

Who is a Refugee?

This information is for people seeking asylum who are currently in Australia.

Protection Visa

To be granted a Protection Visa, the Australian government must decide that you meet the definition of 'refugee,' or that you are eligible for 'complementary protection'.

Who is a Refugee?

To be a 'refugee' you must be outside your country of nationality and face a real chance of suffering serious harm if you were to be returned to your home country because of your:

- Race;
- Religion;
- Political opinion;
- Nationality, or
- Membership of a particular social group. For example, victims of domestic violence, single women or members of LGBT community.

Examples of serious harm include:

- A threat to your life;
- Significant physical harm or harassment;
- A threat to your ability to survive due to financial hardship, or denial of work or services; or
- Serious psychological harm.

If you are not a citizen of any country, or you are citizen of more than one country, please talk to a registered migration agent.

What else must I show to be a 'Refugee'?

- **You must show there is a real chance of serious harm everywhere in your country.**
If you could live safely anywhere in your country, then you may not meet the definition of a refugee.
- **You must show that the authorities in your country could not protect you.**
If the authorities or another organisation or group in your home country could protect you, then you may not be eligible for protection.
- **If you could modify your behaviour to avoid serious harm, then you may not be considered a refugee.**
However, you are not expected to change things that are important to your identity such as your religious or political beliefs.

You are not required to conceal your race, sexuality or disability. You are not required to enter into a forced marriage or stay in one.

- **You must pass the 'character test' to be granted a visa.**
To pass the character test, you must show, amongst other things, that you don't have a substantial criminal record and that the Australian government does not think you are a risk to the security of Australia.

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Complementary Protection

If you do not meet the definition of a 'refugee,' then you may still be eligible for 'complementary protection.'

To be granted complementary protection you must show that there is a real risk that you will suffer significant harm if you were returned to your home country.

'Significant harm' means:

- The death penalty;
- Being killed or murdered;
- Torture;
- Cruel and inhuman treatment or punishment; or
- Degrading treatment or punishment.

This factsheet only explains a small part of the law. For questions about your situation get advice.

Useful Contacts

Legal Aid ACT

9.00am-4.00pm Monday-Friday

www.legalaidact.org.au

Phone: **1300 654 314**

Migration Agents Registration Authority (MARA)

www.mara.gov.au

Migration Clinic – Legal Aid ACT

www.legalaidact.org.au

Phone: **1300 654 314**

Email: migration@legalaidact.org.au

This factsheet was originally developed by the Refugee Advice & Casework Service Sydney (RACS) (www.racs.org.au).

This factsheet is a guide only and is not legal advice. While due care has been taken to ensure the accuracy of the material contained in this factsheet, Legal Aid ACT and the Refugee Advice & Casework Service Sydney cannot take responsibility for any errors or omissions.