

THE RIGHTS AND LEGAL STATUS OF REFUGEES IN INTERNATIONAL HUMAN RIGHTS DOCUMENTS AND THE STATUTE LAWS OF IRAN AND IRAQ

MOHAMMAD MAZHARI^{1*}, AYAT MULAEE¹, SEYED HOSSEIN MALAKOOTI HASHJIN¹, HUSSEIN SALEEM SHEKH OMAR¹

^{1*} Associate Professor, Department of Law, Faculty of Law and Social Science, University of Tabriz, Tabriz, Iran

*corresponding author: m.mazhari@tabrizu.ac.ir

¹ Associate Professor, Department of Law, Faculty of Law and Social Science, University of Tabriz, Tabriz, Iran

amulaee@tabrizu.ac.ir

¹ Assistant Professor, Department of Law, Faculty of Law and Social Science, University of Tabriz, Tabriz, Iran malakooti@tabrizu.ac.ir

¹ Ph.D. Student in Public Law, Faculty of Law and Social Science, University of Tabriz, Tabriz, Iran. hussein.shekh86@gmail.com

ABSTRACT-Throughout history, people have sought conducive environments for their well-being and freedom. When aspirations remain unfulfilled in their countries, individuals seek safer havens. The Universal Declaration of Human Rights guarantees the right to seek asylum. Factors like global unrest, developmental disparities, violations of norms, and adherence to state policies contribute to the refugee phenomenon. Safeguarding refugees is a humanitarian duty rooted in international law, but national interests often determine acceptance. Political objectives have become additional criteria for refugee status. Rights and legal status include civil, political, social, and economic entitlements for citizens. Refugees possess the same inherent rights but realization depends on national and international entities addressing asylum concerns. Refugees require prior permissions citizens do not. Iran and Iraq have provisions for refugees in their domestic legislation. This article examines the rights of refugees within host countries and identifies supporting institutions. The focus is on the "rights and legal status of refugees," using a descriptive-analytical methodology.

Keywords: legal status, refugee, laws of Iran and Iraq, international instruments, human rights.

1. INTRODUCTION

The phenomenon of refugees has long been intertwined with the principles of human rights since its inception within the legal framework. It is crucial to recognize that human rights, encompassing a comprehensive array of political, civil, economic, social, and cultural-legal entitlements, possess a universal character and are inherent to all individuals. Irrespective of ethnicity, race, color, religion, or belief, these human rights are intrinsic and inalienable, ensured to every human being in a manner that upholds equality and eliminates discrimination. These fundamental rights are not predicated on legislation or governmental administration. Consequently, the right to seek asylum has been recognized as an essential human right in global declarations that articulate the principles of human rights, such as the 1948 declaration [1].

From another vantage point, refugee status, a prevailing characteristic of the international landscape, is intrinsically associated with a specific geographical location. The catalysts behind this status can be attributed to regional and global conflicts and crises, forcing millions of individuals to leave their homeland. Moreover, the expanding disparities in economic and social development among nations, coupled with the violation of governmental obligations toward their populations, contribute to the genesis of the refugee predicament.

In essence, the circumstances of refugees are marked by the convergence of various factors. On one hand, individuals compelled to seek refuge in foreign lands do so due to threats to their physical



well-being, lives, and freedom, thereby severing official or practical ties with their respective governments. On the other hand, the uncertainty surrounding their status in the host country deprives them of adequate support from the government or other international organizations, further exacerbating their plight.

Ever since the establishment of the League of Nations, there has been growing international recognition of the dire living conditions, immense suffering, and numerous challenges faced by displaced populations. As a result, efforts by humanitarian institutions have propelled the issue of international support for refugees and asylum-seekers onto the agenda of the international community and related organizations, including the League of Nations, which took steps in this regard during its operations.

Following the conclusion of World War II and the establishment of the United Nations, the plight of refugee populations remained a pressing concern of the time. In fact, during its inaugural session in 1946, the United Nations General Assembly identified the resolution of issues and problems faced by displaced populations as a pivotal matter, tasking the Human Rights Commission with the preparation of a convention specifically addressing their predicament. As a result of these endeavors, the "1951 Geneva Convention on the Status of Refugees" was formulated and ratified, coinciding with the establishment of the "United Nations High Commissioner for Refugees" as an institution dedicated to extending international support to these individuals.

However, subsequent global developments gave rise to the emergence of new categories of displaced people who, despite their acute need for international assistance and support, could not be encompassed within the provisions of the existing documents due to constraints within the 1951 Convention and the mandate of the United Nations High Commissioner for Refugees. Consequently, the United Nations General Assembly, through a series of resolutions, expanded the High Commissioner's scope of authority to encompass these new populations and addressed certain limitations in the 1951 Convention by formulating a protocol in 1967. Moreover, specific regional arrangements and measures were implemented in various parts of the world, such as Africa and Latin America, in response to the unique refugee situations prevailing in those regions [2].

