

Legal Means to Protect Refugees: A Critical Study of Concepts Related to the Refugee Protection

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Abstract

This study delves into the comprehensive understanding of refugee protection by examining the legal concepts associated with international protection. It highlights key challenges refugee protection efforts face and explores the legal foundations and methodologies employed to achieve this objective. The research sheds light on international and regional legal mechanisms for safeguarding refugees while briefly discussing the protection of refugees in Islamic law. The central question addressed in this research revolves around the role of international and regional cooperation in providing effective protection and ensuring the safety of refugees. The study yields a range of findings and offers corresponding recommendations. Notably, the research underscores the significance of agreements as crucial legal instruments enacted to protect refugees. Furthermore, it emphasizes that the foremost guarantee for such protection lies in refraining from expelling or deporting refugees to their countries of origin without ensuring their safety upon return. The recommendations to advocate for countries to accede to international conventions on refugees and their protocols.

Keywords: Legal Means, Legal Concepts, Refugees Protection, United Nations, Islamic World.

INTRODUCTION

The issue of forced displacement and the protection of refugees remains one of the most pressing global issues due to ongoing asylum due to increasing humanitarian crises around the world. With millions worldwide seeking asylum and fleeing persecution, it has become urgent to explore legal mechanisms and means to safeguard the rights of refugees, save their lives and respect their humanity.

The description of the phenomenon of asylum as exclusively modern is unjust, particularly given that many scholars discuss asylum as a contemporary issue that gained prominence in the 1950s following the establishment of the Convention on Refugees in 1951 [1][47]. A single community under the notion of displacement for fear of the ruling authority against the ruled classes or of a large group against a small group or vice versa, even in the account of the Prophet of God, Moses, peace be upon him, with Pharaoh, which was conveyed to us by the Noble Qur'an. Islam arrived in the Arabian Peninsula in the seventh century AD [2] and established asylum through the Noble Qur'an and the Prophet's noble hadiths in general law [48].

Respect for refugees and asylum seekers is an essential quality of Islam. The Qur'an and the law of Islam support the principle of "granting safety," i.e., protecting asylum seekers in the "Dar al-Islam." Refugees granted refuge have to be considered protected individuals, and their presence in society must be regarded with respect and decency. The Islamic tradition upholds the principle of "nonrefoulement," the foundation of contemporary international refugee law, by forbidding his extradition even if it means the release of a Muslim in exchange [3] [49].

By critically examining these concepts and challenges, this research paper aims to contribute to the ongoing discourse on refugee protection and provide insights into potential avenues for improvement. The findings of this study will offer policymakers, legal practitioners, and humanitarian actors a nuanced understanding of the legal means available to protect refugees and highlight areas where further attention and action are needed.

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The Study's General Framework

Study Problem

This study addresses the issue of providing protection and safety for refugees and emphasizes the importance of international and regional cooperation in achieving this goal. The General Assembly resolution calls on governments to collaborate with the United Nations High Commissioner for Refugees (UNHCR) and adhere to international conventions for refugee protection. The end of the Cold War was expected to foster a more cooperative approach to addressing forced asylum, irregular migration, human smuggling, and asylum abuse. This study aims to confirm the role of international and regional cooperation in safeguarding refugees by implementing the provisions outlined in the UNHCR rules for legitimate asylum rights.

Significance of Study

The legal protection of refugees is connected to international covenants and agreements, but it has become challenging to adhere to them due to the sensitive nature of displacement. Refugees worldwide are a major concern, particularly in the Third World, and migration is a critical problem for the United Nations. Refugees face forced expulsion, suffering, persecution, loss of livelihood, family separation, and children becoming displaced. Protecting their rights has gained significance after ethnic conflicts and civil wars caused waves of refugees without a homeland. Despite the Universal Charter on human rights emphasizing human dignity, these principles often face violations, leading to unrest and revolutions. Research on refugee rights is crucial to address and prevent abuses and violations.

METHODOLOGY

The study employed various research methods, including descriptive, legal, analytical, applied, and historical approaches, to comprehensively address the multifaceted issues under investigation.

The Study Axes: Assumptions and Perceptions from an Analytical Perspective

The study deals with three axes; the first talks about the concept of refugee protection, the associated legal ideas, and the problems facing it. The second axis discusses the legal foundations and methodology for refugee protection; the third axis deals with protecting refugees in the Islamic world; the study concludes with the results and recommendations.

First Axis: The Idea of Refugee Protection

The first axis has two parts. The initial part is about the concept of refugee protection and the legal concepts that go along with it, while the second section discusses the problems facing the concept of refugee protection in brief, as follows:

Concepts Related to Refugee Law and the Idea of Asylum [4] [50]

Before mentioning the problems of refugee protection and its various causes, we will briefly explain some internationally recognized legal terms and concepts mentioned in international conventions and covenants in this regard. Several legal terms and concepts are mentioned and stipulated in many global and regional ways, protocols, and even national legislation, which are closely related to the idea of protection and overlap with it to perform the same required meaning sometimes or a similar sense at other times. The most important of these terms are shown in **Table 1**.

Table 1. Most Important Terminologies Related to Refugee Laws.

