

## YEMENI COALITION FOR EDUCATION FOR ALL

# Report on the reality of refugee education in Aden

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## Introduction:

Armed conflicts and wars play a major role in causing harm in all its forms to all family members in general. War brings negative effects that leave its imprint on the memory of the persons and on their psychological and social stability in the environment in which they reside. This effect may accompany them on a permanent basis, such as psychological and neurological diseases that negatively affect their adaptation to the environment in which they live. It also negatively affects the balance and stability of his personality. This is reflected on their daily activities and performance of their duties and responsibilities.

And throughout history, people have been forced to abandon their homes and seek safety elsewhere to escape persecution, armed conflict and political violence. If we look at the various cases of asylum in the world, we will find that no person chooses to be a refugee of his own free will. Rather, it is the harsh conditions that push him to leave his homeland in search of safety in another land despite the risks and dangers that this entails with all the risks and pitfalls in it. A person may be forced to flee in search of refuge due to persecution because of their color, vein, social status, religious beliefs, loyalty to a particular group, or because of his intellectual and political positions.

With the increasing scope of the conflict in our Arab homeland and its escalation in some of its countries, such as: Syria, Libya, and Yemen and the major challenges and transformations that led to it, and the economic and social consequences caused by the massive influx of refugees, and the increase in the poverty rate, the lack of development projects, the lack of job opportunities, the absence of employment programs for many young people, and other reasons.

The problem of refugees, whose number exceeded 50 million refugees, asylum seekers, and internally displaced persons in the world, Noting that it is feared that the internal crises that some Arab countries are currently experiencing will produce new refugee crises Which has become a great deal of attention to the United Nations and the High Commissioner for Refugees as international organizations within their competence to take care of the problems of refugees

and help them to solve them; In cooperation with the countries of the world and international bodies working in the humanitarian field.

The right to asylum is receiving great attention in international circles International legitimacy has focused on the issue of asylum and refugees due to the increasing violations of the rights of persons and groups. As for the main objective of refugee protection, it focuses on protecting the rights of refugees and providing them with decent conditions. The phenomenon of asylum and the refugee issue is the result of the denial of the rights of persons, groups and peoples.

Given that Yemen was and still is a host country for refugees from the Horn of Africa, knowing that it is a poor country and expelling workers; With the outbreak of the internal situation in Yemen and the occurrence of migration and internal displacement from the conflict areas, Especially since the humanitarian situation in Yemen still constitutes a major challenge, due to the continued insecurity, water scarcity and the increase in the number of people living in extreme poverty, The refugee problem has begun to constitute a heavy burden on Yemen due to its lack of financial resources huge price hikes, Difficulty finding work and basic services And other repercussions of the country's current economic, health, political and social situation. This made the United Nations, the High Commissioner for Refugees and its partners increase their interest in refugees in Yemen, Especially with the current situation, the internally displaced persons from the Yemeni governorates and the Syrian, Iraqi, Palestinian, Somali and Ethiopian refugees have been added to the UNHCR's attention.

Education is a powerful engine for development efforts and a powerful tool for poverty reduction. Achieving equality; without education and equal right to education, the two issues of sustainable development remain, the political issue together is flawed. Education is also one of the factors on the basis of which the level of development is measured And the economic and social development of societies.

The presence of large numbers of students without education is a matter of concern. Since the outbreak of crises and conflicts in the Middle East in the past

few years, the frequency of migrations and emigration to neighboring countries increased the number of children who were deprived of attending their schools increased for reasons beyond their control to escape from death and starvation.

The problem of asylum has become a difficult problem that many countries suffer from. Because of the conflict in many countries, large numbers of those countries resorted to neighboring countries, including Yemen, and significant numbers fled to foreign countries in search of a decent life. Since the outbreak of the war in Yemen, the problem of refugee students has emerged, who have been cut off from their schools and have no education. International organizations, especially the United Nations, continue to appeal to the state. Providing them with private schools, and provide what they need from classrooms, Teachers and study materials.

The New York Declaration on Refugees and Displaced Persons notes the importance of learning as an essential component of the international refugee response; Education is a basic human right. The 1951 Convention on the Status of Refugees and the 1989 Convention on the Rights of the Child stipulate that education enlightens the lives of refugees, enabling them to learn about themselves and the world around them. As they seek to rebuild their lives and their communities.

The problem of educating refugee children has become a reality that cannot be marginalized. Education is an important tool for building societies and building a person's personality in a way that makes them aware of the changes taking place around them. To be able to face those rapid changes and form the right response, so that he can help his community to overcome any obstacles that may threaten his presence. To be able to face those rapid changes and to form the right response, to be able to help his community to overcome any obstacles that might threaten his existence.

In light of this, international communities agree on the importance of education as an important tool for the emotional, material and social stability of its members. and thus guarantees them a longer stay in the first ranks among the countries of the world, specifically in the economic and cultural aspects. But in

the case of instability, education fall victim to these humanitarian crises; it loses its priority even to ensure peace and security throughout.

The refugee person needs great care in order to compensate **him** for being deprived **of his** rights that **he** lost when **he** left his homeland. Joining international efforts and providing support and funding to refugees and displaced alike is essential so that they can continue their lives normally.

Based on this, this study comes to shed light on the reality of refugee education in the governorate of Aden, as it is one of the most Yemeni governorates that **witness** the influx of refugees from all countries.

## **-The problem at hand:**

Yemen is one of the countries that receive large numbers of refugees. Yemen is a transit country for mixed migratory flows, including asylum seekers and migrants.

The influx of large numbers of refugees into Yemen under the difficult conditions it is witnessing undoubtedly contributes to Yemen's suffering from a major problem that is added to the list of problems it has been experiencing since 2011 until this moment. Accordingly, the problem can be summarized in the following points:

1. Population problems The high population growth, compared to the available resources, represents the most important challenges facing development in Yemen, as Yemen remains among the highest global rates of population growth, which limits the increase in per capita GDP. The wide population dispersal, the growing demand for basic services, public utilities and housing, in addition to the increase in internal migration and the lack of sufficient job opportunities for it have left negative effects on the national economy.
2. Weak human resource development, as human resource development faces many constraints, most notably the spread of illiteracy, limited educational and training institutions, high dropouts in basic and secondary

education, especially among females, educational gaps between males and females and between urban and rural areas, and the low level of educational outputs. These phenomena decrease productivity and consequently the volume of economic activity, which results in a decrease in income, consumption, savings and opportunities for growth, as well as the expansion of the phenomenon of poverty and unemployment.

3. Yemen is one of the poorest countries in the world, where the incidence of poverty is very high. Yemen is witnessing a continuous significant increase in the number of people living below the poverty line in the population.
4. The outbreak of the Corona virus, as the outbreak of the virus doubled the burdens on the exhausted health care services, and exacerbated the vulnerabilities among members of society in general, and among refugees in particular.
5. Conflicts and wars witnessed by Yemeni society, since the year (2011 AD) to this day, Yemen has been exposed to the largest wars that have negatively affected the education process, as the education sector at all levels witnessed periods of interruption and suspension, in addition to the resulting instability of the security situation. This includes damage to and occupation of some school buildings, inaccessibility to some schools due to insecurity, high absenteeism of teachers and administrative staff, and unavailability of the curricula, which negatively affected the situation of education in general, and among refugees in particular.
6. Inequality in education, where justice and equity in access to education remains a challenge, through the continuous disparity in key education indicators, whether between genders, social groups or between different regions.
7. Education quality challenges. Fourth graders in Yemen were ranked lowest among all countries participating in the TIMSS 2007 test out of 36 participating countries, and Yemen ranked last in both science and mathematics tests.

## **- Report objective:**

1. Assessment of the current situation of refugee education in Aden Governorate.
2. Identifying the most important challenges facing the refugee education process in Aden Governorate.
3. Attempting to develop many appropriate and possible solutions to improve the level of education for refugees.

## **- Method used:**

The approach used in this report is the multi-method, which contains many measurement and evaluation tools, the most important of which are the following:

1. Qualitative personal and telephone interviews with officials and those concerned with the education sector and refugee affairs.
2. Analysis of the content of previous Arab and foreign research and studies related to education and asylum.
3. . Analysis of local and international statistical indicators related to education and asylum.

## **- Theoretical background to asylum:**

Wars are one of the most dangerous conditions that affect peoples and their members. Wars have negative economic, social, political and psychological effects, and persons of all ages, economic and social groups suffer from it. The destruction it causes affects all segments of the people and its groups. These effects remain for a very long time. The most prominent results of wars on persons and their safety are many cases of deaths, and this war has caused our

dear country many more deaths than those resulting from natural disasters throughout history.

The movement of man and his movement from one place to another in search of sources of livelihood and to achieve survival is a phenomenon as old as man himself. The geographical location of countries and societies and the enactment of legislation related to the issue of citizenship, nationality and asylum laws, which made the process of moving from one country to another without prior permission from the target country for asylum legally considered asylum.

With the growing phenomenon of asylum among the peoples of unstable countries to stable countries and the consequent humanitarian, economic, security and political risks, the phenomenon of asylum has become one of the thorny issues facing decision-makers in many countries, and it has even become a global phenomenon.

On the academic level, the phenomenon of asylum has become among the most prominent phenomena that specialists in various sciences have addressed, such as politics, economics, history, sociology, psychology, economics, geography, security, social service, and law, in an attempt by these sciences to study and understand this multifaceted phenomenon.

The most prominent question that posed to the specialists in these sciences was: Why do people resort to asylum? What are the factors and motives that make people seek asylum?

In order to identify the phenomenon of asylum, it was of great importance to start by highlighting the concept refuge and the concepts related to the concept of refuge. This is as follows:

### **-Refugee concept:**

A refugee is defined as: A person outside his country of nationality or country of habitual residence because of a well-founded fear of being persecuted because of the **race**, or religion, or nationalism, or belonging to a particular social group, or a political opinion, or because of the internal wars that occur in some countries.

Because of that fear, they are unable or unwilling to seek shelter in the protection of that country or to return to it for fear of persecution.

The Organization of African Unity defined, in Articles 1 and 2 of the Organization of African Unity Basic Law within the September 10 Treaty of 1969 :The term refugee refers to any person who has been forced to leave his national home and seek refuge in another place outside his original or national home. This is due to external aggression, occupation or foreign domination. or because of accidents that seriously disturb public order, Whereas the Charter of Europe focused in its definition on those who cannot and for various reasons do not want to return to their country of origin.

The European charters issued by the European Union regarding refugees also provided a more accurate and comprehensive description of the concept of refugee than the other aforementioned conventions and regional treaties. The text of Resolution **14 of 1967**, the right of asylum to persons at risk of persecution and abuse, The European Agreement of 1980 referred to bearing the consequences of asylum, As well as the 1984 Recommendation for the purpose of protection for those who fulfill the conditions of the Geneva Convention, The Dublin Treaty of 1990 obligated any member state of the European Union that is responsible for considering an application for asylum when a person wishes to do so to one or more European Union countries.

It is noted that the descriptions of the refugee in the European charters were more comprehensive than the descriptions of the international conventions, but they also did not give a specific definition of the term refugee and dealt with the term in general terms.

## **- Asylum seeker concept:**

Asylum seekers are defined as: People who have crossed an international border in search of protection but whose application for refugee status has not yet been decided.

### **The concept of international refugee protection:**

Includes all actions aimed at ensuring that women, men, boys and girls of concern to United Nations High Commissioner for Refugees have equal access to and enjoyment of rights in accordance with relevant bodies of law; including international humanitarian law, international human rights law and international refugee law.

### **The concept of temporary protection for refugees:**

In principle, protection includes the rights of every refugee in accordance with international human rights and humanitarian law on a permanent basis. However, the existence of some “exceptional” refugee cases due to the dangerous conditions experienced by a group of people led to the influx of large numbers of refugees in search of safety and security, which questions the emergence of a new type of urgent protection for this group of refugees.

### **The concept of a refugee hosting country:**

It is the country that bears primarily the responsibility to protect refugees. The 140 countries that are party to the 1951 Convention and the 1967 protocol are obligated to implement its provisions. Articles 3 to 11 of the Convention include provisions that obligate the concerned states to the Convention.

## **- Distinguishing between a refugee and an internally displaced person:**

The Latin American community faced this dilemma before the European community since 1889 in the Montevideo Convention, the first regional document dealing with asylum, followed by the 1954 Caracas Treaty on the right of diplomatic and regional asylum. Then followed the famous "Carthage Declaration" in 1984 AD, which laid the legal basis for the treatment of refugees from Latin America, specifically after the clashes and bloody battles that led to the displacement of more than a million people outside their country, which created social and economic difficulties for the refugee country.

**The Refugee Convention stipulates general considerations that must be met in order for a person to be granted refugee status, and these considerations are:**

1. A person outside his country of origin who says that he has a reasonable fear of persecution or danger in general is not considered a refugee according to the International Refugee Convention, but this danger or persecution must be causally linked to one of the five reasons specified by the International Convention exclusively, which is race Or religion, nationality, belonging to a particular social group, or adopting a particular political opinion.
2. Some countries require that the causal link between persecution and one of the above-mentioned five reasons be defined in a clear and independent manner whenever there is a demand that there is a reasonable fear of persecution and because of race, religion or nationality, but there are other countries that do not see that research on the availability of This causal link is an independent issue in itself, as it considers that this definition must come in the general context of the conditions for the application of the international agreement, and whether the concerned country decides that the causal link needs independent research as an independent definitional issue, or decides that the research into the availability of this link is part of the general context of the requirements The international convention as a

whole This investigation must take place in the light of the texts, context, objectives and goals of the International Refugee Convention itself and its related protocol.

