



NEAR EAST UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
INTERNATIONAL LAW PROGRAM

**RIGHTS OF REFUGEES IN INTERNATIONAL LAW
(SYRIAN REFUGEES - CASE STUDY)**

AHMAD ZAKI AHMAD ALZUBI

MASTER THESIS

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NICOSIA

2018

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/ / 2018

Has been found satisfactory for the award of degree of

Master

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ABSTRACT

RIGHTS OF REFUGEES IN INTERNATIONAL LAW (SYRIAN REFUGEES - CASE STUDY)

The Syrian crisis has become the largest humanitarian crisis in the world in the Modern era, in coincidence with the increase in the number of refugees. Because of this crisis, about 5.5 million people spread around the world, and therefore their various issues must be discussed continuously until the crisis is resolved. The problems of the majority of these Syrian refugees are highlighted by the fact that they live in temporary camps in several countries. These camps often lack the basic necessities of life. It is difficult to imagine the magnitude of the humanitarian tragedies faced by the Syrian people inside and outside Syria as refugees. It is essential to find a fundamental solution to stop the destruction that is taking place in the country and its inhabitants. Syria, Jordan, Turkey and Lebanon have played an important role in ensuring the security, safety, shelter, food and basic humanitarian services of these refugees, albeit both Jordan and Lebanon are suffering from difficult economic conditions. However, many rich countries around the world have failed to receive large numbers of refugees, and other countries have failed to provide the necessary financial support to ensure a decent life for refugees in neighbouring Countries. The study dealt with the rights and obligations of the refugee, the meaning of asylum in accordance with international laws and conventions, the issue of Syrian asylum, and the situation and attitudes of neighbouring countries hosting refugees, as well as dealing with the German experience as a model in dealing with Syrian refugees. The international community should work harder to end the Syrian problem through political means, in order to avoid further killing, and displacement. Cooperation is necessary among all the countries of the world in bearing the burden of refugees and the need to cooperate in providing the necessary financial support to provide them with basic requirements.

Keywords: Refugees, international law, asylum, Syria, rights

ÖZ

Uluslararası Hukukta Mültecilerin Hakları (Suriyeli Mülteciler - Örnek Olay İncelemesi)

Suriye krizi, mülteci sayısındaki artışla birlikte, modern çağda dünyanın en büyük insani krizi olmuştur. Bu kriz nedeniyle, dünya çapında yaklaşık 5.5 milyon insan yayıldı ve bu nedenle, çeşitli sorunlar kriz çözülene kadar sürekli olarak tartışılmalıdır. Bu Suriyeli mültecilerin çoğunluğunun sorunları, birçok ülkede geçici kamplarda yaşadıkları gerçeğiyle vurgulanmaktadır. Bu kamplar genellikle hayatın temel ihtiyaçlarından yoksundur. Suriye içinde ve dışında Suriye halkının yaşadığı insani trajedilerin büyüklüğünü mülteci olarak hayal etmek zordur. Ülkede ve köy sakinlerinde meydana gelen yıkımı durdurmak için temel bir çözüm bulmak şarttır. Hem Ürdün hem de Lübnan zor ekonomik koşullardan muzdarip olsa da, Suriye, Ürdün, Türkiye ve Lübnan bu mültecilerin güvenlik, güvenlik, barınma, yiyecek ve temel insani yardım hizmetlerinin sağlanmasında önemli bir rol oynamıştır. Bununla birlikte, dünyadaki birçok zengin ülke çok sayıda mülteci almayı başaramadı ve diğer ülkeler komşulardaki mülteciler için iyi bir yaşam sağlamak için gerekli mali desteği sağlayamadılar.

Bu çalışma, mültecilerin hak ve yükümlülükleri, uluslararası yasa ve sözleşmelerle iltica etmenin anlamı, Suriyeli sığınmacı meselesi ve mültecilere ev sahipliği yapan komşu ülkelerin durum ve tutumları ile Alman deneyimini ele almayı ele almıştır. Suriyeli mültecilerle ilgili bir model. Uluslararası toplum, daha fazla öldürmeyi ve yer değiştirmeyi önlemek için Suriye sorununu siyasi yollarla sona erdirmek için daha fazla çaba göstermelidir. Dünyanın tüm ülkeleri arasında mültecilerin yükünü taşıması ve onlara temel ihtiyaçlar için gerekli mali desteği sağlamada işbirliği yapma ihtiyacı için işbirliği gereklidir.

Anahtar Kelimeler: Mülteciler, uluslararası hukuk, iltica, Suriye, haklar

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ABBREVIATIONS

UN	United Nation
UNHCR	United Nations' High Commissioner for Refugees
OAU	Organisation of African Unity
EU	European Union
NGO	Non-governmental organizations
ESSN	The Emergency Social Safety Net

CHAPTER 1

INTRODUCTION

“Syria is the biggest humanitarian and refugee crisis of our time, a continuing cause of suffering for millions which should be garnering a groundswell of support around the world.”

UN High Commissioner for Refugees Filippo Grandi

The above quotation is a summary of what is discussed in this paper, namely that the Syrian crisis has become the largest and the most important crisis in our time. Due to the Syrian crisis, the number of refugees has been increasing to 5.5 million people scattered around the world. Thus, it is necessary to continue addressing their problems and issues at all levels; humanitarian, economic, health, and others.¹ In parallel with the entry of the Syrian crisis in its eighth year, it became difficult to imagine the humanitarian dimensions faced by the Syrian people whether they are internally displaced in Syria or as refugees outside Syria. The problems continue and the tragedies follow in many ways and forms and it is necessary to find effective solutions that contribute to alleviating the problem as a first stage, in addition to finding a fundamental solution to stop the shedding of blood and the destruction taken place in the country and its inhabitants in various locations and cities.²

Children, elderly people, and women are the most affected group by the crisis at various levels. The recourse to neighboring countries and other countries

¹ “Development and Protection Challenges of the Syrian Refugee Crisis” [2016] Human Rights Documents online

² Hathaway JC, “Rights of Solution” *The Rights of Refugees under International Law* 913

around the world resulted in painful humanitarian stories and shortages of food and medicines³. The necessities of life have become the title of asylum trips. The loss of security and safety in the journey of refuge has become a feature of most Refugees. Among various incidents of sinking, certain death, and the mistreatment of some border posts around the world, the refugee route has become full of dangers and problems that refugees cannot deal with or find solutions to the problems.

The vast majority (90%) of Syrian refugees whose number is around 5.5 million around the world live outside the refugee camps, where they often lack the minimum standard of living conditions.⁴ They have exhausted their savings and are struggling to secure a living and obtain Shelter, medical services, and basic needs for their children and themselves. The vast majority of Syrian refugees are living below the poverty line now. Many countries, such as Jordan, Turkey, and Lebanon have done all they can over the years of the Syrian crisis to serve and assist the Syrian refugees, providing them with security, safety, shelter, food and basic humanitarian services. Despite Jordan and Lebanon are experiencing economic crises and burdens, and the fact that many countries around the world have not committed themselves to shouldering Jordan's and Lebanon's burden of hosting refugees, both of Jordan and Lebanon have done every possible towards these refugees.⁵

Subsequently, the influx of the Syrian refugees has created a heavy burden on the society of Jordan, which hosts about 1.5 million Syrian refugees. The Jordanian society is already poor and suffers from a shortage of basic social and economic services. Consequently, the influx of refugees drains the limited domestic resources and causes enormous pressure on infrastructure and services. On the other hand, there is about one million Syrian refugees live in

³ Kneebone S, "Refugees and Displaced Persons: The Refugee Definition and 'Humanitarian' Protection" Research Handbook on International Human Rights Law

⁴ Gilbert G, "Human Rights, Refugees, and Other Displaced Persons in International Law" [2012] *Hierarchy in International Law* The Place of Human Rights 176

⁵ "NOWHERE TO TURN: The Situation of Dom Refugees From Syria in Turkey" Human Rights Documents Online

Lebanon.⁶ The Lebanese government has been very interested in hosting millions of Syrian refugees, providing them with security and access to basic services. The government has also implemented double- shift schools to provide education for Syrian students. The author dealt here with everything related to refugee's rights and duties, in addition to the meaning of asylum in accordance with international laws and conventions.⁷ The author also focused on the issue of asylum in Syria since it is the hottest issue in the world today, and examined the conditions and the positions of neighboring countries that hosting refugees. Besides, relying on the German experience as a model in terms of dealing with Syrian refugees.⁸ The author found that it is necessary to urge the international community and the international organizations to increase the interest in refugees around the world, as the refugee lives in an exceptional situation that deprives him from the security of his life and the psychological and economic stability, in addition to making him vulnerable due to depriving him of his basic rights and a decent life. Furthermore, the author also believes that the international conventions that deal with refugee affairs should be developed on a regular basis, as the refugee issues are expanding and becoming increasingly complex in conjunction with the multiplicity of international problems that lead to asylum. He emphasizes on the need to develop the concept of refugee from time to time to include new categories that match the development of problems and global issues led to asylum, in addition to the emergence of new reasons for asylum during different periods. In the end, the author believes that the international community, States, agencies, and humanitarian organizations, must work harder to end the Syrian problem by using political means to avoid further killing, displacement, and asylum of the Syrian people.

⁶ Dromgold M, "Understanding Migration Management and Its Impact on Syrian Refugees in Turkey" "Guests and Aliens": Re-Configuring New Mobilities in the Eastern Mediterranean After 2011 - with a special focus on Syrian refugees

⁷ Hathaway JC, "The Structure of Entitlement under the Refugee Convention" *The Rights of Refugees under International Law* 154

⁸ Ibid

1.2 Research Questions

- A. What are rights and duties of refugees in the international law?
- B. What are the rights and duties of the countries hosting refugees in accordance with the international law?

1.3 Research Objectives

The fundamental objective of this research is to explore the Rights of Refugees in International Law in relation to international law. Secondly, to provide a significant review and comprehension of legal rights and duties under international law and present the refugee crisis and provide solutions.

1.4 Research Methodology

In order to investigate comprehensively on what are the Rights of Refugees in International Law, this research adopted an analytical and interpretive research method. These methods are as follows:

- Legal research

Mainly for searching secondary authority socio-legal.

- Research (law in practice)

In order to address the content of legal practice from a diversity of perspectives.

- Comparative cross-jurisdictional research

In order to cross-examine subjects of context, assessment, interaction and interpretation on an international and national scale.

CHAPTER 2

REFUGEES IN INTERNATIONAL LAW

Determining the definition of a refugee is an important issue due to its influences which contribute to determining the legal protection which is given to those who meet the definition, as well as the implications of the definition such as to whom a helping hand, assistance, protection, housing etc. However, granting asylum by any state is subjected to certain conditions. This chapter examines three main issues: Firstly, the definition of a refugee mentioned in international conventions. Secondly, the types of asylum, and thirdly the conditions for granting asylum.

2.1 Refugee Definition

2.1.1 The definition of a Refugee in International law

The definition of a refugee is a very important issue due to its impact on determining the legal protection of the individuals to whom the definition applies. The concept of refugee has several definitions, and there is no common general definition in international law because the definitions differ according to the agreements and declarations that deal with refugees⁹. According to Cambridge dictionary, a refugee is a person who escapes from his country for political, religious, or economic or because of war. In the definition of a refugee at the international and regional levels was defined as follows:

⁹ Hathaway JC, "International Law as a Source of Refugee Rights" *The Rights of Refugees under International Law* 15

2.1.2 The Definition of a Refugee in International Conventions

2.1.2.1 The Definition of a Refugee based on the United Nations Convention in 1951

The definition of a refugee under the 1951 Geneva Convention Relating to the Status of Refugees is: Any 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 unwilling to avail himself of the protection of a 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.¹⁰

The first article of the Convention relates to the status of refugees, and addresses two cases, in which any person may be considered a refugee. The first case occurs when the individual has already been considered a refugee according to the documents of 12/05/1926 and 30/06/1928 or the agreements of 28/10/1933 and 10/03/1938, and the Protocol of 14 September 1939, or the Constitution of the International Refugee Organization.¹¹

The second case is concerned with the result of events prior to 1st January 1951 and a reasonable fear relating to persecution because of race, religion, nationality, membership in a social group or political opinion contrary to that of the government of the State, and is unable to enjoy the protection of that State. This case can be also applied when a stateless person is outside the state in which he was habitually resident and he does not want to return because of his inability or fear.¹²

¹⁰ Convention Relating to the Status of Refugees (1951), 189 U.N.T.S. 137; amended by the Protocol Relating to the Status of Refugees (1967), 606 U.N.T.S. 267 [1951 Geneva Convention]."

[24] 1951 Geneva Convention, Article 1 (A (2); amended by the Protocol Relating to the Status of Refugees, Article 1 (2)

¹¹ Hathaway JC, "International Law as a Source of Refugee Rights" *The Rights of Refugees under International Law* 15

¹² Gil-Bazo M-T, "Refugee Protection under International Human Rights Law: From Non-Refoulement to Residence and Citizenship" (2015) 34 *Refugee Survey Quarterly* 11

Although the Geneva Convention (1951) is considered to be the first convention which came up with a general definition for a refugee, still the definition is constrained by the geographical limitations in which it serves the refugees in Europe in accordance with Article 1 (B / 1) of 1951, in addition to time limitation represented in serving those who became refugees after the Second World War and before 1st January 1951. As a result, those who suffer from the same conditions due to any events occurring after 1 January 1951 or outside Europe cannot be considered refugees. However, those restrictions were abolished by the Convention's 1967 Protocol. Based on the first article of this protocol, a refugee is any person who matches the definition of refugee in the first article of the same Convention, after omitting the following sentences, "[A]s a result of events before the 1 January 1951" and "the result of such events." Omitting these two sentences from the article means the abolition of the temporal and geographic limitations mentioned in the definition of refugees in the Convention, whether such events occurred in Europe or elsewhere in the world.

2.1.3 Definition of a Refugee According to the Basic Law of the Office of the United Nations' High Commissioner for Refugees (UNHCR)

According to Paragraph 6A (ii) in this law a refugee is “any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his [or her] nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail him [or her] self of the protection of that country; or who, not having a nationality and being outside the country of his [or her] former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it.” (p.8)¹³

¹³ UN High Commissioner for Refugees (UNHCR), *Self-Study Module 2: Refugee Status Determination. Identifying Who is a Refugee*, 1 September 2005, available at: www.refworld.org/docid/43141f5d4.html [accessed 2 May 2018]

The refugee according to Paragraph 6B of the same law is “any other person who is outside the country of his [or her] nationality or, if he [or she] has no nationality, the country of his [or her] former habitual residence, because he [or she] has or had well-founded fear of persecution by reason of his [or her] race, religion, nationality or political opinion and is unable or, because of such fear, is unwilling to avail him [or her] self of the protection of the government of the country of his [or her] nationality, or, if he [or she] has no nationality, to return to the country of his [or her] former habitual residence” (p.8)¹⁴. According to paragraph (b) of the same article 6, the refugee is any person is considered to be a refugee if he is outside the State of his nationality or if he is a stateless person outside his former habitual residence because he is afraid or has reasonable grounds to be afraid of persecution attributable to his or her race, religion, nationality or political opinion.¹⁵ He or she may not wish, owing to such fear, to enjoy the protection of the government of his or her State of habitual residence or nationality if he is stateless. Burhan Amour Allah noted that “the definition has been devoid of geographical limitation, and that it is characterized by the protection of all refugee persons, whether or not their State on is a party to the 1951 Convention or the 1967 Protocol.¹⁶

2.1.4 The Definition of Refugee in Regional Documents

It has been noted that the 1967 Protocol on the Status of Refugees has explicitly removed temporal and spatial limitations from the refugee concept and it has retained the reason for the act of asylum (fear of being persecuted due to different reasons such as religion or race, forcing them to leave their countries as a result of an armed conflict or a natural disaster) entitling them to refugee status¹⁷.

¹⁴ Ibid

¹⁵ Parashar A, “Human Rights of Refugees” An Introduction to International Refugee Law 53

¹⁶ Burhan Amour Allah, Political Asylum (study of the theory of the right to refuge in international law), Dar al-Nahda al-Arabiya, Cairo, 2008

¹⁷Ibid [15] p.63

Therefore, international efforts have resulted in the adoption of regional conventions dealing with refugees and expanding the causes of asylum, the most important of which are mentioned below.

2.1.5 The definition of a refugee according to the 1969 African Union Convention on the Individual Aspects of the Refugee Problems in Africa

Under Article 1 of the Convention, a refugee shall be deemed to be a person in the following situations:

For the purposes of this Convention, the term "refugee" shall apply to any person who finds himself outside the country of which he is a national because of a justified fear of being persecuted because of his race, religion, nationality, membership in a particular social group or holding political views and resides outside the country of his nationality and is unable or unwilling to return. The fear of being persecuted by that country or any person who has no nationality and is outside the country of habitual residence as a result of such events and cannot or will not live there because of his fear to return to that country.

