



Immigration

Best practice guidelines

Disclaimer

It is important to remember that this is a generalised guide and immigration requirements can change from country to country.

Definitions

'**Immigration**' is defined as the action of moving to a foreign country to live there permanently. People who have immigrated are referred to as '**immigrants**'.

The term '**expatriate**', sometimes shortened to '**expat**', can also be used to describe a person who has moved to a foreign country. However, there is an Anglocentric bias associated with the term because of its associations with wealth, intended length of stay, perceived motives for moving, nationality, race, and the countries being moved from and to. Due to this, it is generally recommended to avoid the term.

When speaking about immigration, groups of people like '**refugees**', '**asylum seekers**', and '**illegal immigrants**' are often discussed. Refugees are people who have been recognised under the '1951 Convention relating to the status of refugees'. An asylum seeker is somebody who is seeking refuge but whose status as a refugee is yet to be determined.

Generally speaking, 'illegal immigrants' are any people who enter a country without following the laws around entering that country or remaining in a country once those legal requirements have lapsed. For example, they might enter a country without a valid visa or remain in a country once their visa has expired. Some countries have legal grey areas wherein illegal immigrants are exploited for labor but afforded no legal avenue to regularise their status.

'**Citizenship**' refers to the process of becoming a citizen of a country through birth in a particular country or by descent from parents who are citizens of a particular country. '**Naturalization**' refers to the process of becoming a citizen either via a statute after a certain period of living as a permanent resident has



passed or via an application to a government body. The rules around citizenship and naturalisation differ from country to country.

Some individuals are not considered citizens of any country and they are referred to as '**stateless**'. The primary reason for a person being born stateless or otherwise becoming stateless is due to a gap in a country's nationality laws around citizenship by birth or family lineage. Other situations—like the creation of new states, borders, or discriminatory laws—can cause people to become stateless.

Reasons

There are many reasons why someone might choose to immigrate to a different country, this is often personal and private. However, these are some common reasons why someone might choose to immigrate:

- Better education/work.
- Better quality of life.
- To join family/spouses.
- Safety from their country.
- Refuge from persecution.
- Curiosity and desire to live somewhere new.

There are many other reasons, but these are the most common. Still, it's important to remember that these reasons might go deeper, such as what sort of education or work an immigrant is looking for or what their home country might be going through to push them to move to another country.

Types

Family sponsorship and marriage

A common way of immigrating can be through a family member or spouse that already resides legally in the country someone is trying to immigrate to. This is considered a '**sponsor**'. Conditions apply to each individual case; however, these are the most common requirements:

- The sponsor must be a citizen and be the husband or wife of the applicant.
- The sponsor must be a citizen and be the child of the applicant.
- The sponsor must be a citizen and be the sibling of the applicant.
- The sponsor must be a citizen and be the mother or father of the applicant.



- The sponsor must be a citizen and adoptive parent to an orphan child.

Under each of these, there is a preference and a long list of requirements to prove familial ties or a long term serious relationship that isn't just to give someone citizenship.

There is also preference within situations like this, such as minors with citizen parents taking priority over married family members trying to immigrate.

Studying and student visas

Individuals with a '**student visa**' are permitted to live in a country while actively studying there. Students are not automatically considered immigrants, as student visas are temporary; however, they are a pathway many students take in the hope of becoming permanent residents and citizens of the host country.

Countries have different requirements that an individual must meet before they can successfully apply for a student visa, such as:

- Students must speak the language fluently or be enrolled to learn the language spoken in said country.
- Students must be accepted by one of the approved schools from Immigration.
- Students must be able to prove they are capable of funding their education and living.
- Students intend to keep residence inside their immigrating country.

These restrictions apply to 'academic studies' such as in a university, college, or something similar. 'Vocational studies' such as attending a university for one subject typically require a different application entirely.

Some countries restrict where and for how many hours the immigrant can work while on a 'student visa' either for their first year or the duration of their stay.

Employment sponsorship

Being hired by a company is a way to gain temporary immigration into a country. However, this comes with many guidelines, risks, and limitations. For example, some lower-level employees risk being taken advantage of by their employers.



Queerly Represent Me Ltd.
Trading as *Represent Me*
ABN: 95 626 874 226
ACN: 626 874 226

For most countries, someone sponsored by their work will be allowed to remain in the country as long as they work for the company that sponsored them. However, seeking permanent residence in said country can vary from country to country. Some countries will allow the immigrant's employer to apply in their name for permanent living in said country. However, other countries will allow any immigrant to apply for citizenship after a certain amount of time in said country.

Of course, this comes with more layers, such as certain jobs having more priority depending on skill level, necessity, and specialisation. These also can change from country to country.