Pardon	When properly upheld and implemented, a legal assurance that forgives a person or group of people from responsibility for criminal or political violations might support the voluntary return of refugees [5] [51].
Help	It is the financial, physical, food, medical, or other aid provided by humanitarian organizations for humanitarian purposes and as a result of the practical application of the Commission in achieving the objectives of protection.
Seek refuge	Asylum is the offering of protection by a country on its territory to foreign nationals fleeing persecution or severe danger; a refugee is a person who has been granted asylum. The term "nonrefoulement," the ability to remain on the country's territory providing asylum, and the application of humane treatment criteria are all essential components of the asylum process. A person must meet specific criteria to become a refugee; at this point, he will be granted rights that vary by country and are outlined in their laws. In Iraq, a person's asylum is not accepted unless after making sure that he is a refugee. Proving his good intention to seek refuge in the Iraqi Republic without warnings or doubts about his request; his only purpose is not to find a means of earning and living [6] [52].
Dignity	A human right recognized and protected by the law of armed conflict (GC 1-4 Common Article 3, Protocol 1 Article 75, Protocol 2 Article 4).
Terms of expiration of the application	These legal provisions clarify when the refugee status ends for the refugee person. At that time, he was no longer covered by the protection stipulated for him under the 1951 Refugee Convention. Article 1c of the 1951 Convention and Article 4 of the Organization of African Unity specify the grounds for the lapse of applicability [7] [53].
Refugees under the Convention	They are individual nations recognized as refugees per the standards outlined in Article 1 of the 1951 Convention and are entitled to several rights under said Convention [8].
First country of asylum	It is the nation where the asylum-seeker or refugee has been awarded international protection [9] [54].
Detention	It is the act of making it hard to move around, usually by forcing someone to stay in one place. The UNHCR thinks that detention shouldn't be used as a standard way to monitor asylum seekers. The Detaining Power is solely accountable for all working conditions, medical attention, wage payments, and compensation for accidents at work and occupational illnesses. Conditions of employment and compensation for work-related injuries and diseases shall conform to national law and customs. They shall not be inferior to those applicable to work of a similar kind in the same region [10].
Conditions of deprivation	These laws keep people from getting the benefits of international protection. If these laws didn't exist, these people would have met the criteria for refugee status, which are in Articles (d), (e), and (f) of the 1951 Convention. The conditions outlined below apply to several categories. Firstly, it encompasses individuals who receive aid and protection from a UN body or agency other than the UN High Commissioner for Refugees (UNHCR). Secondly, it includes individuals who possess the rights and responsibilities associated with acquiring the nationality of the country in which they reside. Lastly, the conditions about individuals with substantial evidence indicating their involvement in committing crimes against peace, war crimes, crimes against humanity, grave crimes, non-political offences, or acts that run counter to the goals and principles of the UN.
Migratory	It is the departure of a person from his country's territory to another country without intending to return to his country [11][55]. Emigration has different reasons. It may result from persecution, as happened with the Jews in Germany and Italy before World War II. It could be for religious, political, or racist motives, as happened in France after the Protestant persecution campaign and during the 1789 revolution. Often emigration occurs economically, in pursuit of livelihood or significant gains, and this is what happened when immigration surged in the nineteenth century, especially from England to America and Australia, following the discovery of gold mines in California and Australia.
Deportation	The right to migrate is balanced by the state's right to deport individuals threatening its safety and security. In ancient times, deportation was based on sovereignty, but nowadays, it is justified by the state's right to self-preservation. Deportation should only be used against those who pose a threat, such as criminals or spies. During wartime, the state's right to deportation expands to protect its safety. Administrative authorities typically issue deportation orders, but England initially gave the power to the judiciary or legislature. Deportation orders are issued by different authorities in different countries. Deported individuals have the right to discuss the order and may choose the destination country, although some countries opt for returning them to their home country. Once deported, individuals cannot return unless the reason for deportation no longer exists. However, in some cases, a foreigner who marries a citizen may obtain their spouse's nationality and circumvent deportation. If deportation is unjustified, the affected state may file a complaint or seek restitution [12] [56].
Non-expulsion	Refugee law prohibits nations from returning refugees to dangerous countries or territories and requires them to provide protection and safety to asylum seekers. This principle is universally applicable, regardless of a country's participation in the 1951 Convention on the Law of the Sea. Nonrefoulement, a key aspect of international refugee protection, prohibits sending individuals back to situations where they may face gross human rights violations. Amnesty International emphasizes that this principle should be upheld, even in cases of large-scale refugee displacement [13][57]. Denying entry or asylum to refugees at borders clearly violates international law. The cornerstone of the international refugee protection regime is the prohibition of forcibly returning individuals to countries where they may face serious human rights abuses, whether within the state's territory or at its borders. Unfortunately, some states are disregarding and eroding this prohibition. An example is the Kenyan government's closure of its border with Somalia, which has prevented many people from finding safety and led to the forced return of hundreds of refugees. [14]

Extradition (extradition of criminals to their countries)	Extradition is a legal procedure in which a country surrenders a person in its territory to another country that requests extradition. This can be done to charge them with a crime, conduct a trial, or enforce a sentence. There are different views on whether extradition is a judicial or administrative act or a combination of both. The disparity in views stems from different countries having varying systems, laws, and procedures for extradition, with different national bodies responsible for carrying out the process. Political or military crimes may impede extradition, crimes not punishable in the requesting country, crimes of minor importance, or if the person is a national of the country is requested to extradite them. While extradition treaties generally include war crimes as extraditable offences, there is no universal requirement to extradite individuals accused of war crimes. Under international law, extradition cannot be enforced for "political offences" despite such provisions existing in many bilateral and regional treaties and national laws. This principle is also found in other treaties and is interpreted in federal case law [15] [58].
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Problems Facing the Concept of Refugee Protection [16] [59]

The first stage in safeguarding refugees is defining their legal status, after which their position is recognized. Their rights and physical security must be maintained to acceptably live in the nation of asylum. At the same time, they await a solution to their difficulties. Providing safety in such circumstances requires careful planning and coordination between NGOs, UN agencies, and appropriate local authorities, as most refugees reside in camps or settlements intended to house large numbers.

Living under such circumstances presents several unforeseen challenges from the perspective of the migrants since they lack privacy and a sense of agency over their circumstances. Refugees may find it challenging to maintain their self-respect, independence, and faith in the future. Aid workers may assist refugees in coping and restoring a "normal" life by speaking with them and involving them in program development and implementation [16].