The term "refugee" also applies to any person who is compelled by foreign aggression, occupation or control, or by events that seriously threaten public security in a part of his or her country of origin or residence, or in the territory of either of them, to seek shelter elsewhere in the country of origin or country of nationality. Bin Sahel Ali Thani states, "the definition of the African Convention has added a new group of persons who qualify as refugees. The Convention has expanded the grounds for asylum. International conflicts and civil wars have been included in these causes, but they have remained somewhat incomplete, as one of the most important reasons for asylum"¹⁸.

It should be noted from this definition that the 1969 OAU Convention expanded the refugee concept from 1951 UN Refugee Convention to include a new category of persons who were not included in the definition of refugee contained in the 1951 UN Refugee Convention, and who have been forced to

¹⁸ Ben Sahel Ali Thani & Kamel Ayman, Human Rights and Duties of a Humanitarian Refugee vis-à-vis the host State, Alaywa University of Tlemcen, Algeria (www.mohamah.net) [accessed on 5 May 2018].

flee across borders as a result of external aggression or foreign domination, or because of events that seriously disturb the public order in the territory of the State of origin.¹⁹ It is also noted that the Convention did not suspend the right of asylum or the definition of the person to whom the description of the refugee applies for a certain period. This Convention is free of the time limit provided in the 1951 UN Convention.

2.1.6 Definition of "refugee" according to the Bangkok Principles 1966

According to the Bangkok Principles, a refugee's description applies to any person under persecution or in fear based on reasonable grounds, due to race, color, religion, political creed or belonging to a particular social group, living outside the States of which he is a national or a citizen, or his or her country of habitual residence, and unable or unwilling to return to or enjoy its protection.²⁰

At its eleventh session in Accra in 1970, the Advisory Committee approved an amendment to the previous definition, to add to the causes of asylum external aggression, occupation and external events that seriously threaten public order in part or in the entirety of its country of origin. Therefore, the definition of a refugee in accordance with the principles of Bangkok, does not match.²¹

2.1.7 The definition of "refugee" in the 1984 Cartagena Declaration of the Organization of the American States

Article 3 of Section III of this Declaration defines a refugee as follows: " in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human

¹⁹ Marina Sharpe, "The 1969 African Refugee Convention: Innovations, Misconception, and Omissions", *McGill Law Journal*, 2012, pp. 95-140

²⁰ Hathaway JC, "International Law as a Source of Refugee Rights" *The Rights of Refugees under International Law* 15

²¹ Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees ("Bangkok Principles")*, 31 December 1966, available at: www.refworld.org/docid/3de5f2d52.html [accessed 2 May 2018]

rights or other circumstances which have seriously disturbed public order "²²
 The Cartagena Declaration has created new reasons for asylum that have been absent in previous documents, such as organized violence, internal conflicts, and severe violations of human rights.²³

2.1.8 The Definition Of A Refugee According To The Draft Of The Arab Convention On The Regulating Status Of Refugees In The Arab Countries (Adopted By The League Of Arab States, 1994).

Article 1 of the draft of the Convention defines a refugee as: " Any person who is outside the country of his nationality or outside his habitual place of residence in case of not having a nationality and owing to well-grounded fear of being persecuted on account of his race, religion, nationality, membership of a particular social group or political opinion, unable or unwilling to avail himself of the protection of or return to such country"²⁴.

It is clear that the Arab Refugee Convention has adopted a broader definition of refugees is more comprehensive than the previous conventions, as it introduced natural disasters as a legitimate reason for asylum.

After illustrating all these definitions, the author considers that the definition of refugee has been developed and amended over several decades due to the changing circumstances and reasons for resorting asylum, and the increase in the movements of asylum in several locations of the world. This is particularly in case of refugees fleeing their countries as a result of wars and political conflicts or because of the persecution of minorities in some countries.²⁵ The author believes that there are many reasons that contributed to making the refugee issue an advanced place among international organizations dealing with human rights in general, and some countries affected by the crisis of asylum due to its geographical location or by virtue of its material potential,

²² Regional Refugee Instruments & Related, *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, available at: www.refworld.org/docid/3ae6b36ec.html [accessed 2 May 2018]

²³ "Refugees, Asylum Seekers, the Rule of Law and Human Rights" The Unity of Public Law

²⁴ League of Arab States, *Arab Convention on Regulating Status of Refugees in the Arab Countries*, 1994, available at: www.refworld.org/docid/4dd5123f2.html [accessed 2 May 2018]

²⁵ "Refugees, Asylum Seekers, the Rule of Law and Human Rights" The Unity of Public Law

which makes it a destination for immigrants and refugees. Consequently, the author tends to briefly define the refugee as any person who is forced to leave his country to another country as a result of wars, religious, ethnic, or political conflicts, making him look for a safer place to live.²⁶

2.2 Types of Asylum

2.2.1 Humanitarian asylum

Human asylum is the most common type of asylum because it is for all people, not limited to a particular category, which makes humanitarian asylum more accessible, and increases the number of people receiving it, in the territory of another country or in the territory of the donor country, based on the sovereignty enjoyed by each State.²⁷ This type of asylum was regulated by the 1967 United Nations Declaration on Territorial Refuge, which dealt with many issues relating to this type of asylum, as well as the 1954 Caracas Convention on Territorial Refuge, and the European Declaration on Territorial Asylum of 1977. Regional asylum is usually the result of wars, internal tensions and political violence. Regions of many countries, such as the United States of America and European States, have been the targets of refugees.²⁸

2.2.2 Political asylum:

It is granted to political figures and leaders dissident from their governments or armies, or political activists seeking safety and protection in a foreign country or one of its embassies, ships and aircraft. Political refugees constitute the smallest number of refugees—a group of people persecuted for their ideas and opposition views. “The political right to asylum, the granting of refuge to an alien in a sovereign state, evolved from the religious notion of sanctuary. France was the first to recognize the right to asylum in its 1793 constitution”.²⁹ Political asylum is characterized by several advantages, including increased

²⁶ Udoh GP, “The Protection of Refugees Under International Human Rights Law” [2018] SSRN Electronic Journal.

²⁷ “Refugees, Asylum Seekers, the Rule of Law and Human Rights” The Unity of Public Law

²⁸ Ibid

²⁹ Peters, Michael A., and Tina Besley (2017), “The Refugee Crisis and the Right to Political Asylum,” *Geopolitics, History, and International Relations* 9(1): 7–16.

financial assistance by the state to political refugees and personal insurance, especially if the refugee is a target person.³⁰

2.2.3 Religious asylum

Religious asylum, which is due to the person being subjected to religious persecution, or because of the non-religious beliefs. The religious refuge is the place where the refugee can find shelter and escape from persecution or murder, and seek security and protection in that place of religious sanctity³¹.

In ancient civilizations, authorities were forbidden to enter the temples. From the fifth century AD, the churches were recognized as a sanctuary and the situation continued until the rulers began to fear that the religious asylum would become a weapon against them in the hands of the Church. Thus, they tended to restrict and limit its application range. As for Islamic law, it has granted immunity to the sacred house, Ka'ba, and provided it with a legal basis from Qur'an and Sunnah. It also established a method followed by the Arabs in relation to the regional asylum. The latter established a law in accordance with its principles, which is called "safety." That is, for a period not exceeding one year, otherwise it would have required certain conditions. Here, the author finds that the different types of asylum are basically linked to the preservation of people's lives, where people are often forced to accept asylum as a last resort to guarantee a secure life and to change the reality in their country for the better, financially, socially, religiously or politically³². Moreover, the different types of asylum are linked mainly to the natural needs of people, including security, psychological stability, financial stability and access to better opportunities in the areas of health and education, as well as the availability of

³⁰ S. Prakash Sinha , Asylum And International Law, martinus nijhoff – the hague – 1971- p 2

³¹ Salah al-Din Faraj, The Rights of Refugees in Islamic Law and International Law, Journal of the Islamic University, Volume 17, p.1, Gaza-Palestine, January 2009

³² Connor P. Still in Limbo: About a Million Asylum Seekers Await Word on Whether They Can Call Europe Home (2017). Pew Research Center, p.5

a democratic environment that allows him the freedom of intellectual, political and religious freedom.³³

2.3 Conditions of granting asylum according to the rules of international law

It is clear that certain conditions must be met in order to allow a State to grant a person the right to asylum in accordance with the rules of international law.

The most important of these conditions are:

- The person should be outside the territory of his or her country of origin, or outside the territory of his or her normal State if he is a stateless person. In most cases, the refugees retain the nationality of their State of origin and this is a general condition for recognition the refugee status without exception. For example, if someone claims by the state, he must prove that he holds the nationality of that State, but if the asylum seeker is stateless, in this case he must be identified as a refugee in the same manner as for stateless persons.³⁴
- A person is unable to enjoy the protection of his or her State of origin, whether due to civil or international war, or due to the refusal of the State to provide protection to that person or the unwillingness to enjoy such protection because of fear of persecution.³⁵
- Fear of persecution should be based on reasonable grounds, where a person's fear of exposure should be due to strictly specific reasons. The refugee's description does not apply to persons who do not have certain reasons for fear of persecution. The 1951 UN Convention determines the reasons for persecution that result in the person being considered a refugee.

³³ "Refugees, Asylum Seekers, the Rule of Law and Human Rights" The Unity of Public Law

³⁴ Orchard C & Miller A. Protection in Europe for refugees from Syria (2014). Forced Migration Policy Briefing. Refugee Studies Centre Oxford Department of International Development, p.16-35.

³⁵ Udoh GP, "The Protection of Refugees Under International Human Rights Law" [2018] SSRN Electronic Journal.

- Refugees should not be considered as one of the reasons for their removal from the refugee status, which is stated in article 1 of the United Nations Convention of Refugees as serious grounds for considering a person to have committed a crime against peace, a war crime or a crime against humanity, or has committed a serious non-political crime outside the State of refuge and before being accepted as a refugee or has already been convicted for acts contrary to the purposes and principles of the United Nations.³⁶

Persons who have serious grounds of believing that there is a reason to prevent the application of the provisions of the Convention to them are referred to in paragraphs (E) and (F), as follows:

(E) The provisions of this Convention shall not apply to any person designated by the competent authorities of the country in which he has taken up residence as the owner of the rights and obligations relating to the nationality of that country.³⁷

F) The provisions of this Convention shall not apply to any person who has serious grounds to believe that he:

(A) Commits a crime against peace, a war crime, or a crime against humanity within the meaning of those crimes in the international instruments established for its provisions.

(B) Commits a serious non-political crime outside the country of asylum before being admitted to that country as a refugee

(C) Commits contrary acts to the purposes and principles of the United Nations.³⁸

³⁶ Gilbert G, "The Human Rights of Migrants and Refugees in European Law" (2017) 29 International Journal of Refugee Law 193

³⁷ Convention and Protocol Relating to the Status of Refugees – United Nation High Commissioner for Refugee, 1951, 1967 Convention

³⁸Ibid

The author finds that the conditions for accepting persons as refugees in other countries are governed by several regulations based on the interests of individuals (refugees or asylum seekers) and not restricting them from the movement to escape oppression, injustice or otherwise. Furthermore, granting asylum takes into account the interest of states and their right to maintain their borders, economic conditions that may not qualify them to raise the burden of large numbers of refugees entering them.

2.4 Right and Duties of Refugees in International Law

After we have known the refugee and the types of asylum, we must address the rights and the duties of a refugee. Refugees have many of the rights that must be provided by host countries, which are guaranteed by international law. On the other hand, the refugee must also have duties towards the State to which asylum is given and the right to stay on its land³⁹. The rights of the refugee, the duties of the refugee, the rights to be obtained from the host country or the host countries will be discussed in the following section.

2.5 General Rights of Refugees

Human rights violations, whether in peacetime or war, are among the most important reasons for asylum. The refugee's escape from the country of origin is often linked to his persecution and denial of his fundamental rights and freedoms, which have been affirmed by all international human rights instruments, in particular the Universal Declaration of Human Rights, Torture, freedom of belief and practice of religious rites, freedom of association and expression of opinion etc.

These are general and abstract human rights that are not associated with a circumstance or specific person and are automatically proven to refugees as human rights. As a result, refugee conventions and declarations have

³⁹ International Justice Resource Center, Asylum & the Rights of Refugees, Available at: www.igrcenter.org/refugee-law/#gsc.tab=0 [Accessed on 3 May 2018]

emphasized the need for refugees to enjoy these rights. The 1951 Refugee Convention dealt with a refugee using a similar way of treatment with citizens, in terms of certain issues. It has also treated the refugee in a good way in which is same to dealing with foreigners in general⁴⁰. These rights can therefore be divided into three categories, one relating to the rights enjoyed by the refugee as other nationals of the State of refuge, the second to the rights granted to the refugee as an extraordinary alien, and the third to the rights granted to foreigners in general.⁴¹

2.6 The rights enjoyed by a refugee as a citizen

The 1951 Convention has ensured that refugees enjoy equal rights at times to those assessed for nationals of the State on their territory:

A/1. The right to hold religious rites: The majority of the countries in their constitutions provide freedom of belief and the right to practice religious rites, as guaranteed by international human rights conventions. This right includes the freedom to change, spread, and teach religion. Parents and guardians have the right to ensure a religious moral education for their children, in accordance with their own convictions and beliefs. Article 40 of the 1951 Convention guarantees the right of the refugee to practice his religious rites and to choose the religious education of his children.⁴²

A/2. The right to litigation: A refugee, like other citizens of the State of refuge, has the right to free trial before the courts, as well as to benefit from judicial assistance and exemption from judicial fees. This right is a protecting guarantee for the refugee. The State of Refuge shall provide a refugee adequate opportunities of judiciary that help him to gain his rights. Moreover,

⁴⁰ Hathaway JC, "The Structure of Entitlement under the Refugee Convention" *The Rights of Refugees under International Law* 154

⁴¹ Edwards A, "Crossing Legal Borders: the Interface between Refugee Law, Human Rights Law and Humanitarian Law in the International Protection of Refugees" *International Humanitarian Law and Human Rights Law* 429

⁴² Costello C, "The Human Rights of Migrants and Refugees in a Pluralist Setting" [2015] *The Human Rights of Migrants and Refugees in European Law* 41.

no State may make any reservations on this right. "Most refugees cannot afford legal counsel without financial aid, which is not made available for communications to the Committee. Lawyers also prefer regional systems, which are usually more familiar to lawyers and more accepted by states"⁴³

A/3. The right to protect the intellectual and industrial property: In accordance with article 14 of the 1951 Convention, a refugee shall enjoy the same protection as nationals of the State of Refuge in terms of industrial and intellectual property protection, such as inventions, designs, trademarks and brands. In terms of literary, artistic, and scientific property protection, a refugee shall be accorded the same protection as that accorded to nationals of that country and the same protection accorded to nationals of the country of asylum shall be granted in the territory of any other Contracting State.⁴⁴

A/4. The right to social security and general assistance: The 1951 Convention has equated between the refugee and the citizen regarding the right to benefit from labor and social security legislation under the supervision of the administrative authorities of the State of Refuge provided that his residence is lawful in the State of Refuge (article 24) (Art. 23) and the social benefits received by citizens in the State in respect of the public distribution of products that are not sufficiently available in the State (art. 20).

A/5. The right to education: A refugee is equal to the citizens of the State of Refuge in the primary education level by exempting him from any fees or costs as a free and compulsory right for all of its citizens without discrimination. While in other later levels of education, the refugee has the best possible treatment for at least which are granted to ordinary foreigners in the same circumstances. The State of Refuge also undertakes to recognize the diplomas, certifications

⁴³ Santhosh Persaud, *Protecting refugees and asylum seekers under the International Covenant on Civil and Political Rights*. 2006.

⁴⁴ Edwards A, "Crossing Legal Borders: the Interface between Refugee Law, Human Rights Law and Humanitarian Law in the International Protection of Refugees" *International Humanitarian Law and Human Rights Law* 429.

and degrees granted to refugees outside the country and to give them practical certificates such as those received by their nationals.⁴⁵

2.7 Refugee Rights as an Extraordinary Foreigner

A refugee enjoys a set of rights which gives him a better legal status than that of other ordinary aliens, since he is not protected by his original State and cannot control the circumstances surrounding him.⁴⁶ These rights are represented as follows:

B/1. Exemption from the requirement of reciprocity and exceptional measures:
The principle of reciprocity is one of the most important rules governing relations between States. It is intended to treat the State of an alien on its territory with the same treatment as its citizens in the territory of the foreign country. The reason for this exception is that subjecting the refugee to this principle would increase his obligations free of charge. In addition to his persecution and denial of national protection, he would be obliged to bare the burdens imposed by his original State on nationals of the State of refuge.

