



Young People from Refugee and Migrant Backgrounds: some definitions.

PURPOSE

This information sheet is designed to provide workers with some key definitions useful when working with young people from refugee and migrant backgrounds.

Note that the terms 'refugee', 'newly arrived' and 'migrant' are useful for the community/youth sectors in capturing the particular experiences and needs of some young people, and developing appropriate responses. CMY is aware that these are often considered 'labels' by young people, who would not choose to use them in describing themselves and their experiences.

Young person/youth

The United Nations (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.

Australia-born young people

A young person from any background born in Australia. The term can refer to culturally and linguistically diverse (see below) and Indigenous young people. Services that cater to all young people or Australia-born young people are often referred to as 'generalist services', which is preferable to terms such as 'mainstream' or 'Anglo'.

Culturally and linguistically diverse (CLD/CLD)

People who were born overseas or who are Australia-born with one or both parents (or grandparents) born overseas. This term has generally replaced Non-English Speaking Background (NESB).

Multicultural

The term 'multicultural' similarly refers to people from CLD backgrounds. While in some states and territories, the term 'multicultural' includes Indigenous Australians, this is generally not the case in Victoria.

Migrant

A person 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. However, young people who have resettled with their families in Australia may have had little choice in the decision to migrate.

Newly arrived young person

Refers to a young person who was born overseas and has lived in Australia for a relatively short period of time. The Australian Government defines 'newly arrived' as someone who has arrived in Australia in the previous five years. Other definitions vary according to the length of time it is considered to take to effectively resettle (up to 10 years).

Second Generation

Refers to a person born in Australia who has at least one parent born overseas. Many second generation young people are born and raised in families that are culturally, linguistically and faith diverse.

Asylum seeker

The process of seeking asylum is neither instantaneous or a permanent state.

Asylum Seeker Resource Centre, 2009

A person who has applied for recognition as a refugee under the *1951 UN Convention Relating to the Status of Refugees* (see below) but whose case for protection has yet to be determined. The majority of asylum seekers arrive in Australia with permission to enter (e.g. they arrive on a visitor or student visa). They are not 'illegal immigrants'—the UN Refugee Convention recognises that people have a lawful right to enter a country for the purposes of seeking asylum, regardless of how they arrive or whether they hold valid travel or identity documents.¹

If the Department of Immigration and Citizenship (DIAC) determines that a person is a refugee, then the Australian government has an obligation to provide 'protection' and ensure the person is not returned unwillingly to their country of origin.

¹ Refugee Council of Australia (2010), *Myths and Facts about Refugees and Asylum Seekers*, available at <http://tinyurl.com/645ftln>, viewed 14 June 2011.





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 living in the community have varied access to rights to work, study, Medicare and income support. Some will have no access to these entitlements.

The Australian government announced in late 2010 that it was expanding community-based detention to include all unaccompanied minors and vulnerable families who have arrived as asylum seekers. This community detention expansion program is currently being rolled out around Australia.

Refugee

The 1951 UN 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...

Refugees have been forced to flee their country of origin because of war or persecution. Figures for 2011 show that there are around 15 million people who currently meet this definition and are registered with the UN High Commissioner for Refugees (UNHCR).

Australia is obliged under international law to offer support to refugees, including the same educational, employment and social security rights it offers to nationals.

The term 'refugee' in the context of providing service support is broadly understood as young people arriving in Australia under the Department of Immigration and Citizenship's Humanitarian Program (see below).

Many refugee young people come to Australia with their immediate or extended family while others come as unaccompanied minors (see below).

Humanitarian Program

The Humanitarian Program fulfills some of Australia's obligations to provide protection to refugees under international law and is divided into an onshore and offshore stream.

Offshore humanitarian program

The **offshore (resettlement)** component offers resettlement for people outside Australia who are in need of humanitarian

assistance. Young people who come to Australia under the offshore stream are recognised as refugees (see definition above) or special humanitarian entrants (see below) **before** arriving in Australia. They have often spent many years in a third country and/or refugee camps.

Special humanitarian entrant

The Special Humanitarian Program (SHP) is designed to help people who are subject to substantial discrimination amounting to gross violation of their human rights in their home country. SHP visa places are shared between people who apply while overseas and asylum seekers who meet the refugee criteria onshore.