Some refugees may not have legal status in the country of asylum, while others may have secured UNHCR designation as refugees, but the host government. This circumstance is because not all refugees live in the same conditions. Many refugees reside in metropolitan areas or villages dispersed among the local population. They are so overwhelming that the police and other authorities can harass and extort them.

Unfortunately, we find refugees easy victims of the problems they are exposed to and from various sources, public and private, and this is what we will show through the first and second sections, and then explain the role of human rights officials in protecting refugees internally in a third section, as follows:

General Problems of Refugees

In this section, we will show some general problems facing refugees and propose solutions to them, as follows:

Problems Originating From The Country Of Origin [17]

There are several ways authorities or other parties in the refugee's country of origin may initiate cross-border attacks against refugee settlements. Firstly, they may infiltrate the settlements with the intention of sowing discord and conflict among the locals, thereby changing public opinion and influencing the authorities in the country of asylum to deny asylum to those in need. Secondly, the authorities in the country of origin may exert pressure on officials in the host nation to remove or deport specific refugees, particularly those suspected of terrorism, murder, or treason and may hold important military or civilian positions.

Given the problems above, several solutions can be proposed:

Ensuring that refugee settlements are located far from the borders to minimize the risk of attacks from the country of origin.

Increasing the presence of soldiers from the country of asylum at the borders enhances security and prevents infiltrations.

Implementing diplomatic measures to condemn and halt cross-border attacks, seeking international cooperation in addressing the issue.

Strengthening and coordinating the social structure within the refugee community to foster unity and resilience against external threats.

Be vigilant and attentive to potential invaders or infiltrators within the settlements.

Monitoring and addressing any tensions or disruptions between the local populace and the refugee group, promoting understanding and integration.

Identifying individuals who may be specifically targeted under these circumstances and transferring them to safer locations far from the borders or facilitating their relocation to a third country if necessary.

If an individual does not qualify for international protection as a refugee due to the exclusionary provisions of the Refugee Convention, it is important to contact the relevant authorities or human rights NGOs to ensure appropriate action is taken.

Implementing these solutions makes it possible to mitigate the problems originating from the country of origin and improve the safety and well-being of refugees in the host nation [17].

Problems Emanating from The Country of Asylum

Some issues may arise within the country of asylum, despite the state's responsibility to protect refugees. In certain cases, nations may fail to fulfil this duty due to political motivations or other reasons. These problems can stem from the incompetence or abuse of authority by authorities or individuals involved in refugee matters. Some examples of these issues include refoulement, which involves forcibly returning refugees to their country of origin, as well as instances of incarceration, the use of force, and sexual abuse, all of which constitute violations of human rights [60]:

Their well-being is endangered due to discriminatory practices regarding food distribution or other basic needs.

However, these problems can be addressed through the following:

Encourage the refugee population to self-organize and include them in all elements of camp management.

Frequent meetings involving local authorities, government organizations, UNHCR officials, and refugee community members to learn about refugees' challenges and explore potential solutions.

To avoid misuse of the distribution system, form a committee of refugee representatives of women, local officials, UNHCR, and NGOs to coordinate and monitor food distribution and other vital commodities.

Issues Brought on By the Refugees Themselves

Refugee communities are prone to the creation of internal conflicts, and minor disruptions are regarded as usual, given the challenging living conditions in a big camp or settlement. Occasionally, camps are torn apart by violent confrontations. A single camp may host ethnic groups that formerly resided in distinct places or battled each other in their home nation. As a result, the following might be the root of the issues [18][61]:

The existence of an ethnic conflict.

Feelings of alienation towards certain minorities, especially if these minorities are linked to persecution forces in the country of origin.

The refugee leaders put substantial pressure on society.

In particular, if they intend to utilize the camp as a base and shield for the continuance of hostilities, they can refuse to let the camp or settlement be moved farther away from the boundary. By doing this, they put the refugees at risk of being attacked by the military, put refugee children at risk of being forced to become soldiers and try to stop other refugees from going home for their reasons.

Armed individuals in refugee camps provide clear concerns since they not only endanger other refugees and aid workers unilaterally, but their sheer existence jeopardizes the entire refugee protection system. Armed people, who may be part of an official army or a militia, should be kept away from civilians to protect most innocent people.

Since UN agencies and NGOs lack the political and logistical capacity to handle the issue, it falls on the shoulders of the selected nations or the international community if required. Some migrants may become involved in criminal activities due to the failure of conventional methods of enforcing law and order [62].

However, these problems must be faced by proposing the following:

Encouraging constructive dialogue among refugees to ease tensions, settle disputes, and mobilize refugees to maintain law and order within the settlements.

To encourage all displaced people to maintain safe, welcoming communities.

Confirm with the refugees' leaders that no one recruits kids for the military.

Criminals must be tried in court using local legal procedures not based on arbitrariness or suppressing fundamental human rights [19] [63].

Local Populace-Related Difficulties

In many emergencies, the local population plays a vital role in meeting the needs of refugees. For example, the food and shelter the local population provides in border areas save many lives. Sometimes, the local people help refugees find temporary solutions to their problems by letting them live in their community. However, as more and more migrants flood the region, the natives may grow increasingly hostile toward their new neighbors. There may have been problems in the past with refugees. These problems could be because of land or water rights conflicts when the refugees were still in their home country or because the local people and the refugees are from different ethnic groups that don't get along [20] [64].

Due to the enormous demands placed on resources that are frequently scarce and disproportionate to the size of the settlements and the number of migrants, prices rise, economic activity is disrupted, and environmental harm can occur. Forests in the area may be gradually lost as they are chopped down for fuel and firewood, and natural water supplies may become contaminated, depleted, or both. Local populations may resent aid given to refugees because they may feel left out when refugee communities obtain commodities and services they may not have access to.