3. The asylum applicant is not responsible for determining the reason on which he says that he is in danger of persecution, but the requesting country must assess whether or not any of the five reasons specified by the Convention are available in the case of this person.
4. Sometimes in some circumstances, the exposure to the risk of persecution in the case of a person is due to two or more of the five reasons for which this person is subjected to persecution. It is logical that in these cases, the search for a causal link is to the extent of the existence of the relationship between these reasons combined and the existence of persecution Or the risk of exposure to it instead of researching the availability of each cause separately.
5. The identity and beliefs of the refugee must be protected. For this reason, the refugee cannot be expected to deny his identity or beliefs - which are subject to protection - lest this come to the knowledge of the state or community group that is persecuting him.
6. The causal link, which is required to be available, must be achieved between the existences of a reasonable basis for fear (justified fear) on the one hand, and one of the five foundations upon which persecution is based, as stated in the Convention, on the other hand. Of course, the applicant is expected to focus on the obstacles facing him which justifies his request for asylum. These obstacles can be presented through the interpretation of the texts of the agreement, which came mostly in the passive form on the one hand, and the search for the basic purpose of the agreement, which is related to the definition of circumstances in which the necessary or reasonable internal protection can be replaced by an external one on the other hand.
7. It is not enough for a person to say that there are obstacles he faces and that these obstacles find their basis in one of the five reasons specified in the Convention for granting refugee status (although every asylum-seeker

is expected to present in his application that there is a causal link between the obstacles or problems and one of these five reasons).

8. It can be inferred that there is a link between the obstacles faced by the asylum seeker and one of the five reasons specified in the Convention by verifying that there is evidence that there are reasons that led to the actual harm or the threat of it having occurred from the government of the country to which the asylum seeker belongs, and that this harm or threat is It was signed by a civil group in the country, and his government was unable or stopped to provide him with effective protection, and it is sufficient for the applicant to prove that his government or a civil group in his country of origin is persecuting him or threatening him with persecution and that this persecution or threat of him is due to one of the five specific reasons in the agreement in order to provide the causal link that is required for the granting of refugee status.
9. . It is also not required to prove the existence of a causal link between persecution and one of its five causes specified in the Convention and to provide evidence or proof of the existence of a state of hostility, hatred or severe criticism between the asylum-seeker and the party responsible for persecuting or harming him, or to prove that such hostility exists between the asylum-seeker And the officials in the place or sector of the state that decided to prevent or stop the internal protection of the person.
10. It is also not required to prove the existence of a causal link between persecution and one of its five causes specified in the Convention to provide evidence or prove the existence of intent or intent to harm or persecute an asylum-seeking person. It is sufficient to verify that the asylum-seeker has already been persecuted or is at risk of persecution because of one of the five reasons specified in the agreement.
11. Obtaining refugee status is not limited to persons belonging to political, religious or any other minorities, and while in practice, persons belonging to minorities are subjected to persecution more than other groups that constitute the majority of the population, but the basic condition for the recognition of the existence of refugee status is Ascertaining one of the five

grounds listed in the Convention constitutes a contributing reason for which an asylum seeker is at risk of persecution.

After this clarification related to the definition of refugees, we find that the meeting point of internally displaced persons with refugees is that both leave their place of residence and move to another place due to tensions, conflicts or persecution, but they differ in the spatial aspect, the point of arrival. From the borders of his country to another country, which requires that the refugee **enjoy** a legal system other than the one that is proven to the internally displaced person, because the latter, as we explained previously, exercises the rights of citizenship within the country, and that there has been a spatial change and not a change in the legal status, unlike the refugee whose legal status changes in the country of asylum.

A second country usually provides a newly arrived refugee with a safe place, food, and **shelter**. Refugees are protected under **a well-recognized umbrella** of international laws and treaties. The United Nations High Commissioner for Refugees and other humanitarian organizations work within this legal framework to help refugees start their lives again in a new country. Or eventually return home.

The displaced within their own countries often face a future of greater insecurity. They may be caught up in internal conflicts, without finding safe places to live. Their fate remains under the complete control of their local governments. Which may view these groups of homeless as “enemies of the state”? There are no international agreements specifically addressing the issue of the displaced within their countries. It is also often difficult to implement general agreements, such as the Geneva Conventions. Donors have been exposed, even today, about interfering in internal conflicts and helping this sector of people.

## **- Reasons for asylum:**

The issue of displacement and forced asylum of the population is an old phenomenon associated to the security, environmental, economic and political conditions that surround societies. At the present time, this issue has been increasing and growing steadily, as it has led to civilians leaving their homes and places of residence in forced mass migrations. Among the main reasons for asylum at the global level are the following:

1. **Wars and armed conflicts:** Wars, oppression and persecution in the country of origin may be grounds for emigration and asylum. Non-economic factors of expulsion include religious, ethnic, and other persecution, ongoing abuse, bullying, persecution, genocide, and risks to civilians during civil wars. Therefore, some countries are forced to transfer the status of illegal immigrants to the status of asylum seekers, especially those fleeing the scourge of war, persecution and genocide.

In this context, The First and Second World Wars had a prominent impact on the emergence of this phenomenon, and because of it, the globe turned into a large theater of military operations, and part of it was a shelter and a camp for fugitives from the severity of excessive violence, which has devastating and horrific effects on all situations, especially humanity. But the world did not learn from its tragic experiences, but rather increased the production of armed conflicts. After the Second World War in 1949, more than 250 international or local armed conflicts broke out. With the end of the Cold War, its two poles worked to structure these local conflicts, and the warring national parties became ideologically and financially supporting them, which prevented peace and stability and created local conditions that were no less horrible and terrible for the lives of civilians than the two world wars.

2. **Violations of the law and deprivation of the right to citizenship,** Because of these violations, people may be forced to flee constantly to avoid the armies, so their lives will be distinguished by continuous flight, especially in light of the failure of calm efforts and the failure of the parties to the

conflict to abide by their pledges to protect civilians. In this regard, we find many minorities in some countries forced to migrate illegally to escape the hell of mistreatment, murder, torture displacement and home demolitions. Perhaps the most prominent of these minorities that have been denied the right of citizenship is the Rohingya Muslim group in Myanmar, where more than 750,000 people from this group have been subjected to the most horrific forms of torture, killing and displacement since 1982 until now and have been deprived of citizenship and the right to citizenship in an explicit violation of human rights.

3. **Natural conditions and disasters,** The wrath of nature directly contributes to the deportation of huge numbers of citizens and their displacement to places other than their original places, As the environmental problems are increasing, causing the displacement of persons who find it difficult to live under unusual conditions, which leads to the emergence of serious social and psychological problems such as the spread of crime, violence and corruption of morals, As well as the spread of unhealthy phenomena, the lack of job opportunities, the weakness in education, the decline in services, the spread of infectious diseases and epidemics, and the deterioration of the health reality.

## **-A brief history of the refugee phenomenon:**

For centuries and across the globe, Societies have always welcomed the entry of fearful, tired victims of violence and persecution; various religions have dealt with the issue of asylum. Rather, researchers almost unanimously agree that the concept of asylum has a religious origin. Where the holy places were a safe haven for asylum seekers and a set of procedures were put in place to enable people to benefit from this protection, and make sure they deserve it, we find pre-Islamic Arabs, and Asylum with them was in accordance with the customs and traditions with which they were known. Like generosity and hospitality. It also had religious origins as there were places of Hajj, The shrine of Abraham, peace be upon him, in Mecca the one who held fast to it is considered safe and untouchable, With the

advent of Islam, the refuge had a legal philosophical character. It is closely associated to human rights and the need to respect them, and the duty to provide assistance to vulnerable people, especially women and children. Islam urged the persecuted to seek refuge in the vast land of God. **Where the Almighty says: "Those whom the angels meet with wronging themselves, they say, 'Where were you?' They said, 'We were weak in the land.' They said: 'Wasn't God's earth wide enough for you to migrate therein? Those are their shelters in Hell, and a bad fate.**

In fact, even the messenger had immigrated by order of God Almighty to Medina, and the messenger ordered his faithful companions who were afraid of being tempted in their religion to immigrate to Abyssinia, so there were two emigrations to Abyssinia and an emigration to Medina. Despite the emergence of the phenomenon of asylum, however, the law governing it began to take shape at the beginning of the twentieth century. When nations set out to form an international system, As the tradition of helping people fleeing persecution has become a global one, This is due to the emergence of large groups of refugees, As the rights they enjoy, determining their legal status during their stay in the country of refuge, The subject of international attention - global and regional - and the international community's adoption of many conventions that define the refugee and regulate his rights and obligations.

The word refugee was used for the first time in France to denote the Protestants tamed by France during the seventeenth century after the abolition of the decree (Nantes) This official formula did not appear in international charters until the beginning of the 19th century, especially with the end of World War II.

As Latin America faced refugees in 1889, The Montevideo Convention on International Criminal Law was the first regional document dealing with asylum. And in 1921, The League of Nations appointed the Norwegian scientist Fred Goff Nansen as its High Commissioner to help 800,000 refugees, the majority of whom are Russians. During the chaos of World War II In its wake, the United Nations Relief and Rehabilitation Agency assisted seven million refugees in 1946 However; it took a different direction from its predecessor. Instead of repatriating the

majority of refugees, it resettled more than a million refugees in new countries around the world. However, this crisis, which was mainly European, did not pass; Instead, it has exploded into a truly global emergency, as no one expected this task to be long-term, and in 1948 the Universal Declaration of Human Rights was promulgated, and then followed a year later by the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War This heralded a wave of other humanitarian agreements and declarations. Among them was the 1951 Geneva Convention relating to the Status of Refugees, as amended by the 1967 Protocol relating to the Status of Refugees, which defines a refugee in a manner consistent with generality and comprehensiveness, and can apply to any person in the world, regardless of the country from which they came. Rather, it is sufficient that he fulfills the conditions that must be met to obtain refugee status. Any country grants protection on its territory to persons coming from another country fleeing persecution or serious danger, and any person granted asylum is considered a refugee. Asylum includes a variety of elements; include non-expulsion, permission to remain in the territory of the country of asylum, and humane standards of treatment.

In such a hectic climate, the UNHCR has given the mandate to protect refugees, and find permanent solutions to their problems. The growing international interest in the refugee problem is not only due to the fact that the world has already **witnessed** the beginning of a new development, at the level of international concern for human rights in general, however, it has become one of the most serious problems in our contemporary world. As a result of the heavy burdens posed by the mass refugee waves, on the economies of refugee-hosting countries, In addition to the threat it may lead to its internal and external security, Although the international community has generally responded quickly and generously to refugee crises However, in recent years some worrying trends have begun to emerge Countries that once willingly opened their doors to refugees tend to close their doors for fear of taking on limitless responsibilities, or incitement to uncontrolled immigration, smuggling persons or endangering national security, Significantly the abuse of asylum systems, In addition to illegal movements, Some countries have made them more cautious towards asylum

applicants, The developments in the field of human rights cannot be ignored. Through various international instruments later adopted to the 1951 Convention, In particular, the International Covenants on Human Rights, whose provisions apply to all persons without discrimination, Regardless of their legal status, including refugees to ensure implementation of international refugee law, Where it can be invoked to protect asylum seekers and refugees, which is not mentioned among the five reasons for obtaining refugee status, enshrined in the 1951 Convention are **vein** , religion, nationality, membership of a particular social group and political opinion.

UNHCR has changed as the problem has changed, expanding from a relatively small specialized agency to an organization with offices in 120 countries with an annual budget of \$1 billion not only legal protection but also material relief in the event of major emergencies and the ability to provide assistance to increasingly diverse groups of people dispossessed of everything. The Office of the United Nations High Commissioner for Refugees provides its assistance to people who have been granted protection on a collective basis or on a purely humanitarian basis if they are not officially recognized as refugees. However, when people's basic needs for shelter, food, water, sanitation and medical care have also been met, UNHCR is coordinating the provision and delivery of such items and has designed specific projects for women as a special group Education particularly in the areas of reproductive health, with full respect for the religious and moral values of refugee women, in accordance with internationally recognized human rights and UNHCR guidelines on the protection of refugee women.

The situation of refugees at the present time constitutes a challenge to the international community. more than ever, In order to explore the best way to address their current situation, and ensure that, at the same time, Resilient to new problems, people become refugees, either on an individual basis or as part of a mass exodus, due to political, religious, military or other problems arising in their country of origin and the Convention does not aim to address these root causes, Rather, it mitigates its consequences by providing a degree of international legal protection and other assistance to victims and eventually helping them to start their lives again, and protection can contribute to some

degree in reaching a comprehensive solution, However, with the number of refugees increasing significantly in recent decades, It has become clear that humanitarian action cannot substitute for political action in solving or avoiding future crises.

Clearly, humanitarian asylum is a right for every person who has been subjected to persecution within his country, where appropriate conditions must be provided for them, such as shelter, housing, health and food for those who have been displaced abroad. For the duration of their stay in the host countries and they remain, they always reserve the right to return to their countries of safety once the reasons for asylum are removed. The host country as well as the High Commissioner for Refugees shall assist them in these matters of their safe return to their countries.

And due to the existence of the temporal and spatial constraint that limited the definition of a refugee to being as a result of events that occurred before 1951, which means that any person who left after this date is not considered a refugee. Likewise, if the place of asylum is in other than Europe, the protocol annexed to the 1967 Convention was drawn up as stated in paragraph (3) of the Protocol, "States Parties apply this Protocol without geographical limitation." Thus, the spatial-temporal restriction on the definition of a refugee in the Convention has been abolished. The reality of asylum assumes that it is a temporary situation where the refugee is fleeing from disturbances or practices. Article (1/C/4) of The 1951 Convention states that the status of a refugee is terminated if he voluntarily moves and settles in his country of origin "if he voluntarily returns to reside in the country he left or in which he has remained residing outside for fear of persecution" and Article 13 of the Universal Declaration of Human Rights guarantees this.

Many studies confirm the weakness of Arab countries' accession to international agreements related to refugees. If there is some discrepancy between the Arab African countries on the one hand and the Asian countries on the other hand, on this issue.

Apart from the reasons and justifications for not joining the relevant international agreements, the absence of national legislation, And Arab regional treaties for refugees is something that has reinforced the legal and legislative **vacuum** that we are **witnessing** today, which contradicts the Islamic and Arab heritage, which is rich in principles, values and practices that ensured the highest levels of protection for refugees and protection seekers, as confirmed by many scientific studies and historical facts.

This legal and legislative absence on the one hand, the lack of commitment to Islamic and Arab values and practices in other cases has led to difficult and harsh conditions that refugees in the Arab world have suffered on many occasions.

