



GSLC Statement on upholding the rights of people on the move in light of recent large-scale forced migration from Ukraine and Afghanistan

The recent flight of millions of people from Afghanistan and Ukraine puts in bold relief the protection needs of refugees and other persons on the move. It is thus appropriate to call on States and other actors to respect the fundamental rights of refugees and other displaced persons and to pursue solutions to large-scale, long-standing displacement situations.

In general, States have left their borders open to more than 4 million refugees from Ukraine. The European Union has, for the first time, invoked its Temporary Protection Directive, providing persons fleeing Ukraine with a status that guarantees them a right to be protected and to remain for initially one, and potentially up to 3 years in the first instance. This requires them to be afforded access to suitable accommodation, education, medical care, social welfare programs, the courts, as well as the right to work or to self-employment, and, at or before the end of the temporary protection period, access to the formal asylum process. Several States, including the United States, moved quickly to evacuate many seeking to flee Afghanistan. There was not thereafter such widespread commitment to host refugees, provide resettlement places or ensure access to complementary pathways to safety. Furthermore, in many cases, States moved refugees “offshore” and/or confined them for processing, such as on military bases. The United States has relied significantly on providing humanitarian parole to those fleeing Afghanistan, provided a lesser status with fewer rights than available under the Temporary Protection Directive.

“Temporary” protection status can provide an immediate means of speedily regularizing refugees’ presence and stay when large numbers of people arrive at once, but should not and cannot be a substitute for refugee protection, which cannot be time-limited and is guaranteed by international, regional and domestic law.

The GSLC calls on States in all regions to respect and affirm the following principles of refugee protection, applicable to refugees of all nationalities around the world.

1. States should allow non-discriminatory access to their territory to any person seeking asylum or international protection, regardless of their country of origin or nationality.
2. States should allow non-discriminatory access to protection, and to humanitarian relief and assistance, regardless of country of origin or nationality.
3. In addition to persons who qualify under the refugee definition in the 1951 Convention and 1967 Protocol, international protection should be extended on a non-discriminatory basis to persons who have fled because of foreign aggression or domination, generalized violence, massive violation of human rights, and events seriously disturbing public order, as well as those entitled to international protection under applicable human rights law.

4. States should provide prompt access to a fair and efficient asylum process or to other procedures that provide a legal status that guarantees international protection and enjoyment of rights.
5. If a State provides provisional or temporary legal status, such status should include all rights to which the person would ordinarily be entitled as a refugee or otherwise. The granting of such status should not foreclose access to procedures for conferring international protection in accordance with the 1951 Convention and 1967 Protocol or other international and regional instruments.
6. States should allow those seeking international protection the freedom to choose their place of residence and liberty of movement within their territory (e.g., states should not confine them to an encampment or military base or other closed facility).
7. States should provide travel documents for the purpose of travel outside their territory to beneficiaries of international protection and include them in applicable regional free movement regimes.
8. States should assure the right to family unity and facilitate reunification of those with family relationships and in roles of caregiving or dependency.
9. States should protect the rights of children, including unaccompanied children, who are seeking international protection and ensure that in all actions concerning children the best interests of the child is a primary consideration. Emergency measures for the care of unaccompanied children should not sacrifice adequate safeguarding in the name of expediency.
10. States should uphold the rights of women seeking international protection, taking all appropriate measures to eliminate discrimination based on gender.
11. States should uphold the rights of people with disabilities seeking international protection, taking all appropriate measures to eliminate discrimination on the basis of disability and to accommodate the needs of those with disabilities.
12. States should pursue solutions to the displacement of refugees and other beneficiaries of international protection. Return to one's home state must be voluntary. States are encouraged to make available resettlement places, notably for refugees in vulnerable situations, as well as complementary pathways which can help them find the means of self-reliance and durable solutions.
13. States should respect the right of everyone to leave any country, including their own, ensuring those seeking international protection are able to move to safety in order to safeguard the rights to life and to dignity, including physical, mental, and moral integrity.
14. States should promote the participation, empowerment and inclusion of all people seeking or granted international protection, so that they can help take charge of their own well-being, take part in the conduct of public affairs, and participate in decisions and actions affecting them.