

# Research Report

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## General Assembly III

### Improving the living conditions of asylum seekers



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<b>Forum</b>	GA3
<b>Issue:</b>	Improving the living conditions of asylum seekers
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<b>Position:</b>	Chair

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## Introduction

Representing about 0.01% of the world's population and about 2.1% among the estimated 42.5 million people displaced by persecution and conflict in today's world, asylum seekers are often the subjects of discussion. After a long and often dangerous trip, the refugees arrive in countries not always well prepared to host and welcome them. Immediately upon arrival, their reception is frequently not very respectful, both towards their dignity and towards their basic human rights. After that, their stay in the host country also frequently takes place in poor conditions. The refugees are generally seen as people with no country or potential problems to the host country, causing the local population to be hostile towards their stay. This might bring violence, racism and tensions between the two groups. However, what needs to be kept in mind is the fact that seeking asylum is a human right and asylum seekers are not illegal.

The actual situation of the living conditions of refugees is alarming, and that is why we will be discussing this very particular issue. What needs to be studied after having a general and precise overview of the living conditions of refugees is, firstly, what the refugees can do about their situation: what is their field of action? What resources do they have to enhance their situation? Secondly, the rights to which they are entitled must be reviewed.

## Definition of Key Terms

### Asylum seeker

An asylum seeker is a specific kind of migrant. It refers to someone who has moved from one country, his country of origin, to another, which will hopefully become his host country. This is where he has applied for protection as a refugee against persecution or serious harm risked in his country of origin and is awaiting a response



to his request. This term should not be confused with the term “refugee”, which describes a person who has already been granted protection. Thus, asylum seekers become refugees once the local authorities deem them to fit the international definition of refugee and once they have been granted protection.

### Healthcare

This refers to all the medical procedures, diagnosis, treatment and prevention of disease, illness, injury and other physical and mental impairments of an individual, as well as the prevention of his or her physical and mental well-being through preventative measures and services offered by the medical and allied health professions.

### Host country

In the case of asylum seekers, the host country is the country that has granted protection to the asylum seeker, where the individual has obtained the legal rights to stay and where the individual will reside for an undetermined amount of time.

### Living condition

Refers to the quality and quantity of welfare of a person, a class or a community. It has a close relation to quality of life, and includes numerous factors such as housing conditions, access to healthcare, access to education, employment, income, Gross Domestic Product (GDP), safety and poverty rate.

### Migrant

A term used to cover all cases of individuals and family members moving from a certain region or country to another to find better material or social conditions, employment or better living conditions for themselves and their family. An individual is commonly considered to be a migrant when he has resided for more than a year in a country other than his country of origin, regardless of the means (regular or irregular) and causes (voluntary or involuntary).

### Poverty line

The poverty line, or poverty threshold, is the minimum level of a family income below which a family is considered to be poor. In practice, the poverty line in More Economically Developed Countries (MEDCs) is significantly higher than in Less Economically Developed Countries (LEDCs).

## Reception condition

This term is defined by the European Council of Refugees and Exiles as “the material support offered to asylum seekers while they await a decision on their applications. Such support usually includes food, housing, education, health care, language training and access to employment.” This term also includes factors such as income, safety and is closely related to *living conditions*.

## General Overview

### Where do the asylum seekers come from, where do they go and why do they leave?

It is commonly known that asylum seekers generally come from regions of the world where conflict is on-going and the safety of civilians is compromised. This thought has been confirmed by a report and a database published in 2012 by the Office of the United Nations High Commissioner for Refugees (UNHCR). It shows that the country “producing” the most asylum seekers is Afghanistan, with its ongoing unrest. Indeed, in 2012, 8.4% of all asylum seekers worldwide came from Afghanistan. These statistics have, however, been altered due to the Arab Spring. Consequently, Egypt, Tunisia and Syria are now the countries where asylum seekers generally run from. Besides countries torn by war or political instability, other countries known to “produce” a lot of asylum seekers are Mali and Mexico. More globally, we can say that asylum seekers commonly come from regions torn by civil war or political unsteadiness.