The situation is not much different for the Palestinian refugees, although the **Arab League** has tried to create regional standards to protect the Palestinian refugees who were displaced in 1948. On the basis of the contents contained in the decisions of the **League** and the Casablanca Protocol ,Casablanca 1965, and in general, **the League** set standards for residency status, travel and mobility documents, and labor and employment rights for Palestinian refugees in the member states of the Arab **League**. However, in all cases, political considerations and local national laws usually canceled the work of the standards of the Arab **League** and the Casablanca Protocol.

The Council of Ministers of the **League** of Arab States held a meeting to discuss the issue of asylum and refugees in the Arab world in March 1994, especially after the refugee crises in the region through the Iraqi war to the Yemeni war Somalia and Lebanon war. The order culminated in the adoption of the Arab Refugee Convention on March 27, 1994, the addition of this agreement to other reasons in the definition of a refugee, including natural disasters, which was confirmed by Article 1 of this agreement: “Anyone who takes refuge under force ... is considered a refugee.”

However, this agreement has not yet entered into force due to the lack of sufficient signatures to make it enforceable And in another meeting in the Council of the **League** of Arab States at the level of joint committees of experts and representatives of the Ministries of Internal Justice in the **League to** discuss and

study the Arab Agreement on Asylum, on 8/8/2016, in order to amend and update an agreement with a view to its approval.

Also, there is no relevant Arab document that applies; The 1994 Arab Refugee Convention was not implemented due to the small number of signatories to it, and despite the fact that Yemen signed the 1994 Convention, The issue of the Palestinians is the main reason why Arab countries resist the adoption of refugees in the region, given its high political impact. Mahmoud Rashad, director of the Human Rights Department of the **League** of Arab States, stressed that refugees do not face any problems in the Arab countries. We in the Arab world believe that we are tolerant and that Arab societies are extremely generous.

For all refugees in the Arab world who find refuge, staying alive mitigates their sense of imminent danger. However, in the absence of legal reference, their presence in the host country remains at the mercy of political and economic events and developments that may suddenly turn around at any time...Especially if public opinion connect its presence in that country with the high cost of living and increased competition for jobs and public services.

## **- Protecting the rights of refugees:**

The scale and scope of the refugee phenomenon has highlighted the shortcomings of international conventions in dealing with the humanitarian consequences of massive population movements. On the regional level, the crisis has imposed great pressure on the countries that are at the forefront of the host countries because they are doing their utmost to take care of these threatened population waves. As for the refugees, the crisis has resulted in a systematic deterioration of their rights. For their quality of life, education level and future prospects for their children.

Generally, the rapid growth of refugee numbers in the Arab region has exacerbated already existing existential concerns in the host countries. In

Lebanon and Jordan, The government in each of the two host countries had to face a flood of refugees, At a time when resources are scarce and capabilities are exhausted In the absence of a regional framework to address this crisis, In the midst of fears of a prolonged period of displacement, Most countries in the region have not integrated refugees to push them to return to their countries of origin. This has meant adopting a policy that limits refugees' access to services and derogation from their internationally enshrined rights.

Meanwhile, Because of security concerns, Countries sought to limit the flow of refugees, it tightened controls on border crossings that were open in the past or closed completely, this has severely restricted the flow of people and goods across borders. The emergence of the self-proclaimed Islamic State led to the collapse of border management between the two countries However, these closures and restrictions did not prevent the irregular flow of refugees, Rather, it encouraged cross-border human smuggling networks.

International arrangements to manage the refugee crisis are unable to meet the current challenges. Including protecting vulnerable populations and addressing impacts on first-line countries; there is a need to develop a transformative vision. Underpinned by an enduring political, financial and global commitment, To protect people from the recklessness of their governments, And securing a decent life for those fleeing the horrors of the conflict. This requires international solidarity systems and clear principles of burden-sharing. Much further than the situation so far, these principles must include a commitment from governments to support refugees in order to maintain their potential. It also includes creating a regional framework of cooperation that allows refugees freedom of movement and access to employment and services throughout the region.

Intergovernmental responses at the sub-regional level are an essential tool that countries in the region should use to mitigate the crisis. To achieve this goal, The Comprehensive Refugee Response Framework supports the development of mechanisms at the regional and sub-regional level to deal with the refugee challenge.

It also calls for the scale of the refugee crisis and the depth of its effects in the short, medium and long term on peace and prosperity in the Middle East, The involvement of all concerned sectors of society in developing integrated and multifaceted plans to respond to the refugee issue. This includes international organizations, and civil society organizations, and municipal councils, and media, and the private sector.

Refugees are the product of historical, political, economic, religious and ideological conflicts that result in people fleeing and forcing them to leave their homes and homelands. Persons, families, and groups seek safety and tranquility in foreign countries, whether temporary or permanent, for fear of persecution, torture, imprisonment or death. The refugees have one feeling, which is a loss tinged with shock and pain. The refugee has lost his property, his home, his work, his role in life, his social standing, his family, his friends, and the refugee problem is global in scope. It is hardly devoid of any region or continent.

The refugee enjoys a legal status in the country of refuge. Many agreements have endeavored to clarify its dimensions and regulate its legal limits In the forefront of these agreements, The United Nations Convention relating to the Status of Refugees of 1951.

**The importance of this agreement lies in the following:**

1. It established a general definition of the concept of refugee.
2. It defines the basic dimensions of the refugee's treatment, especially with regard to the rights he enjoys and the duties of the refugee towards the country of asylum.
3. The Convention referred to the right of the refugee to work in the country of asylum.
4. It also stipulates the issue of issuing special travel documents to refugees by the country of asylum, in order to facilitate their movement or return in the event that voluntary return programs are organized.
5. It also emphasized the member states to cooperate with the High Commissioner for Refugees to facilitate its tasks in finding solutions to refugee problems in the world.

It was one of the main obstacles in the 1951 Convention, It is to limit or limit its dealings with refugees who were displaced due to events that occurred before January 1, 1951. When the Commission was established, the world was at that time preoccupied with liquidating the remnants of the Second World War. This issue was addressed when the Geneva Protocol of 1967 was adopted.

**The 1954 Convention on Stateless Persons also identified the best ways to address statelessness in the world, given that statelessness is an important factor in increasing the number of refugees by granting citizenship to children who are stateless in the country in which they are born. We must point out the most important issues that the refugees aspire to:**

1. Preserve their need and safety and provide protection and security for them and their families.
2. Freedom from persecution and humiliation and from being treated as a second-class citizen.
3. Confirmation of his personal and cultural identity.
4. Work to resettle him permanently, or secure his safe return to his homeland.
5. Giving him the opportunity to rebuild his life practically and psychologically.
6. Treat him as a person with capabilities and needs and not as a vulgar lost refugee within the framework of the Refugee Reception and Resettlement Program.

In order to reduce the refugee problem, The causes that lead to displacement and refugee situations must be addressed, Since many of today's refugees are victims of the struggle for power within third world countries, Ethnic conflicts in the countries of origin of refugees are also one of the factors that prolong the period of stay of refugees outside these countries. Therefore, governments and humanitarian institutions should take the initiative to analyze this aspect and encourage these countries to resolve ethnic conflicts within their territories And providing assistance to improve the economic and

political situation of these countries not forgetting the international diplomatic work to find a coordinated solution to these crises.

As such, recognition of the importance of continuing education in situations of armed conflict is gaining steadily. This was evidenced by the “inter-agency meeting to conduct a mid-decade review of international achievements towards achieving the goal of education for all By dedicating one of its roundtable sessions to discussing “Education in Emergencies” and identifying “escalating violence resulting from heightened ethnic tensions and other sources of conflict” as a “significant challenge to education.”

The parallel strategic session on Education in Emergencies and Crises, which was organized within the activities of the World Education Forum, which was recently held in Dakar (April 2000), succeeded in including this issue in the text of the Dakar Framework for Action.

Education for all must take into account the needs of the poor and the most needy, including working children And those residing in remote areas of the rural population and the Bedouins, ethnic and linguistic minorities, children and adults affected by armed conflict, and people infected with HIV/AIDS, and those with special educational needs.

It is worth noting, however, that throughout the 1990s IHL was largely absent from the international discourse on basic education, both in the context of development and in the context of emergency situations and post-war reconstruction. There is a wide range of legal instruments commonly referred to in support of the right of refugee children and youth facing emergency situations to be guaranteed the opportunity to obtain a quality basic education. That education is first and foremost an “inalienable human right” is confirmed by reference to instruments of international law such as the Universal Declaration of Human Rights (1948) and the United Nations Convention on the Rights of the Child (1989). Reference is also made with regard to refugee education to the Convention relating to the Status of Refugees (1951).

Hence, the right to education is seen as a right that must be guaranteed in all circumstances and protected in all situations, including crises and emergencies resulting from civil wars and armed conflicts.

## **- Obligations to be observed by asylum seekers:**

Humanity has known since ancient times asylum and refugees. International conventions also provide the refugee with rights arising from the right of asylum, and impose obligations on him towards the country of asylum. International agreements include many provisions related to clarifying the obligations of refugees towards the state of asylum. As these obligations constitute a guarantee for the State of refuge to respect its internal security and the integrity of its territory, at the same time, it ensures that the granting of asylum is not a means of tension and abusive relations between states. The country of asylum has rules or conditions that must be met by the refugee in order to be able to grant him asylum in its territory.

Likewise, the country of refuge has security considerations that obligate this refugee after granting him asylum not to prejudice them; otherwise it may withdraw from granting him refugee status.

Many international and regional conventions have unanimously agreed on the existence of such a condition preventing the conferring of refugee status on those who have committed non-political or international crimes. If Article 14 of the Universal Declaration of Human Rights establishes the principle that everyone has the right to seek and enjoy asylum in other countries from persecution, it excluded those who were persecuted for having committed a non-political crime or for acts that contradict the purposes and principles of the United Nations.

The 1951 Refugee Convention also stipulates that the provisions of this Convention do not apply to any person who has serious reasons to believe that **he has** committed an international crime or committed a serious non-political crime

outside the country of asylum before being accepted in that country as a refugee. Or he committed acts inconsistent with the goals and principles of the United Nations.

Most countries were not satisfied with affirming in international documents that whether or not they grant refuge in their territory is one of the powers subordinate to their territorial sovereignty. Rather, it has also included in its internal laws texts dealing with its authority to grant refuge within its territory. The state has the right to grant refuge to which it pleases or withholds from it. It is subject to its full discretion. The country to which asylum is requested has the absolute right to accept or reject the asylum application, according to what its political interests dictate.

This was also confirmed by Article 1/6 of the African Refugee Convention of 1969, which stipulates that “the country of refuge shall decide whether or not a person is considered a refugee in accordance with the provisions of this agreement. “It also decided on the United Nations Declaration on the Regional Sanctuary of 1967, the granting of refuge by the state is an exercise of its sovereignty.

Accordingly, the state may, in its discretion, refuse to grant asylum to that person or to recognize **him** as a refugee. Therefore, it treats **him** like any ordinary foreigner and **accepts him** in its territory, temporarily or permanently. Or you deport him or **expel him** or even extradite **him** to **his** country of origin. Therefore, the state is free to grant refuge within its territory to foreigners, unless there is an agreement stipulating otherwise It is the only one who judges the circumstances of the asylum seeker and whether he has the essential characteristics necessary to be considered a refugee or not.

Article 1/2 of the Regional Asylum Declaration states: “The right to seek and enjoy asylum may not be invoked for any person for whom there are serious reasons to suspect that he has committed a crime against peace, a war crime or a crime against humanity in the sense in which these crimes are defined in the instruments. International law established to provide for provisions thereon).

The 1969 African Convention is unique from international legislation in deciding that this convention does not apply to any person who has committed a non-political crime outside the country of refuge after being allowed to reside as a refugee in that country. This is after other international agreements stipulated that the refugee had committed a political crime outside the country of refuge and before he was accepted in this country as a refugee.

The African Agreement also decided that it does not apply to any person accused of committing acts contrary to the principles of the Organization of African Unity.

And if it is easy to identify crimes against humanity, peace or war crimes, and consider them an important and sufficient justification for not conferring refugee status on the perpetrators, as these crimes have been defined and specified in many international conventions, But it is more difficult with regard to non-political crime, There is no clear standard for states to follow in distinguishing between political crimes and non-political crimes.

That given shelter by The 1951 Refugee Convention also stipulates that the provisions of this Convention do not apply to any person who has serious reasons to believe that he has committed an international crime or committed a serious non-political crime outside the country of asylum before being accepted in that country as a refugee, or who has committed acts inconsistent with the purposes and principles of the United Nations.

The majority of countries have not only affirmed in international documents that whether or not they grant refuge in their territory is one of the powers subordinate to their territorial sovereignty, but they have also included in their domestic laws texts dealing with their authority to grant refuge within their territory. The state has the right to grant refuge to whomever it pleases or withholds, as it is subject to its full discretion. The country to which asylum is requested has the absolute right to accept or reject the asylum application, according to what its political interests dictate.

This was also confirmed by Article 1/6 of the African Refugee Convention of 1969, which stipulates that “the country of refuge shall decide whether or not a person is considered a refugee in accordance with the provisions of this agreement.”

The United Nations Declaration on the Regional Refuge of 1967 also decided that granting refuge by the state is an exercise of its sovereignty.

Accordingly, the state, using its discretionary power, refuses to grant asylum to that person or recognize him as a refugee, and therefore it treats him like any ordinary foreigner, accepting him in its territory temporarily or permanently, or deporting him, expelling him, or even handing him over to his country of origin. Accordingly, the state is free to grant asylum within its territory to foreigners unless there is an agreement stipulating otherwise. It is the only country to judge the circumstances of the asylum seeker and whether he has the essential characteristics necessary to consider him a refugee or not.

Article 1/2 of the Regional Asylum Declaration states: “The right to seek and enjoy asylum may not be invoked for any person for whom there are serious reasons to suspect that he has committed a crime against peace, a war crime or a crime against humanity in the sense in which these crimes are defined in the instruments. International law established to provide for provisions thereon).

The UNHCR also went on to say that the exclusion provisions of the 1951 Convention are broad and flexible enough to prevent undesirables from obtaining refugee status, and UNHCR expressed concern that in a climate of many challenges to asylum should not become Exclusion provisions are another way to deprive eligible cases of international protection.

