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Current Trends in the Acceptance of Refugees by their Chosen Host Countries Globally

STANDA SANI, NOBESUTHU T. NDLOVU, NOMEL RAISSA AND STANLEY MURAIRWA¹

Abstract

Refugees and asylum-seekers face various obstacles in their quest for refuge in destination countries of their choice. These include dangerous border crossings and the possibility of being exploited by criminals. For refugees in particular, state-initiated barriers also take the form of restrictive immigration control measures once the refugees and asylum-seekers have landed in the foreign countries of their choice. Because of such measures, refugee and asylum petitions are not processed expeditiously as most industrialised countries tighten their borders to pass off asylum-seekers to their neighbours. Restrictive immigration control measures are now the developed world's primary and, some might argue, sole response to the growing number of refugees and asylum-seekers. Addressing the existing unequal distribution of responsibility for and protection of refugees should be a fundamental component of immigration control measures. Greater commitment to multilateralism should be based mostly on sharing responsibility for refugees, through relocation, humanitarian visas, or regional and international distribution systems, and the sharing of resources such as emergency assistance, specialised personnel, expertise and funding.

Keywords: immigration, refuge, deportation, policy, management

INTRODUCTION

Refugees and asylum-seekers continue to face significant barriers in their pursuit of asylum and refugee status in host nations of their choice. Some of these challenges, inherent in unofficial migration across the borders, include risky border crossings and the possibility of travellers falling prey to criminals along the way (Smith and Van Reisen, 2023). Similarly, state-sanctioned barriers for refugees also exist in the form of restrictive migratory control mechanisms (Kiyani *et al.*, 2023). For this reason, refugees' requests for asylum are often turned down as developed countries tighten their borders to divert the flow of asylum-seekers and refugees to neighbouring countries (Matera, Tubakovic and Murray,

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2023). After the devastation of World War II, the newly formed United Nations, founded in 1945, adopted the 1951 Refugee Convention, which aimed at legally defining who qualifies as a refugee and codifying rights for those who have been forced to flee their homes. A refugee was defined as someone who has been compelled to leave their country because they have a well-founded fear of being persecuted because of their race, religion, nationality, political opinion or membership in a particular social group, according to the United Nations High Commissioner for Refugees (UNHCR). The 1951 Convention and the 1967 Protocol that followed, which significantly broadened the 1951 Convention's geographical and temporal boundaries, lay out how refugees should be treated (Landefeld, 2023). They emphasise the cardinal principle of non-refoulement, preventing refugees from being tortured in countries where they face grave threats to their lives or freedoms (Perrolini, 2023).

Restrictive immigration control measures are currently the developed world's main and, as Segarra (2023) argues, exclusive response to the rising number of refugees and asylum-seekers. There is, therefore, now an unbalanced refugee system in place, both in Europe and globally, that places more emphasis on deterrence policies than on the promotion and protection of the fundamental human rights of refugees and asylum-seekers (Scott, 2023). Although most European countries continue to formally support the international legal framework for protecting refugees, most of these countries such as Austria, Spain and France, go to great lengths to exclude people seeking international protection and provide minimal assistance to countries hosting the greatest number of refugees (Tallis, 2023).

LITERATURE REVIEW

Refugee crises revolve around the word "crisis", defined by its potential, intensity, quickness, and sensitivity (Nil *et al.*, 2023). A significant number of refugees will quickly create an unmanageable refugee crisis once the initial wave of migrants has arrived in a country, posing several difficulties for the bordering nations of the country of origin (Atar, 2023). As a result, both a country's internal and exterior governance may be affected by the refugee crisis. As discussed above, today's refugees frequently leave their home nations because of conflict, environmental degradation, economic hardships and other circumstances (Chatterjee, 2023). When there is a refugee surge, host nations experience a refugee crisis. For national decision-makers, the choice of whether to open

borders or close them, or whether to give moral or domestic precedence, is a puzzle (Roberts, 2023).

Despite previously being the world leader in the number of refugees resettled, United States President Donald Trump's administration drastically reduced the number of refugees accepted each year, setting new lows in the process (Calhoon, 2023). The United States lost ground to Canada as the leading resettlement nation internationally in 2018. Less than 12 000 refugees were relocated to the United States in fiscal year (FY) 2020, a sharp decrease from the 70 000 to 80 000 refugees resettled yearly just a few years previously and the 207 000 refugees accepted in 1980, the year the official US resettlement programme started (George, 2020).

