

# Determination of Refugee Status and Impact of Refugees on Host Countries

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## ABSTRACT

This study was done in light of the fact that States have been surrendering confirmation to individual and group escaping persecution for a significant long time; in any case, the bleeding edge refugee routine is, as it were, the aftereffect of the second half of the twentieth century. Like International human rights law, present day refugee law has its beginning stages in the outcome of World War II similarly as the refugee crises of the interwar years that went before it. The 1951 Convention does not describe how States parties are to choose if an individual meets the significance of a refugee. Or maybe, the establishment of haven strategies and refugee status ends are left to each State social event to make. This has achieved confusions among different States as governments make refugee laws reliant on their assorted resources, national security concerns, and accounts with compelled movement advancements. In spite of the extensive and developing number of philanthropic crises, there are not many researches on the effect of refugees and inside uprooted individuals on the networks that get them. This paper analyses the effect of the refugee on host nations.

## INTRODUCTION

Refugees, overpopulation, environmental degradation, terrorism, world crime movements, and organized crimes are worldwide problems that don't stop at a nation's borders.

By the end of 2017, 68.5 million individuals were forcibly displaced worldwide as a result of persecution, conflict, violence or human rights violations. That was an increase of 2.9 million people over the previous year, and the world's forcibly displaced population remained at a record high. This includes: 25.4 million Refugees in the world—the highest ever seen; 40 million internally displaced people; and 3.1 million asylum-seekers.

New displacement remains very high. One person becomes displaced every 2 seconds – less than the time it takes to read this sentence. That's 30 people who are newly displaced every minute. 1 in every 110 people globally is either an asylum-seeker, internally displaced or a refugee.<sup>1</sup>

## DEFINITION OF REFUGEE

According to Article 1(A) (2) of the 1951 convention a refugee is an individual who is outside his or her country of nationality or habitual residence who is unable to return due to a well founded fear of persecution based on his or her race, religion, nationality, political opinion, or membership in a particular social group.

## REFUGEE BEFORE 1951 CONVENTION

Analysis of the international legal accords pertaining to refugees entered into between 1920 and 1950 reveals three distinct trends in refugee definition. Refugee were defined in largely juridical terms. The juridical approach treats as group of persons who are outside their state of origin who have been effectively deprived of the formal protection of their government.<sup>2</sup>

The Social approach to refugee definition was dominant between 1935 and 1939. Refugees defined from the social perspective are the helpless casualties of broad-based social or political occurrence which separate them from this home society.<sup>3</sup>

On 27<sup>th</sup> June 1921, the Council of League of Nations decided to appoint a High Commissioner for Russian Refugees whose duty would be to co-ordinate the assistance given to those refugees by various countries. Dr. Fridtjof Nansen was appointed High Commissioner on 20<sup>th</sup> August 1921. He was appointed to define the legal status of refugees, to organize their repatriation or their allocation to the various countries, to undertake relief work amongst them with the aid of philanthropic societies.<sup>4</sup>

<sup>1</sup> See <https://www.unrefugees.org/refugee-facts/statistics/> (Visited on 10/04/19)

<sup>2</sup> L. Holborn, "The International Refugee Organisation: A Specialised Agency of the United Nations" (1956), page 311.

<sup>3</sup> Asian – African Legal Consultative Committee, Report of the tenth Session (Karachi) (1969), P. 53

<sup>4</sup> League of Nations: Minutes of the Thirteenth Session of the Council, Annex 224.

However to deal with the legal status of these refugees, the first international instrument was signed in Geneva on 30<sup>th</sup> June, 1928. This agreement was worded in the form of resolutions recommending that the States accepting it, adopt certain measures for the protection of Russian refugees.

The first formal reference to persecution as part of the refugee definition came in 1946 in Constitution of the International Refugee Organization reads as:

“Persecution, or fear based on reasonable grounds of persecution because of race, religion, nationality or Political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the Preamble of the Charter of the United Nations.

