

Research Report

Special Conference on Peace and Justice 2

Peace and Justice towards minorities

Effectively including those without residency permits into civil society and governmental support systems



MUNISH



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Forum	Special Conference 2
Issue:	Effectively including those without residency permits into civil society and governmental support systems
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Introduction

Article 14 of the UN Declaration of Human Rights starts with the following legendary words: *“Everyone has the right to seek and to enjoy in other countries asylum from persecution”*. Nowadays, it is still hard for people to flee to another country in case of wars or violence. A refugee is someone who has fled his home area for fear of violence or his life. Most refugees come from areas of war or threat of such, or in states where gross violations of human rights take place. The Member States of the United Nations have been organizing the World Refugee Day annually on the 20th of June since 2000. But, keep in mind that every day is a day of refugees. Every day of the year someone, somewhere, flees, in fear for his or her life, without feeling the heat of the summer on his skin, without hearing the birds sing, without truly seeing the scenery, due to an all-pervasive, oppressive fear. And some, most of these people, do not get asylum. Asylum is a term whose meaning in the course of history has shifted. In classical antiquity there was a right to refuge for escaped slaves. In European history arose during the Middle Ages also a kind of refuge for exiled or fugitive criminals and after the reformation also for the ones persecuted for faith.

Definition of Key Terms

Residence Permit

A residence permit can be seen as a legal document providing an immigrant the right to live in a country for a certain amount of time. Every country has its own restrictions and law concerning these residence permits. If a person wants to stay in a country for a period exceeding the 90 days that a visa normally allows them to do, they have to get a residence permit. A residence permit does not entitle an immigrant to work in the country they are immigrating to. If a person also wants to work there, they sometimes also have to get a work

permit on top of the residence permit. The time limit of the residence permit varies greatly from country to country and from residence permit to residence permit. Normally, a residence permit is valid for about 5 years; afterwards the person becomes eligible for a permanent residence permit.

People without residence permits are therefore in exemplum refugees seeking asylum. However, it can also be that a person born in a certain country does not have a residence permit. One can now think of people such as gypsies and Amish.

Refugee

The Convention Relating to the Status of Refugees defines a refugee as: *“Any person who: owing to well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is out- side 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.”* The basic idea of a refugee is that he or she can stay in a country without a residence permit until the situation in his or her country is safe enough to go back to.

Right of Asylum

If people apply for asylum, they want to stay in a foreign country because they do not feel safe in their own. The difficulty is to determine whether an asylum seeker is a refugee or not and whether he or she deserves protection in the foreign country. This means that an asylum seeker still has to be acknowledged as a refugee. One should be careful to use these terms correctly.

Civil Society

Civil Society can succinctly be described as the institutional sphere of voluntary associations. It is an indication of organizations or institutions (outside the government), the market and the relationships with family and friends. People are part of this in a voluntary way. Gypsies or Amish people i.e. usually choose not to be part of this. Civil society also stands for political and social ideals, such as the involvement of citizens in public affairs, the enhancement of social self-government at the expense of politics, the limitation of commercial influences and the strengthening of community spirit and tolerance. The civil society is being kept together by social cohesion, the force that keeps people together, such as having the same ideas.



Governmental Support Systems

When a person has a residence permit, he automatically is entitled to rights and privileges a person without a residence permit is not entitled to. A country has a lot of support systems in order to take good care of their citizens. These support systems can include social and financial guidance for homeless people as well as health care. A person without a residence permit is not an officially recognized citizen of a certain country and therefore is not eligible for all these privileges.

General Overview

Every year, millions of people flee out of their country looking for peace and shelter. In early 2012, there were 10.4 million refugees worldwide. Refugees make up one third of all displaced people. Approximately 35.4 million people have left their homes in various methods. A large part of them - 15.5 million - were displaced. This means that they are fleeing in their own country. About half of the refugees worldwide come from Afghanistan, Iraq or Somalia. They go to foreign places, mostly in MEDCs, and hope to be able to stay there until they are able to return home again. This often takes years and years and therefore a refugee must be able to feel at home in his or her new country.

Application process

If a person seeks out another country for peace because he is afraid of being persecuted due to the situation in his country, he can apply for asylum. A person applying for asylum is called an asylum seeker. The person then needs certain papers so he or she can prove to be unsafe in his country of residence. These documents will be carefully examined and the authorities will decide whether or not the person is a refugee. If they choose to do so, the person can live in the foreign country until the authorities feel that he is able to return home again. Therefore, a refugee does not need an official residence permit. Their residence is covered by the laws on refugees and every country that has signed the UN Convention Relating to the Status of Refugees as they are obliged to treat the refugees according to those rules.



