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ASYLUM-SEEKER

An asylum-seeker is an individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum-seeker.

MIGRATION

The movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.

MIGRANT

At the international level, there is no universally accepted definition of the term "migrant". Migrants may remain in the home country or host country ("settlers"), move on to another country ("transit migrants"), or move back and forth between countries ("circular migrants" such as seasonal workers).

REFUGEE

A person who, owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

<https://www.who.int/migrants/about/definitions/en/>

2)

Asylum

The grant, by a State, of protection on its territory to persons from another State who are fleeing persecution or serious danger. Asylum encompasses a variety of elements, including non-refoulement, permission to remain on the territory of the asylum country and humane standards of treatment.

Asylum-seeker

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Internally Displaced Person (IDP)

An individual who has been forced or obliged to flee from their home or place of habitual residence, "...in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border" (according to the Guiding Principles on Internal Displacement).

Migrants (Economic)

Persons who leave their countries purely for economic reasons unrelated to the refugee definition, or in order to seek material improvements in their livelihood. Economic migrants do not fall within the criteria for refugee status and are therefore not entitled to benefit from international protection.

3)

Refugee

A person who meets the eligibility criteria under the applicable refugee definition, as provided for by international or regional instruments, under UNHCR's mandate, and/or in national legislation.

Trafficking (human)

The organized illegal movement of persons for profit. The critical additional factor that distinguishes trafficking from migrant smuggling is the presence of force, coercion and/or deception throughout or at some stage in the process — such deception, force or coercion being used for the purpose of exploitation. While the additional elements that distinguish trafficking from migrant smuggling may sometimes be obvious, in many cases they are difficult to prove without active investigation.

<https://www.unhcr.org/449267670.pdf>

4)

Who is an asylum seeker?

An asylum seeker is someone who is also seeking international protection from dangers in his or her home country, but whose claim for refugee status hasn't been determined legally. Asylum seekers must apply for protection in the country of destination—meaning they must arrive at or cross a border in order to apply.

Then, they must be able to prove to authorities there that they meet the criteria to be covered by refugee protections. Not every asylum seeker will be recognized as a refugee.

Tens of thousands of children and families from Central America have fled extreme danger—murder, kidnapping, violence against women and forced recruitment by gangs. Those arriving at the U.S. border are being depicted as “illegal immigrants,” but in reality, crossing an international border for asylum is not illegal and an asylum seeker's case must be heard, according to U.S. and international law.

"It doesn't matter how you enter the country: If you're in the U.S. or you arrive at a port of entry you can seek asylum. There's no way to ask for a visa or any type of authorization in advance, you just have to show up," said the IRC's director of immigration Olga Byrne.

Who is a refugee?

A refugee is someone who has been forced to flee his or her home because of war, violence or persecution, often without warning. They are unable to return home unless and until conditions in their native lands are safe for them again.

An official entity such as a government or the United Nations Refugee Agency determines whether a person seeking international protection meets the definition of a refugee, based on well-founded fear.

Who is an immigrant?

An immigrant is someone who makes a conscious decision to leave his or her home and move to a foreign country with the intention of settling there. Immigrants often go through a lengthy vetting process to immigrate to a new country. Many become lawful permanent residents and eventually citizens.

Immigrants research their destinations, explore employment opportunities, and study the language of the country where they plan to live. Most importantly, they are free to return home whenever they choose.

Who is a migrant?

A migrant is someone who is moving from place to place (within his or her country or across borders), usually for economic reasons such as seasonal work. Similar to immigrants, they were not forced to leave their native countries because of persecution or violence, but rather are seeking better opportunities.

Many of those crossing the U.S. border from Central American countries—**El Salvador**, Guatemala and Honduras—are in fact asylum seekers, not migrants. They have a well-founded fear of persecution if they were to return home.

<https://www.rescue.org/article/migrants-asylum-seekers-refugees-and-immigrants-whats-difference#:~:text=Currently%2C%20there%20are%2068.5%20million,permanently%20in%20another%20country%E2%80%94immigrants.>

5)

From the International Organization for Migration (IOM) “Key Migration Terms”:

Asylum seeker – An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.

Source: United Nations High Commissioner for Refugees, Master Glossary of Terms (2006).

