

Committee: Special Conference on Migration (SPECON)

Issue: Reevaluating the right of asylum

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Position: Deputy President

PERSONAL INTRODUCTION

Dear Delegates,

My name is Maria Tourni and I would like to hereby formally welcome you to the SPECON Committee and to the 4th ACGMUN. I am really glad that you have chosen this committee and I hope this experience is educative, constructive and fun at the same time. I will do my best to ensure that all of you have the opportunity to express your opinion and actively participate in the discussion. We shall all work together in order for this conference to be fruitful and successful.

I have been active in the MUN community for quite some time and from the conferences I have attended, I have gained precious knowledge that I will share with you through this study guide and of course the actual conference. To all the newcomers, I truly hope that this year's ACGMUN Conference is a proper setoff for your MUN career and that you get to understand what MUN is all about. To all the experienced delegates, I hope this conference will introduce you to new issues and contribute to expanding your skills and horizons.

I highly encourage you all to make thorough research on your topics and your country's position. This is admittedly a lot of work, but during lobbying and debate you will feel a lot more confident and certain. Also, while working on your draft resolutions avoid plagiarism and keep your writing authentic. Finally, bear in mind that a study guide should under no circumstances replace your individual research. It is a brief introduction to the topic and its aim is to assist you in understanding the context and fundamentals of it.

Do not hesitate to contact me for any kind of question, procedural or topic-related. To that end I have left my email address below.

I can't wait to meet you all in March!

Best regards,

Maria

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TOPIC INTRODUCTION

The lives of millions of men, women and children are compromised by war, political instability, poverty, natural disasters, and any other kind of imminent threat. These people later seek asylum in the reception country, but unfortunately, they might be mistreated or ignored by the national asylum system. The number of forcibly displaced people globally tops 80 million, the number of refugees 26 million and of IDPs 46 million.¹ The refugees now under UNHCR mandate reach the number of only 2.2 million. Thus, a reevaluation of the right to seek and enjoy asylum is imperative.

The right of asylum was first adopted by the Egyptians, the Greeks and the Hebrews and was later implemented in the western world. It is now instituted as a fundamental human right, according to the Universal Declaration of Human Rights, and more specifically article 14(1). It is designed and employed primarily for the protection of persons accused of political offenses, such as treason, desertion, sedition, and espionage, for refugees fleeing a warzone or a reasonable danger.

Numerous treaties have established internationally recognized standards for refugee treatment when enacting the provisions of state asylum systems, to which states need to adhere. The States' responsibilities extend also to the incorporation of the principle of non-refoulement, the accession to international treaties and the review of reservations and restrictive interpretations.

There is a plethora of refugee crises over the world, for the aversion of which the global community needs to take action. Nonetheless, notable events shape the way asylum is perceived globally, such as the case of Germany granting asylum to a Hong Kong protester², which raises crucial questions about international relations and diplomatic issues, caused by asylum policies.

DEFINITION OF KEY TERMS

Asylum

“A fundamental human right that describes the protection by a government granted to people who have been forced to flee their countries.”³

¹How many refugees are there in the world? – Refugee Council of Australia, <https://www.refugeecouncil.org.au/how-many-refugees/>

²Germany grants Hong Kong pro-democracy protester asylum, the Independent, <https://www.independent.co.uk/news/germany-grants-hong-kong-prodemocracy-protester-asylum-germany-hong-kong-woman-student-city-b1205686.html>

³ASYLUM | meaning in the Cambridge English Dictionary, <https://dictionary.cambridge.org/dictionary/english/asylum>

Asylum-seeker

“An individual whose request for sanctuary has yet to be processed.”⁴ However, during mass movements of refugees the process of offering asylum is less strict and thorough. These groups are often called ‘prima facie’ refugees.

Refugee

An individual who is outside his or her country of nationality or residence and unable or unwilling to return due to potential harm and/or a well-founded fear of persecution because of his or her race, religion, nationality, political opinion or membership in or association to a particular social group.