A rise in tensions between the refugees and the locals due to the influx of so many new people into the area. Cultural and ethnic differences may exacerbate as a result of the fluctuating situation of the refugees. Suspicion and ignorance can lead to overt hostilities.

However, if the above problems cannot be ignored, several solutions can be found, including:

Investing in infrastructure upgrades, such as water and sanitation systems, transportation networks, and refugee camps.

Start to implement trust-building and reconciliation programs as soon as possible.

Arranging regular meetings between refugee representatives, community leaders, and older people to promote dialogue, identify problems, and settle conflicts.

Work to educate the local populace about the refugees' suffering.

Teaching refugees the value of embracing local religious and cultural norms and practices.

Bandits Or Warring Factions Cause Problems

Bandits and other criminals will likely attack refugees arriving in remote areas. Refugees are particularly vulnerable since it is known that they only took their most priceless belongings when they left. They usually don't bring weapons and only go to places where the law isn't strictly enforced.

Refugees residing in more prominent communities may be susceptible to bandit attacks, such as robbery and armed robbery, and violent assaults, such as rape and murder. Bandits can attack aid workers, and some have been killed. Bandits can steal aid supplies and vehicles to use them for other purposes [21] [65].

These problems can also be addressed through:

The perpetrators of serious crimes should be tracked down by the local authorities and brought to trial.

Supporting and protecting security along the supply routes.

Problems Caused by Inadequate or Improper Protection and Aid Measures

The following protection issues might result from insufficient or suitable protection and support measures done by well-intentioned relief workers [22]:

The country of origin is unwilling to give refugees full economic, social, and civil rights. Refugees might not have the right to move freely, work, or attend school.

The UNHCR may not be aware of the locations of asylum seekers since they are distributed across many nations, cities, and rural regions of the country.

Refugees with family or in a community of people from the same ethnic background get some help to ensure their rights are respected. If a refugee or refugee family resides in a community with a different ethnic background, providing protection becomes a more significant issue; however, how do government authorities and the international community handle refugees?

In some instances, the country of asylum is not subject to the 1951 Convention Relating to the Status of Refugees or other international refugee treaties. It does not have a formal system to protect and help refugees. The solution is how UNHCR and NGOs can act on behalf of the refugee.

Some nations' immigration rules make it mandatory to remove illegal immigrants.

The requirements of the refugees are not being met by the social assistance system in the nation of asylum.

Sometimes refugees are unfamiliar with the language or culture of the community in which they dwell.

Special Conditions for Refugees

The following table summarizes the special conditions and violations faced by refugees in distinct circumstances, particularly in refugee camps or specific conditions [22] [66]:

Table 2. The Special Conditions and Violations Faced by Refugees.

Category	Description
Circumstances of Decision and Relocation of Refugees and IDPs	Displacement that occurs rapidly and in an unstructured manner may leave individuals unable to bring their belongings, such as food, tools, clothing, blankets, and money. In such situations, large-scale aid is required to provide camp residents with the basic necessities of life.
Method of Establishing the Camp	A camp planned in advance is better equipped to meet the diverse needs of displaced individuals than a camp established spontaneously upon the arrival of more refugees or internally displaced people.
Physical Location	The physical location of a camp is crucial in ensuring the safety and well-being of refugees and internally displaced persons. An ideal camp should be situated far enough from conflict zones and other factors causing displacement to protect its inhabitants. It should also be easily accessible for relief organizations, near food and water supplies, and suitable for setting up temporary housing.
Camp Management/Monitoring	The administration and oversight of a camp play a significant role in upholding the rights of its residents. International organizations like the United Nations High Commissioner for Refugees may be responsible for running the camp, but the level of rights protection also depends on the cooperation and resources available from local authorities. Additionally, the government of the host country or the home country of displaced individuals should provide the necessary protection.
Infringement of the Right to Free Movement	The right to freely travel to and from the camp, accessing agricultural fields, water supplies, employment opportunities, and other resources, is a fundamental right that should be respected.
Freedom of Movement Violations	If local police and soldiers restrict people's movement through arrests or detentions, the camp can effectively become a place of detention. In such cases, legal protection is needed to address issues related to detention, arbitrary detention, detention conditions, and detainees' treatment. International humanitarian law also applies in armed conflict situations to protect civilians.
Violation of the Right to Acquire a Name and Nationality	Refugees and internally displaced individuals often flee without proper identity documents establishing their names and nationalities. These documents are crucial for recognizing refugee status and providing necessary assistance. During repatriation, these identification documents become even more vital to facilitate their return home.
Economic, Social, and Cultural Rights Violation	Upholding the humanitarian principles of economic and social well-being and promoting the economic growth of minority groups are crucial during displacement. Ensuring refugees and internally displaced people's economic, social, and cultural rights is paramount.

These categories highlight various aspects of special conditions and violations faced by refugees, underscoring the need for proper management, protection of rights, and addressing displaced populations' economic and social well-being [23] [67].

Second Axis: The Legal Foundations of Refugee Protection

The League of Nations, the international body that preceded the United Nations, began working on a set of laws, conventions, and guidelines to protect refugees in the early twentieth century; on July 25, 1951, the United Nations General Assembly approved the Convention Relating to the Status of Refugees. It is important to note that the General Assembly of the United Nations has emphasized strengthening international cooperation in the field of refugees and economic and social affairs. This cooperation is because paragraph (b) of Article (12) of the Charter (UN Charter, 1945) says that "the functions of the association are to set up studies and make recommendations to develop international cooperation in the economic, social, cultural, and educational fields" [24].

