Forum: Advisory Panel Question (APQ) on Economic Inclusion

Issue: The question of asylum seekers' right to work

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Introduction

War, conflict, and persecution have led many people to flee their countries. People from places all around the world flee to seek a better life and protection, away from the hellscape of war and conflict. People leave behind their families, property, as well as everything they own. They face an unknown future, a future where even a meal a day might not be a possibility. With 26 million registered refugees and over 80 million displaced, countries are taking in more and more asylum seekers. Although this record has only been achieved half a year ago, the number of asylum seekers are still increasing, with around 600,000 to 700,000 asylum seekers a year. Whilst this increasing number in itself is a pressing issue, another problem has caught the public's eye and brought to light in the past few decades.

While asylum seekers have the chance to gain refugee status, it could take months or years before they are granted a title as a refugee. A refugee would be treated "as favorable as possible" or "no less favorable" than that of aliens due to the 1951 Refugee Convention. However, one could spend from 6 months to several years as an asylum seeker before they are accepted as a refugee. Thus, an asylum seeker's right to work and the ability to be employed has been brought into consideration. From Article 23 of the UDHR, "(1) Everyone has the right to seek work to free choice of employment, to just and favorable conditions of work and to protection against unemployment". The need for employment for these individuals is required for their necessities, as they cannot get enough money without work. In practice, however, asylum seekers are not given the chance to work. Not all asylum seekers' have the right to employment, self-employment, or volunteer work. For some, they are barred from the opportunity to seek work. For others, a long and tedious process to acquire a permit is required for non-citizens to find work. Through these hardships, many asylum seekers face financial difficulties, poverty, or even destitution. As a result, countries have been pressured by protesters and communities to fulfill work rights for refugees and asylum seekers in practice and policy.

While nations are obligated to provide refugees, asylum seekers with accepted applications are granted work rights and protection under the 1951 Convention. Nations are not required to assist unrecognized asylum seekers, which is a majority of asylum seekers. As the title "Asylum seeker" is

usually given to oneself, the government does not recognize them as a refugee, and by extension are not compelled to give them a right to work. For instance, a common policy that limits an asylum seeker's right to travel would thereby limit their access to employment. However, it is not against international laws or documents to prohibit work for an unregistered asylum seeker, or one who does not have an accepted application. In addition, even some recognized asylum seekers or refugees are not allowed to work. Countries attempt to prevent refugees from entering the workforce, taking away jobs from citizens; so, numerous countries have banned refugees from employment due to the fear of the potential to displace local workers. Although the legally binding 1951 Convention specifies that nations are obligated to give the right to work, this convention is not reinforced in nations. Therefore, in effect, asylum seekers are often denied the right to find safe and legal employment. Because of these reasons, asylum seekers are not able to even sustain their necessities. Thus, changes and action are required to resolve this dire situation.

Definition of Key Terms

Asylum seekers

An asylum seeker is most likely a title given to oneself. A victim of war, persecution, natural disasters, or other circumstances that force the victim out of their country of his or her origin. An asylum seeker is an immigrant, both legal and illegal, that has been forcibly displaced. However, asylum seekers are not recognized by the local government or international community before they submit a formal request for the right to stay in a certain country. If their request has been accepted, they receive refugee status. If it has been rejected, they could be deported, stateless, or marked as an illegal immigrant. Until the application has been accepted, they are considered an asylum seeker. There are currently around 80 million people who have fled their country of origin and sought shelter in other countries, making them asylum seekers. Whilst waiting for a decision on their application, asylum seekers have very few work rights. In most countries, asylum seekers are not allowed to work and sometimes not allowed to volunteer. In the European Union, asylum seekers who have not received a refugee status will have limited access to healthcare. Asylum seekers sometimes have to wait for months or years before being permitted to work. They receive little to no financial aid, thus poverty and destitution are common among asylum seekers.

