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REFUGEES

AN INTRODUCTORY BOOKLET

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REFUGEES

and the Legal Framework that surround them



IN THIS BOOKLET

The Aim of this Booklet

COVID-19, a virus that respects no borders and is affecting more and more refugees everyday, and due to this, more people are forced to flee their homes. As the Medical Ethics and Human Rights Pillar's Refugees SWG, we wanted to begin our journey as an SWG with an understanding of who Refugees are. This booklet aims to introduce readers to who Refugees are and the legal framework that surrounds them, Internationally and within Europe as well. Through this booklet, we have clarified terms such as 'Refugee', 'Asylum Seeker', 'Migrant', so readers can clearly differentiate between those terms.

We hope this booklet educates readers as much as it did for us; as we researched and compiled all that we have learned in this booklet.

**REFUGEES, ASYLUM
SEEKERS, MIGRANTS;
WHAT IS THE
DIFFERENCE?**

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**INTERNATIONAL LEGAL
FRAMEWORK**

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**INTERNATIONAL BODIES
RESPONSIBLE FOR
REFUGEES ISSUES**

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What is forced displacement?

The UNHCR defines 'forced displacement' as displaced and "as a result of persecution, conflict, generalised violence or human rights violations".

Who is a Refugee?

A refugee is a person subjected to leave their home, their country under unfavourable circumstances like war, violence, conflict, persecution to find a safe place to live in another country; hence requiring them to cross the international border. This situation arises when they feel like there is a serious threat to their life, their freedom, nationality, membership of a particular social group or political opinion.

According to the UNHCR, refugees are legally entitled to protection from forcible return to their homeland or country of origin.



Who is an Asylum-Seeker?

An asylum-seeker is a person who has fled their country to another country in search of protection from serious circumstances that violates human rights and has not yet been granted the status of a refugee and is waiting to receive a decision on their asylum claim.

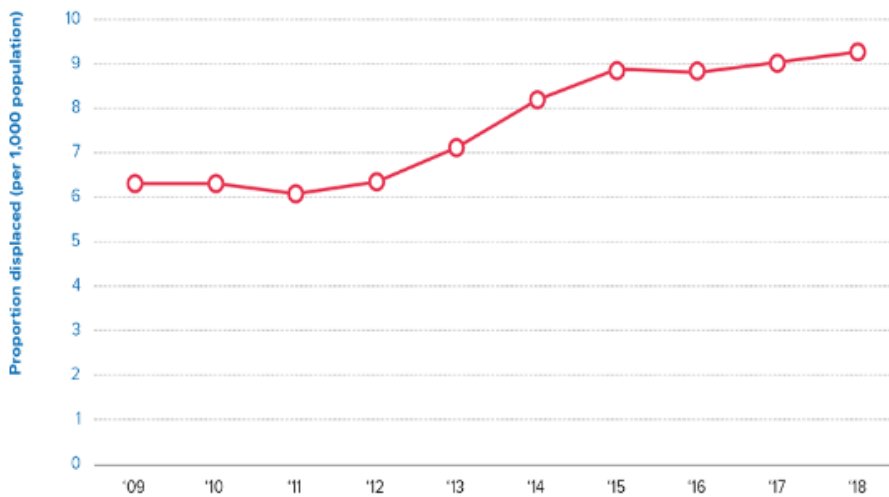


Stats Check

79.5 MILLION FORCIBLY DISPLACED WORLDWIDE; as a result of persecution, conflict, violence, or human rights violations (as of end-2019)

- 25.9 million refugees
- 20.4 million refugees under UNHCR's mandate
- 5.6 million Palestine refugees under UNRWA's mandate
- 50.8 million internally displaced people
- 3.5 million asylum-seekers

Proportion displaced out of the world population | 2009-2018



Images source: UNHCR Figures at a Glance

Circumstances like violence, persecution in their home country are usually seen as reasons for their displacement. Asylum-seekers look for international protection; however the harsh reality is that not every claim will be fulfilled.



Who is a migrant?

A migrant is a person who is under no dangerous circumstance like violence, risk of losing their lives, persecution etc. to leave their country of origin. They rather choose to leave their homeland in search of better education, employment, better career prospects, family reunion etc. They have no problem in returning home and are protected by the government of their own country. It is really necessary to understand the point that despite the fact that they choose to go to another country under favourable circumstances, it is important to protect their rights.

WHAT IS INTERNAL DISPLACEMENT?

