Refugees – an overview

Background
The global refugee problem has recently been highlighted by events in Afghanistan and also off the coast of Australian territory. This background note provides an overview of the global refugee situation, with specific reference to New Zealand’s role.

Brief history
Refugees and displaced people have been a feature of world history for hundreds, if not thousands, of years. But the modern international systems and structures which attempt to deal with the refugee problem evolved out of the aftermath of World War Two. The 1951 United Nations Convention Relating to the Status of Refugees (“the convention”) was introduced specifically to aid refugees and other people displaced in Europe during the war.

Refugees were viewed as a distinctly European and temporary problem. The international body established in 1951 to protect and assist refugees—the office of the United Nations High Commissioner for Refugees (UNHCR)—was originally given a projected life span of only three years.1:

Who is a refugee?
The most commonly used definition of a refugee is the one contained in the convention. This defines a refugee as a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in 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.”2:

Growth of the refugee problem since the 1950s
The global refugee problem clearly was not solved over three years in the early 1950s. Wars and unrest in regions other than Europe since then have seen substantial growth in the estimated number of refugees in the world (Figure 1). Consequently, the 1967 United Nations Protocol Relating to the Status of Refugees removed the geographical and time limits contained in the 1951 convention.3:

---

2 UNHCR Basic Facts, www.unhcr.org
At the end of 2000, UNHCR estimated there were over 12 million refugees in the world (Table 1). Including other people such as asylum seekers (people awaiting a decision on their right to protection under refugee status) and those who have been displaced within their own country (Internally Displaced Persons), there were over 21 million people “of concern” to UNHCR.

According to region, 40.0% of people of concern to UNHCR were in Asia, 26.7% in Europe and 25.3% in Africa.

Table 1: Refugees and other people of concern to the UNHCR
(Provisional results)

<table>
<thead>
<tr>
<th></th>
<th>End-2000 (m)</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugees(^a)</td>
<td>12.15</td>
<td>57.5</td>
</tr>
<tr>
<td>Asylum-seekers(^b)</td>
<td>0.90</td>
<td>4.2</td>
</tr>
<tr>
<td>Returned refugees(^c)</td>
<td>0.79</td>
<td>3.8</td>
</tr>
<tr>
<td>Internally displaced persons (IDPs)(^d)</td>
<td>5.27</td>
<td>24.9</td>
</tr>
<tr>
<td>Returned internally displaced persons(^e)</td>
<td>0.37</td>
<td>1.7</td>
</tr>
<tr>
<td>Other</td>
<td>1.65</td>
<td>7.8</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>21.13</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Notes:
\(a\) as defined under the 1951 UN convention.
\(b\) persons whose application for refugee status is pending.
\(c\) refugees who have voluntarily returned to their place of origin during the year.
\(d\) persons displaced within their country and to whom UNHCR protects or assists.
\(e\) IDPs of concern to UNHCR who returned to place of origin during the year.


The countries with the largest number of refugees in 2000 according to UNHCR estimates were Pakistan (2.0m), Iran (1.9m), and Germany (0.9m). Refugees from Afghanistan substantially dominated overall refugee numbers by nationality in 2000. An estimated 3.6m refugees were from Afghanistan in 2000. Refugees from Burundi totalled 567,000 in 2000, while five countries each produced over 400,000 refugees: Iraq, Sudan, Bosnia and Herzegovina, Somalia, and Angola.

\(^b\) Ibid.
\(^c\) Ibid.
New Zealand is a signatory to the UN Convention and Protocol Relating to the Status of Refugees. It is also one of less than a dozen countries that take in a regular “quota” of refugees under UNHCR’s refugee resettlement programme (Table 2). However, the whole programme resettled less than 1% of the world’s total estimated refugees in 2000.

Table 2: Refugee Resettlement Quotas, 2001.

<table>
<thead>
<tr>
<th>Country</th>
<th>2001 Quota</th>
<th>Quota per 1,000 population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>12,000</td>
<td>0.622</td>
</tr>
<tr>
<td>Norway</td>
<td>1,500</td>
<td>0.334</td>
</tr>
<tr>
<td>United States</td>
<td>80,000</td>
<td>0.290</td>
</tr>
<tr>
<td>Canada</td>
<td>7,300</td>
<td>0.237</td>
</tr>
<tr>
<td><strong>New Zealand</strong></td>
<td><strong>750</strong></td>
<td><strong>0.196</strong></td>
</tr>
<tr>
<td>Sweden</td>
<td>1,375</td>
<td>0.155</td>
</tr>
<tr>
<td>Finland</td>
<td>750</td>
<td>0.145</td>
</tr>
<tr>
<td>Denmark</td>
<td>517</td>
<td>0.097</td>
</tr>
<tr>
<td>Iceland</td>
<td>23</td>
<td>0.082</td>
</tr>
<tr>
<td>Netherlands</td>
<td>500</td>
<td>0.031</td>
</tr>
<tr>
<td>Ireland</td>
<td>10</td>
<td>0.003</td>
</tr>
</tbody>
</table>

Notes:
a. Australia’s total quota is comprised of 4000 refugee places and 8000 under the country’s Special Humanitarian Programme.
b. Four countries began pilot projects in 1998/99 with funding support from UNHCR: Benin, Brazil, Burkina Faso and Chile.
d. Other countries receive refugees for resettlement/family reunification on an individual case basis (including UK, Germany, France).

