugee waits with her ration card to receive food at the Hagadera refugee camp in Dadaab, Kenya. © UNHCR/E. Hockstein.

Refugees have certain rights as set out in the 1951 Refugee Convention, which all signatory countries must respect.

The most important of these is protection from being sent back to their country of origin against their will (known as *refoulement* under international law), but there is also a guidance about civil rights and access to employment, education and the legal system.

Refugee status is recognised internationally and a refugee is usually able to travel freely, even if they do not have a passport from their country of origin.

Refugees are able to apply for nationality of their country of residence (or another) after meeting residence requirements. In Australia, if you hold have a permanent protection visa, you can apply for Australian citizenship after two years of permanent residence.

The term refugee is still widely used to refer to anyone who is claiming safety or has migrated for reasons of natural disaster (eg. food, earthquake, drought, famine), to escape poverty or to improve their standard of living. These people are not refugees under international law and should not be referred to as refugees.

What is the difference between an asylum seeker, a refugee and a migrant?

The terms refugee, asylum seeker and migrant are often used together and interchangeably (particularly by the media).

An asylum seeker is a person who is seeking protection as a refugee and is still waiting to have his/her claim assessed.

Every refugee has at some point been an asylum seeker.

A migrant is someone who chooses to leave their country to seek a better life. They choose where they migrate to and they can return whenever they like.

Refugees are forced to leave their country and cannot return unless the situation that forced them to leave improves. Some are forced to flee with no warning; significant numbers of them have suffered torture and trauma. The concerns of refugees are human rights and safety, not economic advantage.



Refugees unable to access water pumps collect dirty water from a local lake in Dadaab, Kenya. © UNHCR/E. Hockstein.



A Somali man builds a makeshift shelter in the new section of Ifo camp, Kenya, to make more space for his family and escape from the heat inside the tents during the daytime hours. © UNHCR/E. Hockstein.

Who are illegal immigrants?

There is no such thing as an illegal person.

Someone may have an undocumented status or be awaiting legal status in relation to a country, but this does not make them illegal. In fact, the largest group of people found to be having illegal status are people who come to Australia legally to work and then overstay their visa.

Asylum seekers are not illegal. They have the right to apply for asylum as set out in Article 14 of the Universal Declaration of Human Rights:

“Everyone has the right to seek and to enjoy in other countries asylum from persecution.”

Refugee Statistics

The latest refugee statistics have been published by UNHCR in their report, ‘2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons.’ This document can be viewed on UNHCR’s website at <http://www.unhcr.org/pages/49c3646c4d6.html>

The information on the following page is taken from this report. It is worth noting that the term ‘refugee’ is very specific and applies to only a fraction of the number of people who are forced to flee their homes because of violence. For instance, in 2008 UNHCR reported that there were 26 million people affected by conflict-induced internal displacement. These people are not counted as refugees because they remain within their own country. For more information about internally displaced people and other ‘people of concern’ see <http://www.unhcr.org/pages/49c3646c146.html>

For more information and statistics on Asylum Levels and Trends see <http://www.unhcr.org/4ba7341a9.html>



Statistics at a Glance

The following statistics and statements are reflective of the period January 1 2008 – December 31st 2008.

