

THE RELATION BETWEEN ASYLUM RIGHTS AND INTERNATIONAL HUMAN RIGHTS

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Abstract: Asylum has progressed along the way through the history of the past, and today has become one of the most important political and social developments in the international arena. The link between human rights and The protection of refugees is one of the important topics that is interesting to international lawyers and international organizations. Refugee and search to find an appropriate mission to eliminate dangerous hazards are human history. An international legal system has created a special way to deal with victims in specific circumstances. The International Committee of the Red Cross is responsible for the implementation of the Geneva Conventions and its Supplementary Protocols, the High Commissioner for Human Rights, responsible for dealing with victims of human rights abuses and the UNHCR, responsible for enforcing forced evictions. Humanitarian law and human rights law often have the same goals and objectives. Their primary goal is to promote the protection of human rights in all circumstances and in all kinds of conflicts. In the field of refuge, recognizing and respecting the minimum humanitarian standards can be used both in the country of origin to prevent massive asylum waves and in countries of residence or, if returned to their homeland, to create the minimum humanitarian requirements for durable solutions. What is being studied in this research is the relationship between the rights of refuge and international human rights.

Keywords: human rights, humanitarian law, asylum rights.

INTRODUCTION

Among the important and recent issues in international law is the refugee rights which, in spite of industrial progress, has increased in the current era of observance of morality and human rights, which sometimes causes the escape and mass migration of a country's people to another country. Hence, the rights of refugees, along with other legal issues, have been raised in international law, and in this regard, treaties have also been ratified. Refugee as one of the characteristics of international life is generally associated with a

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place and a geographical location, including the reasons for unrest, seizure and crisis in many parts of the world that forced millions to leave their country. On the other hand, the growing gap between the level of economic and social development among different countries and nations and the violation of the principles of the standards of government behavior with the community under their rule are among the causes of the problem of refuge. Of course, the existence and progress of the asylum phenomenon can be regarded as a political phenomenon. Refugees are the victims of foreign aggressive policies, war, non-imposition of dissent, force and pressure that are requested or unwittingly by governments as foreign policy instruments to exert pressure on other countries.

1. Refugee concept

The word "refugee" in Latin is derived from the word "asylon", which literally means not being detained or free from detention. In the resolution adopted by the International Law Commission in 1950, refugees were defined as such. Refuge is the support of a state from a person seeking refuge in the territory or places belonging to the organs of that state. It is usually recalled that the concept of asylum should not be considered as a refuge. According to tradition, asylum means the right to seek refuge, while refuge is the one who is seeking refuge in the territory of another state whose home or place of residence is not.

Asylum in Islamic jurisprudence is one of the institutions and legal titles titled "Seeker, Aman & Zanahar". According to the tradition, refugee status means the right to seek refuge and the safe haven is in fact a kind of contract of political immunity of foreigners in the Islamic country. According to this principle, the Islamic State or any Muslim person can in any case be able to go to an alien who intends to reside temporarily in an Islamic country Has to be safe. Hence, the rights of refugees as a subject of international private law have been particularly respected in the past two decades, but this issue is not much discussed in Persian writings, and the writings about it are rare. Among the most important international laws and regulations, the 1951 Geneva Convention on the Status of Refugees can be cited.

In jurisprudence, anyone who does not have Islam and does not contract with the Islamic government, but enters into the Islamic realm for the purpose of trading or other needs by the permission of the Islamic government (because he has been immune from the offense), a lien (against the treaty), And the reservation is not absolute and binding at a specified time.

In the legal term, refugees also refer to individuals or groups who, for various reasons, have to leave and seek refuge. Article 1 of the Geneva Convention of 1951 provides for a comprehensive definition of refugee status and states that "refugee is a person who, due to fear of being tortured for

reasons of race or religion or nationality, membership of certain social groups or having political opinions, Outside the country, he or she is in the habitual place of residence (his or her home country), and cannot, or because of fear, refuse to support himself or, in the absence of a nationality, and after such incidents abroad, a permanent residence And he cannot, either because of fear Will return to that country. According to a definite definition, a refugee is a refugee from an international alien resource in the country who is refugee for refusals to pursue and save his life and property and his freedom to another country. A basic element of asylum is a fear of persecution that recognizes and acknowledges with the recipient of the country and accepts or rejects it with comprehensive examination of the reasons for applying for asylum or for these reasons.