Displacement – The movement of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters.

Source: Adapted from Guiding Principles on Internal Displacement, annexed to United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr Francis M. Deng, Submitted Pursuant to Commission Resolution 1997/39, Addendum (11 February 1998) UN Doc E/CN.4/1998/53/Add.2, 5, para. 2 of the introduction.

Note: Unlike the Guiding Principles on Internal Displacement, the above definition is meant to cover both internal and cross-border displacement. Principle 6 of the Guiding Principles stipulates the right to be protected against arbitrary displacement. Displacement is considered arbitrary in the following circumstances: “(a) When it is based on policies of apartheid, “ethnic cleansing” or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population; (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand; (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests; (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and (e) When it is used as a collective punishment” (Guiding Principles on Internal Displacement, annexed to United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr Francis M. Deng, Submitted Pursuant to Commission Resolution 1997/39, Addendum (11 February 1998) UN Doc. E/ N.4/1998/53/Add.2, Principle 6.2). In order not to be arbitrary, displacement shall also last no longer than required by the circumstances (ibid., Principle 6.3).

In international humanitarian law, the (forced) displacement of civilians is prohibited and constitutes a war crime both in times of international and non-international armed conflicts except when required for their security or imperative military reasons (see Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, Art. 49(1); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 609 (Additional Protocol II) Art. 17(1) and (2); Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3, Art. 8(2)(a)(viii) and (e)(viii)). The prohibition of individual or mass displacement is also endorsed by the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (adopted 23 October 2009, entered into force 6 December 2012) Art. 4(4)(b)).

Emigration – From the perspective of the country of departure, the act of moving from one's country of nationality or usual residence to another country, so that the country of destination effectively becomes his or her new country of usual residence.

Environmental migrant – A person or group(s) of persons who, predominantly for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are forced to leave their places of habitual residence, or choose to do so, either temporarily or permanently, and who move within or outside their country of origin or habitual residence.

Source: Council of the International Organization for Migration (IOM), Discussion Note: Migration and the Environment (November 2007) MC/INF/288; IOM, International Dialogue on Migration (no. 18) Climate Change, Environmental Degradation and Migration (2012); IOM, Outlook on Migration, Environment and Climate Change (2014).

Note: There is no international agreement on a term to be used to describe persons or groups of persons that move for environment related reasons. This definition of environmental migrant is not meant to create any new legal categories. It is a working definition aimed at describing all the various situations in which people move in the context of environmental factors.

Migrant – An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.

Note: At the international level, no universally accepted definition for “migrant” exists. The present definition was developed by IOM for its own purposes and it is not meant to imply or create any new legal category.

Two approaches are generally adopted to define the term “migrant”: the inclusivist approach, followed among others by IOM, considers the term “migrant” as an umbrella term covering all forms of movements; the residualist approach excludes from the term “migrant” those who flee wars or persecution (J. Carling, What is the meaning of migrant? www.meaningofmigrants.org (last accessed 8 May 2019)).

For the purpose of collecting data on migration, the United Nations Department of Economic and Social Affairs (UN DESA) defines “international migrant” as “any person who changes his or her country of usual residence” (UN DESA, Recommendations on Statistics of International Migration, Revision 1 (1998) para. 32). The UN DESA definition excludes movements that are due to “recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimages” (ibid.). Specific definitions have also been developed by UN DESA to identify short-term and long-term migrants (see relevant entries).

Migrant flow (international) – The number of international migrants arriving in a country (immigrants) or the number of international migrants departing from a country (emigrants) over the course of a specific period.

Source: United Nations Department of Economic and Social Affairs, Toolkit on International Migration (2012) p.3

Note: “Migration flow data are a dynamic measure counting the number of people crossing international borders, possibly including those who cross several times during a given time interval” (United Nations Department of Economic and Social Affairs, *Toolkit on International Migration* (2012) p. 3). Other terms are often used in the media to describe a sudden arrival of non-nationals in large numbers, such as influx, wave or stream. Their usage is discouraged because of the negative perception and alarmist attitudes it conveys with regard to migration.

Migrant stock (international) – For statistical purposes, the total number of international migrants present in a given country at a particular point in time who have ever changed their country of usual residence.