Other barriers exist with this sort of immigration such as limitations on who you can work for or what you can work in.

Refuge and asylum

Immigration through asylum is available in several countries for people that are persecuted due to their race, religion, nationality, political opinion, or connections to certain groups. There are some other rare reasons, however, these are the most common.

For this, details may vary, but usually require the immigrant to already be inside of the country they plan to immigrate to and do so in a certain amount of time.

There are several steps, including proof of persecution, interviews, and documentation that makes it an arduous process. Most places will require more than one form of proof and will determine the eligibility of the immigrant according to what was provided.

In addition to this, some countries will allow for asylum with certain conditions. These conditions can be things such as the immigrant not being able to visit the country they emigrated from.

Diaspora communities

A diaspora community is formed when many immigrants from the same country or geographical region of origin come to live in the same area. These communities can form a major support network for immigrants by enabling them to be part of a group with shared experiences, a shared cultural background, and shared native language. Diaspora communities can also enrich local communities at large through immigrant-run small businesses and cultural events. A very common example of a diaspora community are the Chinatowns which feature in many major cities around the world.

v.1.0 | Updated June 2021

*Represent Me acknowledges the Traditional Owners of the lands on which we live and work.
We pay our respects to Elders past and present. Sovereignty was never ceded.*



Diaspora communities can face a range of issues and microaggressions. This can include criticisms of 'not assimilating' with the dominant community at large; prejudiced and/or stereotypical assumptions regarding members of the diaspora community; hostile, violent, or suspicious treatment as a result of geopolitical issues with the country of origin; and, in extreme cases, the malicious leveraging of diaspora communities in order to disenfranchise or harm specific cultural and ethnic groups.

Nth generation migrants

Nth generation (i.e. 1st generation, 2nd generation, etc) migrants are individuals whose families originally immigrated to a new country. Children who are born and raised in the new country whose parents originally immigrated are referred to as first generation immigrants, and subsequent generations of families which continue to live in this new country go on to be called 2nd generation, 3rd generation and so on. Some migrants, after having spent extended time in their new country, may have more in common with Nth generation migrants than newly arrived migrants. Diaspora communities, as discussed above, typically incorporate both newly arrived migrants and Nth generation migrants who continue to be active in the community.

Nth generation migrants are highly diverse in terms of their relationship with their country of origin. Some are raised entirely separated from the culture and language of their country of origin and consider themselves as wholly a part of the new country. Others are raised to experience the language and culture of both their country of origin as well as the country in which they were born/naturalised. Neither approach is necessarily more 'correct' than the other and for most nth generation migrants, the circumstances by which they were raised are largely out of their control. For this reason, it is ideal to not carry any assumptions on how an Nth generation migrant 'should' be.

Nth generation migrants typically face issues relating to not being accepted as part of the dominant group in society, especially if their physical appearance and/or name is different to the dominant culture or ethnicity. They can become disenfranchised in obtaining the same opportunities as members of the dominant group, despite being born and raised within the same community. Much of the issues faced by diaspora communities also apply.

Issues immigrants face

There are several ways to immigrate, but they all take time and money. There are fees for applications, fees for immigration lawyers, and waiting time in between application and a decision being made. This means there is a level of privilege required for a person to successfully immigrate to a new country.

v.1.0 | Updated June 2021

*Represent Me acknowledges the Traditional Owners of the lands on which we live and work.
We pay our respects to Elders past and present. Sovereignty was never ceded.*



In addition, immigrants can experience racism and discrimination, especially in countries where anti-immigration movements are prevalent. This is usually reserved for people who are visibly 'other', such as people of colour, or people with varying accents, religions, or castes. It can also apply to immigrants who are considered 'lower class' in their resident country, such as Poles in Norway, Turks in Germany, and Koreans in Japan.

Discrimination can manifest in passive-aggressive microaggressions, racism, or violence. The new community also may not have specific facilities relating to the immigrants needs such as religious facilities, food, and access to language services. There can be significant pushback from the local communities in establishing these facilities to support immigrant populations.

Access to support facilities

Immigrants may find a lack of accessible support facilities available in their new country. This can include lack of availability of services in their native language and/or a lack of translation and interpreting services. Further, depending on the country, the full extent of welfare services such as unemployment payments and nationalised healthcare may exclude temporary residents and/or permanent residents, which can make it difficult for new migrants to integrate into their new home. It can also be difficult to gain access to appropriate religious and cultural services unless the migrant moves to an area with a diaspora community.

