

Chapter 1 : Asylum seekers and refugees guide | Australian Human Rights Commission

The asylum seeker is placed in a holding area before being transferred to a separate detention facility under Immigration and Customs Enforcement custody, while he or she awaits a hearing with U.S.

These are external links and will open in a new window Close share panel Europe migrant crisis Image copyright PA The process for claiming asylum in the UK can be a long and complex one. What happens when asylum seekers arrive in the country? Thousands of migrants, many of whom want to seek asylum, have attempted to cross the Channel from France to the UK. What is an asylum seeker? Someone who is unable to seek protection in their home country, and who is claiming to be in fear of persecution on the grounds of race, religion, nationality, membership of a particular social group or political opinion. Successful applicants will gain refugee status and will be allowed to stay in the UK for five years. If the situation in their home country has not improved after those five years, they can apply to stay permanently. How do they claim asylum? Asylum seekers are told to present themselves to authorities "when you arrive in the UK or as soon as you think it would be unsafe for you to return to your own country". If caught by police illegally in the UK, they are at first arrested on immigration offences. Immigration officers will submit an application on behalf of those seeking asylum. Asylum seekers will be asked to explain how they were persecuted in their home country and why they are afraid to go back, and to provide any evidence supporting their claims. Where do asylum seekers come from? In , the largest number of claims came from Eritrea 3, , Pakistan 2, and Syria 2, Though the Home Office accepts applications from all countries, those from nations judged to be "safe" are less likely to be approved. Where do they stay? Image copyright Google Image caption Asylum seekers have previously stayed at the Grand Burstin hotel in Folkestone, Kent Those thought to have legitimate claims for asylum are put into accommodation provided by the Home Office while their claims are considered. This can be either private housing contracted by the government or temporary accommodation like hotels. Under the Detained Fast Track system, applicants stay in detention centres, also called immigration removals centres, which are run by HM Prison Service. A person can also be detained at any point in the asylum process if officials believe that their case is straightforward. Refugee advocacy groups argue that detention can damage the mental health of those who may have suffered persecution, rape or torture in their home countries. Do they get financial help? People awaiting an asylum decision are given an allowance to live on. As well as housing assistance: Asylum seekers are not allowed to work in the UK. But if their asylum claim takes more than a year to be processed, they can apply for the right to work. How long do they wait? The government aims to process simple claims within six months, but there are cases that have lasted years, with legal challenges further delaying decisions. The Detained Fast Track system played a key role in immigration removals and meant that some applications were processed in 22 days. But the High Court deemed the system unlawful in June, saying that its speed put applicants at a "serious procedural disadvantage". How many are accepted? What if their application is refused? The government begins the process of removing the asylum seeker from the UK. Some are offered money to leave voluntarily. Depending on the nature of their claim, they may be put in a detention centre or temporary housing. Removal can be complicated by legal challenges, as many will be vulnerable and may have suffered abuse or torture. It can also be a lengthy process to get new identification documents issued by countries of origin. But many migrants say their life in France is "no good" , and they hope for better opportunities in the UK. Under EU rules, asylum seekers should claim asylum in the first safe country they come to. Electronic fingerprinting means that many who make it further into Europe will end up being sent back to Italy or Greece, where many first entered the EU.

Chapter 2 : Australia asylum: Why is it controversial? - BBC News

Between and , Australia doubled the number of removals of failed asylum seekers from to per year. The rate of removals to finally rejected asylum claims also rose from % to % during this period.

