

LAW 831: INTERNATIONAL REFUGEE & ASYLUM LAW & POLICY

Corri Zoli, Ph.D.

Director of Research/

Assistant Research Professor

Institute for National Security and Counterterrorism (INSCT)

College of Law/Maxwell School of Citizenship and Public Affairs



Syracuse University
Institute for National Security
and Counterterrorism

INTRODUCTION:

Geopolitical Trends

Understanding the Current Landscape

Aug 21, 2017: Week 1

CONTENTS:

- 1. Inquiry:** Why study the international legal dimensions to the movement of peoples today?
- 2. Why** are people on the move today & how significant is the problem?
- 3. Do we know its causes? Solutions?**
- 4. What role can law and policy play?**
- 5. Interdisciplinary** approach of the course...

Q2. DATA & CONTEXT:

Why are people moving today & how big is the problem?

- ❖ Unprecedented **65+M** people globally are forcibly displaced from **homes**—surpassed the 50M forcibly displaced (2013) during WWII, the era that brought us the Refugee Convention of 1951.
- ❖ Among these, **22M are refugees—more than 50% under 18: children are remarkably vulnerable in this new era.**
- ❖ **10M stateless people** denied nationality and access to basic rights of education, healthcare, employment and freedom of movement—**globalization and its challenges are eroding established political categories of belonging.**
- ❖ Trend lines & totals
- ❖ History
- ❖ Source & Host Nations



65.3 million
forcibly displaced people worldwide



Refugees

21.3 million
16.1 million under UNHCR mandate
5.2 million Palestinian refugees registered by UNRWA

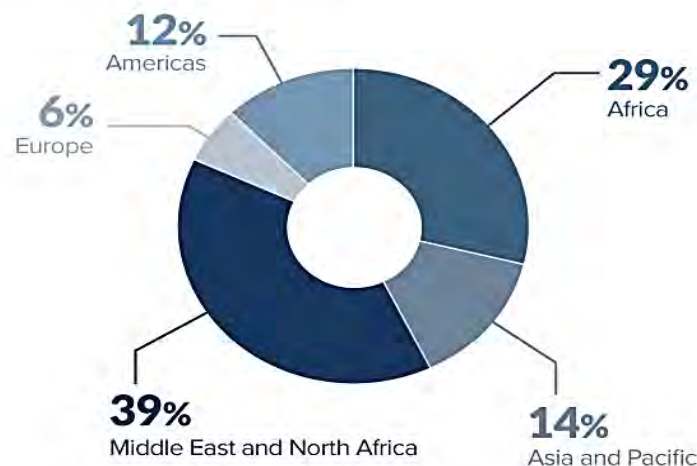
UNHCR
2015 data



Stateless people

10 million

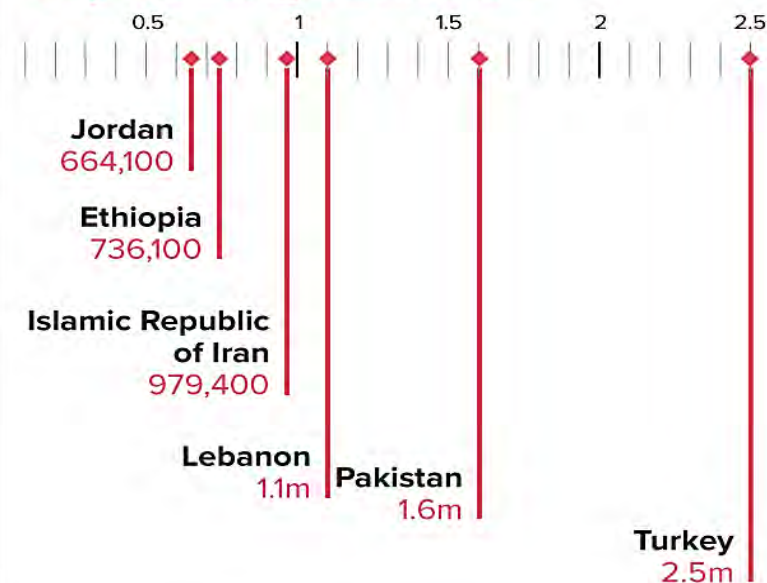
Where the world's displaced people are being hosted



54% of refugees worldwide came from three countries



Top hosting countries



33,972 people
a day forced to flee their homes
because of conflict and persecution

9,700 staff
UNHCR employs 9,700 staff
(figures from December 2015)

126 countries
We work in 126 countries

We are funded almost entirely by
voluntary contributions, with 86 per
cent from governments and the
European Union.

GLOBAL TRENDS

FORCED
DISPLACEMENT
IN 2016



TURKEY. FIRAS, A DISABLED SYRIAN REFUGEE, STRUGGLES TO SUPPORT HIS FAMILY.
He and his older son, aged seven, collect recyclables to support the rest of the family.

Fig.1 Trend of global displacement & proportion displaced | 1996 - 2015 (end-year)