Refugee

Every refugee was once an asylum seeker, but not every asylum seeker becomes a refugee. If an asylum seeker's application has been accepted, they are formally labeled as a refugee and thus registered. So, refugees may be referred to as a recognized asylum seeker. There are currently 26 million registered refugees in the world, half of whom are under the age of

18. More than two thirds (67%) of the worldwide refugee population originate from just five countries: Syria, Venezuela, Afghanistan, South Sudan, and Myanmar. The UNHCR defines refugees as "persons who are outside their country of nationality or habitual residence and unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order." Such causes for their inability to return may be war, conflict, or persecution due to belief or race.

Stateless Person

A stateless person is a person who legally has no nationality. They do not have citizenship of one country and thus are not protected by their laws. The two most common ways for one to gain citizenship from birth are "jus soli", the right of soil, and "jus sanguinis", the right of blood. This means that one must either be born on a territory to gain the citizenship of that country or be a descendant of one or both parents with citizenship of the said country. It is common for the right of blood to only be valid for one generation. Suppose two people have gained their citizenship through "jus sanguinis". Their offspring would not gain citizenship of that country by birth unless they are born within the country. One would achieve the status of a stateless person if they fail to meet both requirements at birth. Consequently, nations or territories are not obligated to grant protection or rights to stateless persons. Hence, stateless persons often have difficulty acquiring education, healthcare, or free travel.

If an asylum seeker has been rejected a refugee status, they could become a stateless person if they have already lost the citizenship of their country of origin. Others who have already gained a refugee status could still be considered a stateless person. Therefore, they are also susceptible to unemployment, lack of protection, and other basic human rights. Thus, the UNHCR as well as other relevant organizations have been addressing statelessness as a pressing issue.

Voluntary Return

Voluntary return is when a resident of a country returns to their country of origin or their ancestors' country of origin. Illegal immigrants, rejected asylum seekers, or deported individuals often voluntarily return due to varying reasons. Such reasons could be their inability or unwillingness to continue to live in the host country. There are thousands of returned refugees each year, ranging from 100,000 to 1,000,000 people each year. However, if they return, they are vulnerable to the same issues that initially caused them to seek refuge elsewhere.

Internally Displaced Person (IDP)

Internally displaced persons are very similar to refugees. They escape their original homes or residence for very similar reasons. However, the major difference between refugees

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and IDPs is that IDPs do not leave their country's border. As an Internally Displaced Person, they remain within their country, therefore they remain under the protection of that country, despite it being the reason for their displacement. It is common for them to move to desolate locations, so it is difficult to assist.

Livelihood

Livelihood is defined by the UNHCR as "activities that allow people to secure the necessities of life, such as food, water, shelter, and clothing. Engaging in livelihood activities means acquiring the knowledge, skills, social network, raw materials, and other resources to meet individual or collective needs on a sustainable basis with dignity." Even though there are already many camps sponsored by the UNHCR that give a substantial amount of these resources. Countries without camps or low-quality camps often do not give these resources. So, if such countries have laws against asylum seekers' right to vote, livelihood will be rare for these asylum seekers.

Destitution

Although it is often just described as extreme poverty, it is more accurately defined as poverty so severe that one is unable to provide necessities, such as food and shelter. Such is often the result for asylum seekers, as, without the right to find wage-making employment, they are unable to create income in any way other than divided donations, which they seldom receive. Furthermore, even if asylum seekers do receive jobs before their acceptance, such jobs are likely to be low-paying (some under minimum-wage) or dangerous.

Background Information

Refugee status determination

Asylum seekers go through a specific process to gain refugee status. Such a process could take from 6 months to several years. During this time, asylum seekers do not have the right to work or employ in most countries. While they do gain working rights after they gain refugee status, they have no way to earn money while their application is still in consideration. Very few nations allow asylum seekers to seek employment immediately, as a work permit is required. This process can be conducted by both individual governments or the UNHCR. The result of this process determines if the asylum seeker becomes a refugee or an asylum seeker.

Accepted Applications

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If an asylum seeker has been accepted, they receive a registered title of a refugee. They now become a registered asylum seeker, otherwise known as a refugee. This means that the hosting nation will be obligated to provide protection and treat them like other non-citizens and aliens. Obtaining a refugee status would therefore mean they have the right to work following Chapter III of the 1951 Refugee Convention. Countries that do not follow would thereby be violating the 1951 Refugee Convention and its 1967 Protocol, ratified by 149 countries. However, nations that are not signatories to this document will not be legally obliged to support registered asylum seekers. Thus, the international community has no jurisdiction over such countries on the issue of the right to work.

