

Handout 1.1 - Definition of Terms

Citizen

A **native-born citizen** is a person who was born within the country's territory and has been legally recognized as a citizen of that country since birth. A **naturalized citizen** is a person who was born an alien, but has lawfully become a citizen

Alien

The main legislation governing immigration in the U.S. is the Immigration and Nationality Act of 1952, (INA). For INA purposes, an "**alien**" is any person who is not a citizen or a national of the United States.

Documented

U.S. policy provides two distinct paths for the lawful/documented admission of non-citizens, or "aliens": permanent admission or temporary admission.

Temporary admission would refer to things like visas for work, school, or tourism.

Permanent resident

Permanent admission grants the status of "lawful permanent residents" (LPRs). A **permanent resident** is a person who is allowed to reside indefinitely within a country of which he or she is not a citizen. Permanent residents are usually eligible to work and to apply for citizenship by naturalisation after a period of residency in the country concerned.

Under U.S. law, only "aliens"/non-citizens who are granted permanent residency are formally classified as "**immigrants**." As such, they receive a permanent resident card, commonly referred to as a green card.

Undocumented ("illegal")

A foreign-born person who either entered the country without authorization or stayed beyond the expiration date of a visa or other status.

Sources:

<http://definitions.uslegal.com/>

<http://www.cbo.gov/ftpdocs/70xx/doc7051/02-28-Immigration.pdf>

Migrant Worker

According to the "United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families": a "**migrant worker**" is "a person who is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national."^[1]

The Convention has been ratified by Mexico, Brazil, and the Philippines (amongst many other nations that supply foreign labour) but it has not been ratified by the United States, Germany, and Japan (amongst other nations that receive foreign labour).

The term "foreign worker" is generally used in the United States to refer to someone fitting the international (UN) definition of a migrant worker while the term *migrant worker* is considered someone who regularly works away from home, if they have a home at all.

In the United States, migrant worker is commonly used to describe low-wage workers performing manual labor in the agriculture field; these are often undocumented immigrants who do not have valid work visas.

Refugee

Under the United Nations Convention Relating to the Status of Refugees from 1951, a **refugee** is a person who (according to the formal definition in article 1A of this Convention), "owing to a well-founded fear of being persecuted 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 to or, owing to such fear, is unwilling to avail himself of the protection of that country".^[1] Refugees were defined as a legal group in response to the large numbers of people fleeing Eastern Europe following World War II. The concept of a refugee was expanded by the Convention's 1967 Protocol and by regional conventions in Africa and Latin America to include persons who had fled war or other violence in their home country.

The U.S. Committee for Refugees and Immigrants gives the world total as 62,000,000 refugees and estimates there are over 34,000,000 displaced by war, including internally displaced persons (IDPs), who remain within the same national borders. The majority of refugees who leave their country seek asylum in countries neighboring their country of nationality.

Asylum seekers

The United States recognizes persecution "on account of race, religion, nationality, political opinion, or membership in a particular social group" as grounds for seeking asylum. Until a request for refuge has been accepted, the person is referred to as an **asylum seeker**. Only after the recognition of the asylum seeker's protection needs, he or she is officially referred to as a refugee and enjoys refugee status, which carries certain rights and obligations according to the legislation of the receiving country.

The practical determination of whether a person is a refugee or not is most often left to certain government agencies within the host country. This can lead to a situation where the country will neither recognize the refugee status of the asylum seekers nor see them as legitimate migrants, making it difficult to obtain documented/lawful status.

United Nations High Commissioner for Refugees (UNHCR)

The Office of the United Nations High Commissioner for Refugees (UNHCR) (established December 14, 1950) protects and supports refugees at the request of a government or the United Nations and assists in their return or resettlement. Almost all refugees in the world are under the UNHCR mandate.

UNHCR provides protection and assistance not only to refugees, but also to other categories of displaced or needy people. These include asylum seekers, refugees who have returned home but still need help in rebuilding their lives, local civilian communities directly affected by the movements of refugees, stateless people and so-called internally displaced people (IDPs). IDPs are civilians who have been forced to flee their homes, but who have not reached a neighboring country and therefore, unlike refugees, are not protected by international law and may find it hard to receive any form of assistance. As the nature of war has changed in the last few decades, with more and more internal conflicts replacing interstate wars, the number of IDPs has increased significantly to an estimated 5 million people worldwide.

Not all migrants seeking shelter in another country fall under the definition of "refugee" according to article 1A of the Geneva Convention.

“Climate Change Refugees”

Although they do not fit the definition of refugees set out in the UN Convention, people displaced by the effects of climate change have often been termed "climate refugees" or "climate change refugees"

Sea level rise and raising global temperatures threaten food security and state sovereignty for many around the world. Higher temperatures are expected to further raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The IPCC (Intergovernmental Panel on Climate Change) estimates that the global average sea level will rise between 0.6 and 2 feet (0.18 to 0.59 meters) in the next century, while other sources project that sea levels could be up to 5 feet higher (0.5 to 1.4 meters) in 2100 and rising 6 inches per decade. These models provide evidence that people that call low lying atolls, islands, and the Arctic home will become displaced.

In tropical and subtropical regions and even in temperate zones where crops and livestock production play an essential role in a regions economy are highly susceptible to global temperature rise and in turn food security crises. Severe drought and hunger related deaths will become more prevalent, causing “unprecedented rates of migration from north to south, from rural to urban areas, and from landlocked to coastal countries” as was seen between the late 1960s to the early 1990s by the Sahal.

Economic migrants

The term economic migrant refers to someone who has emigrated from one region to another region for the purposes of seeking employment or improved financial position. Economic migrants are not recognized as refugees. Given that many countries have immigration and visa restrictions regarding work visas, economic migrants are often refused entry into a country.

In 2008-2009, the humanitarian nature of the mass movement of Zimbabweans to neighbouring Southern African countries blurred the distinction between what is a "refugee" and an "economic migrant". Those crossing the border were not

refugees - most did not even apply for refugee status – but given the extent of economic collapse at home, they could hardly be considered "voluntary" economic migrants. The Zimbabweans fit neither category perfectly and fall outside the specific mandate of the UNHCR, so many of them were not legally protected, nor did they receive humanitarian support, as they fell outside the mandates of the support structures offered by government and non-government institutions.

According to the report *Zimbabwean Migration into Southern Africa: New Trends and Responses*, released in November 2009 by the Forced Migration Studies Programme (FMSP) at the University of the Witwatersrand, South Africa, the displaced Zimbabweans fell between the cracks. The researchers found that a lack of protection of migrants in the region was based on a "*false distinction*" between a forced and an economic migrant, when instead focus should have been given to the real and urgent needs some of these migrants have. The report suggested that a better term would be "forced humanitarian migrants", who moved for the purpose of their and their dependents' basic survival.

Sources:

The sections on migrants and refugees were excerpted from wikipedia articles on each subject, with moderate editing for readability.