- There were 42 million forcibly displaced people worldwide at the end of 2008. This figure includes 15.2 million refugees, 827 000 asylum seekers and 26 million internally displaced persons.
- Of the global total of uprooted people, UNHCR cares for 25 million, including a record 14.4 million IDPs – up from 13.7 million in 2007 – and 10.5 million refugees. The other 4.7 million refugees are Palestinians under the UN Relief and Works Agency.
- In 2008, the refugee population under UNHCR's mandate dropped for the first time since 2006. The reason for this is twofold. Firstly, a number of refugees found durable solutions throughout the year (that is, they either returned to country of origin or were integrated into country of asylum.) Secondly, it was noted that estimates for the Colombian and Iraqi refugee populations in Ecuador and the Syrian Arab Republic were revised downwards.
- However, even though the overall total of 42 million uprooted people at year's end represents a drop of about 700,000 over the previous year, new displacement in 2009 – not reflected in the annual report – has already more than offset the decline. The rise of new displacements can be seen in Pakistan, Somalia and Sri Lanka.
- Between 75 and 91 per cent of refugees remain within their region of origin. That is, they are hosted by neighbouring countries. UNHCR notes that only 16% of refugees (1.7 out of 10.5 million) live outside their region of origin.
- The five major refugee hosting countries in 2008 were the same as those in 2007.
- Developing countries are host to four fifths of the world's refugees. UNHCR estimates that half of the world's refugees reside in urban areas and one third in camps. However seven out of the ten refugees in sub-Saharan Africa reside in camps.
- Pakistan is host to the largest number of refugees worldwide (1.8 million), followed by the Syrian Arab Republic (1.1 million) and the Islamic Republic of Iran (980, 000).
- One out of four refugees in the world is from Afghanistan and Afghans are located in 69 different asylum countries.
- Women and girls make up 47% refugees and asylum seekers.
- Forty-four per cent of refugees and asylum seekers are children below 18 years of age.
- Returning Home?* Globally, an estimated 11 million refugees have returned home over the past 10 years; 7.5 million, or 68 per cent, of them with UNHCR assistance. The main countries of return in 2008 included Afghanistan (278,500), Burundi (95,400), Sudan (90,100), the Democratic Republic of the Congo (54,000), Iraq (25,600), and Angola (13,100). The largest number of refugee departures was reported by Pakistan (274,200), the United Republic of Tanzania (110,800), and Uganda (66,800).
- In 2008 South Africa was the main destination for new asylum seekers worldwide, making the country one of the largest recipients of asylum seekers in the world. There were more than 207,000 claims registered in 2008. This was four times the amount in 2007, when 45, 600 individuals sought international protection. Zimbabweans accounted for more than half of all claims submitted in 2008.

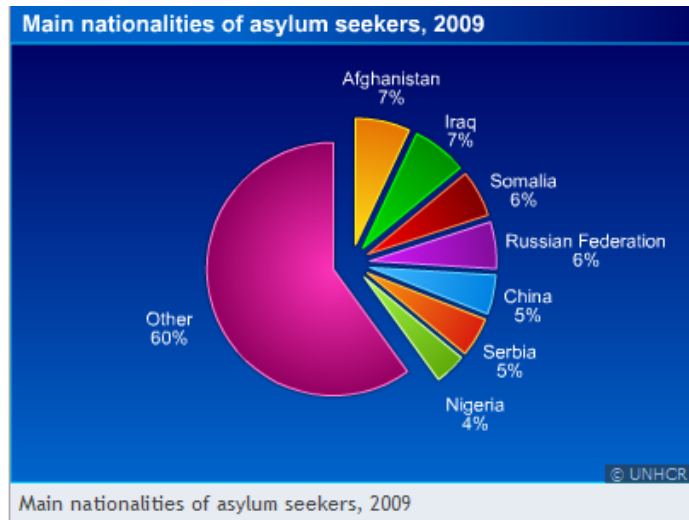
Information taken from "2008 Global Trends: Refugees Asylum Seekers, Returnees, Internally Displaced and Stateless Persons", UNHCR, June 2009

Refugees Around the World

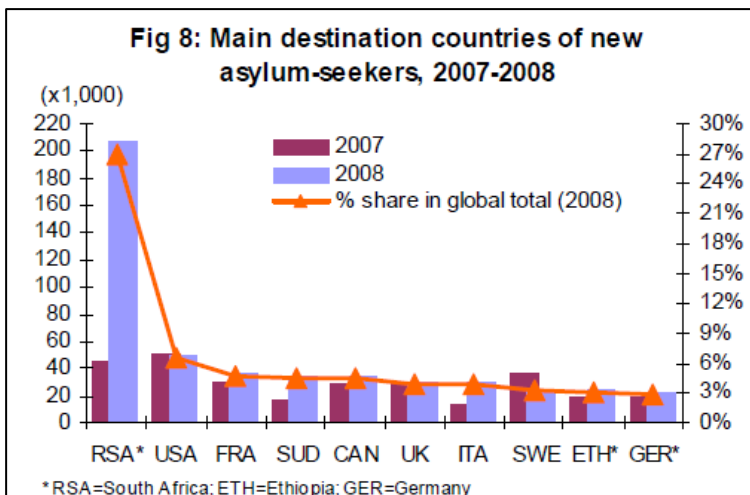
The largest groups of refugees identified by UNHCR around the world at the end of 2009 were from the following countries:

Afghanistan	26,803
Iraq	24,341
Somalia	22,558
Russian Federation	20,361
China	20,100
Serbia	18,597
Nigeria	13,310
Iran	11,479
Pakistan	11,184
Georgia	10,994

Figures drawn from "Asylum Levels in Industrialized Countries 2009," UNHCR, March 2010



Asylum Applications in Industrialised Countries 2009:

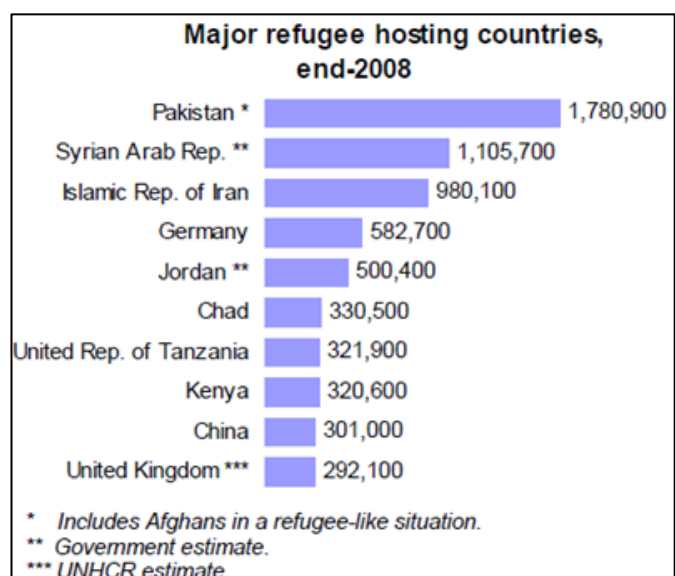


United States	49,020
France	41,980
Canada	33,250
United Kingdom	29,840
Germany	27,650
Sweden	24,190
Italy	17,600
Norway	17,230
Belgium	17,190
Greece	15,930
Australia	6,170

Figures drawn from "Asylum Levels in Industrialized Countries 2009," UNHCR, March 2010

"2008 Global Trends: Refugees Asylum Seekers, Returnees, Internally Displaced and Stateless Persons", UNHCR, June 2009

"The notion that there is a flood of asylum seekers into richer countries is a myth....Despite what some populists claim, our data shows that the numbers have remained stable."
(UN High Commissioner for Refugees Antonio Guterres, UNHCR, March 2010)



"2008 Global Trends: Refugees Asylum Seekers, Returnees, Internally Displaced and Stateless Persons", UNHCR, June 2009

Refugees in Australia

“Australia has a long history of successfully resettling refugees and humanitarian entrants and is recognised as a world leader in refugee resettlement. Since Federation, Australia has offered a permanent home to more than 740,000 refugees and humanitarian entrants who have enriched the nation enormously.”

“Australia’s Refugee and Humanitarian Program 2010-11: Community views on current challenges and future directions,” RCOA, February 2010

Photo: National Archives of Australia: A12111, 1/1957/5/16

Where do Australia’s refugees come from?