The suffering of asylum-seekers removed from reception facilities after their asylum petitions was denied was brought to attention of the world in February 2017 when a group of Iraqi and Afghan asylum-seekers set up tents in the chilly Finnish evenings. They made several requests, one of which was the correction of inaccurate and unfair documentation produced by the Finnish Immigration Service (Migri) (Näre, 2020). The weekend-long tent protest turned into the 200-day Right to Life demonstration in front of the Kiasma Contemporary Art Museum and the Helsinki Train Station.

To determine whether one is a refugee or not, the German government bases its decision on the definition included in the Protocol Relating to the Status of Refugees (1966) issued by the United Nations. Persecuted individuals have the right to asylum, according to Article 16a of the Basic Law for the Federal Republic of Germany (2022). The "right to political asylum" is a basic right in Germany, according to this article. Before receiving refugee status in Germany, the asylum-seeker must first meet the requirement of "not coming from a safe country" and be assessed by the German government. Only those who have been evaluated by the German government may be awarded refugee status.

GLOBAL CONFLICTS AND FORCED IMMIGRANT MOVEMENTS

The Syrian War began in 2011 (Akhmedov, 2022), when many Syrians protested against corruption and the high unemployment rate in their country in response to the Arab Spring protests in Tunisia and Egypt. Vehement government opposition sparked more dissent and bloodshed, resulting in confrontations that developed into a protracted and complicated civil war (Alsaleh, 2021). Because of this war, Syria is currently experiencing an economic crisis, widespread poverty and mass

evictions, all of that causing millions of people to go hungry or become displaced (Plamper, 2023). An astounding 6.6 million Syrians have been compelled to seek protection as refugees in Lebanon, Turkey, Jordan and other countries, while almost seven million are internally displaced (Ghazzoul, 2022).

Another example is the armed conflict that erupted in eastern Ukraine at the beginning of 2014 because of Russia's annexation of Crimea (Stojanović, 2022). Despite diplomatic efforts and ceasefire attempts, fighting has been raging on ever since. Furthermore, over seven million people have been internally displaced since Russia began a full-scale military invasion of Ukraine in February 2022, and six million of them are currently refugees in nearby countries such as Moldova, Poland, Romania, Slovakia, Hungary, and Belarus (Cockbain and Sidebottom, 2022).

Elsewhere, Afghanistan's economic development has been stalled by decades of violence and instability that have also torn communities apart. The lives of millions of Afghan households were affected by the withdrawal of foreign soldiers in 2021, and they are now facing uncertainty and severe famine. More than six million Afghans were displaced by force by the end of 2021, including 3.5 million who were internally displaced and 2.6 million who were displaced as refugees (Crawley and Kaytaz, 2022). Furthermore, in other politically volatile nations such as Pakistan and Iran, a great majority of people have migrated (Verma, 2022).

In South America, six million Venezuelans have been forced to leave their homes after years of misery. This is the second-largest refugee crisis in history in a nation where an estimated 5 000 people continue to leave daily (Roth, 2019). Venezuela had a horrific economic collapse in 2014, as well as substantial unrest because of the crisis (Wang, 2022). Hyperinflation, violence and food and medication shortages brought on by this unrest, have forced migrants and refugees to leave their country (John, 2019). Not only has cholera and malaria returned to the country, but 2.3 million people are also suffering from severe malnutrition (Castro and Garcia, 2022). Children die more often because of hunger and famine, and COVID-19 somewhat exacerbated the issue. Venezuelan refugees who returned home after losing their jobs overseas due to the epidemic, have been unable to find employment. Moreover, persistent shortages of gasoline, power and clean water have triggered riots, forcing many people to leave once again (Del Real *et al.*, 2023).

Myanmar, formerly known as Burma, has been ravaged by decades of violence, displacing millions of people in recent years. The Rohingya are by far the most affected group in the nation, having been subjected to violent attacks, targeted atrocities, and human rights breaches, forcing hundreds of thousands to flee from their home territories (King, 2022). The Rohingya are referred to as "the most persecuted minority in the world" by the United States of America (Ansar and Khaled, 2023). Since 1982, they have been refused citizenship, making them the largest group of stateless people (Al Imran, 2022). Moreover, because of the aforementioned factors, they are extremely vulnerable to exploitation, abuse, gender- and sexually-based violence. As a result, the largest refugee camp in the world, Cox's Bazaar in neighbouring Bangladesh, is currently home to approximately 1 million Rohingya who have found relative protection there (Bhat, 2022).