The Convention clarifies who a refugee is and what kind of legal protection, other help, and social rights he should get from the countries that signed it. It also spells out a refugee's responsibilities to the host country and who is not eligible for refugee status, such as terrorists. In addition to this Convention, which is the backbone of the refugee protection system of protocols and agreements, there are many international covenants, treaties, and agreements as legal means to defend human rights and practical tools to defend those rights. Moreover, the Islamic world had its share of those conventions and protocols mainly inspired by the teachings of the tolerant Sharia in protecting and promoting those rights from the standpoint of humanity. Accordingly, we divide this axis into two main branches. We dedicate the first section to defining international and regional means of refugee protection, represented by international agreements, treaties, covenants, and others that aim to protect refugee and human rights. In contrast, the subsequent section deals with a brief study of the status of protection in the Islamic world, as follows [68]:

International and Regional Means to Protect Refugees

The following international accords and covenants can set protection criteria for refugees and displaced individuals:

International Agreements

These international covenants are examples of the agreements of the United Nations, the African Union, the Council of Europe, and the Organization of American States. We'll explain the most important ones here:

Article 14 of the Universal Declaration of Human Rights (1948)

The Universal Declaration of Human Rights was the first international document to recognize the right to seek refuge from persecution. General Assembly Resolution No adopted it (217) On December 10, 1948. After this historic event, the General Assembly asked all members to call for the Declaration's text and work for its publication, distribution, and reading, particularly in schools and other educational institutions, without any diversion. Article 14 of the Declaration explains the right to asylum and who can't use it. It says, "Everyone has the right to take refuge in other countries or try to take refuge in them to escape persecution. The right to be tried for crimes that are not political or for actions that go against the goals and principles of the UN [25].

Articles (44 And 70) Of the Geneva Convention Relating to The Protection of Civilian Persons During War (1949)

The Geneva Convention, adopted on August 12, 1949, is one of the international agreements whose articles define a refugee. According to its provisions, a refugee is "everyone who seriously fears being tortured or persecuted because of his race, religion, or nationality, and who was found outside his country before January 10, 1951." because of events that occurred in the country of his nationality. "This pact protects refugees during times of conflict, and they are not considered foreigners" [26][69]. Unfortunately, this Convention, as well as the text of the 1951 Convention and their definition of a refugee, were flawed in many of their texts and did not agree with other and contemporary refugee cases due to their reliance on persecution as the primary reason for asylum, which prompted African and Latin American countries to broaden the definition of the refugee.

Article (73), Protocol to The Geneva Conventions of August 12, 1949, For the Protection Of Victims Of International Armed Conflicts (1977)

The Protocol above said that people considered stateless or refugees before the start of hostilities should be treated as protected people in all situations and without bias. Persons held by one of the parties to the conflict who are not entitled to better treatment under the conventions are required by this Protocol to be treated humanely in all situations and to receive at least the protection it provides, free from unfair discrimination based on race, color, sex, language, gender, religion, belief, political or other opinions, national or social affiliation, wealth, birth or another status, or any other similar factor. There must be the personal, proper, and religiously-respectful treatment of all such people by all sides. The policy covered the following actions taken by civilian or military operatives anywhere in the world and at any time: (a) Violence against the life, health, or physical or mental integrity of a person, including murder, torture in all its forms, whether physical or mental, corporal punishment, mutilation, (b) Violation of personal dignity, including humiliating and degrading treatment of a person, coercion into prostitution, and any form of excessive modesty, (c) taking hostages, (d) collective punishment, (e) threatening to do any of the above.

International Refugee Convention 1951

This international agreement defined a set of human rights that are at least comparable to those enjoyed by foreigners in the country and, in many situations, equal to those enjoyed by citizens of the same country. It covered the majority of the fundamental components of a refugee's existence. It recognized the refugee problems in the world and the need for international cooperation in this regard, including the distribution of responsibility among countries to address the issue. The 1951 Convention on the Status of Refugees and its 1967 Protocol can be seen as the modern version of the ancient and universal tradition of protecting people fleeing persecution. They are the first and only instruments in the world to be regulated systematically. It outlines the rights and obligations of refugees and the responsibilities of the State's Parties and provides specific care for individuals who were compelled to flee their homeland. The Convention and its Protocol have clearly shown their worth and adaptability for over half a century, offering a practical framework for refugee protection [70]. The 1951 Convention and its 1967 Protocol now had 145 States Parties, and the number of regulators is steadily rising [27].

Articles 12 And 13 Of the International Covenant on Civil and Political Rights (1966)

The International Covenant on Civil and Political Rights, also known as the primary document for civil and political rights, stipulates in Article 2 that states must guarantee civil and political rights to all people living on their soil and subject to their laws. Additionally, this document protects people's freedom of movement and forbids the forcible expulsion of people.

1967's Protocol Relating to the Status of Refugees

Due to removing the geographical and time constraints outlined in the original refugee convention, Europeans connected to events before January 1, 1951, are now eligible to seek refugee status [28]. Moreover, the 1951 United Nations Convention on Refugees defined a refugee. It is a type of legal protection he should have, and the assistance and rights he receives from the States parties to the Convention also describe the refugee's obligations to the host government. It identified the persons or groups of people the Convention does not cover. However, from the beginning, this Convention was only intended to offer protection to post-World War II refugees in Europe. However, the 1967 Protocol attached to this Convention significantly widened the Commission's power and abolished the Convention's geographical and temporal limitations following the global growth of the displacement problem [29].

1984's Convention against Torture, Cruel, Inhuman, and Punitive Treatment

Torture is a broad term that refers to any process that inflicts physical or psychological pain on a person in a deliberate and organized manner to extract information or obtain a confession, for intimidation, as a form of punishment, or as a means to control a specific group that poses a threat to the central authority. In some cases, torture is to impose a set of values and beliefs. However, according to Article 1 of the 1984 Convention against

Torture, "torture" is defined as "any act that results in severe pain or suffering, whether physical or mental, intentionally inflicted on a person with the intent to obtain from that person, or a third person, an information or a confession, or to punish him for an act he or a third person has committed, or is suspected of having committed, or to intimidate or coerce him or her" [30].

