A refugee is a person who 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. Protecting refugees is the core mandate of the United Nations High Commissioner for Refugees (UNHCR) is a [United Nations](https://en.wikipedia.org/wiki/United_Nations) agency. Governments normally guarantee the basic human rights and physical security of citizens. But when civilians become refugees this safety net disappears. UNHCR’s main role in pursuing international protection is to ensure that states are aware of, and act on, their obligations to protect refugees and persons seeking asylum. However, it is not a supranational organization and cannot be considered as a substitute for government responsibility.

Countries may not forcibly return (refoulement) refugees to a territory where they face danger or discriminate between groups of refugees. They should ensure that refugees benefit from economic and social rights, at least to the same degree as other foreign residents of the country of asylum. For humanitarian reasons, states should allow a spouse or dependent children to join persons to whom temporary refuge or asylum has been granted. Finally, states have an obligation to cooperate with UNHCR.

 The United States offers refuge to those fleeing persecution and war. However, the Trump Administration, citing unfounded security concerns, put a travel ban in place, slashed refugee arrivals to their lowest levels ever, and separated families while criminalizing desperate people seeking asylum.

The movement of people in our world today calls us to reflect carefully on the relative weights of the obligations and rights that arise from our common humanity and from our distinctive identities. Let me suggest several priorities among these duties and rights. We should begin by reaffirming the United Nations’ 1951 Refugee Convention’s affirmation that refugees fleeing persecution should have a high-priority claim to be granted asylum in another country.

Refugees are people who have virtually no alternative except flight from home. In almost all cases their choice is either migration or loss of basic human rights, in many cases even the right to life. Thus in all cases where a country has the resources to admit refugees without severely jeopardizing the life and well-being of its own citizens, it ought to do so, granting asylum to the refugees at its borders.

In addition, we should insist with the Refugee Convention that refugees have a right not to be subject to forcible return (refoulement) to regions where they face serious threats to their lives and freedoms. The priority of non-refoulement of refugees is grounded both in Christian respect for the dignity of every person and in the wisdom formed by political experience.

It is clear that wealthy countries like those of Europe and North America have the resources needed to grant asylum to refugees from countries like Syria and South Sudan today. Chancellor Angela Merkel took the right path when she decided to relax Germany’s borders to all those fleeing the chaos of Syria.

 According to the Statute of UNHCR, the High Commissioner for Refugees shall provide for the protection of refugees falling under the competence of his or her office by “promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto”.

The United States and Canada more than 60 Haitian women and children who were left homeless and vulnerable by the 2010 earthquake. In 2015 we began fieldwork in Amman, Jordon and partnered there with doctors, psychologists, NGOs, and the UN High Commission for Refugees. We identified refugees with credible histories of kidnapping, sexual torture, rape, and forced marriage. To date we have relocated dozens of these Syrian, Iraqi, Kurdish, and Sudanese refugees from Jordon to the United States, Australia, the UK, France, and Canada. In 2016 we expanded this pro bono work by developing an ongoing torture rehabilitation program in Athens, Greece, where our firm has an office. There we supported refugees we had taken on as clients on the Greek islands. Some of these clients had been tortured in Syria by ISIS. To date we have relocated to safety 60 refugee clients from the Middle East.

The governing Executive Committee of UNHCR has adopted conclusions on international protection which relate to minority issues. In conclusions No. 68 and No. 71, the Executive Committee acknowledges that ethnic intolerance causes forced migration, and conclusion No. 80 states that upholding human rights for minorities is one way to combat displacement. Conclusion No. 102 stresses the importance of identifying the particular protection risks of minority refugees in order to protect all refugees. Although not formally binding, the Executive Committee’s conclusions constitute “soft law” which is relevant to the international protection regime, as they express opinions that are broadly representative of the views of the international community. (Promoting and Protecting Minority Rights, 2012)

# References

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