UNHCR 2015 data

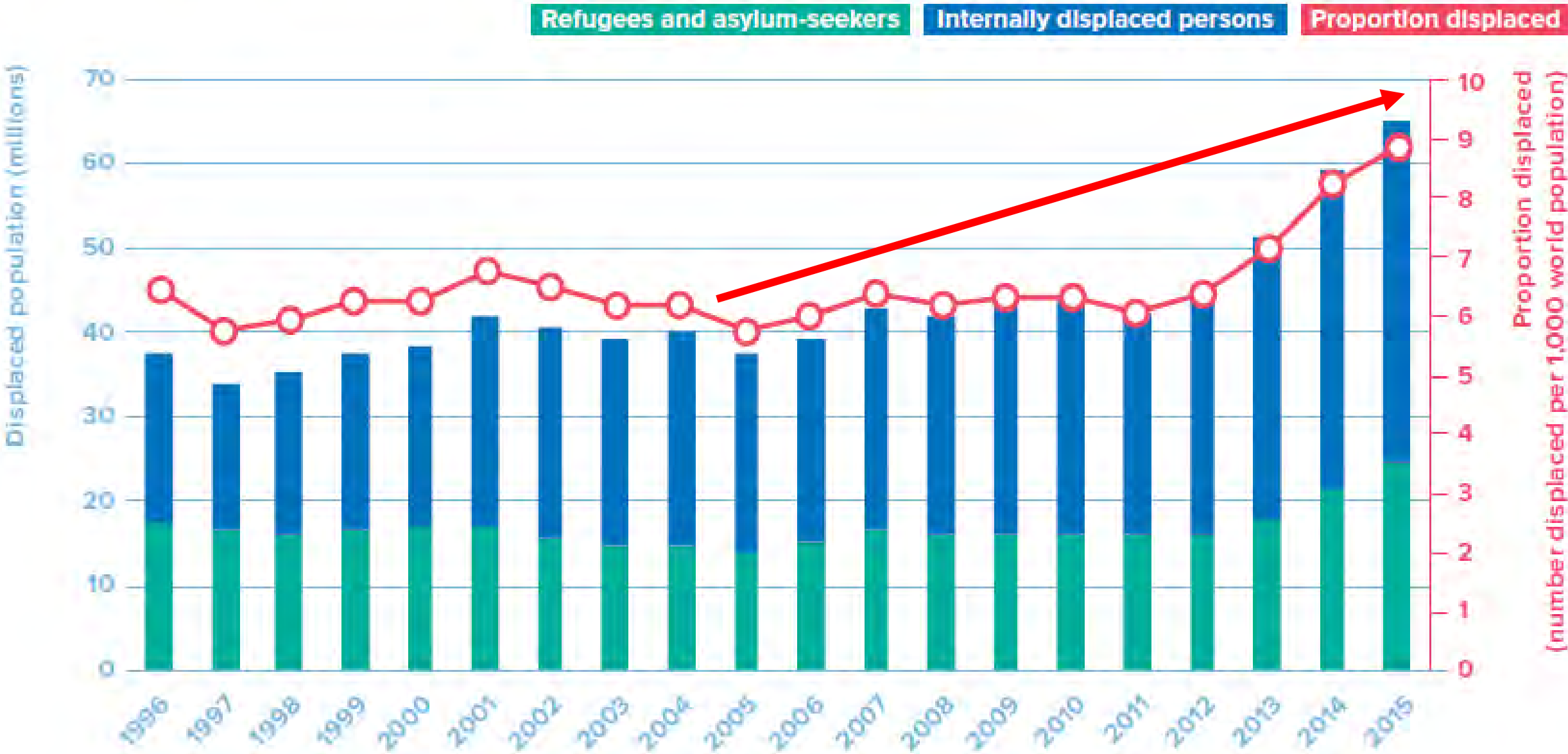
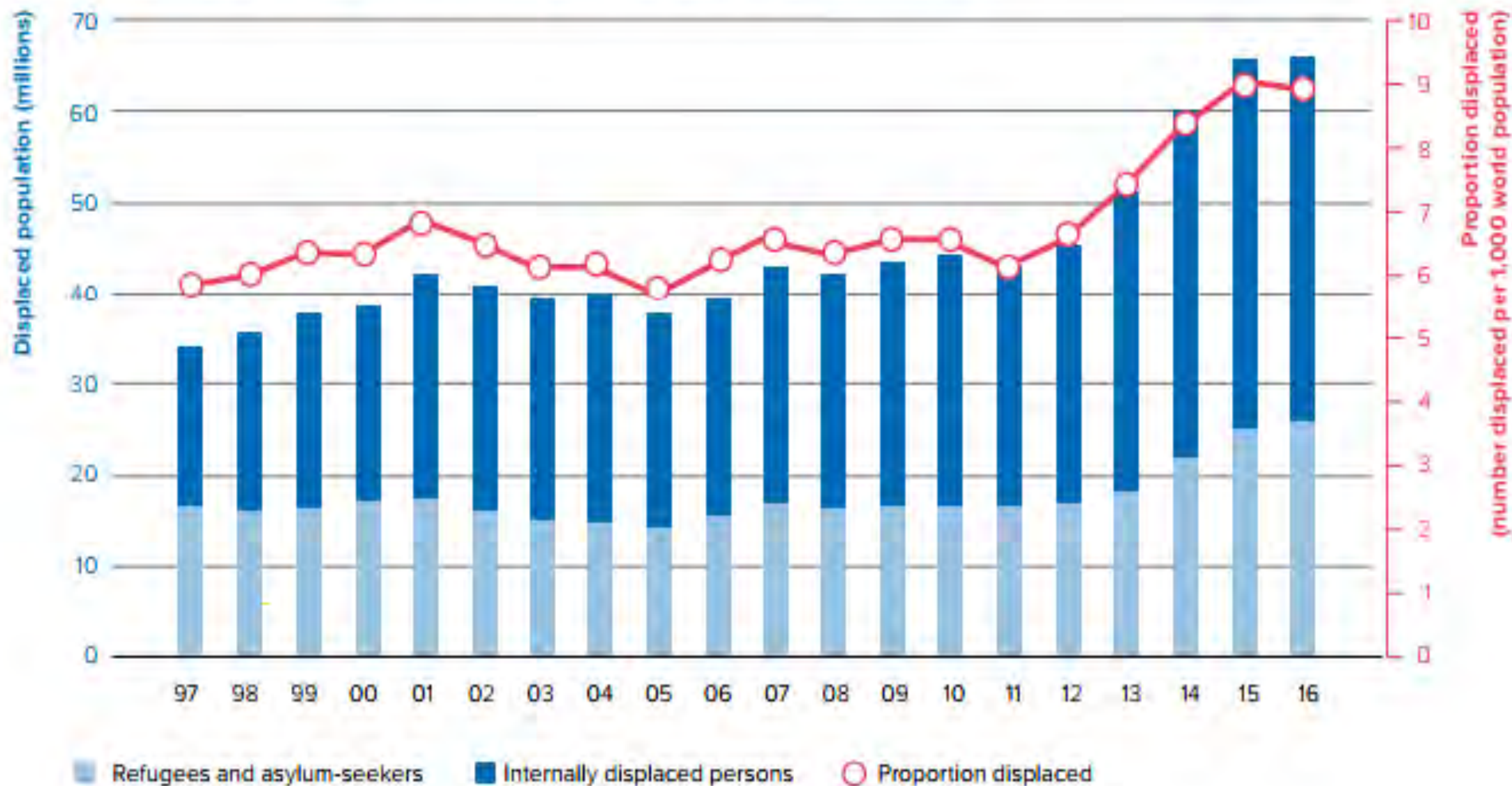


Figure 1 | Trend of global displacement & proportion displaced | 1997-2016

UNHCR 2016 data



Years

2015

2014

2013

2012

2011

2010

0M

5M

10M

15M

20M

25M

30M

35M

40M

45M

50M

55M

60M

65M

70M

Population

Total numbers by category of person, 2010-2016

Refugees

Refugee-like situation

Asylum-seekers

IDPs

Returned IDPs

Returned refugees

Stateless

Others of concern

CHAPTER 2

REFUGEES

...the protection of refugees is not only the responsibility of neighbouring States of a crisis; it is a collective responsibility of the international community.

Antonio Guterres, UN Secretary General

GLOBAL REFUGEE POPULATION IS HIGHEST ON RECORD

The global refugee population stood at 22.5 million at the end of 2016, including 5.3 million Palestinian refugees under UNRWA's mandate, and is now at the highest level ever recorded. There were 17.2 million refugees under UNHCR's mandate,¹⁵ the focus of this report and, unless otherwise stated, all reference to refugees in this report refers to these refugees.

Overall, the refugee population under UNHCR's mandate increased by some 65 per cent over the past five years. The change in the refugee population is due mainly to refugees returning to

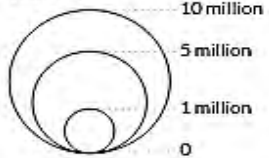
Refugees may be recognized on a group or *prima facie* basis, or they may be recognized as refugees after having undergone a process of individual status determination. In 2016, there were about 2.3 million newly recognized refugees. Of them, over half were recognized on a group or *prima facie* basis (1.4 million),¹⁶ and the rest were recognized following individual refugee status determination (876,900).¹⁷

The conflict in Syria dominated figures for newly recognized refugees in 2016 with 824,400 new recognitions, making this the most common country of origin.

63.91 million persons of concern
globally - end of 2015

History: Forced Migration

Legend



Filter by population type

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Historical country borders from Weidmann, Nils B., Doreen Kuse, and Kristian Skrede Gleditsch. 2010. The Geography of the International System: The CShapes Dataset. International Interactions 36 (1).

 Refugees 16,121,427 |  Asylum-seekers 3,219,941 |  IDPs 37,494,172 |  Returnees 2,518,729 |  Stateless persons 3,687,729 |  Others 870,740