Article 22 of the Convention on the Rights of the Child (1989)

A kid is defined as "any human being below the age of eighteen years" unless a majority is reached earlier under the legislation that applies to children by the international Convention known as the Convention on the Rights of the Child. Based on international law, the Convention requires states that sign it to make sure that all children have equal access to all protection measures and procedures, that they can get an education and health care, and that they have more chances to reach their full potential in terms of their abilities, perceptions, and skills, and to grow up in a happy, loving environment. Furthermore, understanding, as well as making information available to educate them and enable people to enforce their rights actively. The Convention includes an integrated set of standards that reflect a new vision for the child that states should abide by. In the event of war and international conflicts, the belligerent country is obligated not to target civilians, especially children, in their areas of residence or presence. According to international norms, it is forbidden for hostile countries, even if they find a military target that causes harm to the civilian population, to leave it [31].

On the other hand, the state should avoid harming children and civilians and terrorizing them. The Universal Declaration of Human Rights, which was published in 1948, contains articles that are general, absolute, and comprehensive for all peoples and nations in both peace and war, including those related to the rights of civilians during war and others related to those rights after the war has ended. Civilians, including children, have rights for those who fall under the authority of the other state. According to Article 22 of the 1989 Convention on the Rights of the Child, the state party to it shall take all necessary steps to ensure that the child requesting asylum [32] is treated as a refugee and is given adequate protection and humanitarian aid while exercising his right. Furthermore, states must ensure cooperation and make efforts to protect and assist such a child, as well as search for him, his parents, and family members as a refugee child, for family reunification, and in cases where his parents or any of his family members are not found, the child must be protected like any other child who has been separated from his family [71]. This Convention, approved in 1989, establishes extensive guidelines for defending children's rights. Article 2 says that it applies to all children without any exceptions. Therefore, refugee children are protected by the Convention's criteria [33].

High Commissioner's Program Executive Committee

The Refugee Convention created a new system that had to see the flow of refugees as an international problem, not just a regional issue or a problem of one country. It also had to develop and implement long-term solutions for refugees in the spirit of international participation that carries the burden. The Executive Committee of the HCR was created to decide how loads of refugees will be shared in any given situation. In 1958 the Economic and Social Council established the High Commissioner's Program Executive Committee. The Executive Committee initially included 24 countries, and the number has increased with time to reach today's membership of 50 countries. [34] This committee has stated interest in refugee issues and has been tasked with advising the High Commissioner for Refugees on how to carry out its duties. Most of these countries, as well as non-governmental organizations, have observer status in the Executive Committee. Thus, the international community had to work through a consensus model to solve the refugee problem, according to the basic principle of the refugee's choice in implementing the permanent solution he envisions. There are several significant ways in which the global community's attitudes toward refugees have changed, building on the current international legal framework for refugees, which consists of the 1951 Refugee Convention and its companion 1967 Special Protocol Relating to the Status of Refugees, as well as the Statute of the United Nations High Commissioner for Refugees. [35] The previous practice of recognizing refugees in the form of groups or categories has changed to become based on the individual assessment of a person. An evaluation of whether he qualifies to be considered a "refugee" according to a specific definition in each case separately, and providing refugee protection has become a non-political act after countries were in the former grants refugee status to groups or categories of people for political considerations, such as if the person is fleeing from a country that the country

that receives him considers an "enemy country," or that the government that receives him wants to embarrass the other country [36].

Convention on Stateless Persons

This is the agreement made by the Conference of Plenipotentiaries on September 28, 1954. It was called together by Resolution No. 526 of the Economic and Social Council in April 1954. It went into effect in June 1960. As stated in Article 1 of the agreement mentioned above [37], a stateless person is "a person which no country deems a citizen under its legislation," The deal creates a framework for a stateless person legally resident in a country to acquire legal status.

Regional Agreements

Due to the apparent flaws in the Geneva Convention, the 1951 Convention, and its 1967 Protocol, regional efforts have been made to define what constitutes natural or extraordinary conditions arising in the region, as follows:

Africa (OAU Treaty)

On September 10, 1969, the Organization of African Unity adopted a compact in response to the rising number of African refugees escaping wars and internal crises in Africa since the late 1950s [38]. United Nations in 1951 added to it what is consistent with its political circumstances. The definition of a refugee, therefore, stated, "Any person who, as a result of external aggression, occupation, foreign domination, or events seriously disturbing public order, either in part or in full of the country to which he belongs by origin or nationality, has been forced to leave his place of habitual residence to search for another place outside a country." We notice by reading this definition that although it talks about a person, it expanded in defining the status of a person refugee more than what came in the definition of the 1951 Convention, and this is due to the political conditions that Africa was going through at the time, so it gave the concept of a refugee a more national meaning, He is the one who is forced to leave his homeland due to factors of occupation or external domination, not only persecution.

Europe

Regarding European refugee legislation, the European Council has achieved two significant accomplishments. The first is reaching a common European interpretation of the concept of a refugee and everyone in need of international protection, as a refugee is not only a person fleeing persecution by their government or country but also a person fleeing persecution by non-governmental organizations. The second achievement is reaching new legislation with unified standards for dealing with refugees, which gives the refugee the first right to confront the rejection of his asylum application through direct dialogue or by bringing in translators. Alternatively, through judicial compensation, and even though this new legislation transcends the "Geneva Charter" that prevented many refugees from entering the territory of the European Union, this legislation is of excellent service to refugees and includes them with more international protection. This goes beyond the efforts made by the European Commission and the member states of the European Union to collaborate closely with the UNHCR to modernize and improve the international protection and asylum system. One way to do this is to diligently provide security to asylum seekers before they leave their home countries [39].