Knowing that asylum seekers account for almost one million people worldwide, a question that is often raised is which country the asylum seekers go to. The report and data published by the UNHCR in 2012 gives an answer to this: the United States of America is the most popular destination for asylum seekers, having received 74,020 asylum requests in 2012. France follows the USA with 51,910 asylum requests in 2012, and Germany comes afterwards, with 45,740 requests in the same year. These destinations are still considered to be the most popular among asylum seekers, as an increase of asylum requests has been observed in these countries in recent years.

Finally, an answer has to be given to the question of why the asylum seekers leave their home country. Generally, asylum seekers leave their countries for one reason: the harm and persecution risked in their country of origin. The best example that can be given is the case of the countries that have witnessed the Arab Spring. Since the very end of 2010, countries such as Egypt, Tunisia, Libya and Syria have been marred by violent protestations

and civil resistance towards their (often dictatorial) authorities, creating substantial unrest, instability and insecurity. This forced a lot of families to flee their country and to apply for asylum in other countries as, referring to the definition of asylum seekers given previously, they risked persecution and serious harm in their country of origin.

### The living conditions of asylum seekers

The actual situation of asylum seekers worldwide is complex, and numerous elements have to be taken into account to give a precise, concise and clear idea of their condition.

Within the living conditions of asylum seekers, the services offered to help them through their request for asylum should first be discussed. This includes access to information, legal assistance and counseling, medical aid and assistance through the asylum procedures. This is very important in order to maximize the chances to obtain asylum. Nonetheless, these crucial services and accommodations are not always granted. It actually often occurs that the asylum seekers do not have access at all to any sort of legal service and/or help with their asylum request. This makes their situation considerably fragile, as they do not always make the right choices and they do not know the best ways to operate during such circumstances. Hence, these first factors need to be addressed when debating the issue of the living conditions of asylum seekers.

The living conditions of asylum seekers does not only include access to information, legal assistance and counseling, first medical aid and assistance, but also all the accommodations and services related to their quality of life. On one side, we have a handful of countries granting a lot of attention and importance to the living conditions of asylum seekers, such as Finland. This country has a structured, clear and efficient system of reception and living accommodations, 13 reception centers, one detention center and clear rules. In other regions, asylum seekers are often put into reception centers that look more like substandard detention centers than anything else. The sanitation accommodations, medical care and other services that the asylum seekers might need are not always granted, and most important and alarming of all, in opposition to the case of Finland, they do not have the right of movement within the country. For instance, the detention centers on the islands of Nauru and Manus, which belong to Australia, have been violently criticized and subject to negative reports at the end of 2013. Through reports of the Office of the United Nations High Commissioner for Refugees (UNHCR), it is made clear that the detention centers are poorly maintained and the asylum seekers are badly treated, which might cause a “fairly rapid degradation of psycho-social and physical health if people don't have a fairly early determination of their fate and future.” Most appalling is the fact that the detention centers

are “rat-infested, cramped and very hot”. This illustrates the living conditions of a majority of the asylum seekers, who stay in poorly maintained centers with poor medical care and subpar living accommodations.

### **What can asylum seekers do about their situation?**

Now that the situation of the majority of asylum seekers has been established, another question might come to mind: what can they do about their situation? The answer is frequently the same: they can do little, sometimes nothing, about their situation, and are often doomed to wait.

This is firstly due to the fact that they are uninformed about their chances of obtaining asylum and about the status of their request. This makes it very difficult for them to take action. Hence, instead of contacting judicial assistance contact persons, local authorities or other persons to help them out, they have to remain in the detention centers until the decision concerning their request for asylum is made. Besides the fact that this prevents them from acting, it also makes them feel insecure and uncomfortable during their stay.