It is apparent, from the foregoing, that the world is witnessing large-scale displacement of people because of wars, conflicts and famine, among other factors. This gives rise to large numbers of refugees who are vulnerable to exploitation and abuse. Rather than resisting this refugee movement, there is need to ensure access to foreign borders and the speedy processing of asylum documentation according to refugee status (Falola and Yacob-Haliso, 2023).

In Africa, meanwhile, South Sudan declared its independence from Sudan on July 9, 2011, following 20 years of conflict (Kostelyanets, 2022). High hopes for the future of the newest nation in the world were dashed in 2013 when fighting broke out within the governing Sudan People's Liberation Army (SPLA). Since then, waves of violence have continued unabated (Rosell, 2022). Over four million people have been displaced and hundreds have died because of the fighting. Also, more than two million people have fled to neighbouring countries such as Ethiopia, Sudan and Uganda in a desperate attempt to find refuge, while many more are still displaced within the nation (Arinze and Nwankwo, 2022).

The Central African Republic (CAR) has experienced decades of conflict and instability since the country attained independence in 1960. More than 640 000 individuals were forced to leave the nation in 2013 because of armed conflict, while a similar number were internally displaced Kouame (2022). The majority fled to neighbouring countries such as Cameroon, Chad, the Democratic Republic of the Congo (DRC) and the Republic of the Congo, while some travelled to Sudan and South Sudan (El-Badawy *et al.*, 2022). After a decade, approximately two million

Central Africans have been displaced, accounting for more than a third of the country's population, with about 700 000 people internally displaced (Wolter, 2022).

METHODOLOGY

The study adopted a qualitative methodology that was based mostly on the evaluation of data from books, papers and journal articles. For other purposes, this data was already collected and kept (Perez-Sindin, 2017). Making suggestions for the protection and promotion of the right of refugees to choose their place of refuge will involve analysing the legal and factual concerns that result from this information.

FINDINGS

FACTORS AFFECTING ACCEPTANCE AND REJECTION OF REFUGEES AND ASYLUM-SEEKERS

After World War II, the 1951 Convention Relating to the Status of Refugees (often known as the "1951 Refugee Convention") was established, serving as the foundation of the present refugee regime. The Convention established a legal system that accorded political refugees a foundational set of personal freedoms. International refugee law became essential to the Cold War efforts to validate Western policies (Romero, 2022). Awarding asylum to defectors sought to gain political capital throughout the 1950s and 1960s when refugee movements mainly assumed the form of an East-to-West migration. To facilitate the development of localised instruments and the 1967 Protocol Relating to the Status of Refugees (the "1967 Protocol"), lifted the significant constraints imposed by the 1951 Refugee Convention (Andre, 2023). This Eurocentric strategy was essentially abandoned. The scope of the Convention has been further expanded by subsequent advances in legal interpretation and these include the extension of the scope of *jus cogens* and the general rules on treaty law while broader ideas of subsidiary protection have emerged within general international human rights legislation (Pustorino, 2023).

During the past three decades, however, asylum has become more politicised in both established and emerging asylum-seeking countries such as the United States and Canada (Côté-Boucher *et al.*, 2023). Regular migration ceased when various European countries abandoned their welcoming labour immigration policies in the 1970s (Vankova, 2022). Numerous regions in the Global South have seen widespread relocation because of the proxy conflicts of the 1980s (UNHCR, 1995b). After the end of the Cold War, receiving refugees no longer served any

ideological purpose (Hardy, 2023). At the same time, globalisation has increased the accessibility of both information about distant places and transcontinental travel. Rather than the stereotypical lone genuine asylum applicant, refugees are increasingly drawn into illegal migration patterns, often made possible by people traffickers who are skilled at evading conventional border control (Zolberg, 2001; Barnett, 2002; Castles and Miller 2005; Gibney and Hansen 2003). As a result, governments in developed countries, such as Australia and the UK, have implemented various laws to discourage or bar migrant and refugee arrivals on their soil (Matera, Tubakovic and Murray, 2023). These countries have begun retrospectively enacting legislation relating to "procedural door" refugees who had already entered their territories from the 1980s (Gammeltoft-Hansen and Tan, 2017).