Young people who are accepted as special humanitarian entrants through the offshore SHP must be living outside their home country and have a proposer in Australia who covers their airfares and helps them settle in. They are not technically refugees according to the UN definition; however, they may have had refugee-like experiences.

In 2010–11 the Humanitarian Program was set at 13,750 places, comprising 6,000 refugees and 7,750 places for the SHP.

Onshore Humanitarian Program

The onshore (asylum or protection) component of the humanitarian program provides permanent protection to people who are already in Australia when applying for refugee status—e.g. asylum seekers who arrive by plane or boat with or without visas. Asylum seekers must meet the refugee definition under the UN Convention to be offered onshore protection.

Unaccompanied Humanitarian Minors

Children and young people under the age of 18 years, who are refugees and arrive in Australia without their parents, are called Unaccompanied Humanitarian Minors (UHMs). In Victoria, the Department of Human Services' Refugee Minor Program (RMP) assists these young people with their settlement into life in their new community through a casework-based approach.

Some UHMs have a close relative over 21 years of age who can accept care responsibility for them. UHMs who have no close relative over the age of 21 years who is able to accept care responsibilities for them are wards of the Federal Minister for Immigration and Citizenship. In Victoria, the Minister's guardianship function is delegated to the RMP.





Young people with 'refugee-like' experiences

For some young people and their families, coming to Australia through the Humanitarian Program Stream is not possible, despite their having had refugee-like experiences (see box below). For example, in 2009-10, fewer than 10% of applications for the SHP were accepted. Many of those who arrive on other visas are sponsored to Australia - e.g. as Orphan Relatives or Remaining Relatives – through the Family Stream Migration program.

Sponsor

Sponsors are family members who are Australian citizens, permanent residents or eligible New Zealand citizens and usually 18 years of age or older. Sponsors must sign an undertaking to: be responsible for all financial obligations to the Australian Government that the person they've sponsored might incur while they are in Australia; ensure that adequate accommodation and financial assistance is available to meet the person's reasonable living needs for two years; provide information and advice to help the person settle in Australia; and advise the department in writing if the person's eligibility for the visa, or the sponsor's eligibility to continue the sponsorship change.

During this sponsorship period most new migrants will be subject to the two year Newly-Arrived Resident's Waiting Period for Centrelink benefits.²

Assurance of Support

An Assurance of Support (AoS) may be required before some visas will be granted. An AoS is a legal commitment by a person (not necessarily the sponsor) to repay to the Australian Government certain welfare payments paid to a person applying to migrate during their AoS period (usually two years). It is also a commitment to provide financial support to the person applying to migrate, so that they will not have to rely on social welfare payments. In some circumstances, an assurer will also need to provide a financial bond. A mandatory AoS applies to the some permanent visas, including Parent and Remaining Relative visas.

In other Family stream visas, a discretionary AoS may be requested where applicants are assessed as being at risk of becoming a charge on Australia's welfare system. This request is based upon consideration of the education, skills, employment history, English language capacity and age of the visa applicant and sponsor. Under normal circumstances, an AoS bond is not required for visas with a discretionary AoS.

As policy changes relatively frequently in this area please check the Department of Immigration and Citizenship's website for the most up-to-date information. See: www.immi.gov.au

² See the Centre for Multicultural Youth (2011) *The impact of visa restrictions and entitlements for young people who come to live in Australia* Centre for Multicultural Youth, Melbourne, for further detail on Centrelink and other support entitlements and restrictions.

Refugee Experiences

The refugee experience has a profound physical, emotional and developmental impact on young people (Corlett 1999). Traumatic experiences such as leaving one's homeland, and witnessing death and starvation can destroy the emotional and physical connections a young person has known and can damage fundamental values of self-worth (Victorian Foundation for Survivors of Torture 1996, p17).

It is important to remember that many young people may not wish to be defined as a "refugee", or may not be recognised as refugees, but have had profound experiences prior to arrival in Australia that have a daily impact upon their lives. Understanding their background, listening carefully to their stories and respecting their unique experiences will help them recover and settle successfully.

It is also important to remember that some young people who arrive in Australia through the Family Stream, e.g. on a Remaining Relative Visa, may also have had 'refugee-like' experiences of trauma, persecution or periods spent in refugee camps, but do not have the same service support access.

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Australian Government Department of Immigration and Citizenship www.immi.gov.au

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