It means that people are forcibly being displaced from one place to another within the country they live in. The main aspect to consider is that in regards to the mentioned definitions in this booklet; a person can only be called a Refugee when he or she crosses the International border. Hence, those who are internally displaced but choose not to cross the International border cannot be called a Refugee.



International Legal Framework

The international refugee protection system, which was created in the aftermath of WWII, was created to counteract the potentially destabilising impacts of population movements.

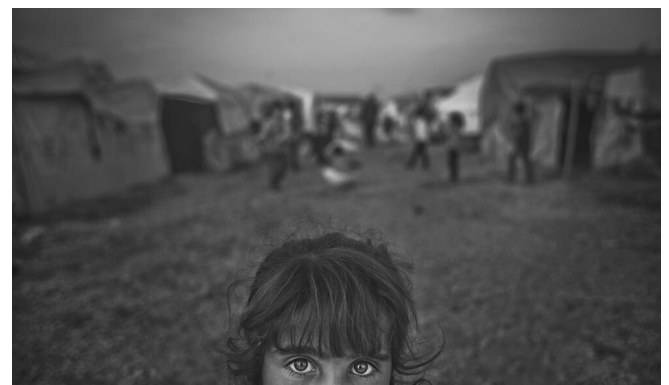
Through the Geneva Convention relating to the Status of Refugees, the international community established a regime for the international protection of refugees in 1951.

Since the Geneva Convention, new challenges have arisen, as circumstances around human flows differ significantly now from those prior to the genesis of the document. With that in mind, the UN General Assembly approved, in 2016, the New York Declaration for Refugees and Migrants which the importance of the 1951 Convention and its 1967 Protocol was reaffirmed, reinforcing how the “scale and nature of refugee displacement today require us to act in a comprehensive and predictable manner.”

Under the 1951 Convention, a Refugee is described as “Someone who has left his or her country of origin, or habitual residence, and is unable or unwilling to return there because of a serious threat to his or her life or freedom, regarding matters of race, religion, nationality, membership of a particular social group or political opinion.”

All refugees, as well as asylum-seekers whose status has not yet been determined, must be granted protection from forcible return to their country of origin (The principle of non-refoulement).

With the exceptions of regarding all of those for whom reasonable grounds have been established for constituting a danger to the security of the asylum country, or if having been convicted of a particularly serious crime, where it is determined they constitute a danger to the community.



The core instruments of International Refugee Law: the 1951 Convention and its 1967 Protocol;

The resultant document of the 1951 Convention along with its 1967 protocol constitutes the core instruments of International Refugee Law (IRL), establishing:

1. A clear definition on the term “Refugee”, along with criteria for exclusion from, and cessation of this status;
2. The Principle of non-refoulement;
3. The legal status of refugees, i.e. their rights and duties, and States’ responsibilities toward them.

In addition to the protections against punishment for unlawful entry, expulsion, and refoulement, the convention provides for refugees to acquire other rights, depending on their level of attachment to the country of asylum. The underlying premise is that the longer the refugee stays in the country of asylum, the more rights he or she acquires.

Rights of all asylum-seekers and refugees, regardless of status or length of stay:

- Religious practice and religious education
- Acquisition of movable and immovable property
- Access to courts and to legal assistance
- Elementary education
- Secondary and tertiary education
- Identity papers

Rights of asylum-seekers and refugees lawfully in the country (from the moment of application for refugee status)

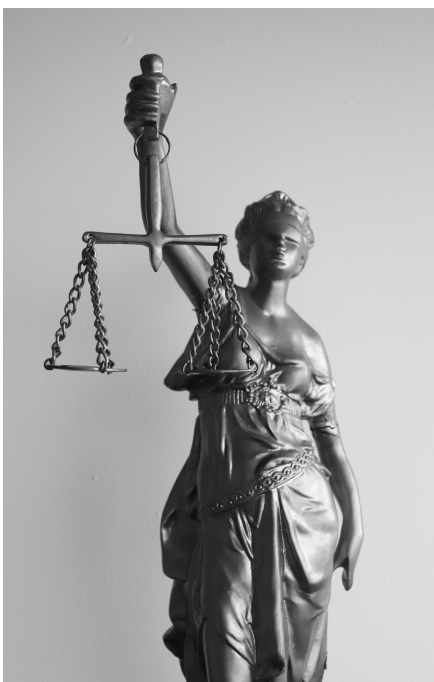
- Self-employment,
- Choice of residence and freedom of movement within the territory

Rights of refugees lawfully staying in the country:

- Right of association
- Wage-earning employment
- Liberal professions
- Housing
- Public relief and social security
- Travel documents

Rights of refugees habitually resident:

- Artistic rights and patent rights
- Freedom of movement
- Family life, including family unity
- The right to work
- The right to education
- Access to courts
- The right to social welfare and health care and other rights.