The UN convention relating to the Status of Refugees

The International Convention Relating to the Status of Refugees or the Geneva Convention Relating to the Status of Refugees was established on July 28, 1951 during a convention organized by the United Nations after preliminary discussions in 1950 in New York and in 1951 in Geneva. It defines who qualifies for refugee status and who therefore should be granted asylum by the country where an asylum application is made, and what rights asylum seekers, whether or not recognized as refugees, have. The Convention defines the rights of refugees from conflict before 1951, while a Protocol to the Convention from 1967 regulates refugees after that date. This treaty replaced the defective arrangements which were earlier established by the League of Nations, the predecessor of the UN, and was a result event of the Second World War.

Integration of refugees

Refugees, when accepted into a country, have several rights which are defined by the Convention Relating to the Status of Refugees if a country has chosen to sign this convention. Sadly, they still find it hard to integrate in their new country. People do not speak the language of their new country and do not know how different systems there work. If a normal person chooses to immigrate to another country, they often have done a lot of research about their new country of residence, while refugees do not have the time nor the means to do so. Refugees often do not feel accepted into their new communities and they also often have to leave their relatives either in their own country or sometimes even in a different country. Governments and organizations step in at this point and try to make the refugee feel at home. These support systems however, often lack precise measures to do so. In some countries, refugees are helped to get a job or to get into a university so they can continue living their lives. Sometimes these systems do not work adequately and thus people are left to figure things out by themselves. If one comes to a country where he or she doesn't speak the language, it is much harder to find a proper job. Often, refugees do not speak English on such a level that they can use this language to find a new job. They also often spend years on border zones in unsafe and unsatisfying conditions. Integration is a very wide concept. Refugees need to be supported in many areas: from setting a property to learning the language and finding a job. In addition to this - more structural - help, activities such as cooking projects, intercultural encounters or children's weeks can also be organized to make refugees feel more at home.



Other people without residence permits

As mentioned in the definition of key terms, not only asylum seekers are left without residence permits, but there are many more groups of people that do not have these permits. Sometimes, this is even done voluntarily, because they do not want to be part of a certain country. They are not seeking a certain nationality. These people are often born in families of which the parents do not have residence permits as well. One can now think of for example gypsies and Amish. These groups form an even greater challenge when it comes to including them in civil society and also in governmental support systems since this often implies resistance from these groups as well as discrimination from the outside world.

Major Parties Involved and Their Views

United Nations High Commissioner for Refugees (UNHCR)

The United Nations High Commissioner for Refugees (UNHCR) was established on December 14, 1950 by the General Assembly of the United Nations to help the victims of the Second World War in Europe. UNHCR received a term of three years to accomplish this task and it was scheduled to disappear afterwards, however they have proven to be very valuable and still exist to help refugees. The United Nations Convention Relating to the Status of Refugees was adopted on 28 July 1951. This is the legal basis for the aid to refugees. UNHCR is most active in refugee crises. They help countless refugees seek new homes and integrate in their new countries.

European Union (EU)

With an enormous amount of refugees and asylum seekers in their countries, the European Union plays a big role in this issue. Every country in this union has a different support system to help the refugees integrate in their country and therefore, practical cooperation and responsibility sharing are needed. A Common European Asylum System (CEAS) has already been set up with the help of the UNHCR, which will help to monitor the different refugees and which will also hopefully help the refugees to integrate more easily in their new countries. This system will also help to track down different family members so they can be reunited.

Timeline of Events



Date	Description of event
1951	UN High Commissioner on Refugees established
1951	The UN Convention Relating to the Status of Refugees was adopted
1967	The Protocol Relating to the Status of Refugees was adopted
1999	The EU started working on the Common European Asylum System (CEAS)
2001	The EU directive on temporary protection was established
2005	The CEAS was finished

UN involvement, Relevant Resolutions, Treaties and Events

This problem started occurring in the Second World War, when Jews had to flee their countries to seek for protection elsewhere. In response, the UN set up the UN High Commissioner on Refugees to sort out this situation. It was originally the plan to remove this commissioner after 3 years. The UNHCR, however, proved itself to be very relevant to the help of refugees and it still exists until today. The UNHCR leads all projects concerning these people without residence permits, including their integration. They have contributed many important resolutions, conventions and protocols which are trying to improve the situation of refugees. These documents can be found below:

- The situation in Palestine and their refugees, 11 December 1948, **(A/RES/194)**
- The UN Convention Relating to the Status of Refugees, 28 July 1951
- The Protocol Relating to the Status of Refugees, 31 January 1967
- Fiftieth anniversary of the Office of the United Nations High Commissioner for Refugees and World Refugee Day, 12 February 2001, **(A/RES/55/597)**

