

Third General Assembly

Protecting the human rights of asylum seekers
stranded on borders



Forum	Third General Assembly
Issue:	Protecting the human rights of asylum seekers stranded on borders
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Introduction

As of 2022, approximately 108 million people were displaced worldwide that fell under the label of refugees, asylum seekers and internally displaced persons. This means that 1 in every 74 inhabitants of earth has been forced to flee. Recently, there has been a significant increase in the number of asylum seekers who become stranded on borders, due to either restrictive immigration policies, inadequate reception facilities, or margin for error and inefficiencies while processing asylum claims. Naturally, the increase in people stranded on borders is directly correlated to the amount of people fleeing. These individuals face numerous human rights challenges and are often exposed to violence, exploitation, and deprivation. This research report examines said challenges and the responsibilities of states and international organizations in protecting the human rights of asylum seekers.

Definition of Key Terms

Asylum Seekers

Asylum seekers are individuals who have fled their home countries due to a fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group. They seek protection in another country but have not yet been granted refugee status.

Refoulement

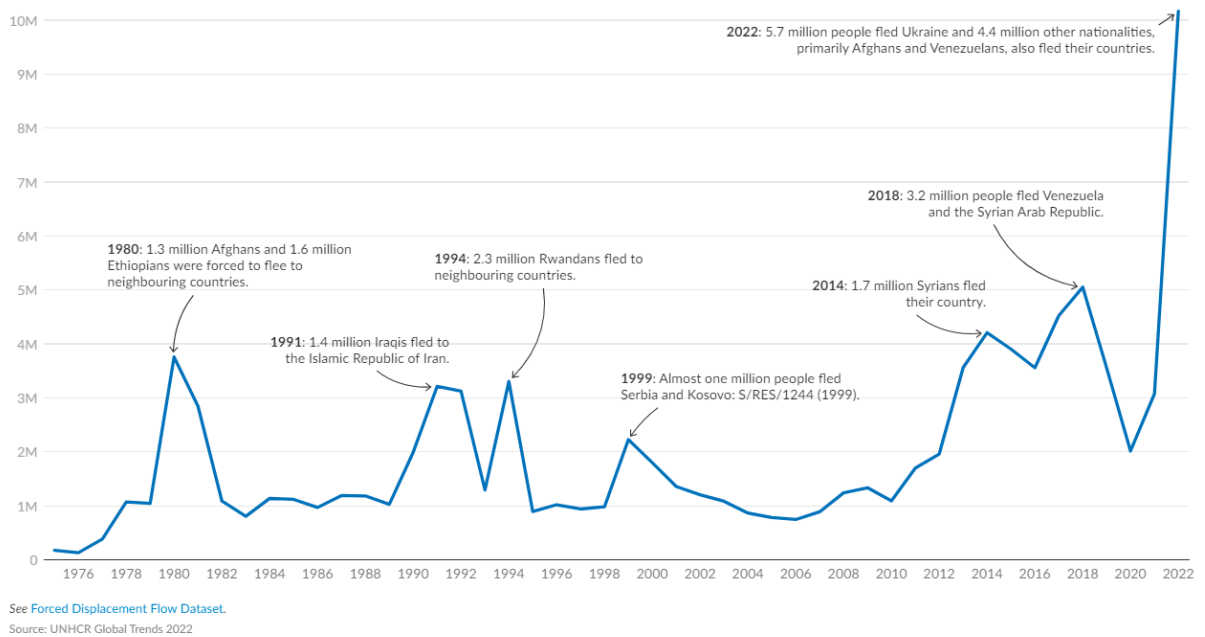
Refoulement is the act of forcibly returning or pushing back asylum seekers. Denying the individuals entry to the state or asylum process. It is a violation of the principle of non-refoulement, which is a fundamental principle of international refugee law.



General Overview

In just 2022 alone, over ten million people fled. This is over three times as many people compared to 2021. More than half of these are Ukrainian refugees.