A dispute arose in Fiqh over the extent to which a foreigner enjoys the right to enter the territory of the state. Some have argued that a foreigner does not enjoy such a right, and that the state, with its sovereignty over its territory, has absolute freedom to prevent foreigners from entering in accordance with its higher interests. While others went to say that the foreigner has the right to enter the territory of the foreign country and that he derives such a right from international law, Those holding this view justify their saying that the sovereignty of the state is

not absolute, but rather is restricted by considerations of cooperation and solidarity between states for the continuation of international relations. Therefore, it is not permissible to prevent the nationals of other countries from entering their territory.

In our estimation, the first opinion is closer to the truth. Especially since there is no obligation for the state to accept a foreigner in its territory, this is subject to the will of the state in the first place. It is considered one of the authorities subordinate to its territorial sovereignty. The opinion has settled in international judiciary and Fiqh that the state's right to sovereignty over its territory is the legal basis for its authority to grant regional asylum.

**Countries are afraid of receiving foreigners on their lands, especially if they believe that they will stay for a long time and be in vain on their various agencies, and it is natural that at the forefront of this category of foreigners are refugees and immigrants for economic reasons, and in many cases the state can predict the goal of the foreigner coming to its lands And based on that, it defines its policy towards it, and countries often stress the admission of refugees to their lands for several reasons, which can be summarized as follows:**

**First:** Political reasons: Political reasons: Where refugees are a source of political embarrassment, because their mere presence on the territory of the host country is conclusive evidence that their country of origin practices persecution and violates human rights. As a result, the host country is in a dilemma with the refugee-issuing country. This negatively affects the relations between these two countries especially if these refugees are politically active against the regime in their country of origin.

**Second:** Economic reasons: The settlement of refugees in the host country and their search for work leads to a surplus in the labor market and the consequent drop in wages and an increase in the unemployment rate. Their presence will also

lead to higher housing costs and burden the government with financial burdens that it should have spent on its citizens.

**Third:** Security reasons: The negative impact that the events of September 11 had on the refugees, especially the Arabs and Muslims among them, is well known. As some countries have tightened their procedures for receiving refugees, Especially in the face of those who enter the host country illegally, Where Amnesty International referred to the new administrative practices taken by the United States against refugees arriving illegally, where they are arrested and treated as criminals, In addition, these measures prevent them from submitting asylum requests to the competent authorities, forcing them to give up these requests because of the length of detention and the poor conditions in the foreigners' detention center.

In this context, Britain has issued a set of legislation with the aim of combating terrorism, Which allows the authorities to detain any foreigner without being bound by a certain period or charge any charges or even present him to the judiciary if the Ministry of Interior feels that such a foreigner poses a threat to national security or believes that he is linked to terrorism. A foreigner is not entitled to see the evidence that established such a conviction with the Ministry of the Interior.

The Australian government has also spent more than a billion and a half dollars to protect its borders from refugees coming to its shores illegally. The Australian Navy is working to intercept boats carrying refugees, most of them from the Middle East and Afghanistan, and heading to the islands located in the Pacific Ocean, This policy has drawn international criticism, although it has been welcomed in Australia itself.

In Canada, the government approved a new immigration law. This law allows the government to tighten procedures related to asylum applications, under this law, illegal immigrants are punished with imprisonment, while refugee smugglers are punished with fines that may exceed one million dollars or life imprisonment.

Spain and Britain also announced that they would work to tighten immigration laws, following talks between the two countries' prime ministers in London. The British government announced that it was seeking to increase attention to the issue of asylum and immigration during the European Union summit in the Spanish city of Seville to deprive what it called extremists of benefiting from this issue.

The issue of illegal immigration has become a hot issue in Europe in recent times. Especially with the Yemeni parties taking power in a number of European countries such as Holland, France and Britain, This issue received the **lion's share** in the discussions of the last summit in Seville, Spain. The leaders agreed on measures to confront this phenomenon, including joint border patrols. British Prime Minister Tony Blair has failed to win the support of his European counterparts in the proposal to impose sanctions on countries that fail to prevent the smuggling of migrants.

Therefore, Britain has made strict amendments to immigration laws aimed at limiting the entry of more immigrants to the country, British Home Secretary David Blunkett said in an article published in The Times, These changes are aimed at bolstering people's confidence in Britain's asylum system, which is seen as applying some of the most lenient immigration laws in Europe. Under these amendments, immigrants who apply for asylum in Britain will be denied any support unless they explain how they entered the country and why they did not submit such requests at any port or airport. They will also have to prove that they are entitled to social assistance.

UNHCR protection officials have expressed concern that, in the new era of the global war on terror, in which governments focus their attention on internal security issues, the security needs of refugees will be reduced. They are among the most suffering people in the world, or those responsible for the aid who are trying to provide them with assistance, moreover, Detentions of asylum-seekers increased, and the official response and interception processes for people who move from one place to another, The application of a number of countries immigration measures and more stringent security measures, In this harsh

climate, Programs to resettle the world's most suffering refugees in new countries have been severely affected, It is a mainstay in UNHCR's program to find durable solutions for them. The number of such programs has decreased by more than 50%.

If countries have settled on accepting foreigners on their territory, this does not mean that it accepts all their sects unconditionally. Rather, it has - and must - exclude all those it deems to pose a threat to its political, economic or social system. Otherwise, this would be a prelude to disrupting the security system of the state and shaking confidence within society. It is the right of the state to prevent international criminals from infiltrating its territory. It also has the right to prevent those registered on criminal lists, those who are known to be criminals, or those who are being pursued internationally. In this regard, considerations related to state security play an important role in the issue of foreigners entering the territory of the state, as states refuse to allow all foreigners suspicious of involvement in actions against state security Or those who participate in smuggling or illicit trafficking in narcotic substances.

## **Responsible condition for asylum in international treaties:**

The country of refuge has the right to place restrictions and impose obligations as required by national security considerations. That is, to take precautions to prevent the refugee whose presence in its territory is from engaging in any activity that harms the general security of the country of refuge or is considered interference in its policies.

Various international conventions have regulated the refugee's obligations towards the country of refuge from the point of view of national security considerations through a number of restrictions imposed on the rights and freedoms of refugees. Whereas Article 2 of the 1951 Convention states that “every refugee has duties towards the country in which **he** resides especially to comply with its laws and regulations and to abide by the measures taken in it to maintain public order.

It is noted that the text of M/2 does not include a penalty imposed on those who violate it. However, it can be deduced from the text of M/32 of the 1951 Convention that the penalty imposed is expulsion for reasons of national security or public order. However, this article granted the refugee the right to present proof of his innocence to the competent authorities. It also obligated the country of asylum to grant the refugee a reasonable period during which he seeks to enter legally to another country.

The committee charged with drafting the 1951 Convention considered the inclusion of such text in the Convention on the grounds that it would lead to a balanced agreement, It guarantees the country of refuge to maintain its security and public order, It constitutes a factor of reassurance for the state of refuge that the refugee will carry out his activities as any normal human being.

The agreement stipulates that all contracting states grant refugees who are legally residing in their territory the right to choose their place of residence and to move freely within their territories, provided that this is subject to any regulations applied to foreigners in general in the same circumstances.

The Convention also decided that the phrase (in the same circumstances) implies that a refugee, in order to enjoy a right, must fulfill all the requirements required by an ordinary individual to enjoy this right, especially those related to the period or conditions of stay and residence if they were not a refugee. Except for those whose nature prevents the refugee from fulfilling?

The agreement also decided that nothing in any of the provisions of this agreement prevents a contracting state, in time of war or in other exceptional circumstances, from temporarily taking measures against a particular person that it considers essential and not national. Until proven to that State, That person is indeed a refugee and maintaining such measures is necessary in his case in the interests of her national security.

The convention also regulates how the country of asylum can systematically expel a refugee in its territory. The parties to the convention committed themselves not to expel a refugee except for reasons of national security or public order. And that

this is only implemented in implementation of a decision taken in accordance with the procedural rules stipulated by law. The refugee shall be allowed, unless compelling reasons related to national security otherwise require, submitting statements to prove **his** innocence.

Thus, the paramount importance of considerations of national security and order becomes clear, as it is considered the only exception in which the state of refuge can regularly expel the refugee in its territory.

Also, this agreement, even if it prohibits the country of asylum, expelling the refugee or returning **him** to the borders of the region where **his** life or freedom would be threatened, However, the Convention allows the country of asylum to expel or return the refugee when there are reasonable grounds for considering **him** to be a danger to the security of the country in which he is located (or for considering **him**, in view of the fact that a final judgment has been issued against **him** for committing an exceptionally serious crime, a danger to society.

The 1969 African Convention regulates the obligations of refugees. The latter was committed to respecting the laws and provisions in force in the country in which they reside, and to respect the procedures aimed at maintaining public order.

The 1994 Arab Convention Regulating the Status of Refugees obligated the refugee to respect the laws and regulations of the host country and to comply with its provisions.

The country of refuge may also not abide by the provisions of the 1967 Regional Asylum Declaration regarding the treatment of refugees across borders if compelling reasons related to national security or the protection of the population is available as in the case of the influx of people in huge numbers.

The Bangkok Principles of 1966 obliged refugees not to engage in subversive activities that endanger the national security of the country of asylum.

The United Nations General Assembly also noted that the abuse of asylum procedures by persons in some areas leads to the endangerment of the asylum

system and adversely affect the provision of immediate and effective protection to refugees.

Undoubtedly, one of the most important forms of this abuse of the asylum system is endangering the security of the country of refuge and disrespecting the laws and regulations in force there. Which, of course, results in a reaction that may be severe on the part of the countries of refuge in expelling or deporting these refugees in order to preserve the security and safety of the state.

International jurisprudence holds that deportation of the alien is not a punishment imposed by the state on the alien. Rather, they are an administrative measure taken by the state in order to preserve its survival. Although it is really left to the discretion of the state, its practice should not involve arbitrariness or transgression.

## **- Asylum in Yemen:**

Yemen is an Arab country located in the Asian part, with an area of 555,000 square kilometers and a population of approximately 28 million. It has a geographical location open to continents, oceans and seas, and more than 200 islands, the largest of which are Socotra and Hanish. In its contemporary history, Yemen has played an active role in international forums, since the first day of its ratification of the United Nations Charter, 10/24/1945, Article 6 of the Constitution of the Republic of Yemen.

**The following are the relevant international conventions that provide a basis for the rights of refugees as human rights:**

1. The International Covenant on Civil and Political Rights (ICCPR).
2. The International Covenant on Economic, Social and Cultural Rights.
3. The four Geneva Conventions in 1970 and their protocols in 1990.
4. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)).

5. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
6. The Convention on the Rights of the Child (CRC).
7. The 1951 Convention relating to the Status of Refugees, as amended by the 1967 Protocol.

The Republic of Yemen is one of the five Arab countries and the only Arab country in the Asian part of the Arab world that has signed the 1951 Convention and its protocol. And many international conventions that constitute international human rights law, and international refugee rights law. Since the nineties of the last century, as a result of the conflicts in Somalia and some other Horn of Africa countries, the Republic of Yemen has been facing a large influx of people coming from these countries. And because asylum is guaranteed as a human right and one of the challenges that the competent Yemeni authorities have dealt with due to its impact on the infrastructure and additional security and social concerns due to its internal economic, social and political conditions.

### **- Authorities concerned with refugee affairs in Yemen:**

According to United Nations documents, the Republic of Yemen has ratified the 1951 Convention on Refugees from the date of 1980, The period in which the Yemen Arab Republic was a member state of the United Nations and its commitment shifted to the republic, which was the result of the merger of two states, the Yemen Arab Republic and the People's Democratic Republic of Yemen. On January 18, 1980, the agreement was ratified. The date of deposit of the document by the States Parties to the Treaty Department of the United Nations in New York, and pursuant to Article (2/43) of the same Convention, the Convention shall enter into force on the ninetieth day after the date of deposit, and the Protocol shall enter into force on the day of deposit. It is considered that the obligation contained in Article (6) of the Constitution is sufficient to implement the agreement. On the other hand, the Constitution, when dealing with the issue

of refugees, adopted a text contained in a number of Arab constitutions and included determining the status of political asylum, Excluding other cases, the reasons for asylum are specified in Article 1 of the 1951 Convention with five reasons: race, religion, nationality, belonging to a particular group, or political opinion Contained in Articles 32 and 33 of the 1951 Refugee Convention.

**Among the most important bodies concerned with refugee affairs in Yemen are the following:**

### **First: Governmental Institutions:**

#### **1. Cabinet decision to form a committee to determine refugee status:**

Two years after the ratification by the then Yemen Arab Republic of the 1951 Convention and its 1967 Protocol, The Yemeni authorities have begun to establish mechanisms that include policies for dealing with asylum issues defined by the Refugee Convention Accordingly, Prime Minister Decision No. (39) Of 15/5/1983 was issued on the procedures for implementing the Geneva Convention of 28 July 1951 and the 1967 protocol regarding the status of refugees

**2. Refugee Affairs Office:** Based on the previous procedures, including the ratification and accession of the Yemen Arab Republic to the 1951 Convention and its 1967 protocol, by Presidential Decree No. (24) For the year 1978, As well as Cabinet Resolution No. (39) For the year 1983, Ministerial Resolution No. (10) For the year 1984 regarding the organization of the Office of Refugee Affairs. It included the establishment of an office for refugee affairs within the framework of the General Department of Immigration, Passports and Nationality (which later turned into the Department of Immigration, Passports and Nationality). The UNHCR office was opened in the Republic of Yemen in 1992 to assist the Republic in dealing with the problem of refugees from Somalia. UNHCR has branches in Aden, Saada, Hodeidah, Amran, Ibb, Shabwa and Hadramawt.