Another factor that prevents asylum seekers from taking action to change their own situation is the fact that the asylum seekers are sometimes separated from their families. The children and the parents are sent to different detention centers, making it very difficult to make family decisions. This is the case for instance, once again, in the center on the island of Nauru. This center is notorious for children being sent there alone. Consequently, the parents are substantially more likely to wait for their request to be considered rather than to take action, as they do not know where their children are and how they are doing. This makes it again very difficult for the asylum seekers to make independent decisions.

Lastly, asylum seekers have often had a lack of opportunities and education, making it almost impossible to take efficient action to improve their situation. Most of the time, asylum seekers are poorly educated and do not have the necessary knowledge to make appropriate decisions. This is aggravated when they do not have access to education in the detention centers, denying them even more opportunities while they wait for a response.

### **What are the rights of asylum seekers in terms of living conditions?**

In accordance with the Declaration of Human Rights and other declarations and conventions (see section “UN involvement, Relevant Resolutions, Treaties and Events”), every person has to be treated impartially, equally, with dignity and with respect. In terms of living conditions, asylum seekers have specific rights that need to be followed by all nations.

One of the most important right asylum seekers can call upon is the right of movement within the country where they applied for asylum. This is substantially important in order to avoid that asylum seekers are put in prison-looking detention centers and to avoid that asylum seekers feel detained and considered to be criminals. Besides, as asylum seekers have left their country due to a serious risk of harm or persecution, hence, against their own will, there is not a single reason that would justify the fact that they are detained (unless they commit a crime in the country where they have applied for asylum). Thus, the right of movement is important in the living conditions of asylum seekers.

Furthermore, asylum seekers have the right to benefit from legal counseling and judicial services in order to maximize their chances of obtaining asylum. These services are important during the whole asylum process. The asylum seekers consequently have the right to have an attorney and to have access to all judicial counseling they deem necessary, and this cannot be refused.

Asylum seekers also have the full right to housing facilities and all necessary medical care and financial assistance during the whole asylum process. This is needed to assure a pleasant and optimal stay in the country where they applied for asylum. This includes a place to stay (house, apartment or other), the availability of a doctor and of accurate medical accommodations, and the eventual payment of allowances.

Globally, asylum seekers have to be treated with respect and dignity, in accordance with the Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment. Besides this, everything has to be done to make their stay pleasant, to avoid any problems and to maximize their chances of obtaining asylum.

## Major Parties Involved and Their Views

### UNHCR (United Nations High Commissioner for Refugees)

The Office of the United Nations High Commissioner for Refugees is highly implicated in the issue of asylum seekers, writing reports on different detention centers, proposing advice to governments on how to deal with asylum seekers, and raising awareness on the situation asylum seekers are in. Besides, the organization assists and supervises national asylum systems to assure their fairness and efficiency. The UNHCR is a key organization in this matter.

## European Union

The policy of the European Union concerning asylum seekers is clearly stated in the Charter of Fundamental Rights of the European Union. In this charter, it is said that evaluation process towards asylum requests shall respect “the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees”. Moreover, the EU proceeds in accordance with the Treaty on the European Union, stating the necessity of a common asylum policy.

## Afghanistan

A substantial part of all asylum seekers in the world find their origins in Afghanistan, making it an important country in this issue, although other countries have exceeded Afghanistan’s figures in the recent two or three years. Due to the long and complex conflicts that have plagued the country for many years, a lot of Afghans have found refuge somewhere else. As the situation is still feverish and unstable, the Afghan government has difficulties dealing with this.

## The Maghreb countries

Torn by violent protests and instability since the end of 2012, a large number of inhabitants of countries such as Tunisia, Egypt, Libya and Syria have left their home country. They have tried, often unsuccessfully, to reach the Italian coast on unseaworthy boats to further apply for asylum. As the conflicts are still not entirely over, this phenomenon is continuing, yet slowly decreasing.

