

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 20 OCTOBER 2009

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(82) Program 2.1: Refugee and Humanitarian Assistance

Senator Fierravanti-Wells asked:

1. What is the definition of refugee according to the UNHCR?
2. What is the definition of refugee according to immigration law currently in force in Australia?
3. Is the definition of refugee according to immigration law currently in force in Australia considered to be broader than the UNHCR definition?
4. Does the UNHCR define the term "economic refugee"?

Answer:

1. The definition of a refugee, according to the Refugees Convention is a 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 nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country" (Article 1A of the 1951 Convention Relating to the Status of Refugees). The UNHCR has responsibility under Article 35 of the Refugees Convention for supervising the application of the provisions of the Refugees Convention.
2. Under Section 36 of the Migration Act 1958, a criterion for a Protection visa is that the applicant for the visa is a non-citizen in Australia to whom the Minister is satisfied Australia has protection obligations under the Refugees Convention as amended by the Refugees Protocol.
3. Australia's definition of a refugee is not broader than the UNHCR definition.
4. The UNHCR says that the term "economic refugee" is not correct, and that the accurate description of people who leave their country or place of residence because they want to seek a better life is '*economic migrant*'. The UNHCR defines economic migrants as migrants who 'make a *conscious* choice to leave their country of origin and can return there without a problem. If things do not work out as they had hoped or if they get homesick, it is safe for them to return home'. (*source: UNHCR website*)