

Refugees and migration

Increasing numbers of people are forced to leave their country due to persecution, fear of violence, or betterment of economic situation.

Refugees and migrants – understanding the difference

Asylum-seekers (seeking to become internationally recognised as “refugee” status) are defined and protected in international law and must not be expelled or returned to situations where their life and freedom are at risk. If those seeking refugee status are forced to move on from the first country of asylum before being assessed, e.g. due to economic hardship or discrimination, they may be mistakenly seen as migrants who have ‘chosen’ to move on, rather than pursuing their claim for asylum and survivors of human rights violations.

Asylum-seekers, refugees and migrants increasingly use the same routes and means of transport to cross countries. If they are unable to enter a State legally, they may, sadly, be tempted to employ the services of **human smugglers** and embark on dangerous sea or land voyages.

Refugees - are persons who have fled their home country and crossed an international border due to a well-founded fear of **persecution**, conflict or violence and as a result, require ‘international protection’

Migrants - are persons who choose to move away from their habitual place of residence voluntarily or involuntarily **to improve their situation**. They are subject to international human rights. However, there is no legal definition of an international migrant.

Stateless persons - are individuals who are not considered citizens or nationals under the operation of the laws of any country. **Statelessness** can seriously affect their ability to exercise their basic rights.

Under the **1951 Refugee Convention** and its 1967 Protocol as well as other legal texts, such as the 1969 OAU Refugee Convention, define the rights of refugees to international protection ‘in the country of which they seek asylum’. One of the most fundamental principles laid down in international law is that asylum-seekers/refugees should not be expelled or returned to situations where their life and freedom would be under threat (known as **refoulement**). They also have the right to education, employment, healthcare, freedom of movement, and liberty, among others. However, national legislation may constrain some refugee rights e.g. ownership and identity papers.

Effective refugee protection and assistance also depends on finding longer term solutions such as integration, voluntary repatriation or resettlement.

Overarching problems facing refugees and other persons of concern

- Lack of identity papers
- Abuse of basic human rights
- False association made between terrorists and refugees.
- Confusion about status of refugees, migrants, and asylum seekers
- Loss of livelihood and education opportunities

Additional resources on All In Diary website

Running Effective Migrant Resource Centres © IOM 2015
Protecting Refugees & the Role of UNHCR © UNHCR 2014
Refugee Response Coordination – FAQs © UNHCR
Emergency Handbook © UNHCR 2016

Web links for further information

UNHCR Refworld: <http://www.refworld.org>
IOM Global Compact for Migration: <https://www.iom.int/gcm>
Refugee Studies Centre: <http://www.rsc.ox.ac.uk/>
Forced Migration Review: <http://www.fmreview.org/>



The New York Declaration for Refugees and Migrants

In 2016, 193 UN Member States declared the need to:

- protect the safety, dignity and human rights of all refugees and migrants;
- support countries rescuing, receiving and hosting refugees and migrants;
- combat racism and discrimination towards all migrants;
- develop principles and guidelines on the treatment of migrants;
- develop a **Global Compact** for safe, orderly and regular migration.

Coordination of the response to refugee emergencies is undertaken by **UNHCR** in collaboration with the host government and other agencies and guided by the **Refugee Coordination Model**.