As for the European conventions dedicated to the protection of refugees, they are many and varied. We mention the most important of them as follows:

Protecting Human Rights and Fundamental Liberties Throughout Europe Since 1950 With the European Convention

The European Convention on Human Rights (ECHR), also known as the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, was influenced by the Universal Declaration of Human Rights of 1948 and became the first international treaty with a binding mechanism for the protection of human rights. Only member nations of the Council of Europe had the right to join this treaty on September 3, 1953. The foundation of justice and peace in the world is the preservation of human rights and fundamental

freedoms, which can be achieved through effective political democracy on the one hand and public awareness and monitoring of the human rights on which they are based on the other. This treaty's introduction (ECHR) calls for international cooperation between the parties to it in order to achieve the preservation and future realization of these rights and freedoms. Articles 1-18 of the Convention primarily address political and civil rights. The Court of Justice and the European Commission's action methods in light of this agreement's requirements are listed in articles 19 to 51 [40].

1987 European Convention Against Torture and Inhumane Acts

As the Committee for the Protection of Torture (CPT) oversees the European Convention for the Prevention of Torture Inhuman or Degrading Treatment or Punishment, the European Convention for the Protection against Torture was adopted in 1987 and enacted in 1989. This treaty was ratified by 44 members of the Council of Europe (COE). The committee comprises unbiased and independent specialists who can be elected twice for four years each. Each signatory country has one member.

The Dublin Treaty of 1990

The Dublin Treaty of 1990, signed in Dublin, Ireland, made it so that any member state of the European Union has to look into a request for asylum when a person stays in one or more European Union countries. Article 4 of the treaty said that the refugee request should be dealt with first by the state party to the treaty, and it also said that a child under the age of 18 who is not married could get asylum [41]. A person who faces persecution or torture may be granted refuge under European Resolution No. 14 of 1967. The European Agreement of 1980 also referred to the transfer of responsibility for refugees. The descriptions of the refugee in the European conventions were more comprehensive than those presented in the previous conventions, with the exception that they did not address a specific definition of the term refugee but instead dealt with its general meaning as stated in the Geneva Convention of 1949 and the United Nations Convention of 1951.

Latin America

At the level of Latin America, there are many agreements, treaties, and declarations related to the issue of refugee protection, the most important of which are the following: [42] (Monte Video Convention of 1889, Caracas Treaty of 1954, Carthage Declaration of 1984, American Treaty on Human Rights 1969, Treaty of Political Asylum 1933, Diplomatic Asylum Treaty 1954). The Carthage Declaration of 1984 set the rules for how refugees in Latin America should be treated. This was especially important after clashes and bloody battles forced nearly a million people to leave their homes and live in other countries. This caused severe economic and social problems for the countries where they went, so this declaration set the rules and made sending refugees back to their homes illegal. In the Carthage Declaration, the term "refugee" was defined as follows:

"People who have to leave their country because their lives, safety, or freedom are in danger because of acts of violence, external aggression, internal conflicts, a general violation of human rights, or any other situation that has severely upset public order in their country." [48] [72].

The Carthage Declaration carries great importance, as it talks about people or groups fleeing their countries due to acts of violence or aggression, which means that this declaration is more comprehensive and specific than all previous agreements. The Carthage Declaration's definition of a refugee is broader than prior agreements, as it now includes individuals fleeing their country due to a threat to their lives, security, or freedom as a result of acts of violence, external aggression, internal conflicts, a general violation of human rights, or any other circumstances that severely disturbed order. However, this Carthage Declaration, despite its reliance on international law in defining the refugee, is not binding on states and governments because it is not an international treaty in the legal sense but rather a mere declaration for a specific place, specific time, and unique human groups.

Third Axis: The Islamic World and the Refugees' Protection

Suppose the developed countries had woken up early to asylum and tried to deal with it by all means. The problem of Islamic societies appears to be more serious, either because they are fertile ground for wars, internal

issues, and crises, whether political or ideological or because these societies are unaware or aware of the danger of this phenomenon, whether for the refugee himself or the entire society.

As a result of the pains and tragedies left by the phenomenon of asylum, that dangerous phenomenon, on those Muslim societies and its harmful effects in emptying most countries of their intellectual, cultural, and scientific energies, interest seemed to be increasing. Attention was directed toward finding solutions and setting appropriate legal formulas to protect those innocent victims.

The Organization of the Islamic Conference's member nations are a varied set of countries situated practically everywhere in the world, many undergoing significant political, social, and economic transformations. The Organization's member nations have a long history of welcoming refugees despite their federal restrictions. It strongly thinks it is responsible for upholding the Basic Principles of Refugee Protection.

Because many Islamic nations provide de facto asylum to large numbers of people in need of protection, access to basic social services, employment opportunities in the private sector, and a high degree of tolerance, the 57 member nations of the Organization of the Islamic Conference are home to an estimated 6.5 million refugees and people under UNHCR care, or 38% of the 16.9 million refugees around the world [49].

This number doesn't include the Palestinian refugees who are covered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and whose plight is of great concern to the member states of the Organization of the Islamic Conference, the international community, and the Office of the High Commissioner.

Despite these positive changes and accomplishments, refugees in the Islamic world still face many problems when it comes to getting protection and finding long-term solutions to many issues, such as long-term refugee situations, building partnerships, local asylum systems, and others.

Joining The Refugee Pacts And Developing Protection And Capacity-Building Frameworks [50]

As mentioned earlier, the human rights defence system is based on a significant set of international instruments and covenants concerned with preserving human rights, especially for refugees. According to these international agreements, people should be treated with respect and decency without discrimination based on their gender, race, religion, political beliefs, social or other affiliations, wealth, place of birth, status, or any other factor of a like nature. Respect for their dignity, family's rights, religious convictions and practices, and customs and traditions must always be shown. It is also forbidden to commit any acts of retaliation or looting against them or their property [73].