REFUSAL OF ADMISSION

Legal efforts to retroactively reject refugees who have already entered a territory, such as accelerated processes based on a "safe third country" or other ideas, are a classic commonly used deterrent measure (Vedsted-Hansen, 1999b). Such measures, targeting certain types of refugees based on their nationality, claims, methods of entry or points of arrival have, as their common goal, to restrict access to or rush through standard asylum processes. When governments are dealing with a significant number of unauthorised immigrants who are not likely to qualify for international protection and when there are enough protections to provide individual asylum-seekers with the opportunity to refute the presumption of safety, the implementation of such accelerated processes may be justified. These cases would then be redirected into a thorough and complete asylum procedure.

Nonetheless, numerous governments, such as the Trump Administration in the USA, use these processes in response to major inflow scenarios or groups of asylum-seekers, where the basic safety presumptions are not met (Hallmann, 2022). Despite the concerns of human rights organisations, Hungary, for instance, has deemed all asylum requests from people crossing the border from Serbia - the transit route for 99% of migrants into Hungary – ineligible (Reuters, 2015; GarboVan, 2015; Hungarian Helsinki Committee, 2011). Asylum-seekers crossing the US-Mexico border are handled under the "expedited removal" method that involves detaining and removing individuals unless they pass a "credible fear" test (Schrag *et al.*, 2023).

An individual will be found to have a credible fear of persecution if he or she establishes that there is a “significant possibility” that he or she could establish in a full hearing before an Immigration Judge that he or she has been persecuted or has a well-founded fear of persecution or harm on account of his or her race, religion, nationality, membership in a particular social group, or political opinion if returned to his or her country (Credible Fear | Homeland Security, 2022).

DENIAL OF ENTRY

Another increasingly popular deterrence method is preventing migrants from entering the territory of asylum countries. In carrying out various types of offshore blockades, several governments have followed the American example. In the Asia-Pacific region, Thailand, Malaysia and Indonesia sent vessels transporting the Rohingya and Bangladeshi migrants and undocumented migrants back to the Bay of Bengal and the Andaman Sea (Azis, 2023; HRW, 2015; Tisdall, 2015), before deciding to offer Rohingya illegal migrants limited protection. Since 2013, Australia has turned away 28 vessels headed to Sri Lanka, Indonesia and Vietnam (Minister for Immigration and Border Protection, 2016). Europe, too, has employed both individual member countries and coordinated marine operations as a means of controlling migration on the high seas (Heller *et al.*, 2023). Frontex, the EU border agency, has served as the coordinator for both methods. Although recent EU directives specify that the non-refoulement principle applies to people who are intercepted on the high seas, member countries’ approaches are varied (Gkliati, 2022). As a result, some of the deported immigrants were confirmed to be genuine refugees and asylum-seekers (Dominguez *et al.*, 2022).

Given the continued imposition of penalties on carriers, private firms now play a broader range of functions in immigration management (FitzGerald, 2020). One important aspect of state deterrence policy is the engagement of private actors for border control, surveillance technologies, immigration detention, and transportation (Bloom, 2015; Gammeltoft-Hansen, 2015). Sweden expanded carrier restrictions to Schengen-area train and ferry firms in 2016 to limit the usually unrestricted flow of refugees into the country.

SCREENING, HANDLING, AND PROTECTION DONE OUTSIDE THE COUNTRY OF REFUGE CHOICE

Processing asylum claims or providing refugee protection by third-party governments is a third method of deterrence. There has recently been advocacy in affluent countries, primarily first-world countries, for the

development of offshore refugee camps that calls to mind the 1980s US Guantanamo Bay detention centre for refugees (Shachar, 2022). In 2012, Australia resumed its collaboration with Nauru and Papua New Guinea on the offshore processing of asylum applications, reviving a crucial element of the Pacific Solution initiated in 2001 (Billings, 2013; Grattan 2012). Around 1 500 asylum-seekers were housed or detained in these two countries with funding from Australia (DIPB, 2017). During offshore confinement, a variety of human rights problems have been brought to the fore. Conditions of "overcrowding, poor health care, and ill-treatment" producing "severe bodily and mental agony and suffering", have been recorded by the Committee Against Torture (CAT, 2014). Australia and Cambodia have reinforced their refugee resettlement agreement. Cambodia offers anyone accorded refugee status on Nauru permanent relocation in exchange for development aid (DFAT, 2014). Asylum-seekers and refugees who are forcefully transported outside of the country where they sought protection may suffer at the hands of such offshore asylum processing and resettlement agents.

