

No. 11

September 2005

Refugee and CLD Young People: Definitions

1. Overview

This CMYI Information Sheet provides a glossary of definitions for terms relating to culturally and linguistically diverse (CLD) young people. This information sheet does not seek to be prescriptive, but rather provides an overview of concepts and offers some important distinctions between commonly-confused terms.

2. Definitions

Asylum seeker

Asylum seekers are people who have applied for recognition as refugees under the UN Convention (see over) but whose cases have yet to be determined. If a person is found to be a refugee, Australia is obliged under international law to offer support and ensure the person is not sent back unwillingly to their country of origin.

The majority of asylum seekers arrive in Australia with permission to enter (e.g. they arrive as a visitor or student). Some arrive without authorisation for a range of reasons (e.g. lack of access to documentation). Depending on their method of travel to Australia, asylum seekers will either live in the community with bridging visas or will be held in detention while their case for protection is being decided.

Asylum seekers have varied access to rights to work, study, Medicare and income support. Some will have no access to these entitlements.

The term "illegals" has been incorrectly used to describe those who have arrived in Australia without prior authorisation. It is legal to seek protection from persecution according to Australian and international law, regardless of the means of arrival. The *Universal Declaration of Human Rights* states, 'Everyone has the right to seek and to enjoy in other countries asylum from persecution.'

Australian-born young person

A young person from any background who was born in Australia. Can refer to CLD and non-CLD young people, including Indigenous young people. Services that cater to all young people or Australian-born young people can be referred to as "generalist services", which is preferable to terms such as "mainstream" or "Anglo".

CLD/CalD

CLD is the term used to describe people from *Culturally and Linguistically Diverse* backgrounds, a term generally replacing *Non-English Speaking Background* (NESB). CLD is used to refer to young people who were born overseas or who are Australian-born with one or both parents (or grandparents) born overseas.

Humanitarian entrant

People who have arrived in Australia under the government's Humanitarian Program. The program is divided into an onshore and offshore stream.

The *offshore stream* includes Refugee (see over) and Special Humanitarian Program (SHP) visa holders. The Special Humanitarian Program has been set up 'for people who have suffered discrimination amounting to gross violation of human rights.' SHP holders may fit the UN definition of a refugee, but are not tested against it. Under the SHP, applicants must have a proposer in Australia and are required to cover the cost of airfares. Families may be more at risk due to proposer and debt issues.

The *onshore stream* of the Humanitarian Program includes Temporary Protection/Humanitarian Visa (TPV/THV) holders (see over).

Migrant

A migrant is someone who leaves their country of origin voluntarily to seek a better life for a range of personal and economic reasons. They have made the choice to leave, had the chance to plan and prepare for migration and generally can return at any time if they wish.

Young people who have resettled with their families in Australia may have had little choice in the decision to migrate.

Setting the agenda on multicultural youth issues

Level 1, 308 Drummond Street, Carlton Victoria 3053 Australia

Tel. 03 9349 3466 Fax. 03 9349 3766 Email. info@cmyi.net.au Website. www.cmyi.net.au

NESB

A term used to describe people from *Non-English Speaking Backgrounds* born overseas or with parents/grandparents born overseas. NESB has generally been replaced by the more inclusive term *Culturally and Linguistically Diverse*.

Newly arrived young person

A young person who was born overseas and has lived in Australia for a relatively short period of time.

The Federal Government defines 'newly arrived' as someone who has been in Australia for 5 years or less from their date of arrival. Other definitions vary according to the length of time it is considered to take to effectively resettle (up to 10 years).

Refugee

The United Nations 1951 *Convention Relating to the Status of Refugees*, to which Australia is a signatory, defines refugees as people who

are outside their country of nationality or their usual country of residence; and are unable or unwilling to return or to seek the protection of that country due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion...

The UN Convention provides a restrictive definition centred on proving a well-founded fear of persecution. For example, the definition does not include people fleeing environmental disaster or economic deprivation, even where they must flee in order to avoid death.

Some things to note about refugees:

- Refugees have escaped situations that have endangered their lives and their psychological health and wellbeing. Refugees seek a new life in Australia not due to free choice, but in order to be protected.

- Refugees have to leave their country under extreme and harsh circumstances, which does not allow them the benefit that migrants have in financially and psychologically preparing for life in another country. They have often lost family, seen and experienced atrocities, spent years in refugee camps or in transition from one country to another, and ultimately suffered a high level of trauma. Refugees rarely have the chance to make plans for their departure: to pack their belongings or to say farewell to their friends and families. They often have little idea about the country in which they are resettling and the nature of the society there.

Second generation young person

A young person born in Australia who has at least one parent born overseas. Many struggle with the ambiguities of their cultural identity. Some second generation young people are born and raised in bi-cultural or inter-faith families.

TPV holder

Someone who has been granted refugee status after making an onshore application for protection in Australia. The Temporary Protection Visa (TPV) was introduced in 1999 as a deterrence measure and applies to some onshore applicants depending on their method of arrival in Australia. TPV holders have only temporary protection guaranteed, are excluded from some key settlement services, have no right to travel internationally without forfeiting their claim for protection, and are not able to re-unify with their family in Australia.

Youth

The UN defines 'youth' as someone between the ages of 15 and 24 years inclusive. In Australia, government and non-government services commonly expand the definition of youth to include 12 to 25 year olds.

The concept of youth is understood differently across cultures as it relates to life stages, roles within the family and other social expectations.