

Forum: Third General Assembly

Issue: Enhancing protection of child migrants and refugees

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Introduction

According to the United Nations, as of 2016, there are currently 22.5 million refugees, half of whom are under 18—the definition of children set by the United Nations Convention on the Rights of the Child. Considering the massive influx of refugees resulting from various conflicts around the globe, border policy—in particular, the question of accepting refugees into a country—has been one of the most polarizing issues that have shaped the political landscape in several elections around the world. Such include, the “Brexit” referendum in the United Kingdom, the 2016 United States presidential election, and the 2017 French presidential election. In times when global populism is gaining prominence in a number of countries, empowered by protectionism and nationalism, the relevance of this issue has never been greater.

Definition of Key Terms

Refugee

The definition of a refugee set by the Convention Relating to the Status of Refugees is "a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

Asylee

While the term refugee and asylum seeker—or asylee—are often used interchangeably, the main difference between the two is the location in which a person requests to be granted admission to a country under the provisions of either domestic laws outlying the legal boundaries of what constitutes as a refugee or international law, such as the Convention Relating to the Status of

Refugees. An asylee refers to a person requesting admission to a country within that country; a refugee requests, does so while still in another country.

Non-refoulement

This principle that refugees cannot be returned to the country from which the person is in fear of persecution has been defined in various multilateral refugee treaties—notably the 1951 United Nations Convention Relating to the Status of Refugees—and has established itself as the foundational spirit of how the international community—be it an individual nation or an international instrument—treats people of refugee status. According to the UNHCR, the protection of non-refoulement is not limited to those who are formally recognized as refugees; rather, the determination of refugee status is of a declaratory nature.

Background Information

Refugees are in a state of uncertainty

Some refugees are in a position in which they have no idea as to what will happen, they are split from the rest of their family members meaning governments keep an ambiguous silence on the status of their presence within their borders. Notably, following President Trump's executive order blocking the entry of Syrian refugees into the United States, refugees living in the United States have been waiting indefinitely for the rest of their family members to be granted asylum (Rose). Most family members who have yet to come to the United States have been, according to Jennifer Sime, the Senior Vice President at International Rescue Committee, fully vetted and approved, and they simply have to be granted admission to the country. Other refugees are in trepidation over the possibility of their current residence status shifting. This problem can be observed in Turkey where refugees are granted "guest" status—not "asylum seeker"—which means that they are granted de facto protection. Their status, however, is open to interpretation, meaning that the refugees can be returned back to their country of origin since they are not officially granted asylum in Turkey (EMHRN).

Some are without a place to go

In June 2017, the Choucha refugee camp in Tunisia in which refugees denied entry by European nations lived despite the camp being officially closed since June 2013, was shut down by the Tunisian government, leaving the inhabitants there without a permanent place to reside (Nashed). Similar problems arise in the Calais Refugee Camp in France where, after its closure in October 2016, refugees previously residing there, many of whom are unaccompanied minors, are either living in abject destitution on the streets or returning to the deserted Calais Refugee Camp (Gentleman). The preponderance of closed refugee camps is truly troubling for not only does such trend devoid refugees of

basic human rights, but it also makes them more vulnerable to attacks. These incidents are just a few examples among myriads of adverse circumstances refugees find themselves in today.

Major Countries and Organizations Involved

United States of America

While the previous Obama administration aimed to increase the number of refugees it accepted to 110,000 per fiscal year from the 85,000 cap they set for the 2016 fiscal year (Kennedy), the incumbent Trump administration set the cap on the number of refugees it accepts to 50,000 per fiscal year. On July 16, 2017, the cap was reached, meaning that the United States would no longer accept any more refugees, unless they are of bona-fide relations to the United States—meaning, they either have parents, children or siblings living in the United States or have a job offer in the United States— as mandated by the Supreme Court of the United States (Domonoske). The refugees currently accepted into the United States underwent a lengthy vetting process that involves the State Department, the Federal Bureau of Investigation, and the Department of Homeland Security, among various other agencies.

United Kingdom

The current Prime Minister, Theresa May, served as the Home Secretary when the European Migrant Crisis started before ascending to her current position, and, throughout her career, she has maintained a staunch stance against accepting refugees into the United Kingdom. In her capacity as the Home Secretary, she asserted that sending aid ships in the Mediterranean Ocean acted as “an unintended ‘pull factor’, encouraging more migrants to attempt the dangerous sea crossing and thereby leading to more tragic and unnecessary deaths”. Currently, the United Kingdom has agreed on taking in 20,000 Syrian refugees over the next four years (Mason). Such anti-refugee agenda is reflected in the public sentiment as well considering how, according to an NBC poll conducted prior to the Brexit referendum, immigration—be it involving asylum seekers or economic migrants— was the top reason behind why people voting to leave the European Union.