3. **The National Committee for Refugees:** The existing policies in the Yemeni Arab Republic in dealing with refugee issues continued until the year 2000, when the need for new mechanisms and policies began to deal with the refugee problem in the Republic of Yemen. The Council of Ministers discussed this matter in its session No. (8), which was held on **January 22, 2000** which issued Cabinet Resolution No. (64) For the year 2000 regarding the approval of the Council to establish a national committee for refugee affairs.
4. **The General Administration of Refugee Affairs:** After perusal of the Constitution of the Republic of Yemen, Law No. (3) Of (2004) regarding the Council of Ministers; And Republican Decree No. (169) of 1995 regarding the regulations of the Ministry of Interior. And Republican Decree No. (3) Of 1999 regarding the regulations of the Department of Immigration, Passports and Nationality. And Republican Decree No. (50) of 2007 forming the government, naming its members and its amendments, and based on the proposal of the Minister of Interior. After the approval of the Council of Ministers, it was decided to establish a general department in the department called (the General Department for Refugee Affairs) and it is subject to the supervision of the reformer's chief issued at the Presidency of the Republic. in Sana'a **15-Feb-2010**.

## **Second: International Organizations:**

- **High commissioner for refugees UNHCR:** The High Commissioner for Refugees was established at the beginning of 1951 under United Nations General Assembly Resolution No. 319/D4 of 3/12/1949, and approved by its Resolution No. 428/D5 of 12/14/1950 on its Statute annexed to this UN resolution, which began immediately Its tasks are as of 1951 and the Commission is based in the Swiss city of Geneva, and despite the fact that the General Assembly resolution establishing the Commission

has set a period of only 3 years, 01/01/1951 until 31/12/1953, the General Assembly continued to extend this period to right Now. It is one of the main agencies of the United Nations, the Office of the High Commissioner is located in Geneva and the Office of the High Commissioner has more than one hundred and twenty offices around the world.

It is one of the main agencies of the United Nations, The Office of the High Commissioner is located in Geneva and the Office of the High Commissioner has more than one hundred and twenty offices worldwide.

According to the agreement signed between the Yemeni government and the High Commissioner for Refugees,

UNHCR in the Republic of Yemen began its work in 1992 to help the Republic deal with the problem of refugees from Somalia, The Commission performs many tasks, including finding and working on permanent solutions that it provides. It is represented in the voluntary return of refugees to their homes in the event of safety and dignity in their countries. or local integration in the country of asylum in the event that voluntary return is not possible, and thus obtaining a home in the country of asylum, and integration into the local community, They can provide a lasting solution to the plight of refugees, and the opportunity to start a new life, The effectiveness of local integration as a durable solution is recognized in both the 1951 Convention and the Statute of the United Nations High Commissioner for Refugees, Article (3) of the Convention stipulates that the Contracting States shall apply the provisions of the Convention to refugees without discrimination on grounds of race, or refugees within their territories, a treatment that provides them at least the same care accorded to their citizens in terms of the freedom to practice their religious rites and the freedom to provide religious education for their children. Therefore, Article (5) stipulates that no provision in this Agreement shall be deemed to violate any rights or privileges granted by a Contracting State to refugees apart from this Agreement Failure to take penal measures against refugees because of their legal presence (Article 31) Non-Refoulement (Article 32)

Prohibition of expulsion or return (Article 33) Naturalization. As mentioned in the 1951 Convention, local integration known as a process of adaptation and homogenization refers to the granting of asylum and residence, thus granting the right of citizenship with the knowledge of the host government. UNHCR itself defines integration as the process by which a refugee adapts to social and economic life in a new national community. The last of them is resettlement, which is a solution to the impossibility of settling the refugee in the country of asylum. Thus, UNHCR submits his file to another country in order to move to live there. Traditionally, resettlement ranks second in terms of the three durable solutions, after voluntary repatriation. Literally binding as the arrangement depends on the most appropriate solution and treatment of the refugee problem is still limited, as between 24 and 27 countries in the world accept resettlement cases in varying proportions. The United States leads the list of resettlement countries in the world, followed by Australia, Canada and the Nordic countries.

**Resettlement is not considered a right for a refugee, but rather a solution to a problem he faces in the country of asylum. Therefore, resettlement is dealt with in the following cases:**

- 1) After ascertaining that the person is considered a refugee in accordance with the mandate of the United Nations High Commissioner for Refugees
- 2) When the refugee is at risk in the country of asylum or has special needs according to UNHCR criteria
- 3) After fully investigating the potential and unavailability of local solutions
- 4) After assessing the possibility that voluntary repatriation is possible or expected within an acceptable time frame.

**The resettlement criteria fall into eight categories:**

- 1) Legal and physical protection needs.
- 2) Therapeutic needs.
- 3) Successful people from violence and torture.
- 4) Women at risk.

- 5) Family reunification.
- 6) Asylum without integration expectations.
- 7) Young children.
- 8) The elderly.

The durable solutions with their three components (voluntary return, local integration, and resettlement) represent a joint contribution between the host countries and the international community represented by the United Nations Refugee Agency, within the joint responsibility to bear burdens with the host countries, which bear the primary responsibility in ensuring the provision of safe refuge and without Denial of basic rights. Local integration is a positive quality addition to the host community in economic, cultural or social.

**The role of the United Nations High Commissioner for Refugees in taking care of refugee affairs in Yemen:**

The United Nations High Commissioner for Refugees has practiced its work in the Republic of Yemen by providing aid to the Yemeni government with sums of money in return for Yemen's reception of refugees in accordance with the principle of bearing burdens and supporting various national institutions, The relationship between UNHCR and the Yemeni government is based on providing technical and material assistance in accordance with institutional programs, well-studied projects, and a systematic framework that takes into account the importance of the service and the area of benefit for the refugee community. And the Yemeni community benefited from these services and programs. UNHCR has committed itself to the responsibility for refugee status determination.

UNHCR in the Republic of Yemen contributes to providing protection and care for children directly through its staff in Yemen or through its cooperation with United Nations offices and other international organizations or with local civil society organizations as implementing partners with UNHCR, the most important of which are:

1. The Child Care Organization that supervises the education of refugee children in cooperation with the Ministry of Education and provides services for refugee children with disabilities.
2. ADRA organization that provides social services to refugees and their children.
3. The Marie Stops organization, which provides health services to refugees and their children.
4. The Society for Social Solidarity, the Social Reform Society and the Solidarity Society as civil bodies that contribute to providing basic services in reception centers and camps, including health services, some training and rehabilitation programs, and small loans for refugee women, which contribute to the protection of their children.

## **- The legal structure for examining the situation of refugees in Yemen:**

There are three areas of international law that are particularly relevant to the protection of refugees and other persons of concern: International refugee law, international human rights law and international humanitarian law. Clearly, humanitarian asylum is a right for every person who has been subjected to persecution within his country, where appropriate conditions must be provided for them throughout the period of their stay in the host countries, and they always reserve the right to return to their homeland safely once the reasons for asylum are removed.

The rights of refugees are derived from the relevant human rights agreements, considering that many of the rights of refugees will find their origin and source in the basic human rights agreements, which the refugee should benefit from as a human being first before he is a refugee. But you should add new rights to him caused by the circumstances that have arisen, International law affirms that civil, political, economic, social and cultural rights should be exercised without any discrimination on grounds such as national or social origin, wealth or other grounds, The International Covenant on Economic, Social and Cultural Rights provides for the progressive realization of economic, social and cultural rights “to the maximum extent of the available resources” (of States parties).

The 1951 Convention on Refugees guarantees the right of refugees to work and to receive remuneration for this work and in relation to earning work. Article 17 stipulates the right to remunerated work and Article 18 provides for self-employment so that the contracting states grant refugees lawfully in their territory the best possible treatment, provided that In any case less favor than that accorded to foreigners in general in the same circumstances as regards their self-employment in agriculture, industry, handicrafts and trade, as well as in the establishment of industrial commercial companies As for Article 19 of the Convention, it guarantees in paragraph 1 the right to work in the liberal professions, as it stipulates that the Contracting States shall grant refugees lawfully residing in their territory if they hold degrees recognized by the competent authorities in the State and wish to practice a liberal profession the best possible treatment.

The 1951 Refugee Convention regulates the right to formal education as well as better treatment of foreign refugees in non-primary education. Especially in terms of pursuing studies, recognizing school certificates and academic degrees granted abroad, exempting fees and costs, providing scholarships, and activating the provisions of these articles. In 2010, the United Nations High Commissioner for Refugees and its executive partner, INTERSOS, signed a memorandum of understanding with the Ministry of Technical Education and Vocational Training to rehabilitate industrial vocational training institutes with the specialization of aluminum Haddad and to integrate refugees into technical and vocational

education in Sana'a, Aden and Lahj governorates. In the context of integrating refugees, the government has integrated the number of refugees equal to the number of programs and departments it holds in the mentioned institutes. The memorandum of understanding stipulated in item (4/4) that the beneficiary of the government will integrate into technical institutes and vocational training institutes in the governorates of Lahj, Aden and Sana'a a number of refugees equal to the number of programs And the departments held in the mentioned institutes. The refugees will be integrated free of charge (one refugee in the program). The budget provided for the project amounted to (101600) one hundred thousand and six hundred dollars (98, 97, and 96). The term of the agreement was five years between UNHCR and the Yemeni government. The two parties set the possibility of changing the implementing partner, INTERSOS, and for this However, the memorandum of understanding will be valid regardless of the identity of the third party, INTERSOS, which may be subject to change in the context of the memorandum during the time period of the memorandum. Under the agreement, refugees were integrated into technical education and vocational training institutions in the governorates of Aden, Lahj and Sana'a, and groups of 60 refugees were included annually in the three the governorates within five years and up to 300 refugees within five years. An additional 40 refugees were included annually in various professions in the institutes in the governorates of Aden and Lahj. Like the previous agreement, the term of this agreement was set at five years. And the budget submitted by the Commission, which amounted to 130,000 dollars, was divided. It requires defining humanitarian action with the concept of rights rather than the concept of needs. If policies are formed by taking refugee rights as a starting point, the clear division between both needs and rights is unhelpful and misleading, and there is an incompatibility between the two. Rights recommend justice and the ability to obtain and demand justice. As Mehta and Gupta (2993.20) have argued, there is a real need for legal acumen on the issues of refugees and displaced persons, and for everyone to have access to that legal framework. Refugees' access to their rights and treatment must be based on local conditions. There is no local law in Yemen related to refugees or a central government agency that deals comprehensively with refugee issues, Both

of them work closely with the UNHCR office in an orderly manner so that refugees are considered equal to foreigners residing in the country.

**The laws in force in the Republic of Yemen have allowed the basic rights that a refugee may not be deprived of exercising, enjoying or benefiting from, the most prominent of which are:**

1. The right to life and personal security.
2. The right to equality before all kinds of courts
3. The right to choose a husband, to marry, and to secure a family.
4. The right to freedom of thought and opinion.
5. The right to preserve their language, culture and traditions.
6. The right to transfer earnings and savings.
7. The right to acquire ownership of movable and immovable property and the rights related thereto, as well as to rent the means of contracts related to such funds.
8. The right to belong to non-political associations with non-material benefits.
9. The right to education. Where the state grants refugees the same treatment accorded to its citizens in education with regard to primary education, continuation of studies, recognition of school certificates, diplomas and academic degrees granted abroad, exemption from fees and costs, and the provision of scholarships.

## **- International and Domestic Indicators for Refugee Education:**

### **-First: International Indicators for Refugees:**

- **International Refugee Indicators for the Year (2018):**

Statistical reports issued by the United Nations High Commissioner for Refugees indicate that the number of refugees in the world during the year 2018 reached (25.4) million people, and Table (1) illustrates this.

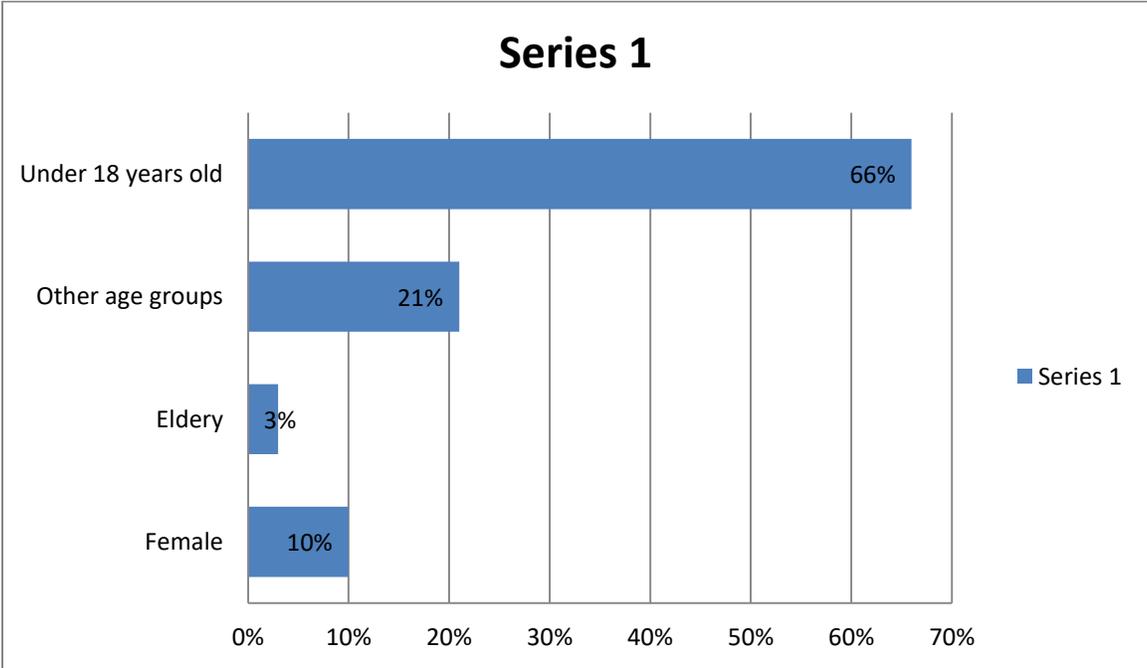
**Table (1) shows the number of refugees in the world during the year 2018 AD by age group**

<b>م</b>	<b>Age group</b>	<b>The number in million</b>
•	<b>Persons under the age of 18</b>	16.700.000
•	<b>Women</b>	2.440.000
•	<b>Elderly</b>	800.000
•	<b>Other age groups</b>	5.460.000
-	<b>Total</b>	25.400.000

Source: UNHCR report issued in 2018

We note from the previous table that most of the refugees in the world during the year 2018 were of ages that fall within the stages of public education, and Figure (1) illustrates this.

Figure (1) shows the proportion of refugees in the world during the year 2018 AD by age groups



Source: Prepared by the study team.

