UNHCR BACKGROUND GUIDE

AMBMUN 27’

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Dear Delegates,

On behalf of AMBMUN'27, we would like to express our utmost pleasure to host you all at the United Nations High Commissioner for Refugees (UNHCR). As the representatives from different countries around the globe, you have the obligation to solve one of the biggest humanitarian crises of the contemporary world, which is related to the safeguarding of refugees and asylum seekers during immigration enforcement. The agenda of the year is based on the idea of inhumane treatment of refugees and asylum seekers during immigration enforcement process. This topic provides delegates with the opportunity to discuss the responsibilities of countries in the context of border management and acting in compliance with basic human rights. To what extent countries can use immigration laws without compromising human rights of people who are searching for the shelter? Is it possible to implement border control without violating the rights of refugees? Members of UNHCR are expected to discuss issues such as immigration detention, forced removals, border control, access to asylum process and protection of vulnerable groups. Your job is to analyze the situation in your countries and find effective solutions to achieve higher level of international refugee protection.

This guide acts like a stepping stone for your study and comprehension of the subject area. We recommend you to carry on with the examination of the legal, political, humanitarian, and social aspects of the problem and think about the approach used by the refugees as well as the states responsible for housing them.

The conference will be a platform for meaningful discussions, successful negotiations, and real cooperation.

Warm regards,

Amar Nackouzi and Adam Ghazzawi.

Topic: Addressing the Inhumane Treatment and Lack of Protection of Refugees and Asylum Seekers During Immigration Enforcement.

The way refugees and asylum seekers are treated under immigration law enforcement is an international issue of concern. The tightening of border control and enforcement of immigration laws often translate into indefinite detention, discrimination, forced deportation, and limited access to legal protection for people fleeing conflict, oppression, or danger. This raises a basic obligation – to make sure that immigration law enforcement does not undermine the principle of human dignity and internationally recognized human rights principles.

Refugees and asylum seekers face a number of challenges and difficult experiences during the immigration process because they enter unknown countries without legal documents, money and knowledge of the local legal system. While refugees are people who left their home countries because they are afraid to be persecuted, asylum seekers are people who have requested for international protection. This distinction is important because asylum seekers must have a reasonable chance to present their case before some decisions are made.

The figures reported by UNHCR point out that close to 41.6 million people were part of international refugees at the end of 2025. Another 9 million people were waiting to get answers to their claims as asylum seekers. This shows that international displacement continues to exert pressure on national asylum systems.

The detention of refugees and asylum seekers is one of the worrying practices linked to immigration enforcement. In certain areas of the world, some individuals could be held until their identity is confirmed, immigration status verified, or asylum application approved. Nevertheless, detention could raise prominent human rights issue if it is arbitrary, prolonged, discriminatory, or occurs under unacceptable conditions. According to the UNHCR Detention Guidelines, detention needs to be an exception, and each case needs to be assessed individually, as well as the existence of potential alternatives to detention (UNHCR, 2012).
A different significant issue is the practice of forced return, also called refoulement, which refers to the practice of returning an individual to the areas from where they had to flee due to fear of persecution or serious harm. According to non-refoulement principal, Article 33 of 1951 Refugee Convention, a refugee cannot be sent back to a country where they will be in danger of life or

freedom, making it an essential principal for international refugee protection and an indicator of the boundaries of the state’s power in terms of immigration control (UNHCR, 2026).

Furthermore, individuals may be exposed to discriminatory practices because of their nationality, ethnic background, religion, language, or immigration status. This creates hindrances in accessing legal assistance or healthcare facilities including approved asylum procedures. One may face additional threats during border processes because of being a child, woman, disabled individual, or victim of trafficking or violence. Hence, immigration actions may not be able to consider an individual's specific case unless the relevant protective measures are undertaken.

The different countries in the world have transformed some legal frameworks and protocols to deal with the issue in question. The 1951 United Nations Refugee Convention and its 1967 Protocol have meant broad support of refugees, whereas the Office of the High Commissioner for Human Rights of the United Nations offers practical advice concerning adherence to human rights norms on the international borders. In addition, the Global Compact on Refugees encourages cooperation among countries and a fairer taking of responsibility for refugees (UNHCR; OHCHR).