Greeks fleeing the Destruction of Psara in painting by Nikolaos Gyzis. The idea that a person who sought sanctuary in a holy place could not be harmed without inviting divine retribution was familiar to the ancient Greeks and ancient Egyptians. Similar laws were implemented throughout Europe in the Middle Ages. The related concept of political exile also has a long history: Ovid was sent to Tomis ; Voltaire was sent to England. However, it was not until the advent of romantic nationalism in late 18th-century Europe that nationalism gained sufficient prevalence for the phrase country of nationality to become practically meaningful, and for border crossing to require that people provide identification. Turkish refugees from Edirne , One million Armenians were forced to leave their homes in Anatolia in , and many either died or were murdered on their way to Syria. The term "refugee" sometime applies to people who might fit the definition outlined by the Convention, were it applied retroactively. There are many candidates. The repeated waves of pogroms that swept Eastern Europe in the 19th and early 20th centuries prompted mass Jewish emigration more than 2 million Russian Jews emigrated in the period " Beginning in the 19th century, Muslim people emigrated to Turkey from Europe. League of Nations[edit] Children preparing for evacuation from Spain during the Spanish Civil War between and The first international co-ordination of refugee affairs came with the creation by the League of Nations in of the High Commission for Refugees and the appointment of Fridtjof Nansen as its head. Nansen and the Commission were charged with assisting the approximately 1,, people who fled the Russian Revolution of and the subsequent civil war " , [11] p. It is estimated that about , Russian refugees became stateless when Lenin revoked citizenship for all Russian expatriates in Over the next several years, the mandate was expanded further to cover Assyrians and Turkish refugees. The Immigration Act of was aimed at further restricting the Southern and Eastern Europeans, especially Jews , Italians and Slavs , who had begun to enter the country in large numbers beginning in the s. Its most notable achievement was the Nansen passport , a refugee travel document , for which it was awarded the Nobel Peace Prize. The Nansen Office was plagued by problems of financing, an increase in refugee numbers, and a lack of co-operation from some member states, which led to mixed success overall. However, the Nansen Office managed to lead fourteen nations to ratify the Refugee Convention, an early, and relatively modest, attempt at a human rights charter, and in general assisted around one million refugees worldwide. Besides other measures by the Nazis which created fear and flight, Jews were stripped of German citizenship [B] by the Reich Citizenship Law of According to the Institute for Refugee Assistance, the actual count of refugees from Czechoslovakia on 1 March stood at almost , By the end of the War, Europe had more than 40 million refugees. Even two years after the end of War, some , people still lived in DP camps across Western Europe. DP Camps in Europe Intro , from: By , over , refugees were still in Europe, most of them old, infirm, crippled, or otherwise disabled. Post-World War II population transfers[edit] After the Soviet armed forces captured eastern Poland from the Germans in , the Soviets unilaterally declared a new frontier between the Soviet Union and Poland approximately at the Curzon Line , despite the protestations from the Polish government-in-exile in London and the western Allies at the Teheran Conference and the Yalta Conference of February After the German surrender on 7 May , the Allies occupied the remainder of Germany, and the Berlin declaration of 5 June confirmed the division of Allied-occupied Germany according to the Yalta Conference, which stipulated the continued existence of the German Reich as a whole, which would include its eastern territories as of 31 December Since the spring of the Poles had been forcefully expelling the remaining German population in these provinces. When the Allies met in Potsdam on 17 July at the Potsdam Conference , a chaotic refugee situation faced the occupying powers. Article XII ordered that the remaining German populations in Poland, Czechoslovakia and Hungary be transferred west in an "orderly and humane" manner. A Dutch school teacher leads a group of refugee children just disembarked from a ship at Tilbury Docks in Essex during This entailed the largest population transfer in history. In all 15 million Germans were affected, and more than two million