Internally Displace People (IDPS)

“According to the United Nations Guiding Principles on Internal Displacement, IDPS are individuals who have been forced to abandon their habitual residence without crossing international borders to avoid the effects of an armed conflict, generalized violence or human-made disasters.”⁵

Migrant

“A person who moves away from his or her place of usual residence, whether within a country or across an international border for a variety of reasons, temporarily or permanently.”⁶

Persecution

“The act or practice of causing suffering especially to those who differ in origin, religion, or social outlook.”⁷

Crimes Against Humanity

“Certain acts that are purposely committed as part of a widespread or systematic attack, directed against any civilians, in time of war or peace.”⁸

⁴ Unhcr.org, “Asylum-Seekers” <https://www.unhcr.org/asylum-seekers.html>

⁵ Guiding Principles on Internal Displacement, United Nations, <https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>

⁶ “Who is a migrant?” - International Organization for Migration, <https://www.iom.int/who-is-a-migrant>

⁷ Definition of PERSECUTION, Merriam-Webster, <https://www.merriam-webster.com/dictionary/persecution>

⁸ United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes against humanity”, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>

Well-founded fear

“Indications of a reasonable possibility of persecution if refugees returned to their country of nationality or habitual residence. This is considered to be both an objective and subjective standard. Although well-founded fear refers to a future threat of persecution, individuals who have faced persecution in the past are presumed to have a well-founded fear.”⁹

Refoulement

“Return of the refugee to the country of origin or residence by a State order in various forms, e.g., deportation, extradition, expulsion, rejection at the border, etc. Non-refoulement under customary law is an obligation to all States.”¹⁰

Prima Facie Refugee

“‘Prima facie’ in general means at first appearance. A prima facie approach of the refugee status means its recognition by the State or UNHCR is based on “readily apparent, objective circumstances in the country of origin”. Accordingly, in case of stateless asylum seekers, the country of previous residence will recognize the refugee status.”¹¹

BACKGROUND INFORMATION

As mentioned before, the right to asylum and more specifically to religious asylum was first introduced by the Hebrews, the Greeks and the Egyptians. In this way they protected criminals from legal action against them to some extent and fugitives from persecution. Later, the principles of the right to religious asylum became a tenet of Christianity that developed and proclaimed a number of rules, concerning who could qualify for the protection and up to which extent. By the 4th century, sanctuary became part of the imperial Roman law.

There are three main issues presented when exploring the protection of the right of asylum, as stipulated in the UDHR, namely the issue of eligibility to apply for asylum, the definition of a refugee and the misinterpretation of the right of asylum itself.

First of all, historically, the need for asylum status has been recognized in numerous situations. First of all, when an individual is imprisoned and tortured, due to expressing

⁹ijrcenter.org, “Asylum and the Rights of Refugees”, <https://ijrcenter.org/refugee-law>

¹⁰“Refoulement - Migration and Home Affairs - European Commission” https://ec.europa.eu/home-affairs/e-library/glossary/refoulement_en

¹¹Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status, 5 June 2015, UNHCR, <https://www.unhcr.org/publications/legal/558a62299/guidelines-international-protection-11-prima-facie-recognition-refugee.html>

political dissent and when they receive violent attacks, while protesting. Moreover, the need for asylum relates to violent events against a racial group, for instance genocide, and to political exclusion on grounds of religion. Hence, there are very specific harmful or threatening situations that can justify the application for asylum by a refugee. Since the 1990s, nonetheless, victims of sexual persecution, domestic violence, or systematic oppression have come to be accepted in some countries as a legitimate category for asylum claims, when asylum-seekers can prove that the state is unable or unwilling to provide them protection.

Secondly, the definition is a milestone in the process of evaluating the right of asylum and effectiveness of the current asylum systems. There are two main definitions on the term. According to the UNHCR, refugees are people, who directly or indirectly have been forced to flee their country due to war, violence, conflict or persecution and have crossed international borders to seek safety in another country. According to the 1951 Convention, a refugee can be both unable and unwilling to return to their country of origin. It additionally states that the abandonment of the country could be attributed to the persecution for reasons of race/ethnicity, religion, nationality, membership in a particular group or political stances. The types of persecution may include harassment, threats towards the individual, abduction and torture. Nowadays, however, refugee is also considered a person fleeing their country because of “natural” disasters, occurring more frequently as a consequence of climate change. As soon as a person fulfills the criteria set out by the UNHCR and the 1951 Convention, they qualify for legal protection and thus are eligible to seek asylum.

