

Boxed text: Who are Asylum Seekers and Refugees?

Australian migration law uses the definition of a refugee contained in the [UN Convention on the Status of Refugees](#). It sees people who are outside their country of origin or habitual residence and are “... unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion” as refugees. Asylum seekers are people who have crossed a border wanting to be recognized as refugees and granted asylum.

This narrow Convention definition, developed in 1951, leaves out a lot of people who we might refer to in a commonsense way as refugees in everyday conversations. Isn't anyone fleeing war a refugee? What about people displaced by natural disasters or climate change?

In the first decade of this century the size and complexity of the movement of people reached unprecedented levels. 'Mixed flows' in which it is difficult to make distinctions between migrants and refugees became common. They include people displaced by conflicts, poverty, inequality, persecution, poor governance, and disasters – or combinations of these factors. Vulnerable people on the move might come from the same places, travel by the same means, and arrive at the same times and places, yet only some are afforded protections under international agreements.