Nonetheless, there are major obstacles to be confronted in the process of putting all these protective measures into effect. Governments have to take care of the issue of border management, deal with irregular migration, determine who could create real security risks and operate immigration systems. Furthermore, governments must ensure that their immigration policies comply with international standards while protecting asylum seekers and refugees from unnecessary risks.

That is why the work of the UN High Commissioner for Refugees should be highlighted. The problem arises due to the gap between the level of international protection and the implementation of these requirements on the national borders. The responsibility for the managing of immigration system lies with the government, yet international cooperation, governance, and humanitarian support are required to ensure than method of implementation respects rights of individuals.

This subject puts pressure on delegates to think about the approaches some countries use to operate a functioning immigration system while they provide assistance to people who need refuge from danger. The duty of the international community is not only to advocate for better measures to safeguard borders but to see to it that all measures are compliant with international obligations, respect human dignity, and the right to seek refuge.



History

The beginnings of the worldwide refugee protection system may be connected to the displacement that resulted from wars in the previous century. After the First and Second World Wars, many people had to flee from their homes because of persecution, violence, and political instability. These events pointed out the necessity of international support and the rules that would allow the citizens who cannot come back home to return safely.

In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights. According to Article 14, individuals are entitled to seek asylum from persecution in other countries. Even if the declaration does not guarantee freedom of asylum, it has played an important role in the formation of the international refugee system.

In 1950, the United Nations created the Office of the UN High Commissioner for Refugees by Resolution 428 of the UN Assembly. Initially aimed at dealing with the problems caused by the Second World War, this office was designed to give international asylum seekers the protection they needed and to cooperate with governments in finding long-lasting solutions to the problem of displacement.

In 1951, an important milestone occurred when the Convention Relating to the Status of Refugees was adopted. The Convention laid down a globally recognized definition of refugees and laid out rights and obligations that state parties should adhere to. One of its key principles was non-refoulement, which means not sending refugees back to the places where their lives are threatened. The Convention also discusses such issues as freedom of movement, access to courts, functioning in the labor market, receiving education and protection from a number of expulsions (United Nations High Commissioner for Refugees, 2026).

Nevertheless, the original Convention adopted in 1951 had updates regarding geographical and temporal limits that required the refugees to have fled the territory before January 1, 1951, to qualify for protection under the Convention. In response to the escalation of refugee crises beyond Europe and to eliminate these limitations, the 1967 Protocol was ratified with a view to extending the protection of the Convention to refugees in the entire world.

As immigration systems became more sophisticated, detention of asylum seekers got on the agenda. In 1986, the UNHCR Executive Committee adopted Conclusion No. 44 on the detention of refugees and asylum seekers and indicated the cases when detention is permissible. In 2012, the UNHCR issued detention guidelines that present more details as to the criteria to be used for detention (UNHCR, 2012).

In 2016, the United Nations General Assembly adopted the New York Declaration on Refugees and Migrants. The Declaration reaffirmed the commitment of the world community to refugees and migrants and stated that there should be common responsibility to manage large scale displacement.

This issue was developed further with the Global Compact on Refugees that was adopted by the United Nations in 2018. The framework aims to increase international cooperation with regard to the issue, improve conditions for refugee hosting countries, and create conditions for more independence of refugees (UNHCR, 2018).

The way refugees and asylum seekers are treated while being processed by immigration enforcement remains problematic despite these advances. There have been many documents and international recommendations stressing the need for avoiding arbitrary detention, guaranteeing the accessibility of asylum procedures, protecting people from discrimination, as well as establishing some form of independent supervision at international borders (OHCHR, n.d.; UNHCR, 2012).

At present, the global community continues to face the problem of bringing national immigration policies into compliance with international refugee and human rights requirements. One of the key points is that understanding the evolution of these laws will help in realizing how to strengthen the existing protection mechanisms and improve their enforcement.

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Analysis

The main challenge in addressing the treatment of refugees and asylum seekers during immigration enforcement is balancing states' authority to manage their borders with their responsibility to protect human rights. Governments may verify identities and address genuine security concerns, but these measures should not lead to arbitrary detention, discrimination, or denial of access to asylum procedures. The issue is how immigration laws can be enforced while respecting human dignity and international obligations.

Immigration detention and forced return are two major concerns. Detention should be assessed individually and used only, when necessary, rather than applied automatically or for prolonged periods. States should consider alternatives such as community-based supervision and regular reporting. At the same time, the principle of non-refoulement requires that individuals are not returned to places where they may face persecution or serious harm. Fair asylum procedures and the opportunity to challenge removal decisions are therefore essential.