Rejected Applications

An asylum seeker who has been rejected by relevant officials would not gain refugee status, therefore cannot work in the majority of nations. A rejected asylum seeker would often be deemed as an illegal immigrant. Asylum will be refused and the asylum seeker may be asked to leave or deported, sometimes leading them to voluntarily return to their country of origin or to become a stateless person. However, few disappear into the community and become "aliens" or illegal immigrants. Although most may still find employment, rejected asylum seekers are often in low-paying jobs or illegal activities.

The 1951 Refugee Convention and its 1967 Protocol

The Convention Relating to the Status of Refugees and its 1967 Protocol, collectively known as the 1951 Refugee Convention, was a multilateral treaty ratified by 149 nations. This treaty ensures the rights of refugees, including protection and the freedom of movement. This treaty is also commonly used to define refugees, asylum seekers, and other immigrants to provide an international standard. The 1967 Protocol also secures the most important right of refugees for this issue at hand. Chapter III of this convention explicitly states that refugees have the right to work and engage in wage-earning employment. However, this does not apply to asylum seekers who are still in consideration.

International Covenant on Economic, Social and Cultural Rights

Similar to the 1951 Refugee Convention and the UDHR, the International Covenant on Economic, Social and Cultural Rights (ICESCR) focuses on the rights of all persons regardless of status or circumstance. Article 6 of the ICESCR states that the "right of everyone to the opportunity to gain his living by work which he freely chooses or

Taipei American School Model United Nations, Taipei 2021 | XVII Annual Session accepts." The committee in charge of this Covenant confirmed that this Article applied "to everyone including non-nationals, such as refugees, asylum seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation." However, a separate article within the ICESCR states that members merely need to take steps towards this goal instead of requiring action. Thus, does not return any immediate results, but instead slow implementation.

Causes of Asylum Seekers Inability to work

Although the commonly referenced 1951 Convention does specify that registered asylum seekers must be given the right to work, there are many instances of this right not being present. Although many are more than qualified for certain jobs, many asylum seekers, both registered and unregistered, are prevented from working due to the following reasons and ways:

Lack of Reinforcement

While the convention itself is legally binding, meaning that it can technically be forced upon countries under international law. However, not much has been done to implement requirements as suggested by the 1951 Convention. Such a requirement is giving asylum seekers and refugees the right to work. Because of this lack of reinforcement, nations, some of which ratified the original convention, bar asylum seekers from receiving proper employment.

Restriction of Movement

As international regulations and documents are not reinforced in member nations, countries often heavily limit the travel of refugees and asylum seekers. A report done by *Asylum Access*, an international nonprofit organization dedicated to effectuating refugee rights, examines 15 countries with a total refugee population of nearly 5 million. Around 45% of 15 countries prevent Asylum seekers from working through many means: strict encampment, expensive permit fees, and controlling and keeping track of any travel. While these actions are not specifically violations of the Convention, it blocks asylum seekers' ability to find work.

Cultural and Educational Barriers

While the government itself is not the cause of this barrier, the cultural difference and lack of education play a major role in refugee and asylum seekers'

Taipei American School Model United Nations, Taipei 2021 | XVII Annual Session inability to find employment. Discrimination, xenophobia, and the lack of information regarding job opportunities are all reasons for their unemployment.

Fear of the Potential to Displace Workers

A major fear of many nations' governments is the fear of the potential displacement of the local workers. As the number of asylum seekers increases, countries begin to fear the possibility that local workers will be displaced from the workforce. This fear is considered one of the biggest motivations for nations to bar asylum seeker's right to work. However, this fear and prevention of work also cause many unintended side effects.

Effects of Asylum Seekers Inability to Work

The barring of asylum seekers' right to work has many unintended consequences. Such include negative influences on both the asylum seeker and the country.