For almost half a century, Iran has grappled with the issue of refugees and immigration from neighboring nations, particularly Afghanistan, Iraq, and Pakistan. Following the Soviet war, the Afghan people commenced migrating to Iran, a trend that intensified with the rise of the Taliban to power. Likewise, Shiite individuals from Pakistan, persecuted by extremist groups and subjected to neglect by their government, sought refuge in Iran, a predominately Shiite country. Additionally, Kurds residing in Iraq, along with certain oppressed Iraqi Shiites under the Baath regime, sought entry into Iran at various junctures [3].

The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, collectively referred to as the 1951 Refugee Convention, have not been ratified by the Iraqi government. Consequently, the protection of refugees in Iraq is governed by the Political Refugees Act of 1971, with no subsequent legislation enacted on this matter. The responsibility of determining refugee status lies with the permanent committee of the Ministry of Interior. According to Paragraph 3 of Article 1 of the aforementioned law, a refugee is defined as "any person who seeks asylum in Iraq due to political or military reasons." While this law includes provisions pertaining to the right to work and social benefits, it falls short of providing effective support for asylum seekers and refugees in Iraq.

Due to the absence of sufficient laws and procedures for refugees and asylum seekers, the assessment of their protection, rights, needs, and durable solutions is largely conducted on a case-by-case basis. Consequently, the situation of Syrian nationals who have fled their country since the outset of the conflict in early 2012 remains uncertain. A new refugee law, which has received comments from the UNHCR, has been drafted but is currently under discussion in the Iraqi parliament and has not yet been adopted. This proposed law encompasses a comprehensive definition of asylum, incorporating the five grounds outlined in the 1951 Convention, as well as acknowledging the needs of individuals fleeing public violence. The delay in approving this new law has perpetuated an unfavorable environment for the protection of asylum seekers and refugees. Despite Iraq not being a party to the



1951 Refugee Convention, it has long hosted refugees who initially received recognition through individual status determination processes [4].

The objective of this article is to scrutinize the rights and legal status pertaining to refugees in Iran and Iraq, as well as in international human rights documents, with the aim of elucidating the challenges faced by refugees in terms of their human rights and legal status. It is crucial to acknowledge the imperative of ongoing endeavors to bridge the divide between national and international standards, ultimately establishing an environment that honors and safeguards the rights of asylum seekers. This article endeavors to address a pivotal query: What rights are granted to refugees in the host country, and which institutions bear the responsibility of supporting them? Employing a descriptive and analytical approach, this article seeks to investigate the core issue of this research, namely, the "rights and legal Status of refugees," divided into three sections. The initial part endeavors to explicate the concepts of refugees and asylum, human rights, and their differentiation from citizenship rights, providing a concise overview of international documents safeguarding refugee rights and subsequently acquainting readers with the rights and obligations of refugee rights in the receiving nation. The second section delves into the present condition of refugees in Iran and Iraq, while the third section explores the legal status of refugees and the legal challenges encountered within the frameworks of Iran and Iraq. It is worth noting that thus far no independent research has been conducted to elucidate the concept or provide concrete examples thereof, with the topic only being alluded to within articles and theses addressing other subjects.

2. REFUGEE AND ASYLUM IN INTERNATIONAL LAW

1. Definition of a refugee: Presently, the most significant and reliable source for defining the term "refugee" is the 1951 Convention relating to the Status of Refugees. According to Article 1 of this convention, a "refugee" is an individual who, due to a well-founded fear of being subjected to persecution based on factors such as race, religion, nationality, membership in a particular social group, or political opinions, is outside their country of origin and unwilling or unable to seek the protection of that country. Alternatively, if stateless, they are outside their country of former habitual residence and unwilling or unable to return due to the previously mentioned fear. The crucial elements outlined in this article include race, religion, nationality, political opinions, and membership in a specific social group. It should be noted that to qualify for international protection as a refugee, the existence of a potential risk of torture within one of these five cases is not sufficient. In such circumstances, it must be substantiated that the individual's government is unable to provide protection against the threats or acts of harm they face, and in some instances, the government itself may pose a threat to the individual (Indian Society of International Law, 2007) [5].

2. The concept of asylum: The term "asylum" carries both a legal meaning, denoting a person eligible for asylum according to international law, and a common meaning encompassing an individual who has fled their home country. People forced to leave their homeland due to severe economic crises or catastrophic climate changes do not fall within the scope of this definition. Currently, the discretion regarding granting asylum largely lies with national governments.

3. The intersection of human rights and legal status in refugee matters: The system of human rights and legal status, irrespective of any form of discrimination, offers general safeguards to all individuals as stated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. However, certain vulnerable groups such as women, children, and minorities require additional support [6].

