



LEGAL committee

Topic 2: the issue of the legal status of refugees and persecuted minorities

Research Report by Aksel Yuhay and Serena Settembrini

Index

1. Key terms	1
2. Introduction	3
3. Background Information	4
4. Countries Involved	5
Iraq	5
Russian Federation	5
The United States of America	6
Turkey	6
Egypt	6
5. UN involvement	6
6. Timeline of key events and Conventions	7
7. Bibliography	8

1. Key terms

Migrant: *“An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.”*

(Source: <https://www.iom.int/glossary-migration-2019>)



Smuggling (of migrants): *“The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a person into a State Party of which the person is not a national or a permanent resident.”* Smuggling is different from human trafficking because (supposedly) it implies an agreement between the smuggler and the migrant; however, smuggled people can easily become victims of human trafficking as they can be tricked by smugglers, who make them believe they are heading for a certain country when actually they are not.

(Source: <https://www.iom.int/glossary-migration-2019>)

Internally Displaced Person (IDPs): they are people who are forced to leave the place where they live for various reasons (violence, natural disasters, conflicts and many others), but they do not cross any international border, they stay in their country of origin.

Refugee: According to the 1951 Convention, a refugee is *“a person who, owing to a well-founded fear of persecution 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.”*

(Source: Adapted from Convention relating to the Status of Refugees)

Irregular migrant: irregular migrants are people who enter or stay in a certain country without having the necessary documents or authorisations.

UNHCR: these letters stand for “United Nations High Commissioner for Refugees”, that is a UN Agency whose purpose is to protect refugees from all over the world.

UNRWA: this is the abbreviation for “United Nations Relief and Work Agency” a UN Agency with a specific mandate of protection over Palestine Refugees in the near East

COI: this one stands for “country of origin”.

Asylum: *“The grant, by a State, of protection on its territory to persons outside their country of nationality or habitual residence, who are fleeing persecution or serious harm or for other reasons. Asylum encompasses a variety of elements, including non refoulement, permission to remain on the territory of the asylum country, humane standards of treatment and eventually a durable solution.”*

(Source: United Nations High Commissioner for Refugees, Resettlement Handbook, 2011 p. 407.)

Asylum seeker: “An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.”

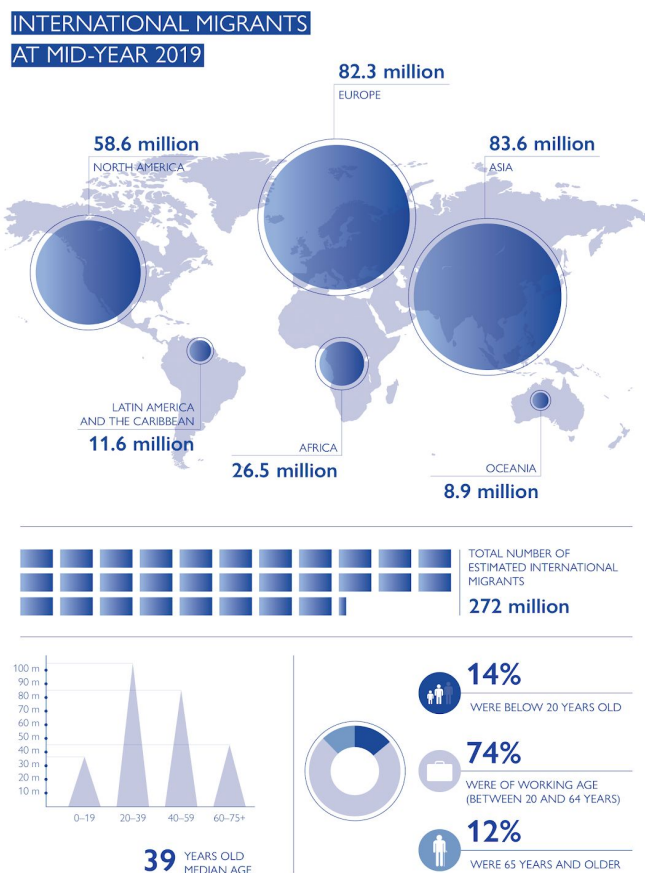
(Source: United Nations High Commissioner for Refugees, Master Glossary of Terms, 2006).

Stateless: A person who is not recognized as a citizen by any country.