2-Asylum acceptance terms

Criminals who have been convicted in a fair trial by a fair trial with a lawyer who are leaving their country for escaping from prison are not considered as refugees, but political activists who are guilty of legal or prosecuted political or non-political issues, Both innocent and guilty, can apply for asylum and become refugees. Women may be prosecuted for political, religious, racial or ethnic affairs. Anyone who has been subjected to discrimination or inhuman treatment has the right to asylum. In 1984, members of the European Parliament came to the conclusion that women who were subjected to inhuman treatment for non-compliance with social rules were considered as special social groups and had the right to asylum. The United States, Canada, Switzerland, the Netherlands and Germany follow these rules. According to French law, Canada and the United States have been violently harassed, and a woman who has escaped for fear of desecration will have the right to asylum. Violation of the general regulations of the country and ignoring public laws punishable by imprisonment or other punishment cannot be considered as a factor in obtaining asylum. For example, spotless exporters cannot apply for asylum.

Individuals who participated in criminals and violent groups of all genocidal groups did not have the right to apply for asylum. Each country has the right to recruit soldiers during the war. But the defendants must have the right to object. In cases where there is no right to object and conflicts overwhelmingly internationally, fugitives who are afraid of legal supervision are active as political rights. Of course, this has been the case for the time of the Vietnam War .

There is a condition for the contract of asylum and asylum, which is said in the words of some lawyers and Muslims. The lack of quirks and the condition of expediency are among the things that are often mentioned. Martyr I: "He does not know one of the conditions of his safety, it does not mean that he does not suffer harm for Islam and Muslims, he does not have any

potential interests and interests.” This is the opinion of some of the Islamic lawyers who say that in the legitimacy of the agreement, this amount is sufficient to not harm Islam and Muslims, but the expediency of Islam and Muslims is not in that condition. But it seems that the lack of infection is not enough to be trusted, because for the sake of the verse, the purpose is to be refugee, to be Muslim, or to something that is in the interest of Islam. Allameh Helli believes that the contract of faith is worthy of expediency, and states that if the expediency of injustice is necessary, it is not believed and it is safe to give a different or more enthusiastic, and if faith requires God to hear and recognize Islam, then accept It is obligatory. He considers Amman, in spite of his expediency, to be correct and so on:

«انما يصح مع المصلحه اماستماله الكافر ليرغب في الاسلام او لترفيه الجند او لترتيب امورهم او ليدخلوا دارنا و ندخل دارهم فنطلع على عوراتهم».

- (A) A hail of the infidels, so that they may find love for Islam.
- (B) Overcoming the Islamic Revolutionary Guards Corps and resting and relieving them of fatigue
- (C) Stop the war due to a few forces of Islam
- (D) Commuting to find out their secrets

Also, Hanafi jurists have signed four conditions for our contract:

1. Muslims are in poor condition so that they are not capable of the world.
2. The authority of the sponsor is allowed, as is the case in other cases where the seizure of the maintenance obligation has been discontinued.
3. The recipient of the sanity and welfare of the owner of the property is seized.
- 4- The sponsor must be Muslim; therefore, allies who are interlocutors with Muslims cannot protect themselves.

Historical Asylum History

Asylum does not devote to Islam, although in the Islamic domain this phenomenon has been wider than other religions and legal systems. The reason is that the background to this issue dates back to the history of human life on the planet, and even this was the issue among animals, animals that were oppressed by fellow humans or humans. In order to escape the tyranny of oppression, humans sought refuge, because since the day of the early creation of a human being created by the Civic, they always oppressed their subordinates and took their slave into the community of those who felt empowered. On the contrary, the oppressed people who did not have the

ability to deal with the tyranny and endure their oppression had no choice but to seek refuge.

Wherever the law was drafted, the granting of asylum has been the subject of such an application. For example, this issue in Greece is one of the most important issues of international law. One of the treaties between the Greek City Government was so precise and complete that there was no similar work until the nineteenth century. The most important provisions arising from the above treaties, which have prompted the attention of the world and are international law, are as follows:

1. Identification of the right to liberty and property protection for nationals of the city of the Contracting State;
2. Establishment of a “representative” or “custodian” institution. (The representative or supervisor, which is almost the same as the current console, was responsible for protecting the citizens in the foreign city government as well as a series of political duties);
3. Judgment was a way of resolving the border and legal disputes between the parties. In this case, a third country would normally be chosen as the referee and judge the political concept.
4. The establishment of political unions called “amphibious”;
5. . Ambassadors immunity;
6. Respect for the neutrality of some places;
7. Enforce peace treaties by swearing;
8. Respect for the bodies of those who were killed in war;
9. Identify the right to asylum