Destitution

The barring of asylum seekers' right to work has led many to poverty. Destitution is very common among asylum seekers and refugees, as they do not have any effective means of income. So, many asylum seekers have been led to poverty because of their inability to work, only surviving on donations and resources from refugee camps.

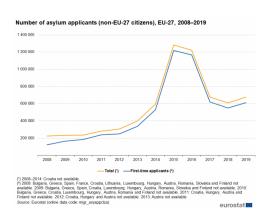
Resort to Informal Economy

A pressing consequence of the denial of work rights might cause refugees to resort to the informal economy and low paying jobs. In some countries, asylum seekers' working conditions are not protected by law; therefore, it is very common for them to go to unsafe or insecure environments. Not only is this type of work unsafe, it is often below minimum wage, meaning that asylum seekers barely get enough money compared to the work they do.

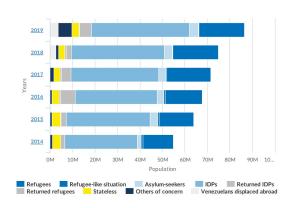
Effects of Asylum Seeker Employment on the Local Economy

From several progress reports of multiple, refugee work rates and increase of Gross Domestic Product (GDP) have some correlation. As the number of refugees in concentrated areas begins to work, the GDP seems to increase in countries. However, this is only apparent in countries that do not have high concentrations of refugees and asylum seekers in a single area. Meanwhile, self-employed asylum seekers have created

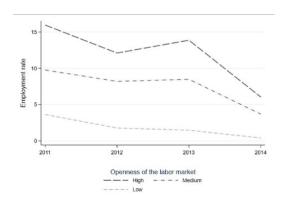
Taipei American School Model United Nations, Taipei 2021 | XVII Annual Session new jobs for the local workforce. Contrary to the common fear, working asylum seekers seem to be benefiting the local workforce. However, it is undeniable that there is a possibility for a local worker to be challenged by a capable refugee, in which case there may be displacement.



Caption #1: Graph Depicting Increase of Asylum Applications



Caption #2: Graph Depicting Increase of Displaced Individuals



Caption #3: Graph Depicting the Employment Rate from 2011 - 2014

Major Countries and Organizations Involved

United Nations High Commissioner for Refugees (UNHCR)

A major branch of the UN created and dedicated to aid and help refugees, asylum seekers, and stateless persons. This branch has restarted many's lives for the better, providing protection, shelter, health, and education. UNHCR has designed several camps and settlements to help refugees and asylum seekers. UNHCR has been an active participant in solving the issue. The UNHCR has certainly been taking action to reinforce the items stated in the 1951 convention through ways such as attempts to safeguard refugees and asylum seekers' rights, including the right to work.

United States of America

The host of more than 2 million asylum seekers, and another 400,000 per year, the United States is one of the largest acceptors of asylum seekers in the world. The USA has accepted 10% of all acceptances from 1998 to 2007. However, around 60% of the cases sent to the United States are rejected. If an asylum seeker has been accepted as a refugee, they can apply for permanent residence (green card) and receive working rights. However, only 10,000 green cards can be given out annually to asylum seekers, making this environment more hostile. Furthermore, refugees do not receive economic support from the government, meaning they do not get help from the government to properly assimilate. In addition, only an asylum seeker who has been pending for more than 150 days can apply for a work permit. In this long period where asylum seekers cannot apply for work, asylum seekers sometimes have a hard time finding employment. This period is unique only to the United States among developed countries.

European Union (EU)

Combined, the European Union accepts from 700,000 to 1,000,000 asylum seekers per year, around 20% of the total accepted asylum seekers. In 2019, the population of asylum applicants in the EU rose once again after a drop of 400,000 in 2017. Despite a drop of 44.5% of applicants compared to 2016, the number of applicants is higher than it was in two decades. There is an expected increase of 11.2% annually in the coming years. Among the members of the EU, Germany has experienced a dramatic increase in the number of first-time asylum seekers. With an increase of 118% (62,400 applicants), Germany accounted for 23.3% (142,400 new applicants) of all new applicants as of 2019. France (119,900 applicants), Spain (115,200 applicants), Greece (74,900). and Italy (35,000).