perished during the expulsions of the German population. Between the end of War and the erection of the Berlin Wall in , more than , refugees from East Germany traveled to West Germany for asylum from the Soviet occupation. During the same period, millions of former Russian citizens were forcefully repatriated against their will into the USSR. When the war ended in May , British and United States civilian authorities ordered their military forces in Europe to deport to the Soviet Union millions of former residents of the USSR, including many persons who had left Russia and established different citizenship decades before. The forced repatriation operations took place from to About 3 million had been forced laborers Ostarbeiters [31] in Germany and occupied territories. About 2,, Poles were expelled west of the new border see Repatriation of Poles , while about , Ukrainians were expelled to the east of the new border. A further , Ukrainians left southeast Poland more or less voluntarily between and Committee for Refugees , 10 to 15 percent of 7,5 million Azerbaijani population were refugees or displaced people. While the handover was originally planned to take place at the beginning of , it did not occur until July It was dissolved in after resettling about one million refugees. Controversially, this defined "persons of German ethnic origin" who had been expelled, or were to be expelled from their countries of birth into the postwar Germany, as individuals who would "not be the concern of the Organization. Also, because of disagreements between the Western allies and the Soviet Union, the IRO only worked in areas controlled by Western armies of occupation. Refugee studies[edit] With the occurrence of major instances of diaspora and forced migration , the study of their causes and implications has emerged as a legitimate interdisciplinary area of research, and began to rise by mid to late 20th century, after World War II. Although significant contributions had been made before, the latter half of the 20th century saw the establishment of institutions dedicated to the study of refugees, such as the Association for the Study of the World Refugee Problem, which was closely followed by the founding of the United Nations High Commissioner for Refugees. In particular, the volume of the International Migration Review defined refugee studies as "a comprehensive, historical, interdisciplinary and comparative perspective which focuses on the consistencies and patterns in the refugee experience. Since no universally accepted definition for the term "refugee" exists, the academic respectability of the policy-based definition, as outlined in the Refugee Convention , is disputed. Additionally, academics have critiqued the lack of a theoretical basis of refugee studies and dominance of policy-oriented research. In response, scholars have attempted to steer the field toward establishing a theoretical groundwork of refugee studies through "situating studies of particular refugee and other forced migrant groups in the theories of cognate areas and major disciplines , [providing] an opportunity to use the particular circumstances of refugee situations to illuminate these more general theories and thus participate in the development of social science, rather than leading refugee studies into an intellectual cul-de-sac. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. It protects and supports refugees at the request of a government or the United Nations and assists in providing durable solutions, such as return or resettlement. All refugees in the world are under UNHCR mandate except Palestinian refugees , who fled the current state of Israel between and , as a result of the Palestine War. Moreover, the UNHCR also provides protection and assistance to other categories of displaced persons: The agency is mandated to lead and co-ordinate international action to protect refugees and to resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state or territory and to offer "durable solutions" to refugees and refugee hosting countries. Refugee camp A refugee camp is a place built by governments or NGOs such as the Red Cross to receive refugees, internally displaced persons or sometimes also other migrants. It is usually designed to offer acute and temporary accommodation and services and any more permanent facilities and structures often banned. People may stay in these camps for many years, receiving emergency food, education and medical aid until it is safe enough to return to their country of origin. There, refugees are at risk of disease, child soldier and terrorist recruitment, and physical and sexual violence. There are estimated to be refugee camp locations worldwide. Naturalization Local integration is aiming at providing the refugee with the permanent right to stay in the country of asylum, including, in some situations, as a naturalized citizen. It follows the formal granting of refugee status by the country of asylum. It is difficult to quantify the number of refugees who settled and

integrated in their first country of asylum and only the number of naturalisations can give an indication. Voluntary return Voluntary return of refugees into their country of origin, in safety and dignity, is based on their free will and their informed decision. In the last couple of years parts of or even whole refugee populations were able to return to their home countries: In , the governments of Kenya and Somalia also signed a tripartite agreement facilitating the repatriation of refugees from Somalia. Many developed countries also have Assisted Voluntary Return AVR programmes for asylum seekers who want to go back or were refused asylum. Third country resettlement[edit] Main article: Third country resettlement Third country resettlement involves the assisted transfer of refugees from the country in which they have sought asylum to a safe third country that has agreed to admit them as refugees. This can be for permanent settlement or limited to a certain number of years. It is the third durable solution and it can only be considered once the two other solutions have proved impossible. These are civilians who have been forced to flee their homes, but who have not reached a neighboring country. IDPs do not fit the legal definition of a refugee under the Refugee Convention , Protocol and the Organization for African Unity Convention , because they have not left their country. As the nature of war has changed in the last few decades, with more and more internal conflicts replacing interstate wars, the number of IDPs has increased significantly.

Chapter 3 : The San Diego Union-Tribune - We are currently unavailable in your region

The process for claiming asylum in the UK can be a long and complex one. What happens when asylum seekers arrive in the country? Thousands of migrants, many of whom want to seek asylum, have.

