

Refugees

Who are they?

What are their rights, obligations,
status, problems?

Should people help refugees or not?

What is a refugee?

A refugee is someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries.



Who is an internally displaced person (IDP)?

An internally displaced person (IDP) is a person who has been forced to flee his or her home for the same reason as a refugee, but remains in his or her own country and has not crossed an international border. Unlike refugees, IDPs are not protected by international law or eligible to receive many types of aid. As the nature of war has changed in the last few decades, with more and more internal conflicts replacing wars among countries, the number of IDPs has increased significantly.

Who is a returnee?



A returnee is a refugee who has returned to his or her home country. The majority of refugees prefer to return home as soon as it is safe to do so, after a conflict and the country is being rebuilt. The UN High Commissioner for Refugees (UNHCR) encourages voluntary repatriation, or return, as the best solution for displaced people. The agency often provides transportation and other assistance, such as money, tools and seeds. Occasionally, UNHCR helps rebuild homes, schools and roads.

Who is a stateless person?

A stateless person is someone who is not a citizen of any country. Citizenship is the legal bond between a government and an individual, and allows for certain political, economic, social and other rights of the individual, as well as the responsibilities of both government and citizen. A person can become stateless due to a variety of reasons, including sovereign, legal, technical or administrative decisions or oversights. The Universal Declaration of Human Rights underlines that “Everyone has the right to a nationality.”

Who is an asylum-seeker?

When people flee their own country and seek sanctuary in another country, they apply for asylum – the right to be recognized as a refugee and receive legal protection and material assistance. An asylum seeker must demonstrate that his or her fear of persecution in his or her home country is well-founded.



Who is a migrant?

Migrants move from one country to another usually to find work, although there may be other reasons for migrating such as to join family members. Some move voluntarily, while others are forced to leave because of economic hardship or other problems. People can migrate ‘regularly’, with legal permission to work and live in a country, or ‘irregularly’, without permission from the country they wish to live and work in.

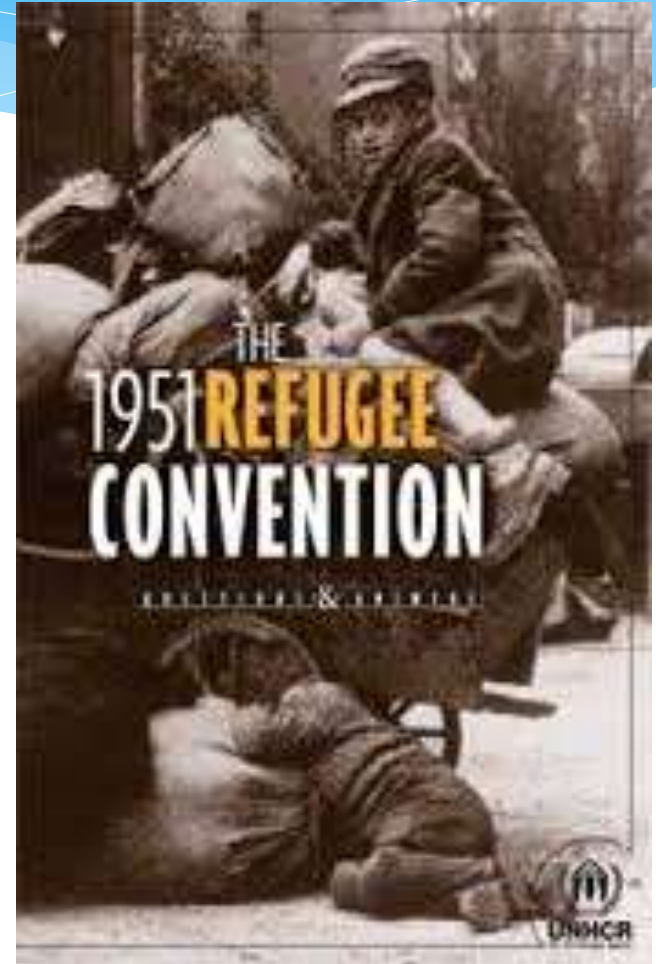
Regardless of their status in a country, both regular and irregular migrants have human rights, including the right to freedom from slavery and servitude, freedom from arbitrary detention, freedom from exploitation and forced labour, the right to freedom of assembly, the right to education for their children, equal access to courts and rights at work. These rights are laid out in the Migrant Workers’ Convention (1990) as well as other human rights treaties.

What is the difference between a refugee and an economic migrant?

An economic migrant normally leaves a country voluntarily to seek a better life. Should he or she decide to return home, they would continue to receive the protection of his or her government. Refugees flee because of the threat of persecution and cannot return safely to their homes.

What is the 1951 Refugee Convention?

The 1951 Geneva Convention is the main international instrument of refugee law. The Convention clearly spells out who a refugee is and the kind of legal protection, other assistance and social rights he or she should receive from the countries who have signed the document. The Convention also defines a refugee's obligations to host governments and certain categories or people, such as war criminals, who do not qualify for refugee status. The Convention was limited to protecting mainly European refugees in the aftermath of World War II, but another document, the 1967 Protocol, expanded the scope of the Convention as the problem of displacement spread around the world.



What Rights Do Refugees Have?

Refugee law and international human rights law are closely intertwined. Refugees are fleeing governments that are either unable or unwilling to protect their basic human rights. Additionally, in cases where the fear of persecution or threat to life or safety arises in the context of an armed conflict, refugee law also intersects with international humanitarian law.