In the majority of EU nations, asylum seekers are not allowed to self employ immediately. However, engaging in employment is allowed only in the instance that an

Taipei American School Model United Nations, Taipei 2021 | XVII Annual Session asylum seeker is given the permit. This means an asylum seeker will only be permitted to work before a specific time limit if a permit is granted. However, there are a few exceptions in which pending applicants will be able to work. Asylum seekers can be given work by NGOs or the government. Asylum seekers who have been pending for more than the time limit are allowed to work without a permit.

3 countries (Austria, Bulgaria, Finland) set a time limit of 3 months, a majority of countries (France, Czech Republic, Estonia, Finland, Lavita, Lithuania, Luxembourg, Netherlands, Poland, Spain) with 6 months, and 3 countries (Croatia, Hungary, Slovakia) with a limit of 9 months. However, several countries differ from the rest. United Kingdom (UK) requires a limit of 12 months before a permit can be granted. Other countries, such as Norway, Greece, Malta, Portugal, and Sweden will grant temporary and permanent permits if an asylum seeker's identity can be verified and if they meet requirements set by each individual country. However, Asylum seekers can usually employ immediately in these countries if they have solid reasons for the asylum application.

Canada

A party of the 1951 Refugee Convention ICESCR, Canada is a host of 164,000 refugees and 27,000 asylum seekers. Asylum seekers can work once they obtain a permit. In addition to the right to work, they will be granted healthcare, social security, and legal representation. However, there is no guarantee as to how long it takes to receive a permit. The recent Balanced Refugee Reform Act does not affect the right to work for asylum seekers.

Ecuador

A signatory of the 1951 Refugee Convention and the ICESCR, has around 60,000 refugees and 2,000 pending asylum applicants. Ecuador does not have refuge camps, so refugees assimilate into the local communities, moving freely. In Ecuador's 2008 Constitution, rights to work for citizens and all aliens are given. Thus, since July 2012, work permits are no longer required for asylum seekers to work. Furthermore, Presidential Decree 1182 in 2012 explicitly states that a permit will no longer be required, and they are given the right to work before their application acceptance. However, the same decree tightened the asylum application process, thus increasing rejection rates. While the right to work is granted in Ecuador, the title of a refugee lands many into low paying and dangerous jobs.

Egypt

A host of 18,300 refugees and 18,000 asylum seekers, Egypt has also signed both the 1951 Convention and the ICESCR. However, Egypt has yet to enact laws regarding the asylum application process and national policies. Therefore, policies regarding refugee status are determined by the UNHCR. In the Egyptian Constitution, Article 53, noncitizens are technically allowed asylum and therefore eligible for a work permit. However, in reality, permits are hard to obtain. Issues such as the costly price and strict requirements prevent asylum seekers from working. Also, an asylum seeker can only receive a job position if no Egyptian citizen can fill the position. Thus, the majority of asylum seekers work in the informal economy.

Germany

Germany hosts 1.77 million refugees and 100,000 asylum seekers. Germany is often regarded as one of the most "accepting" of asylum seekers and refugees, as it has been the country with the most refugees for many years. Most requirements outlined in the 1951 Convention are met, and refugees are given full access to employment. However, asylum seekers are to wait a maximum of nine months before they are given this opportunity. But, when they do receive this permit, resources, financial support, information, resources, and training are given to support refugees in their search for employment.

Greece

Despite Greece being a party to sign the 1951 Convention and the ICESCR and host of 50,000 asylum seekers, Greece's policies are often not kept up to standard. For instance, the issuance of permits may be delayed, accidentally or purposely. Greece does not follow its commitments outlined in both the Refugee Convention and the ICESCR in practice or policy.