The Australian Government refused permission for the Tampa to enter Australian waters and allow its passengers to get off on nearby Christmas Island, an Australian Territory. The passengers were transferred from the Tampa to an Australian Navy ship and taken to Nauru. The government of Nauru agreed to house the asylum seekers in return for economic aid from Australia. Click here to read the Full Federal Court decision [http: The primary issue in these proceedings was the lawfulness of the actions of the Commonwealth Government concerning the asylum seekers who were rescued by the MV Tampa from their sinking boat on or about 26 August](http://www.austlii.edu.au/au/other/dfat/special/federalcourt.html) The Commonwealth Government sought to prevent the asylum seekers from entering the migration zone in Australia as they did not have valid visas to do so. To this end, the Government: He ordered the Commonwealth to release those asylum seekers and bring them to a place on the mainland of Australia. On 17 September, by a majority comprising Justices Beaumont and French, that Court determined that the appeals should be allowed and set aside the orders made by Justice North. The majority judges concluded that the Commonwealth was acting within its executive power under section 61 of the Constitution in the steps it took to prevent the landing of the rescuees. The majority has also concluded that the rescuees were not detained by the Commonwealth nor did they have their freedom restricted by anything that the Commonwealth did. Chief Justice Black dissented. He took the view that whilst the power to expel people entering Australia illegally is undoubted, it is a power that derives only from laws made by the Parliament and not from powers otherwise exercisable by the Executive Government. He took the view that since the powers provided in the Migration Act were not relied upon, the Commonwealth Government had no power to detain those rescued from the Tampa. He considered that on the facts of the case there was a detention by the Commonwealth and that since it was not justified by the powers conferred by the Parliament under the Migration Act it was not justified by law. He was therefore of the opinion that the appeal should be dismissed. On 27 November, Mr Vadarlis made an application to the High Court seeking special leave to appeal against the majority decision of the Full Federal Court. He also sought to challenge the validity of parts of the Border Protection Validation and Enforcement Powers Act which was passed after the Full Court decision was delivered the relevant parts of this Act purported to render all Commonwealth action relating to the Tampa lawful. While the High Court found that the issues in this case raised important constitutional questions, there had been a change in the factual circumstances since the Full Court hearing as the asylum seekers were no longer on a ship controlled by the Commonwealth but in Nauru. The Court indicated that this rendered the arguments on appeal hypothetical and made it difficult to determine what orders the Court should make if the applicants were successful. What is immigration detention? How many people are detained? In 2001, a total of 7,000 people were detained at some time during the year, compared to 7,000 people in 2000 and 10,000 people in 1999. In 2001, the maximum number of people detained on any one day was 1,000, compared to 1,000 in 2000 and 3,000 in 1999. The following IDCs currently operate around Australia: The following detention facilities are no longer used by the Australian Government:

Chapter 4 : Migrant caravan: What happens if it reaches the U.S. border? - CBS News

But what happens if they have passed through a safe country on their way to the UK? There is a general principle observed by many countries that asylum seekers who have passed through a safe third.

The leading countries of nationality for refugee admissions were Iraq. Application for resettlement by refugees abroad[edit] The majority of applications for resettlement to the United States are made to U. In these cases, refugee status has normally already been reviewed by the United Nations High Commissioner for Refugees and recognized by the host country. For these refugees, the U. These are often identified by an act proposed by a Congressional representative. Priority Two groups proposed for inclusion: A list of nationalities eligible for Priority Three consideration is developed annually. Please add a reason or a talk parameter to this template to explain the issue with the article. WikiProject Law may be able to help recruit an expert. November The minority of applications that are made by individuals who have already entered the U. There are two ways to apply for asylum while in the United States: If an asylum seeker has been placed in removal proceedings before an immigration judge with the Executive Office for Immigration Review, which is a part of the Department of Justice, the individual may apply for asylum with the Immigration Judge. If an asylum seeker is inside the United States and has not been placed in removal proceedings, he or she may file an application with U. However, if the asylum seeker is not in valid immigration status and USCIS does not grant the asylum application, USCIS may place the applicant in removal proceedings, in that case a judge will consider the application anew. The immigration judge may also consider the applicant for relief that the asylum office has no jurisdiction to grant, such as withholding of removal and protection under the Convention Against Torture. Since the effective date of the Illegal Immigration Reform and Immigrant Responsibility Act passed in, an applicant must apply for asylum within one year [20] of entry or be barred from doing so unless the applicant can establish changed circumstances that are material to his or her eligibility for asylum or exceptional circumstances related to the delay. Immigrants who were picked up after entering the country between entry points can be released by Immigration and Customs Enforcement ICE on payment of a bond, and an immigration judge may lower or waive the bond. In contrast, refugees who asked for asylum at an official point of entry before entering the U. Instead, ICE officials have full discretion to decide whether they can be released. An applicant is also entitled to mandatory "withholding of removal" or restriction on removal if the applicant can prove that her life or freedom would be threatened upon return to her country of origin. The applicant has the burden of proving that he or she is eligible for asylum. To satisfy this burden, an applicant must show that she has a well-founded fear of persecution in her home country on account of either race, religion, nationality, political opinion, or membership in a particular social group. Technically, an asylum applicant who has suffered past persecution meets the statutory criteria to receive a grant of asylum even if the applicant does not fear future persecution. In practice, adjudicators will typically deny asylum status in the exercise of discretion in such cases, except where the past persecution was so severe as to warrant a humanitarian grant of asylum, or where the applicant would face other serious harm if returned to his or her country of origin. In addition, applicants who, according to the US Government, participated in the persecution of others are not eligible for asylum. The most frequent bar is the one-year filing deadline. However, the applicant can be eligible for other forms of relief such as Withholding of Removal, which is a less favorable type of relief than asylum because it does not lead to a Green Card or citizenship. The deadline for submitting the application is not the only restriction that bars one from obtaining asylum. If an applicant persecuted others, committed a serious crime, or represents a risk to U. Cardoza-Fonseca precedent[edit] The term "well-founded fear" has no precise definition in asylum law. Cardoza-Fonseca, U. However, in Cardoza-Fonseca, the Court did establish that a "well-founded" fear is something less than a "clear probability" that the applicant will suffer persecution. Three years earlier, in INS v. Stevic, U. With respect to asylum, because Congress employed different language in the asylum statute and incorporated the refugee definition from the international Convention relating to the Status of Refugees, the Court in Cardoza-Fonseca reasoned that the standard for showing a well-founded fear of persecution must necessarily be lower. An