Sources: UNHCR - Easy Guide to Refugee Resettlement Programmes; Economist Intelligence Unit - 2001: Country by Country; Website of Australian Department of Immigration and Multicultural Affairs.

Under the refugee resettlement programme, the New Zealand Government accepts a quota of up to 750 refugees each year from countries predetermined by UNHCR. As a signatory of the 1951 UN convention, the Government also accepts claims for refugee status (i.e. asylum) from people already in New Zealand. In recent years, the annual number of asylum seekers in New Zealand has exceeded persons granted refugee status under the quota system (Figure 2).

Assessment of Asylum Seekers

Assessment of asylum applications is undertaken by the Refugee Status Branch (RSB) of the New Zealand Immigration Service. In the financial year to June 2000, the RSB adjudicated on 1,788 cases, and approved only 310 (17.3%) of them. The 310 cases involved 520 persons.

\[1\] Details of the Refugee Determination Process in New Zealand are provided in the appendix to this paper.

Figure 2: Resettlement arrivals and asylum applications in New Zealand.

Notes:

a. Resettlement arrivals are persons who entered NZ under the UNHCR resettlement quota programme.

b. Asylum seekers refer to applications for refugee status submitted to Refugee Status Branch of New Zealand Immigration Service. Figures do not necessarily represent actual number of persons since more than one person could be included in an application.

Source: RefNZ Statistics

The largest number of asylum approvals according to nationality in 2000 were from Sri Lanka (85), Iran (67), Afghanistan (67) and Somalia (25). Over the same financial year, the largest number of applications declined by the RSB by nationality were from China (422) followed by Indonesia (349). Between them, these two nationalities comprised over half (52.2%) of all cases declined refugee status in 2000. China consistently had the largest number of declined applications between 1997 and 2000.

Latest numbers

As of 31st October 2001, there were 1,601 refugee claims on hand at the RSB, including 131 claimants received from Operation Tampa. Over the four months to 31st October 2001, the RSB received, on average, nearly 145 claims per month and decided on 212 claims per month. The approval rate over this period was only 13.26%. Of the 86.74% declined refugee status by the RSB over the four months to 31st October 2001, 10.50% were declined due to a failure to attend an interview at the Branch. A further 20.44% withdrew their claims (usually because they either wished to return to their home country or they intended to apply for New Zealand residence).

The largest number of refugee claimants in the four months to 31st October 2001 according to nationality were from Afghanistan, followed by Thailand, Iran, India, and Zimbabwe.

Refugee Status Appeals

Appeals to decisions made by the Refugee Status Branch are heard by the independent Refugee Status Appeal Authority (RSAA). In the 2001 financial year, the RSAA decided on 642 appeals, approving 52 (8%) and declining 590 (92%). Since the early 1990s, the Authority has dismissed the majority of appeal applications it has decided on (Figure 3).

9 Refugee Status Branch, New Zealand Immigration Service.
10 Ibid.
Australia’s stricter stance on asylum seekers

In reaction to a recent sharp increase in unauthorised people entering Australian territory by boat, the Australian Government has adopted a stricter stance towards asylum seekers. Between July 1999 and June 2001, 8,316 people arrived unauthorised in Australian territory by boat, compared with a total of 4,114 over the decade 1989/90 to 1998/99. A number of new laws were passed by the Australian Parliament in September 2001, aimed at deterring these types of asylum seekers.

Key features of the new Australian laws include the excision of some Australian territories (offshore islands, including Christmas Island) from Australia’s migration zone “for purposes related to unauthorised arrivals.” This prevents asylum seekers in the excised territories from applying for Australian visas unless the Australian Immigration Minister applies discretionary power. They also may be detained and removed by Australian authorities from the excised regions. Other measures contained in the new legislation include minimum terms of imprisonment for people smugglers and reduced access to judicial review for asylum seekers.

Funding of International Refugee Aid Agencies.

In 2000, New Zealand was the 20th largest contributor to international refugee aid agencies on a per capita basis (Figure 4). In absolute terms, the United States is the world’s largest single-country donor to international refugee support efforts, providing US$387.1m in aid in 2000.

Source: RefNZ Statistics.

