



Andrew & Renata Kaldor Centre
for International Refugee Law

Factsheet

REFUGEE STATUS DETERMINATION IN AUSTRALIA

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The process for deciding refugee claims in Australia varies depending on how a person seeking asylum arrives in the country. Those arriving with a valid visa access a standard refugee status determination process, as explained below. Those arriving without a valid

seeker) may be recognised by the government as a refugee and receive protection. Asylum seekers have the opportunity to put forward the reasons why they fear that they will be persecuted or subjected to other significant harm if they are returned to their country of origin.

As soon as a person is a refugee. This is because under international law, a person is a refugee as soon as they meet the definition set out in the [Refugee Convention](#). This may be the time when they leave their country of origin. However, a person needs to be officially recognised as a refugee in order to receive the rights and entitlements that attach to refugee status.

The Refugee Convention does not set out procedures that must be followed in an RSD system, but there are many non-binding international [standards](#). For Australia to comply with its obligations under the Refugee Convention, it must have a procedure in place that enables the government to accurately identify the people to whom it owes protection.

The RSD process is also used to determine whether a person is entitled to complementary protection, based on serious human rights violations under the International Covenant on Civil and Political Rights and the Convention against Torture (see our factsheet on [Complementary Protection](#)). All applications made for protection in refugee status and complementary protection, concurrently.

- an overview

