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**Do you think developing countries in Europe and North America are protecting the rights of refugees?**

Refugees are people who have fled war, conflict, violence or persecution and have crossed an international border to find safety in another country. A key document in defining and protecting refugees is the 1951 Refugee Convention. It defines a refugee as “someone who is unable and unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, and nationality, membership of a particular social group or political opinion” (United Nations High Commissioner for Refugees, 2017). As at 2018, there were 70 million refugees out of whom two-thirds come from just five countries: [Syria](https://www.unrefugees.org/emergencies/syria/), Afghanistan, [South Sudan](https://www.unrefugees.org/emergencies/south-sudan/), Myanmar and Somalia (BBC, 2019).

The issue of protecting refugees has been a concern of international law for some time. The 1951 protocol not only defined refugees but also spelt out the type of protection, assistance and social rights a refugee is entitled to receive. This protocol initially dealt with refugees only within Europe after World War 2; however, the 1967 protocol broadened its scope as the problem of displacement spread round the world. Seeing as refugees lack protection from their government, the international community came up with article 33 to protect refugees from refoulment, this article is also known as the principle of non-refoulment (Jastram & Achiron, 2001).

The principle of non refoulment states that “No Contracting (receiving) state shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” Article 33(1). This prohibits receiving states from denying refugees and asylum seekers asylum in their country. However, there are some exceptions to this principle as documented under Article 33(2) of the 1951 Convention. The exception clause includes two exceptions to the right of non-refoulement: the national security exception (in case of threat to the national security of the host country) and the danger to the community exception (in case their proven criminal nature and record constitute a danger to the community) (Cassar, 2016).

As stated in the 1951 convention and the 1967 protocol, refugees are entitled to the same treatment as nationals. However, it is not always the case. In developing countries such as those in Western Europe and North America, refugee rights are not often protected. In the United States for example, policies on refugee protection have often been criticized by international organizations especially during the Trump administration (Arenilla, 2015). In 2018, the Trump Administration was reported to be seeking to create and implement “a safe third country agreement” with Mexico. Under this agreement, asylum seekers arriving at the US border who have travelled through Mexico would be denied the ability to file their asylum claims in the US. Such an agreement would violate the international [principle of non-refoulement](http://www.unhcr.org/4ca34be29.pdf) of which it is a signatory to (Kowalski, 2018).

In Western Europe, the EU has been a prime violator of the principle of non-refoulment. The union has continued to protect their borders often locking out refugees. There has also been an issue of setting up a safe third country in Turkey to control the influx of refugees to the EU. This is also in violation of the non-refoulment principle as it has not be verified that Turkey is completely safe for refugees to be deferred to. Hence, this means that the EU is denying refugees asylum without providing just cause or even a safe alternative (Poon, 2016). There have been arguments in International law concerning whether or not the violation of refugee laws by these developed nations is justifiable.

A primary subject justifying the violation of refugee laws by developing countries is the United States and her security issues. Security issues often involving foreigners have caused Trump to regard these refugees as invaders and terrorists in his ever antagonistic immigration policies. Looking from the point of the US, some opinions state that they are justified for tightening their immigration laws so as to keep the country secure (Carpenter, 2019). Another justification is as said by Attorney General William Barr is that The United States is a generous country but is being completely overwhelmed by the burdens associated with apprehending and processing hundreds of thousands of aliens,” However, with immigration law gradually elevating to the status of a jus cogens, more and more people rise to criticize Trump for not complying to these rules which the US had signed on to. Some of these critics believe that inability to adhere to them shows that the US is no longer interested in sustaining the collectivity of states (Aguilera, 2019).

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