The complaints voiced at the time of admission, primarily towards the social and economic contents of the 1951 Convention, are reflected in several outdated refugee laws that need to be re-examined. The objective is to shift responsibility for determining refugee status to national agencies methodically, systematically, and progressively. The right to education, freedom of travel, and the ability to work are only some rights granted to refugees under the complete protection framework, which also includes training for law enforcement agencies and other national institutions responsible for managing refugee matters. The Commission routinely offers nations the technical assistance they need to create and implement domestic laws that comply with international norms. The Commission may also assist OIC nations in boosting support for the non-governmental sector and the participation of civil society in problem-solving. Asylum, in order for these facilities to reduce the strain on public services, draw more money for refugee programs, and develop more nimble responses to the needs of refugees.

In the Muslim world, a sizable portion of the populace still has no formal connection to any state at all or legal citizenship. This group comprises individuals who have been deported in the past or who have lost their nationality as a result of a state's succession or a change in citizenship laws [74]. In line with the terms of the 1954 Convention pertaining to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, the United Nations High Commissioner for Refugees (UNHCR) has been given the mandate to address the plight of stateless people across the world. Even though the countries involved are hesitant to deal

with this problem for various reasons, the Office of the High Commissioner is ready to offer its expertise, help protect stateless people, and help the countries involved reduce the number of people without a country to call home. Moreover, work with the missing nations to find and implement solutions to the problems. [51]

Results and Recommendations

RESULTS

The rules for the protection of refugees and persons with similar status are derived from the International Refugee Convention of 1951 and its 1967 protocol, as well as from other legitimate international treaties and conventions, as well as from international customs devoted to the protection of refugees. We have also witnessed the Convention's commitment from non-parties, evidenced by its governing human rights concerns and what gives them a legally binding customary character globally.

Respect for the principle of nonrefoulement is one of the fundamental safeguards the 1951 Convention for the Protection of Refugees provides. A necessary consequence follows from this, which is that countries may not deport or expel refugees arriving on their territory if their deportation to their homes or other homes poses a threat to their lives. Additionally, these nations firmly uphold the principle that no refugee should be forcibly deported to a country where they fear persecution. However, in practice, host governments often do not adhere to the international regulations governing the protection of refugees in general or the principles underlying this principle.

Among the other basic guarantees guaranteed by both the Geneva Convention on Refugees and its Protocol is that they expanded the scope of this protection in terms of persons so that it includes, in addition to refugees, it also includes returnees, stateless persons, asylum seekers, or seekers, in addition to vulnerable groups of people.

There are still occasions when asylum seekers have difficulty finding a nation prepared to offer them temporary protection, and rejection to grant permanent or temporary asylum has resulted in severe consequences for the individuals involved.

Despite the UNHCR's coordination role aimed at promoting the reunification of separated refugee families through appropriate interventions with governments and international governmental and non-governmental organizations, it expresses concern that refugees continue to encounter obstacles in obtaining permanent or temporary asylum in certain regions.

Recommendations

Based on the above results, the study discussed the results and recommended the following:

It is increasing the number of nations that have ratified the Refugee Convention and Protocol and other international instruments establishing refugees' fundamental rights on a global and regional scale. On the one hand, respect the fundamental freedoms and rights of refugees on an equal footing with its people, and on the other, respect the rights and freedoms of its residents and foreign nationals.

Activating the laws of the International Convention on Refugees and its Protocol and overcoming the barriers refugees face is the primary goal of the High Commissioner for Refugees' work. Hence support must be provided for the actions of the High Commissioner for Refugees.

Calling for the establishment of legal boundaries and separations for this purpose, which includes all the concepts contained in the 1951 Refugee Convention, its 1967 Protocol, and other regional and international agreements, as well as the formulation and setting of a comprehensive, preventive, and precise definition of asylum and to define what is a refugee and what is not a refugee.

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Addressing the causes of asylum is the basis for the phenomenon's emergence. Eliminating the causes or limiting those means addressing the phenomenon and destroying it. Still, if the matter remains as it is by neglecting to address the reasons, the results will be disastrous and unsatisfactory in the distant future.

Governments and international political bodies must ultimately make political decisions to solve refugee and other human displacement problems. The request for an appeal encourages UN member countries and non-member countries to comply with humanitarian standards guiding refugee protection fully. It emphasizes that, given the worldwide character of the refugee situation, many more States should ratify the international instruments governing refugee status and that these agreements must be effectively implemented in letter and spirit as intended.

CONCLUSION

The refugee problem has become very hard to solve because the number of refugees has grown so much in many parts of the world, especially in developing countries. Refugees under the 1951 United Nations Convention and the 1967 Protocol Relating to the Status of Refugees, as well as those who are forced to seek asylum outside their country of origin or nationality due to external aggression, occupation, foreign domination, or events that provoke seriously disturb the public order in that country or part of it, are among the asylum seekers who make up these massive flows. Even though they are not legally recognized as refugees, the United Nations High Commissioner for Refugees (UNHCR) supports those given protection on communal or humanitarian grounds. It aids in the reintegration of refugees who have returned to their countries and keeps an eye on their status; in many circumstances, the neighbor of today may become a refugee tomorrow. The refugees are losing their homes, jobs, communities, and, in many cases, their family. They do not pose a threat but require immediate aid while reconstructing their lives. As soon as the situation in their home countries returns to normal, most of them desire to return. However, if the immigrant stays that way for whatever reason, he may eventually become a benefit to society. It is important to note that the encyclopedia of world-famous businesspeople, artists, and politicians has many former refugees. In these situations, UNHCR promotes the voluntary return of refugees by offering transportation, monetary rewards, and valuable goods like seeds, agricultural supplies, and building supplies. When authorized, quick-impact programs attempt to aid returning refugees and communities generally located in developing nations and are as or more underprivileged than the refugees.

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