



**Forum:** Conference of the Red Cross and Red Crescent Movement

**Issue:** The Question of Refugee protection and international Migration

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**Position:** President Chair

*“Migration is an expression of the human aspiration for dignity, safety and a better future. It is part of the social fabric, part of our very make-up as a human family.”*

Ban Ki-Moon,  
UN Secretary General

## **Introduction**

Throughout the world and over the centuries, societies have welcomed frightened, weary strangers, the victims of persecution and violence. Yet even as people continue to flee from threats to their lives and freedom, governments are, for many reasons, finding it increasingly difficult to reconcile their humanitarian obligations and impulses with their domestic needs and political realities. While the international community has generally responded swiftly and generously to refugee crises over the past half century, in recent years, some worrying trends have begun to emerge. In fact, those countries that once generously opened their doors to refugees have been tempted to shut those doors for fear of assuming open-ended responsibilities and of abetting uncontrolled migration. Real and perceived abuses of asylum systems as well as irregular movements have also made some countries more wary of refugee claimants and concerned that resources are not being sufficiently focused on those in greatest need.

During the past decade, considerable attention has been given to the linkage between the movement of refugees and asylum-seekers and the broader phenomenon of international migration.

With its intricate web of social, political, economic and demographic determinants and consequences, international migration is a topic that has moved to the forefront of national and international agendas. In the last few years, immigration has been a major issue in the programmes of political parties in a number of countries, which have started to consider toughening their policies towards immigrants and refugees. The global phenomenon of international migration is growing in complexity, scope and impact. This makes it both a cause and effect of broader development processes and an intrinsic feature of our ever globalizing world. The rise in global mobility, the growing complexity of migratory patterns and its impact on countries, migrants, families and communities have all contributed to international migration becoming a priority for the international community.

## **Definitions of key terms:**

Since the issue of refugee protection and international migration has gained greater importance as a policy agenda item, the demand for information has increased.

In order to avoid misunderstandings, it is very important to clarify the key terms unequivocally.

**Refugee (/refjuˈdʒi/):** as specified in the 1951 UN Refugee Convention, a refugee is a person outside his/her country of nationality, who is unable or unwilling to return there because of a well-founded fear of persecution for reasons of race, religion, nationality, ethnicity, or political opinion.

**Migrant (/ˈmaɪgrənt/):** a migrant is a person who voluntarily leaves his/her country in order to take up residence elsewhere. Migrants can be moved by the desire for change and adventure, or by family reason, or by any personal reasons.

**Stateless person (/ˈsteɪtləs/ /ˈpɜːsn/):** a stateless person is someone who is not considered as a national by any State under the operation of its law. Statelessness can occur for several reasons, including discrimination against particular ethnic or religious groups, or on the basis of gender.

**Illegal immigrant (/ɪˈliːɡl/ /ˈɪmɪgrənt/):** an illegal immigrant is someone who crosses national borders in a way that violates the immigration laws of the destination country.

**Asylum seeker (/əˈsaɪləm/ /ˈsi:kə(r)/):** person who flees his/her own country and seeks sanctuary in another country, and then applies for asylum, the right to be recognized as a refugee and receive legal protection and material assistance. It can refer to someone who has not yet submitted an application or someone who is waiting for an answer. According to the principle of non-refoulement, the asylum seeker is entitled to not be returned and to benefit from humanitarian standards of treatment until the claim is examined fairly.

**Internally displaced person (/ɪnˈtɜːnəli/ /dɪsˈpleɪs/ /ˈpɜːsn/):** person who has been forced to flee his/her home for the same reasons as a refugee, but remains in his/her own country without crossing an international border.

## **Background information**

Throughout human history, migration has been a courageous expression of the individual's will to overcome adversity and to live a better life. Today, as we are living in a globalizing world with advances in communications and transportation, the number of people who have the desire and the capacity to move to other places has greatly increased.

Human migration is as old as human history. In some places of our planet, there are migrant routes that have been in continuous use for over 4000 years.

From ancient times, humankind has been undertaking journeys that can take days, weeks or even months toward places where they hope to find the conditions for a better future. As ancient tribes used to flee famine or unfavorable weather conditions, thousands of people nowadays migrate from their home countries.

But how can a process that is as old and inevitable as a person's choice to dream of a better future, be contradicted by a patchwork of rules and regulations designed to reverse such a process?