Refugees, asylum-seekers and others in need of international protection displaced during each year | 1975 – 2022



Some more statistics: about 50% of these refugees are fleeing from either Syria, Ukraine, or Afghanistan. Adding to the graveness of the situation is that 76% of refugees are being hosted in less to middle economically developed countries. Although these states might be well-intentioned, they might not have the facilities to responsibly manage the refugees as stated by international law.

A few of the rights easily and/or commonly violated are enumerated here. The right to seek asylum is a fundamental human right protected by international law and UN law. However, asylum seekers often encounter pushbacks, refoulement, and prolonged waiting periods. This can be due to reluctance among states to accept and provide protection to refugees and asylum seekers. The main factors contributing to the above-described, it is of immense importance to tackle the issue at the roots, listed: Firstly, the strain on national resources and infrastructures, coupled with public concerns about the economic and social impact of large-scale migration, often lead some states to adopt restrictive immigration policies.



Second, security concerns and political considerations may influence the decision-making process, leading to a reluctance to accept refugees from specific regions or with certain backgrounds. Additionally, inadequate burden-sharing mechanisms among states further exacerbate the situation, with countries near conflict zones often bearing a disproportionate responsibility, 40% of all refugees are hosted in only five countries. The reluctance hampers the ability to establish comprehensive and sustainable solutions, leaving many asylum seekers stranded on borders without access to essential protection and support. Addressing these underlying concerns is crucial to fostering a more inclusive and rights-based approach to refugee protection.

Major Parties Involved

Below are just a few examples of countries entangled in the issue of protecting the human rights of asylum seekers stranded on borders. Each country faces unique challenges based on their geographical location, domestic policies, and regional dynamics.

United States

The United States has been publicly criticized for its policy on refugees from central America at its southern border. The U.S. immigration system and its policies, including the controversial "Remain in Mexico" policy and the processing of asylum claims, have drawn international attention and scrutiny.

European Union Member States

Many European Union (EU) member states have faced challenges related to the arrival of asylum seekers and refugees, particularly during the 2015-2016 "refugee crisis." Countries located on the external borders of the EU such as: Greece, Italy, Spain, and Malta, have seen large numbers of asylum seekers arriving by sea. Other countries such as Germany, France, and Sweden have also received significant numbers of asylum seekers. The EU has been involved in coordinating efforts, establishing relocation mechanisms, and implementing policies to manage the situation.

Turkey

As a major transit country, Turkey has played a crucial role in hosting and providing temporary refuge to millions of Syrian refugees fleeing the ongoing conflict. It shares borders with



Syria, making it a significant entry point for asylum seekers attempting to reach Europe. Turkey's management of the refugee situation has been critical in the context of EU-Turkey agreements and negotiations.

Australia

Australia has implemented strict immigration policies, including offshore processing and mandatory detention, particularly for asylum seekers arriving by boat. This has led to controversies and concerns regarding the human rights of asylum seekers, particularly in facilities such as Manus Island in Papua New Guinea and Nauru.

Canada

Canada has been known for its relatively more inclusive immigration policies and has received significant numbers of asylum seekers. Canada's asylum system and its efforts to integrate and protect the rights of asylum seekers have been closely watched and studied.

Timeline of Key Events

Date	Description of event
1951	The United Nations General Assembly adopts the 1951 Convention relating to the Status of Refugees, establishing the legal framework for the protection of refugees, and defining their rights and obligations.
1980s-1990s	Political conflicts in Central America and Southeast Asia lead to significant refugee outflows. Many asylum seekers flee to neighbouring countries or attempt dangerous journeys to seek refuge in other regions.
1990	The violent breakup of former Yugoslavia results in mass displacement, with millions of people fleeing their homes and seeking asylum in neighbouring countries and other parts of Europe.
2001	Following the September 11 attacks in the United States, many countries tighten their border controls and implement stricter security measures, making it more challenging for asylum seekers to seek protection