applicant initially presents his claim to an asylum officer, who may either grant asylum or refer the application to an Immigration Judge. If the asylum officer refers the application and the applicant is not legally authorized to remain in the United States, the applicant is placed in removal proceedings. After a hearing, an immigration judge determines whether the applicant is eligible for asylum. In , in order to eliminate the backlog of appeals from immigration judges, the Attorney General streamlined review procedures at the Board of Immigration Appeals. One member of the Board can affirm a decision of an immigration judge without oral argument; traditional review by three-judge panels is restricted to limited categories for which "searching appellate review" is appropriate. If the BIA affirms the decision of the immigration court, then the next level of review is a petition for review in the United States court of appeals for the circuit in which the immigration judge sits. *Ventura* , U. Finally, an applicant aggrieved by a decision of the federal appeals court can petition the U. Supreme Court to review the case by a discretionary writ of certiorari. But the Supreme Court has no duty to review an immigration case, and so many applicants for asylum forego this final step. Notwithstanding his statutory eligibility, an applicant for asylum will be deemed ineligible if: Conversely, even if an applicant is eligible for asylum, the Attorney General may decline to extend that protection to the applicant. The Attorney General does not have this discretion if the applicant has also been granted withholding of deportation. Frequently the Attorney General will decline to extend an applicant the protection of asylum if he has abused or circumvented the legal procedures for entering the United States and making an asylum claim. Work permit and permanent residence status[edit] An in-country applicant for asylum is eligible for a work permit employment authorization only if his or her application for asylum has been pending for more than days without decision by the U. If an asylum seeker is recognized as a refugee, he or she may apply for lawful permanent residence status a green card one year after being granted asylum. Asylum seekers generally do not receive economic support. This, combined with a period where the asylum seeker is ineligible for a work permit is unique among developed countries and has been condemned from some organisations, including Human Rights Watch. However, in May , under the terms of a proposed settlement of a class-action lawsuit, *Ngwanya v. Gonzales*, brought on behalf of asylees against CIS, the government agreed to make available an additional 31, green cards for asylees during the period ending on September 30, This is in addition to the 10, green cards allocated for each year until then and was meant to speed up the green card waiting time considerably for asylees. Currently, an asylee who has continuously resided in the US for more than one year in that status has an immediately available visa number. Unaccompanied Refugee Minors Program[edit] See also: Refugee children An Unaccompanied Refugee Minor URM is any person who has not attained 18 years of age who entered the United States unaccompanied by and not destined to: Trafficking victims who have been certified by the U. The URM program is coordinated by the U. Between and , children from 36 different countries were inducted into the program. Their story was made into a documentary by Megan Mylan and Jon Shenk. It won an Independent Spirit Award and earned two national Emmy nominations. The state refugee coordinator provides financial and programmatic oversight to the URM programs in his or her state. The state refugee coordinator ensures that unaccompanied minors in URM programs receive the same benefits and services as other children in out-of-home care in the state. The state refugee coordinator also oversees the needs of unaccompanied minors with many other stakeholders. These agencies identify eligible children in need of URM services; determine appropriate placements for children among their national networks of affiliated agencies; and conduct training, research and technical assistance on URM services. They also provide the social services such as: The 14 states that participate in the URM program include: Created in , the Hague Convention established international standards for inter-country adoption. Children in the URM program have become separated from their biological parents and the ability to find and gain parental release of URM children is often extremely difficult. Most children, therefore, are not adopted. They are served primarily through the foster care system of the participating states. Most will be in the custody of the state typically living with a foster family until they become adults. Many refugees depend on public benefits, but over time may become self-sufficient. For example, health policies differ from state to state, and as of , only 33 states expanded Medicaid programs under the Affordable Care Act. Government policy known as "Zero-tolerance" was implemented in April For instance, the National Child Traumatic Stress Network