In this section, paragraphs 5 and 9 are observing the asylum and respect of refugees and the need for refugees. Therefore, the asylum procedure has been seriously addressed among the Greek people. As well as the Muslim community, in the belief that it was created in the shrine and idolatry, and the social principles and criteria of this school were directly in conflict with the idolatry of the Arab people, from the outset, Arab elders, especially merchants and wealthy Quraysh, were opposed to it. And the first Muslims, due to lack of power, were forced to use the principle of political asylum seriously. Unfortunately, the advent of Islam in the city of Mecca and the presence of Muslims in this city, with all the special respect that the Arabs had for the divine secular shrine, failed to provide sufficient immunity to Muslims. Hence, the Prophet Muhammad and other Muslims, especially those who did not have strong tribal and tribal support, were severely tortured and oppressed by the opposition, and in the area where the criminals lived peacefully, the flags of freedom and human values were under pressure. Anxiety. The Prophet, peace be upon him, was personally immune at least for the sake of his support, but other Muslims were at greater risk of being

harassed and sometimes at risk. Thus, the Prophet Aliyah decided to use the principle of asylum to send Muslims asylum to the country of Hesse, because he knew that Najaishi, the king of Habasheh, was a man of justice and was advised to support Muslims so that the enemies could not be harsh to them. In fact, what was expected was that when Najashi became aware of the refugee status of Muslims in his country and became acquainted with their logic, he rejected the offer of the people of Mecca to the extradition of Muslim refugees and announced that, until the Muslims were living in the land of Habasheh will be sheltered.

4. Types of Asylum

Asylum in Islamic jurisprudence is divided in various respects, and this reflects the importance of Islam to the issue of sheltering the stubbornness and peace and tranquility of the human community.

4.1 Political Asylum

This term refers to more than one who has been given territorial or diplomatic asylum (subterranean). Such a person may or may not have the status of asylum in the meaning of the conventions concerned. Political asylum on the part of the government to an individual given in its territory is called territorial asylum. The political asylum given elsewhere is mostly the property of an embassy or embassy, under the heading of over-the-border or, specifically, diplomatic refugee status. ... A refugee is considered a political refugee. Such a person may or may not be recognized as refugee based on the definition of international law or domestic law. The International Law Institute has given a definition of political asylum. In this definition, there is no reference to the reasons for which the individual asks for support: in the current resolutions, the term "asylum" refers to the protection that a state in its territory or another place that some of its subdivisions exercise jurisdiction, which it gives Requests. In the draft of the Convention on the Asylum (Political) of the Land that the International Law Association in 1952 presented, there is also a distinction between refugees in the political sense, some of which are considered as asylum and refugees in a specific sense. On the basis of this document, political asylum has a broader concept of asylum. In fact, in the case of political asylum, only harassment has been mentioned and no reason has been given for it. It seems that the same openness of the hands of the states and on the basis of their own choosing to do so can further make this kind of asylum more political, while in refugee situations, in the specific sense of the Convention and the Refugee Protection Protocol, states based on well-founded grounds and conditions And in fact the task that the Convention entrusts to them should be the main motive for the admission of the individual as a refugee; However, in practice, governments in this regard, besides assigning their

rights to their interests and political interests are hard to pay attention; But the historical background of asylum in the general sense, which is a sign of explicit political motives and the provision of Article 14 of the Universal Declaration of Human Rights, has used the term political asylum as referring to cases where a person calls for support without reference to specific reasons and, in a particular way, only situations requiring harassment And harassment due to non-political crimes or acts of harassment, the goals and principles of the United Nations Charter have been excluded from the scope of this concept. Therefore, the Universal Declaration of Human Rights has also used the term political refugee in a broader sense than the refugee concept, as defined in the Convention on the status of refugees.

There are two types of political asylum:

- 1- Refugee nationals from a host country to a foreign embassy in that country.
- 2- Application for asylum from nationals of a foreign country in a third country, which is more likely to be carried out through United Nations agencies. In the first instance, political opponents of a regime, or those who are at risk for any reason, seek refuge in a foreign embassy in their home country, trying to protect their diplomats from prosecution and punishment by using the immunity of the embassy or residence. Such facts usually cause problems for each embassy in a host country and lead to a tumultuous relationship between the two countries. But refugees from a foreign country to a state or embassy of a foreign country are easier than refugees in that country. Of course, each country has laws, regulations, and restrictions to admit foreign political refugees and considers its citizens to accept asylum applications by nationals of a foreign country. Financing a political asylum seeker may facilitate his admission as one of the problems of political refugees in the country accepting them is to provide them with living expenses or to find work for them. Until they find work, refugees receive a minor salary at their minimum living expenses, and if they are offered a job, they will have to admit it, although they do not fit with their backgrounds.

4.2 Economic Asylum

In accordance with the rules of seizure in jurisprudence and the economic provision of merchants, the infidels can trade commercially and carry out commercial transactions with full commercial security in the Muslim countries. Of course, the granting of such asylum depends on the extent to which the Islamic society feels the import of its goods and the export of its desired goods.

4-3- Military Asylum

The purpose of military asylum is the application of asylum to the infidels in the scenes of warfare, which, according to certain conditions, soldiers and commanders of the army and Imam of Muslims provide such people, and thus, the provision of such provision will protect them from captivity and their property from looting.