2011	<p>Political uprisings in the Middle East, known as the Arab Spring, lead to widespread conflict and displacement. The Syrian Civil War, which begins in 2011, triggers one of the largest refugee crises in recent history.</p>
2015-2016	<p>The large influx of refugees and migrants, particularly from Syria, Afghanistan, and Iraq, places significant strain on European Union member states. Disagreements arise among countries regarding responsibility sharing, leading to debates over migration policies and border management.</p>
2016	<p>The European Union and Turkey reach an agreement to manage the migration flows, with Turkey agreeing to receive refugees and migrants returned from Greece in exchange for financial support and other benefits.</p>
2018	<p>The implementation of a "zero-tolerance" policy by the U.S. government leads to the separation of migrant families at the U.S.-Mexico border, sparking widespread condemnation and legal challenges.</p>
2019	<p>A significant increase in asylum seekers from Central America, particularly from El Salvador, Guatemala, and Honduras, leads to overcrowded detention centres at the U.S.-Mexico border.</p>
2020	<p>The global COVID-19 pandemic leads many countries to implement border closures and travel restrictions, impacting the movement and access to asylum procedures for refugees and asylum seekers.</p>
2021	<p>The withdrawal of international troops from Afghanistan leads to a rapid takeover by the Taliban, resulting in a mass exodus of Afghans seeking asylum.</p>
2022	<p>The Russian invasion of Ukraine leads to a massive number of Ukrainians fleeing the eastern side of Ukraine or to other European member states.</p>

UN involvement, Relevant Resolutions, Treaties and Events

- The United Nations High Commissioner for Refugees (UNHCR) is the UN agency mandated to protect and assist refugees and stateless persons worldwide. It provides legal and physical protection to refugees, advocates for their rights, and works to find durable solutions. The UNHCR supports countries in establishing asylum systems, provides guidance on international standards, and coordinates humanitarian responses to refugee situations.



- In 2018, the UN General Assembly adopted the Global Compact on Refugees, a comprehensive framework aimed at improving the international response to large-scale refugee situations. It emphasizes burden-sharing, shared responsibility, and enhancing protection and solutions for refugees. That same year the General Assembly also adopted the Global Compact for Safe, Orderly, and Regular Migration. While not specifically focused on asylum seekers, it addresses migration-related issues, such as the need for cooperation among states to ensure safe and orderly migration.
- The UN General Assembly regularly discusses and adopts resolutions on refugees and asylum seekers. These resolutions provide guidance and set the agenda for member states and other stakeholders involved in protecting the rights of asylum seekers.
- The UN Human Rights Council (HRC) appoints a Special Rapporteur on the Human Rights of Migrants, who examines and reports on the human rights situation of migrants, including asylum seekers.
- In response to specific refugee crises or situations of displacement, the UN coordinates emergency response and provides humanitarian assistance through agencies like the World Food Programme (WFP), the UN Children's Fund (UNICEF), and the World Health Organization (WHO).

Previous Attempts to solve the Issue

Some of the UN involvements mentioned above are counted as previous attempts to resolve the issue. If further reading is wished upon, the resolutions 71/1, 71/195, 74/169, 71/179 and 45/158 are directed at parts of the issue at hand. They can be used for inspiration for clause writing. (Keep in mind that these have been passed already, so try to build upon said clauses or to fill in the gaps instead of copying the resolution and/or clauses.)

Possible Solutions

Crucial is that member states embrace a few principles in debate to ensure the protection of the asylum seekers. The principle of non-refoulement for example. States should have an obligation to establish fair and efficient asylum procedures that allow for the timely and thorough examination



of asylum claims. This includes providing access to legal assistance, interpretation services, and ensuring that decisions are based on individual circumstances and international protection standards. States should develop comprehensive reception and integration measures to address the specific needs of asylum seekers. These measures should include access to education, language training, employment opportunities, and social services to facilitate their integration into host communities. Given the transnational nature of the issue, international cooperation is essential. States and international organizations should work together to share responsibilities and provide financial and technical support to countries facing significant influxes of asylum seekers.

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