The refugee shall also be exempt from the exceptional measures taken by the State of refuge against certain people, property or interests of the nationals of a particular State. Contracting States shall refrain from applying such measures or procedures to any refugee merely because he has the nationality of that State. The application of this principle in general to grant exemptions to such refugees in appropriate cases (article 8 of the 1951 Convention).⁴⁷

B/2. The Right to a personal identification card and travel documents:

Having identity documents is an important issue for a refugee in order to facilitate administrative procedures and other daily life activities. In view of the harsh conditions of asylum, it is often impossible for refugees to prove their identity in the State of Refuge either because they do not possess their identity

⁴⁵ Ibid

⁴⁶ Alice Edwards, *Human Rights, Refugees, and The Right 'To Enjoy' Asylum*, Oxford University Press, 2005, 293-330

⁴⁷ The Refugee Convention, 1951, article 8

documents or because they lost them during their flight; in such cases the State of refuge is obliged to issue a personal identification card to every refugee on its territory who does not have a valid travel document. The State of refuge should also give the identity card to all Refugees, regardless of whether the residence on the territory of the legitimacy of the state or not, but if it does not impose them to keep them on their territory.⁴⁸

As for travel documents, the Convention obliged Contracting States to issue passports to refugees residing in their territory legally to enable them to travel abroad, unless compelling reasons of public order or national security required the State of refuge. The Office of the United Nations High Commissioner for Refugees or the International Committee of the Red Cross issuance of such documents in cases where the State of asylum is not a party to the 1951 Convention or the 1967 Protocol.

B/3. The right to form or belong to associations and organizations

Article 15 of the 1951 Convention provides that "Contracting States shall grant the refugees the best possible treatment granted in the same circumstances to nationals of a foreign country to refugees who are lawfully resident in their territory in respect of non-political, non-profit associations and trade unions,"⁴⁹

B/4. The right to paid work

In accordance with, a refugee enjoys several privileges, where he enjoys the best treatment accorded to a certain group of aliens by the States concerned in the same circumstances⁵⁰

Nor is it subject to the measures imposed by the State to protect the national market, where the refugee has spent three years residing in the country or whose spouse is a national of that State or if the refugee has one or more

⁴⁸ Convention travel document or Geneva passport, 1951 article 27

⁴⁹ The Refugee Convention, 1951, article 15

⁵⁰ Convention Relating to the Status of Refugees 1951, article 17

children of the country of residence.⁵¹ Based on this Convention, Contracting States make their utmost efforts for the equalization of refugees with nationals in respect of paid employment.

B/5. The right to naturalization

Article 34 of the 1951 Convention provides that the Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.⁵² In encouraging States to cooperate with the High Commissioner for the absorption and naturalization of refugees, a refugee who has the nationality of the country of residence is the decisive step towards its integration in the event that it is impossible to return to the country of origin. The importance of this right is particularly evident when it comes to stateless refugees.⁵³

2.8 Refugee rights as a normal foreign

In the State of refuge, a refugee shall enjoy the rights, which are accorded to other ordinary aliens residing in its territory and from those rights in accordance with the 1951 Convention:

C-1 / The right to own property:

The right of the refugee to own movable and immovable property and related rights such as the right to buy, sell or lease. If it comes to the acquisition of funds or dealing, it is subject to the same conditions as the foreigner and according to the national laws and regulations of each country.

C-2 / Right to transfer of funds and baggage:

⁵¹Convention Relating to the Status of Refugees 1951, Article 17 s (2)

⁵² Gilbert G, "The Human Rights of Migrants and Refugees in European Law" (2017) 29 International Journal of Refugee Law 193

⁵³ Edwards A, "Crossing Legal Borders: the Interface between Refugee Law, Human Rights Law and Humanitarian Law in the International Protection of Refugees" International Humanitarian Law and Human Rights Law 429

A refugee has the right to transfer his property and property to another State which has allowed him to settle within its territory. The 1951 Convention provides that Contracting States shall permit refugees, in accordance with their laws and regulations, from assets to another country where they have been allowed to move in order to settle there.⁵⁴

C-3 / Right to movement and choice of residence:

Contracting States shall accord to refugees lawfully staying in their territory the right to choose their place of residence and to move freely within their territory, subject to any regulations applicable to foreigners in general in the same circumstances. This right is subject to public order restriction as States may restrict it in accordance with the conditions provided by law for the purpose of protecting national security and public order. For example, the State may prevent refugees from being in certain places or require them to stay elsewhere for security or military reasons.⁵⁵

C-4 / The right to housing:

It is the right to rent and to allocate housing or shops, where a refugee legally resident in this country has the right in accordance with the laws and regulations applied by the state to foreigners in general.⁵⁶

C-5 / The right to exercise self-employment and free professions:

A legally resident refugee has the right to engage in various kinds of work, whether agricultural, industrial, commercial or craft, as well as the right to establish commercial or industrial companies within the territory of the State of refuge. (Art. 18), as well as the right to engage in free professions that are in conformity with his or her specialization and the certificates recognized by his country of residence (art. 19).

⁵⁴Convention Relating to the Status of Refugees 1951, Article 30 s (1)

⁵⁵Convention Relating to the Status of Refugees 1951, Article 26

⁵⁶Convention Relating to the Status of Refugees 1951, Article 21

2.9 Rights of refugees

The special rights of refugees are in line with the specificity of their situation. The refugee situation requires that refugees, in addition to public rights, have special rights that are at the core of the international refugee protection system.⁵⁷ The practical situation has proved that the rights of refugees are justified. Kristina Touzenis and Ryszard Cholewinski clarified that “The effective access of all migrant workers and their families to social rights is critical in preventing their marginalization and social exclusion in the host society, thus assisting their integration and enhancing development in the country of employment”⁵⁸

In reference to international refugee documents, they are intended to ensure that they enjoy a range of special rights which the refugee has the exclusive right to enjoy. The most important of these rights is the right to protection from refoulement, the right to protection from punishment for unlawful entry into the State, Temporary, in addition to other rights that are integrated with these rights to achieve the desired protection of refugees.⁵⁹

2.9.1 The right to protection from the forcible return of the State of persecution

This right embodied in the principle of non-refoulement or restitution is the cornerstone of the international refugee protection regime. It is inconceivable that any other rights would be invoked without the right to be established. Accordingly, all refugee conventions and declarations have been affirmed by article 33.1 of the 1951 Convention That "Contracting States are prohibited from expelling or returning refugees in any way to the extent to which their life or freedom may be threatened by reason of their race, religion, nationality,

⁵⁷ Convention relating to the Status of Refugees, adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under

⁵⁸ Kristina Touzenis and Ryszard Cholewinski “The Human Rights of Migrants”, International Journal on Multicultural Societies (IJMS) Vol. 11, No. 1, 2009.

⁵⁹ General Assembly resolution 429 (V) of 14 December 1950 Entry into force: 22 April 1954, in accordance with article 43

membership of a particular social group or political opinion."⁶⁰ States may not make reservations to this right in view of the serious consequences that this entails. However, this right is not absolute, as the Convention makes an exception in article 33, paragraph 2, which states: "No refugee shall be allowed to invoke this right for reasonable reasons A threat to the security of the country in which it is located or because it poses a threat to the community of that country because of a final judgment of a very serious offense. "In this exceptional case, the State of refuge can deport a refugee, but the Convention has placed some restrictions on its authority to deport refugees, the state must implement the deportation Commitment to the conditions set forth in article 32 of the Convention.⁶¹

Article 30 of the Bangkok Principles of 1966 states: "The asylum seeker shall not be subjected except in respect of reasons relating to national security and the protection of the right to asylum⁶². To be prevented from entering at the border, expulsion or deportation that may force him to remain or return to a territory if there is a fear based on reasonable grounds of persecution in that territory that threatens his or her life, safety or liberty "; the United Nations Declaration on the 1967 Regional Refuge states: "No one of the persons referred to in article 10/1 shall be subjected to measures such as the prohibition of his entry at the border or, if the person has entered the territory to which he seeks asylum, his deportation or forcible return to a state in which they can be persecuted, "either the 1969 African Refugee Convention states:" No person shall be subjected to measures to prevent entry at the border, expulsion or deportation, which may force him to return or remain in a country where his life, His freedom is at stake.⁶³

The subsequent conventions and declarations of the 1951 Convention are taken in the broad sense of the protection afforded by the principle of non-

⁶⁰ Gilbert G, "The Human Rights of Migrants and Refugees in European Law" (2017) 29 International Journal of Refugee Law 193

⁶¹B.C. Nirmal, Refugees And Human Rights, p3

⁶² General Assembly resolution 429 (V) of 14 December 1950 Entry into force: 22 April 1954, in accordance with article 43

⁶³United Nations Declaration on the 1967 Regional Refuge states article 3 (1)

refoulement or restitution, which included the authors of the refugee status and the claimants, contrary to article 33, which was taken in the narrow sense of protection.

2.9.2 The right to be protected from punishment for the illegal entry of the State of refuge

Once the right to non-refoulement is established, it is logical that the protection approach is completed by protecting it from criminal or administrative follow-up because of its illegal entry into the territory. Persecution and violations against fleeing persons may prompt them to flee without carrying any documents, where legal asylum may be sought illegally and legal procedures may require several lengthy procedures, which are difficult for the refugee to do⁶⁴. In order to provide immunity to refugees, article 31 of the 1951 Convention prohibits Contracting States from imposing penal sanctions on refugees because of illegal entry or presence of their territory, provided that they come directly from the State of persecution, and submit themselves without delay to the authorities concerned and demonstrate the reasonableness of the reasons for their illegal entry.⁶⁵

However, the phrase "direct arrivals" in the above article is problematic in the case of the passage of the refugee in many countries before arriving in the country in which the asylum is sought, that is, it did not come directly from the State of persecution but even for a period of time in other States before reaching its final destination, which may be based on the State of asylum to lift the immunity guaranteed by the Convention. UNHCR therefore explained that this phrase meant that the asylum seeker had arrived from the country of origin directly or from another country for which he had not been protected - he did not accept his asylum - or from a transit country where he had lived. In short, without applying for asylum, host countries should not apply. In the

⁶⁴ Edwards A, "Crossing Legal Borders: the Interface between Refugee Law, Human Rights Law and Humanitarian Law in the International Protection of Refugees" *International Humanitarian Law and Human Rights Law* 429

⁶⁵ Susan Kneebone, Dallal Stevens, Loretta Baldassar, *Refugee Protection and the Role of Law: Conflicting Identities*, first published 2014, p36

interpretation of this phrase and the judgment on each case based on its circumstances, depriving the refugee of the choice of the state of asylum and complying with the application of asylum in the first country he has submitted without allowing him the right of choice violates human rights because it concerns his fate and depends on his choice according to considerations such as links Family or cultural and linguistic affiliations, and in the case of a refugee in orbit, who moves from one State to another, refusing to grant asylum to each other and to hold each party responsible for the other in order to avoid its administrative or material burdens.

2.9.3 The right to temporary shelter

This right means that if the State is not obliged to grant asylum to the person sought within its territory, it has no right - if that does not conflict with its interests - deprived of any assistance enabling it to obtain refuge in the territory of a State other than the State of persecution, To enter into its territory and stay there for a specified period in accordance with its conditions, or to postpone the deportation if it is already in its territory, in order to enable him to obtain permission to enter another country that accepts refuge. When the state used its right to deport refugees and not allow them to remain on its territory, it was necessary to find a compromise between the right of the state to exercise its territorial sovereignty on the one hand and the asylum seeker's interest in obtaining refuge and avoidance in the grip of the state of oppression on the one hand This solution was reflected in granting the refugee the right to temporary shelter.⁶⁶ In view of the great importance of this right, it has been included in most of the international refugee documents, as expressed in various forms such as the right to temporary residence, the right to temporary refuge, the right to a limited stay, the right to a reasonable stay⁶⁷.

⁶⁶Essarp model United Nations, ' The issue of temporary housing for refugees' (2016) < www.essarp.org.ar/wp-content/uploads/2016/04/GA3-The-issue-of-temporary-housing-for-refugees.pdf > accessed 2 Jun 2018

⁶⁷ Costello C, "The Human Rights of Migrants and Refugees in a Pluralist Setting" [2015] The Human Rights of Migrants and Refugees in European Law 41

The 1951 Convention dealt with the idea of temporary shelter through articles 31 and 32, whereby article 13 requires States to provide shelter, albeit temporarily, to refugees in their territory illegally who have submitted to the competent authorities as soon as possible. Article 32 (3) The State's obligation to grant temporary shelter to refugees legally present in its territory, but reasons for deportation are related to the national security or public order of the State of refuge.⁶⁸

In both cases, the State shall, prior to the commencement of the deportation proceedings, undertake to grant the refugee a reasonable period of time, in addition to providing the necessary facilities enabling him to seek refuge in another State. In spite of the 1951 Convention on the Protection of Refugees, the 1951 Convention on the Rights of the Child stipulates that the right to temporary shelter shall be limited to refugees in the territory of the State, without any other asylum seekers at the border who have not been requested⁶⁹. (02/5) includes both refugees within the territory of the host State and asylum seekers at the border who are in greatest need of assistance and rescue from the risk of persecution in their countries. However, the African Convention makes use of the expression "may be granted temporary residence" to express the notion of temporary shelter, which suggests that the idea of temporary shelter under this Convention is closer to being a recommendation than an obligation that can be imposed on Member States. It should be noted that the United Nations Declaration on the Territorial Refuge of 1967 and the Bangkok Principles of 1966 contained the provision on the right to temporary shelter and called on States to respect and implement this principle.

In addition to the aforementioned rights, there are other rights enjoyed by certain categories of refugees in certain circumstances. Most of them relate to the circumstances of armed conflicts governed by international humanitarian

⁶⁸Convention Relating to the Status of Refugees 1951, article 32 (3)

⁶⁹ Edwards A, "Crossing Legal Borders: the Interface between Refugee Law, Human Rights Law and Humanitarian Law in the International Protection of Refugees" *International Humanitarian Law and Human Rights Law* 429

law, the most important of which are the right of communication, reunification, return and other rights related to those circumstances⁷⁰. Other treaties provide protection for a range of rights including the Universal Declaration of Human Rights, the International Covenants, the Convention against Torture, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Elimination of All Forms of Racial Discrimination, International refugee protection.⁷¹

Finally, it should be noted that the situation of refugees may call for the emergence of some of the rights covered by the above-mentioned conventions that deserve more attention than the rights already detailed, depending on the specificity of the asylum cases and the countries receiving the refugees. The above rights are the first to apply for other rights, if it is rejected, for example, this justification for our selection of these special rights, but this does not negate the idea of integration between all the rights that prove to refugees and the tangle of these rights and the integration is the guarantee to provide the desired protection of the refugee⁷². In exchange for those rights granted to refugees, they have certain obligations which they must observe and abide by, which are provided for in refugee conventions or imposed by the host State in order to preserve their public order and internal and external security.

The author finds that the refugee reserves his natural right to live as a human being who enjoys a minimum of the rights that his humanity imposes on him as a human being and thus can preserve his blood and provide him with minimum food, drink, housing. The author also believes that the countries receiving the refugees must do their best to secure these basic requirements according to their capabilities and can ask for help and assistance to secure those requirements from other countries with strong financial capabilities. They may also request assistance from international organizations and institutions

⁷⁰ Ibid [15] p.69

⁷¹ Costello C, "The Human Rights of Migrants and Refugees in a Pluralist Setting" [2015] *The Human Rights of Migrants and Refugees in European Law* 41

⁷² Gilbert G, "The Human Rights of Migrants and Refugees in European Law" (2017) 29 *International Journal of Refugee Law* 193

concerned with refugees and human rights. Accordingly, the whole world will be united in dealing with the emergency conditions that any country or region in the world may face, and thus turn some of the citizens of these countries into refugees in other countries.⁷³

2.10 The Second Requirement: The Duties of Refugees towards the State Of Refuge

The international instruments relating to refugees have not been equal to the right to be met by an obligation. By guaranteeing the enjoyment of rights by refugees, they have obligations to the State of refuge. These obligations are based on considerations of maintaining the public order and national security of the State through their adherence to the laws and laws of the State⁷⁴. In addition to the refugee's obligation not to use the right of asylum to harm the territories or systems of government in other countries, especially the State of origin, in order to ensure the good relationship of the state of refuge with other countries.⁷⁵

Refugee documents differ in detailing refugee obligations. The 1951 Convention, which is the cornerstone of the international refugee protection system, did not elaborate on these obligations, stating only that: "Every refugee in respect of the country in which he has duties is delegated, in particular to comply with his laws and regulations, taken to maintain public order in that country"⁷⁶

The United Nations Declaration on the Territorial Refuge of 1967 states: "The granting State shall not allow refugees to undertake any activities contrary to the purposes and principles of the United Nations"⁷⁷, while the 1969 OAU

⁷³ Costello C, "The Human Rights of Migrants and Refugees in a Pluralist Setting" [2015] *The Human Rights of Migrants and Refugees in European Law* 41

⁷⁴ Human Rights and Refugees: Enhancing Protection through International Human Rights Law" (2000) 69 *Nordic Journal of International Law* 117

⁷⁵ *Ibid* [15] p.95

⁷⁶ Commentary on the Refugee Convention 1951 ARTICLES 2-11, 13-37 Published by the Division of International Protection of the United Nations High Commissioner for Refugees, 1997

⁷⁷ Convention relating to the Status of Refugees adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons

Convention on Refugees addressed these obligations in detail, which include the following:

1. Each refugee shall have obligations to the country in which he or she resides, requiring him, in particular, to comply with the laws and provisions of that country and to comply with measures aimed at maintaining public order and shall refrain from any destructive action directed against.
2. States Parties to the Convention undertake to prohibit refugees residing in their territories from attacking any other State with any actions that might lead to tensions among Member States, particularly through the use of arms or through the media.