5-NATURE OF ASYLUM

Asylum is an agreement by which a number of responsibilities are levied on the parties to the contract, under which the parties will be obliged to fulfill their mutual obligations and respect each other's rights. For this reason, in an asylum contract, each of them is required to fulfill its obligations to the other as a result of the responsibilities and obligations of refugees or and the refugee government.

It seems that verse 6 of Surah "repentance" implies the Islamic state's obligation to admit refugees and the refugee's right to be accepted because the verse explicitly states: At the request of the applicant, the asylum seeker must be granted asylum. But with careful consideration of the revelation of the verse, this interpretation is ruled out because the Muslim mindset at that time was that it should not be a refuge for a polytheist. The decline of this verse eliminated this mentality, because after that all the emphasis on non-reconciliation and compromise with the polytheists is given to refuge.

The owner of the jewel has specified the asylum contract. Sheikh Toosi, in *Al Masbot*, believes in asylum contracts and does not mention the obligation to accept asylum. As the jurists point out, there is no mention of the obligation to accept asylum applications by the Islamic State, but this may be due to the fact that, if the government decides to accept asylum, the marriage contract is denied. One can answer this objection that the main fruit of any contract is the inclusion of the terms of the contract; that is, the Islamic State is required to apply for asylum.

Regarding the issue of asylum, the question arises as to whether asylum is a right for individuals to have a right to use it in certain circumstances and to be considered as an assignment to the requested state asylum? In response to this question, people in certain circumstances at risk and fear will have the right to be refugees to other countries, and the requested country is required to accept them. Of course, in explaining this point, it has to be said that in practice, countries will accept refugees on the basis of specific materials and policies and observe ethical and religious standards.

Article 31 of the Convention concerns refugees who are illegally in a refugee country:

1. Contracting States shall not penalize refugees directly from the territory where they were living and as their freedom is threatened

without permission to their land, provided that they immediately notify the relevant authorities, Provide convincing reasons to enter or stay illegally.

2. Contracting States shall not impose any restrictions other than what is necessary on the passage of such refugees, and shall be restricted only until such refugees have been designated in a refugee country or have not been admitted to another country.

Article 33 on the prohibition of the expulsion or restitution of refugees states: "No Contracting State shall in any way grant refugee status to any land that may be, or may be, liable to be displaced by reason of race, nationality or membership of a particular social group, or possessing political opinions, His freedom is threatened with exile, or they will not return.

The spirit of this convention is about the right to asylum for those at risk and fears, and, on the other hand, is a task entrusted to states that are in a state of confidence. The Universal Declaration of Human Rights, in Article 14, states: "Everyone has the right to seek protection from persecution, torture, and harassment, and to seek refuge in other countries."

In both declarations, the right to asylum is stipulated. The right to asylum is the task of the requested country for asylum, as otherwise, the validity of the right to the refugee will be useless and canceled. In the further discussion of the nature of asylum from the legal and legal point of view, we conclude that asylum from the legal point of view is the nature of a contract, and only in a place where it asks for asylum on religious matters, the right of right arises, but in international law, the right to do so That is: the right to the refugee and the assignment for the host country.

6-Asylum in International Law

As the issue of asylum becomes more widespread day by day, the familiarity of refugees with their rights and duties seems to be necessary. This acquaintance also prompts refugees to consciously defend their rights and acquaint them with their legal duty. The 1951 Geneva Convention provides a comprehensive definition of refugee status. In part of this article, a refugee refers to a person who, owing to fear of being persecuted for reasons of race or religion or nationality, membership of certain groups or having political opinions, has his or her habitual residence abroad. And he cannot, or because of fear, refuse to support himself. Or if he / she lacks nationality and after such incidents abroad cannot live permanently, he / she does not want to return to that country due to fear. The convention has excluded individuals from the scope of their provisions, including:

- A. People who commit crimes against peace or war crimes.
- B. Those who have been admitted to refugee countries in the country have committed a major crime outside of the country that is subject to public prosecution.

- C. Persons committing acts that are contrary to the purposes and principles of the United Nations.

As to the minimum rights of refugees in international documents, one can say:

Minimum Standards

For foreigners, legal obligations are commonly understood as international law, which also includes refugees. Among these rights is private law.

As a rule, aliens enjoy these rights because these rights are necessary for the life of each individual from human beings and should not be different in this type of rights of foreigners and citizens. Governments, either by law or by treaty or on condition of reciprocity, benefit from these rights.