Nonetheless, that same convention poses a number of restrictions on eligibility for refugee status. For instance, article 1(D) excludes individuals who were already receiving protection or assistance from another UN organ or agency, when the 1951 Convention was signed. Article 1(C) also stipulates that individuals who consciously benefit from the protection of their country of nationality or habitual residence or individuals who have received protection in a third country are also not eligible for refugee status.

The last issue that emerges when exploring the right to asylum is the misinterpretation of the UDHR. Article 14.1 stipulates that all people have the right “to seek and enjoy in other countries asylum from persecution”. Nonetheless, it is not legally obligatory for the states to grant asylum to all people seeking it.

Moreover, the countries have specific legal responsibilities towards asylum-seekers. The countries that have signed the 1951 Convention are obliged to protect refugees on their territory and treat them according to internationally recognized standards. Important is to note that the UDHR does not explicitly provide to the refugees the right of asylum. UNHCR’s responsibility is only to monitor the states’ activities, thus it cannot be considered as a substitute for governmental responsibilities.

The role of the UNHCR in the asylum-granting procedures is to promote accession to and implementation of refugee legislation, ensure the refugee treatment in accordance with internationally recognized standards and reassure that refugees are granted asylum and are not forcibly returned to their country of origin. Furthermore, they should encourage appropriate procedures to determine whether or not a person is a refugee according to the 1951 Convention definition and seek viable and durable solutions to the plight of refugees.

The rights of the refugees are protected by multilateral treaties and should be respected universally. The refugees have a right to seek and enjoy asylum in another country, to access basic assistance (shelter, food, legal-medical, psychosocial), to non-refoulement, to freedom of movement, to liberty and security of the person, and lastly to family life. The 1951 Convention also protects other rights of refugees, such as the rights to education, access to justice, employment, and other fundamental freedoms similarly protected in international and regional human rights treaties. Concerning some of their rights, such as access to the courts, refugees are to enjoy the same treatment as nationals while concerning others, such as wage-earning employment and property rights, refugees are to have the same treatment as foreign nationals.

The obligations of a refugee are to respect the laws and regulations of the country of asylum and acknowledge that breaking national law leads to a suspension of their rights as asylum seeker and to potential prosecution. However, they do not have the right to vote or seek elective positions in any political office in the foreign land, so the responsibilities of a citizen do not apply to them.

The procedure for asylum granting differs in every country. However, the member-states of the Council of Europe aim at retaining a uniform asylum policy, and thus present certain commonalities. Furthermore, international and regional bodies lack the jurisdiction to judge individual asylum claims, but they adjudicate claims on human rights violations of the refugees and asylum-seekers.

The typical procedure for refugee status determinations by the state is conducted by a government official or a designated official from a government agency. These officials should have basic knowledge on refugee law. Most of the times, the official will interview the asylum-seeker to evaluate his/her credibility and eligibility to acquire asylum. The 'burden of proof' is on the asylum seeker, as they need to prove that they meet the prerequisites of a refugee and hence, they are encouraged to bring forth as many pieces of evidence as possible. Supporting evidence may take the form of country reports, NGO reports, news articles, affidavits, or the in-person testimony of witnesses. The refugee status determination can be conducted by the UNHCR, as well. It is also similar to asylum adjudications conducted by States. After registering with the local UNHCR office, asylum seekers meet with an Eligibility Officer who examines their application and supporting documentation. All asylum seekers have

the right to an individual in-person interview, may be accompanied by a legal representative, and have the right to bring witnesses with them.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

United States of America

The US has traditionally been a frequent destination for refugees. Until recently, the US offered refuge to more people than all other countries combined. However, the Trump administration imposed serious limitations to the numbers of refugees welcome in the country and additional security measures and checks, which undoubtedly increased the waiting time for asylum seekers.¹²