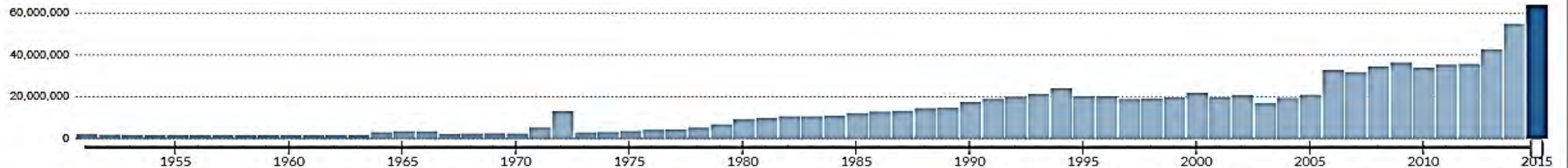
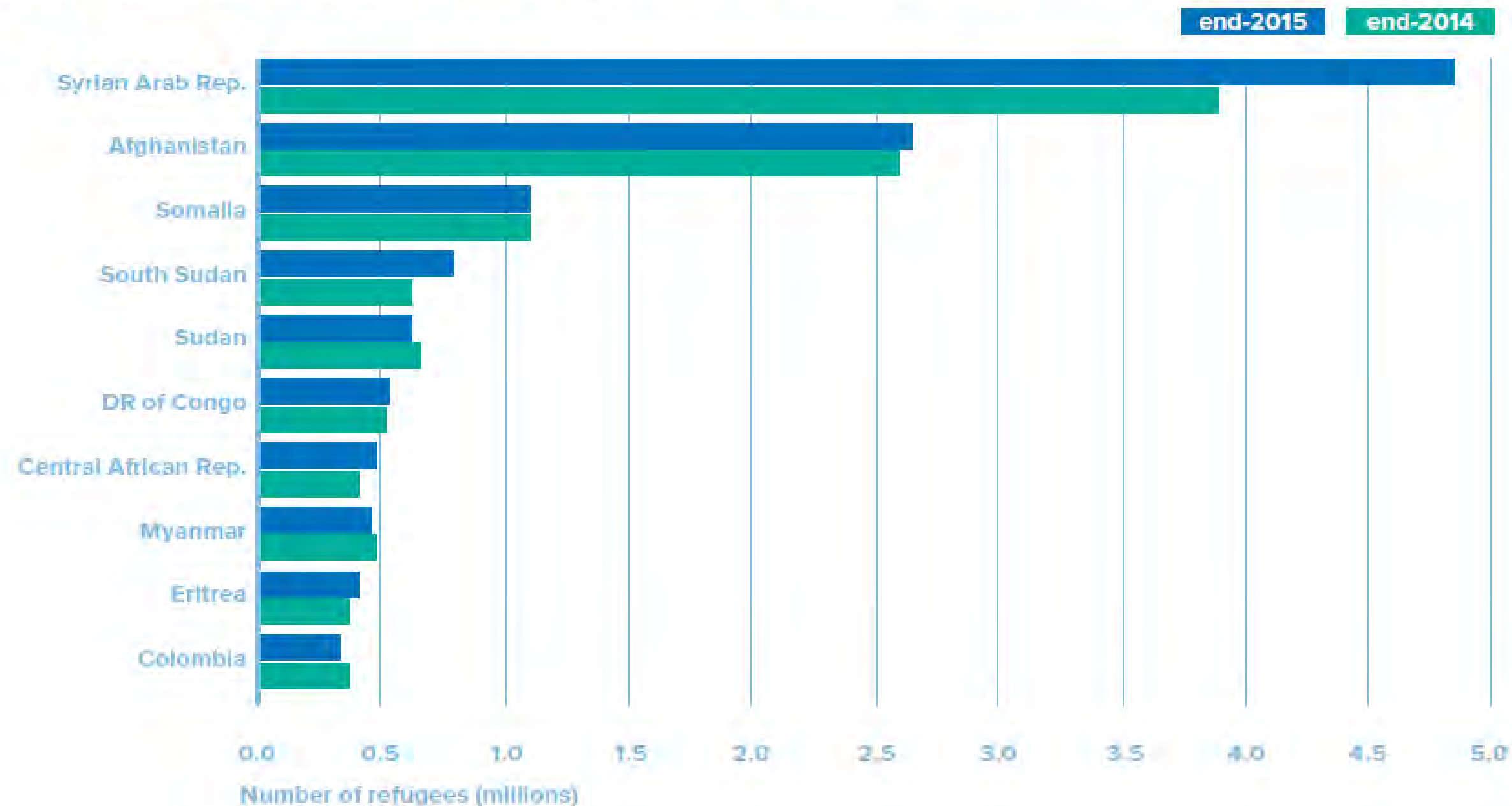


Fig.4 Major **source** countries of refugees | 2014 - 2015 (end-year)



55%

More than half (55 per cent) of all refugees worldwide came from just three countries:

Syrian Arab Republic

(5.5 million)

Afghanistan

(2.5 million)

South Sudan

(1.4 million)

3.3

MILLION
SOUTH SUDANESE
FORCED FROM
THEIR HOMES

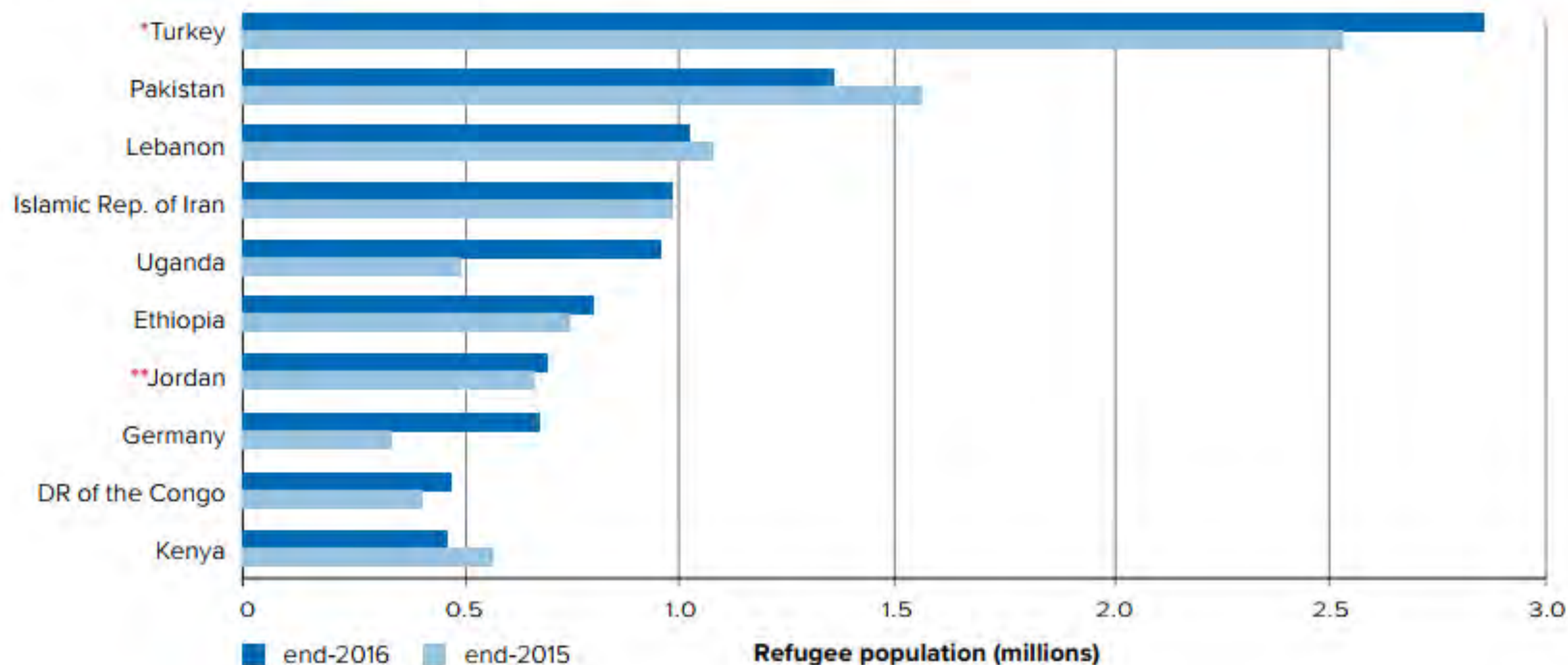
SOUTH SUDAN

The fastest-growing refugee population was spurred by the crisis in South Sudan.

This group grew by 64 per cent during the second half of 2016 from 854,100 to over 1.4 million, the majority of whom were children.

2016

Figure 4 | Major refugee-hosting countries



* Refugee figure for Syrians in Turkey was a Government estimate.

** Includes 33,100 Iraqi refugees registered with UNHCR in Jordan. The Government estimated the number of Iraqis at 400,000 individuals at the end of March 2015. This includes refugees and other categories of Iraqis.