It is noted that most of these obligations are negative obligations under which the refugee does not refrain from acts prohibited by the conventions or laws in force in the host country, where these obligations remain limited in relation to the refugee's prescribed rights. States may not extend obligations to refugees by interpreting them. The instruments shall be emptied of their content. Based on the aforementioned, we can divide the duties of the refugees into two parts: the first is related to the duties imposed by the considerations of preserving the public order and the national security of the state of refuge; the second is related to the duties imposed by the considerations of maintaining friendly international relations between the state of asylum and other states,

2.11 Duties Related to the Maintenance of Public Order and the National Security of the State of Refuge

The international conventions on refugees stipulate that the refugee must comply with the laws and regulations of the country of asylum and abide by the measures taken to maintain public order. Thus, the refugee relationship with the state of refuge is based on the principle of reciprocity within the framework of the State's relationship with the individual. If a refugee does not

convened under General Assembly resolution 429. (V) of 14 December 1950 Entry into force: 22 April 1954, in accordance with article 43.

comply with the laws and measures taken to maintain public order or commit acts detrimental to its security or the safety of its citizens, the state of refuge has the right to disassociate itself from its obligation to grant him or her rights, which means that considerations of maintaining the public order and national security of the state may prompt them to renounce their commitment to the principle of non-refoulement. The second paragraph of article 33 of the 1951 Convention sets out the principle of non-refoulement or restitution by excluding them from the scope of its application to persons who have reasonable grounds to be considered a threat to the security of the State of refuge or have been convicted of Extraordinary crimes are dangerous, and therefore the state can refuse to grant him asylum without violating its obligations in accordance with international conventions.⁷⁸

Article 9 of the 1951 Convention states: "Nothing in the provisions of this Convention shall prevent a Contracting State in time of war or other grave and exceptional circumstances from temporarily taking measures against a particular person which it considers essential for its national security pending That such a person is indeed a refugee and that the maintenance of such measures is necessary in his or her case in the interest of its national security "⁷⁹. As for refugees who have been accepted by the state and have recognized their rights in accordance with the refugee conventions, they are obliged to abide by the laws, regulations and measures taken in the state of refuge to maintain security and public order. The refugee is equal in complying with this obligation with other foreigners present in the state, to ensure that the right of asylum does not become a harmful tool in the social fabric of the State. In the event of a refugee's violation of these obligations, he or she may be subject to penal sanctions by the State on an individual basis, in accordance with the provisions of the special conventions and in particular the 1951 Convention,

⁷⁸ Costello C, "The Human Rights of Migrants and Refugees in a Pluralist Setting" [2015] *The Human Rights of Migrants and Refugees in European Law* 41.

⁷⁹ Convention relating to the Status of Stateless Persons (Adopted on 28 September 1954 by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 526 A (XVII) of 26 April 1954 Entry into force: 6 June 1960, in accordance with article 39).

taking into account the need to respect the guarantees provided to the refugee under those Conventions. A threat to national security and public order. Although the State of refuge has the authority to assess the threat posed by the refugee to its security and public order, this right is not absolute. There must be good conditions for determining that, where the threat should be serious and properly founded. All its powers to verify that the threat exists and there is no room for the refugee to remain in the territory of that State.⁸⁰

2.12 The duties related to the maintenance of good relations between the State of refuge and other States

In addition to the duties imposed on the refugee in order to preserve national security and public order in the State, there are other obligations imposed by the considerations of the State of refuge on its friendly relations with other States, particularly its State of origin. Some jurists are interested in addressing the issue of refugee obligations vis-à- In particular those that might cause harm to other States, especially the State of persecution.⁸¹

Although the sovereign right of the State to receive refugees and to allow them to reside in its territory when they meet the requirements does not in itself raise the subject of international responsibility as a humanitarian act not subject to any political considerations, it may lead to tension between the State of refuge and the State of origin if the refugee acts intentionally Against the State which the latter considers to be acts of hostility affecting its public security and, consequently, the responsibility of the State of refuge for such acts if the fundamental elements of international responsibility (damage, attribution of wrongdoing, causal link between harm and wrongful action) Refugee agreements and declarations oblige the state of asylum to impose restrictions on refugees to prevent them from engaging in political activities that may threaten the regimes of any other country so as not to entail any international responsibility. Among the international conventions that have adopted this

⁸⁰ Costello C, "The Human Rights of Migrants and Refugees in a Pluralist Setting" [2015] *The Human Rights of Migrants and Refugees in European Law* 41

⁸¹ Hathaway JC, "Rights of Solution" *The Rights of Refugees under International Law* 913

obligation is the 1954 Caracas Convention on Refuge Which states in its article 9 that the State of refuge at the request of the State concerned shall take the necessary measures and measures to deport the refugee within a reasonable distance which the State of refuge considers to be far from the border.⁸²

Article 30/2 of the 1969 African Convention on Refugees also explicitly and unequivocally affirms this commitment by the States Parties to prohibit their refugees from attacking any Member State of the Organization of African Unity, which may cause tension in the relations between Member States , Particularly through the use of weapons or media, and article 20.6 states that States must, within their means, make refugee accommodation within a reasonable distance from the borders of their country of origin. While the 1951 Convention contained no derogatory text, it did not obligate States to take measures or to impose restrictions on or control the activities of refugees, but in its preamble it expressed the hope that Contracting States would, to the extent possible, The Commission stressed the need for host States to exercise due diligence in order to prevent the movement of refugee communities into bases for military or paramilitary activities against the State of origin.⁸³

In order for the state of asylum to control the activities of the refugees, we can divide the political activities of the refugees, which relate to the considerations of maintaining friendly relations between the two countries into two categories⁸⁴:

The first category includes the activities of associations and organizations that are purely political, related to the struggle for power and directed against the State of origin or any other State, such as speeches, media attacks, military exercises or financial supplies to opposition groups within the country of origin or others.

⁸² Hathaway JC, "International Law as a Source of Refugee Rights" *The Rights of Refugees under International Law* 15

⁸³ "Human Rights and Refugees: Enhancing Protection through International Human Rights Law" (2000) 69 *Nordic Journal of International Law* 117

⁸⁴ Udoh GP, "The Protection of Refugees Under International Human Rights Law" [2018] *SSRN Electronic Journal*.

If the refugee is able to carry out such activities, the responsibility of the State of refuge cannot be raised as long as it has taken due care to try to prevent it. Its obligation is an obligation to make an effort to the prevention of hostilities by refugees rather than the commitment to a result.

The second category includes every activity within the framework of human rights and their use, such as peaceful gatherings and political organizations that carry out activities with the social, economic, cultural or religious objectives of refugees and which are permitted by the laws of the State of refuge. Shall be exercised within the prescribed limits and not directed against the interests of the countries of origin or any other State. The State of refuge shall be held accountable in the event of violation of the right of refugees to exercise those rights and freedoms.

It is clear to us that recognition of refugee status entails the enjoyment of a range of rights that take into consideration the specificity of the refugee status, as well as the rights and freedoms enjoyed by other citizens and foreigners residing in the same state.⁸⁵ National security and public order in the State of refuge or considerations of maintaining its friendly relations with other States, in particular its State of origin. The refugee must comply with the laws, regulations and measures taken by the state to preserve its internal and external security so as to maintain its international protection. In case of violation of these rules, the possibility of termination of his status and expulsion from the state becomes possible under Article 32 of the 1951 Convention. In violation of or in violation of those rules, where international protection would be indispensable if its causes had expired, either voluntarily or as a result of changing circumstances in its country of origin.⁸⁶

The author finds that the relationship between the refugee and the state of asylum is governed by specific foundations based on a clear rule, namely, that

⁸⁵ Khallouk M, "Confronting the Current Refugee Crisis: The Importance of Islamic Citizens' Initiatives in Germany" [2018] Religion in the European Refugee Crisis 87

⁸⁶ Udoh GP, "The Protection of Refugees under International Human Rights Law" [2018] SSRN Electronic Journal.

the right of the refugee to resort to a state corresponds to the commitment and respect of that refugee, as a temporary guest on those states. The refugee is not entitled to violate the law, to attack others, or to interfere in the rule or embarrassment of those countries in their relations or agreements with others. Therefore, the refugee is committed to all obligations committed by the citizens of that state, and is committed to not interfering in any of the political, religious, economic, or internal affairs of that state except to the extent that it allows him to live in dignity, justice and security.⁸⁷

2.13 Third: Duties of the state of refuge

The State of Refuge shall have the duties of refugee status set forth in the Convention relating to the Status of Refugees:

1. The host countries shall ensure that there is no discrimination on grounds of race or religion among refugees.
2. The countries hosting the refugees must grant the refugees good treatment and provide them with the same treatment provided to the citizens of those countries and at all levels, especially in the practice of religious rites and the freedom to provide religious education for their children.
3. Host States shall respect the rights of refugees acquired as a result of personal status such as marriage and other rights.
4. States shall provide the best treatment for refugees in respect of the possession of movable and immovable property.
5. States shall provide protection in the field of artistic, industrial, literary and scientific property of refugees.

⁸⁷ Human Rights and Refugees: Enhancing Protection through International Human Rights Law” (2000)
69 Nordic Journal of International Law 117

6. The host countries should provide the best treatment for refugees wishing to do business and self-employment such as agriculture, industry, crafts and trade.
7. Host countries must provide education for children and housing for refugees.
8. The same treatment accorded to nationals of host countries in the field of health and relief should be provided.
9. Provide freedom of movement for refugees by host countries.
10. Exemption of refugees from any burdens, fees, or financial taxes.
11. As far as possible, host States shall facilitate the granting of nationality to the host country by refugees.
12. Non-refoulement is a principle that (no refugee should be returned in any form to any country in which he is at risk of persecution).⁸⁸

In other words, any deportation must be an exception, when it is necessary for reasons of national security or public order, and certain procedures must be followed in relation to the expulsion decision and appeal.⁸⁹

Article 32, paragraph 2, of the 1951 UN Convention states that the expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.⁹⁰

13. Cooperation with the Office of the United Nations High Commissioner for Refugees:

⁸⁸ Ibid [15] p.133

⁸⁹Convention Relating to the Status of Refugees 1951, Article 2 to 31

⁹⁰ Ibid [15] p.253

In cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), and in particular to facilitate its duties, the State of Refuge must comply with the provisions of the relevant conventions, in particular the 1951 United Nations Convention on Refugees and its 1967 Protocol.

2.14 Expiration of asylum in international law

The end of asylum in international law is due to several reasons, including: death, expulsion: expulsion is possible in the right of the refugee according to “reasons of national security or public order, or if he obtains a permit to enter another territory”, voluntary repatriation of refugees, nationality of the state of asylum.

It could be said here that the international laws and customs that impose humanitarian, moral and political duties on the countries of asylum are based on building a balanced relationship between the refugees and the host countries. At a time when the refugee seeks to find suitable conditions for living in dignity in the state of refuge, the state guarantees the refugees to live in normal humanitarian conditions, which is equal to the citizens of those countries, and works to secure the best possible rights and services at other times, and this is linked to the capabilities and possibilities of each state. And the rights acquired by the refugee as soon as recognized as a refugee in a State, that State may establish certain conditions and restrictions on that refugee and may declare its refusal as a refugee in the event of termination of the circumstances that led to its withdrawal or because of its violation of its laws or beyond the limits established as a legal refugee.⁹¹

2.15 The Efforts of the International Community to Contain the Refugee Crisis

On September 19, 2016, the United Nations General Assembly adopted a set of commitments to strengthen the protection of refugees and migrants. These

⁹¹Convention Relating to the Status of Refugees 1951, Article 32 to 34

obligations are known as the New York Declaration on Refugees and Migrants. The New York Declaration reaffirms the importance of the international refugee regime and represents an obligation of Member States to strengthen mechanisms for the protection of persons on their journey and to pave the way for the adoption of two new world treaties in 2018: The Global Compact on Refugees and the Global Compact for Secure, and Organized Migration.⁹²

The Declaration mandated UNHCR to rely on the Comprehensive Refugee Response Framework contained in Annex I of the New York Declaration to develop a "Global Compact on Refugees". UNHCR will develop the compact in consultation with Governments and other stakeholders and the High Commissioner will propose the text in his annual report for 2018 to the General Assembly.

The New York Declaration sets out the main elements of the Comprehensive Refugee Response Framework (Annex I), which will be applied to large-scale refugee movements and protracted refugee situations.

The four main objectives of the Comprehensive Refugee Response Framework are:

- Ease pressures on the host country
- Enhance refugee self-reliance
- Expanding access to third country solutions
- Support conditions in countries of origin to return safely and with dignity.

2.16 What is the Global Compact for Refugees

1. The Comprehensive Refugee Response Framework, as agreed upon by the Member States of the New York Declaration and annexed to the preamble and final clauses.

⁹² Ibid [15] p.335

2. A program of action that will draw upon good practices from around the world, and set out specific measures to be taken by UN Member States and others to operationalize the principles of the New York Declaration.

The program of action will provide a blueprint to ensure refugees have better access to health, education and livelihood opportunities and are included in their host communities from the very beginning. It will also set out tangible ways host governments can be supported when faced with large movements of refugees, and responsibility sharing systems so they do not shoulder the burden alone. This could include, for example, standby and partnership arrangements to deploy technical expertise, the release of funding reserves, or the activation of resettlement quotas.⁹³

2.17 How will the Global Compact on Refugees be developed

The Global Compact on Refugees is being developed through three inter-related processes:

1. The Comprehensive Refugee Response Framework will continue to be applied to specific countries or situations, including by drawing lessons from existing or past refugee situations.
2. Thematic discussions on the key aspects of the Comprehensive Response Framework for refugees are taking place with the involvement of UN Member States, NGOs, academics, experts, advocacy groups and other stakeholders. These discussions will take place in dedicated sessions from July 2017, as well as in existing forums, such as UNHCR's 2017 Annual Consultations with NGOs in June 2017. The main topics will include past and current regional approaches to large movements of refugees; measures to be taken on the reception and admission of refugees; support for immediate and ongoing needs of refugees and host communities; and durable solutions for refugees.⁹⁴

⁹³ Connor P. Still in Limbo: About a Million Asylum Seekers Await Word on Whether They Can Call Europe Home. (2017). Pew Research Center, p.5

⁹⁴ Ibid [15] p.388

3. A stocktaking of progress and lessons learned will take place in late 2017, including the High Commissioner's Dialogue on Protection Challenges in December.

UNHCR will then prepare and circulate the proposed draft global charter on refugees. Official consultations have been held since February until July 2018, on which to base the final text to be proposed by the High Commissioner in its annual report for 2018.

In adopting the New York Declaration⁹⁵, Member States:

- Expressed profound solidarity with those who had been forced to flee;
- reaffirmed their obligation to fully respect the human rights of refugees and migrants;
- agreed that protecting refugees and countries that shelter them are shared international responsibilities and must be borne more equitably and predictably;
- pledged robust support to those countries affected by large movements of refugees and migrants;
- agreed upon the core elements of the Comprehensive Refugee Response Framework; and
- agreed to work towards the adoption of a global compact on refugees and a global compact for safe, orderly and regular migration.

To conclude this chapter, the new global agreement to launch a renewed declaration on refugees is an important step towards emphasizing the importance of the refugee issue, which is witnessing an increase around the

⁹⁵ 71/1. New York Declaration for Refugees and Migrants, Resolution adopted by the General Assembly on 19 September 2016, available at: www.unhcr.org/events/conferences/57e39d987/new-york-declaration-refugees-migrants.html) [accessed on 6 May 2018].

world. The declaration is an important confirmation of the moral, political and economic commitment to refugees around the world.