The US Refugee Act of 1980 was passed during the presidency of Jimmy Carter and tackled the continuing flow of refugees in the aftermath of the Vietnam War and altered the way the US treated refugees. It also provided a new definition for the word refugee as a person with “well-founded fear of persecution” according to UN protocols and funded a new Office of US Coordinator for Refugee Affairs and an Office of Refugee Resettlement.¹³

The US recognizes the right of asylum. Legally defined refugees can apply for asylum within US grounds and for refugee status from outside the US. However, 60% of asylum cases in the US fail or are rejected and one third of asylum seekers go to court unrepresented.¹⁴

European Union

Asylum is not only recognized by the EU as a fundamental right, but also as an international obligation. The right of asylum was first recognized by the 1951 Geneva Convention. According to EU’s policies all member states must adhere to the provisions and protocols for the protection and integration of refugees. Moreover, EU aims at guaranteeing high standards of living and protection for the refugees. To that end, the member States are obliged to respect the established Common European Asylum System.¹⁵ Its purpose is to solidify the existence of minimum standards related

¹² An Overview of U.S. Refugee Law and Policy, American Immigration Council, <https://www.americanimmigrationcouncil.org/research/overview-us-refugee-law-and-policy>

¹³ Refugee Act of 1980 - Immigration History, Immigration History, <https://immigrationhistory.org/item/refugee-act-of-1980/>

¹⁴ Matter of A-B-, Respondent, <https://www.justice.gov/eoir/page/file/1070866/download>

¹⁵ Common European Asylum System - Migration and Home Affairs - European Commission, Migration and Home Affairs - European Commission, https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en

to asylum, but it leaves to the Member States' discretion the establishment of procedures concerning international protection of the refugees.¹⁶

France

France was the first country to establish the right of asylum and is also considered as one of the most welcoming hosts of refugees. Seeking asylum in France is a constitutional right and the status of refugees is protected by the 1951 Geneva Convention. The OFPRA is the determining authority that grants asylum and the procedure approximately lasts for 6 months.¹⁷ Furthermore, all refugees who meet the criteria of the 1951 Convention are eligible for resettlement.¹⁸ Lastly, France ensures the protection of refugees facing difficulties in entering the labor market.¹⁹

According to the UNHCR, 68% of those internationally displaced come from just 5 countries: Syria, Venezuela, Afghanistan, South Sudan and Myanmar.²⁰ Nonetheless, plenty of countries are tormented by refugee crises.

Venezuela

The current socioeconomic crisis in Venezuela has forced thousands of people to flee their country. Moreover, violence, inflation, gang-brutality, increased criminality and resource shortages make the living conditions unbearable. Venezuelans remain in neighboring countries, without documentation, thus being unable to access fundamental rights and facing the risk of exploitations, violence and trafficking.

Iraq

The Iraqi refugee crisis began in 2014, after an escalation of violence because of the ISIS' attacks in northern Iraq. As a result of the conflict approximately 3 million families have been displaced, half of the country's infrastructure was destroyed and the humanitarian impact has been irreparable.

Ethiopia

Since November, a devastating humanitarian crisis is taking place in Ethiopia's Tigray region. More than 45,000 people have fled to the neighboring Sudan to seek refuge. The armed conflict between the federal government and regional forces drove

¹⁶ A common European Asylum System, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/ceas-fact-sheets/ceas_factsheet_en.pdf

¹⁷ Regular procedure - France | Asylum Information Database, <https://www.asylumineurope.org/reports/country/france/asylum-procedure/procedures/regular-procedure>

¹⁸ France, <https://www.unhcr.org/en-lk/5322ca479.pdf>

¹⁹ The integration of refugees in France, [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/638397/IPOL_STU\(2019\)638397\(ANN01\)_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/638397/IPOL_STU(2019)638397(ANN01)_EN.pdf)

²⁰ Refugee Facts, UN, <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>

thousands of people to flee their homes. Eritrean refugees are also involved in the crisis.