2.9

MILLION PEOPLE

For the third consecutive year, Turkey hosted the largest number of refugees worldwide, with 2.9 million people. The main countries of asylum for refugees were:

Turkey	2.9 million
Pakistan	1.4 million
Lebanon	1.0 million
Islamic Republic of Iran	979,400
Uganda	940,800
Ethiopia	791,600

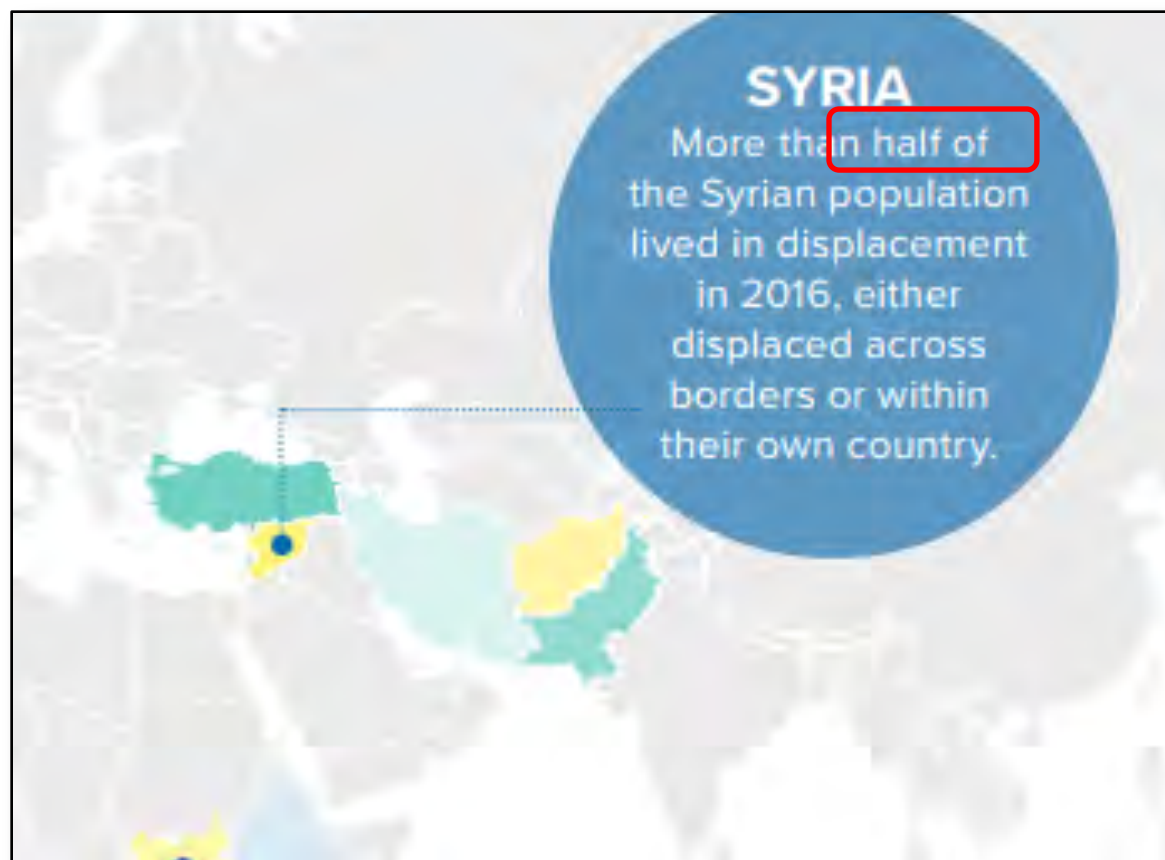
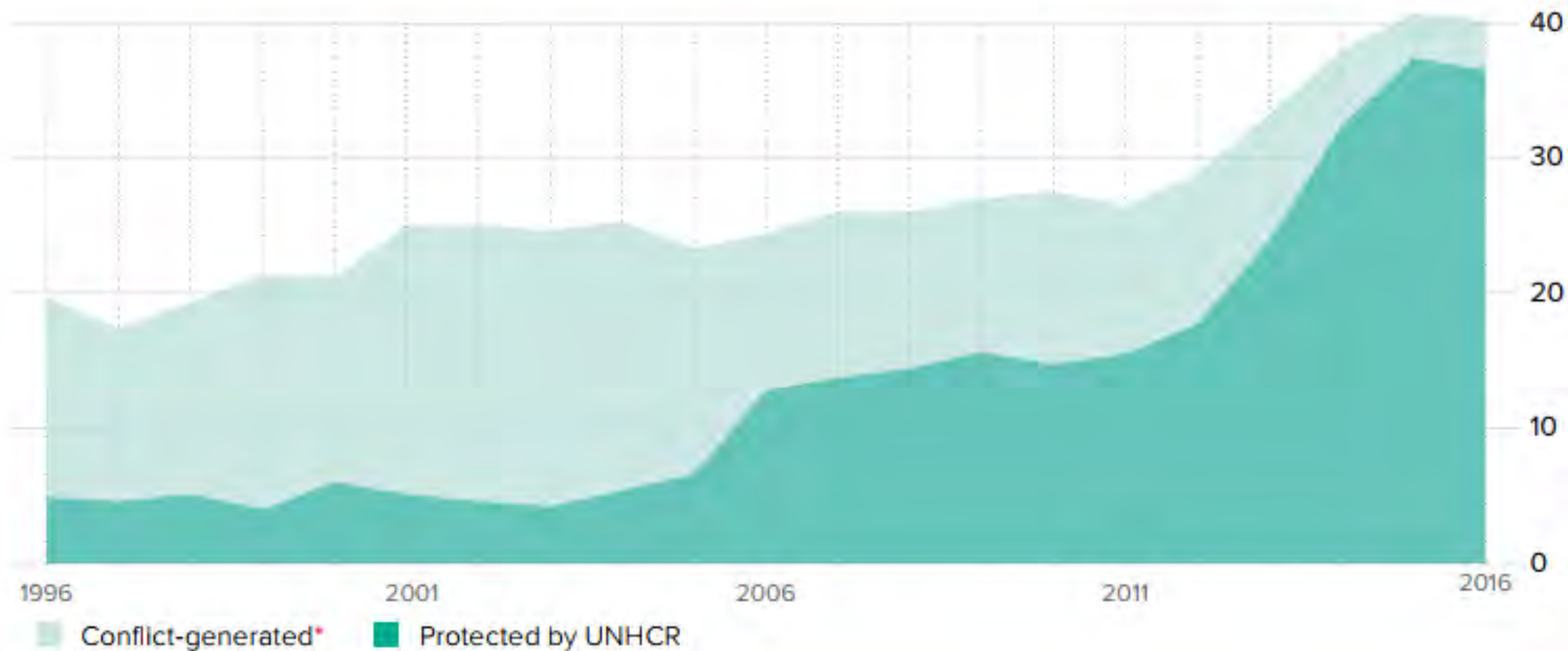


Figure 14 | **IDPs protected/assisted by UNHCR vs Global number of conflict-generated IDPs** | Includes people in an IDP-like situation since 2007, (in millions)