Prof. James C. Hathaway observed that the movement of refugee law away from principles of humanitarianism intensified between 1938 and 1950. In particular, the determination of refugee status on the basis of a broadly defined lack of protection came to an end. No longer was it enough to be a member of group of displaced or stateless persons, rather a particularized analysis of each claimant’s motives for flight was requisite to recognition as a refugee.<sup>5</sup>

## RIGHTS OF REFUGEES

According Article 33 (1) of Convention of 1951, the basic principle of refugee law, non-refoulement refers to the States not to refole, or return, a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. It is universally acknowledge as a human right. Additionally, both regional and domestic courts have interpreted the rights to life and freedom from torture to include a prohibition against refoulement.<sup>6</sup>

There are two important restrictions to this principle. Person who otherwise qualifies as refugees may not claim protection under this principle where there are reasonable grounds for regarding the refugees as a danger to the national security of the host country or where the refugee, having been convicted of a particularly serious crime, constitutes a danger to the host community. 1951 Convention, Article 33 (2).

The right to seek asylum and freedom of movement can also be found within the text of the Article 33. The right to liberty and security of the person is important in the context of how asylum seekers are treated within the intended country of refuge. The national laws of several countries provide for the detention of asylum seekers at one point during the adjudication of their claims. In case of *M.S.S. v. Belgium and Greece* [GC]<sup>7</sup> the ECtHR held that the Belgian government had violated an asylum seeker from Afghanistan’s rights under Article 3 of the European Convention on Human Rights by returning him to Greece, the country he had initially transited through, to adjudicate his asylum claim because it was common knowledge that the Greek government lacked adequate asylum procedures, thus, placing the applicant at risk of being returned to Afghanistan where his life or freedom would be in danger.

The 1951 Convention also protects other rights of refugee, such as right to education, access to justice, employment, and other fundamental freedoms and privileges similarly enshrined in international and regional human rights treaties.

## REFUGEE STATUS DETERMINATION BY THE UNHCR

There are various States who have huge refugee populaces however who are either not involved with the 1951 Convention and 1967 Optional Protocol or who don't have laws or approaches set up to address asylum claims. These States incorporate countless in the Middle East and Asia with noteworthy refugee populaces, including Egypt, Jordan, India, Malaysia, Lebanon, and Pakistan.<sup>8</sup> In such cases, refugee status judgments are done by field workplaces of the United Nations High Commissioner for Refugees (UNHCR).

The refugee status determination (RSD) directed by the UNHCR is like asylum settlings led by States. In the wake of enlisting with the nearby UNHCR office, asylum seekers meet with an Eligibility Officer who analyzes their application and supporting documentation. All asylum seekers reserve the privilege to a person in-person meet and might be joined by a legal representative.<sup>9</sup> Asylum seekers are allowed to bring observers, yet UNHCR strategy is that the declaration of observers ought not to be given within the sight of the candidate and ought to never be given within the sight of different observers or outsiders.<sup>10</sup> All candidates are educated recorded as a hard copy of the Eligibility Officer's choice.<sup>11</sup> Where the qualification officer has chosen not to grant refugee status, the candidate is qualified for a clarification of the negative assurance. Id. Candidates who have not been conceded refugee status are qualified for an intrigue.<sup>12</sup>

<sup>5</sup> James C. Hathaway: “A Reconsideration of the underlying Premise of Refugee Law”- Harvard International Law Journal, Vol. 31 No. 1 (1990), P. 139.

<sup>6</sup> See *M.S.S. v. Belgium and Greece* [GC], no. 30696/09, ECHR 2011.

<sup>7</sup> No. 30696/09, ECHR 2011, Judgment of 21 January 2011

<sup>8</sup> See UNHCR, States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol

<sup>9</sup> UNHCR, Procedural Standards for Refugee Status Determination under UNHCR's Mandate 4.3.1-3 (2003)

<sup>10</sup> Id. at 4.3.9

<sup>11</sup> Id. at 6.1

<sup>12</sup> Id. at 7.1.1

All people allowed refugee status just as subordinate relatives are issued an UNHCR Refugee Certificate which stipulates that the holder is a refugee and is along these lines qualified for insurance, including security from refoulement.<sup>13</sup> Shockingly, by and by, issuance of a Refugee Certificate does not generally ensure a person's capacity to work or shield them from being confined in their host nation.<sup>14</sup>

UNHCR normally decides refugee status on an individual premise; be that as it may, the agency will bear the cost of at first sight refugee status to groups in situations where a substantial gathering of people has been uprooted and the requirement for security is particularly critical.<sup>15</sup> An ongoing case of this was the UNHCR's 2007 choice to give by all appearances refugee status to asylum seekers from southern and central Iraq.