PROSECUTION

Because of the marked increase in mixed migrant patterns in recent years, there has been strong emphasis on criminalising both illegal migration and those who facilitate it. The non-arrival regulations described above force most refugees to rely on migrant traffickers and irregular entry to gain access to asylum jurisdictions (Bowling & Sheptycki, 2017). As a result, migrant smuggling has evolved into a multibillion-dollar industry with linkages to well-established and very sophisticated criminal networks (Goździak, 2021). Countries, therefore, have valid reasons to oppose such illegal activities and they have the legal authority to do so under the Protocol against the Smuggling of Migrants by Land, Sea and Air, which encourages cooperation among member countries to prevent and combat smuggling. However, the Protocol emphasises that the non-refoulment principle and other refugee rights must be upheld as part of such efforts.

Therefore, in the absence of legal movement options available to refugees, access to asylum may be limited. For example, the Bali Process in Asia-Pacific, seeks to discourage and combat migrant smuggling and trafficking networks, with little emphasis on complementary access to refuge. Indeed, in 2015, countries in the Asia - Pacific region such as Brunei Darussalam, Malaysia, Singapore and Thailand justified denying refuge to 8 000 migrants by claiming that doing so would promote migrant smuggling (Moretti, 2022). Third-country

Greece, Macedonia, Malta and other European countries have lately increased the systematic imprisonment of asylum-seekers (Papagianni, 2015; Global Detention Project, 2015). Australia has maintained a policy requiring asylum-seekers who arrive by boat to be detained and has aggressively urged Indonesia to adopt a similar policy. Israel holds undocumented immigrants for up to a year in the remote detention facility of Holot where inhabitants are unable to escape (UNHCR, 2014). Although the imprisonment of asylum-seekers for identification or security purposes may be justified, widespread detention practices are inconsistent with the ban on punishing unlawful entry or stay in Article 31 of the 1951 Refugee Convention. Long-term imprisonment has been shown to have negative effects, notably on young asylum-seekers.

SOVEREIGNTY

New concerns relating to sovereignty claims have been triggered by the refugee crisis (Beurskens and Miggelbrink, 2017). Most countries have begun to assess their level of sovereignty, particularly regarding the acceptance or rejection of refugees, as they believe that the autonomy that they possess as prescribed by the Westphalia Treaty, gives them the right to make the decision themselves without external influences (Dempsey and Myadar, 2023). Borders are the major mechanism used by countries in their quest to maintain their position of sovereignty (Beurskens and Miggelbrink, 2017), hence the establishment of restrictive measures to control the entry and exit of refugees. According to Seunghwan (2016), the concept of state sovereignty has contributed significantly to the establishment of restrictive refugee policies and laws as governments have developed a plethora of deterrence policies based on this traditional concept that allows countries to implement migration and refugee policies at their discretion. Most developed countries in the EU, the USA and Asia-Pacific have resorted to offering humanitarian assistance schemes to refugees in their respective regions of origin in the hope of avoiding provision for refugees (*ibid.*).

DISCRIMINATION

Some countries can accept refugees from one country but also reject refugees from another based on the perceptions that they have about the people from each country. Most countries have taken aggressive steps to block the placement of refugees in their communities due to their national origin (Faul, 2017). According to Fox and Akbaba (2015), Muslims are usually discriminated against by most European countries that view them as potential terrorists, and data reveals that, compared to other

religious minorities, they face the highest levels of discrimination and are shunned by most potential destination countries (Fox and Akbaba, 2015).