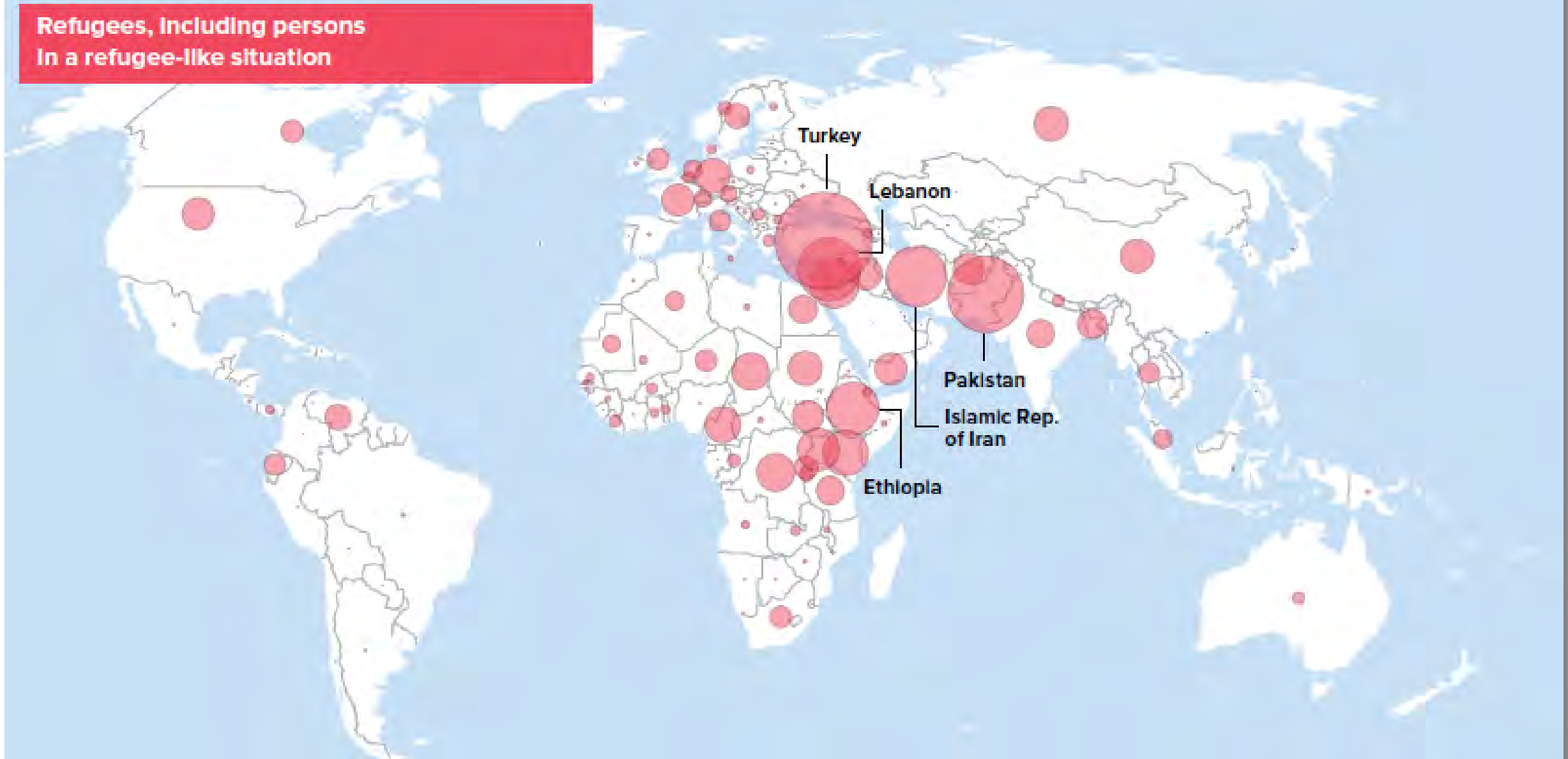


Q3. CAUSES? IMPLIED SOLUTIONS?

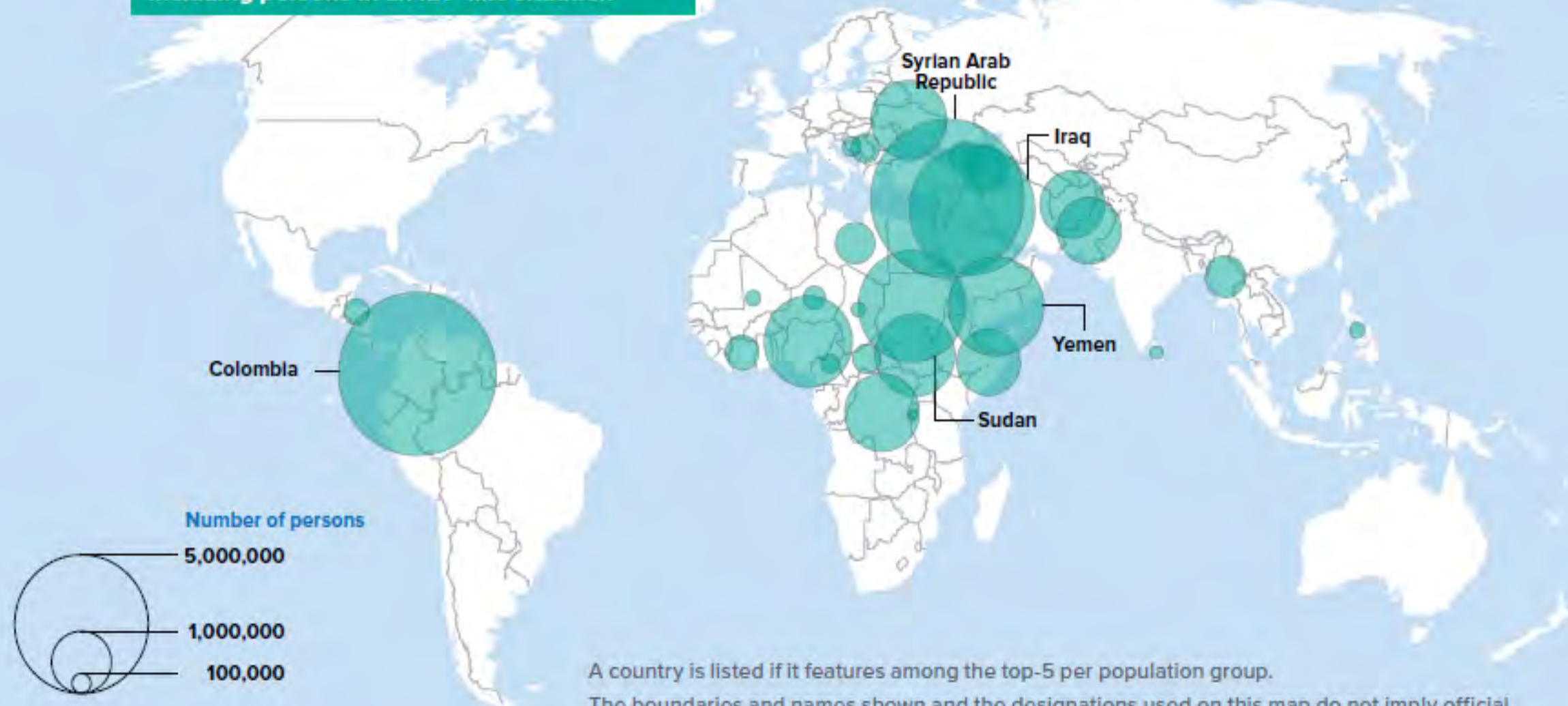
- ❖ Conflict & postconflict transition
- ❖ Persecution, Oppression
- ❖ Economics
- ❖ Climate change?
- ❖ Governance & repression
- ❖ Lack of rule of law