Notwithstanding leading RSDs and giving help to refugees and different people of concern, UNHCR encourages resettlement to third nations where intentional repatriation or nearby joining isn't attainable.

## **SOCIAL IMPACT OF REFUGEE ON HOST COUNTRIES**

In the event that refugees are from a similar social and semantic group as the neighborhood populace, there is regularly ID with and compassion toward their circumstance. There are numerous instances of refugees being given sanctuary in nearby individuals' homes. More than 400,000 refugees have been housed with family or companions in the Federal Republic of Yugoslavia. Distinctive ethnicity, notwithstanding, can be a reason for issues. Customary enmities may exist between groups. Even if it's not the situation, disappointments in correspondence and comprehension brought about by language as well as culture can frame genuine boundaries. Now and again, the nearness of one (ethnic) group of refugees may influence ethnic adjusts inside the nearby populace and worsen clashes. There are usually protests that refugees have added to security issues by and large and wrongdoing rates, robbery, murder and so forth, specifically. Associatively, other social issues, for example, prostitution and liquor abuse are additionally professed to ascend in the refugee regions. From one perspective, implemented inertness and destitution inside a refugee camp may cause a heightening of such inclinations, especially if there are groups of young fellows who are not genuinely involved. Then again, refugees, as an "out" group, can be accused for every untoward movement. Occurrence of wrongdoing may rise close to would be normal in a populace group of the new size, yet in a remote and already calm territory, this would not go unnoticed. In the event that the region has turned into a center point of monetary movement, as the nearness of extensive scale help would show, it might have pulled in a group of individuals who will benefit from the present circumstance and may not be obliged by the social and legal shields of the locale. In a fringe zone, this could incorporate cross outskirt issues. A typical wellspring of discontent for a nearby populace, particularly one that is poor, is to see refugees accepting administrations or qualifications which are not accessible to them. Refugees may approach administrations, for example, training and health while neighborhood individuals don't, in spite of the fact that UNHCR, as an issue of standard, endeavors to elevate an incorporated way to deal with human administrations which regard the nearby arrangements. For instance, a survey of the effect of refugee health benefits in eastern Kivu, Zaire, recognized a few issues, not the least of which was a disappointment of organizations to counsel and arrange with neighborhood health specialists. The arrangement of free health administrations for refugees undermined the local esteem recuperation approach. Higher pay rates offered by NGOs enlivened workers to withdraw local facilities. Unexpectedly, a portion of these staff was previous refugees who had added to the advancement of those very administrations. Then again, refugees can convey advantages for the facilitating zone. Refugees so carry aptitudes and data with them which will be used to the benefit of local people. These aptitudes fluctuate, yet do regularly incorporate those of the more taught group, for example, health experts and educators, who, even in restricted numbers, can make a critical commitment in remote territories. An extra scope of abilities that can be brought by refugees may incorporate a venture culture which can animate the neighborhood economy or offer inventive farming strategies already obscure to the host regions. For instance, refugees have presented swamp land rice in Guinea, utilizing already empty land and presenting new horticultural procedures. Refugees in Asian country have presented new procedures of developing cardamom, a vital reap inside the south-east of the country.<sup>16</sup>

<sup>13</sup> Id. at 8.1

<sup>14</sup> See UNHCR, Global Focus: Malaysia 2016 Operational Context.