Among the privileges given to foreigners under the Treaties, the following can be cited:

1. Property rights to immovable property:
 - A. The right to study immovable property for the purpose of residing or occupation and industry;
 - B. Transfer, study and seizure of movable property.
2. Other private rights which are enjoyed by law in accordance with the terms of political intercourse in respect of foreign treaties are personal property rights. Some states consider personal status of alien nationals to be subject to the law of the state and some to the law of the home. Today, in the international arena, most countries have accepted and supported the implementation of the national law of foreigners regarding personal status, and this view is practically internationally enforceable.
3. Other privileges granted by the legislator to foreign nationals on condition of interdependence of legislation or political or practical interaction are the benefits of the Law on the Registration of Signs and Inventions.
4. Another kind of rights, which are explicitly defined by law for foreign nationals, is the right to carry out marriage of foreign nationals by political agents and consular officers.

Also, foreigners have the legal status of the host country to the extent that they cannot be deprived of the foreigner. The most important legal rights that aliens enjoy is the right to sue. Any country that applies to foreign legal persons should also take into account the enforcement of these rights, so that foreigners, like domestic ones, can go to the courts of the receiving country in cases that are prejudiced. Nowadays, governments are obliged to grant foreigners the right to go to courts and bring legal proceedings, and courts are also required to fully implement justice in the case of foreigners, such as domestic citizens. Otherwise, any abandonment of justice will make the government internationally responsible. Under Article 10 of the Universal

Declaration of Human Rights and Article 14 of the International Covenant on Civil and Political Rights, everyone has the right to have his case heard in a competent court, whether he or she is a foreign national or a national of that State.

7. International Asylum Refugee Resources

One of the most important and recent issues in international law is the refugee rights that, despite industrial progress, the observance of morality and human rights are weak in each other, and the oppression and violation of human rights, especially in relation to subordinates, and The weak has become more, so that it sometimes causes the escape and mass migration of a group of people from one country to another. One of the most important and recent issues in international law is the refugee rights that, despite industrial progress, the observance of morality and human rights are weak in each other, and the oppression and violation of human rights, especially in relation to subordinates, and The weak has become more, so that it sometimes causes the escape and mass migration of a group of people from one country to another. Hence, the rights of refugees, along with other legal issues, have been raised in international law, and international treaties have also been ratified by treaties.

7-1. Universal Declaration of Human Rights

The Universal Declaration of Human Rights, adopted on December 10, 1948, was approved by the United Nations General Assembly after being approved by the Human Rights Commission and includes 30 articles. The Universal Declaration of Human Rights, without being considered a legal act, is merely due to the approval of the supreme international authority. Islamic Declaration of Human Rights: This declaration is in 25 articles, although it is valid only among Muslims, but because Muslims are considered to be the largest minority in the world, it is of particular importance. The preamble states: "The General Assembly of this Universal Declaration of Human Rights proclaims a common cause for the authority of the people and all nations, to ensure that all individuals and all components of the community are fully aware of this Declaration and that they will be mumbled by education, respect, these rights and freedoms will be expanded. And with the gradual national and international measures, their real and vital identification and implementation, whether within the member nations themselves or among the peoples of the countries that are in their territories. "

7-2. Islamic Declaration of Human Rights

The Islamic Declaration of Human Rights or the Declaration of Human Rights, or the Cairo Declaration on Human Rights in Islam, was approved by the Organization of the Islamic Conference on August 14, 1990 in Cairo. This

declaration provides a summary of the Islamic perspective on human rights. This declaration is usually seen as an Islamic response to the Universal Declaration of Human Rights after World War II in 1948. The Islamic Declaration of Human Rights is strongly influenced by the Universal Declaration of Human Rights in its structure, order and some of its themes, and its commentators and commentators have referred to it. In addition to the introduction, this declaration has 25 articles in its final form And verse:

«يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ»

It is on top of it. In the introduction, the motives for writing this statement came after some of the teachings of Islamic religion such as monotheism as the foundation stone of this religion, its comprehensiveness, material and spiritual blessing, and the wisdom of the heart and adherence to it, and the urgent need Human beings are misled today by this religion and their teachings and emphasis on the freedoms set forth in this religion: "For this reason, the governments of the Organization of Islamic Conference on the basis of that, declare the following."

7-3. Geneva Convention 1951

The 1951 Geneva Convention Relating to the Status of Refugees can undoubtedly be the main source of refugee rights under international law. The importance of this convention is to the extent that it is considered as a charter of refugees.

According to the above convention, the term refugee is briefly summarized as follows: Refugee refers to a person who, because of the fear of being justified on grounds of race, religion, nationality, membership of certain social groups or having Political persecution , harassment and persecution abroad are habitually resident outside of the country and cannot, or because of fear, refuse to be protected by that country, or if they are deprived of their nationality After such incidents abroad, he has a permanent residence, cannot or does not want to return to that country.

