



REFUGEES and ASYLUM SEEKERS in Cambodia



When Cambodians
were refugees
themselves.

❖ WHO IS A REFUGEE?

A refugee is a person who has fled their country because they fear being killed or seriously hurt because of their ethnicity, nationality, religion, political beliefs or because they belong to a certain social group.

The United Nations created a document called the Refugees Convention that sets out the rules for deciding who is a refugee. When a country signs the Refugees Convention they agree to protect refugees in their country.



❖ WHO IS AN ASYLUM SEEKER?

An asylum seeker is a person who is seeking protection and to be recognised as a refugee.

❖ REFUGEE STATUS DETERMINATION (R.S.D)

Every country that has signed the Refugee Convention has their own process for deciding if a person is a refugee. This is called RSD.

For those countries that have not signed the Refugee Convention but have a refugee population, the United Nations High Commissioner for Refugees (UNHCR) usually conducts a refugee status determination process.

❖ REFUGEE STATUS DETERMINATION IN CAMBODIA

Cambodia has signed the Refugee Convention Since 2009 the Cambodian Government has been making refugee status determinations for asylum seekers in Cambodia. Cambodia's refugee status determination process is set out in Cambodian law and largely reflects the Refugee Convention.

In Cambodia, an asylum seeker must register with the Refugee Office and is then invited to an interview. Sometimes JRS will write a submission on the asylum seeker's behalf to explain why he or she should be recognized as a refugee. After the interview, the Refugee Office decides whether the asylum seeker is owed protection as a refugee.

If an asylum seeker is found to be a refugee they will be able to stay in Cambodia. If the decision is negative the asylum seeker has one month to appeal the decision, JRS helps with most appeals. If they are found not to be a refugee they will have to leave Cambodia and go back to their country.

❖ REFUGEE STATUS DETERMINATION IN AUSTRALIA

Australia is a signatory to the Refugee Conventions and has a refugee status determination process set out in Australian law. However, Australia has been sending asylum seekers to other countries for refugee status determination. They are housed in off shore detention centres in Nauru and Manus Island, Papua New Guinea.



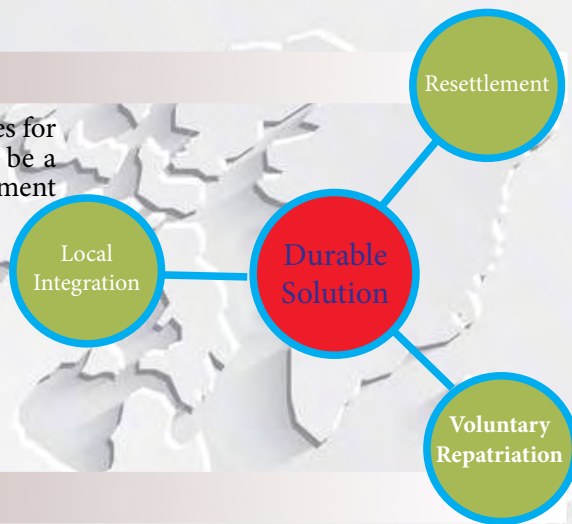
Nauru and Papua New Guinea are both signatories to the Refugee Conventions and have recently established refugee status determination processes in their law. Nauru and Papua New Guinea have done this so that Australia can send asylum seekers to their country RSD will be decided there by the Nauru and Papua New Guinea governments.

The Cambodian Government has announced that Australia has asked Cambodia to let people who have been found to be refugees in Nauru and Papua New Guinea resettle in Cambodia. Australia has said that people found to be refugees will not be allowed to move to Australia.

Australia has stated publicly that this process is an attempt to stop asylum seekers coming to Australia. The Australian Government knows that life is much harder in Nauru, Papua New Guinea and Cambodia and it hopes that asylum seekers will not want to live there and therefore not travel to Australia by boat to seek protection. Australia does not allow refugees who come by boat on to the Australian mainland. Some are on Christmas Island which is Australian territory.

❖ DURABLE SOLUTION

There are generally three outcomes for a person who has been found to be a refugee: local integration, resettlement and voluntary repatriation.



☑ LOCAL INTEGRATION

This is where a refugee stays in the country where they have been found to be a refugee. This usually happens if the country is a signatory to the Refugee Convention and can protect the refugee by allowing them to stay legally in that country. Sometimes refugees cannot stay in Cambodia because they have medical condition that cannot be treated in Cambodia or some other special circumstances. Most refugees in Cambodia are seeking sponsorship to be resettled in another country.



☑ RESETTLEMENT

This is where another country allows a refugee to move to their country and offers them protection. This usually happens in countries that are not signatory to the Refugee Convention but have a lot of refugees living in their country such as Thailand or Malaysia. The UNHCR organises resettlement but there are usually many more refugees than countries willing to resettle refugees so not all refugees will be able to be resettled. Usually only wealthy countries agree to resettle refugees. Australia wants to resettle the refugees who claim Australian protection in Cambodia.