Syria

Syria is one of the countries that faces a raging humanitarian crisis during a dark political era. Since 2011, 11 million Syrians are in need of humanitarian aid. Syria is an on-going warzone, jeopardizing the lives of innocent people and those who managed to escape live in Lebanon and Jordan under inhumane conditions. The Arab Spring is considered to be the main reason for the conflict. Admittedly, its refugee and asylum policies are a secondary issue, because Syria's priority is to ensure the protection and granting of asylum to its nationals in Europe, but also neighboring countries such as Lebanon, Jordan, Egypt and Turkey.²¹

Somalia

Over the course of 30 years, thousands have fled Somalia due to an ongoing civil war and political instability. Somalia is also tormented by famine and a continuous humanitarian crisis. Although humanitarian aid was sent, it failed to resolve the issues.

Yemen

A five-year conflict has forced more than 3.6 million people to flee their homes and 24 million to be in need of dire humanitarian assistance. Extreme food and clean water shortages, diseases and unsanitary environments threaten Yemenis.

Myanmar

In August 2017, a deadly measure by Myanmar's army on Rohingya Muslims sent hundreds of them across the border to Bangladesh. Myanmar, a predominately Buddhist country denies their citizenship and excludes them.

International Labor Organization (ILO)

The role of the ILO in asylum and refugee issues is to enhance self-reliance, financial independence and sustainability of refugees in the contexts of integration, reunification with families and return. Moreover, it arranges for the effective labor mobility and the just migration outcomes for refugees.

International Maritime Organization (IMO)

The role of the IMO is the promotion of rescue at sea, including of asylum-seekers and refugees, in accordance with States' international obligations.

²¹Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing, <https://www.bu.edu/law/files/2015/08/syrianrefugees.pdf>

United Nations International Children’s Emergency Fund (UNICEF)

The responsibilities of the UNICEF are health, nutrition, and education rights of children, protection of unaccompanied children and reunification of refugee families separated in flight. Hence, it protects unaccompanied and refugee children.

BLOCS EXPECTED

Based on their policy on immigration, the following blocs can be expected: The first bloc may consist of China, Republic of Korea, Thailand, Israel, Belarus, Bulgaria, Hungary, Poland, Ukraine, Sweden, Portugal, Austria, Germany and Brazil. Another possible country bloc may comprise of Angola, D.R. of Congo, Sudan, South Africa, Nigeria, DPRK, Japan, India, Iraq, Turkey, Bosnia and Herzegovina, Italy, Spain, Belgium, Cuba, Mexico, Argentina, Canada, USA, Australia and New Zealand. Lastly, a bloc formed by Kenya, Egypt, Iran, Saudi Arabia, UK, Greece, France and Switzerland can be expected.

TIMELINE OF EVENTS

Date	Description of event
28 th July 1951	The UN Refugee Convention.
4 th October 1967	Protocol relating to the Status of Refugees.
15 th March 2011	Civil war in Syria.
20 th August 2011	The Gaddafi Regime is overthrown in Libya.
18 th October 2013	Italian search and rescue operation “Mare Nostrum”.
June 2014	The Islamic State declares a caliphate and takes over territory in Iraq and Syria.
2014-16	Influx of asylum-seekers in Europe.
March 2015	Escalation of conflict in Yemen.
November 2015	The first refugee reallocation from Greece to Europe begins.
March 2016	European Union and Turkey’s migration deal.

20 th May 2018	Nicholas Maduro is reelected in Venezuela and is accused of irregularities and voter intimidation.
April 2018	US. Attorney General Jeff Sessions announced a 'zero-tolerance policy' for US-Mexico refugee crisis.
2018-2019	Surge in Central Americans' effort to pass the borders with the US.
2019	Military uprising in Venezuela instigated by Maduro's political rival Juan Guaido.

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Geneva Convention Relating to the Status of Refugees of 1951

The 1951 Geneva Convention relating to the Status of Refugees²² is a UN multilateral treaty that defines who a refugee is, and sets out the rights of individuals who are granted asylum and the legal responsibilities of nations that grant asylum. It is founded on the UDHR and additionally establishes an international system of protection to individuals in need of humanitarian aid.

Protocol of 1967

The 1951 Convention had restricted refugee status to those whose circumstances had come about "as a result of events occurring before 1 January 1951", as well as giving states the option of interpreting this as "events occurring in Europe" or "events occurring in Europe or elsewhere". The 1967 Protocol removed both the temporal and geographic restrictions.