Exploitation and modern slavery

Immigrants are highly vulnerable to malicious practices which circumvent local laws in order to coerce individuals to remain in exploitative situations or risk deportation/imprisonment. These practices take advantage of the immigrants' lack of access to support services and knowledge of local laws in order to subject the individual to conditions such as:

- Pay significantly below minimum wage
- Demanding long working hours with minimum breaks
- Control over the individual's accommodation (costs often deducted from take home pay), private schedule, and living standards, including restrictions on travel/leisure even outside of work hours
- Confiscation of personal documents including passports in order to prevent the individual from leaving and reporting the exploiter to authorities

Targetted discrimination and harrassment

v.1.0 | Updated June 2021

*Represent Me acknowledges the Traditional Owners of the lands on which we live and work.
We pay our respects to Elders past and present. Sovereignty was never ceded.*



Immigrants and diaspora communities have been the receiving end of targeted and/or state sanctioned discrimination and harassment at various points in history. The dominant culture may have certain preconceived assumptions about immigrants from specific parts of the world, and this can translate into specific groups and/or communities as targets for harassment—be it incidents involving malicious individuals, or discrimination of a systemic nature.

Cultural appropriation

Cultural appropriation occurs when elements of a minority culture are superficially adopted by the dominant culture—often for profit or for seeming ‘exotic’—without a genuine attempt to engage with the minority culture and the issues they face as a community.

Cultures often influence each other and the simple exchange of cultural norms can be highly rewarding. However, what defines cultural appropriation is the existence of a dominant and more powerful culture leveraging its relative privilege to profit from the culture of minority communities without any consultation or benefit for the minority community itself.

For example, visiting a foreign country and enjoying its food and culture - even cooking it at home or purchasing traditional dress—is not cultural appropriation. A non-Indigenous person leveraging their wealth to release a line of ‘Indigenous style’ artworks for profit, established with little input from the Indigenous community and no benefit to Indigenous artists—would be an example of cultural appropriation.

Questions to avoid

There are certain things that are better not to ask or say to an immigrant that could be taken the wrong way or be unintentionally hurtful or insensitive. This includes:

- Why did you immigrate?
- Your (language learned) is so good! You barely have an accent.
- So where are you *really* from?
- You don't look (country of origin's ethnicity here).
- Do you want to move back home?
- Are you here legally?
- Do you know your native language? No? That's a pity.
- Wow! Your (cultural thing here) is so weird!
- You're so ethnic!



- You're fine, but most immigrants are rapists/criminals/illegal.
- At least you're not the 'wrong' kind of immigrant.
- Go back home to your country!

Some of these are more insensitive when directed towards Nth generation migrants. For example, while Mexican-Americans may feel put on the spot if addressed in Spanish, their Mexican parents may welcome the effort to connect. Some immigrants are proud of their language fluency because of the work and effort they put into achieving it, whereas Nth generation migrants may find this offensive.

As a general rule, avoid comments which 'other' the individual and suggest that they are alien to the community. If you would like to speak to somebody about their heritage, do so respectfully and with consent. Before asking questions about a person's heritage or country of origin, ask permission and respect the individual's response.

For example, instead of asking if somebody wants to move back home, you may ask if there is anything they miss from their country of origin. Or instead of describing a cultural practice as weird, you might ask to learn more about that cultural practice.

Resources

Resources about the types of available visas and how to apply for them will vary from place to place. Looking at some government immigration websites will give you a sense of the types of visas that are generally available, but please note that the resources in this guide are only a starting point for the United States, Canada, Australia, and New Zealand (which are the areas where the majority of Represent Me's staff are based).

Government of Canada: Immigrate to Canada

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada.html>

Information about all forms of Canadian visas and how to apply.

Live in Melbourne: How to Migrate to Australia

<https://liveinmelbourne.vic.gov.au/migrate/migration-process/how-to-migrate-to-australia>

Information about the various methods a person can pursue when immigrating to Australia.

New Zealand Immigration: Explore visa options for living permanently



Queerly Represent Me Ltd.
Trading as *Represent Me*
ABN: 95 626 874 226
ACN: 626 874 226

<https://www.immigration.govt.nz/new-zealand-visas/options/live-permanently/explore-visa-options-for-living-permanently>

Information about how to immigrate to New Zealand.

US Department of State: Directory of Visa Categories

<https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/all-visa-categories.html>

Information about all forms of visas available in the United States.

VisaPlace: What You Should Know about Family-Based Petitions

<https://www.visaplace.com/usa-immigration/family-sponsorship/>

Information about family sponsorship for United States visas.

v.1.0 | Updated June 2021

*Represent Me acknowledges the Traditional Owners of the lands on which we live and work.
We pay our respects to Elders past and present. Sovereignty was never ceded.*

Queerly Represent Me Ltd

<http://representme.charity>

hello@representme.charity