It is important to note that any discourse on legal status must consider the tripartite aspects of "rights," "obligations," and "political participation" while formulating a balanced equation that aligns with the particularities, objectivity, historical context, and cultural values of a given society. On the other hand, the discourse on international human rights predominantly emphasizes the notion of "human rights," aspiring towards a universal and unifying culture characterized by a comprehensive and abstract understanding, surpassing specific historical and value-based prerequisites. Thus, within the human rights framework, individuals are treated as human beings, eradicating all forms of discrimination including sex, race, color, language, political opinions, or socioeconomic status, and



aiming for equality, freedom, and impartiality. In contrast, discussions on legal status examine the rights of individuals through the lens of a distinctive attribute they possess—being citizens of a particular society—taking into account the political, economic, social, and cultural requisites of that specific community [7].

Due to the nexus between nationality, citizenship, natural rights, and the inherent universality and intersection of human rights with citizenship rights, legal experts have consistently expressed an inclination towards utilizing and acknowledging the legitimizing and practical potential of human rights in relation to citizenship rights. With this overarching perspective, it can be inferred that the population of each country can be classified into two distinct groups based on nationality: firstly, those who hold the nationality of the country and possess clearly defined legal status, and secondly, those who lack the nationality of the country or are inherently stateless.

Consequently, as per customary international law, a foreigner is an individual who does not possess the nationality of the country of residence. Simultaneously, every sovereign state has established its own internal laws delineating the rights and responsibilities of foreigners, which are shaped by the political, social, and economic framework of that specific nation. It is reasonable for foreign nationals to have distinct rights from domestic nationals, as it aligns with the principles of domestic affairs management, sovereignty, and the prerogative to regulate internal affairs [8].

It is important to recognize that most governments adhere to a conservative policy that prioritizes the interests of their citizens. However, international norms, ethical considerations, external pressures, and the influence of public conscience prompt consideration of the discourse on the rights of foreign nationals [9].

2.1 Brief overview of international instruments pertaining to the protection of refugee rights:

2.1.1. Universal Declaration of Human Rights

Endorsed by the United Nations General Assembly on December 10, 1948, in Paris, the Universal Declaration of Human Rights comprises 30 articles serving as a foundational document for subsequent international and regional human rights treaties. The structure of the declaration draws inspiration from Napoleon's code, encompassing an introduction and a set of general principles applicable to all individuals, irrespective of their citizenship status—be it domestic or foreign, refugee or non-refugee. In essence, every human being is conferred these rights¹.

2.1.2. International Covenant on Civil and Political Rights

A multilateral treaty adopted by the United Nations General Assembly in 1966 and enforced starting from 1976, this covenant imposes obligations on its signatories to uphold the civil and political rights of individuals. Article 12 of the Covenant acknowledges and upholds the right to freedom of movement and residence².

2.1.3. International Covenant on Economic, Social, and Cultural Rights

Known as ICESCR, this covenant consists of an introduction and 31 articles, representing a pivotal international instrument in the realm of human rights protection, often referred to as a document encompassing second-generation rights. The initial section of the Covenant, similar to the Covenant on Civil and Political Rights, recognizes the right to self-determination. The subsequent section, comprising Articles 2 to 5, encompasses general provisions, including the fundamental obligations of governments (Article 2, Paragraph 1), the principle of non-discrimination (Article 2, Paragraph 2), the equal rights of men and women (Article 3), etc. While this covenant places emphasis on the rights of women and children, it is imperative to extend its focus to other vulnerable groups such as refugees and immigrants residing in a third country, who require comprehensive protection. Nevertheless, refugees and immigrants are entitled to all the rights enshrined within this document, albeit highlighting the specific protection of refugees would be advantageous³.

¹Universal Declaration of Human Rights, available at: http://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights, pp.1-10, page:3

²International Covenant on Civil and Political Rights, available at: http://en.wikipedia.org/wiki/International_Covenant_of_Civil_And_Political_Rights, pp.1-13, page:3.

³International Covenant of Economic, Social and Cultural Rights, available at: www.forum.98ia.com/archive/index.php/t-114567.html. pp.1-3, pages:1-2.



2.1.4. *The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*

Comprising 91 articles, this convention stands as a paramount human rights treaty within the United Nations, outlining fundamental liberties for migrant workers and their families. It serves as a comprehensive international instrument encompassing ethical and legal benchmarks applicable to both legal and undocumented immigrants. Approved as a guideline and incentive, its purpose is to safeguard the rights of immigrants in host countries [10].

2.1.5. *Convention Relating to the Status of Refugees*

In response to the post-World War II refugee crisis, the United Nations adopted the Convention relating to the Status of Refugees on July 28, 1951, which came into force on April 21, 1954. This convention recognizes refugees as having equal rights to other residents within the territory of a country. Article 26 specifically mandates that each member state must grant refugees residing within its borders the freedom of movement [11].