released a resource guide and held a webinar related to traumatic separation and refugee and immigrant trauma. Same-sex immigration policy in the United States Historically, homosexuality was considered a deviant behavior in the US, and the Immigration and Nationality Act of barred homosexual individuals from entering the United States due to concerns about their psychological health. The case, known as Matter of Acosta , set the standard of what qualified as a "particular social group. It considers homosexuality and gender identity a "common characteristic of the group either cannot change or should not be required to change because it is fundamental to their individual identities or consciences. According to Fatma Marouf, the definition established in Acosta was influential internationally, appealing to "the fundamental norms of human rights. It is not visibly represented in the outside appearance. In migration studies, there was an implicit assumption that immigrants are heterosexual and queers are citizens. According to Paur, following the September 11, terrorist attack, the movement against terrorists also resulted in a reinforcement of the binary "us vs. The social landscape was termed "homonormative nationalism" or homonationalism. Berger uses case specific examples of asylum applications where gender and sexuality both act as an immutable characteristic. She argues that because male persecutors of lesbian and heterosexual female applicants tend to be family members, their harm occurs in the private domain and is therefore excluded from asylum consideration. Male applicants, on the other hand, are more likely to experience targeted, public persecution that relates better to the traditional idea of a homosexual asylum seeker. Male applicants are encouraged to perform gay stereotypes to strengthen their asylum application on the basis of sexual orientation, while lesbian women face the same difficulties as their heterosexual partners to perform the homosexual narrative. Shuman and Bohmer argue that in sexual minorities, it is not enough to demonstrate only violence, asylum applicants have to align themselves against a restrictive culture. The narratives are forced to fit into categories shaped by western culture or be found to be fraudulent. In a study conducted by Mary Gowin, E. Cheney of Mexican Transgender Asylum Seekers, they found 5 major stressors among the participants including assault verbal, physical and sexual , "unstable environments, fear for safety and security, hiding undocumented status, and economic insecurity. They accessed little or no use of health or social services, attributed to barriers to access, such as fear of the government, language barriers and transportation. Many of the asylum seeker participants entered the United States as undocumented immigrants. Obstacles to legal services included fear and knowledge that there were legal resources to gaining asylum. Immigration and Naturalization Services INS , where individual asylum officers ponder the often life-or-death fate of the majority of immigrants seeking asylum.

Chapter 5 : Asylum in the United States - Wikipedia

What Happens When Asylum Seekers Are Given A Chance To Make Their Case In The U.S. NPR's Ari Shapiro talks with Philip Schrag, professor at Georgetown Law, about what hurdles Central American.

Asylum seekers or refugees and migrants have very different experiences and reasons for moving to another country. Migrants choose to leave their home country, and can choose where to go and when they might return to their home country. Asylum seekers and refugees, on the other hand, flee their country for their own safety and cannot return unless the situation that forced them to leave improves. Australia has international obligations to protect the human rights of all asylum seekers and refugees who arrive in Australia, regardless of how or where they arrive and whether they arrive with or without a visa. These rights include the right not to be arbitrarily detained. As a party to the Refugee Convention, Australia has agreed to ensure that asylum seekers who meet the definition of a refugee are not sent back to a country where their life or freedom would be threatened. This is known as the principle of non-refoulement. Australia also has obligations not to return people who face a real risk of violation of certain human rights under the ICCPR, the CAT and the CRC, and not to send people to third countries where they would face a real risk of violation of their human rights under these instruments. These obligations also apply to people who have not been found to be refugees. The Humanitarian Program has two main components: The Australian Government has indicated that in the financial year, it intends to provide 13, places in the Humanitarian Program. Why are asylum seekers and refugees in immigration detention? Asylum seekers may arrive in Australia without a valid visa or other documentation for a number of reasons. For example, a person who is fleeing persecution by the government of their country of origin might not be able to obtain a passport from officials in that country. Alternatively, a person fleeing persecution might travel without documentation to avoid being identified as they leave their country of origin in order to reduce the risk to themselves and their family. Under the Migration Act Cth the Migration Act , asylum seekers who arrive in Australia without a valid visa must be held in immigration detention until they are granted a visa or removed from Australia. There is no limit under Australian law to the length of time for which a person may be held in immigration detention. Click here for more information about immigration detention and human rights. While the legal framework for mandatory detention remains in place, over the past few years, increasing numbers of asylum seekers have been permitted to reside in the community while their claims for protection are assessed, after spending an initial period in closed detention. The Commission has welcomed the increased use of alternatives to closed immigration detention such as community detention and the grant of bridging visas, but remains concerned that thousands of asylum seekers and refugees are still held in closed immigration detention facilities. Asylum seekers who arrive in Australia with a valid visa Asylum seekers who arrive in Australia on a valid visa and then apply for protection i. In some cases, a person may not be a refugee, but may nevertheless face significant human rights abuses, such as torture, if returned to his or her country of origin. If a person is found to be a refugee or to be owed complementary protection, providing he or she satisfies health, identity and security requirements, he or she will be granted a protection visa. In some exceptional circumstances they can seek Ministerial intervention to allow them to remain in Australia on other humanitarian or compassionate grounds. Asylum seekers who arrive in Australia by boat without a valid visa Since August there have been a number of changes in law and policy in relation to what happens to people who come to Australia seeking asylum without a valid visa. What policies apply to these asylum seekers now depends on their mode of arrival, and on what date they arrived. In August , the Australian Government introduced a system of third country processing for asylum seekers who arrive in Australia by boat without a valid visa. Under this system, asylum seekers who have arrived by boat must be transferred to a third country as soon as is reasonably practicable unless the Minister for Immigration and Border Protection decides otherwise. For more information about the transfer of asylum seekers to third countries, click here. If asylum seekers who arrive unauthorised by boat after August are allowed by the Minister to remain in Australia, they are only able to apply for temporary protection visas or safe haven enterprise visas â€” they are not able to apply for permanent protection. How their applications will be