Map 1 Populations of concern to UNHCR by category | end-2015

Refugees, including persons
in a refugee-like situation



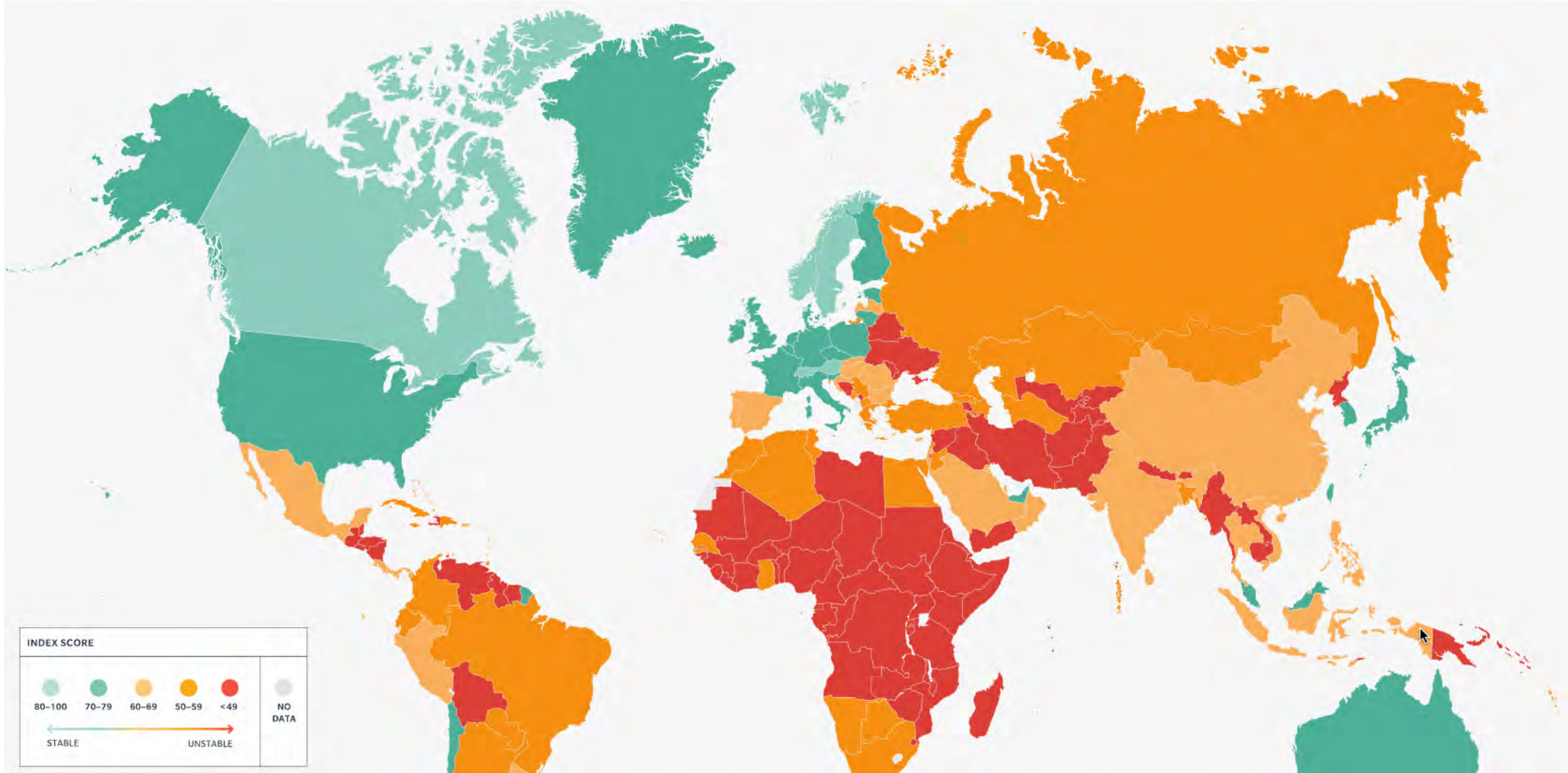
**IDPs protected/assisted by UNHCR,
including persons in an IDP-like situation**



A country is listed if it features among the top-5 per population group.

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Global security threats and designations



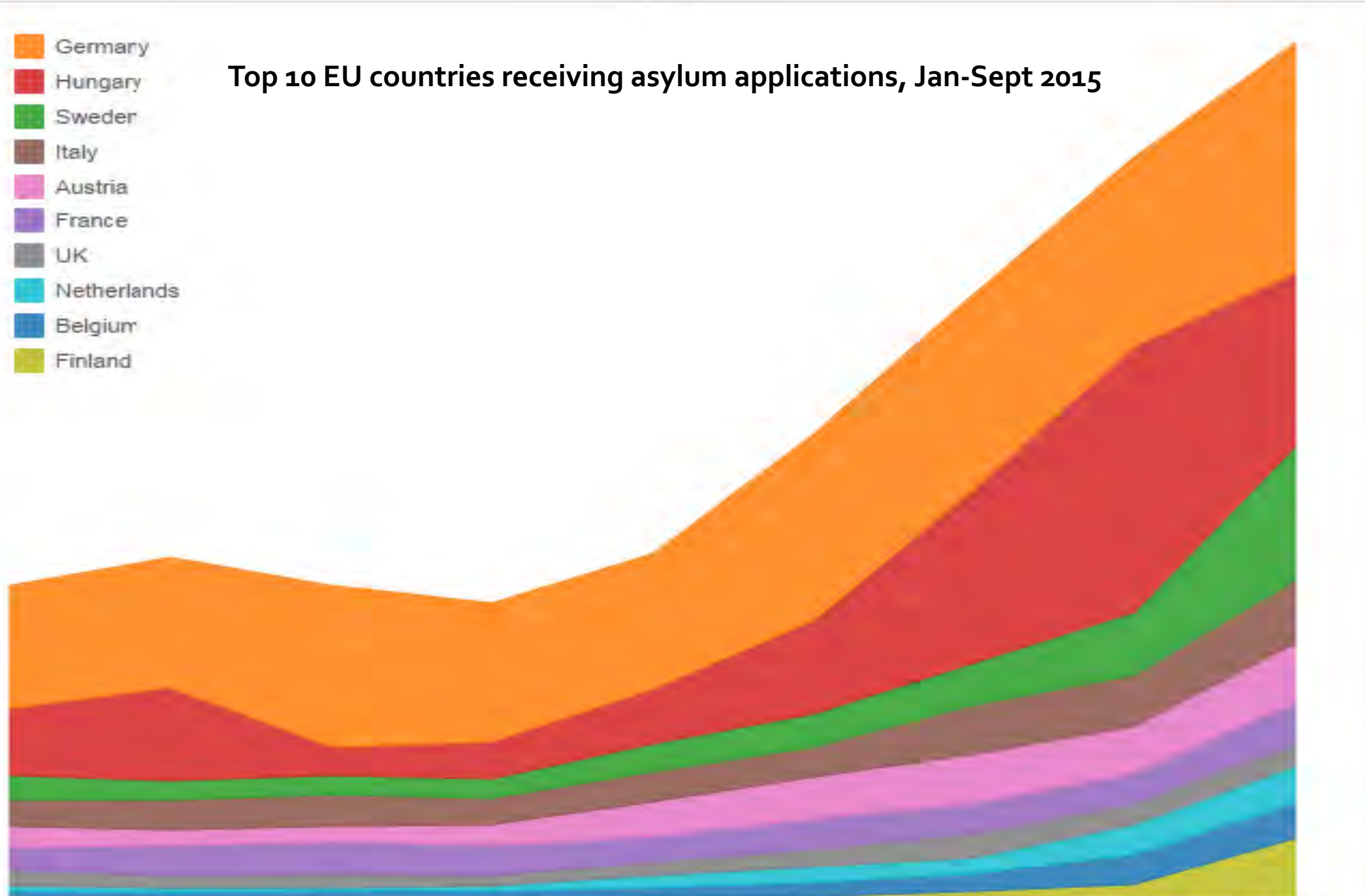
Top 10 EU countries receiving asylum applications, Jan-Sept 2015

Number of first time asylum seekers

- Germany
- Hungary
- Sweden
- Italy
- Austria
- France
- UK
- Netherlands
- Belgium
- Finland

140K
120K
100K
80K
60K
40K
20K
0K

January February March April May June July August September



EU TERRORIST ATTACKS 2015-2017

Paris 2015 (130 KIA): 9 ISIS, most Belgian-French of Arab descent; 2 Iraqis; *exploited immigration crisis, Syrian passports, flows, borders*

Nice 2016 (86 KIA): ISIS Tunisian Bouhlel; 5 accomplices, most French-Tunisian; smuggled money to family in Tunisia (criminal-terrorism nexus)

Brussels 2016 airport & metro: (32 KIA) ISIS 5 attackers, 4 Belgian-Moroccan, 1 Swedish Syrian, leader (Abaaoud operated in Syria)

Manchester attacks 2017: Salman Abedi, Libyan-Brit, traveled to Libya, known to MI5