☑ VOLUNTARY REPATRIATION

This is when a refugee chooses to return to the country they fled. This may be because the situation has changed, such as a war has ended or the government has changed. Sometimes refugees choose to return home because they cannot find a safe place elsewhere.



❖ WHAT IS DEPORTATION?

One of the most important rights in the Refugee Convention is the right known as “non-refoulement”. This means *that an asylum-seeker or refugee cannot be sent back to their home country*. This protects refugees who may be killed or seriously hurt in that country. If an asylum seeker is found not to be a refugee, then they can be sent back to their home country. This is known as *deportation*.

It is very important that countries do not deport asylum seekers before a decision has been made on whether they are a refugee or not. Unfortunately, the Cambodian Government has deported some asylum seekers without making a decision on their refugee status. This is a breach of the Refugee Convention.

❖ REFUGEE RIGHTS

The Refugee Convention sets out the rights of refugees, some important rights are:

- ▶ the right not to be returned to a country where the refugee’s life or freedom would be threatened (Article 33).
- ▶ the right not to be deported from a country except on grounds of national security or public order (Article 32).
- ▶ the right not to be punished for entering or staying in a country illegally (Article 31).
- ▶ the right to work or run their own business (Articles 17 and 18)
- ▶ the same rights to elementary education as citizens and the best access as possible to other education (Article 22).
- ▶ the same rights as citizens to public assistance, social security and working conditions.(Articles 23 and 24).
- ▶ the right to documents available to other foreign residents, the right to identity documents if the refugee doesn’t have a valid travel document and the right to a travel document (Articles Articles 25, 26 and 27).
- ▶ refugees generally have the same rights as other foreign residents (Article 7).
- ▶ the right to move freely within a country (Article 26).
 - ▶ the right to own property (Article 13).
 - ▶ the right to assistance with an expedited pathway to citizenship (Article 34).
 - ▶ there is no right to family reunification in the Refugee Convention but it is strongly encouraged and is a right for refugees under Cambodian law.

❖ **WHAT IS THE ROLE OF THE CAMBODIAN GOVERNMENT?**

The Cambodian government promises to protect all asylum seekers while their case is being decided. The Refugee Office registers all asylum seekers and gives them a temporary permission to stay in Cambodia while a decision is made on their refugee status. If the Cambodian government decides a person is a refugee, the Refugee Office will issue a prakas on refugee status which allows refugees to permanently remain in Cambodia. The Cambodian Government does not provide any funding or assistance to asylum seekers or refugees. If refugees have trouble with police the refugee can appeal to Refugee Office for help.

❖ **BECOMING A CITIZEN**

If a refugee in Cambodia wants to become a citizen, they must apply under the Nationality Law. This requires someone to have lived in Cambodia for at least seven years since obtaining a resident card. Unfortunately, refugees in Cambodia are not given cards and so they cannot apply for citizenship. Refugees have left their country and cannot go back. Obtaining Cambodian citizenship can be an important step in feeling like Cambodia is their new home and that they belong here. Some refugees do not have any other citizenship because the country they fled did not recognise them as citizens. They are known as 'stateless' because they have no country of nationality. For these refugees, the ability to apply for citizenship is very important.



❖ **WHAT IS THE ROLE OF UNHCR?**



UNHCR is the agency in charge of the Refugee Convention around the world. UNHCR used to do refugee status determinations in Cambodia before the Government started to make their own decisions in 2009. Since then, UNHCR in Cambodia supports the Government to meet its obligations under the Refugee Convention and provides assistance to refugees in Cambodia. Sometimes UNHCR helps refugees to resettle to another country.

UNHCR provides some financial assistance to the most vulnerable refugees depending on their circumstances. UNHCR also funds health insurance for refugees and asylum seekers in Cambodia, allowing them to receive medical treatment. UNHCR has also funded a vocational training program to help refugees learn skills to help them get jobs. UNHCR can also assist an asylum seeker to register with the Refugee Office and may attend the interview. It is unclear what role UNHCR will have with the refugees from the Australian off shore detention centres.

❖ **WHAT IS THE ROLE OF JRS?**

The Jesuit Refugee Service (JRS) is an international organization that accompanies, supports and advocates for displaced people. JRS has operated since 1990, assisting Cambodian refugees living in camps in Thailand to return and assisting refugees from other countries coming to Cambodia looking for protection.




JRS provides a range of services for refugees, including assistance finding a house, work, loans, enrolling children in school, finding tutors and providing legal advice and support throughout their application for refugee status. JRS does not receive funding from the Cambodian Government or UNHCR. JRS has helped over 5000 refugees in Cambodia over the past 20 years.





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