7-4. 1967 Protocol Relating to the Status of Refugees

Since the 1951 Convention was limited in time to events prior to January 1, 1951, and geographically limited to Europe, the Protocol contains the 1951 Convention. A United Nations High Commissioner for Refugees (UNHCR) convened a conference in April 1965 in the city of Bellagio, Italy. The conference was made up of 13 lawyers from countries and legal professionals who drafted a draft protocol to remove the January 1 deadline from the convention. The Supreme Leader submitted the report to the conference with a draft text to the Executive Committee and the States Parties to the Convention and submitted the report. He sent several amendments to the

Economic Council. At its first fifty-first session, the Economic and Social Council delivered its resolution to the General Assembly by adopting the Protocol. The General Assembly adopted the Protocol on 14 December 1966 in 14 articles.

7.5 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa

In 1969, a convention was adopted at the level of the member states of the African Unity Organization, titled "The OAU Convention on Special Aspects of African Refugee Affairs." The convention was approved following the wars of independence, revolutions, riots and ethnic conflicts in Africa, which led to the deployment of many groups of their homeland and refuge in other countries. The convention provides a more complete and definitive definition of refugee terms, which is in two parts, while confirming the definition in article one of the 1951 Geneva Convention, "individuals who have been seriously threatened by foreign invasion, occupation, foreign domination or events Disturbing public order in a part of his country of birth or nationality ", they were forced to leave their country as refugees without the need to prove the justified fear of persecution. The convention provides a more complete and definitive definition of refugee terms, which is in two parts, while confirming the definition in article one of the 1951 Geneva Convention, "individuals who have been seriously threatened by foreign invasion, occupancy, foreign domination or events Disturbing public order in a part of his country of birth or nationality ", they were forced to leave their country as refugees without the need to prove the justified fear of persecution. As you can see, this definition expands the scope of the definition contained in Article 195 of the 1951 Convention, which grants more people protection.

7-6 Cartagena Declaration on Refugees

In 1984, at the initiative of the United Nations High Commissioner for Refugees (UNHCR), a meeting of representatives of state and leading Latin American judges in the city of Carthage, Colombia, was held to examine the problems of refugees in the region, leading to the adoption of a resolution entitled. The declaration, while accepting the definition of the 1951 Convention, threatens the lives, security and liberties of individuals who, in the face of the spread of general violence, foreign aggression, domestic conflicts, widespread human rights violations or other conditions that seriously impair public order, who have been displaced from their homeland, is covered by the definition of refugee. This definition is similar to the definition of the "African Unity Organization".

Although this definition is not formally binding on countries, it is in practice used by a number of Latin American countries and has been approved by the Executive Committee of the Organization of American States.

7.7. Statute of the Office of the United Nations High Commissioner for Refugees

Sections 6 and 7 of the second chapter of the above-mentioned articles define the term "refugee". This definition, while confirming the definition in the previous refugee documents, refers to a person who, as a result of accidents, has been harassed before January 1, 1951, and "any other person who has been persecuted because of his race, religion, nationality, or political opinion. Fear of harassment and harassment outside the country of his own, or if he is not a national, is outside his normal place of residence and, because of this fear, is not willing to use the support of that country, and if he is not a national, this reason cannot Return to your normal place of residence. "

If there is a comparison between this definition and the definition contained in the 1951 Convention, we find that the definition of refugee in both documents is almost the same. (With the 1967 protocol with the 1951 license). The distinction between refugees under the UNHCR Statute and the 1951 Geneva Convention is that, in order for anyone to enjoy the rights contained in the law and to protect it, they must be recognized by a State party to the Convention as a refugee. However, if anyone wants to benefit from the statutory provisions, such a requirement is not in place and is sufficient to be recognized as a refugee by the Office of the Commissioner or as one of the other groups supported by the High Commissioner. Therefore, there may be people who, according to the UNHCR statute, are considered as refugees, but they do not have the same status as the government they have taken refuge in.

The executive committee issues annual decisions on issues and problems for refugees and asylum-seekers under the name of the Decree, and thus addresses issues relating to the protection of these groups. Although these laws have not come into force for the countries, but because of the relatively large number of delegates to the membership committee, a kind of international consensus can be found in its constitutions. It also addresses the shortcomings of international support for asylum seekers and refugees at an international platform, and draws the attention of the world's public opinion to support them more.

7.8. General Assembly Resolutions of the United Nations

The UN General Assembly has played a very important and influential role in the development and development of international refugee law and international protection. "The resolutions of the General Assembly" have changed the scope of their duties and responsibilities, without directly changing the UNHCR statute for refugees. In fact, resolutions of the General Assembly can be considered "interpreting and changing the statute of the UNHCR against international developments." Some other resolutions of the

General Assembly have, in fact, left more people in the field of retaining the core definition of the commissariat. These resolutions are largely related to the concept of Jamila's efforts, which played a particularly important role in the work of the UNHCR, especially in the 1960s and 1970s. For this reason, the responsibility of "non-citizens", "refugees" and some "special national or geographical groups" is also assigned to the United Nations High Commissioner for Refugees (UNHCR).

