

Name: Barawi-Moses Denaleh

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Assignment Question: Do you think that Developed Countries in Europe and North America are protecting the rights of refugee.

INTRODUCTION

A refugee is someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries.

It is, first and foremost, the responsibility of States to protect their citizens. When governments are unwilling or unable to protect their citizens, individuals may suffer such serious violations of their personal rights that they are willing to leave their homes, their friends, maybe even some of their family, to seek safety in another country. Since, by definition, the basic rights of refugees are no longer protected by the governments of their home countries, the international community then assumes the responsibility of ensuring that those basic rights are respected. The phrase “international protection” covers the gamut of activities through which refugees’ rights are secured.

The world's poorest countries continue to shoulder the burden of the global refugee crisis, according to the UNHCR’s latest annual Global Trends report. The report finds that developing regions host 84% of the world's refugees under the UNHCR's mandate. Meanwhile, some of the poorest countries in the world granted legal asylum status to a growing number of refugees - 28% of the global total. This places a heavy burden on economies struggling to grow and with few extra resources to support new people coming in. Partly this reflects the lack of international consensus when it comes to homing refugees, but is also due to the fact many conflict-ridden countries are surrounded by poor neighbors. At the end of 2016, there were 65.6 million people forcibly displaced worldwide – an increase of 300,000 from the previous year. Meanwhile, the global number of refugees stands at 22.5 million. More than half of these (55%), come from just three countries: Syria, Afghanistan and South Sudan. Turkey hosted almost 3 million refugees in 2016, the largest population of any country.

Most of these fled from conflict in neighbouring Syria, with refugee numbers climbing by nearly half a million - from 2.5 million to 2.9 million - in the space of a year. Pakistan has the second largest refugee population, despite overall numbers falling since many have returned to their home country. The majority of its 1.6 million displaced inhabitants come from Afghanistan. Germany is the only European

country in a list of the top 10 host nations; it saw a massive jump in the size of its refugee population in 2016. Numbers almost doubled to 669,500 over the course of the year after a change in the treatment of asylum claims. Meanwhile, in Lebanon, one in six people was a refugee in 2016 meaning that the country had the largest number of displaced people relative to its own population. Again, most of the 1 million people seeking refuge in the country come from Syria, although a significant proportion originate from Iraq. Growing unrest in the world's newest country, South Sudan, means it became the fastest-growing source of new refugees last year. This group grew by 64% during the second half of the year, to 1.4 million, the majority of whom were children. As a result, Uganda saw a massive hike in its refugee population, which almost doubled to just under a million.

EUROPE

Conflict, violence and persecution are forcing more and more people to flee their homes. Most of them stay in their own country or flee to neighbouring countries, not Europe. Even though fewer people now seek safety in Europe, too many are still tragically dying at sea in search of a new future. Pushbacks and abuses at land borders also continue and many people seeking protection cannot enter Europe. The European Union (EU) can play a leading role in protecting refugees in Europe and abroad, including by supporting the implementation of the Global Compact on Refugees. This new global deal will help provide stronger support for the countries where most refugees live. It also encourages sharing more fairly the responsibility of helping those who are forced to flee their country and seek refuge elsewhere.

For many years European countries have been warned about the inadequacy of their immigration and asylum systems. Now, with increased refugee arrivals and more frequent tragedies, this system is showing all its weaknesses. But refugee arrivals are not the real cause of this collapse. The real reason is political. According to the United Nations Refugee Agency, a little more than 430,000 asylum applications have been lodged in the European Union member states since January. 40% of them have been received by Germany alone, while Hungary has taken 1 out of 4 of the remaining ones. This means that 26 EU countries are dealing with just over 180,000 asylum applications, an effort which is all but epic. Even including the almost 300,000 people who arrived in Italy and Greece since January – mostly Syrians who will be granted asylum - we are still far from experiencing the real refugee arrival pressure faced by much less rich and stable countries like Pakistan, Lebanon and Ethiopia, or, without looking too far, Turkey, home to some 2 million Syrian refugees.

Regrettably, more often than not, politicians ignore facts. With the outstanding exception of Germany, in the majority of the EU countries politicians are competing with each other in sending bad signals to the public. France and the United Kingdom – the latter being a country where asylum applications have remained stable over the last few years - could not find a better answer to the needs of some 3,000 migrants in Calais than to send the police and allocate money to reinforce surveillance. In Denmark – where asylum applications have not increased significantly compared to 2014 - the parliament approved last Wednesday a cut in refugee benefits, with the declared intent to make the country less attractive to refugees. In Poland – where asylum applications in 2014 dropped by 50% compared to 2013 - the country's president spoke against the possibility of taking more asylum seekers, although the number of asylum applications remained low in the first half of 2015 too. With a steep

increase in asylum applications and little if any help from fellow EU countries, Bulgaria and Hungary have made the bad choice of sealing off their borders. This is certainly not the right answer to those who seek international protection. But the inconvenient political truth is that this comes also as the result of an EU asylum system which penalises countries placed at the border of Europe. The real problem is not the arrival of refugees, but this desultory, almost hysterical response to it. More than a refugee crisis, this is a political one, where States demand less Europe, when in reality we need more. To save a Europe of solidarity and human rights, we must rethink its approach to migration.