Refugees and asylum seekers may also experience discrimination based on nationality, ethnicity, religion, language, gender, disability, or immigration status. Children, unaccompanied minors, women, persons with disabilities, and survivors of trafficking or violence may need additional safeguards. Access to interpretation, legal assistance, healthcare, and trained officials can help ensure that each person's circumstances are properly considered.

Although international frameworks such as the 1951 Refugee Convention and the 1967 Protocol establish important protections, their implementation remains inconsistent. States may face limited resources, high numbers of arrivals, and security concerns, making international cooperation essential. UNHCR can support governments through guidance, monitoring, and coordination, while states remain responsible for their immigration procedures. Delegates should consider practical measures such as independent inspections, accessible complaint systems, official training, and stronger asylum procedures to protect individuals while maintaining effective border management.

Questions to Be Answered in Your Resolution:

1. How can states strengthen border management and immigration enforcement while ensuring that refugees and asylum seekers are able to access international protection?
2. What safeguards should be established to prevent arbitrary, discriminatory, or prolonged immigration detention, and what alternatives to detention can be encouraged?
3. How can states ensure that the principle of non-refoulement is respected during deportation, removal, and border procedures?
4. What measures can guarantee that asylum seekers receive fair and timely assessments, access to legal assistance, interpretation services, and the opportunity to appeal decisions?
5. How can immigration authorities identify and protect vulnerable individuals, particularly children, unaccompanied minors, women, persons with disabilities, and victims of trafficking or violence?
6. What forms of independent monitoring, reporting, and accountability should be introduced to investigate mistreatment and improve conditions at borders and in detention facilities?
7. How can UNHCR, national governments, and non-governmental organizations cooperate to provide technical, financial, and humanitarian support to countries managing large numbers of refugees and asylum seekers?
8. How can the international community promote shared responsibility between countries of origin, transit, and destination without placing an unfair burden on host countries?

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Starter Resources

1) United Nations High Commissioner for Refugees. (2012). Guidelines on the applicable criteria and standards relating to the detention of asylum-seekers and alternatives to detention. https://www.unhcr.org/sites/default/files/legacy-pdf/505b10ee9.pdf

2) Office of the United Nations High Commissioner for Human Rights. (2014). Recommended principles and guidelines on human rights at international borders. https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf

3) United Nations. (1951). Convention relating to the status of refugees. https://www.unhcr.org/about-unhcr/overview/1951-refugee-convention

4) United Nations High Commissioner for Refugees. (2024, September). Unlocking rights: Towards ending immigration detention for asylum-seekers and refugees. https://www.refworld.org/policy/polrec/unhcr/2024/148655

5) United Nations. (1948, December 10). Universal Declaration of Human Rights. https://www.un.org/en/about-us/universal-declaration-of-human-rights

6) United Nations General Assembly. (2018). Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195). https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_73_195.pdf

7) United Nations High Commissioner for Refugees. (n.d.). Detention. https://www.unhcr.org/what-we-do/protect-human-rights/asylum-and-migration/detention

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Country Matrix

USA - United Kingdom - Russia - China - France - Argentina - Afghanistan - Belgium - Brazil - Uganda - Egypt - Hungary - Jordan - Lebanon - Türkiye - Morocco - Ukraine - Yemen - Spain - North Korea - Mexico - Germany - Cameroon - Canada - Australia

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References

1) Office of the United Nations High Commissioner for Human Rights. (2014). Recommended principles and guidelines on human rights at international borders. United Nations. https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf

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4) United Nations General Assembly. (1951). Convention relating to the status of refugees. United Nations Treaty Series, 189, 137. https://www.unhcr.org/about-unhcr/overview/1951-refugee-convention

5) United Nations High Commissioner for Refugees. (1986, October 13). Conclusion No. 44 (XXXVII): Detention of refugees and asylum-seekers. https://www.refworld.org/policy/exconc/excom/1986/41745

6) United Nations High Commissioner for Refugees. (2012). Guidelines on the applicable criteria and standards relating to the detention of asylum-seekers and alternatives to detention. https://www.unhcr.org/sites/default/files/legacy-pdf/505b10ee9.pdf

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