2.1.6. *Universal Declaration on the Rights of Indigenous Peoples*

The Universal Declaration on the Rights of Indigenous Peoples emerged from a resolution adopted by the General Assembly during its sixty-second session held in New York on September 13, 2007. This declaration calls for the acknowledgment of the rights of indigenous peoples. By mistreating indigenous populations, inhumane practices extend to encompass non-indigenous individuals, immigrants, and refugees. The violations and discrimination suffered by indigenous communities in various domains underscore the imperative to prioritize respect for their rights as a criterion for action, followed by the safeguarding of the rights of others.⁴

2.2. **The rights of refugees vis-à-vis governments under international rules and human rights**

Every individual seeking asylum possesses inherent humanity and is endowed with fundamental entitlements and liberties enshrined in human rights instruments and established principles of customary international law. The comprehensive spectrum of human rights equally applies to refugees, notwithstanding the existence of specific rights delineated within the domain of immigration, specifically pertaining to movement and mobility. Illustratively, these rights encompass [12]:

- A. The Right to Freedom of Movement
- B. The Right to Seek Asylum
- C. The Right to Reunification of Family

The rights of refugees stem from the principles of human rights, migrant workers' rights, and humanitarian rights. These rights uphold the dignity of foreigners and refugees within a country, regardless of their legal status or duration of stay. Discrimination based on ethnicity, race, religion, or other factors should not undermine their rights and freedoms in their host country. Foreigners and refugees have the right to engage in and benefit from the process of mutual acceptance and adaptation, fostering cultural diversity and social cohesion.

It is worth noting that various international and regional documents have recognized several fundamental rights pertaining to refugees, which include [13]:

- A. The Right to Leave and Return: All individuals have the right to choose to leave their country of origin or citizenship and the right to return without facing government questioning or constraints on their choices.
- B. The Right to Seek Asylum: Every individual has the right to seek refuge in any other country if their rights are violated in their country of origin or destination.
- C. The Right of Non-Being Deported: All individuals have the right to be protected from being forcibly returned to a country where they may face persecution. This right applies to both individuals and large groups.

⁴ Declaration on the Rights of Indigenous People, Available at: http://en.wikipedia.org/wiki/Declaration_on_the_Rights_of_Indigenous_People, pp.1-7, page:1.



D. The Right to Education: Every individual has the entitlement to education. If their home country does not provide access to quality schools and universities, they should be allowed to seek education elsewhere in order to improve their standard of living.

E. The Right to Housing and the Right to Own Property: If a family or group lacks adequate housing in their host country, they should be granted the right to utilize such facilities in another country.

F. The Right to Family: Everyone has the right to care for their family, support them, and meet their needs. In this regard, individuals have the right to secure new residency and facilitate family matters in their host country.

G. The Right to Self-Employment and Wage Earning: All individuals have the right to strive for a decent life for themselves and their families, including the right to seek suitable employment. Moreover, they should be protected from any violation of their human rights that hinders their ability to earn a living. However, the process of obtaining work permits from the receiving country may involve certain delays.

Each of these rights represents fundamental human rights that belong to all individuals, irrespective of their citizenship. Therefore, these rights also encompass refugees, as individuals intending to relocate and seek refuge can avail themselves of the aforementioned rights⁵.

Despite their non-citizen status within a society, refugees possess certain entitlements that are akin to those enjoyed by citizens of a country:

- A- The entitlement to life and security, encompassing protection from arbitrary detention
- B- Safeguard against unlawful and arbitrary intrusion upon privacy, home, and family
- C- Equality when it comes to the law and the judiciary
- D- The freedom to select a spouse and establish a family
- E- The freedom of thought, belief, and religion
- F- The liberty to preserve one's language, culture, and customs
- G- The prerogative to transfer funds internationally

Additionally, non-citizens, provided that they do not impinge upon national security or disrupt public order, health, morality, freedom, and the fundamental rights of others, should be afforded the following rights:

- A- The right to leave the country
- B- The right to freedom of expression
- C- The right to form peaceful associations
- D- The right to individual or collective property ownership
- E- The freedom to move and select residence within a country's borders⁶.

Foreigners and refugees, once accepted within a country, should enjoy the minimum essential rights required to lead a private life. While the specific rights conferred upon refugees are delineated in the domestic legislation of their host country, international law has established principles and regulations for governments. For instance, the Universal Declaration of Human Rights serves as an illustrative example [14].

A country in which a foreign national or refugee resides is obligated to ensure their equitable treatment, on par with its own citizens, before the law⁷. Foreigners and refugees possess the right to assert their contractual and personal rights, and international laws prohibit any government from depriving them of such rights. Furthermore, it is incumbent upon every government to treat foreigners and refugees with human dignity.