REMEDIES AVAILABLE TO ASYLUM-SEEKERS

LEGAL REMEDIES

The bulk of existing deterrence strategies are predicated on the idea that affluent countries may absolve themselves of responsibility by delegating refugee protection or migratory management to other countries. However, it has become increasingly more difficult to justify the notion that countries are free to do whatever they want within their borders, through others, or in contravention of international refugee and human rights law. Current developments in both human rights and refugee law are undermining attempts by developed countries to absolve themselves of responsibility by shifting it onto others. History provides several examples of successful legal challenges to overreaching by countries. An important legal subject called extraterritorial jurisdictional jurisprudence has grown in response to various "offshore" deterrence strategies (Gammeltoft-Hansen and Vedsted-Hansen, 2016). The pushback of refugees on the high seas, according to the Grand Chamber of the European Court of Human Rights in *Hirsi Jamaa v. Italy*, 55 E.H.R.R. 21, 55 Eur. Ct. H.R. 627 (2012), was a violation of Article 3 of the European Convention on Human Rights. The Court also suggested that international refugee legislation, especially the principle of non-refoulement, must be observed when conducting operations on the high seas. The resettlement of refugees in politically designated "safe third countries" and the ability to detain indefinitely individuals deemed to be security risks without allowing them access to the asylum process have all been called into question in Australia (Greenfields, 2023).

At the European level in particular, recent advances in general human rights legislation have acknowledged the extraterritorial application of human rights treaties. As a result, the European Court of Human Rights, for instance, determined, in *Al-Skeini v. Secretary of State for Defence*, 2007 U.K.H.L. 26 (2007), that human rights legislation is applicable in any circumstance in which a state "exercises control and power over a person". Furthermore, the Strasbourg Court determined, in *Issa and Others v. Turkey*, 2004 Eur. Ct. H.R. 629 (2004), that accountability is engaged "when people on the territory of another state are judged to be under the former state's jurisdiction and control through its agents functioning... legally or unlawfully". These changes relating to the shared responsibility of countries, whether independent, joint or derivative,

mean that two or more governments may potentially be held accountable for the violations that occur because of deterrence policies.

A variety of indirect deterrence strategies are challenged by advancements in human rights legislation. Most recently, in the case of *Biao v. Denmark*, 64 E.H.R.R. 1 (2017), the European Court of Human Rights ruled that denying a family reunion constituted indirect discrimination, dealing a severe blow to Denmark's infamously harsh immigration laws. Future developments in human rights legislation pose a threat to several indirect deterrent tactics. In a case involving the Pacific region, Papua New Guinea's Supreme Court struck down the country's bilateral agreement with Australia to detain asylum-seekers and refugees because this violated their constitutional right to freedom (Australia/Papua New Guinea: Supreme Court Rules Asylum-Seeker Detention Is Unconstitutional, 2021). Of course, as already indicated, the deterrence paradigm's policymaking environment includes both existing and upcoming legal obstacles. Legal issues may, therefore, contribute indirectly to the advancement of new policies and more diverse measures in situations when countries simply modify existing policies. However, there are limitations to what Western governments can do in this regard, as shown by the numerous successful legal challenges to deterrence strategies, and the most recent set of deterrence measures will likely face a similar backlash in national and regional courts.

DISCUSSION

In the foregoing section, it is evident that conflicts are destabilising countries and regions so much that millions of people are forcefully displaced, with some losing their lives as a result. World Refugee Day is observed every year on June 20 to raise awareness about the plight of these refugees. The right to seek safety was topical in 2022. Indeed, every individual has the right to seek safety and protection, irrespective of who they are, where they come from or the opinions they espouse. People who are forcibly displaced should, furthermore, be treated with dignity. This is an unalienable universal human right. Forcibly displaced people should be welcomed and duly protected. Irrespective of the nature of the threat - war, violence or persecution - everyone deserves to be protected and kept safe.

Any person suffering persecution, violence or human rights violations has the right to seek refuge in another nation (Schimmel, 2022). All those who are compelled to leave their places of origin should have access to free borders. Restricting access and shutting borders can make their

journey to safety even more perilous (Shachar, 2022). Thus, people cannot be coerced to return to a nation if their lives or freedom are in jeopardy. This means that countries should not drive anyone seeking refuge back without first assessing the risks that they face back home.

Article 6 of the UDHR states that everyone has the right to recognition everywhere as a person before the law. This means that it is an unalienable right that every person can enjoy wherever they are, whether they are within or without their country of origin. Article 7 of the UDHR proclaims that all people are equal before the law and are entitled without any discrimination to equal protection of the law.. Article 28 guarantees the right to a free and fair world and says, in its entirety, that "everyone is entitled to a social and international order in which the rights and freedoms outlined in this Declaration can be fully realised". Article 10 states that everyone is entitled to a fair and public hearing by an independent and impartial tribunal in the determination of rights and obligations.