International Refugee Law is complemented by other bodies of law, such as:

International Human Rights Law (1948 Universal Declaration of Human Rights), which establishes that “Everyone has the right to seek and enjoy asylum from persecution.”

International Humanitarian Law, which aims to limit the means and methods of warfare and the impacts of armed conflict on persons who are not or who are no longer participating in it.

International Criminal Law, which provides that the International Criminal Court (ICC) has jurisdiction over the core crimes of genocide, war crimes, and crimes against humanity, containing details about what these crimes consist of.

Regional Refugee Laws and Standards

Looking at the particular case of Europe in 1999 it established the European Asylum System, based on the “full and inclusive application of the Geneva Convention”, congregating that the EU, as an area of open borders and freedom of movement, must be an area of protection for people fleeing persecution or serious harm in their country of origin.

Being asylum is a fundamental right and an international obligation for countries, each EU member country has the obligation to guarantee high standards of protection for refugees, having a shared responsibility to welcome asylum seekers in a dignified manner.

The European Commission recommended reforming the system in 2020 through the New Pact on Migration and Asylum, which takes a comprehensive approach to migration and asylum policy and is built on three basic pillars:

- efficient asylum and return procedures,
- solidarity and a fair share of responsibility and
- strengthened partnerships with third countries.

The central elements of an effective refugee protection system extend from entry and reception to status determination, the fundamental vigouring of refugees’ rights and duties, and the long-term planning of these people’s settlement and integration.

International bodies responsible for refugees issues

UN Organizations

United Nations High Commissioner for Refugees (UNHCR):

It is an UN agency that helps people who flee their country and seek asylum across the international border. It was established in the wake of World War II to help those Europeans affected by conflict on December 14, 1950 by the UN General Assembly with a three year mandate aiming to resolve itself after its work was complete, soon becoming obvious that it would never be.

Over the following decades, UNHCR had to help with displacement crises all over the world. While its headquarter is situated in Geneva, the majority of the staff is based in Asia & Africa, with more than 9,700 spread across 126 countries, providing assistance and protection to around 59 million people, many in very uncertain and dangerous conditions. In a world where nearly 1 person is forcibly displaced every 2 seconds as a result of conflict or persecution, the work of UNHCR is more important than ever before.

UN Human Rights’ agencies whose work intersect with immigration and refugee issues

- Office of the High Commissioner for Human Rights (OHCHR) and its Regional Offices
- Human Rights Council
- Human Rights Treaty Bodies

International Organization for Migration (IOM):

Leading inter-governmental organization in the field of migration.

OECD, a key partner in the area of migration, in particular on monitoring migration flows and on providing policy analysis on labour migration and integration.

Europe

A. Council of Europe

B. European Union decentralised agencies

- the European external borders agency, Frontex;
- the European Asylum Support Office, EASO.

Other than EU and UN' organizations, there have been established joint initiatives and taskforces to tackle specific European challenges, such as:

UN High-level Dialogue on International Migration and Development & the Global Forum on Migration and Development;

The EU-IOM Joint Initiative for Migrant Protection and Reintegration, which concedes the EU to voice out regarding migration and mobility issues crucial at a global level;

The African-Union-EU-UN Taskforce to address the Migrant Situation in Libya, put in place by the end of 2017 to save and protect the lives of migrants and refugees along the routes and in particularly inside Libya.

Throughout the years, several mechanisms were put in place for refugees, asylum seekers and migrants in order to increase protection and access to services such as several organizations supporting sustainable reintegration, developing capacities for better migration governance, providing migrants and their communities with accurate information, improving data on migration flows, routes and trends, including migrants' needs and vulnerabilities, and lastly, promoting peace and stability for internally displaced persons, migrants and host communities.



As described above, even though all these mechanisms are put in place in order to protect and better work with Refugees, Asylum Seekers and Migrants, there is still a long way to go when it comes to being able to provide the best possible help to these people. The number of newly displaced people and refugees arise daily, more challenges come along with it, requiring fast, efficient answers, with diverse approaches and rightful ways of looking into the problem. As medical students and members of EMSA, we believe that it is very crucial to accept refugees, as accepting them protects the most precious right of all; the right to live.

To follow up with our upcoming projects and events, stay tuned to our Social Media pages!



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