The author also finds that this great international interest in the refugee issue has become a problem for many countries, especially the rich and major countries. The increasing number of refugees has a number of social, political and economic problems. In conjunction with search for stability and a comfortable life that eliminates the difficulties, he experienced during the asylum journey. The author believes that this declaration will be a clear point in renewing the attention of the world to the refugee issues and the role played by the host countries towards the refugees and the services they provide to them, especially those with modest financial capabilities such as Jordan and Lebanon. To re-focus on the need to discuss the reasons that lead to asylum in each country on the one hand and thus try to make recommendations and work on solutions that remove the reasons that led to the occurrence of asylum in those countries.⁹⁶

Asylum and refugee issues have become major challenges for many countries and international organizations⁹⁷. There are humanitarian, economic, health, and many other challenges that require the international community to deal with refugees and their issues with all responsibility and seriousness to reduce the increase in asylum in general and to alleviate the problems and burdens they face. In addition, this imposes on all, states, organizations, specialists and individuals to find continuous and serious solutions for asylum and refugees.⁹⁸

⁹⁶ Connor P. Still in Limbo: About a Million Asylum Seekers Await Word on Whether They Can Call Europe Home, (2017). Pew Research Center, p.5

⁹⁷ Ibid

⁹⁸ "Refugees, Asylum Seekers, the Rule of Law and Human Rights" The Unity of Public Law

CHAPTER 3

SYRIAN CRISIS AND REFUGEES

3.1 The Ongoing Humanitarian Crisis in Syria

The events of the Syrian revolution began in March 2011 in the southern city of "Daraa". This was after the arrest and torture of some young teenagers who painted revolutionary slogans on the wall of their school, which led to demonstrations after the regime refused to release them. Then the scene developed after the security had forced fire on demonstrators and killed many of them, which led to an increase in the number of demonstrators throughout Syria to demand the departure of Syrian President Bashar al-Assad. The Syrian crisis is considered the biggest humanitarian crisis of the current century. The conflict in Syria led to the death of hundreds of thousands of people. The war forced more than 6.1 million people to leave their homes inside Syria. Some 5.6 million people are refugees seeking a safe place in neighboring countries. According to UNHCR, Syria was the second major source of refugees in 2013, with nearly 2.9 million people displaced since the beginning of the civil war in March 2011.⁹⁹

Over the years, the Syrian people have suffered from death, detention, torture and severe shortages of food, drink and health care. All this has led to displacement and immigration. The suffering has not stopped at this point, but

⁹⁹ United Nations High Commissioner for Refugees (UNHCR). 2014 Syria regional response plan, strategic overview, mid-year update. Geneva, Switzerland: Author; 2014 [Retrieved from <http://data.unhcr.org/syrianrefugees/regional.php>].

has gone beyond the limits of the lives of refugees in neighboring countries. Syria has become the largest source of refugees and displaced persons in the world. More than half of the Syrian population lives between the displacement and poverty. "It is estimated that 50% of Syrian refugees live in rented properties, 26% in nomadic camps, and 24% hosted by families or in community shelters".¹⁰⁰

As the Syrian humanitarian crisis enters its seventh year, we talk about challenges and sorrows facing the Syrian people inside Syria. There are also challenges and difficulties facing the Syrians abroad. We must stand up to the most important challenges facing the Syrian refugees abroad.

3.2 Reasons faced by the Syrians inside and outside Syria

The United Nations High Commissioner for Refugees states that "even during wars, there are rules that must be respected by all parties. In Syria, even the option of escaping from conflict zones to safety in other parts of the country is dwindling". The situation inside Syria has become even more difficult. Millions are living in harsh conditions. As the UN High Commissioner for Refugees has pointed out, the conditions faced by civilians inside Syria are worse than ever, with 69% of them living in extreme poverty. The proportion of households spending more than half of their annual income on food has risen to 90 percent, while food prices have risen eight times as much as pre-crisis levels, and some 5.6 million people suffer life-threatening conditions for their security, basic rights or living standards they need emergency humanitarian assistance¹⁰¹. These statements are strong indicators of the deterioration of the internal Syrian humanitarian situation, which means that there are millions of Syrian people living in bad and difficult living conditions and at all levels. However, on the external level, it is not without the existence of reasons that led to the

¹⁰⁰ Naufal H. Syrian refugees in Lebanon: the humanitarian approach under political divisions (Migration Policy Center Research Report 2012/13). 2012 Retrieved from Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute website: <http://hdl.handle.net/1814/24835>.

¹⁰¹ Development and Protection Challenges of the Syrian Refugee Crisis" [2016] Human Rights Documents online

creation of suffering that share with the suffering inside the Syrian in many points. Escape from Syria does not necessarily mean eliminating the effects of internal suffering, which will be addressed here by the author, beginning inside and outside Syria.¹⁰²

3.2.1 First: The Obstacles that faces Syrians at home

3.2.1.1 Food and drink

The war in Syria has led to a crisis of undernourishment and malnutrition. Millions of people are malnourished because of the difficulty in providing food. Many civilians face a critical situation and more than half of Syria's population needs urgent food assistance.

One of the main reasons for the deterioration of the food situation in Syria is the significant decline in the agricultural sector. For example, the shortage of workers, the inability to cultivate land, the low production of wheat as the production of wheat has declined, annual rate is currently 1.8 million tons, compared to 2011, where it was equivalent to about 4.1 million tons. Among the factors that led to the deterioration of the food situation in Syria is the rise in prices that was ten times higher than it was before the war. This indicates the alarming deterioration that hit the lives of the Syrians, where the proportion of the poverty line exceeded 80% according to the United Nations estimates for 2016, The sanctions imposed on Syria, which led to a significant decline in the economic level, which directly affected the living situation of the Syrians.¹⁰³

The ongoing war is considered the main reason for the low nutritional status in Syria. This led to the displacement and immigration of millions as they became without water or food, coupled with the imposition of the regime and its

¹⁰² Dromgold M, "Understanding Migration Management and Its Impact on Syrian Refugees in Turkey" "Guests and Aliens": Re-Configuring New Mobilities in the Eastern Mediterranean After 2011 - with a special focus on Syrian refugees

¹⁰³ World Food Programme, 'Syria emergency' <www1.wfp.org/emergencies/syria-emergency> accessed 2 Jun 2018

supporters on the siege on cities and villages, which impedes the arrival of international aid, as happened in Aleppo, exacerbated the situation to become a collective famine in those besieged cities and villages.¹⁰⁴

3.2.1.2 The Health

Currently, less than half of the health centers in Syria work. More than half of the public hospitals and health centers in Syria has been closed or only partially functioning as well as the lack of clean water, electricity and adequate medical and surgical supplies in the centers that are still operating. This inability to provide health services to those in need of the Syrian people caused great human losses due to cases that could be treated.

One of the main reasons for this was the targeting by the regime of shelling of health centers and hospitals, preventing access to medicine and obstruction of access to medical and relief assistance by the regime. For example, UNHCR and its partners provided relief supplies to people in Syria. A humanitarian convoy was set up to provide relief to the people trapped in "Douma", located in the eastern "Ghouta" on 5 March 2018, but the shelling forced the trucks to leave before half of the relief and medical items for the affected people were taken down.¹⁰⁵ Dr. Peter Salamah, Executive Director of the WHO Health Emergency Program said that "the basic health needs of Syria are not yet met, the resources available to support health workers are exhausted, and the health system has been stretched too much". Without access to existing health care services, including the security risks facing health care workers and the availability of medicines, supplies and equipment. He added that: "On this sad anniversary of the outbreak of war in Syria and before other lives are lost, the World Health Organization (WHO) calls for regular access, without obstacles

¹⁰⁴ Dromgold M, "Understanding Migration Management and Its Impact on Syrian Refugees in Turkey" "Guests and Aliens": Re-Configuring New Mobilities in the Eastern Mediterranean After 2011 - with a special focus on Syrian refugees

¹⁰⁵ Forced Migration Review, 'The Syria crisis, displacement and protection' (September 2014) Issue 47 <reliefweb.int/sites/reliefweb.int/files/resources/syria_1.pdf> accessed 2 Jun 2018

or obstacles, to all areas to deliver medicines, vaccines and life-saving medical supplies".¹⁰⁶

3.2.1.3 Education

About two-thirds of school-age children are unable to attend school, and millions of them are out of school because of the impact of displacement and asylum. The transition from one place to the other leads to a breakdown in schooling and education for children, except for the availability of the school environment and schools in places of displacement or asylum.

One of the main reasons for the deterioration of the education sector is the destruction of schools or their use as shelters, in addition to the lack of a safe environment. With the continuous killing and targeting of civilians, there is no suitable environment for sending children to school, all of which have harmed the rising generation. The dropout of education lead to many difficulties and problems associated with several axes, such as the social, cultural and economic level, because of the effects of this overall problem reflected the society as unemployment and poverty.¹⁰⁷

3.2.2 Second: Suffering faced by Syrians abroad

In addition to what the author said about the suffering at home, the scenario is repeated abroad. After seven years of asylum and displacement, the money and savings were in their hands. Many refugees live in neighboring countries under the most difficult circumstances, and suffer to provide housing and support their families and meet their basic needs. Alfadhli and Drury classify these stressors "into three main groups financial stressors (including poverty, poor housing, education, and health expenses), environmental stressors (including documentation issues, moving into an unfamiliar environment, and

¹⁰⁶ "Human Rights and Refugees: Enhancing Protection through International Human Rights Law" (2000) 69 *Nordic Journal of International Law* 117

¹⁰⁷Bülent Aras and Salih Yasun, "The Educational Opportunities and Challenges of Syrian Refugee Students in Turkey. Available at research.sabanciuniv.edu/29697/1/syrianrefugees.pdf> accessed 2 Jun 201.

suffering from instability), and social stressors (including separation from relatives, prejudice, discrimination, and exploitation)¹⁰⁸.

3.2.2.1 The hardship of living

The lives of Syrian refugees in neighboring countries have become more difficult, with the majority living below the poverty line. More than three quarters of the refugees in several countries cannot meet their basic needs at the food, shelter, health or education levels, in addition to many reasons Living conditions for refugees abroad. Restricting formal access to employment is a major problem for refugees in all the countries they have taken refuge in, and insufficient access to cash assistance, affecting their standard of living in all respects.

In Lebanon, for example, 70% of the refugees live below the poverty line of \$ 3 per day, while 39% do not have access to the necessary medical care because of the high costs of treatment and medication.¹⁰⁹

In Jordan, 86% of refugees outside camps live below the poverty line of \$ 96 per month, which results in horrible consequences. For example, some families force girls to get married early in order to get money, to alleviate their accumulated burden, or in search of a better life to live.¹¹⁰ Unfortunately, couples exploit these matters because in most cases, the Syrian girl could be a second wife, and the consequences of poverty and poor living conditions forced parents to operate children, which reflected negatively on their educational and social situation as well. Khalifah Alfadhli and |John Drury finds that “refugees in particular offered substantial support to new families moving in their area, by sharing an apartment with them and guiding them through whatever they needed to know about the new area and the services available to them. Social support was not only available among the refugee community

¹⁰⁸ Alfadhli, K., & Drury, J. A typology of secondary stressors among refugees of conflict in the Middle East, (2017): The case of Syrian refugees in Jordan

¹⁰⁹ Janmyr M. The Legal Status of Syrian Refugees in Lebanon, (2016). AUB Policy Institute, p.10.

¹¹⁰ Carrion D.Syrian Refugees in Jordan Confronting Difficult Truths, (2015). Middle East and North Africa Programme Research Paper, p.4-6.

but was a priority to the Syrian refugees who preferred to pay higher rent to stay living near each other”¹¹¹

In terms of education, this sector is also free of problems, especially children of Syrian refugees of school age, in Jordan, Egypt, Lebanon and Iraq. In Jordan, for example, some 20% of children leave school to work. In Lebanon, many fail to attend school or have difficulty with the new curriculum while working to support their families. The Ministry of Education in Lebanon has increased the number of places reserved for Syrian children by 100%. However, another 200,000 Syrian children were unable to attend school. With the increase in the proportion of refugee children in schools in recent years, there are still obstacles. Of the 1.7 million school-age Syrian refugees, 48% are still out of school and the national public school systems in the host countries the second is to absorb Syrian students and they need a lot of support.¹¹²

3.2.2.2 Lack of funding

The financial support provided in the provision of basic humanitarian services to refugees, such as shelter, health, education, food, potable water, psychological and social support, and the size of the urgent humanitarian needs of Syrian refugees in neighbouring countries, remains insufficient. Despite the efforts of the international community to gather material support through international conferences, and despite the collection of billions to provide care for Syrian refugees around the world, there are still problems affecting the functioning of the support process. Funding or delaying the arrival of aid.¹¹³

¹¹¹ Alfadhli, K., & Drury, J. The role of shared social identity in mutual support among refugees of conflict: An ethnographic study of Syrian refugees in Jordan (2018). Wiley, pp. 142-155 (wileyonlinelibrary.com/journal/casp)

¹¹² Achilli L. Syrian Refugees in Jordan: a Reality Check (2015). Migration Policy Centre, EUI, p.2

¹¹³ Dromgold M, “Understanding Migration Management and Its Impact on Syrian Refugees in Turkey” “Guests and Aliens”: Re-Configuring New Mobilities in the Eastern Mediterranean After 2011 - with a special focus on Syrian refugees

For example, the regional response plan to support refugees and empowering host countries in 2015 faced a problem with only 55% funding. This causes the reduction of food aid to thousands of refugees, as they had to spend less than \$ 1 per day, in line with the total amount of by the international community, which had a negative impact on the refugees, as refugees in neighbouring countries became weaker than ever. Other examples of the results of the lack of funding include difficult living conditions such as living in camps, exposure to severe cold, lack of all aid provided by medicine and food, and provision of adequate accommodation for protection against summer heat and winter colds. These amounts must therefore be urgently met and other forms of support provided by the international community, such as improved access to livelihoods and education for the majority of refugees in neighboring countries, and enhanced sharing of responsibilities by more countries around the world.¹¹⁴

3.3 The Vulnerability of the International Community to the Challenges of Asylum and Refugees

At a time when the gap between the rights of refugees is widening in theory and the reality of international dealing, there are major challenges that still stand in the way of the international community's role in mitigating the effects of the refugee problems such as:¹¹⁵

First, many countries concerned with the refugee problem avoid their obligations to the refugees due to the preference of their political and economic interests for their legal and humanitarian duties, as evidenced by the tendency of the rich countries to close their doors to the refugees. Due to some domestic interests and international obligations, while some countries tend to confuse refugees and migrants with purely economic objectives.

Second, dealing with the refugee file as a subject to political extortion, whether in the countries of origin, transit or receiving countries, at the expense of the

¹¹⁴ Mills K, "The Refugees Convention 50 Years On: Globalisation and International Law (Review)" (2005) 27 Human Rights Quarterly 725

¹¹⁵ Ibid

continued suffering of the refugees must not be ignored. More examples are the different treatment of the refugees in the countries where they are located, and the unfortunate paradoxes, temporary protection, and the change in the situation of refugees in the event of a change in the political system of the host countries. This is also a serious concern experienced by the Syrian refugees distributed to several countries.

Third, the phenomenon of terrorism becomes a phenomenon with severe negative effects on the situation of refugees, because of which the security concerns of the countries concerned with refugees are weighted by their commitment to the laws of refugees and the international protection system. This is exceptional for the exploitation of political forces and parties in Western countries, and resort to restrictions on refugees, instead of adopting radical treatments that dry the real causes of terrorism spread throughout the world.¹¹⁶

Fourth, the international community's inability to find solutions to the Syrian issue over the past six years is a dangerous indicator of the negative international reality, which has not worked well throughout the 70 years such as the implementation of international resolutions on the return of Palestinian refugees to their homes.¹¹⁷

Fifth, the weakness of international cooperation in dealing with the problems of refugees in the world is one of these obstacles. This is even in terms of illegal immigration, who's maritime and land routes have become the most dangerous to the lives of hundreds of thousands of refugees and the reluctance of European countries to establish fair and flexible standards in regulating the legitimate entry of refugees into their territory.

¹¹⁶ Udoh GP, "The Protection of Refugees Under International Human Rights Law" [2018] SSRN Electronic Journal.

¹¹⁷ Catholic Relief Services, 'Meeting the Challenges of the World's Refugee Crisis' (2016) <www.crs.org/sites/default/files/policy-paper-meeting-the-challenges-of-the-worlds-refugees_0.pdf> accessed 2 Jun 2018

Sixth, the refugees' confidence in the system of protection provided for in international law has declined, due in part to the failure to enforce the principle of impunity for the perpetrators of violations against the refugees and the weak role of international and human rights organizations in educating refugees and raising awareness of their rights and core obligations.

The promotion of the rights of refugees and the protection system guaranteed by international law remains dependent on the international community's ability to address the real causes of the birth and exacerbation of the phenomenon of asylum. As long as wars and international and internal conflicts continue, it is difficult to talk about radical remedies that put an end to the suffering of millions of refugees in the world.

The challenges faced by refugees can be met only by raising the level of solidarity of governments and human societies with their causes. The forms of solidarity are respect for their fundamental rights and protection against all forms of violations.

3.4 The reasons that led the Syrians out of Syria

There are many reasons that led the Syrians to leave their homes and cities in search of security and safety in other countries after narrowing the paths. In this part of the research, the author will address the reasons for resorting to international law and other reasons that led the Syrians to resort.¹¹⁸

3.4.1 Reasons for asylum according to the rules of international law

From the definition of refugees in the 1951 United Nations Refugee Convention and the 1967 United Nations Protocol (discussed in chapter one), we can illustrate some reasons that may lead a person to asylum such as:

Fear: Fear is the most important reason for asylum. It is provided for in the 1951 UN Convention. Fear is a strong sense of dread towards something or a

¹¹⁸ Udoh GP, "The Protection of Refugees Under International Human Rights Law" [2018] SSRN Electronic Journal.

psychological condition that requires a refugee to flee to another place where he finds safety and is reassured.

Discrimination: a significant difference in the treatment and rights to be enjoyed by a person, even in duties imposed on persons, based on race, religion or belonging to a particular social group, which creates a sense of insecurity.

Persecution: "persecution" means that a group of the population or the population is deliberately deprived of fundamental rights in violation of international law because of the identity of the group or group.

Political opinion: A person embracing certain views and political ideas that differ from the views of the government may lead to fear of being persecuted. However, to adopt this opinion against the government is a reason for resorting to it. It must be accompanied by actual violations such as imprisonment, harassment or proof.