The UN High Commissioner for Refugees was established in 1950, just two years after the UN General Assembly ratified the UDHR (UNHCR). The UNHCR had three years to assist the millions of Europeans who fled or lost their homes during World War II, before it was dismantled (UNHCR, 2018). The UN Refugee Agency is still operating years later, and there are more than 68 million displaced persons worldwide. Out of that total, 25 million are refugees – people who have crossed an international boundary to escape violence or persecution – and 40 million are internally displaced people looking for work. The last group consists of asylum-seekers, who may or may not eventually be confirmed to be refugees (*ibid.*). This indicates that while there exist legal frameworks to deal with refugee issues, the crisis continues to be witnessed worldwide.

The right to seek and receive refuge from persecution is outlined in Article 14 of the UDHR. This right, along with Articles 13 and 15's rights to nationality and to leave one's own country, is closely related to the Holocaust. Many nations, whose drafters worked on the UDHR, were keenly conscious of the fact that by turning away Jewish refugees, they had probably condemned them to death. The Nazis' persecution of Jews, Romans and other groups, meant that many of them were unable to flee Germany in time to save their lives (*ibid.*).

Millions of people have received life-saving protection as refugees over the years under the auspices of Article 14 which is thoroughly outlined in

the 1951 Refugee Convention. These people have been able to rebuild their lives and frequently return home once the threat has passed. Many have also been relocated to kind third nations, where they employ their talents to benefit their new places of origin. Others can establish themselves permanently in the nations where they sought safety, such as the more than 170 000 Burundians who fled their country in 1972 and were granted Tanzanian citizenship in what is thought to be the largest refugee naturalisation ever (*ibid.*). The ability to apply for asylum is restricted. People cannot get refuge only to escape prosecution for "non-political crimes or activities detrimental to the aims and ideals of the United Nations," according to Article 14 of the UDHR. Therefore, persons who have committed a war crime or a crime against the peace or a crime against humanity are ineligible for refuge (*ibid.*).

CONCLUSION

State sovereignty, lack of resources, fear of threats and uncertainty have been significant factors affecting the choice of refuge by refugees. The discussion revealed that the 1951 Refugee Convention should be at the centre of any political reforms relating to the plight of refugees. Any person suffering persecution, violence, or human rights violations has the right to seek refuge in another country and should be able to exercise this right in any country of their choice. All those compelled to leave their home countries should have access to free borders. They cannot be coerced to return to their country of origin if their lives or freedom are in danger. This means that countries should not drive anybody back without first assessing the risks they face back home. The 1951 Refugee Convention should be adhered to, TO ensure that this right is upheld.

RECOMMENDATIONS

AN EFFECTIVE BURDEN- AND RESPONSIBILITY-SHARING SYSTEM

Extensive adjustments may be made to the institutional and political framework for coordinating international refugee protection within the confines of the present legal system. Addressing the existing unequal distribution of refugee responsibility and protection capabilities must be a fundamental component of this approach. Greater commitment to multilateralism should be based primarily on the sharing of responsibility for refugees, often through relocation, humanitarian visas, or regional and international distribution systems, as well the sharing of resources, such as emergency assistance, specialised personnel, expertise and funding.

A BROADER NOTION OF REFUGEE PROTECTION

Refugee protection in the major first-asylum countries has, for far too long, been focused primarily on ensuring basic physical safety and humanitarian aid without any meaningful commitment to refugee protection or sustainable solutions. However, drawing from the experiences of the Syrian crisis, other rights are equally crucial if refugees are to build a new life and not feel forced to leave. These additional rights relate to the capacity of refugees to make a living, access fundamental institutions such as the legal system and health care and guarantee a bright future for their offspring through education. It is, therefore, imperative to stop using existing containment strategies and consider refugee protection. The questions to be asked are: How can refugees' work options be expanded, and how can their chances of being self-sufficient be enhanced more quickly? How can refugees have access to education such that they may profit from it regardless of whether they must remain in the nation they are in or eventually return home? What can be done to prevent refugees from being treated unfairly by the legal systems and societies of host countries?

OBSERVING INTERNATIONAL LEGISLATION RELATING TO REFUGEES

A rigorous distinction must be made between existing regime's current political framing and its underlying moral basis. It is difficult to find a human rights tool that is so inherently and excessively susceptible to governments' political interests.

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