<sup>15</sup> UNHCR, Resettlement Handbook, ch. 3, at 77 (2011)

<sup>16</sup> <https://www.unhcr.org/excom/standcom/3ae68d0e10/social-economic-impact-large-refugee-populations-host-developing-countries.html>. (visited on 10/04/19)

## ECONOMIC IMPACT OF REFUGEE ON HOST COUNTRIES

From the snapshot of entry, refugees contend with the neighborhood natives for rare assets, for example, land, water, lodging, nourishment and medicinal administrations. After some time, their essence prompts progressively generous requests on normal assets, training and wellbeing offices, vitality, transportation, social administrations and work. They may cause inflationary weights on costs and discourage compensation. In certain cases, they can fundamentally change the stream of merchandise and ventures inside the general public all in all and their essence may have suggestions for the host nation's parity of installment and undermine auxiliary modification activities. One case of market aggravations would be the need to lease convenience for office and private purposes, for ostracizes, yet in addition for privately connected with staff, because of a refugee circumstance. Expanded development movement results, yet this is typically joined by increments in lease, profiting the individuals who are property proprietors, yet antagonistically influencing poor people and those on fixed livelihoods, for example, government officers. Buy of substantial amounts of building material may make them rare or ridiculous for nearby individuals, while likewise producing inflationary impacts. In like manner, expanded interest for nourishment and different products can prompt value ascends in the market which will animate neighborhood financial action, albeit, once more, not profiting the most unfortunate. The nearness of a vast refugee populace in country zones unavoidably likewise implies a strain on the neighborhood organization. Host nation national and provincial specialists redirect significant assets and labor from the squeezing requests of their own improvement to the earnest undertaking of keeping refugees alive, reducing their sufferings and guaranteeing the security of the entire network. While most host governments by and large have shown a readiness to endure a considerable lot of these costs, they are naturally hesitant to pay, as a cost for giving haven, the expense of extra system that might be expected to suit refugees. According to UNHCR, there are over 65 million displaced people in the world. There are 80 countries that host 10,000 refugees or stateless person each. Lebanon, with over 1 million refugees, mostly Syrian, the west Asian country has the highest density of refugee population, Jordan, another major host of Syrian refugees following the civil war. Rwanda, itself with a gruesome history of civil war, the central is home to people who have fled the Democratic Republic of Congo and Burundi during and after series of conflicts in the 1990s.<sup>17</sup>

## ENVIRONMENTAL IMPACT OF REFUGEE ON HOST COUNTRIES

The movement of population across international borders in recent years, especially from developing countries and between developing countries, is having a significant impact on international relation. This impact may also have a local base involving the immigrant and the local population or conflicts between states involving population movement; It is clear that this is a growing phenomenon, a phenomenon that scholars have yet to incorporate into their understanding of either international migration or international relation. The theories of international immigration pay little attention to state intervention, while the literature on international relations say relatively little about population movements, except in so far as the refugee phenomenon is described as an outcome of conflicts.<sup>18</sup>

The expansive scale entry and delayed nearness of refugees can impact sly affect nature, including deforestation; de-vegetation; disintegration; the pulverization, debasement and contamination of water sources and catchment regions; illicit poaching and angling; and overgrazing. 11 sometimes, local people are required to surrender arable land for the development of refugee camps or settlement zones; woods might be stripped as refugees need shafts for houses and lavatories, kindling, medication, covering and grain, and fuel wood. In like manner, overwhelming trucks that transport food and other help may harm streets.<sup>19</sup> Refugees are likewise regularly put in "as of now naturally unfriendly parched areas with insignificant vegetation and variable access to adequate water, especially for domesticated animals and developing vegetables". In this way, they might be compelled to utilize what they can and accordingly add to the further exhaustion of characteristic assets. Extended refugee circumstances, specifically, can fuel natural concerns, including sustenance security and sanitation. Huge camps like Dadaab in Kenya or Zaatari in Jordan can have especially negative impacts on the earth, including soil disintegration, loss of natural surroundings and untamed life, air contamination, water defilement and water exhaustion. They may likewise be situated close national stops or holds, which can make dangers for the preservation of those territories. These remote areas have frequently been connected to different dangers, including dangers of sexual and sex based viciousness that ladies may confront when they are compelled to walk long separations to recover kindling. In like manner, regardless of whether refugees can self-settle or compelled to stay in camps or settlements can decide their ecological effect on the host nation. For instance, refugees compelled to stay in camps in remote

<sup>17</sup> See at <https://timesofindia.indiatimes.com/india/how-refugees-impact-their-host-country/articleshow/60838948.cms> . para2 (Accessed on 27/03/2019)

<sup>18</sup> Myron Weiner on International Migration and International Relations, Population and Development Review Volume 2, 1989, pp 441

<sup>19</sup> (Dzimbiri 1993)



territories rather than refugees who decide to self-settle in a urban region would need to utilize regular assets in an unexpected way, maybe deforesting certain regions, for instance.