The first thing to do is to fundamentally review the Dublin Regulation, an unfair mechanism which allows the majority of EU member states to allocate responsibility for dealing with asylum-seekers to a few frontline countries like Bulgaria, Greece, Hungary, Italy, Malta and Spain. The latest blow to this system comes from Germany which suspended a few days ago its application as regards Syrian refugees. This decision should be extended to all categories of asylum seekers and applied by all EU member states. EU countries and the European Commission should build a system where countries fairly share asylum-seekers based on the principles of solidarity and human rights protection. This would help improve the protection Europe affords to refugees and, at the same time, relieve the pressure on some EU countries. Such developments should go hand-in-hand with improved co-operation with states in the Western Balkans. So far, the EU has pressured them in various ways to hold off asylum-seekers, a choice that has led some of these countries to adopt a series of unlawful measures like ethnic profiling at border crossings and the confiscation of travel documents. Now, the EU has to help these states develop their asylum systems and their capacities to host refugees in accordance with European standards. This will not only help save lives, but also give effect to the promise to “achieve a greater unity” that all EU and Western Balkans states agreed to when they joined the Council of Europe.

In addition, European states have to provide more legal avenues for refugees to reach the continent, for example by easing humanitarian visas and family reunification rules. This would not only help refugees avoid perilous sea and land routes, but would also weaken the grip of smugglers, who thrive when migration restrictions are harsh. Protecting refugees is both a moral and a legal obligation. It is not an easy task, but neither is it impossible. We must do more to protect those who flee wars and persecution. With political will, Europe can hold true to its values.

NORTH AMERICA

The United States has long accepted refugees fleeing persecution or war. From taking in hundreds of thousands of Europeans displaced by World War II to welcoming those escaping from Communist regimes in Europe and Asia during the Cold War, the United States has helped define protections for refugees under international humanitarian law. Beginning in 1980, the U.S. government moved from an ad hoc approach to the permanent, standardized system for identifying, vetting, and resettling prospective refugees that is still in use today. The size of the U.S. refugee program has often fluctuated. But the war in Syria and the resulting migration crisis in Europe has increased policymakers' scrutiny of arrivals from the Middle East, beginning with the administration of President Barack Obama. President Donald J. Trump ratcheted up that scrutiny with a ban on refugees from certain countries and sharp cuts to overall refugee admissions, renewing debate over the national security implications of refugee policy.

The prospects for refugees hoping to resettle in the United States changed abruptly in 2017. In January of that year, President Trump signed an executive order that suspended the entire U.S. refugee admissions program for 120 days. In addition, the Trump administration suspended indefinitely the entry of Syrian refugees into the country and lowered the FY 2017 refugee admissions ceiling from 110,000 (set under the Obama administration) to 50,000. The admissions ceiling was lowered to 45,000 in 2018 (with fewer than 50 percent admitted) and again to 30,000 in 2019.

This pause in refugee resettlement was meant to give DHS and the State Department time to conduct a security review of the application and adjudication procedures for refugee admissions. The refugee program did resume—with the exception of nationals from 11 countries (Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, South Sudan, Sudan, Syria, and Yemen) who were subject to an additional 90-day travel ban. The ban and its subsequent iterations continued and were repeatedly challenged in court until June 2018, when the Supreme Court ruled in favor of the third iteration of the ban. By the end of Calendar Year (CY) 2017, the U.S. government had resettled about 33,000 refugees, while other nations collectively resettled a total of 69,000. When the population size of the nations in which refugees are resettled is taken into account, Canada was the resettlement leader in CY 2017 at 725 refugees resettled per one million residents, followed by Australia (618), and Norway (528). In comparison, the United States resettled 102 refugees per one million U.S. residents.

Under the 1951 refugee convention and protocol, The 1951 Convention contains a number of rights and also highlights the obligations of refugees towards their host country. The cornerstone of the 1951 Convention is the principle of non-refoulement contained in Article 33. According to this principle, a refugee should not be returned to a country where he or she faces serious threats to his or her life or freedom. This protection may not be claimed by refugees who are reasonably regarded as a danger to the security of the country or, having been convicted of a particularly serious crime, are considered a danger to the community. Other rights contained in the 1951 Convention include:

The right not to be expelled, except under certain, strictly defined conditions (Article 32);

The right not to be punished for illegal entry into the territory of a contracting State (Article 31);

The right to work (Articles 17 to 19);

The right to housing (Article 21);

The right to education (Article 22);

The right to public relief and assistance (Article 23);

The right to freedom of religion (Article 4);

The right to access the courts (Article 16);

The right to freedom of movement within the territory (Article 26); and The right to be issued identity and travel documents (Articles 27 and 28). Some basic rights, including the right to be protected from

refoulement, apply to all refugees. A refugee becomes entitled to other rights the longer they remain in the host country, which is based on the recognition that the longer they remain as refugees, the more rights they need.

What rights does the 1967 Protocol contain?

The 1967 Protocol broadens the applicability of the 1951 Convention. The 1967 Protocol removes the geographical and time limits that were part of the 1951 Convention. These limits initially restricted the Convention to persons who became refugees due to events occurring in Europe before 1 January 1951.

Does a refugee also have obligations?

Refugees are required to abide by the laws and regulations of their country of asylum and respect measures taken for the maintenance of public order.