Special rapporteur: “Special Rapporteurs ("SRs") are independent experts appointed by the U.N. Human Rights Council (formerly the U.N. Commission on Human Rights) with the mandate to monitor, advise and publicly report on human rights situations in specific countries (country mandates) and on human rights violations worldwide (thematic mandates)”

(Source: <https://www.aclu.org/other/faqs-united-nations-special-rapporteurs>)

2. Introduction



Migrations have always existed; however, nowadays they represent a major issue for governments, as the number of international migrants keeps increasing: in fact, the latest data show that the total number of estimated migrants is of 272 million in 2019, meaning that more than 3% of the global population is involved.

People move for several different reasons: for example, for some people it is simply a chance to improve their economic and social conditions; unfortunately, for many others, this is not a free choice. There are people who leave their country not because they want to, but because they have to flee from persecutions, wars, or destruction



a refugee status is hard and takes a lot of time (from 6 months to even a few years) . Some governments do not provide any kind of help to refugees when they do not have some kind of legal status for example in Iraq, the minority called the “Roma” are incredibly poor, because the government has not tried to help the Roma villages. To help the refugees, and persecuted minority governments have to increase the importance of legal statuses, try to use the RSD system, and ask for help from the UNHCR.

Many refugees go to other countries to have a better life, and they achieve this by illegal means like big cargo ships, and fake passports. Any kind of legal status is given to human beings by the governments.

Legal status depends on where the person was born, and mostly his/her beliefs. Most refugees and governments are not familiar with the system RSD (Refugee Status Determination) which actually decides if a person is a refugee who needs protection from the government, and what kind of laws he/she will be protected under (international, regional or national law).

Countries often intend to send refugees back to their COI (country of origin) , but sometimes the COI of some refugees are unknown or in a conflict, and when this happens those refugees are said to be “stateless”. Stateless refugees have a harder time obtaining a refugee or any kind of legal status, because they can’t get the required documents. Thus the same governments do not see those people as their responsibility and do not provide any kind of help.

4. Countries Involved

- **Iraq**

Iraq has many persecuted minorities such as Roma, Kaka’l, and many more. These minorities do not have the support of the Syrian government, because the people in the minorities do not have any kind of refugee status. After 2017 many minorities (because of ISIS) were displaced from their homes, and villages. These minorities after they were displaced, lost most of their identity documentation. The loss of the documents of IDPs prevents them from getting registered to the replacements list and prevents them from getting new identity documentation.

- **Russian Federation**

The Russian Federation has 39 minority groups, and the biggest ones being Tatars and Ukrainians. The Sakha minority does a lot of diamond mining, but does not get a lot of revenue out of it, and thus the community of the Sakha is poor, and doesn’t have access to water filtration systems, plumbing, and there are social problems like



crime and alcoholism.

- **The United States of America**

The United States of America has a long history with this issue. In 2010 the United States had over 100 million people who were refugees or were from a minority. Most of the refugees that are in the States right now do not have any legal documentation, and this is because most of them came to the States illegally, but some of the refugees which have legal documentation aren't given the legal status "refugee" Some of these refugees or seekers of asylum are sent back to their COI even though they have legal documentation.

- **Turkey**

Turkey as of the 17th of December 2019 has 3.7 million Syrian refugees, this is the largest amount of refugees in a country. Turkey's president said that the government of Turkey had to spend 40 billion dollars in 9 years to host the Syrian refugees. The president of Turkey also criticized the EU severely. The government of Turkey wants to send at least 1 million refugees back to their COI.

- **Egypt**

Egypt has many refugee groups including Syrian, and Iraqi refugees. Until 1992 refugees in Egypt were not allowed to go to public schools. After 1992 with the help of UNHCR, and the Egyptian Minister of Education at the time, blue refugee cards were given to all refugees and the blue refugee cards were also given with a renewable residency permit. Although refugees weren't given a refugee card until 1992, the government wasn't against articles 17 and 18 in the Refugee Convention (these articles were protecting the refugees' right of employment)

5. UN involvement

United Nations High Commissioner for Refugees and United Nations Relief and Work Agency for Palestine Refugees in the near East are UN agencies meant to protect refugees; in particular, the UNRWA is responsible only for Palestinian refugees in the Middle East area (Gaza Strip, Lebanon, Syria, Jordan, West Bank), whereas the UNHCR has a protection mandate over the rest of the refugees in the world. These agencies are in charge of ensuring education, and providing refugees with support, health and psychological assistance, and protection; more specifically, UNRWA's role also includes global advocacy for refugees from Palestine.