OAU 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa

The 1969 OAU Convention is a regional refugee law that confirms that the UN 1951 Convention is the basic instrument relating to the status of refugees. It also incorporates a new cause for the displacement in the definition of the Geneva Convention, namely that refugee is considered a person compelled to leave their country "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his [or her] country of origin or nationality".

²² Unhcr.org, „the 1951 Refugee Convention“, https://www.unhcr.org/1951-refugee-convention.html?gclid=Cj0KCQiA_qD_BRDiARIsANjZ2LCYcYC7Rt5CHFSyuubjw1FfOa2mR_F8GcCW3dh5SD6Q_I5AotAxx8UaAiiFEALw_wcB&gclid=aw.ds

Cartagena Declaration of 1984

The 1984 Cartagena Declaration is a regional law concerning Latin America. It is inspired by the OAU Convention and it reaffirms the importance of the 1951 Convention, the 1967 Protocol and the principle of non-refoulement. It adds to the definition of a refugee the following: “because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order”.

Universal Declaration of Human Rights (Article 14.1)

The UDHR establishes the fundamental right “to seek and enjoy in other countries asylum from persecution”.

Declaration on Territorial Asylum of 1967

“This UN Declaration aims at exploring the misinterpretations of the article 14.1 of the UDHR and the major issue that emerges, since the article is not legally binding or forces the states to grant the asylum.”²³

Convention on the Rights of the Child

Article 22, specifically, states that every child seeking refugee status or who is already considered a refugee has a right to appropriate protection and humanitarian assistance under the provisions of the Convention on the Rights of the Child.

Convention against Torture

The Convention against Torture and Other Cruel Treatment defines and prohibits torture and mal-treatment, which protects undocumented refugees and asylum-seekers. It also prohibits refoulement or forced return, unlike the 1951 Convention where the provision is not absolute.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

This section focuses more on current migration crises and the measures of the States’ involved and also on some multilateral conventions.

Greek refugee crisis and accommodation issues

Since the EU-Turkey deal in March 2016, the Greek islands of Lesbos, Samos and Chios, mainly, have played the role of the barrier between Turkey and mainland Greece.

²³The 1967 Declaration on Territorial Asylum, UN, https://legal.un.org/avl/pdf/ha/dta/dta_e.pdf

According to Ankara's interpretation of the deal, whoever reaches the Greek mainland cannot be returned to Turkey, which establishes an inhumane and overwhelming system. In addition to that, the Greek administration has failed to organize a functioning reception and asylum systems. However, the political shift in 2019 introduced far less welcoming refugee models. Greece's reception systems had imploded during the beginning of 2020, as Turkey sent more and more refugees to its west coast. The Greek system was unable to absorb any more people, yet the government tried to accommodate more refugees in the mainland. On top of the unbearable living conditions in the camps, refugees faced the violence, discrimination and xenophobia of the citizens.

Trump Administration on the US-Mexico Border Crisis

In 2018, the Trump Administration issued a decision that prohibited border agents from allowing Mexican asylum-seekers to enter US soil. In an attempt to minimize the rate of the migration flow, the government proceeded to extreme measures to avert Mexicans from entering, thus separating families and placing people in dire need for humanitarian aid. Contrary to U.S. immigration law the asylum-seekers were forcibly removed by the borders and refouled to Mexico, before having a chance to seek protection from persecution. This devastating policy brought great harm to people in need from the neighboring country.

Measures to tackle the Syrian Refugee Crisis and political instability

Over the course of 9 years, 500,000 people have been killed and over 11 million have been forcibly displaced from their homes. The refugee crisis was mainly triggered by the Syrian Civil war, which was caused by the Arab Spring and is yet still not over. The life of millions of people is jeopardized daily, however the Syrian government hasn't managed to regain control over all regions. The conflict is rather complicated, since multiple nations, rebel groups and terrorist organizations are involved. The simplest way to explain it is the following: In 2011, political protests erupted in Egypt and Tunisia, which initiated the Arab Spring and inspired pro-democracy activists in Syria. In March of that year government violence towards demonstrators in support of a group of teenagers arrested for anti-government graffiti in Daraa caused a series of chain reactions. One of the schoolboys had been killed, while in custody. As the situation escalated families started fleeing the country. Consequently, in order for the refugee crisis to be solved, political stability needs to be restored.²⁴