NON-REFOULEMENT

The basic principle of refugee law, non-refoulement refers to the obligation of States not to return, a refugee to “the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” Additionally, both regional and domestic courts have interpreted the rights to life and freedom from torture to include a prohibition against refoulement. The principle of non-refoulement prohibits not only the removal of individuals but also the mass expulsion of refugees.



FREEDOM OF MOVEMENT

Freedom of movement is also a key right for refugees within their host country. Article 26 of the 1951 Convention provides that States shall afford refugees the right to choose their place of residence within the territory and to move freely within the State. Freedom of movement is an especially important issue with regard to protracted refugee situations in countries with limited national resources and/or limited legal frameworks for protecting refugees who nonetheless host large refugee populations. In such countries, refugee warehousing – in which refugees are confined to refugee camps, thereby restricting their access to employment and education – is commonly practiced.

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

The right to liberty and security of the person is important in the context of how asylum seekers are treated within the intended country of refuge. The national laws of several countries provide for the detention of asylum seekers at one point or another during the adjudication of their claims. The detention of asylum seekers is a contentious issue because of the conditions found in the detention facilities of several countries. This is particularly an issue in Greece, a country overwhelmed by the number of asylum-seekers it receives, many of whom use Greece as a port of entry as they try to access other European countries. In order to clarify which State has responsibility for a particular asylum applicant, the Council of Europe issued Council Regulation EC (commonly known as the Dublin Regulation). Under the Dublin Regulation, the State through which the third country national first entered Europe is generally considered the State responsible for adjudicating that national's asylum claim.

RIGHT TO FAMILY LIFE

The family is seen as the “natural and fundamental group unit of society and is entitled to protection by society and the State.” In respect of this right, a number of countries provide for the granting of derivative status to dependent relatives. Thus, where an individual is granted asylum, his or her dependent relatives will also receive protection through him or her. However, should that individual’s refugee status be terminated, the status of dependent relatives will also be terminated. The definition of a dependent relative, however, varies by the cultural notions of family prevalent in the State Party. In the U.K., dependents are defined as the “spouse, civil partner, unmarried or same-sex partner, or minor child accompanying the applicant” while in Kenya, dependent relatives include the brother or sister of an applicant under the age of eighteen, “or any dependent grandparent, parent, grandchild or ward living in the same household as the refugee.”



OTHER RIGHTS

The 1951 Convention also protects other rights of refugees, such as the rights to education, access to justice, employment and other fundamental freedoms and privileges similarly enshrined in international and regional human rights treaties. In their enjoyment of some rights, such as access to the courts, refugees are to be afforded the same treatment as nationals while with others, such as wage-earning employment and property rights, refugees are to be afforded the same treatment as foreign nationals. Despite these rights being protected in the 1951 Convention and under human rights treaties, refugees in various countries do not enjoy full or equal legal protection of fundamental privileges.

Refugee Status

Asylum and refugee status are special legal protections available to people who have left their home country for their own safety and are afraid to return.

What's the difference between asylum and refugee status under U.S. immigration laws -- that is, who should seek asylum status, and who should seek refugee status? It's simply a matter of where you are when you apply. People outside of the United States must apply for refugee status. People who have already made it to the United States border or the interior (perhaps by using a visa or by entering illegally) can apply for asylum status.

Once granted, both statuses allow you to stay in the United States indefinitely. Asylees and refugees are given permission to work and are allowed to apply for a green card (within one year of either entering the United States as a refugee or being approved for asylum). But not everyone qualifies for asylum or refugee status. You must meet some strict requirements, as described in this article. In particular, you must show two things:

- You are unable or unwilling to return to your home country because you have been persecuted there in the past or have a well-founded fear that you will be persecuted if you go back.
- The reason you have been (or will be) persecuted is connected to one of five things: your race, religion, nationality, membership in a particular social group, or your political opinion.

What are the problems and difficulties refugees face?

Finding new homes, escaping their old life, to find safety and shelter and food to eat and water to drink so they don't starve. Finding a job and some locals have a bad attitude towards them.

Refugee issues

Medical problems

Apart from physical wounds or starvation, a large percentage of refugees develop symptoms of post-traumatic stress disorder or depression. These long-term mental problems can severely impede the functionality of the person in everyday situations. It makes matters even worse for displaced persons who are confronted with a new environment and challenging situations. They are also at high risk for suicide.

Among other symptoms, post-traumatic stress disorder involves anxiety, over-alertness, sleeplessness, chronic fatigue syndrome, motor difficulties, failing short term memory, amnesia, nightmares and sleep-paralysis. Flashbacks are characteristic to the disorder: the patient experiences the traumatic event, or pieces of it, again and again.



Exploitation

Refugee populations consist of people who are terrified and are away from familiar surroundings. There can be instances of exploitation at the hands of enforcement officials, citizens of the host country, and even United Nations peacekeepers. Instances of human rights violations, child labor, mental and physical trauma/torture, violence-related trauma, especially of children, are not entirely unknown.

Should People Help Refugees or Not?

Refugees get very little financial help because there isn't much available and so they must rely on other sources and good hearted people to help them through. Not many people understand or even care about them and so they are forgotten about and most don't even know how to speak the language of the country in which they are seeking help! Some do get by better than others and can speak several languages and this is a plus. Refugees are like us. They want the best for their families and often become advocates of human relief efforts when they are in better living situations.