processed depends on when they arrived in Australia. If they arrived on or after 1 January , they apply through the refugee status determination and complementary protection system that applies under the Migration Act the same way as for asylum seekers who had a valid visa ie with access to merits review by the RRT, etc. If the Department makes a negative assessment, fast track applicant will not be able to apply to the RRT for merits review of that decision. Instead, these applicants will only be able to apply to the newly established Immigration Assessment Authority IAA for a much more limited review of their application. The IAA generally will not hold hearings, and will not consider any information not raised by the applicant at the primary interview with the Department. Unlike the RRT, the IAA cannot make a decision to grant a temporary protection visa to an applicant if it determines that the Department wrongly refused one “ it can only send the matter back to the Department for reconsideration. The Commission is concerned that this process may not contain sufficient safeguards to protect people from being removed to a country where they face a real risk of significant harm refoulement. Under the enhanced screening process an individual is interviewed by two officers from the Department.

Chapter 6 : What the law says should happen to asylum seekers at the US border - ABC News

Asylum seekers must navigate a difficult and complex process that can involve multiple government agencies. This fact sheet provides an overview of the asylum system in the United States, including how asylum is defined, eligibility requirements, and the application process.

These are external links and will open in a new window Close share panel Image copyright PA Thousands of migrants are camped around Calais in northern France. Many will risk their lives smuggling themselves across the Channel into the UK. What happens to those that get through? At least nine people have died trying to access the Channel Tunnel since June. Scenes of people climbing over fences and scrambling on to the back of lorries show just how desperate some people are to get to the UK. Last week a man walked most of the tunnel before being caught. Exactly how many have made into the UK is not yet clear. But for those that have, where will they end up? Asylum Some of those who manage to get through will remain hidden and stay as illegal workers. But many of the people waiting in Calais will be expecting to be found and then seek refugee status. Once someone is in the UK, even if they entered it illegally, they have the right to claim asylum. There were 25, asylum applications in the UK in the 12 months up to March. Police who find asylum seekers will usually hand them over to immigration officials to submit their claim. Asylum seekers are entitled to stay in the UK while they wait for a decision. But what happens if they have passed through a safe country on their way to the UK? There is a general principle observed by many countries that asylum seekers who have passed through a safe third country where they could have claimed asylum can be sent back there in order to make their claim. All of those waiting in Calais to cross the Channel fit into this category. They are in a safe country but few will have reached France without having crossed another EU border beforehand. The EU has a specific rule about this to try to work out which country is responsible for handling an asylum claim. It sets out criteria for identifying which country should look at a claim. Usually, the first EU country someone arrives in is responsible for processing their application. This is meant to stop "asylum shopping", where one person submits multiple asylum applications in different countries. The Eurodac system can help identify which country was the entry point, explains Alexander Betts, director of the Refugee Studies Centre at the University of Oxford. This is a database of fingerprints of asylum seekers across the EU. A hit on the system would help prove that an asylum seeker had already been registered in a different EU country and could be sent back there. The Home Office says that it takes "full advantage" of this rule to send people back to European nations such as France. But the UK only carried out Dublin transfers in , compared with in Not everyone will have registered with border officials and without documentation it can be hard to prove which countries someone has travelled through. Some governments have also stopped sending people back to the two of the most likely entry countries for asylum seekers - Greece and Italy, because they are already inundated with asylum applications. In Greece there has been criticism over the treatment of asylum seekers. Image copyright Getty Images Image caption Fishing boats used by migrants on the Italian island of Lampedusa Slow process The fast-track detention system for asylum seekers in the UK has been suspended. The rush to process people in about 22 days was leaving people without enough time to put together meaningful cases, says Thom Brooks, professor of law and government at Durham University. The system had aimed to deal with claims with the potential to be processed quickly, especially those from countries that are presumed by the Home Office to produce clearly unfounded asylum claims. But in July, the Court of Appeal upheld a suspension ruling which declared the system unfair and "unlawful". Backlog There were more than 25, asylum applications in the UK in the 12 months up to March. But in the same year, only 6, asylum seekers and their dependents were removed or departed voluntarily from the UK. The Home Office will not say what the average time is between asylum refusal and removal from the UK, saying that this does not form part of their routinely published statistics. It can be hard to keep track of the number of people who are waiting to be removed. Appeals Appeals make the average removal delay even harder to measure. Most asylum seekers have a right of appeal if their claim is refused. Many will remain in the UK while they wait for this, although the government has proposed a "deport first, appeal later" policy. The aim is for all appeals to be heard within