8. Legal status of refugees in the European Union

The European countries and the European Union are no exception to the fact that they are often part of the countries that are migratory, and they have introduced a series of laws and regulations that are often aligned with the convergence of the members of the European Union.

EU countries initially sought to put an end to asylum and asylum applications throughout Europe through the application of the policy of containment. According to this policy, the "non-access and entry" policy of the union sought to prevent the arrival of refugees through strict security regulations, but given the shortage of workforce in these countries and to moderate the policies of the countries The member turned to a policy of "non-acceptance" that sought to restrict the application for asylum to individuals who, in every possible way, brought them to Europe and left behind the initial controls. Union politics is divided into two stages in order to harmonize the activities of its members towards the phenomenon of asylum:

a) EU action on asylum before the Tampere summit

Prior to the Tampere summit in October 1999, Union policies did not have a convergence process to harmonize their members' asylum phenomena and was more in the framework of intergovernmental agreements than the creation of a single policy trend. The European Union pursued a policy of zero-migration policy, which meant that it was trying to reduce the immigration rate to the countries of the union, but given the shortage of labor in these countries and to moderate the policies of the member states Particularly for immigration and asylum, they have come together to make them more integrated, and make different and important decisions so that they can more closely monitor this process and encourage countries to harmonize their policies in this regard. In 1986, the Single European Document introduced one of the elements of the single market, the free movement of people, which meant removing the internal borders between the members and agreeing to control the Union's foreign borders. In the Maastricht Treaty of 1992, these issues were raised in the context of the issue of shared security and created a role for the Union's institutions in creating policy and legislation in this area. Before the Treaty of Amsterdam, common actions were taken on the issue of asylum, which was more in the framework of intergovernmental agreements. The Schengen Convention and the Dublin Convention were the

most important mandatory arrangements that came into force at that time. The Dublin Convention, signed in 1990 by 12 members of the European Union, was implemented in 1997. The convention created some of the rules on which it would be possible to decide which member state is responsible for examining a person's asylum application. According to the convention, if an individual applies for asylum in one of the EU countries, he cannot apply for it in other countries of the union. This decision was taken to combat the phenomenon of refugee buying. In addition to these decisions, there were other policies that did not have much legal burden. For example, the London resolution in 1992 introduced laws for the return of refugees to their countries, or the 1996 stance agreed on a refugee definition in the Geneva Convention of 1951. In 1998, the European Council created a high-level refugee and immigration team, which set up an executive plan for areas of the world where immigration and asylum are taking place. The purpose of this group is to prevent immigration, which is one of these solutions. It operates at two levels: the national (Member State) and the European Union; it also analyzes and reports from groups such as non-governmental and governmental organizations such as the United Nations High Commissioner for Refugees (UNHCR) Considering the importance of collecting information on immigration and asylum for the union, for this reason, mechanisms have been created that can be cited by (CIREFI) and (CIREA). In addition, there is a central place called EUROSTAT, which is responsible for collecting demographics in the European Union. With the entry into force of the Amsterdam Treaty in 1999, a new stage in the European Union's asylum policy has begun. Accordingly, an environment for freedom, security and justice has been created, giving European institutions new powers in the field of asylum legislation, and maybe for the first time talk about European asylum policy.

The criteria laid down in the Amsterdam Treaty so far have been the creation of a set of standards for immigration and asylum, such as visa issuance, the creation of the EURODAC fingerprinting system from those applying for asylum, temporary protection and Admission of refugees and the like. According to a decision taken in Amsterdam, five years after the entry into force of the treaty (in 2004), the Council should adopt these standards in the field of asylum:

1. Identify which Member State is responsible for examining the asylum matters;
2. Establish minimum standards for admission of refugees;
3. Establish minimum criteria for determining the eligibility of third country nationals as refugees and their eligibility for auxiliary assistance;
4. Establish minimum criteria for the process of granting and abolishing asylum;

5. 5- Establish minimum criteria for temporary protection of refugees

These criteria should be based on the division of tasks between member states. With this change, the commission found the ability to lay down binding rules.

EU Action on Asylum after the Tampere Summit

In October 1999, the Council of Europe held a meeting in the Tampere city in Finland, whereby the EU leaders decided to establish a common policy on asylum and immigration, and the process of this policy did not go far beyond the bounds of the Charter of Fundamental Rights at the meeting. The European Council agreed in December 2000 in Nice, where asylum is also cited. In late 2000, the European Union created the European Refugee Fund to help Member States to admit refugees and integrate them into the domestic community, and even create programs for their voluntary return.