Over the years, Australia has assisted refugees from many parts of the world. After the Second World War, most came from countries such as Germany, Poland and the Ukraine. In the 1950s we saw refugees coming from Hungary and in the 1960s many came from Czechoslovakia. In the 1970s refugees started coming from Indochina (Vietnam) and Latin America (Chile and El Salvador), and these groups continued to come well into the 1980s. The 1990s were dominated by the Balkan War, with large numbers coming from Bosnia and Croatia. There were also

Many refugees are not safe in bordering countries, and they must look further afield for protection. Sometimes they will need to take complex and dangerous routes in order to reach a country where they believe they will be safe and can start a new life.

significant numbers of refugees arriving from the Middle East and South Asia during this decade. Many of these people were ethnic and religious minorities or opponents of the Taliban regime in Afghanistan or Saddam Hussein’s regime in Iraq. In the 2000s the majority of entrants coming in under the Refugee and Special Humanitarian Program have come from Africa, in particular Sudan. Refugees have also continued coming from the Middle East and South Asia. The following table provides some insight into the countries of origin of people seeking asylum in Australia in 2009.

Countries of origin of people seeking asylum in Australia, 2009

China	1,186
Afghanistan	940
Sri Lanka	553
Zimbabwe	344
Iran	303
Iraq	288
Pakistan	256
Fiji	253
Malaysia	230
India	213

Figures drawn from “Asylum Levels in Industrialized Countries 2009,” UNHCR, March 2010



Newly arrived Somali refugees in Ifo camp, Dadaab, Kenya. © UNHCR/E. Hockstein.

In 2009, Australia received 6170 asylum applications, just 1.6% of the 377,160 applications received across 44 industrialised nations.

Afghanistan was the single largest source country of people making asylum applications in industrialised countries. The 940 applications lodged in Australia by Afghans made up only 3.5% of the international total of 26, 803. Afghans were four times more likely to lodge an application in Norway than in Australia

How do Refugees come to Australia?

The Refugee Program is for people subject to persecution in their home country and in need of resettlement. Refugees arrive in Australia by two ways: either through the offshore Refugee and Special Humanitarian program or as onshore asylum seekers. The **Refugee Program** is for people subject to persecution in their home country and in need of resettlement. The United Nations High Commissioner for Refugees (UNHCR) refers most applicants under this category for resettlement. The **Special Humanitarian Program (SHP)** targets people who are outside their home country and are subject to substantial persecution and/or discrimination in their home country amounting to a gross violation of their human rights. Applications for the SHP visa (subclass 202) must be supported by a proposer who is an Australian citizen, permanent resident or a community organisation based in Australia. SHP entrants must meet health and character tests and they receive less support than Refugee Visa entrants. In 2008-09 the top five countries of origin for offshore Refugee and Special Humanitarian program entrants to Australia were Iraq, Burma/Myanmar, Afghanistan, Sudan and Bhutan.

Refugees also arrive in Australia as **onshore asylum seekers**, who seek refugee status after arriving in Australia. Most enter as visitors or students. Some arrive without authorisation. Once an asylum seeker has lodged a written application for refugee status with the Department of Immigration Citizenship (DIAC), the application is assessed by an officer of the Department to establish whether the person is eligible for the grant of a protection visa. If the decision is positive, the asylum seeker is granted a protection visa.

2008-09 offshore visa grants by top ten countries of birth

Countries	Number of visa granted
Iraq	2874
Burma/ Myanmar	2412
Afghanistan	847
Sudan	631
Bhutan	616
Ethiopia	478
Congo (DRC)	463
Somalia	456
Liberia	387
Sierra Leone	363

Source: <http://www.immi.gov.au/media/fact-sheets/60refugee.htm#>



Displaced persons in Kibati camp, North Kivu. © UNHCR/P.Taggart.



A mother and child in Parwan province wait to hear if they will benefit from the UNHCR shelter programme that helps thousands of refugees rebuild their lives after returning from Iran and Pakistan. Her family were evacuated from a Kabul public building where they had been squatting. © UNHCR/M.Maguire

In the past 60 years, Australia has offered permanent residency to around 700,000 refugees and others in need of humanitarian protection. At least 7% of Australians have been through the experience of being a refugee or have a parent or grandparent who has. Many former refugees are prominent in Australian business, government, education, the arts, sport and community life. Offering a new start for people in peril has proven to be an important nation building exercise for Australia.