Denmark

Historically, Denmark is a nation friendly to refugees, helping Jews at risk by Nazis to move to neutral Sweden during the World War II and later, during the height of the Cold War, assisting people escape the Iron Curtain. However, since the 2015 European Migrant Crisis, Denmark’s stance on accepting refugees has been the antithesis of its historical stance. In early 2016, the Danish parliament, voted on a law—dubbed the Jewelry Law—that allows the Danish law enforcement to seize valuables

exceeding \$1,450 from refugees, justifying that it would help the government financially less burdened to care for them (Delman). Additionally, the Danish government is prosecuting Danish citizens who offer migrants transportation to Sweden, a popular destination, alongside Germany, for refugees (Witte). These sort of anti-refugee sentiments are also reflected in local legislatures where, in the town of Randers in central Denmark, the city council required public institutions, such as schools, to serve pork products (Bilefsky). Despite its staunch stance against accepting refugees, Denmark, as of 2015, was one of the most popular European states for migrants to settle per capita, (Bendixen) suggesting why — considering that the Danish welfare-state guarantees free health care and education to its citizens as well as refugees—the government has enacted such policy to mitigate an economic burden on the country.

Timeline of Events

Date	Description of Event
December 10, 1948	<p>Ratification of the Universal Declaration of Human Rights (UDHR)</p> <p>This declaration adopted by the United Nations General Assembly consists of thirty articles each delving into a specific component of the rights individuals are entitled to. While not legally binding, it nevertheless carries a significant weight in shaping diplomatic relationships (US State Department) and serves as a foundation for many other legally binding international treaties (Hannum). Specifically, regarding refugees, Article 14 of the UNDR recognizes the right of people fleeing persecution to seek asylum in other countries.</p>
July 28, 1951	<p>Signing of the Convention Relating to the Status of Refugees</p> <p>Building on the provisions set in the UDHR, this convention is currently signed by 145 nations with a notable exception of the United States. The Convention defines who a refugee is while also laying out the rights of refugees and the responsibilities of nations that grant asylum. Notably, Article 33 mandates the practice of non-refoulement by the accepting nation. In its current form, however, although legally binding, there are no measures set in placed to enforce the compliance of signatory states.</p>
December 10, 1948	<p>Signing of the Protocol Relating to the Status of Refugees</p> <p>Whereas the definition of a refugee set in the 1951 Refugee Convention could be interpreted to have temporal and geographical limitations due to provisions</p>

in Article 1, the Protocol aimed to remove such restrictions. Of the 145 nations party to the Convention, 144 nations—with the exception of Madagascar, United States and Venezuela, all not party to the Convention—signed onto this Protocol.

December 5, 2002

Signing of the Agreement between the Government of Canada and the Government of the United States of America for cooperation in the examination of refugee status claims from nationals of third countries

Also referred to as the Canada–United States Safe Third Country Agreement, this treaty was adopted following the September 11 attacks on the World Trade Center in New York City and worked to better regulate the flow of asylum seekers at the shared land border between the United States and Canada (IRCC). It designated both countries as “safe countries” for refugees to reside in and made refugees requesting asylum at land-border points to seek asylum in the first “safe country” that they land in, which would prevent refugees who have been rejected entry in one country to try in another (Becklumb). This treaty is credited with decreasing the number of refugee claims made in the Canadian border by 55% in its first year of inception, according to the Immigration, Refugees and Citizenship Canada (IRCC).

2015

Start of the European Migrant Crisis

This ongoing influx of refugees, predominantly from Syria, Afghanistan, and Iraq, into Europe since 2015 is referred to as the European Migrant Crisis. The sudden spike of incoming refugees in that year is evident. According to International Organization for Migration (IOM), in 2015, more than 1,011,700 migrants arrived in Europe by sea and almost 34,900 by land; comparatively, there were 280,000 arrivals by sea and land in 2014. While the land routes are dangerous on its own right, migrants trying to reach Europe via the Mediterranean Sea faced perhaps greater peril with the death toll reaching 3,771 in 2015 and surpassing 5,000 in 2016. This increasing trend is troubling considering how, in 2015, the total number of people crossing the Mediterranean Sea was over 1 million while that number dropped to about 300,000 in 2016 (Quinn). William Spindler, a spokesperson for the UNHCR,

pointed at the fact that the people smugglers, who work to transport refugees from Northern Africa to Europe, are using “lower-quality vessels – flimsy inflatable rafts that often do not last the journey” and are employing tactics to avoid detection that makes rescuing jobs more difficult (UNHCR).