²⁴Syria Refugee Crisis Explained, USA for UNHCR, <https://www.unrefugees.org/news/syria-refugee-crisis-explained/#When%20did%20the%20Syrian%20refugee%20crisis%20begin?>

New York Declaration for Refugees and Migrants

In 2016, The UNGA unanimously adopted the New York Declaration for Refugees and Migrants. It was a landmark decision for the UN, as it reestablished the importance of an international refugee policy and contained crucial commitments that would enhance the refugee and asylum systems of Member States. More specifically, it states that all Member States should protect and support refugees by providing them shelter and respecting their human rights. It also stipulated that global cooperation to support countries with an excessive flow of refugees was necessary.²⁵

Global Compact on Refugees

In 2018 the UNGA affirmed the Global Compact on Refugees, which is a framework for more equitable and fair allocation of responsibility, as it recognized the importance of universal cooperation. It transformed the way host countries treated refugees and benefitted the both of them. Its four key objectives are the following: Firstly, to ease the pressure on host countries. Moreover, to enhance the self-reliance of refugees. Another important goal is to expand access to third country solution and lastly, to support conditions in the countries of origin, so as to ensure potential safe return.²⁶

Schengen Agreement

It was signed in 1985 and led the European countries towards abolishing their national borders and building a Europe without them, known as “Schengen Area”. Both problems of integration within the Schengen area and difficulties in establishing effective border control procedures were brought to the surface by the influx of refugees from the Middle East, fleeing civil wars and terrorist organizations like ISIS in Syria. The inherent weaknesses of such a system were seen only in times of great hardships.²⁷

POSSIBLE SOLUTIONS

There is an abundance of ways, in which the global community can tackle refugee crises and reevaluate the right of asylum. Moreover, when interpreting the situation, we should bear in mind that asylum is a long procedure that requires effort by the

²⁵ New York Declaration for Refugees and Migrants, UNHCR, <https://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html>

²⁶The Global Compact on Refugees, UNHCR, <https://www.unhcr.org/the-global-compact-on-refugees.html>

²⁷Schengen: what issues affect the border-free zone? News European Parliament, <https://www.europarl.europa.eu/news/en/headlines/eu-affairs/20180525STO04311/schengen-what-issues-affect-the-border-free-zone>

State and the individual even after it is granted. It certainly requires global cooperation and good faith between all States. The possible measures are the following:

Government intervention to resolve the issue and immediate measures to tackle it

All States should take active measures to improve their national asylum systems, in order to be more welcoming and efficient. Moreover, they should respect the internationally recognized standards and enhance their reception facilities, with the assistance of the UN or the IMF especially to LEDCs, struggling to cope with economic or humanitarian crises. In general, opening safe routes to sanctuary for the tormented refugees could have a dual effect, since not only will the labor market of the country be benefited, but also human lives will be saved. Additionally, the upgrading of the quality of asylum procedures, including the treatment of asylum seekers is deemed necessary on an international spectrum. This could be achieved through the following actions: The funding of new facilities, the more effective management of the existing facilities and also the founding of specialized national organizations.

Improvement of facilities and treatment of asylum-seekers

Another viable solution is the reallocation of resources, such as better facilities are built, more competent staff is recruited, more effective management and supervision of authority is achieved. Child protection and family reunification services would improve the living conditions of refugees in the reception countries. Educational programs and fast-paced courses in the official language of the country would contribute to the integration in society and the right of equal opportunity in the labor market for the refugees. Lastly, organizing better resettlement programs would help the State control the refugee flow.

Responsibilities of Member-States

All Member States should refrain from the use of extreme measures or violence towards them to safeguard their human and civil rights (e.g., massive fences). Additionally, the investigation and prosecution of trafficking groups that exploit refugees is a crucial step towards eliminating the crisis. A global effort to combat the refugee and asylum crises across the world without compromising any state sovereignty is a key factor for a better future.

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