Referring to international human rights instruments, we find that the aforementioned rights are articulated across various articles. For instance, the Universal Declaration of Human Rights sets forth the following rights pertaining to "human beings," encompassing all individuals irrespective of their preference [15]:

⁵ Freedom of Movement, available at: www.hrea.org/index.php?doc_id=409, pp.1-9, pages:3-4.

⁶ The Facts: Immigration and Human Rights, Available at: www.800MileWall.org/Resources/Immigration_and_human_rights.pdf, pp.1-3, pages:1-2.

⁷ The Principle of Equality before the Law.



The right to life, liberty, and personal security (Article 3), protection against torture or cruel, inhumane, or degrading treatment (Article 5), the right to be recognized as a person before the law (Article 6), equality before the law (Article 7), access to competent tribunals for redress (Article 8), freedom from arbitrary arrest, detention, or exile (Article 9), the right to a fair and public hearing (Article 10), the right to marry and establish a family (Article 16), and the right to leisure and rest (Article 24) [16].

The international agreements pertaining to civil and political rights, as well as economic, social, and cultural rights, serve as the practical means of implementing the provisions outlined in the Universal Declaration of Human Rights. These agreements expound on the elements mentioned in the declaration through various articles. Specifically, Articles 6 to 10 of the International Covenant on Civil and Political Rights address the right to life, which is the most fundamental human right upon which other rights enshrined in international human rights documents are predicated. The right to life, including protection against torture⁸, inhumane punishments⁹, slavery¹⁰, and arbitrary arrest¹¹, is emphasized. Articles 14 to 17 of the Covenant safeguard additional rights such as access to judicial courts¹², equality before the law¹³, and privacy in personal and familial matters¹⁴. Thus, international human rights instruments share a common objective of upholding the fundamental rights, dignity, and inherent worth of all individuals. Nonetheless, the concept of human dignity remains open to interpretation and necessitates precise criteria and transparent principles [17].

Under the laws of the receiving country, foreigners and refugees, in principle, enjoy freedom of movement and the right to choose their place of residence. However, the host country may restrict or defer the movement of foreigners and refugees to certain areas or grant such permissions exclusively to official authorities on grounds of security considerations. In addition to Article 13 of the Universal Declaration of Human Rights, other international human rights documents, including Article 12 of the International Covenant on Civil and Political Rights, lay down regulations governing these matters. According to Article 12, any individual lawfully present within a country's territory possesses the right to freely transit and choose their place of residence. Similarly, individuals retain the freedom to depart from any country, including their own. These aforementioned rights may only be subject to limitations prescribed by law, necessary for national security, public order, health, public morals, or the protection of the rights and freedoms of others, and must be compatible with the rights recognized in the said covenant [18].

Foreigners and refugees are generally deprived of political rights, such as suffrage, holding governmental positions, or engaging in political activities. However, resident foreigners and refugees retain the right to work, albeit with certain professions like captain, chief officer, or chief engineer of commercial ships potentially being restricted. Some governments prohibit refugees from owning or inheriting immovable property, or these rights may be subject to negotiation on a case-by-case basis. Furthermore, many governments restrict refugees from registering movable property, such as airplanes and ships, in their own names [19].

Another entitlement granted to foreigners and refugees is the right to education. The Universal Declaration of Human Rights, in Articles 26 and 27, recognizes the right to education for all individuals, encompassing citizens, immigrants, and refugees alike. Additionally, Article 13 of the International Covenant on Economic, Social, and Cultural Rights explicitly addresses this right¹⁵.

⁸ The Right to be Free from Torture.

⁹ The Right to Prevention of Inhumane Punishment.

¹⁰ The Right to Prevention of Slavery.

¹¹ The Right to Prevention of Arbitrary Arrest.

¹² The Right to have Access to Courts.

¹³ The Right to be Equal in the Eyes of the Law.

¹⁴ The Right to Non-Intervention in Private and Family Life.

¹⁵ Article 13 of the International Covenant on Economic, Social, and Cultural Rights prescribes that the States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.



However, concerning the healthcare system, the provision of free services typically applies exclusively to domestic citizens.

2.3. Obligations of foreigners and refugees vis-à-vis governments under international rules and human rights

The concept of rights and duties has always been intrinsically linked. If the focus is solely placed on the rights of refugees without acknowledging their corresponding obligations and responsibilities, governments lack the authority to impose duties on refugees. Consequently, refugees may disregard their rights and suffer from inadequate support¹⁶. Recognizing that the protection of refugees as a vulnerable group is the responsibility of governments, a comprehensive consideration of mutual rights and duties ensures better and more reliable adherence to human rights by both parties involved, namely refugees and governments. Foreigners and refugees residing in a host country are obliged to fulfill their legal responsibilities, refrain from actions that jeopardize public order, violate laws and the rights of others, and demonstrate respect for the laws, customs, and norms of the society in which they reside¹⁷.