Iran

Iran has signed the 1951 Convention. However, Article 24 (a refugee's labor protections and security) and Article 17 (a refugee's right to access wage-earning employment) are not fully supported. Thus, refugees and asylum seekers are not protected in terms of labor and cannot engage in wage-earning activities. However, Iran has agreed to Article 18 (a refugee's right to self-employment). So, asylum seekers and refugees are permitted to engage in self-employment and entrepreneurship. There are 863,000 refugees in Iran, making Iran one of the countries with the highest refugee population. Refugees and accepted asylum seekers will be allowed to obtain a temporary

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Malaysia

Malaysia has not signed the 1951 Refugee Convention or the ICESCR and therefore does not recognize refugees or asylum seekers. With the 1951 Refugee Convention definition of refugees and asylum seekers, Malaysia hosts 91,000 refugees and 14,000 asylum seekers. However, further 225,685 people are unregistered. As Malaysia does not have a policy that recognizes refugees or asylum seekers, they are often deemed as "illegal immigrants". Therefore, it is not uncommon for asylum seekers to be denied the right to work. Although in July 2013, the Malaysian government has announced that work permits will be given to registered refugees, such a policy has not yet been implemented.

China

Also a signatory of the 1951 Refugee Convention, China is still in the process of developing policies. Article 23 of the Constitution and Article 46 of the Exit and Entry Law are the only relevant policies on the issue at hand. These two articles grant the right for the country to grant asylum as well as for asylum seekers to receive identification. Non-Indochinese are often treated as aliens and thus receive no work rights. However, they are supported by UNHCR Beijing in terms of food, healthcare, shelter, and education.

Timeline of Events

The timeline below outlines the times of important documents in chronological order.

Date	Description of event
December 10th, 1948	UDHR adopted in the UN
July 2nd - 25th, 1951	The 1951 Convention drafted in Geneva, Switzerland
July 28th, 1951	The 1951 Convention ratified by 149 members
April 22nd, 1954	The 1951 Convention effective
September 28th, 1954	Convention relating to the Status of Stateless Persons signed

June 6th, 1960 The 1954 Convention ratified and effective

December 16th, 1966 The signing of the ICESCR

Relevant UN Resolutions and Treaties

- Universal Declaration of Human Rights, 10 December 1948 (?)
- Convention relating to the Status of Refugees and Protocol, 28 July 1951 (A/CONF.2/108)
- International Covenant on Economic, Social and Cultural Rights, 16 December 1966 (2200A(XXI))
- Refugees and the right to work Resolution 1994, 11 April 2014
- Convention relating to the Status of Stateless Persons, 28 September 1954

Possible Solutions

Establishing ways of communication to increase collaboration between agencies, organizations, and nations. As there have been many different actions conducted by UN agencies, NGOs, and individual governments, many actions contradict or have been ineffective. So, a collaboration between different agencies, organizations, and governments to create feasible strategies is vital to realize the right to work among refugees and asylum seekers. There should be coordinated laws and policies among countries to ensure that refugees' right to work is standard around the world. One way that this could be achieved is through a conference or meeting that is held quadrennially or every few years. This would allow for communication and agreement between these parties when a new decision is made. At the same time, refugees and asylum seekers from all over the world would have the right to work.

The reinforcement of legally binding documents. As there have been legally binding documents adopted by the UN and the international community. However, not many attempts have been made to implement such documents and solutions. In policy, there should not be anything to prevent refugees from employment; yet, there are many examples of this prevention, including the aforementioned examples. Reinforcement can be done in many ways, such as annual checks or reports given by individual nations, especially nations that host the most asylum seekers.

Creating new jobs in places with a high asylum seeker population. Another way of solving the issue is by tackling one of the roots of this issue: fear of displacing jobs. With the creation of more jobs, this fear can be uprooted. Without this fear, nations can give permits and allow work without fearing that locals will face fierce competition. However, there is a large possibility that this is not the only

problem for countries, so other solutions along with this one are needed to create a solution that can be agreed upon by all members.

Dispersing refugees and asylum seekers. Because of an apparent correlation between asylum seekers displacing jobs and the density of the refugee population, an easy, but quite expensive solution would be to disperse the asylum seekers into different areas and work departments. That way, refugees do not consume the resources of a specific community or job. This could be done by moving volunteers to a different refugee camp or area of residence. Although this solution would be effective to prevent the displacement of workers, not all countries will be able to or willing to implement this solution. Money and funds could come from donations or help from other nations; however, there is still a possibility that there is not enough money.

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