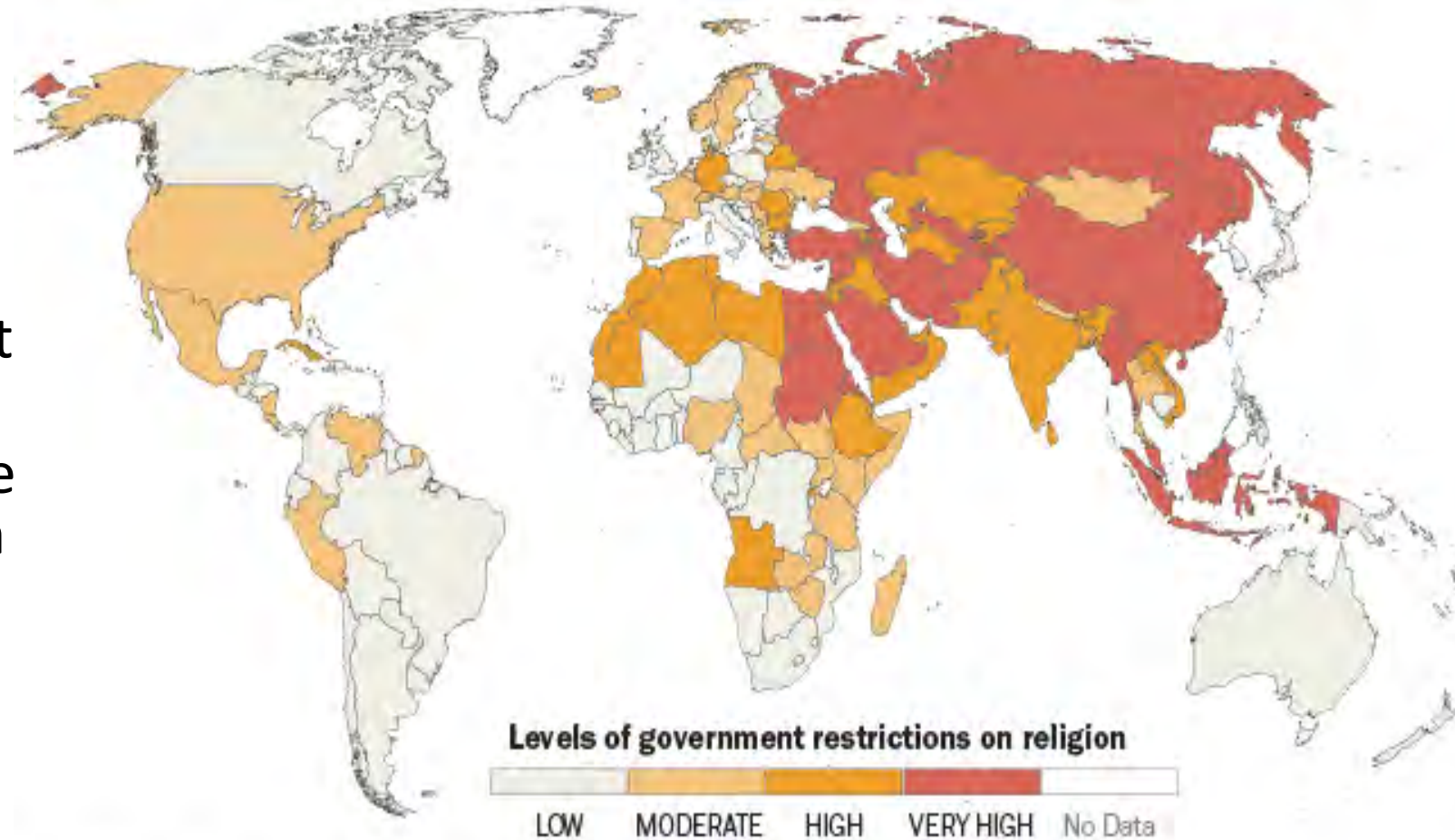


Multi-Source Data Trends: Religion

- Christians & Muslims, world's largest groups, most widely harassed faiths: 102 and 99 states, respectively.
- Religious persecution & hostility (discrimination, violence) on the rise globally—with some stand out victims (minorities)
- Anti-Semitism increase: “there has been a marked increase in the number of countries where Jews were harassed,” to 77, a peak. The problem is more social than government, and is evident in 34 of 45 *European* nations.

Government Restrictions Around the World

Level of government restrictions in each country as of December 2013

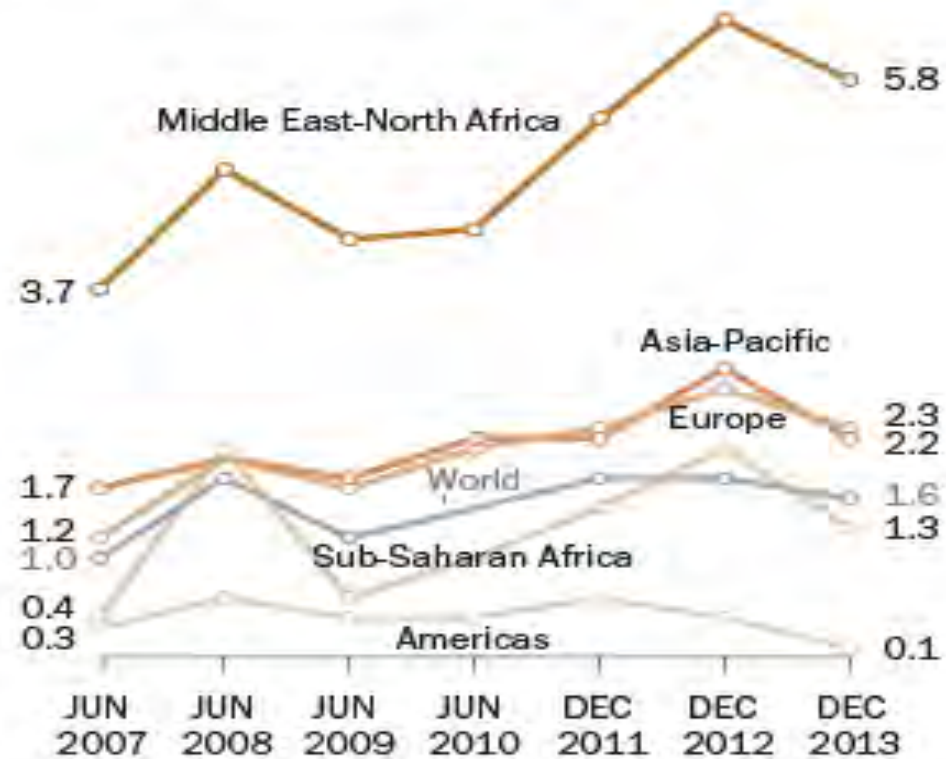


"Latest Trends in Religious Restrictions and Hostilities," February 2015

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Social Hostilities Involving Religion, by Region

Median scores on the Social Hostilities Index

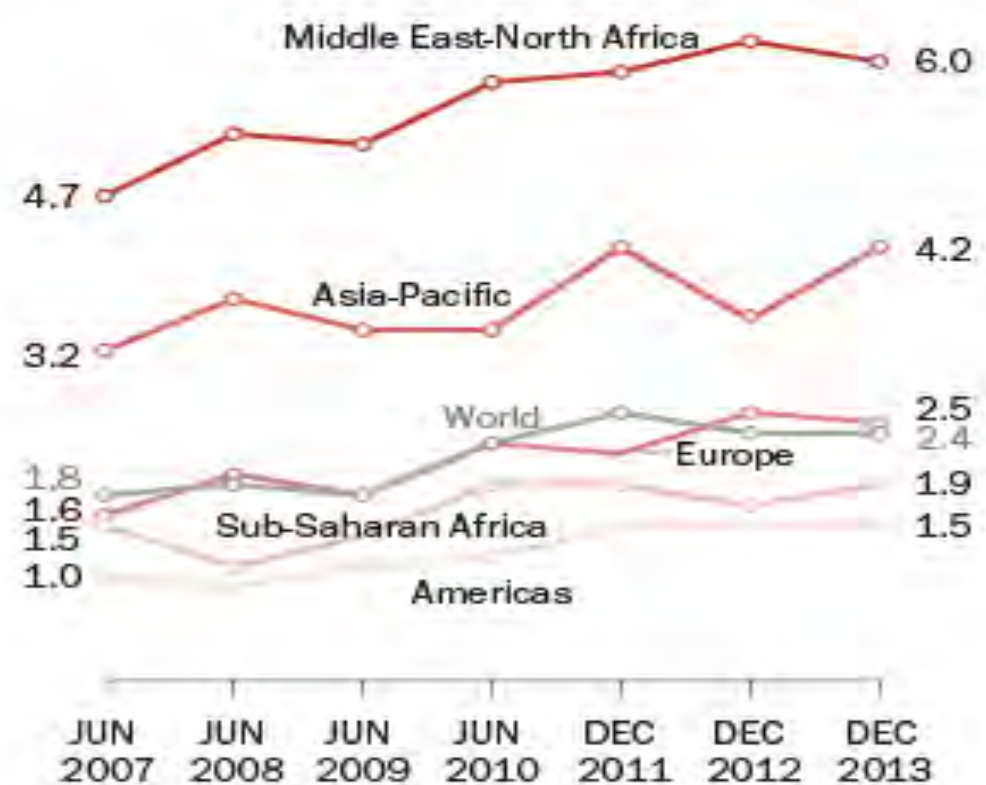


"Latest Trends in Religious Restrictions and Hostilities,"
February 2015

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Government Restrictions on Religion, by Region

Median scores on the Government Restrictions Index



"Latest Trends in Religious Restrictions and Hostilities,"
February 2015

Religion = "First Freedom" (i.e. First Amendment) enabling other civil liberties; hence, religious discrimination is **gateway indicator** of rising state/social oppression.