First of all, we have to bear in mind that today we live in a highly regulated society with rules and laws that sort migrants into strict categories. In fact, while some people choose to leave their countries in order to look for better living conditions elsewhere, others have no choice. They are forced to flee their homes and communities due to a number of factors such as conflicts, insecurity, disaster or poverty. Generally, a combination of choices and constraints are involved and, since refugee and migratory movements now intersect in a number of different ways, such flows of people, involving both refugees and migrants, are commonly referred to as mixed movements.

Furthermore, we have to consider in the increasingly complex patterns of human mobility also the growing phenomenon of illegal migration. In fact, some migrants engage in unauthorized or undocumented forms of movement, making use of particular routes, engaging the services of smugglers and obtaining fraudulent travel documents.

While there is growing recognition of the fact that migrants contribute to the prosperity of their destination countries, this recognition is not always extended to refugees and illegal immigrants. They are usually perceived as a threat to national security, a drain on public resources and a constraint to local development. Tensions between them and local populations have erupted in recent years. In addition, various countries around the world have become increasingly concerned about the economic and social costs of asylum.

In such a continuously growing international migration, both in scale and complexity, we seem to have lost sight of the living conditions these people are subject to.

They are often penalized and exposed to unfavorable treatments solely because their presence in the country is considered unlawful. Moreover, they are not always free to enjoy the fundamental civil rights recognized internationally. Most of the rights crucial to refugees and migrants protection are also the fundamental rights stated in the 1948 Universal Declaration of Human Rights: right to life, liberty and safety for every person, right to seek and enjoy asylum, freedom from torture or from cruel, inhuman, and degrading treatments or punishments, freedom from slavery and servitude, recognition as a person before the law, freedom of thought, conscience and religion, freedom from arbitrary arrest and detention, freedom from arbitrary interference in privacy, home and family, right to be educated, right to participate in the cultural life of a community, freedom of opinion and expression.

### **Major players involved**

#### **IFRC:**

The International Red Cross and Red Crescent Movement is the world's largest humanitarian network. This neutral and impartial Movement provides protection and assistance to people affected by disasters and conflicts. Therefore, it plays an important role in the issue of refugee protection and international migration.

While many refugees and migrants may succeed in establishing themselves in their new communities, others face abuse and discrimination. This constitutes a primary concern for National Red Cross and Red Crescent Societies and the International Federation of Red Cross and Red Crescent Societies (IFRC).

Granting protection to refugees, ensuring access to assistance for vulnerable migrants, preserving their dignity and upholding respect for diversity and social inclusion are among the main goals of the IFRC.

National Red Cross and Red Crescent Societies often use different approaches to assist and protect refugees and migrants, depending on the needs in the community. They provide humanitarian assistance, food, shelter, clothing, healthcare, first aid and psychosocial support. IFRC also works to restore links between refugees and migrants and their families; it provides administrative advice, it acts against exploitation and it raises awareness of the hazards faced by migrants as a consequence of a not ruled migration. As part of their work to improve conditions for refugees and migrants, National Societies provide great assistance to them also by supporting their social inclusion, in particular encouraging public authorities to act against racism and xenophobia.

### **UNHCR:**

UNHCR (United Nations High Commissioner for Refugees), also known as UN Refugee Agency, is a United Nations programme mandated to protect and support refugees. UNHCR considers its duty to be actively involved in providing protection and solutions for refugees and other forcibly displaced people. It ensures that refugees will not be forced to return to a country where they could face persecution. Longer term, it helps refugees find solutions, by repatriating voluntarily to their homeland, integrating in countries of asylum or resettling in third countries.

UNHCR does not consider itself to be a migration organization. In fact, UNHCR's specific and primary interest is to ensure that protection is available to asylum seekers, who are moving for refugee-related reasons. By virtue of its mandate for the protection of refugees, UNHCR has a broader interest also in initiatives that are intended to reduce the number of migrants who move illegally.

UNHCR also continues to collaborate bilaterally and through regional and national initiatives with States, UN agencies, NGOs and local communities.

### **IOM (International Organization for Migration):**

Established in 1951, IOM is the leading inter-governmental organization in the field of migration. It works closely with governmental, inter-governmental and non-governmental partners. By providing services and advice to both governments and migrants, IOM is dedicated to promoting humane and orderly migration for the benefit of all. Its work is aimed at promoting international cooperation on migration issues, at assisting in the search for practical solutions to migration problems, and at providing humanitarian assistance to migrants in need, including refugees and internally displaced people.

### **Relevant global initiatives**

In November 2013, UNHCR organized Field Consultations on Refugee Protection and International Migration in Geneva. The Consultations were considered essential to bring together experienced field staff working on the challenges arising from the intersection between international migration and protection of refugees. The principal aim of this initiative was to cross-fertilize ideas by drawing upon the experiences of field offices, in order to identify institutional approaches for refugee protection in international migration contexts.