## Bulgaria

Bulgaria has been for a long time a key country in the matter, as it was largely known for its bad treatment of asylum seekers and poor accommodations when receiving them. According to articles published by Human Rights Watch, the installations are deplorable, hundreds and hundreds of minors are detained and their living conditions are miserable. No severe action has been undertaken and the Bulgarian government doesn’t seem to grant attention to it. However, due to recent events concerning the Arab Spring and Israeli-Palestine conflicts as well as with conflicts in Africa, for instance in Mali, Bulgaria has been moved to the background and is not of crucial importance nowadays.

## United States of America

Unlike assumptions made by many people, the treatment and living conditions of asylum seekers in the United States of America are not always of good quality. Even though



it remains better than in countries such as Bulgaria, a report released by the Human Rights Watch raised the problem of the denial of work authorization and assistance towards asylum seekers. Although their living conditions seem to be globally in order, the elements mentioned previously are the main problems in the American asylum system. Moreover, the USA is one of the most popular destinations for asylum seekers, with 74,020 asylum requests in 2012.

## Italy

Italy is an important country in the concern as it has played a crucial role in the wave of asylum seekers coming from North African countries, mainly due to the Arab Spring.

On the island of Lampedusa, during march 2011 alone, the same number of asylum seekers as the number of inhabitants of the island, 6,000, arrived, and this continued by thousands in the following months. Many died on their way, mainly by shipwreck, and the island as well as the Italian authorities had a lot of difficulties dealing with these asylum seekers. The point of view of the country is to do its utmost to give the best treatment possible to the asylum seekers, yet to decrease the flow as much as possible.

## Amnesty International

Amnesty International is considerably implicated in the issue, as the living conditions of asylum seekers fall under human rights. The main claims of Amnesty International's campaigns are: 1. People are to be treated with dignity at the borders and their rights must be respected, 2. The right of liberty has to be respected and arbitrary detention has to be banned, and 3. People with the status of asylum seeker, and, more widely, migrant, have no longer to suffer discrimination or other injustices. This states quite clearly the position of Amnesty International, which is strongly militating in favor of asylum seekers.

## Timeline of Events

Date	Description of event
Mid 20 <sup>th</sup> century and on-going	Beginning of the Israeli-Palestine conflicts, characterized by low-level fighting between Israeli armed forces and Palestinian authorities. This conflict, lasting for more than half a century, is causing enormous amounts of refugees in the region.
December 14 <sup>th</sup> , 1950	Establishment of the UN High Commissioner for Refugees;
July 28 <sup>th</sup> , 1951	Convention relating to the Status of Refugees;



September 2001	“Pacific Solution” implemented by Australian government – highly criticized worldwide, as it is a program that sends the majority of asylum seekers to detention centers on little pacific islands;
September 2009	Thousands of asylum seekers arrive in Australia;
2010 and on-going	The Arab Spring begins in North African countries with waves of protests and demonstrations, causing waves of asylum seekers to come to Europe in order to avoid the horrible and dangerous conditions in their country;
2012	Report published by the UNHCR on the detention centers on the islands of Manus and Nauru;
2012 & 2013	Numerous boats arriving on the island of Lampedusa with thousands and thousands of asylum seekers;

## UN involvement, Relevant Resolutions, Treaties and Events

As migration is a very old process, asylum seekers have existed for a long time and are still subject to discussion. The United Nations and its different organizations, as well as other institutions, have taken action, mainly through conventions and protocols. The most relevant to the living conditions of asylum seekers are the following:

- Universal Declarations of Human Rights, December 10<sup>th</sup> 1948
- European Convention on Human Rights, November 4<sup>th</sup> 1950
- Convention relating to the Status of Refugees, July 28<sup>th</sup> 1951
- Optional Protocol relating to the Status of Refugees, 1967
- The Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 10<sup>th</sup> 1984
- UN resolution on migrants and asylum-seekers fleeing from events in North Africa, June 15<sup>th</sup> 2011 (**A/HRC/17/L.13**)
- UN resolution, February 9<sup>th</sup> 1996 (**A/RES/50/152**)
- UN resolution, December 12<sup>th</sup> 1996 (**A/RES/51/75**)
- United Nations High Commissioner for Refugees declaration on Reception Standards for Asylum Seekers in the European Union, July 2000



## Evaluation of Previous Attempts to Resolve the Issue

So far, the attempts to resolve the issue have mainly been through resolutions, conventions, treaties and summits. Except for severe reports and warnings, efficient and strong attempts to tackle and solve the issue of the living conditions of asylum seekers have not been undertaken, such as the establishment of clear and international standards or punishments. Nonetheless, the UNHCR is strongly determined to change the situation and will not hesitate to intervene through more radical solutions if necessary.

## Possible Solutions

There are many different possible solutions that can tackle this issue efficiently.

Firstly, as we will be debating the issue of the living conditions of asylum seekers worldwide, one of the first elements that seems to be the most crucial is the establishment of a universal, international, precise and accurate definition of the term *asylum seeker* as well as of *living conditions*. This will avoid countries comprehending and analyzing situations differently.

Secondly, the implementation of international standards on living accommodations, medical accommodations and medical care provided, education facilities and other fundamental needs such as legal counseling is imperative. This is in order to set standards that are the same for every country and to avoid misunderstandings during subsequent debates. This could be done through a convention or treaty that needs to be signed and ratified by a high number of nations (for instance, by two thirds of all Member States) in order to maximize the chances of the improvement of the living conditions of asylum seekers.

Furthermore, a system of sanctions and punishments towards countries and/or detention centers infringing upon international standards and procedures could be established. This will discourage countries to handle situations around asylum seekers differently than established previously and will encourage them to respect the standards and limits set by the treaties. However, if a system of punishment seems too strict or radical, it might be worth considering putting in place a structure, for instance an independent organization, to provide strong incentives for countries to meet the standards and requirements set previously.

Fourth, although this is considerably harder to implement, a hotline or international organization serving as a contact point could be established for the asylum seekers to report

abuses and non-compliances towards international standards. Witnesses of abuses or people informing them about other situations that need to be reported may also contact this hotline or contact person. This could help tackle the problem of asylum seekers not having access to external aid.

Finally, you could think about the implementation of a regular inspection of detention centers worldwide, for instance every 4 years, to be executed by a new or already existing body of the United Nations, such as the UNHCR, or an independent organization. This could also be efficient and important in targeting the points that need more attention than others to tackle the issue of improving the living conditions of asylum seekers as well as to know which countries are taking the concern seriously and are actually taking action, as opposed to countries that relegate the problem to a concern of secondary importance.

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## Appendices

- I. [http://www.un.org/esa/population/meetings/eleventhcoord2013/UNHCR\\_Paper\\_11th\\_Coord\\_Meeting\\_on\\_Intl\\_Mig\\_15022013\\_final.pdf](http://www.un.org/esa/population/meetings/eleventhcoord2013/UNHCR_Paper_11th_Coord_Meeting_on_Intl_Mig_15022013_final.pdf)

This input, published by the United Nations High Commissioner for Refugees in 2013, briefly states and summarizes the efforts made by the UNHCR on international migration as well as other information concerning UNHCR's contribution to the global theme of migration and refugees.

- II. <https://docs.google.com/spreadsheet/ccc?key=0AonYZs4MzIZbdFljdWFfdU0tTy1qRVpjM3hNZ01GMkE#gid=0>

This spreadsheet, published by the United Nations High Commissioner for Refugees, concerns the asylum trends in 2011. In the document can be found the asylum trends from 2007 to 2011 for every Member State as well as other information concerning each country, for instance their rank worldwide or the total per 1,000 inhabitants.