Source: Adapted from United Nations Department of Economic and Social Affairs, Toolkit on International Migration (2012) pp. 2–3.

Migrant worker – A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

Source: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted 18 December 1990, entered into force 1 July 2003) 2220 UNTS 3, Art. 2(1).

Note: The Convention expressly provides protection to migrant workers and their family members not only when the migrants are actually working in the country of destination, but “during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence” (Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families, General Comment No. 1 on Migrant Domestic Workers (23 February 2011) UN Doc. CMW/C/GC/1, 1, quoting the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted 18 December 1990, entered into force 1 July 2003) 2220 UNTS 3, Art. 1).

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families applies to those that fulfill the definition specified in Article 2(1), from which the following groups are excluded:

- “(a) Persons sent or employed by international organizations and agencies or persons sent or employed by a State outside its territory to perform official functions, whose admission and status are regulated by general international law or by specific international agreements or conventions;
- (b) Persons sent or employed by a State or on its behalf outside its territory who participate in development programmes and other co-operation programmes, whose admission and status are regulated by agreement with the State of employment and who, in accordance with that agreement, are not considered migrant workers;
- (c) Persons taking up residence in a State different from their State of origin as investors;
- (d) Refugees and stateless persons, unless such application is provided for in the relevant national legislation of, or international instruments in force for, the State Party concerned;
- (e) Students and trainees;
- (f) Seafarers and workers on an offshore installation who have not been admitted to take up residence and engage in a remunerated activity in the State of employment” (ibid., Art. 3).

Migrant workers are sometimes referred to as “foreign workers” or “(temporary) contractual workers”.

Migration – The movement of persons away from their place of usual residence, either across an international border or within a State.

Refugee (mandate) – A person who qualifies for the protection of the United Nations provided by the High Commissioner for Refugees (UNHCR), in accordance with UNHCR’s Statute and, notably, subsequent General Assembly’s resolutions clarifying the scope of UNHCR’s competency, regardless of whether or not he or she is in a country that is a party to the 1951 Convention or the 1967 Protocol – or a relevant regional refugee instrument – or whether or not he or she has been recognized by his or her host country as a refugee under either of these instruments.

Source: Adapted from United Nations High Commissioner for Refugees, Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status (2011) HCR/1P/4/enG/Rev. 3, 7, para. 16.

Refugee (1951 Convention) – A person who, owing to a well-founded fear of persecution 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 or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Source: Adapted from Convention relating to the Status of Refugees ((adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137) Art. 1A(2).

Note: Under international refugee law, recognition as a refugee is declaratory and not constitutive. “A person is a refugee within the meaning of the 1951 Convention as soon as he fulfils the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. Recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but is recognized because he is a refugee” (United Nations High Commissioner for Refugees, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status* (2011) HCR/1P/4/enG/Rev. 3, para. 9). The second part of the definition also covers stateless persons who are outside their country of habitual residence.

Instruments adopted at the regional level complement the Convention relating to the Status of

Refugees ((adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137) and build upon its definition, by including specific reference to a number of objective circumstances which may compel a person to leave their country. Article 1(2) of the Convention Governing Specific Aspects of Refugee Problems in Africa ((adopted 10 September 1969, entered into force 20 June 1974) 1001 UNTS 45) includes in the definition of refugees also any person compelled to leave his or her country “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality”. Similarly, the 1984 Cartagena Declaration states that refugees also include persons who flee their country “because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order”.

Smuggling of migrants – The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a person into a State Party of which the person is not a national or a permanent resident.

Source: Adapted from Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime ((adopted 15 November 2000, entered into force 28 January 2004) 2241 UNTS 507) Art. 3(a).

Note: In the above definition, the term illegal entry used in the Protocol’s definition has been replaced by the term irregular entry.

Trafficking in persons – The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Source: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (adopted 15 November 2000, entered into force 25 December 2003) 2237 UNTS 319, Art. 3(a).

Note: Article 3 of the Trafficking Protocol also stipulates that: “[t]he consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used” Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (adopted 15 November 2000, entered into force 25 December 2003) 2237 UNTS 319, Art. 3(b). Trafficking can also happen within State borders.

<https://www.iom.int/key-migration-terms#Migrant>