Then, on a more general level, there is the OHCHR (Office of the High Commissioner for Human Rights), a UN Agency with a mandate to promote and protect human rights for all people. Throughout the years, many international human rights treaties have been signed, here are a few examples:

- 1966 [International Convention on the Elimination of All Forms of Racial Discrimination](#)
- 1990 [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#)
- 1984 [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)
- <https://migrationdataportal.org/themes/migrant-rights>

Moreover, in 2016 the leaders of the member States of the UN took part in a summit hosted by the UN General Assembly. On that occasion, they signed the New York Declaration, a document which addresses the issue of great displacements of refugees and migrants, and which contains the commitments of the signatory countries to seek concrete solutions to this issue.

Migration is also a cross-cutting issue common to all the SDGs: in fact, it contributes to the achievement of the Agenda's targets and goals (for instance, well-planned migration policies appear to reduce inequalities within and among countries). Notably, the 2030 Agenda promotes a greater data disaggregation on migratory status: this means that the data initially collected are supposed to be broken down into different categories and groups (for example, by gender, age, religion, ethnicity...), and this would help governments and countries to understand in a better way how to help more effectively migrants, as disaggregated data often reveal problems, inequalities, deprivations which may not be evident in aggregated data.

6. Timeline of key events and Conventions

- **1919:** Creation of the ILO, International Labour Organization
- **December 1948:** Universal Declaration of Human Rights.
- **1950:** Birth of the UNHCR
- **1951:** Establishment of the Provisional Intergovernmental Committee for the movements of migrants from Europe (today called IOM, International Organization



for Migration)

- **July 1951:** The UN Convention relating to the Status of Refugee.

This document, signed by 145 countries, contains the definition of the term “refugee”, and it also outlines the rights of migrants and displaced people are entitled to. (<https://www.unhcr.org/pages/49da0e466.html>)

- **December 1990:** The 1990 International Convention On the Protection of the Rights of All Migrant Workers and Members of their Families (Migrant Workers Convention). (<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>)
- **1993:** Establishment of the Office of the High Commissioner for Human Rights
- September 1994: Birth of the International Migrants Rights Watch Committee (which is now known as Migrants Rights International). It is a non-governmental organization promoting and defending the human rights of migrants. (<http://www.migrantsrightsinternational.org/about-mri-2/>)
- **1999:** Creation of the mandate of the Special Rapporteur on the Human Rights of migrants.
- **2000:** Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol Against the Smuggling of Migrants by Land, Sea and Air.
- **2006:** Creation of the Global Migration Group (GMG), which also includes ILO, IOM, UNHCR, and OHCHR
- **2016:** The New York Declaration
- **2018:** The Global Compact on refugees

A more detailed timeline of events can be found [here](#) on page 26-27 or [here](#) on page 17-18

7. Bibliography

Any kind of information on Minorities (All the information on section 4 is from here): <https://minorityrights.org/directory/>

RSD System: <https://www.unhcr.org/refugee-status-determination.html>



GeMUN
Genoa Model United Nations

Affiliated with



Minorities under Law:

<https://www.ohchr.org/EN/Issues/Minorities/Pages/internationallaw.aspx>

UN Refugee Agency: <https://www.unhcr.org/>

Migration and Development:

<https://www.unhcr.org/migration-and-development.html>

The Global Compact on Refugees:

<https://www.unhcr.org/the-global-compact-on-refugees.html>

Refugee population by country or territory of asylum:

<https://data.worldbank.org/indicator/SM.POP.REFG?end=2015&start=2015&type=points&view=map>

Internal Displacement Monitoring Centre: <http://www.internal-displacement.org/>

Definition of migrant <https://www.iom.int/who-is-a-migrant>

Understanding the refugee issue:

<https://www.gicj.org/gicj-reports/1588-understanding-refugee-issue>

Basic Information About Refugees:

<https://rm.coe.int/tool-2-the-rights-and-legal-status-of-refugees-some-basic-facts-and-te/1680716c0e>

SDGs in general: <https://sustainabledevelopment.un.org/?menu=1300>

SDGs and migration: <https://migrationdataportal.org/sdgs#0>

2016 New York Declaration:

<https://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html>

Migration report 2019:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwja6_HvktmAhWP-aQKHWCTAucQFjAAegQIBhAC&url=https%3A%2F%2Fwww.un.org%2Fen%2Fdevelopment%2Fdesa%2Fpopulation%2Fmigration%2Fpublications%2Fwallchart%2Fdocs%2FMigrationStock2019_Wallchart.pdf&usg=AOvVaw3j3_HKfCtau5Tz68pzS6Zm

Data on migration from 1990 up to 2020

https://migrationdataportal.org/?i=stock_abs_&t=2019

<https://www.loc.gov/law/help/refugees/legal-status-refugees.php>

The Un Refugee Convention <https://www.unhcr.org/3b66c2aa10>