We note from the previous figure that the largest proportions of refugees around the world during the year 2018 were those less than 18 years old, where they constitute (66%), they are followed by the rest of the age groups with a percentage of (21%), and in the third place is the category of women with a percentage of (10%). And in the fourth and last place is the elderly category with a percentage of (3%) The percentages mentioned in the previous figure reflect the extent to which the refugees are deprived of education. As most of the refugees

are under the age of 18, This means that this category is the category that includes all individuals of general education age in all its stages (primary - preparatory - secondary), Thus, we can imagine the huge size of the refugees who did not enroll in education, as well as those who interrupted their education due to asylum.

- **International indicators for the year (2020):**

The number of refugees in the world is increasing day by day. After their number was (25.4) million during the year 2018, Statistical reports issued by the United Nations High Commissioner for Refugees indicate that refugees in the world during the year 2020 have reached (27) million people, of both sexes, and of all age groups.

**(A) International indicators for refugees for the year (2020) by gender variable:**

Statistical reports issued by the United Nations High Commissioner for Refugees indicate that refugees in the world during the year 2020 are mostly males compared to females, and Table (2) and Figure (2) illustrate this.

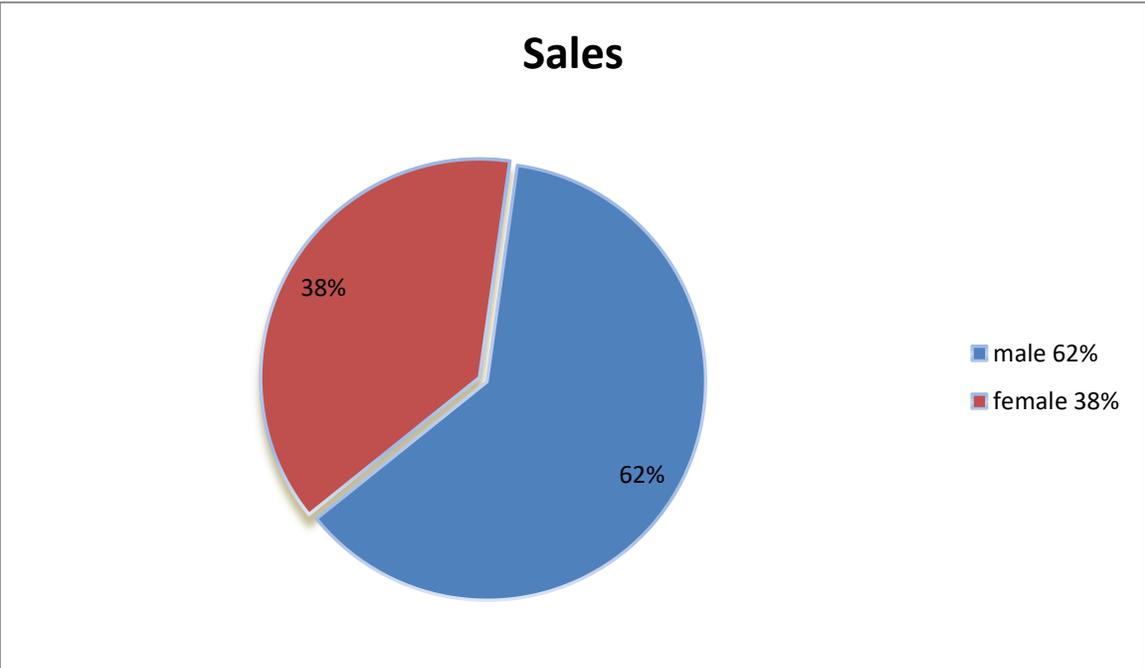
**Table (2) shows the number of refugees in the world during the year 2020 by gender**

♠	sex	The number is in a million
.1	male	16.800.000
.2	female	10.200.000
-	<b>Total</b>	27.000.000

Source: The report of the United Nations High Commissioner for Refugees issued in .2020

We note from the previous table that most of the refugees in the world during the year 2020 are male, and Figure (2) illustrates this.

Figure (2) shows the proportion of refugees in the world during the year 2018 by gender



.Source: Prepared by the study team

**We note from the previous figure that the largest proportion of refugees around the world during the year 2020 are males, constituting (62%), compared to (38%) of females.**

**(B) International Refugee Indicators for the Year (2020) by Age Group:**

Statistical reports of the United Nations High Commissioner for Refugees indicate that refugees in the world during the year 2020, most of them are children under the age of 18, and Table (3) illustrates this.

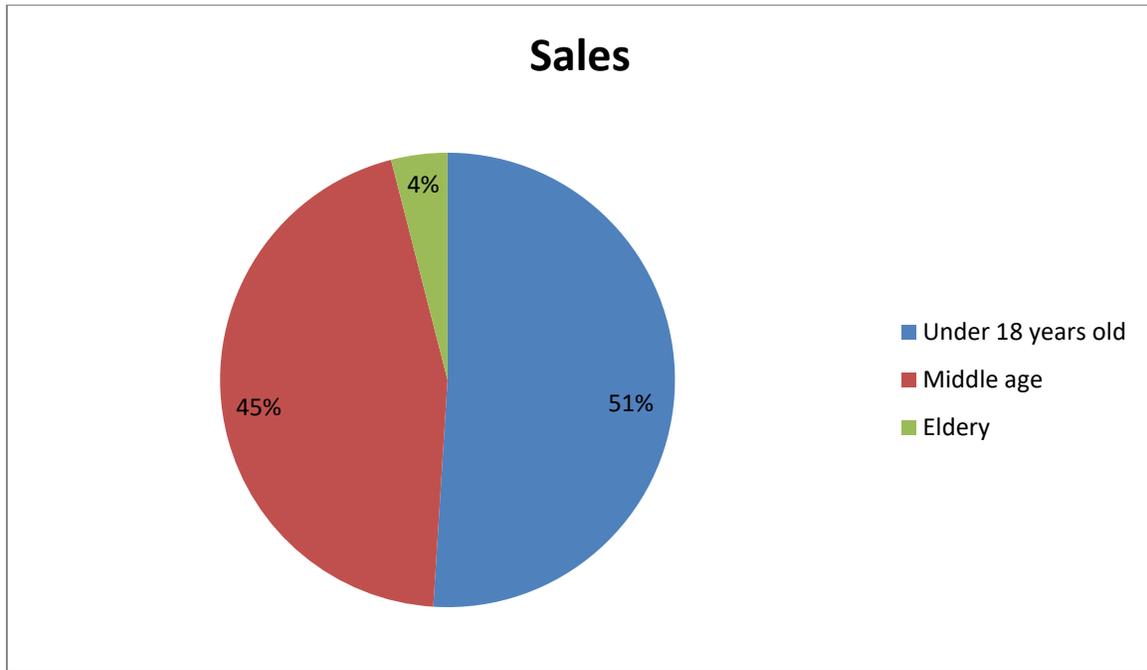
**Table (3) shows the number of refugees in the world during the year 2020 by age group**

م	Age group	The number is in a million
.1	<b>under 18 years old</b>	13.900.000
.2	<b>middle age</b>	12.000.000
.3	<b>Elderly</b>	1.100.000
-	<b>Total</b>	27.000.000

**Source: The report of the United Nations High Commissioner for Refugees issued in .2020**

We note from the previous table that most of the refugees in the world during the year 2020 are in the age group of less than 18 years, the category (children), which is the category that includes people of pre-university education age then this category is followed by the rest of the age groups in varying proportions. Figure 3 illustrates this.

**Figure (3) shows the proportion of refugees in the world during the year 2020 by age group**



.Source: Prepared by the study team

We note from the previous figure that the largest proportions of refugees around the world during the year 2018 are those aged less than (18) years, constituting (51%), followed by the middle-aged category (45%), and in the third and last place is the elderly category age by 4%.

According to these data, it can be reached the fact that most of the refugees are of general education age in all its stages (primary – preparatory – secondary), and this means that there is a large number of refugees who did not enroll in education, as well as a large number of those

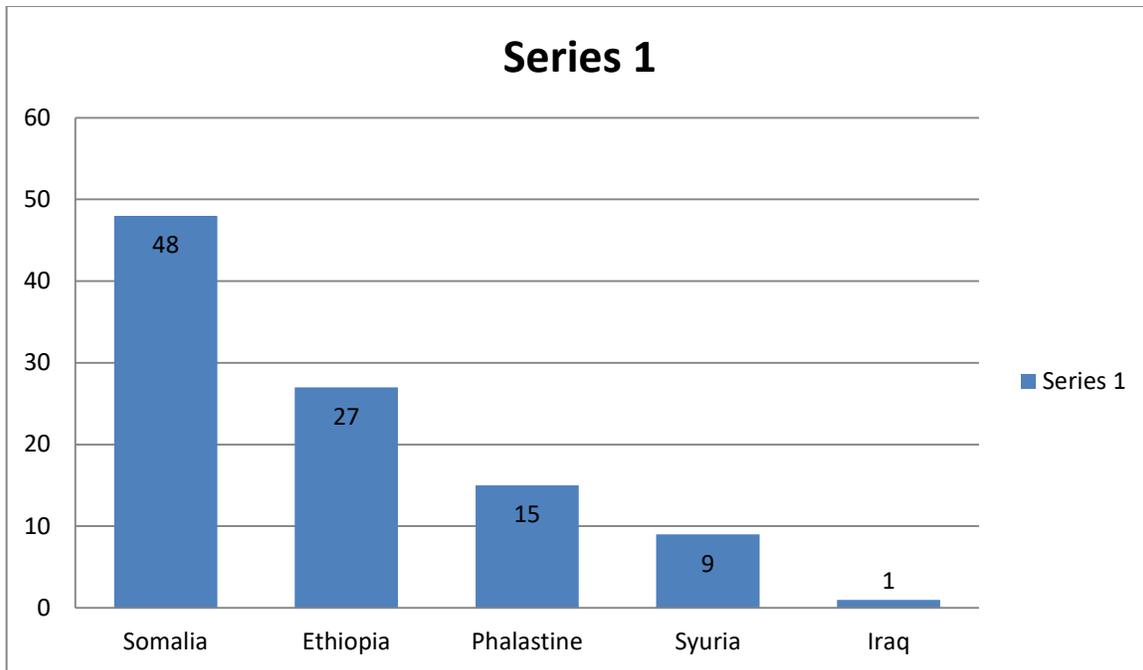
who were enrolled in education and then interrupted from education due to asylum.

## **-Second: Local (Yemeni) indicators of refugees:**

### **a. Indicators of refugees in Yemen during the year (2010):**

Statistical reports issued by the Office of the United Nations High Commissioner in Yemen indicate that the number of refugees in Yemen during the year 2010 is (800,000) people and they are of different nationalities and in varying proportions. Figure (4) illustrates this.

**Figure (4) shows the percentage of refugees in Yemen during the year 2010 by nationality**



**.Source: Prepared by the study team**

We note from the previous figure that most of the refugees in Yemen during the year 2010 were from Somalia, where they constituted (48%), followed in the second place by the Ethiopian refugees with the percentage of (27%), and in the third place by the Palestine refugees by 15%, and in the fourth place Syrian refugees by (9%), and in the fifth and last place are Iraqi refugees by (1%).

**b. Indicators of refugees in Yemen during the year (2013):**

Statistical reports indicate that the number of new refugees at crossing points during the year 2013 amounted to more than (434000) thousand people, and

the number of registered refugees from the High Commissioner for Refugees reached about (297) thousand refugees. Africans number over one million people.

**c. Indicators of refugees in Yemen during the year (2014):**

The refugee influx that Yemen is witnessing is not limited to the countries of the Horn of Africa. There are numbers of nationalities arriving in Yemen with the aim of obtaining a safe haven, as United Nations statistics indicate numbers of Iraqis and Syrians, in addition to refugees from the Horn of Africa. The statistics of the United Nations High Commissioner for Refugees, issued on December 2015, indicate that there are (267.424) two hundred and sixty-seven thousand four hundred and twenty-four refugees registered in Yemen, distributed among Somali, Ethiopian, Syrian, Iraqi and Eritrean nationalities, in addition to Palestinians, Sudanese and other nationalities, and table (4) Explains it.

**Table (4) shows the number and percentage of refugees and asylum seekers registered in Yemen during the year 2014**

م	Country	Asylum seekers	Registered as refugees	Total	The ratio
.1	<b>Somalia</b>	-	253,398	253,398	%91.2
.2	<b>Ethiopia</b>	8.557	8.686	14.243	%5.1
.3	<b>Syrian</b>	615	3.022	3.637	%1.3
.4	<b>Iraq</b>	131	3.405	3.536	%1.3
.5	<b>Eritrea</b>	457	1.286	1.743	%0.6
.6	<b>Palestine</b>	176	489	665	%0.2
.7	<b>Sudan</b>	337	67	408	%0.2
.8	<b>other nationalities</b>	61	67	128	%0.1
-	<b>Total</b>	10.334	267.424	277.758	%100

Source: UNHCR statistics, issued on December 2015.

**d. Indicators of refugees in Yemen during the year (2019):**

**(A) Indicators of refugees in Yemen during the year (2019) by location:**

Statistical reports indicate that the number of refugees in Yemen during the year 2019 is (276,000) people, who are present in many Yemeni governorates in varying proportions, and Table (5) illustrates this.