Evaluation of Previous Attempts to Resolve the Issue

Numerous attempts have already been taken to resolve this issue. Every government has his own laws and regulations concerning refugees and also their own thoughts and ideas about how refugees can be protected. The UN Convention Relating to the Status of Refugees has been a huge step into the right direction. This convention defines a refugee and how one should be treated. Also, every country has his own organizations and centers to help refugees integrate in their new country. The problem with the work that has been done

until now is that the way of treating refugees is different in every country. Also, an asylum seeker is more likely to be accepted as a refugee in one country than in the other. There should be an international regulation on these ways of treating, so that every refugee is equal. Also, once asylum seekers are accepted in their new country, they often live near the borders for a long time and they do not feel accepted into their new society. There are already programs which are set up to help refugees integrate in their new country, but they lack in numbers. For example, there are centers to learn the new language of the country, but they are often scarce and sometimes refugees even have to pay tuition to learn their new language. The refugees are still being discriminated in their new countries and they often do not feel at home. This discrimination is not yet widely addressed and awareness on this issue has not yet been sufficiently raised.

Possible Solutions

A very easy solution to this problem is language classes. These classes should be given in small groups with professional teachers on the desired level of the students. With the needed knowledge of the new language, it is much easier for the refugees to find a new job. The best thing to do is to regulate these classes through the government, so that a refugee gets assigned a class directly when he enters his or her new country.

If you work, you belong. An income makes you independent, you feel useful and appreciated. This also applies to refugees. They want nothing more than to go to work. Yet it is often difficult for them to find work. In the municipalities, the new civilians should be supported and accompanied in finding a job. There should be a regulation or center which focusses on the contact between refugees and local businesses. It is also a good idea to organize job training and to liaise with various municipal authorities.

Another thing which is very important to take into consideration is social counseling. Social counseling focusses on making people autonomous and independent as fast as possible. The rapidity of this depends on the person. One learns the foreign language more rapidly than the other, or makes friends more easily. The length of the counseling period is therefore very dependent on the person and the situation in which he or she resides. During the period, the person who didn't have a residence permit receives help with things like finding a home and making friends.



Bibliography

"1951 Convention and 1967 Protocol Relating to the Status of Refugees - Main Page." *1951 Convention and 1967 Protocol Relating to the Status of Refugees - Main Page*. Audiovisual Library on International Law, n.d. Web. 29 June 2013.

<<http://untreaty.un.org/cod/avl/ha/prsr/prsr.html>>.

"Europe." *UNHCR News*. N.p., n.d. Web. 30 June 2013.

<<http://www.unhcr.org/pages/4a02d9346.html>>.

"Integration of Refugees into New Societies - Hong Kong Model United Nations." *Hong Kong Model United Nations*. N.p., n.d. Web. 30 June 2013. <<http://hkmun.weebly.com/integration-of-refugees-into-new-societies.html>>.

"A Refugee Agenda for Protection." *UNHCR News*. N.p., n.d. Web. 30 June 2013.

<<http://www.unhcr.org/3c1a210d4.html>>.

"Residence Permit in Europe." : *Febrero 2012*. Residence Permit, 20 Feb. 2012. Web. 30 June 2013. <http://residencepermit.blogspot.nl/2012_02_01_archive.html>.

Smith-Spark, Laura, and Laura Perez Maestro.

"Report: Mali Refugees Endure 'appalling' Conditions at Mauritania Camp." *CNN*. Cable News Network, 14 Apr. 2013. Web. 30 June 2013.

<<http://edition.cnn.com/2013/04/12/world/africa/mauritania-mali-refugees-report>>.

"Syria Crisis: Refugee Total Now More than 1.5m - UNHCR." *BBC News*. BBC, 17 May 2013. Web. 30 June 2013. <<http://www.bbc.co.uk/news/world-middle-east-22576924>>.

Taylor, Lenore.

"Red Cross Appeals to the 'better Hearts' of All Politicians over Refugee Policy." *The Guardian*. Guardian News and Media, 24 June 2013. Web. 30 June 2013.

<<http://www.guardian.co.uk/world/2013/jun/25/red-cross-asylum-seeker-policy>>.



"UK Border Agency | Asylum." *UK Border Agency | Asylum*. N.p., n.d. Web. 30 June 2013.
<<http://www.ukba.homeoffice.gov.uk/asylum/>>.

Appendix

- I. [Convention and protocol relating to the status of refugees](#)