A few years before, in 2006, a 10-Point Plan of Action on Refugee Protection and Mixed Migration was developed. Its aim was to harmonize the approaches for the management of refugee protection amidst migratory movements; it was also meant to assist

governments and stakeholders, in order to facilitate the incorporation of refugee protection considerations into migrant policies.

The UNHCR Guidelines on Temporary Protection or Stay Arrangements were issued in 2014 with the goal of providing States a useful tool at times of crisis in order to fill gaps between the protection regime and national response systems. They are relevant to mixed migration scenarios calling for immediate assistance and responses to protection needs.

Recently, Rights of Migrants in Action, a 42-month project, was funded by IFRC in order to promote and protect the human rights of migrants in targeted countries, migration corridors and regions through a globally coordinated civil society action.

This project offers a unique interface for civil society organizations (CSOs) working in the field of migration. It aims at fostering the exchange of good practices, at strengthening migration-related expertise among a network of CSOs, and at enhancing the evidence-base for cohesive migrant-centred actions.

In September 2016, the International Federation of Red Cross and Red Crescent Societies has launched Smart Practices, a new knowledge-sharing platform which allows humanitarian partners and governments to share and compare lessons, expertise and best practices around migration, supporting a managed and humane global approach to saving lives, building resilience and promoting human dignity. The IFRC will continue to expand Smart Practices as National Red Cross and Red Crescent Societies and partners test, implement and scale new initiatives to support migrants and refugees.

One year earlier, in September 2015, the International Federation of Red Cross and Red Crescent Societies launched a global campaign, calling on communities, decision makers, individuals and leaders at all levels to do all they can to support vulnerable people on the move. This campaign, whose official name is Protect Humanity-Stop Indifference is aimed at fostering solidarity and empathy for these vulnerable people in their country of origin and at points of transit and destination, and at calling for their protection.

## **Possible solutions**

The main question is: how can we deal with this increasingly complex human mobility?

Firstly, we have to remember that even if migration and displacement are interlinked, they are not the same and therefore require different approaches. As far as displaced populations are concerned, we should bear in mind that they usually require relief operations combined with efforts aimed at achieving collective and lasting solutions. Their protection has many aspects, which include safety from being sent back to danger, access to fair and efficient asylum procedures, and measures to ensure that their basic human rights are respected while they secure a longer-term solution. Providing emergency help to those forced to flee is often the first step towards long-term protection and rehabilitation.

There are various strategies that can be used to enhance refugee protection. They include promoting accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to the 1954 Convention relating to the Status of Stateless Persons, and to the 1961 Convention on the Reduction of Statelessness. Another important step that each State should take is revising national refugee legislation, including administrative instructions and operational guidelines. Initiatives aimed at strengthening relevant

administrative and judicial instructions and at training staff of government and non-governmental agencies should be taken.

A crucial role in ensuring refugee protection is played by the principle of no-refoulement. In fact, as set out in the 1951 Convention relating to the Status of Refugees, it is a refugee's right to be protected against forcible return (refoulement).

This principle should be incorporated into all national legislations and respected without exceptions. To do so, laws concerning the entry of foreigners and border-control requirements must reflect the difference between those seeking asylum and others who may want to enter a country for other reasons. Review of national legislation on immigration may be necessary.

Mixed with elements of emergency, complexity and unforeseeability, the challenges and difficulties of international migration require enhanced cooperation and collective action among countries and regions.

Another important point that we have to notice is that many migratory movements take place from developing to developed countries. By creating the conditions for economic and social development in all countries and by reducing the profound differences between them, we can take a step towards a world where no-one has to leave their country because of a constriction.

Moreover, we should remember the importance of promoting social integration with the aim of achieving an inclusive society for all, a society which is stable, safe, peaceful, fair and harmonious, which is based on the promotion and the protection of all human rights, as well as non-discrimination, tolerance, respect for diversity, equality of opportunity, solidarity, security and participation of all people.

### **Notes from the chair**

This Chair Report on the topic is aimed at getting you aware of the issue. I recommend using it only as a starting point for your research. I truly hope it will help you. Now it's your turn, find as much information as you can. Enjoy your research, we are waiting for you in Cividale!

Chiara

### **Useful websites**

<http://www.ifrc.org/>

<http://www.unhcr.org/>

<http://www.iom.int/>

<http://www.un.org/en/development/desa/population/theme/international-migration/>

<http://www.refworld.org/migration.html>