**Table (5) shows the percentages of refugees in Yemen during the year 2019 by location**

م	Governorate	The number is in a million
.1	Sana'a	%35
.2	Southern Provinces	%65
-	Total	%100

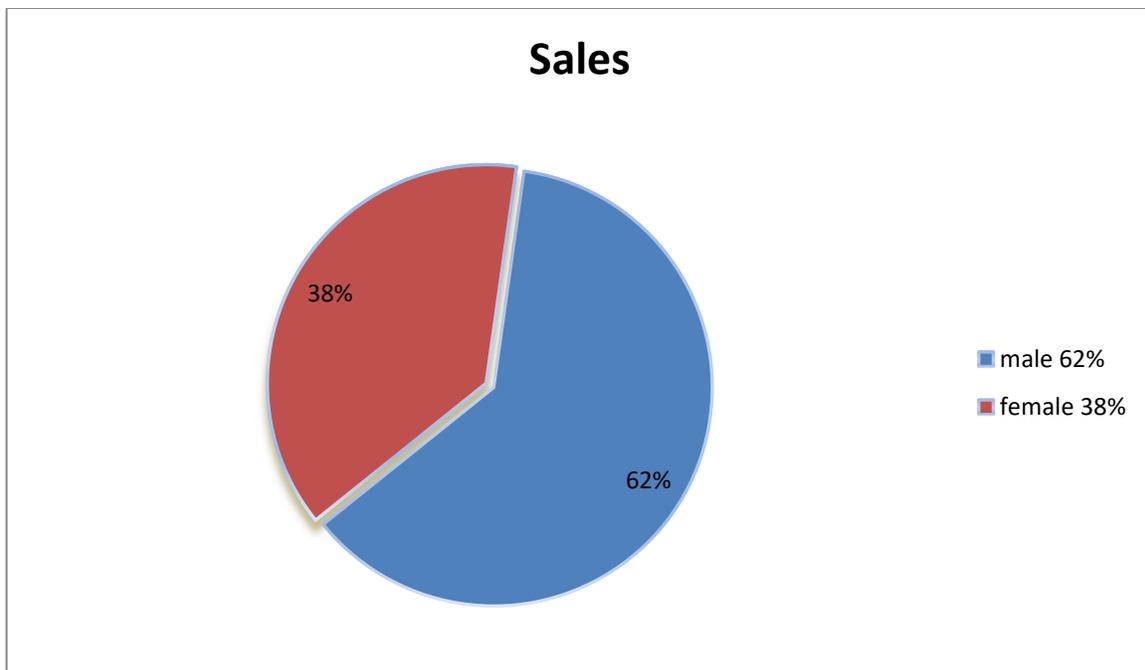
.Source: Prepared by the study team

We note from the previous table that most of the refugees in Yemen during the year 2019 were located in the southern governorates, where they constituted (65%), compared to (35%) in Sana'a, knowing that those in the southern governorates are mostly located in the governorate of Aden.

**(B) Indicators of refugees in Yemen during the year (2019) by gender:**

Statistical reports indicate that male refugees in Yemen in 2019 outnumber females, and Figure (5) illustrates this.

**Figure (5) shows the percentage of refugees in Yemen during the year 2019 by gender**



.Source: Prepared by the study team

We note from the previous figure that most of the refugees in Yemen during the year 2019 are males, constituting (62%), compared to (38%) of females.

**(C) Indicators of refugees in Yemen during the year (2019) by age group:**

Statistical reports indicate that refugees in Yemen during the year 2019 are distributed in varying proportions according to the age group, and Table (6) illustrates this.

**Table (6) shows the percentages of refugees in Yemen during the year 2019 by age group**

م	Age group	The number is in a million
.1	<b>under 18 years old</b>	%51
.2	<b>middle age</b>	%46
.3	<b>Elderly</b>	%3
-	<b>Total</b>	%100

Source: Prepared by the study team.

We note from the previous table that most of the refugees in Yemen during the year 2019 were of the age group less than 18 years, where they constituted (51%), and in the second place were the refugees in the age group (middle age) with a percentage of (46%), and ranked The third and last refugees are in the age group (the elderly), with a rate of (3%).

**e. Indicators of refugees in Yemen during the year (2020):**

The statistical data contained in the Global Migration Report indicates that the number of refugees in Yemen during the year 2020 is 244,600 people, distributed in varying proportions according to a number of variables.

**(A) Indicators of refugees in Yemen during the year (2020) by nationality:**

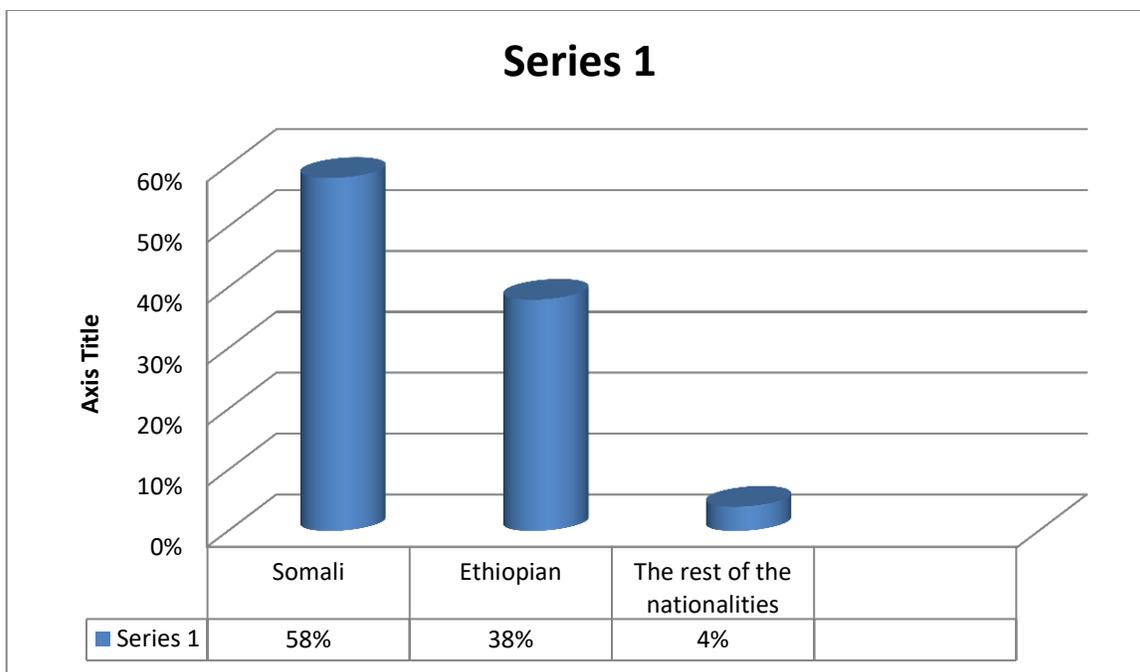
Statistical reports indicate that the number of refugees in Yemen during the year 2020 is distributed in varying proportions among different nationalities, and Table (7) Figure (6) illustrates this.

**Table (7) shows the number of refugees in Yemen during the year 2020 by nationality**

<b>م</b>	<b>Nationality</b>	<b>The number in thousands</b>
.1	<b>Somali</b>	142.600
.2	<b>Ethiopian</b>	93.400
.3	<b>The rest of the nationalities</b>	8.600
-	<b>Total</b>	244.600

Source: Prepared by the study team

**Figure (6) shows the percentage of refugees in Yemen during the year 2020 by nationality**



Source: Prepared by the study team.

We note from the previous table and figure that most of the refugees in Yemen during the year 2020 are of Somali nationality, where they constitute a percentage of (58%), followed by refugees of Ethiopian nationality with a percentage of (38%), and in the last place we find refugees of other nationalities with a percentage of (4%).

**(B) Indicators of refugees in Yemen during the year (2020) by gender:**

Statistical reports indicate that male refugees in Yemen during the year 2020 AD outnumber females, and Table (8) illustrates this.

**Table (8) shows the percentage of refugees in Yemen during the year 2020 by gender**

م	sex	The number in thousands
.1	<b>Male</b>	%67
.2	<b>feminine</b>	%33
-	<b>Total</b>	%100

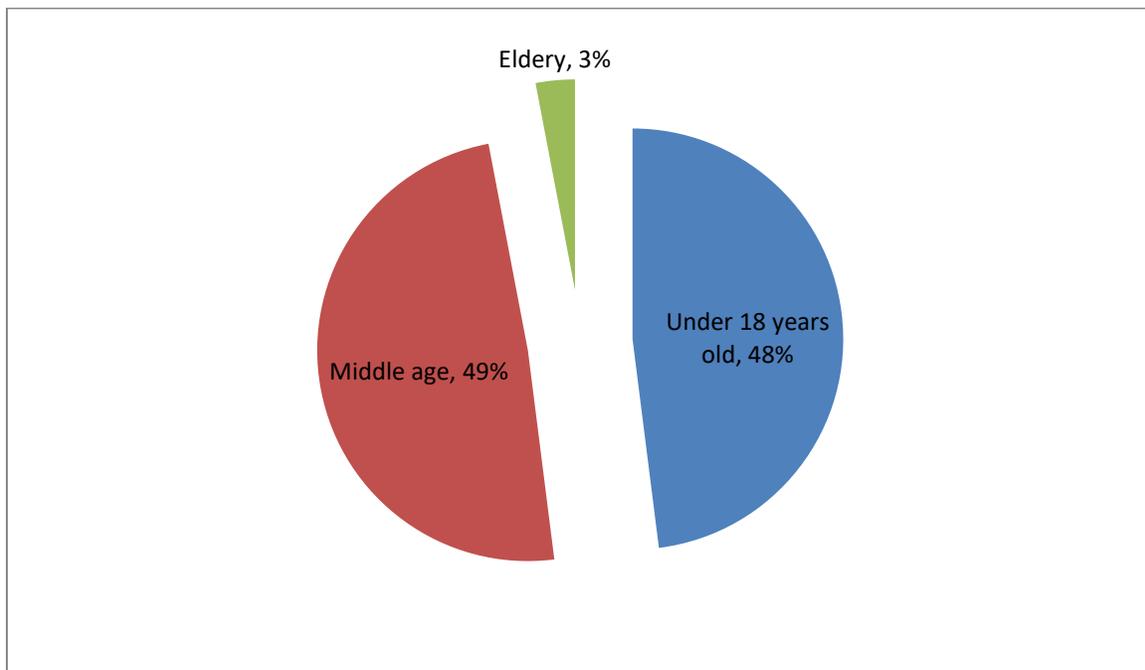
Source: Prepared by the study team.

We note from the previous table that most of the refugees in Yemen during the year 2020 are males, constituting 67%, compared to 33% of females.

**(C) Indicators of refugees in Yemen during the year (2020) by age group:**

Statistical reports indicate that refugees in Yemen during the year 2020 are distributed in varying proportions according to the age group, and Figure (7) illustrates this.

Figure (7) shows the percentage of refugees in Yemen during the year 2020 by age group



We note from the previous figure that most of the refugees in Yemen during the year 2020 are of the middle age group, where they constitute (49%), and in the second place are the refugees in the age group (less than 18 years), with a percentage of (48%), And in the third and last place are refugees in the age group (the elderly), with a rate of (3%).

## **-Third: Indicators of refugee education in Aden Governorate:**

### **(A) Indicators of refugee education in Aden governorate during the year (2007):**

Refugee children in Yemen have the same right to education as Yemeni children. Where the Ministry of Education has appointed education coordinators in the camps and in cooperation with the rest of the implementing partners, the Ministry supports the educational process, provides teachers, training and rehabilitation, and provides appropriate school buildings in the camps and in refugee gathering places in Aden. The Ministry of Education also provides textbooks for refugee students, in addition to providing meals for refugee students enrolled in primary school education, Short courses are also organized in vocational training institutes for refugee children in the age group over 15 who have dropped out of education.

Available statistical reports indicate that there are (4,639) refugee children who attended educational and vocational facilities, whether in the camps or in the areas and villages adjacent to the camp in Aden governorate during the 2007 school year, and Table (9) illustrates this.

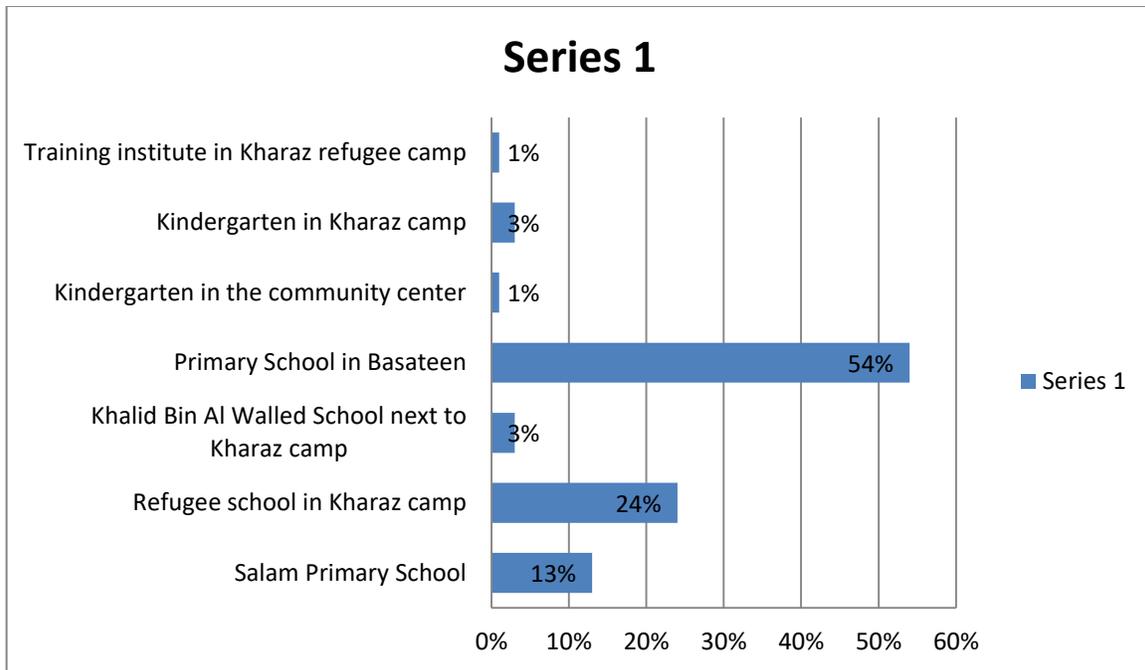
**Table (9) shows the number of refugees enrolled in education in Aden Governorate**

**During the year 2007 by school and gender**

<b>م</b>	<b>The school</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
.1	<b>Salam Primary School</b>	380	230	610
.2	<b>Refugee school in Kharaz camp</b>	574	532	1106
.3	<b>Khalid Bin Al Walled School next to Kharaz camp</b>	87	58	145
.4	<b>Primary School in Basateen</b>	1679	839	2518
.5	<b>Kindergarten in the community center</b>	29	16	45
.6	<b>Kindergarten in Kharaz camp</b>	86	64	150
.7	<b>Training institute in Kharaz refugee camp</b>	38	27	65
-	<b>Total</b>	2873	1766	4639

**Source: The report of the United Nations High Commissioner for Refugees in Aden Governorate issued in 2007**

**Figure (8) shows the percentage of refugees enrolled in education in Aden Governorate During the year 2007 by school**



Source: Prepared by the study team.