November, 2016

Refugee Deal between the United States and Australia

Australia has been long criticized by the international community for turning back asylum boats and warding off refugees in cramped offshore detention camps (Thomsen). In fact, Chitrlekha Massey, the regional representative of the Office of the United Nations High Commissioner for Human Rights in the Pacific, decried the Australian practice to be “unsustainable, it’s a violation and it’s unnecessary” (Farrell) In response, the Australian government under Prime Minister Turnbull and the Obama administration of the United States reached an agreement in which the United States would accept unto 1,250 refugees from the Australian detention camps while Australia would accept a number of Central American refugees from various Latin American countries currently under temporary protection in Costa Rica under the protection transfer agreement with the United States (Karp). While this agreement may be in jeopardy due to the new Trump administration in the United States (Knaus), it nevertheless demonstrates an instance of cooperation between nations in order to better manage the influx of refugees. Australia recently began the process of transferring 30 refugees from El Salvador—with a second similarly-sized group to soon follow— who most likely will be moving into Australia by fall (Packham), an action that would pressure the United States to uphold their end of the agreement. Regardless of the controversy surrounding this agreement, it nevertheless demonstrates an instance in which countries, when cooperating with one another, can effectively tackle a common challenge.

Relevant UN Treaties and Events

- Universal Declaration of Human Rights
- Convention Relating to the Status of Refugees

- Protocol Relating to the Status of Refugees
- Assistance to refugees, returnees, and displaced persons in Africa, A/RES/71/173
- Resolution adopted by the General Assembly on 19 December 2016, A/71/478
- Resolution adopted by the General Assembly on 18 December 2014, A/69/482

The listed treaties and resolutions are the ones deemed most pertinent to the issue in the status quo.

Please refer to this [site](#) for all resolutions regarding the UNHCR.

Previous Attempts to solve the Issue

As stated in previous sections, there has been three major multilateral treaties and countless UN resolutions regarding the issue at hand. Such measures were a solution for a myriad of problems but left many others unresolved--no solution is perfect. Delegates must work based on the premise set forth by the treaties and resolutions to tackle the problems in the status quo.

Possible Solutions

There are several areas of concern that member states who are accepting refugees have. Among them, preeminent factors to consider can be broadly summarized to be national security and humanitarian treatment. These two has to always be insured for jeopardizing national security for the sake of granting asylum to the greatest amount of people would break the foremost duty of the government of a nation to protect its citizens; vice versa, foregoing humanitarian conditions and treatment of refugees would not only be immoral but also be in violation of several international laws.

Thus, to achieve both criteria in processing asylum applications, member states should be encouraged by the UNHCR to work with neighboring nations to both streamline the process to ensure no person faces predicaments laid out in section three, and also record and manage the refugee population so that both nations are able to locate and identify the asylum seekers in that geographical area. Doing the latter of the two is particularly important considering the fact that refugees awaiting for their asylum application to be accepted still have not gone through a complete vetting process, thereby could be a potential threat to national security.

While cooperation in between contiguous two nations is important, as stated before, the impact of national policy cannot go ignored and should be discussed in an international setting. Policy decision at the national level largely falls under the responsibility and the right of a sovereign state, and thus mandating that a nation adopt a particular policy would be an infringement of national sovereignty; the UN—and, by extent, the UNHCR— nevertheless can recommend member states to consider pursuing a particular policy decision.

The most expedient and effects way to address both issues would be to hammer out the discrepancy of quotas in accepting refugees between countries. The imbalance in the status quo creates great burden to states who are more receptive towards refugees; such onus, in turn, is reflected in their national policy decisions in which even those countries become less willing to admit refugees into their country. Considering this fact, establishing a universal quota on refugee admission—contingent on a nation’s population, GDP, or other factors—would practically be a decisive solution to the status quo.

Alongside the issue of accepting refugees, the timeline in which they are admitted should be addressed as well. Reducing the vetting process to grant asylum is a dangerous solution that would inevitably undermine national security. Instead, investing more into the agencies carrying out the vetting process—thereby increasing the number of personnel— would significantly decrease the amount of time going into the vetting process of refugees.

Finally, the technical issue of streamlining refugee admission process, rampant harsh and unjust treatment of refugees in the status quo must be addressed as well by the UNHCR. Some governments—as in the case of Australia—have enacted multiple laws that puts refugees in dire conditions that strips them of the rights guaranteed to them in the UDHR. Member states must work to ensure that all nations respect the provisions set forth not only in the UDHR but also in the aforementioned Convention and Protocol and customary international laws, and hold each other mutually accountable to do so.

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