Refugees must adhere to the principles of government sovereignty, laws, and established procedures that arise from collective will. Consequently, tasks and duties associated with entry requirements into a country may be stipulated in domestic laws, but they should align with the interests and moral culture of the host society. Fulfilling a series of requirements and duties by foreign nationals and refugees residing within the host society does not imply their removal from said society or revocation of their rights. However, in order to establish lasting membership within that society, refugees must diligently contribute, accept, and carry out the responsibilities incumbent upon members of that society, as adherence to regulations and mutual tolerance forms the foundation of the governing system¹⁸.

Entering a country other than one's own homeland presents a unique privilege that is contingent upon meeting the conditions set by the host society. Simultaneously, any individual seeking to connect with a specific nation or society must willingly bind themselves and commit to a set of obligations, fostering a sense of attachment to that society.

Fundamentally, upon entering a foreign country, foreign nationals naturally fall under the jurisdiction of local laws, as they are subject to the territorial sovereignty of that country and must adhere to its laws and regulations. Often, refugees are required to register with administrative authorities and, like internal citizens of the host country, must fulfill the duties of citizenship to safeguard the society in which they reside against contagious diseases, fires, natural disasters, and other non-war-related threats. Temporarily limiting the freedom and property of refugees may be necessary to ensure public order, social welfare, and the security of local communities or the government. Furthermore, refugees should refrain from interfering in the political affairs of the government in their host country. In the event of a conflict between the government of the host country and the government of their country of origin, refugees are obligated to abstain from engaging in actions that would inevitably support their home country's success [20].

According to the principle of territorial jurisdiction, individuals, regardless of citizenship, bear responsibility for their actions within the country of their residence. Consequently, individuals can be subject to punishment for crimes committed within the host country or involving ships or aircraft registered in that country. It is prohibited to engage in activities that may harm the amicable relations between the host country and any foreign nation. Moreover, refugees must avoid actions that would compel the host country to expel or deport them on grounds of public order and security

¹⁶ According to the second passage of Article 29 in the Universal Declaration of Human Rights, it is specified: In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

¹⁷ Diversity and Cohesion: Migrants in Society, Available at: www.gcim.org/attachements/GCIM%20Report%20chapter%20Four.pdf, pp.1-11, page:7.

¹⁸ The Rights and Responsibilities of Immigrants, Available at: www.gwu.edu/ccps/documents/B483d.pdf, pp.1-5, pages:1-2.



or commit crimes against the independence or security of the host country, even if these crimes are perpetrated outside the host country. Failure to comply with these obligations can lead to prosecution and punishment, as it falls within the realm of the right to legitimate defense exercised by nations [21].

2.4. Obligations of governments vis-à-vis refugees under international rules and human rights

The obligations of the government of the host country towards refugees are fundamentally derived from universal human rights principles. Refugees possess certain rights because they are human beings, rather than solely due to their refugee status. It is evident that if the government of the host country fails to fulfill its relevant obligations, it incurs international responsibility, potentially prompting diplomatic support from the refugee's respective government. From an international perspective, the government has a duty to provide support and protection to refugees, treating all foreign nationals and refugees in a fair and friendly manner, without discrimination based on nationality.

Every country is obliged to offer protection and safeguard refugees who are in peril during unforeseen events. However, in practice, establishing the failure of local authorities to fulfill their duty of protection towards foreigners and refugees, or to demonstrate their shortcomings in this regard, can be exceedingly challenging.

Once refugees have fulfilled their local obligations and duties, such as paying taxes, fines, debts, and the like, they possess the right to depart from the host country, and the host country cannot impede this right. Departing refugees should be permitted to take their possessions with them, similar to domestic citizens. However, as previously mentioned, restrictions apply to immovable property. The right to leave a country is also recognized under Article 13 of the Universal Declaration of Human Rights¹⁹.

If refugees suffer harm due to actions or omissions by the governing bodies of the host country, the said government will be held responsible. The government bears liability for damages resulting from legislative acts or omissions. Such acts may involve the enactment of laws contrary to international law, the failure to enact laws based on international law, or the lapses in repealing laws that contradict international law. Such actions are deemed to be a violation of justice, giving rise to the international responsibility of the defaulting government. Government practices indicate that the following examples constitute denials of justice²⁰: the execution of a refugee without trial, unjustifiable killings of refugees by local authorities, illegal detention, arrest, and harsh or unfair treatment of refugees, as well as a lack of earnestness on the part of the host government in pursuing and apprehending individuals who have committed crimes against refugees, along with irregularities, shortcomings, and disruptions within judicial organizations and legal procedures [22].