Nationality: Citizenship is also belonging to a particular ethnic and linguistic group, sometimes interferes with race, where the coexistence of two or more groups within the borders of a state may lead to situations of conflict and persecution because of their belonging to a particular nationality.

Belonging to a particular social group: belonging to certain social groups is subject to persecution and persecution as a result of mistrust in the loyalty of this group to the ruling political system in the country in which they live.

3.4.2 Other Reasons for Asylum

In addition to the reasons mentioned by the author previously, there is no doubt that there are other reasons that led the Syrians to resort in huge numbers to neighboring countries, Europe and other countries of the world. Such reasons as:

Killings: Between 2011 and March 2018 (217,764) civilians were killed in Syria. The tools and weapons used to kill civilians were varied. Light and heavy

weapons and aircraft were used in addition to the use of incendiary weapons, explosive drums, rockets, cluster munitions, chemical weapons and poisonous gases.¹¹⁹

Detention and torture: It is easy for a detainee in Syria to become forcibly disappeared, because in most cases the detention is carried out without a judicial warrant. It is more like kidnapping or arrest when passing through security barriers and breaking into houses by the regime forces. The regime refuses to recognize that it has arrested people, and no doubt that all those arrested were subjected to ill-treatment, bad speech and torture of all kinds and methods.

Since the beginning of the events in Syria, 131.981 people have been arrested until March 2018. More than 95% of the detainees and the disappeared have been arrested by the forces of the regime. The indiscriminate detention campaigns have contributed to the displacement and the use of civilians to escape these campaigns.¹²⁰

The deterioration of living conditions: The internal situation in Syria is going from bad to worse due to continuous aerial bombardment, artillery shelling, killing, arrest, degradation or even lack of health services and malnutrition, which have already been mentioned, all of these reasons will undoubtedly lead to escape from inevitable death.

3.5 The opinion of the United Nations High Commissioner for Refugees

According to UNHCR representative Melissa Fleming, the UNHCR has seven main reasons to drive thousands of Syrian refugees to travel long distances to seek refuge in Europe as an example, these reasons can be explained as follows:¹²¹

¹¹⁹Syrian network for human rights, 'Civilian Death Toll' <sn4hr.org/blog/2018/04/06/total-217764-civilians-killed/> accessed 2 Jun 2018

¹²⁰Syrian network for human rights, <sn4hr.org/> accessed 2 Jun 2018

¹²¹ Edwards A, "Crossing Legal Borders: the Interface between Refugee Law, Human Rights Law and Humanitarian Law in the International Protection of Refugees" International Humanitarian Law and Human Rights Law 429

The first reason is that there are no indicators of the end of the war in Syria. The situation is getting worse and services are continuing to collapse, so people continue to flee, while refugees in neighbouring countries are losing hope that they can return home.

The second reason is that being a refugee in neighbouring countries is considered miserable for many of them, especially since they are not allowed to work in these countries, which puts them "deep" in the sea of extreme poverty.

The first place for millions of Syrian refugees in search of safety was neighbouring countries such as Turkey, Lebanon, Jordan, Iraq and Egypt. Few could afford to rent despite the overcrowding of rented houses. In view of the lack of work, the funds held by the few were eroded, they can pay rent for houses, not even essential items to continue.

The third reason is that there is not enough international aid to assist the refugees in those countries. The reason for the lack of such assistance is that the problem is very large and that the capacity of the international relief agencies to help is over and the problem has been going on for years and there is no horizon for resolving it. The refugees did not even have the aid coupons or the necessary health care, and the cuts in aid for many of them, as the last straw.

According to the authority, 60% of the refugees suffer from chronic diseases, and became untreated, knowing that the proportion of those in 2014 did not exceed only 23%.¹²²

Children's education was another reason for resorting to Europe. For more than four years since the start of events in Syria, children have lost the

¹²² Gil-Bazo M-T, "Refugee Protection under International Human Rights Law: From Non-Refoulement to Residence and Citizenship" (2015) 34 Refugee Survey Quarterly 11

possibility of pursuing their education. In some neighboring countries, there are no resources and opportunities to educate children.

In Jordan, there are a large number of Syrian children without formal education, while 20% leave schools for work and forced girls to marry at a young age. The number of Syrian children without studying next year will reach about 200,000. By attending university.

Another reason for resorting to Europe is that neighboring countries of asylum without adequate international support are imposing new restrictions on refugees, as refugees have increased the burden of countries already experiencing difficult economic conditions.

The sixth reason was the welcome accorded to Europe by refugees and by the social media and television, which had a positive impact among the refugees in neighboring countries or those awaiting asylum.

The seventh reason is the lack of funding, as aid programs for refugees and host communities in the region are severely underfunded, which means cuts in food aid to thousands of refugees.

We can say that with the rise of European standards of life, and after the Syrians suffered from several problems in the number of neighboring countries and others, many decided to go to the European continent. Like most refugees, they simply want good health care and education and are ready to work, but they face obstacles to all these endeavours in neighbouring countries.

They are aware that European societies have their own obstacles to integration, but they pin high hopes on large-scale aid to refugees, and European policy of family reunification is another advantage, allowing vulnerable people to avoid the risk of initial escape. For example, a father can make the trip alone, get a residence card, and then apply for family unification with his wife, children and family. The flow of refugees to Europe is expected to continue as long as the situation inside Syria seems desperate for many people, and as long as the international community and most of the

neighbouring countries are not taking the necessary steps to make these refugees able to tolerate their current situation.¹²³

3.6 The Reasons for Migration Towards Europe According to the Views of Some Syrians at Home And Abroad

The author here reviews some of the views of the Syrian refugees around the world who mention the reasons for leaving Syria and resorting to neighbouring countries in general, and to European countries in particular, including;

Excessive violence towards areas and cities that witnessed peaceful protests and demonstrations against the regime and indiscriminate shelling of heavy and lethal weapons of all kinds, including internationally banned chemical weapons.

The policy of systematic massacres: The regime practiced massacres systematic and deliberate against some cities and villages, for the demographic change in these areas.

The policy of systematic and deliberate rape of girls and sexual harassment, which led many families to leave Syria for fear of such violations against a member of their family.

The policy of forced conscription, and the call of reserve, prompting many families to leave Syria for fear of calling their children to compulsory service or reserve.

Other reason is the systematic and deliberate shelling of hospitals and health centers to kill medical personnel, the wounded and the sick. This is in addition to the destruction of the infrastructure of the two sectors, health and food, despite the fact that Syria is a signatory to the Geneva Convention of 1949, which gives immunity to medical cadres and the wounded, sick and prisoners,

¹²³Melissa Fleming, ' Six reasons why Syrians are fleeing to Europe in increasing numbers' The Guardian (sun 25oct 2015)

Doctors are among the enemies of the state, because of their treatment of injured and wounded.¹²⁴

The entry of the Iranian Revolutionary Guard on the line of war inside Syria, which has become a threat to some groups and groups in Syria, without the international community moving.

The general economic situation, which led many to leave Syria due to the cessation of trade and economy in general, and the unemployment rate is parallel with the tremendous rise in prices and the cessation of public services.

The systematic siege imposed on some cities and areas, forcing the people to find another exit outside the country, or other areas in Syria.

The problems and difficulties faced by the Syrian refugees in the neighboring countries are driving them to risk their lives and their money by resorting to illegal methods of immigration to Europe.¹²⁵

The majority of the displaced suffer from a high degree of psychological hardness in front of the great pressure on them. They become as if they are seeking to commit suicide slowly to get rid of their lives, in the hope of weak, often drown. Most of them are unable to adapt, and have no risk but to risk their lives and their families for access to the "paradise" of Europe, as they dream.

"Beyond numbers, there is also an emotional burden. Being away from home and facing uncertainty about the future affects Syrian refugees psychologically, socially, and physically. Health-care workers providing services to this vulnerable population are also affected"¹²⁶

¹²⁴ Gil-Bazo M-T, "Refugee Protection under International Human Rights Law: From Non-Refoulement to Residence and Citizenship" (2015) 34 Refugee Survey Quarterly 11

¹²⁵mercy corps, 'Quick facts: What you need to know about the Syria crisis' (August 13, 2013 <www.mercycorps.org/articles/iraq-jordan-lebanon-syria-turkey/quick-facts-what-you-need-know-about-syria-crisis> accessed 2 Jun 2018

¹²⁶ Pinar Döner, Adem Özkara, Rabia Kahveci, Syrian refugees in Turkey: numbers and emotions, The Lancet, Vol 382 August 31, 2013, pp. 763-4

They lost hope of finding a solution to the conflict in Syria, after all the destruction and devastation that happened in the country. The international community's failure to find a solution to the Syrian issue.

3.7 Syrian refugees in neighbouring countries

In the following section of this dissertation, the author will address the refugees in Jordan, Lebanon and Turkey because of the large numbers of Syrians in these countries. “While there are education surveys in Zaatari and host communities in Jordan, comprehensive education surveys of the refugees in Turkey and Lebanon are lacking. Even with these challenges, the data strongly point to an access problem”.¹²⁷

3.7.1 Syrian Refugees in Jordan

Syrian families have begun to come to Jordanian territory via the Jaber Border Center and in legitimate ways. This is because of the tribal, social, economic and historical relations between the inhabitants of the Syrian border towns and the border towns of Jordan, as in the Jordanian population of Irbid and the Jordanian Ramtha city.¹²⁸

In the early period of the first six months of the Syrian uprising, Jordanian families hosted their relatives and relatives from Syrian families displaced by the events. The civil efforts of some local charities accelerated to assist Syrian families residing in Jordanian cities with their modest efforts. In cooperation with international relief, agencies that distribute aid to Syrian families hosted in the Jordanian governorates. Hundreds of thousands of Syrian refugees entered Jordan through the northern border through legitimate or illegal means. This massive displacement came in search of security, safety and treatment for the wounded and injured during the events that broke out in Syria.

¹²⁷Culbertson, Shelly, and Louay Constant. Education of Syrian Refugee Children : Managing the Crisis in Turkey, Lebanon, and Jordan, RAND Corporation, 2015. ProQuest Ebook Central, ebookcentral.proquest.com/lib/canterbury/detail.action?docID=4353525. P. 15

¹²⁸ Achilli L. Syrian Refugees in Jordan: a Reality Check (2015). Migration Policy Centre, EUI, p.2

The Jordanian government opened the Za'tari camp to face the increasing number of Syrian refugees who entered the country.

In 2012, the Jordanian cabinet decided to approve the establishment of emergency camps for Syrian refugees in the Kingdom and to start receiving Syrian refugees to those present in them, and allowing the international organizations to set up a refugee camp to transfer them to Jordan from the Syrian territories until the organization of dealing with them. The UNHCR should bear all the expenses of the camp and its necessities in accordance with an agreement that was signed. The Jordanian charity is the only body to receive and distribute in-kind and financial assistance. Refugees from the two walls of local and international associations. The field coordinator for the UNHCR has announced that Za'tari camp is ready to receive refugees according to international and humanitarian standards. The camp was opened, and on the following day, the number of refugees who were transferred to the camp from the camps of the city of Ramtha and the people who crossed the border 800 people, and Za'tari camp on land located in the northeast of the capital and about 75 km away from Amman.¹²⁹

The camp is now home to about 160,000 refugees. The camp is the fifth largest city in Jordan and has been equipped with infrastructure and basic services such as electricity, water and roads¹³⁰. It has been provided with tents and prefabricated houses that the refugee needs, but the bad weather has led to the flooding that flooded parts of the Za'tari camp. 2650 refugee families in Za'tari camp to shelters from prefabricated walls at the site, as well as blankets and winter clothes. The Jordanian government allowed the UNHCR to establish a set of offices in the shelters, and approved a system of accommodation so that some families and individuals were allowed to shelter some refugees under conditions. The Syrian crisis weakened the government's ability to respond to the needs and development of its people,

¹²⁹ Gil-Bazo M-T, "Refugee Protection under International Human Rights Law: From Non-Refoulement to Residence and Citizenship" (2015) 34 Refugee Survey Quarterly 11

¹³⁰ Hathaway JC, "International Law as a Source of Refugee Rights" The Rights of Refugees under International Law 15

security and stability of the northern region. The local communities have become affected by the repercussions of the Syrian crisis. A growing sense of injustice and exclusion and that this feeling is increasing in some areas affected and that it may threaten in the medium and long-term social stability and stability in the north, and may have adverse effects on Jordan as a whole.¹³¹

The influx of Syrian refugees is a major burden on Jordanian host communities, which are originally poor and suffering from scarcity and provision of basic social and economic services, noting that the influx of refugees is draining limited domestic resources and placing enormous pressure on infrastructure and services. These governorates suffer from the problem of solid waste management. It is the first problem in 33 municipalities out of 36 municipalities is a problem of old and modern, and increased because of the increase in population, years and the arrival of the Syrians.¹³² According to the government's human rights coordinator, who launched the Universal Periodic Review UPR, the number of Syrian refugees on the Kingdom's territory amounted to about 1.3 million refugees. This is equivalent to 20% of the population of the Kingdom, and the number of registered with the Office of the United Nations High Commissioner for Refugees is 660,00 refugees, only 12% of them living in camps. It is important to mention that UPR shows the progress made in the health system of Syrian refugees in Jordan and the efforts of the Ministry of Health and State institutions in supporting Syrian refugees in health, medicine and preventive measures according to the best international standards in the field of human rights.¹³³

The Ministry of Health provides all of these services with preventive, educational, primary, secondary and tertiary health services. The report also states that until November 2014, all treatment services for Syrian refugees

¹³¹ Achilli L. Syrian Refugees in Jordan: a Reality Check (2015). Migration Policy Centre, EUI, p.2

¹³² Oytun Orhan, The Situation of Syrian Refugees in the Neighboring Countries: Findings, Conclusions and Recommendations, (April 2014) p 23 to 30

¹³³ Hathaway JC, "International Law as a Source of Refugee Rights" The Rights of Refugees under International Law 15

were free of charge. They have been treated as uninsured (80%) by the uneducated Jordan (80%), noting that some health services are still provided free of charge, such as maternal and child health services, thalassemia patients, vaccination. “School space shortages may be the biggest obstacle. While Syrians have increased Jordan’s population by 10–20 percent, they are disproportionately concentrated in regions near the Syrian borders and in poor urban areas elsewhere in Jordan. This places strains on schools in those regions and neighborhoods. By the 2013–2014 school year, 98 Jordanian schools added a second shift to accommodate refugee children, according to Jordan’s Ministry of Education (MOE). In 2014, the MOE announced a need to build 72 additional schools to support the refugees”.¹³⁴ Programs, definitions, and use of terms vary across countries. For example, in Jordan, the MOE has defined three main categories of education for the refugees: formal (in public school classes), nonformal (the MOE curriculum delivered at home or in centers for older students who have been out of school for three or more years), and informal (remedial support during formal education and catch-up education to help students re-enter school after a prolonged absence).¹³⁵

3.7.1.1 The legal status of Syrian refugees in Jordan

Jordan is working to balance between protecting its national identity and maintaining its humanitarian obligations. Jordan has over 40% of Jordan's population, including 1.3 million Palestinians, more than one million Syrians and about 29,000 Iraqis. Jordan could not protect its national identity under these circumstances and because of the complexities of the situation in the region in general, Jordan did not accede to the 1951 Refugee Convention.¹³⁶

Jordan signed a Memorandum of Understanding with the UNHCR in 1998, which includes the definition of a refugee, accepts the principle of non-refoulement and resettlement of refugees in a third country. However, the law

¹³⁴ Culbertson, Shelly, and Louay Constant. *Education of Syrian Refugee Children : Managing the Crisis in Turkey, Lebanon, and Jordan*, RAND Corporation, 2015. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/canterbury/detail.action?docID=4353525>. P. 17

¹³⁵ Glossary of Education Services, 2014.

¹³⁶ Achilli L. *Syrian Refugees in Jordan: a Reality Check* (2015). Migration Policy Centre, EUI, p.2

does not allow local integration as a solution. Article 21 of the Constitution grants refugee status to political refugees although this is limited to very exceptional cases and this solution is not available to most existing refugees. A law currently drafted and debated in Jordan, although it may be postponed for political and security reasons until the end of the Syrian crisis, currently recognizes any person crossing the border from Syria as a refugee unless it poses a potential security risk or as long as it has not crossed the border illegally.