Q4: ROLE OF LAW?

What role can **law and policy** play? **Interdisciplinary** approach of the course...

- **PUBLIC INTERNATIONAL LAW:** Law between sovereign nation states in contexts of war, peace, security, and protection of territories.
- **INTERNATIONAL MIGRATION LAW:** International law that governs the movement of people between states.
- **INTERNATIONAL REFUGEE & ASYLUM LAW:** Law covering forced migration and displacement

Public International Law

1951 United Nations Convention Relating to the Status of Refugees
1967 Protocol Relating to the Status of Refugees

International humanitarian law
International human rights law
International criminal law

Other instruments (Torture, Smuggling)

Regional Law

Domestic Law

Soft Law; UNHCR

Private International Law

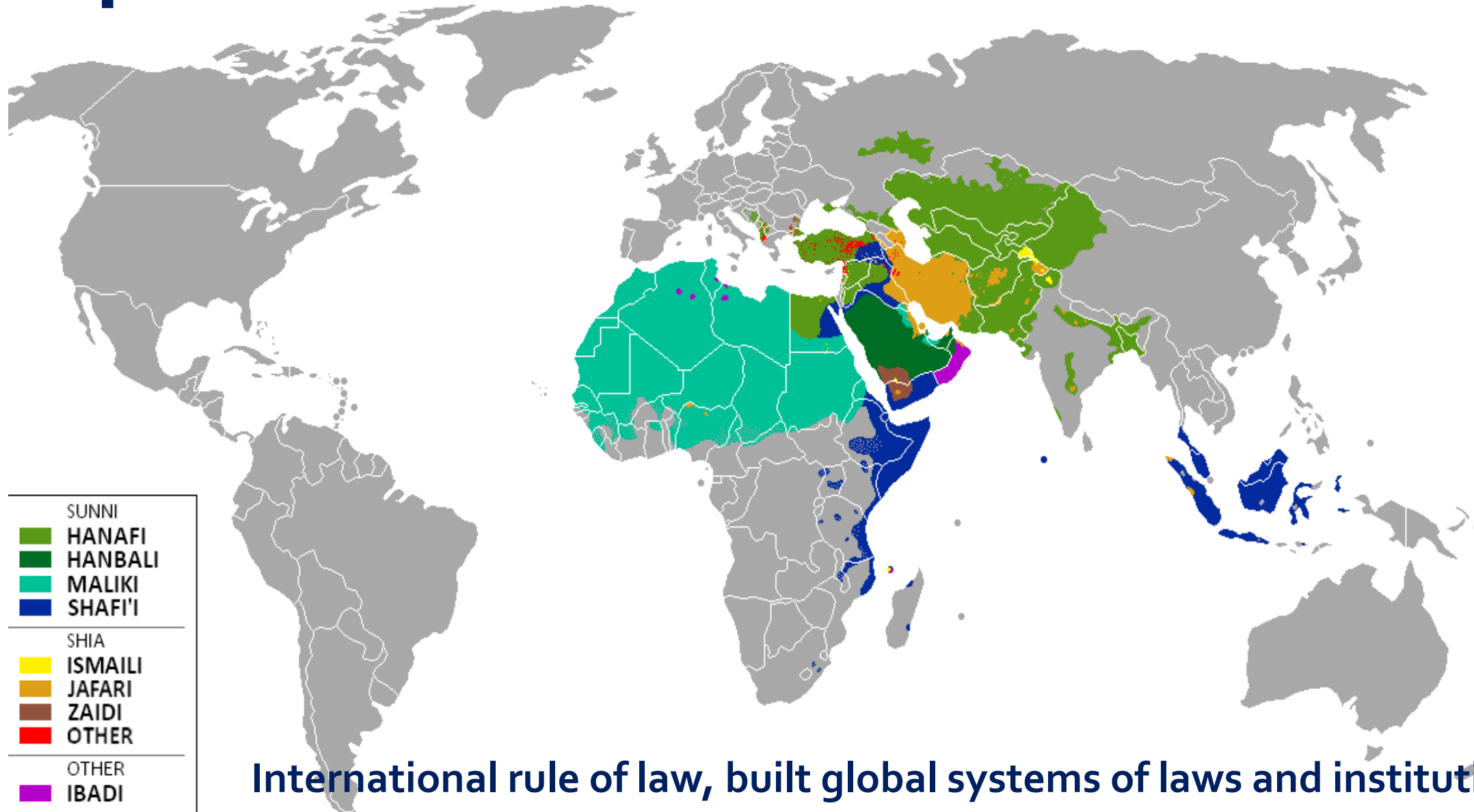
Conflict of laws

Legal Definition of Refugee

Art. I of the Convention as amended by 1967 Protocol:

“A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

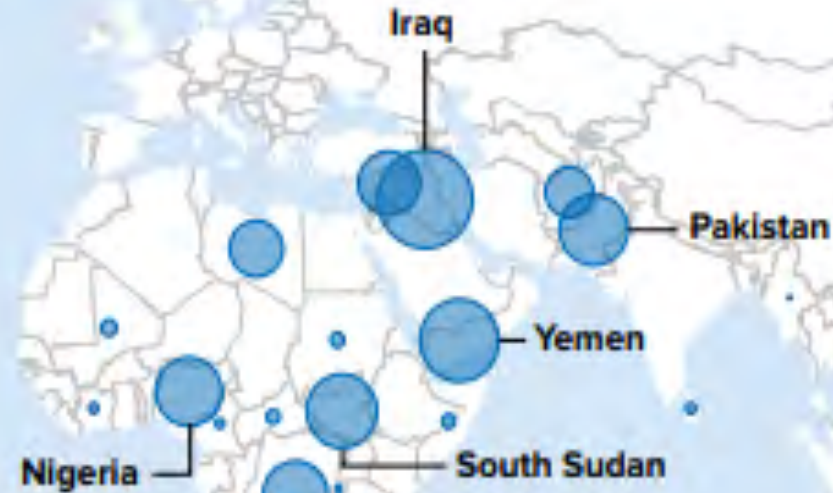
Q4: COMPARATIVE LAW? GLOBAL LEGALISM



International rule of law, built global systems of laws and institutions, effective even in the absence of legitimate institutions of governance.

SOME SUCCESS STORIES...

Returned refugees, returned IDPs



A NOTE ON DATA (UNHCR)



Office of the United Nations High Commissioner for Refugees, also known as the UN Refugee Agency,

In March 2016, the United Nations Statistical Commission, at its 47th session, decided to establish an Expert Group on Refugee and IDP Statistics (EGRIS).¹² The group consists of participants from national authorities, international statistical organizations, and other technical experts, led by Statistics Norway, Eurostat, and UNHCR, and aims to address the challenges related to refugee and IDP statistics. The EGRIS was mandated to develop: 1) International Recommendations on Refugee Statistics, which will be a reference guide for national and international work concerning statistics on refugee and asylum-seekers; 2) Refugee Statistics Compilers' Manual with operational instructions on how to implement the international recommendations; and 3) Technical Report outlining a way forward for similar work for IDP statistics.