Decisions and actions taken by the executive power that contravene international legal standards, such as the issuance of a decree that violates refugee rights or disregards international regulations, result in government accountability. Established precedents indicate that governments can be held responsible even when their officials exceed their authority or disregard instructions, as long as they possess apparent authority or have abused their relevant authority and resources. Consequently, the actions of government organs or officials are deemed actions of the government itself, thereby rendering the government responsible for any violation of the official's authority and jurisdiction [23]. The violation or nullification of contracts by the government also constitutes an important area of accountability. If a government, in good faith, enforces laws or imposes trade restrictions that, without discrimination, render a contract null and void or unenforceable, it is generally accepted that such actions do not incur liability²¹.

¹⁹ Article 13 in the Universal Declaration of Human Rights, is specified: 1. Everyone has the right to freedom of movement and residence within the borders of each State. 2. Everyone has the right to leave any country, including his own, and to return to his country.

²⁰ Denial of Justice.

²¹ Certainly, it should be clarified that the government of the host nation cannot be deemed universally accountable for all instances of harm or injury sustained by immigrants. This includes situations where such harm arises from the provocative conduct exhibited by the immigrants themselves or when the government of



Governments hold a responsibility to safeguard the human rights of refugees. Governments must conduct themselves in a manner that avoids any harm to the human rights of refugees and undocumented immigrants. In this regard, consultation with unions, civil societies, and other institutions is necessary.

The principle of the Universality²² of Human Rights emphasizes that governments of origin, transit, and destination all bear the responsibility to protect the rights of refugees. The key principles that governments must adhere to include [24]:

A. *Pacta Sunt Servanda*²³: This principle recognizes that treaties, freely endorsed by countries, should be respected and honored among member states.

B. The principle of non-discrimination:²⁴ This principle ensures that refugees, without any form of discrimination, receive both general and specific protection. General protection covers processes such as arrest, access to courts, and engagement with competent authorities in legal proceedings.

C. The principle of non-refoulement:²⁵ This principle states that no government can forcibly return refugees to a place where they would face a threat. It is enshrined in the 1951 Convention relating to the Status of Refugees and the Convention against Torture²⁶.

D. Another principle recognized in customary international law pertains to the duty of governments to accept the return of their nationals from other countries. While this principle is not explicitly included in any multilateral conventions, it holds significance.

3. THE PRESENT SITUATION OF REFUGEES IN IRAN AND IRAQ

3.1. Foreigners' Legal Status in Iran

An elaborate response is required to determine whether Iran plays a role as an immigrant-sending country or an immigrant-receiving country. The matter bears complexities within the Iranian context. Conversely, Iran confronts the dual challenge of brain drain and emigration of Iranian nationals to foreign lands. Simultaneously, due to its geographical positioning, Iran appears more favorable to neighboring nations' citizens, leading to its current status as one of the most welcoming countries worldwide.

Addressing the legal status of foreigners within Iran, their rights are defined through two pivotal international agreements: the 1951 Convention on the Status of Refugees and its associated 1967 annex. The Islamic Republic of Iran officially acceded to both the Convention and the Protocol on July 28, 1967. Nonetheless, reservations were made regarding certain provisions, including profitable employment opportunities, government aid, labor regulations, and social insurance, as well as

the host nation has issued a prior admonition for the immigrants to vacate the country, which the immigrants failed to adhere to. Typically, such warnings are imparted to immigrants amidst times of warfare or civil unrest. Furthermore, it is noteworthy to acknowledge that damages resulting from the military and wartime operations conducted by insurgents, rebels, or the recognized government against individuals and assets enjoying international protection represent evident manifestations of force majeure. Consequently, this does not attribute liability to the relevant nation, provided that the aforementioned military and wartime operations do not transgress international regulations governing armed conflicts and the fundamental tenets of humanitarian rights.

²² Universality of Human Rights.

²³ *Pacta Sunt Servanda*.

²⁴ Non-Discrimination.

²⁵ Non-Refoulement.

²⁶ The principle enshrined in Article 33 of the Convention relating to the Status of Refugees underscores the following assertion with regard to refugees:

"No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

Likewise, in Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the following provisions are outlined:

"1. No State Party shall expel, return ("refouler"), or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant, or mass violations of human rights."



freedom of movement. Nonetheless, in recent years, the Iranian government has gradually implemented strategic policies aimed at enhancing the rights of Afghan and Iraqi individuals residing in Iran, resulting in enhanced access to fundamental educational, healthcare, and livelihood services for refugees with minimal external financial support. Nevertheless, foreign nationals possessing passports, work visas, or holding undocumented status, which constitute a considerable proportion beyond official refugees, lack protection under established international refugee regulations. Even the United Nations High Commissioner for Refugees, responsible for overseeing refugee affairs, is unable to provide assistance and support to this specific group. However, it is important to note that in accordance with national laws, both refugees and immigrants, including those who lack proper documentation, possess certain rights [25].