During the Tampere session, the European Commission concluded that zero-policy is no longer responsive to the phenomenon of asylum, and the heads of state clearly defined the political framework in which they called for the development of common EU policy on immigration and asylum. The meeting agreed with a number of outstanding issues that could be highlighted by the most important ones:

A: Collaboration with countries of origin

The European Union states at the Tampere Summit that the EU's immigration and asylum policy should be in place with the cooperation of the countries of origin.

Common European Asylum System

The number of asylum applications between 1999 and 2005 in the European Union totaled more than 485,000 cases, of which Germany and England had the highest number of asylum seekers. The citizens of Iraq, Afghanistan and Turkey have had the highest levels of refugee demand from EU countries

At the Tampere Summit, the right to seek asylum from the countries of the Union has been guaranteed and, in order to implement the Geneva Convention on the Rights of Refugees, this right has been recognized as one of the prominent goals of the Union's common policy on immigration and asylum.

In 2000, the Commission put in place a plan for the temporary recruitment of refugees, and in September of the same year, another proposal for granting or refusing to grant asylum to individuals, as well as the European Refugee Fund and the EURODAC system, signaled the efforts of the European Union In coordinating its policies on refugees.

A: Equitable treatment of refugees and nationals of third countries

One of the highlights of the Templar Summit on the enlargement of the European Union is the freedom, security and justice environment, which requires fair treatment of refugees and nationals of third countries legally living in EU countries, so that they also enjoy the same rights as the European Union.

In 1999, the European Commission adopted a series of initiatives to combat discrimination, which included combating ethnic and racial discrimination, affecting the employment, training of social protection (including health and social security) and the provision of goods and services. Put up The other part of the plan therefore refers to a six-year plan, which has been funded from January 1, 2001, in the form of a budget of 100 million € to combat discrimination.

Altogether, the European Union, recognizing the importance of a common asylum policy, is trying to implement ways to achieve this, and, to this end, on the continental level of Europe, there have been several agreements or resolutions on refugee issues within the framework of the Institutions The European has been approved, which includes:

“The “London” Agreement relating to the issue of a travel document to refugees of 15 October 1946.

European Convention on Human Rights, 1950.

European Agreement on the Abolition of Visas for Refugees, 1959.

“European Agreement on the Transfer of Refugee Responsibility” 1980.

Dublin Convention 1990.

The Dublin Convention sets out the criteria for determining which Member State is responsible for examining the application for asylum seekers, especially when the applicant crosses the borders of one or more Member States of the European Community.

The Schengen Convention, 1990.

The Schengen Convention, which has so far been approved by a small number of European countries, contains standards similar to those of the Dublin Convention, in the context of the progressive abolition of border controls between European Community countries.

Conclusion

Since there has always been oppression of governments, tyranny, wars, and so on, it has always been among those who have preferred or have to leave their homeland and seek refuge in the other, and on this basis the phenomenon and status of asylum have been created. The fragile and fragile conditions of the asylum seekers have caused them to violate their rights and even put them at risk of being destroyed. In this way, the international community's

concerns about the status of these people and the human rights concerns have led to the formation of a system of asylum rights and the establishment of special rules for them and the emergence of refugee rights. The history of the formation and conclusion of international agreements on asylum can be seen from the time congresses and conferences and the prevalence of bilateral and multilateral treaties at the end of the nineteenth century. Considering the historical course of this issue, it has been emphasized in international human rights instruments, which are: Geneva Convention on the Status of Refugees 1951: The Geneva Convention on the Status of Refugees of 1951 can undoubtedly be the main source of legal protection for refugees within the framework of international law.

The refugee has certain rights and duties based on international standards, but the protection of this group of people has always been in the hands of the interests and political interests of the state. It has also been proven throughout history that human rights advocates have used this for negative propaganda against independent states, including the Islamic Republic of Iran. Recently, an instrumental use of political refugees by the slogan "Human Rights Protection in the face of the darkening of Iran's face in the international community has become one of the western approaches to the psychological warfare against the Islamic Republic of Iran."

Humanitarian law and human rights law often have the same goals and objectives. Their primary objective is to promote the protection of human rights in all circumstances and in all types of conflict and conflict. In the field of asylum, recognition and respect for the minimum humanitarian standards can also be found in the country of origin to avoid massive asylum waves both in the countries of residence or when returning to their homeland, it would be useful in the homeland to create the minimum humanitarian requirements for durable solutions. It is accepted that human rights violations and humanitarian law are major causes of asylum issues. If human rights and humanitarian conditions in the country of origin are improved, then it might be possible to prevent or reduce future asylum procedures. If humanitarian law and human rights, as a common and equal goal, are to protect individuals against acts of violence against their integrity in armed conflicts or peacetime, it is not surprising that these two branches of international law complement each other. In addition to the same goal they have led to a retaliation for the content and interpretation of the exercise of these rights.

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