---

**Figure 3: New Zealand Asylum Application Appeal Decisions, 1992-2001.**

![Chart showing asylum application appeal decisions from 1992 to 2001.](chart.png)

---


13 These laws are summarised in Australian Department of Immigration and Multicultural Affairs, 2001, *Fact Sheet, 90. New Measures to Strengthen Border Control*

Figure 4: Top 20 Per Capita Donor Countries to Refugee Aid Agencies, 2000 (US$)

<table>
<thead>
<tr>
<th>Country</th>
<th>Per Capita Donations (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway</td>
<td>12.55</td>
</tr>
<tr>
<td>Denmark</td>
<td>9.36</td>
</tr>
<tr>
<td>Sweden</td>
<td>7.19</td>
</tr>
<tr>
<td>Switzerland</td>
<td>5.81</td>
</tr>
<tr>
<td>Netherlands</td>
<td>5.1</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>4.89</td>
</tr>
<tr>
<td>Finland</td>
<td>2.81</td>
</tr>
<tr>
<td>Belgium</td>
<td>1.49</td>
</tr>
<tr>
<td>United States</td>
<td>1.4</td>
</tr>
<tr>
<td>Canada</td>
<td>1.21</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>1.15</td>
</tr>
<tr>
<td>Australia</td>
<td>1.13</td>
</tr>
<tr>
<td>Japan</td>
<td>0.96</td>
</tr>
<tr>
<td>Kuwait</td>
<td>0.91</td>
</tr>
<tr>
<td>Ireland</td>
<td>0.88</td>
</tr>
<tr>
<td>Germany</td>
<td>0.78</td>
</tr>
<tr>
<td>Portugal</td>
<td>0.44</td>
</tr>
<tr>
<td>Italy</td>
<td>0.35</td>
</tr>
<tr>
<td>Austria</td>
<td>0.27</td>
</tr>
<tr>
<td>New Zealand</td>
<td>0.25</td>
</tr>
</tbody>
</table>


Useful links
- United Nations High Commissioner for Refugees (UNHCR), [http://www.unhcr.ch](http://www.unhcr.ch)

Selected references

Antony Flux, Research Analyst
Research and Analysis Group
Parliamentary Library
For more information contact Antony (ext.9202)
Appendix: The Refugee Determination Process in New Zealand

1. Claimant completes a Confirmation of Claim to Refugee Status in New Zealand ("Confirmation of Claim") and lodges this with the Refugee Status Branch ("RSB"), together with two passport size photographs, a travel document (if applicable), and a written statement of claim.

2. Confirmation of Claim accepted by RSB, and letter sent to claimant advising of this. Another letter is also sent if any information is missing.

3. Case is assigned to a refugee status officer ("RSO") and an interview is scheduled. Claimant and/or claimant’s representative is advised of interview date, and an interpreter is booked.

4. Preparation for interview - RSO considers the Confirmation of Claim, the written statement, and any other documents submitted. Any relevant country information and jurisprudence is also studied.

5. Claimant is interviewed.

6. An interview report is typed up within 10 working days and sent to either the claimant and/or claimant’s representative. This report must note any discrepancies in the claim and give the claimant the opportunity to comment on these.

7. Claimant is given 10 working days from date of interview report to comment on the interview report, and/or make any further submissions.

8. The RSO makes a determination on the claim. If the claimant’s credibility is not accepted, then the claim is declined at this stage. However, if the claimant is found to be either wholly or partially credible, then it must be determined if the claimant has a well-founded fear of persecution for a Convention reason.

9. Decision is checked by a Quality Assurance Programme Officer ("QAPer"), to ensure all relevant tests and country information have been understood and applied.

10A. Claim declined. Claimant has right of appeal or may be removed from New Zealand.

10B. Claim approved. Refugee has the right to apply for residence, unless excluded by Article 33 (2) of the Refugee Convention.

11A. Claimant lodges an appeal of the RSB decision to the Refugee Status Appeals Authority ("the Authority") within 10 working days.

11B. Removal by Border & Investigations Branch of New Zealand Immigration Service (NZIS).

12. Appellant is interviewed by the Authority. This is a de novo hearing.

13. Decision is made on the appellant’s refugee claim.

14A. Appeal declined. Claimant can either lodge a further claim OR request a judicial review of the decision OR will be removed from New Zealand.

14B. Appeal allowed. Refugee has right to apply for residence, unless excluded by Article 33 (2) of the Refugee Convention.

continued over...
From 14A.

15A. Claimant lodges a subsequent claim with the RSB.

16A. Claim is assigned to a new RSO who decides whether or not to accept the subsequent claim.

17A. Subsequent claim accepted.
   (Return to step 3)

18A. Removal by Border & Investigations Branch of NZIS

From 14B if excluded by Article 33(2)

15B. Claimant requests a judicial review of the Authority’s decision

16B. Judicial review decision is made as to whether or not the appellant requires a re-hearing by the Authority.

17B. Subsequent claim not accepted.
   Claimant has the right of appeal OR will be removed from New Zealand.

18B. Claimant lodges an appeal with the Authority.
   (Return to step 11A)

16C. Removal by Border & Investigations Branch of NZIS

17C. Judicial review decision declines appeal for re-hearing.

17D. Judicial review decision warrants a re-hearing by the Authority.
   (Return to step 12)

18C. Removal by Border & Investigations Branch of NZIS

* Article 33(2) of the UN Convention Relating to the Status of Refugees states that a country can expel or return a refugee if there are reasonable grounds for regarding the person as a danger to the security of the country, or if they have been convicted of a very serious crime and are considered a danger to the community of the host country.

Source: Refugee Status Branch, New Zealand Immigration Service.