3.7.2 Syrian refugee in Lebanon

The situation of the refugees in Lebanon is different from that of others. Lebanon suffers from a shortage of resources, high rates of poverty and unemployment, and the destruction of infrastructure. It depends on the services provided by international organizations, the United Nations and the countries of the world mainly in the face of the Syrian refugee crisis.¹³⁷

Despite the difficult situation in Lebanon, however, Lebanon had a large share in containing the refugees from the Syrian crisis. The number of refugees reached one million and a half refugees. The number began to change. The UNHCR in Lebanon announced that the number of Syrian refugees in Lebanon had fallen to less than one million for the first time since 2014. The United Nations announced at the end of November 2017 that the number of refugees reached about 997,905 refugees registered in Lebanon, the majority of them women and children, compared with 1,011,366 in December 2016. “Unlike in Turkey and Jordan, the government of Lebanon has made a decision to not open formal, serviced refugee camps; refugees either live in host communities or in informal tented settlements. In all three countries, refugees outside of camps are staying with relatives and friends, renting shared accommodations

¹³⁷ Janmyr M. The Legal Status of Syrian Refugees in Lebanon (2016). AUB Policy Institute, p.10.

for several families, setting up impromptu makeshift settlements, squatting in abandoned buildings, and finding other solutions for ways to live"¹³⁸

Lisa Abu Khaled, a spokesperson for the United Nations High Commissioner for Refugees (UNHCR) in Lebanon declares that "the number of refugees reached 1 million in April 2014, and this is the first time that it has fallen below". She also clarifies that most of them are from Damascus, her countryside, Homs, Hama and Tartous, and of the rest of the Syrian cities. This disparity in the numbers and lack of access to a steady number of refugees is because of many refugees, Lebanon was a temporary asylum and not a place of stability.¹³⁹

In addition, the difficult living conditions experienced by the refugees in Lebanon, where refugees live a difficult life and face social and economic burdens in a small country with limited and weak potential. A 2017 study by UNHCR, UNICEF and WFP concludes that "Lebanon is more vulnerable than ever to poverty". The study shows that 58% of households live in extreme poverty at less than \$ 2.87 per person per day, making them unable to meet their basic needs for living. The study shows an increase in the poverty rate of 5% compared to 2016, while the average per capita expenditure is currently \$ 98 per month, of which \$ 44 spent on food. The proportion of households living below the poverty line also rose by less than \$ 3.84 per person per day, reaching 76% of refugee families. Lisa Abu Khaled, UNHCR official spokesperson in Lebanon, said that Syrian refugees living below the poverty line are in urgent need of assistance to enable them to live in dignity¹⁴⁰. UNHCR sets up an annual plan to help the neediest refugees, who rely mainly on cash assistance so they can buy Basic and necessary needs. UNHCR assists most in need refugees of shelter through the distribution of plastic beams and wood panels, especially for refugees living in tents or in

¹³⁸ Culbertson, Shelly, and Louay Constant. Education of Syrian Refugee Children: Managing the Crisis in Turkey, Lebanon, and Jordan, RAND Corporation, 2015. ProQuest Ebook Central, ebookcentral.proquest.com/lib/canterbury/detail.action?docID=4353525. P. 5

¹³⁹ Janmyr M. The Legal Status of Syrian Refugees in Lebanon (2016). AUB Policy Institute, p.10.

¹⁴⁰ Ibid [15] p.267

underserved areas to help them cope with the cold weather in the winter. The study also found that 87% of the refugees are owed to provide their food, health, rent and other expenses. Most households have reduced spending on food or purchased it with debt.

Melissa Bader, the Officer at the Ministry of State for Displacement Affairs in Lebanon, declares that the contributions of the donor countries to the Syrian refugees in Lebanon have declined significantly after seven years of the crisis, which negatively affects the refugees and the Lebanese state. She also adds that in adding that during 2017 two billion dollars, but only 30% of this amount. The deterioration of the situation in Lebanon is due to several reasons including what is related to the current situation in Lebanon. Such reasons as the economic situation, the impact of the tourism sector, and the stagnation of banks, which is reflected on the strength of the labor market, in addition to the political situation volatile. Moreover, the religious and sectarian strife that lives Lebanon, in addition to the fragility of infrastructure and services, which is reflected in the refugees by virtue of the situation. "Lebanon has absorbed the enormous Syrian influx but at a high cost to both refugees and Lebanese populations. Current humanitarian programs can no longer cope and new approaches are needed"¹⁴¹

In the beginning, the Syrians were welcomed and hosted. For example, there are some Lebanese who started trading their property, such as stores and houses that naturally leave empty or are rented at low prices, and the employers started running three Syrian people at the same salary they are supposed to pay to one Lebanese worker. This led to an increase in the unemployment rate among the Lebanese people. Living in the camps becomes more difficult because the Lebanese government does not recognize the refugee status, which is reflected in the services rendered. The organizations of the United Nations, international organizations and civil society organizations in Lebanon are responsible for running the camps in the

¹⁴¹ Loveless, Jeremy. Forced Migration Review. May2013, Vol. 1 Issue 43, p66-68. 3p.

camps. The level of food, medicine, education and others, which depends on the nature of financial support that has become less as the duration of the conflict, which led to the deterioration of the situation in the camps and prompted the refugees to go to the option of renting houses outside the camps and exploitation by some owners Albio and employers to do business and jobs, by half or a quarter of the wages of the Lebanese worker in normal circumstances.¹⁴²

The most important problems facing refugees in the area of health are the high numbers of health services and the inability of the health system to meet their health needs. Furthermore, the nature of the health system is one of the most crucial problems that is largely due to the private sector as well as government health sectors working in cooperation with the private sector, The Syrians paid the cost of the treatment. The reasons for the cost of treatment and medicines are also high, which is impossible for the Lebanese citizen before the Syrian refugee and the limited scope of medical services provided by the Syrian and Lebanese charities to treat the wounded and war-wounded except for a small number of these associations. These associations had some modest projects, in the provision of medical services to refugees and weak services and funding from international organizations. At the level of education, there are about 500,000 Syrian refugees in the age of education, from primary to university, of whom only 150,000 are educated, while the rest are outside the educational process (these figures are issued by the Education Bureau in Lebanon, which belongs to the interim government in 2015)¹⁴³. From the issuance of several decisions of the Lebanese Ministry of Education the need to absorb Syrian students in Lebanese schools, but these decisions did not change much in the reality of the refugees, in that education in Lebanon suffers from difficulties in the field of education for the Lebanese student in the basic, which means that the generation full of illiterate or semi-illiterate children and their departure from other jobs such as work, which increases their vulnerability to more risks.

¹⁴² Janmyr M. The Legal Status of Syrian Refugees in Lebanon (2016). AUB Policy Institute, p.10.

¹⁴³ Ibid

3.7.2.1 The reasons that led the Syrians out of Lebanon

The decline in the number of Syrian refugees for several reasons, including the transfer to another country, leaving between 2011 - 2017 about 49 thousand Syrian refugees from Lebanon under the United Nations resettlement program in other countries, including the United States, Sweden and France.¹⁴⁴

Others have left with personal initiatives, including some of the most dangerous smuggling routes to Europe or return to Syria. Many of them have returned. Other reasons include the failure of the Lebanese government to recognize the refugee status as well as the financial reasons imposed by the Lebanese government on refugees because of the non-recognition of refugee status. Refugees were put at risk of imprisonment in case of non-compliance with these conditions, and despite the cancellation of the Lebanese authority to pay the amount, but was conditional to register in UNHCR before 2015¹⁴⁵. This means that half a million refugees have not been included in this decision, in addition to the inability shown by international and local organizations to deal with the issue of the influx of large numbers of refugees into one place and almost in close periods, in addition to the difficult living conditions mentioned above. "The living conditions of Syrian refugees are tragic; many have lost their homes and family members. Although there is a solidarity between populations, Syrian refugees put pressure on the Lebanese health-care system and economy, and Lebanon hosting capacities are overstretched, thus transforming the so-called Syrian crisis into a Lebanese–Syrian crisis"¹⁴⁶

3.7.2.2 The legal status of the refugees in Lebanon

The Lebanese government did not give Syrian refugees in Lebanon refugee status, because Lebanon did not sign the 1951 Convention relating to the Status of Refugees, nor did it sign the 1976 Protocol on the same matter,

¹⁴⁴ Refugees, Asylum Seekers, the Rule of Law and Human Rights" The Unity of Public Law

¹⁴⁵ Ibid

¹⁴⁶ Marwan M Refaat, Kamel Mohanna, Syrian refugees in Lebanon: facts and solutions The Lancet, Vol 382 August 31, 2013, pp. 763-4

despite the fact that the Government of Lebanon allowed the UNHCR to operate in Lebanon, Syrians and those in power. However, the Lebanese authorities and the security authorities do not recognize the refugee card issued by the UNHCR, and require that the refugee obtain a tourist or work permit, which is materially expensive so that the refugee can stay in Lebanon. “The crisis in Lebanon cannot be solved with humanitarian assistance. Nevertheless, flexible and well-targeted aid can reduce the impact of the political crisis. The government and aid agencies must respond to the ever-changing environment with carefully considered policy shifts of the sort suggested here”.¹⁴⁷

3.7.3 Syrian Refugee in Turkey

The conflict in Syria led to mass exodus to Turkey, which adopted an open-door policy for refugees coming to Turkey. The Syrian refugees are called the "guests". According to the World Bank, Turkey has more than 3.5 million refugees. The largest number of refugees in the world live more than 90% of them live in various Turkish cities such as, Mersin, Konya, Ankara, Istanbul and other Turkish cities. “Even before Syria’s civil war, Lebanon, Jordan, and Turkey faced their own economic, security, and development problems, now heightened by the wars on their borders and the influx of refugees in need of basic services. Turkey has greater resources than the other countries, which also means that they receive less assistance. Conditions for the refugees in the neighboring countries have become so strained that the refugee crisis is now spilling into Europe”.¹⁴⁸ There are about 270,000 people living in the camps, estimated at 15 camps based in the south of Turkey and other camps where basic services, education and health are available. In these camps, the organization is characterized by security. The refugee camps are responsible

¹⁴⁷Loveless, Jeremy. *Forced Migration Review*. May 2013, Vol. 1 Issue 43, p66-68. 3p

¹⁴⁸ Shelly Culbertson and Louay Constant. *Education of Syrian Refugee Children: Managing the Crisis in Turkey, Lebanon, and Jordan* (2015). RAND Corporation. P.5

for disaster and emergencies management contrary to other countries where UNHCR is responsible. Turkey has generously accepted and supported Syrian refugees, taking on great expense in doing so. Anadolu Agency (2014) confirmed that “By the end of 2014, Turkey had spent \$4.5 billion on the refugee response.”¹⁴⁹

The Turkish government has provided direct material assistance and in-kind assistance through partnerships with various governmental, private and international sectors, including the AFAD Agency. AFAD Agency is Turkey's leading disaster and emergency management agency and a humanitarian aid and the provision of aid to those in need. It worked to provide an environment suitable for the Syrian refugees who came to Turkey because of the conflict. According to AFAD Director General, Turkey spent US\$1.5 billion for Syrian refugees. Health-care services are provided through primary health-care centres, 112 medical emergency stations, and tent hospitals. Thousands of seriously injured Syrians were brought to Turkey for emergency operations or intensive care.¹⁵⁰ Since the arrival of the refugees, AFAD Agency has established shelters in the Turkish provinces, providing food and drink, education, health, recreational activities, sports, translation services, banking services, places of worship, educational edifices, police stations, Education services for 510,000 students from all stages of education, in cooperation with the Turkish Ministry of Education.

Other Turkish organizations have been involved in providing assistance and assistance such as IHH, which has established centers to coordinate relief and assistance to Syrian refugees in Turkey by providing 750,000 loaves of bread per day for free and other services. Some examples of international efforts to assist Syrian refugees in Turkey is that the EU has signed 45 projects with 19 humanitarian organizations working closely with Turkish partner organizations

¹⁴⁹ Dromgold M, “Understanding Migration Management and Its Impact on Syrian Refugees in Turkey” “Guests and Aliens”: Re-Configuring New Mobilities in the Eastern Mediterranean After 2011 - with a special focus on Syrian refugees

¹⁵⁰ AFAD. Director General of AFAD, Dr. Fuat OKTAY informed European Union-Turkey Joint Parliamentary Committee about Syria, June 28, 2013. www.afad.gov.tr/EN/HaberDetay.aspx?ID=5&IcerikID=995

to provide assistance to refugees. The European Union has also contracted the EU's 3 billion euro Projects to provide assistance to refugees in close cooperation with the Turkish authorities during the period from 2016 to 2017.¹⁵¹

In cooperation with the World Food Program and the Turkish Red Crescent, the European Union has launched one of the largest programs (ESSN), a social assistance program through the distribution of cards to 1.3 million vulnerable refugees to meet their basic needs. Their basic needs are food, medicine, bills, etc., which allows refugees to participate in daily life and positively influence society¹⁵².

3.7.3.1 The reasons for the Syrians' presence outside the camps in Turkey

It should be noted that the presence of more than 90% of the refugees outside the camps has several reasons, including:

1. The presence of persons who have entered in informal ways and have not registered themselves anywhere or do not wish to register.
- 2 .The inability of some to adapt to the living conditions in the camps.
3. Preference for persons with good physical status to stay outside camps.
- 4 .The camps are filled with maximum capacity, which puts great pressure on services.
5. Some prefer to live in places where their relatives reside.

3.7.3.2 The implications of the presence of refugees in Turkey

There is no doubt that the presence of a large number of Syrian refugees in Turkey has a negative impact on some things, but it has a positive impact on things and other aspects. The negative effects on Turkey due to the flow of

¹⁵¹ Dromgold M, "Understanding Migration Management and Its Impact on Syrian Refugees in Turkey" "Guests and Aliens": Re-Configuring New Mobilities in the Eastern Mediterranean After 2011 - with a special focus on Syrian refugees

¹⁵² Oytun Orhan, The Situation of Syrian Refugees in the Neighboring Countries: Findings, Conclusions and Recommendations, (April 2014) p 9 to 11

Syrians is the drop in prices of workers' wages several times in the south of Turkey, and negative things also increase the prices of rent housing is one of the problems complained by the Turks as a result of Syrian asylum¹⁵³. On the other hand, there are many positive effects, such as the revival of the economic situation in some Turkish cities such as Gaziantep, where many of their wealth, money and trade have been transferred to Turkey. The Syrian refugees have become an active economic component in Turkey not only in terms of their labor power, Skills and employment skills in the Turkish market, and the number of companies opened by the Syrians to thousands of companies that played an important role in revitalizing the Turkish economy. The number of Syrians registered in Turkey is approximately 3.5 million, constituting 5% of Turkey's total population. Ten percent of Syrian refugees live in refugee camps, while the rest live in urban areas.¹⁵⁴

The spread of Syrians in urban areas indicates their integration into the Turkish society and economy through their interaction with the host communities. This indicates that the interaction is of great importance in building the bonds of cooperation between Turkish and Syrian society, in addition to enabling the Syrians to contribute to strengthening the Turkish economy by increasing the demand for Products. Recent statistics indicate the growth of the Turkish economy, and the indicators of high consumption due to the positive effects of the Syrian refugees on the Turkish street.¹⁵⁵

3.7.3.3 The legal status of Syrian refugees in Turkey

Turkey ratified the 1951 Geneva Convention on geographical terms, under which it granted "refugee status" to displaced persons "from European

¹⁵³ Kirişçi K. Syrian Refugees and Turkey's Challenges: Going Beyond Hospitality (2016). The Booking Institutions, p.1-2.

¹⁵⁴ Dromgold M, "Understanding Migration Management and Its Impact on Syrian Refugees in Turkey" "Guests and Aliens": Re-Configuring New Mobilities in the Eastern Mediterranean After 2011 - with a special focus on Syrian refugees

¹⁵⁵ Oytun Orhan, The Situation of Syrian Refugees in the Neighboring Countries: Findings, Conclusions and Recommendations, (April 2014) p 14

countries only". However, Turkey pursued an "open door policy" and provided immediate asylum to millions of Syrians.

The legal framework that described the Syrians as foreigners under temporary protection and granting them some rights was prepared and ratified by Turkey in October 2014. Syrian refugees are entitled under this regulation to benefit from public services provided by Turkey such as education, health and other services that the practices moving towards naturalization, as the Turkish President pointed out in several situations, through which the provision of citizenship to the refugees has been granted to some within easy terms.¹⁵⁶

¹⁵⁶ Ibid

CHAPTER 4

THE EUROPEAN MODEL IN ADDRESSING THE HUMANITARIAN CRISIS RESULTING FROM ASYLUM

4.1 The Role of the European Union in Containing the Refugee Crisis

The European Union has pledged to build a common European asylum system based on the full and comprehensive implementation of the 1951 Refugee Convention, which is mandated by UNHCR. The EU has an important role to play in asylum and resettlement issues within and outside the EU. European Union institutions such as the European Council, the European Commission, the European Parliament and the European Court of Justice have legislative, executive and judicial powers in areas directly related to the mandate of the Office. For all these reasons, UNHCR is closely following the European Union's asylum law and policy. Enhancing respect for international protection standards in the laws and policies of the European Union is of vital importance to UNHCR. Accordingly, UNHCR is presenting its views on a wide range of refugee protection issues Resettlement and integration into the 27-member EU.¹⁵⁷

With regard to the Syrian crisis, the European role is to provide financial support to refugees and their host countries, and to provide assistance to refugees in Syrian refugee camps in several countries, including health care and medicines, food and drink insurance, education support, legal counselling

¹⁵⁷ Ibid [15] p.377

and psychological and moral support.¹⁵⁸ The assistance provided by the European Union to Syrian refugees was concentrated in the countries most visited by them, such as Jordan, Turkey and Lebanon. The assistance included the requirements of daily life, education, health, In terms of assistance to refugees within the European Union, the Union provided the necessary funds and assistance to refugees coming to Europe by sea, reaching more than 1.5 Million refugees and migrants to European shores, from 2015 to the end of 2017, and the Syrian refugees constituted the majority of this number.¹⁵⁹ Germany and Sweden received a total of 64% of the total asylum applications, while Hungary, Austria, Denmark, the Netherlands and Bulgaria received 22%, the rest distributed to Britain, France, Greece, Italy and the rest of the Union.¹⁶⁰

4.2 The Dublin System

Receiving refugees from the European Union in general is subject to the rules of the Dublin Refugee Regime. The Dublin Convention coordinates the work on asylum procedures in European countries, determines the state responsible for studying refugee applications, and the rights and duties of both asylum seekers and the host country.