We note from the previous table and figure that most of the refugees enrolled in education in Aden governorate during the year 2007 were in the primary school in the Basateen area, where they constituted (54%), and in the second place we find the refugees enrolled in education in the refugee school located in the Kharaz refugee camp, with a percentage of (24%) And in the third place are the refugees enrolled in education at Al-Salam Primary School, with a percentage of (13%), and in the fourth place are (refugees enrolled in education at Khalid bin Al-Walled School located next to Kharaz camp) and (Kindergarten affiliated with Kharaz camp) with a percentage of (3) % for each of them. In the fifth and last rank, we find the (Vocational Training Institute affiliated to Kharaz camp) and (Kindergarten affiliated to the Social Center of Kharaz Camp) with a percentage of (1%) for each.

**(B) Indicators of refugee education in Aden governorate during the year (2018):**

Available statistical reports indicate that the number of refugees in Aden Governorate during the year (2018) reached (15,300) people, divided into two nationalities: (Somalia and Ethiopia), and table (10) illustrates this.

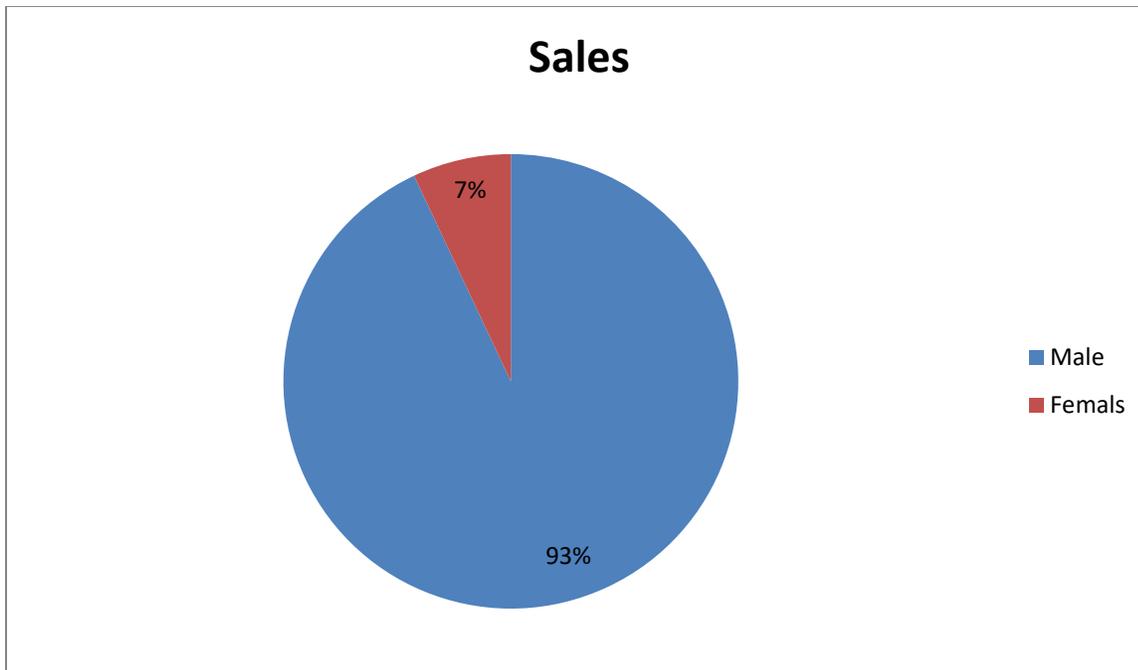
**Table (10) shows the number of refugees in Aden governorate during the year 2018 by nationality**

م	Nationality	Number	Percentage
1.	<b>Somali</b>	8900	%58
2.	<b>Ethiopian</b>	6400	%42
–	<b>Total</b>	15300	%100

Source: UNHCR report in Aden Governorate in 2018.

We note from the previous table that most of the refugees in Aden governorate during the year 2018 were of Somali nationality, where they constituted (58%), compared to (42%) of the Ethiopian nationality. Males of these refugees constitute a large majority compared to females, as shown in the following figure (9).

**Figure (9) shows the percentage of refugees in Aden governorate during the year 2018 by gender**



We note from the previous figure that most of the refugees in Aden governorate during the year 2018 are males, constituting (93%), compared to (7%) of females.

As for the number of refugees who are of general education age in all its stages (primary-preparatory-secondary), it has reached (2170) people, of whom have joined education and are still continuing, and some have not enrolled in education, and some have joined education and then were cut off for several reasons, and the table (11) explains this.

**Table (11) shows the number and percentage of refugees of school age in Aden during the year 2018.**

<b>م</b>	<b>Description</b>	<b>Number</b>	<b>Percentage</b>
1.	<b>Continuing education</b>	660	%30
2.	<b>who did not attend school</b>	1380	%64
3.	<b>Those who attended school and then dropped out</b>	130	%6
-	<b>Total</b>	2170	%100

Source: UNHCR report in Aden Governorate in 2018.

We note from the previous table that most of the refugees of school age are those who have not enrolled in education, as they constitute (64%), and in the second place we find the refugees who are still continuing education, with a percentage of (30%), and in the third and last place are the refugees who have enrolled in education Then they cut off for certain reasons, at a rate of (6%).

**(C) Indicators of refugee education in Aden governorate during the year (2020):**

Available statistical reports indicate that the number of new refugees in Aden Governorate during the year (2020) has reached (8130) people, divided into two nationalities: (Somalia and Ethiopia), and table (12) illustrates this.

**Table (12) shows the number of refugees in Aden Governorate during the year 2020 by nationality**

م	Nationality	Number	Percentage
1.	<b>Somali</b>	5920	%73
2.	<b>Ethiopian</b>	2210	%27
-	<b>Total</b>	8130	%100

Source: UNHCR report in Aden Governorate in the year 2020.

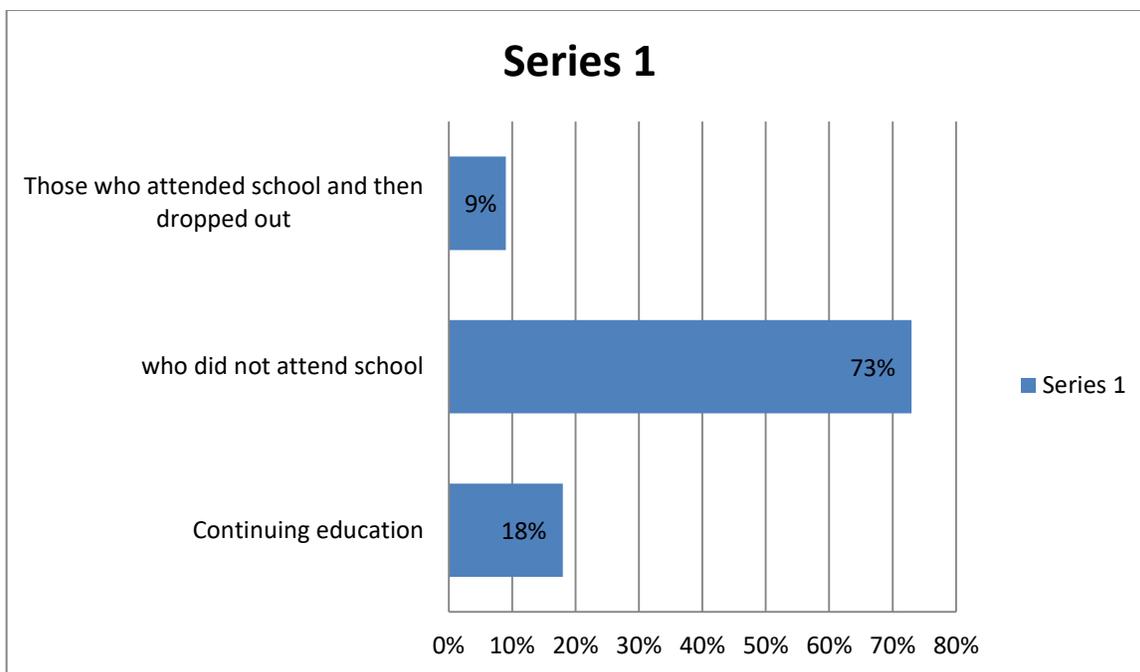
We note from the previous table that most of the refugees in Aden governorate during the year 2020 are of Somali nationality, where they constitute (73%), compared to (27%) of the Ethiopian nationality. The number of those who are of general education age in all its stages (primary - preparatory - secondary) is about (940) people, of whom have joined education and are still continuing, and some of them have not enrolled in education, and others who joined education and then were cut off for several reasons, and table (13 ) and Figure (10) illustrate this.

**Table (13) shows the number and percentage of refugees who are of school age in Aden Governorate during the year 2020**

<b>م</b>	<b>Description</b>	<b>Number</b>	<b>Percentage</b>
.4	<b>Continuing education</b>	171	%18
.5	<b>who did not attend school</b>	683	%73
.6	<b>Those who attended school and then dropped out</b>	86	%9
-	<b>Total</b>	940	%100

Source: UNHCR report in Aden Governorate in the year 2020.

**Figure (10) shows the percentage of refugees who are of school age  
In Aden Governorate during the year 2020**



Source: Prepared by the study team.

We note from the previous table and figure that most of the refugees who are of school age during the year 2020 are those who have not enrolled in education, as they constitute (73%), and in the second place we find the refugees who are still continuing education, at a rate of (18%), and in the third place The last is the refugees who enrolled in education and then dropped out for certain reasons, with a percentage of (9%).

**Based on this, it can be said that these percentages can be attributed to a number of reasons:**

- 1- Inadequate schools due to insufficient classrooms.
- 2- The low living conditions of families, which pushes families to take their children out of school and look for work.
- 3- Lack of free school curricula and school needs.
- 4- Insecurity and stability due to the continuing pace of armed conflicts.

## **Challenges facing refugee education:**

- 1- The infrastructure in Yemen is subjected to economic pressures, which are exposed to social and security conditions and Yemen is still facing a complex humanitarian situation, coinciding with a massive increase in the number of refugees.
- 2- The scarcity of financial resources allocated to refugee issues and the failure to translate what is stated in national and sectorial policies into programs and projects, which makes asylum issues mere slogans that hide the achievement of many personal gains.
- 3- The most difficult challenge is the mechanism of dealing with the situation and problems of asylum seekers and those who have obtained refugee status in accordance with international human rights standards contained in the 1951 Convention on Refugees and its 1967 Protocol, and how to reconcile international obligations relating to human rights, and refugees in particular and between the security and social welfare requirements in Yemen.
- 4- The absence of an effective system for providing data and statistics on the implementation of human rights.
- 5- The absence of societal awareness of the rights and duties of a large segment of society.
- 6- Refugee children drop out of education for several reasons, the most important of which are customs and traditions, and the care of older children for younger children due to the absence of the father and the mother going to work or dropping out in order to work and help the family.

## **- Conclusions:**

- 1- The state of education is turbulent and tragic due to many challenges. The difficult economic conditions, which led to major problems on the educational process, hundreds of students had to drop out of their school year.

- 2- The data indicate that refugees lack access to education, employment, health care, and protection from physical harm and abuse of refugees.
- 3- The development of the recent situation in Yemen has diverted attention from asylum issues in Yemen and turned to asylum and immigration issues in some countries of the region, which have recently been suffering from an exacerbation of the influx of refugees and migrants to it, which has led to Yemen bearing burdens that weighed heavily on its shoulders and became bearing what it could not bear.
- 4- The health situation of refugees has become very dangerous with the increase in the number of asylum seekers or refugees waiting for long periods of time to obtain services from the Yemeni Family Association.
- 5- The vast majority of refugees insist that resettlement is the only best option for them, and that UNHCR should work to implement it.
- 6- The data indicate that the refugees enrolled in education lack school bags, school uniforms, and the curriculum is not provided.
- 7- The internal and external wars that Yemen has been subjected to have affected education, as a large number of schools were destroyed in cities and rural areas. These wars also contributed to the dropping out of hundreds of thousands of students in general and refugees in particular.
- 8- The impact of the economic situation on the rate of school enrollment as a large number of parents is reluctant to bring their children to school because of their difficult living conditions.

## **- Recommendations and suggestions:**

- 1- The need for donor countries, the United Nations and international organizations to adopt clear educational programs to help refugee children deprived of education.
- 2- Emphasis on the need to find a national law regulating the asylum process in Yemen, because of its impact in reducing many problems and minimizing their effects, and because of its role in protecting the refugee and determining his rights and obligations.

- 3- Work to include refugee issues in the general development programs of the state, and development programs for governorates affected by asylum and mixed migration.
- 4- Building new schools in deprived areas, densely populated cities, and secondary cities, based on the school map, which achieves a fair distribution of education services so that the largest number of refugees can receive.
- 5- Spreading sufficient awareness of the importance of education and continuing it without interruption, especially in the basic stage, with a focus on educating the countryside and educating the women sector in order to reduce the dropout phenomenon.
- 6- Design activities and training courses aimed at providing refugee teachers with the necessary information and skills to help students who need education.
- 7- Establishing research centers, educational courses and websites on the Internet, concerned with the ways and methods that help in providing education services to refugee students.
- 8- Establishing an accurate database on refugee persons. This data includes statistics and addresses of refugees to facilitate communication with them and the delivery of services to them.
  
- 9- The Ministry of Education must establish facilities for vocational and technical education through which many opportunities and professional, educational and recreational services are provided to refugees, enabling them to adapt to the new lifestyle in the areas in which they have sought refuge.
- 10- Reforming education and addressing obstacles, reviewing educational programs and building school curricula that seek to eliminate differences in dealing with refugee education, commitment to free education and the abolition of school fees for refugees.

11- Organizations should not limit their interests only to meeting the urgent needs of people or assisting them in their return, but rather expand their interests to investigate the conditions of refugees, provide them with material and psychological support, establish appropriate courses for them, and guarantee all their rights, including the right to education.