## IMPACT ON LOCAL ECOLOGY AND INFRASTRUCTURE

Adjustments of eco-system can be controlled or uncontrolled. In the event that an adjustment of at least one component is completed to serve a unique objective, for example, land freedom for yield development or land leveling for water system, and if this alteration depends on sound arranging, considering the effect on ecological conditions, the recently settled eco-system isn't really sub-par compared to the bygone one. The advancement of the new system can, in this case, be known as a controlled improvement. Be that as it may, if an unexpected and spontaneous change happens, it might prompt a genuine, uncontrolled awkwardness with an effect overall eco-system, both in the legitimately influenced zone and past. The mass development of refugees is a case of a circumstance where the effect on the nature isn't completely leveled out, in light of the fact that the crisis character of the development regularly does not consider early and legitimate arranging of the new territory.

The expansion of a sizable gathering of refugees to a current populace makes an unexpected and huge interest for rare characteristic assets, for example, land, fuel, water, sustenance and asylum materials, with long haul suggestions on their economical re-age. Other longer term issues identify with disintegration, diminished soil ripeness and avalanches. Issues identified with provincial wood utilization are perpetually genuine. Evaluations of rustic wood utilization in Somalia demonstrate that the wood necessity for a group of five, for hovel development, is 2.4 m per head every year for cooking. Expecting that the wood utilization of refugees would be unobtrusive, state a large portion of the ordinary utilization, a camp of four thousand refugees would expend around 10,000m of wood a year for cooking. The standard volume of wood in the savanna-type forests of Somalia was evaluated to be around 50 m for each hectare, which implies that the normal refugee camp would drain 600 hectares land in the primary year of its foundation and 400 hectares for consistently from there on. In and around refugee camps, whole settlements have been totally cleared all things considered and bushes. Occupants of 3-4 years of age camps needed to stroll for a few hours to discover trees and bushes to cut. Beneficial nourishment assembling through chasing, rummaging and gathering nearby sustenance stocks includes to the weight nature. Moreover, human waste transfer can defile nearby ground water and cause the spread of infection. Streets in host regions experience substantial crumbling from expanded use to convey sustenance supplies and different items, while open administrations, for example, wellbeing, education and water facilities, are likewise vigorously affected. Instances of the staggering effect of huge refugee populaces on the eco-systems and on the infrastructure of a host nations can be found in the encounters of the Islamic Republics of Iran and Pakistan in facilitating Afghan refugees. For example, in Pakistan, more than two million refugees added to quickened mileage of streets and waterways, and a huge increment in the utilization of fuel and grub assets. Wood assets were additionally exhausted as risen camps were changed over into towns and the requirement for material timber put significantly more weight on forest assets. Numerous families brought domesticated animals which brushed close camps, adding to the perpetual issues of over-touching and the weighty increasing speed in soil disintegration. Fuel and grub expulsion likewise represented a genuine risk to the limit of the earth to recharge its groundwater assets.

## CONCLUSION AND SUGGESTIONS

This paper has analyzed the effects of refugee facilitating through monetary, social and environmental points of view. It has talked about a scope of constrained movement grant to think about how these appraisals are made and where further instruments are expected to all the more likely measure the effects of facilitating refugees. Given that most of refugees are hosted by nations that are least ready to react to their requirements. It is suggested that under more open policies, refugees can be an economic benefit to their host communities in the long term like refugee bring skills and buying power can be an asset to the labour market. Many refugees utilize technology and when given opportunity, establish business that can create employment. There is a need for a research that can help the policy makers on the impact of hosting refugees.