The Dublin system consists of the Dublin Convention and the Eurodac System, a joint data bank that contains the fingerprint of asylum seekers in European countries, so that the fingerprint of the asylum seeker is taken in the first country that enters the agreement. And therefore it is possible to determine whether the asylum seeker has applied for asylum in another European country. If he does so, the second country is not competent to seek asylum and is returned to the country where he has taken his fingerprints for the first time. Registered in one of the signatory States of the Convention only after the

¹⁵⁸ EUROPEAN CIVIL PROTECTION AND HUMANITARIAN AID OPERATIONS, (*European Commission* 2018) <ec.europa.eu/echo/where/middle-east/syria_en > accessed: 13 May 2018

¹⁵⁹ UNHCR (Last accessed:13/5/2018)

¹⁶⁰ An Economic Take on the Refugee Crisis a Macroeconomic Assessment for the EU, European commission (2016), <https://ec.europa.eu/info/sites/info/files/file_import/ip033_en_2.pdf>

expiration of ten years, or a check and its owner shall have the nationality of a Member State. 5 The Dublin Convention, also known as the Dublin Region, is a member state of 32 states.¹⁶¹

4.3 European actions in dealing with the refugee crisis

The European Union put in place a plan that included an agenda for dealing with the refugee issue, which included a series of steps and projects, including: increased border control budget, additional technical assistance For the front-line countries, such as Italy, Greece and Malta, to form a committee to propose a list of "safe countries" to which refugees should be repatriated, and to review the so-called Dublin system, which states that arrivals must seek asylum in their first EU country, Refugees in the Federation countries in accordance with a prescribed and mandatory quota.

The European Commission also requested Member States to respond adequately and promptly to the immediate needs of asylum seekers in terms of housing and services, and called for compliance with EU law when providing these services in a simple and rapid manner away from the bureaucracy. Refugees coming to Europe faced many difficulties due to the confusion and hesitancy in transit countries (Macedonia, Hungary, Bulgaria, Greece, Croatia and Slovenia) and the existence of Yemeni parties in the governments of some of these countries.¹⁶² Furthermore, Sweden is one of the first European countries to have attracted many Syrians since the beginning of the crisis. Sweden has put forward an initiative to grant permanent residency to Syrians. After five years of residence, Sweden has made considerable efforts to contain the Syrian refugee crisis and provide them with the necessary assistance. Permanent citizens have Swedish citizenship. Similarly, Germany has also made a concerted effort to contain Syrian refugees and provided them with

¹⁶¹ Ali Al-Hamdan 'What is the Dublin Refugee System' (*Orient-news* 2016) [<orient-news.net/ar/news_show/109769/0/>](http://orient-news.net/ar/news_show/109769/0/) accessed date 16 April 2018.

¹⁶² Abdullah Turkmani 'The reality of Syrian refugees in Europe and their problems' (2016) [<harmoon.org/archives/2771>](http://harmoon.org/archives/2771) accessed 16April 2018

substantial humanitarian, material, moral and health support, making it a favourite destination for Syrian refugees.

4.4 European-Turkish Agreement

The European Union has agreed with Turkey on a "joint action plan" to open asylum centers for asylum seekers on Turkish territory funded by the European Union. They also demand more patrols and relief operations off the coast and economic migrants deported from the EU¹⁶³. The European Union authorities are to resettle one Syrian refugee coming from Turkey for every immigrant returned from the Greek islands.¹⁶⁴

4.5 German policy towards refugees

Germany received the largest number of Syrian refugees compared to European countries, and ranked first in providing financial assistance directly to refugees in general, and Syrian refugees in particular. In 2013, the Syrian refugees began to move to Germany, and the German government's position crystallized in 2015 when German Chancellor Angela Merkel announced that the German state was prepared to receive Syrian refugees on its territory and adopt an open door policy.

4.5.1 Reasons to choose Germany

The German Constitution guarantees all residents of German territory the preservation of their human dignity, the preservation and respect of their rights, and the commitment of Germany to the principle of respect for human rights and human dignity. The three powers (legislative, executive and judicial) to safeguard these rights. The Constitution also states that all human beings are equal before the law and have the same rights and duties¹⁶⁵. The Constitution does not recognize any form of discrimination between people based on

¹⁶³ Kirişçi K. *Syrian Refugees and Turkey's Challenges: Going Beyond Hospitality* (2016) p1-2.

¹⁶⁴ *The EU-Turkey agreement*, (2016) <europa.eu/rapid/press-release_MEMO-16-963_en.htm> accessed date 20 April 2018

¹⁶⁵ Khallouk M, "Confronting the Current Refugee Crisis: The Importance of Islamic Citizens' Initiatives in Germany" [2018] *Religion in the European Refugee Crisis* 87

religion, race, color or gender. The German Constitution preserves the freedom of opinion, expression and belief of all residents of German territory. Germany implements these constitutional provisions on the ground. This commitment by the German government is a reason for choosing refugees as a preferred destination for asylum.¹⁶⁶ The German Chancellor stressed in a speech to the German people on the refugee crisis and called on the German people to be patient and help the refugees.¹⁶⁷

In addition to the material and moral support provided by the German government to the refugees, the refugees have been rehabilitated and the language courses provided for them to accelerate their involvement in the community more quickly, as well as educational services and many other services enjoyed by refugees upon their arrival in Germany.

One of the factors that contributed to the refugees' tendency to Germany was that some of the refugees had relatives who had fled to Germany at the beginning of the crisis, preferring to join them and reunited. The German government provided security, safety and protection to the refugees, and the refugees treated the German government as easier and better. Compared to other European countries¹⁶⁸. The German government's amendment of the Dublin Convention, which stipulated that refugees were required to return from Germany to the first European country, had a role in the refugees' orientation to Germany. Germany received refugees in general, even if their fingerprints were taken in another European country.¹⁶⁹

¹⁶⁶ Germany constitution, Article 1-2-3-4

¹⁶⁷Chancellor Angel Merkel 2016 (10 ARD)

¹⁶⁸ Orchard C & Miller A. *Protection in Europe for refugees from Syria Forced Migration Policy Briefing. Refugee*, (Studies Centre Oxford Department of International Development 2014) p.16-35.

¹⁶⁹ Khallouk M, "Confronting the Current Refugee Crisis: The Importance of Islamic Citizens' Initiatives in Germany" [2018] *Religion in the European Refugee Crisis* 87

The author believes that the German government and people have been at the level of the challenge imposed by the crisis of asylum on them, which ignorance of Germany and its people have a global appreciation in all forums.

4.5.2 The legal status of Syrian refugees in Germany

The German Constitution recognizes four forms of protection for refugees individually and is determined by the competent body responsible for asylum procedures:

- Asylum
- Protection of refugees
- Sub-protection
- Prohibition of national deportation

The right to asylum: Article 16 provides for the fundamental right to asylum, so that refugees who have been politically persecuted by government parties are granted the right to protection in Germany. The granting of asylum is considered impossible if the asylum seeker comes from a safe country, War or internal conflict.¹⁷⁰

Refugee protection: While asylum seekers are granted the right to protect refugees when the threat is from non-state actors, such as terrorist groups and other threats, and the possibility of providing protection in the country of origin is considered, such as moving to a safe area.

Subsidiary protection: Germany grants sub-protection when the applicant is threatened in his country of origin with the death penalty, torture or inhuman or degrading treatment, and is granted residence with the possibility of being allowed to work under conditions.¹⁷¹

¹⁷⁰Germany constitution, Article 16.

¹⁷¹ Asylum Process, <www.berlin.de/willkommenszentrum/en/arrival/asylum-process/> accessed 13 May 2018

Prohibition of National Deportation If the asylum seeker is not granted asylum, protection or sub-protection; he shall be granted the right to prohibit national deportation in order to prevent the violation of his human rights or in the event of a danger to his life or freedom. Permanent residence under specific conditions.¹⁷²

4.5.3 German measures towards Syrian refugees

The German government has applied the legal provisions of the German Residence Act to grant asylum seekers many benefits, such as assistance to refugees in the cost of living, housing, education, reunification and obtaining a work permit. Asylum seekers must exhaust their savings before receiving state aid, with the exception of € 200, and what the asylum seeker needs for his work and education. The refugee may also receive other assistance such as furnishing the house, paying for school trips for children and paying course fees German courses and integration courses.

The German government has provided funding to secure the study of Syrian refugees at all levels of education from schools, institutes and universities through scholarships.¹⁷³

4.5.4 Family Reunification Rules

German law grants refugees the right to family reunification in humanitarian cases such as a serious illness, long-term separation of family members or the presence of a minor child whose life is at risk. Before and not after asylum. Those who have the right to protection have not been given the general right to family reunification by law, but can apply to the Department of Foreign Affairs to prove their difficult family conditions so that they can bring them to Germany. The right to family reunification is related to the close family, namely

¹⁷² Residence Act, Article 60 www.unodc.org/res/cld/document/act-on-residence--economic-activity-and-integration-of-foreigners-in-the-federal-territory_html/Act_on_the_Residence_2008.pdf

¹⁷³DAFI Program ' <www.unhcr.org/dafi-scholarships.html> accessed: 13 May 2018

the husband, wife and minor children of the couple, as well as parents to minor refugees.¹⁷⁴

4.5.5 Rules of work for refugees

The German law grants the Syrian refugee the right to work under conditions, so that the refugee is not allowed to work during the first 3 months of his arrival. After this period, he can search for work within the rule of precedence test. The rule requires that no German or EU member is willing to do so with that function. The rule of precedence expires 15 months after the arrival of a refugee in Germany, but he is still required to obtain a work permit. After 4 years, all restrictions on the refugee are removed. If the refugee has a German university or professional degree or is recognized in Germany, permit to work.

¹⁷⁵

4.6 Challenges and Concerns Facing European Countries In The Face Of the Refugee Crisis

4.6.1 The economic challenge

The economic factor is one of the most important challenges facing the European Union in containing the refugee crisis. This is reflected in the first two factors related to the poor economic situation facing the European Union before the crisis of asylum due to the economic crisis in Greece, the instability of the euro and the slowdown in growth rates. Reached 20% in some EU countries such as Italy, Greece and Spain.

The second is related to the post-asylum phase. Receiving these countries for refugees will require a large economic force and the allocation of large sums

¹⁷⁴Reunification of Families
<<https://www.berlin.de/willkommenszentrum/en/families/reunification-of-families/>> accessed: 13 May 2018

¹⁷⁵ Michele Battistib, Yvonne Giesingc , Nadzeya Laurensyeva Labour Market Integration of Refugees in Germany, (2017)

of money to bear the burdens of asylum and its consequences, which will lead to a greater fatigue for the financial capacity of those countries, which are mainly economically weak.¹⁷⁶

4.6.2 The security challenge

Attacks by extremists and terrorists in the European Union have created negative effects and generated hateful ideas against Muslims, which have led to reactions to refugees and to the policy of host countries. Although there is a large proportion of the people working to separate these acts from those who escaped from killing, torture and persecution, there is at the other end who see the refugees as a problem that threatens their lives and personal safety, which prompted some popular parties against immigration and asylum to use such. These extreme actions are a card for political pressure and criticism of their governments.¹⁷⁷

4.6.3 The challenge of integration

There is no doubt that there is a great difference on all levels between the culture of the refugees and host communities, especially the European communities, namely religion, culture, customs, traditions and language, which will influence the relationship between the refugees and the members of these communities in terms of speed of integration and adaptation, and thus will create a large gap that will affect the nature of the relationship and acceptance of refugees in those countries.¹⁷⁸

In the end, Europe, in general, and Germany in particular, are the best place for refugees to go, in view of the laws and regulations that protect refugees and provide them with security and safety, as well as providing the

¹⁷⁶Ahmed daher, Immigrants.Hope for Europe in a labor crisis , The Gulf is a political daily" NO,26,15 April 2015

¹⁷⁷ Human rights watch, European Union Events of 2017 <www.hrw.org/world-report/2017/country-chapters/european-union>

¹⁷⁸ Human rights watch, European Union Events of 2016,2017 <www.hrw.org/world-report/2017/country-chapters/european-union>

humanitarian, material and moral assistance necessary for a decent and dignified life.¹⁷⁹

The author stressed the importance of the great role of the European Union in containing the crisis of asylum, whether through support to refugees within the countries of the Union or outside, and may be the failure of some countries to interact more positively with refugees and their issues due to the adverse economic conditions experienced by some countries of the Union, which Preventing them from interacting more closely with refugee issues and receiving them. Other factors may have led to less active interaction with refugee issues such as security reasons, fear of repetition of terrorist attack scenarios, and the Greek crisis affecting the entire European economy.

¹⁷⁹ Orchard C & Miller A. Protection in Europe for refugees from Syria. Forced Migration Policy Briefing. Refugee Studies Centre Oxford Department of International Development, (2014) p.16-35.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

Asylum issues around the world are becoming more and more frequent. Many problems and issues have led to the influx of people around the world to different countries due to various reasons and circumstances. We are witnessing a variety of burdens faced by refugees, which requires a constant focus on their issues and problems and addressing them to prevent major humanitarian disasters that are difficult to solve such as, the spread of diseases or problems of racial discrimination or other problems that are difficult to be controlled. Furthermore, we also have witnessed the weakness of some countries and their inability to shoulder the burdens imposed on them by the large influx of refugees. This requires focusing on developing clear policies and plans for dealing with asylum and refugee issues around the world, especially when the countries that receive increasing numbers refugees are not financially supported.

Asylum has become a more sensitive humanitarian situation with the development of the problems facing the modern world, which requires working to ensure the basics of decent life for refugees such as, housing, food, drink, health, and education. This calls for concerted international efforts to address this humanitarian situation with all interest and seriousness. After reviewing the whole issue of refugees and asylum, the author has focused on the issue of Syrian asylum, which is the hottest issue in the world today. He believes that

the international community, countries, agencies, and humanitarian associations should work harder to end the Syrian problem in order to prevent further deaths, displacement and asylum for the Syrian people, and to ensure a safe return for refugees who wish to return to Syria after the end of the current conflict.

5.2 Recommendations

To urge the international community and international organizations to increase the interest of refugees around the world, as the refugee is in an exceptional situation that deprives him from security of his life and psychological and economic stability. It makes him vulnerable to depriving him of his basic rights and a decent life. Based on this, this research recommended the following:

- To develop the international conventions that are in place in the affairs of refugees periodically, as the refugee issues are expanding and becoming increasingly complex in conjunction with the multiplicity of international problems that lead to asylum. This requires provisions of agreements to be kept up to date with the development of these issues in all respects.
- To develop the concept of refugee from time to time to include new categories, in conjunction with the development of problems and global issues that lead to asylum, in addition to emerging new reasons for asylum and migration among different periods of time.
- To request countries that host refugees to maintain their lives, provide security and safety, provide maximum psychological support for them, and afford the necessary humanitarian care, especially lunch, medicine, and education.
- To provide financial support to host countries by the international community in general, especially countries that receive large numbers

of refugees and have internal economic problems that prevent them from providing the best possible services to their peoples or refugees.

- To enhance the abilities of refugees and develop their skills such as, education, training, and rehabilitation in order to help them to build their self and deal with the exceptional circumstances in countries of asylum.
- To share all the countries of the world to shoulder the burdens of refugees and to find a mechanism to share the large numbers of refugees resulting from asylum and share financial support as well. This will reduce the pressure on host countries that are financed by the crisis and will look more moderate to a humanitarian crisis and the lives of millions of refugees.

As the crisis extends for several years and there is no sign of its end, the countries of the world must try to find more effective and logical solutions that are not only limited to financial support because in the end, the donor countries will gradually exhaust their capabilities in conjunction with the years of conflict. Provide programs aimed at integrating refugees into host communities, creating job opportunities for refugees and providing vocational programs aimed at training refugees to enable them to move to markets, start new lives and provide educational programs that facilitate refugee education of the host country, as in German.

To find solutions that provide an educational environment that target refugees and obligate children to attend schools through awareness programs for the children's parents, focusing on importance of education and encouraging children to be attracted to learning and study. Otherwise, this will lead to the loss of a whole generation, which results in negative effects on society such as poverty and the problems that will delay the progress and growth of societies. All countries of the world must exert greater and greater pressure on all concerned parties to continue the ongoing conflict in Syria, which has its roots both internally and externally, and they have to find a political solution that contributes to ending the crisis from its roots and ending all crimes and violations against humanity.

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