two months of the initial decision but there is a significant backlog of cases. At the end of March, 21, of the applications for asylum in the UK received since April were still awaiting an initial decision, appeal or further review. Permission can be granted to go beyond the tribunal that hears the first appeal but few people get that, he explains, as there needs to have been an error of law. Image copyright Getty Images Image caption Immigration removal centre in Dover Undocumented The biggest cause of delay in removals of failed asylum seekers is bureaucratic, says Jerome Phelps, director of pressure group Detention Action. Many asylum seekers will have fled their countries without a valid travel document. Others may have destroyed their passport before entering the UK and it can be difficult to prove their nationality. Phelps argues that some people in this situation are "effectively unreturnable". Some countries refuse or delay issuing a travel document to returnees who do not have a valid passport. Other nations do not allow the forced return of individuals, or demand proofs of nationality that are almost impossible to meet. How many people are stuck because of problems with their documents is not clear. The Home Office says that this does not form part of their routinely published statistics. These will all affect when and how easy it is to send people back. There were nearly chartered flights of asylum seekers between to But some people are delayed indefinitely because travelling to the country in question has become too dangerous. The Home Office says that it does not publish a list of these countries. A charter flight which was due to depart for Afghanistan on 21 April carrying dozens of people was stopped by the Court of Appeals because of the worsening security situation. Return flights can also be suspended when removing someone breaches their human rights. Last minute injunctions can also prevent removals. Judith Dennis, policy manager at the Refugee Council, says that often more people are escorted to the airport from detention centres than there are seats on the plane. If someone is successful in stopping their removal then another person can be substituted for them. A full breakdown of the costs involved in removing asylum seekers is not in the report. But Berry argues that enforced removal is expensive and that this partly explains why the Home Office wants to create a "hostile environment" so that people who do not have permission to stay in the UK choose to leave voluntarily. The Home Office is currently retendering for a contract for escorting and travel services for immigration "detainees" within the UK and overseas. The contract also includes managing people in holding rooms and booking flights. But it does not say for how many years that will cover or how many people the contractors will be expected to remove.

Chapter 7 : What happens when asylum seekers cross the border into Canada? | National Post

Asylum seekers are often detained for months before getting a hearing before a judge, Mr. Corbett said. "We're not open to asylum seekers and refugees. That's a fundamental change in the.

Chapter 8 : What happens to asylum seekers crossing illegally into Canada? | calendrierdelascience.com

What happens when migrants seeking asylum get to the border? In Nogales, Sonora, local groups and volunteers operate a camp for migrants seeking asylum to curve a crisis at Arizona's busiest port.

Chapter 9 : Questions and Answers About Refugees & Asylum Seekers | Australian Human Rights Commi

The United States recognizes the right of asylum for individuals as specified by international and federal law. A specified number of legally defined refugees who either apply for asylum from inside the U.S. or apply for refugee status from outside the U.S., are admitted annually.