3.1.1. The Granting of Nationality in the Iranian Constitution

Regarding the granting of nationality, the Iranian constitution touches upon this matter in principles 41 and 42. As outlined in these principles, Iranian citizenship is deemed an inseparable entitlement inherent to all Iranian individuals, and the government is prohibited from depriving any Iranian of their citizenship, with exceptions being made only if requested by the individual or upon acquiring citizenship of another country. Moreover, foreign nationals are granted the opportunity to acquire Iranian citizenship within the boundaries defined by the law. In cases where another government recognizes their nationality or if they themselves request the revocation of their Iranian citizenship, it becomes possible for their nationality to be rescinded. Consequently, the constitution establishes the sanctity and irrevocability of nationality at a foundational level, providing a general framework for specific details. It is important to note that the constitution does not impose an obligation on the government to revoke the nationality of individuals who acquire citizenship in another country. Rather, it affords the government the choice between dual nationality and revoking their Iranian citizenship in conformity with legal provisions [26].

3.1.2. The Requirements for the Acquisition of Iranian Nationality for Refugees under the Civil Law of Iran

In accordance with Article 979 of the Civil Code of Iran, the prerequisites for acquiring Iranian nationality by refugees are delineated as follows: "Individuals who fulfill the following conditions may obtain Iranian nationality [27]:

1. They have attained the age of eighteen.
2. They have resided in Iran for a period of five years, continuously or intermittently.
3. They have not evaded military service.
4. They have not been convicted of a serious offense or a non-political crime in any country.

Regarding the second paragraph of this article, the duration spent abroad for carrying out official duties on behalf of the Iranian government is deemed equivalent to residing within Iran.

3.2. Foreigners' Legal Status in Iraq

Moving on to the legal status of foreigners in Iraq, the country's 1971 legislation ensures specific rights and safeguards for refugees falling under its purview. These rights encompass the entitlement to receive assistance, the authorization to work, the possibility of employment subject to the approval of the Ministry of Interior, and the utilization of agricultural land without possessing ownership. However, this law does not encompass measures aimed at achieving long-term solutions, and the government has not undertaken extensive efforts to resolve issues faced by refugees and asylum seekers. For instance, Palestinian refugees and Iranian Kurdish refugees, who have resided in Iraq for decades, have yet to find sustainable solutions on a significant scale. Palestinian refugees were resettled in Iraq in 1948, 1967, and 1990, and until 2003, enjoyed the same rights and protections as Iraqi citizens. However, with the advent of the new government, they were registered under a 1971 law that lacked provisions for durable refugee solutions [28]. Notably, Iraqi nationality law prohibits the granting of citizenship to Palestinians to ensure their eventual return to their original homelands, as stipulated by Article 6 of Nationality Law No. 26 of 2006. As such, it becomes evident that Iraq does not seek to establish legal obligations for refugee integration but instead anticipates their repatriation to their countries of origin. Concerning Iranian refugees who sought shelter in Iraq due to the Iran-Iraq wars in the 1980s, numerous Kurdish families were displaced and settled in the Al-



Tash camp. However, by 2005, the majority of the camp's 12,000 residents had relocated. Despite granting Iranian refugees access to various rights and services, after decades, they reside in settlements without fully integrating into the local society [29].

3.2.1 The Granting of Nationality in the Iraqi Constitution

The matter of acquiring Iraqi nationality is addressed in Article 18 of the Constitution²⁷. However, it is important to note that, as stipulated in Article 130 of the 2005 Constitution, the Iraqi refugee system is currently regulated by Article 21 of the same Constitution and the 1971 Law, until a new law is enacted. Consequently, the Iraqi asylum system, governed by the Political Refugee Law No. 51 of 1971, provides protection exclusively to individuals seeking asylum based on political and military grounds. Consequently, several categories of refugees are excluded from the definition of refugees in Iraq. This includes individuals who have a well-founded fear of persecution due to factors such as race, ethnicity, religion, or membership in a particular social group, as well as those fleeing from war and conflict. In the absence of a comprehensive asylum law in Iraq, numerous protection issues arise, most notably non-acceptance at the border, detention due to unauthorized border crossing in accordance with residency and passport laws, and the risk of forced return to regions where persecution exists. Iraq's refugee laws either fail to recognize non-political refugees, who constitute the majority of the refugee population, or do not offer mechanisms for sustainable solutions [30]. It is widely recognized that durable solutions should take precedence over refugee status determination and encourage self-reliance among refugees, enabling them to transition to more permanent resolutions.

3.2.2. Requirements for the Acquisition of Iraqi Nationality for Refugees under the Iraqi Nationality Law

Acquiring nationality by refugees represents one avenue for ensuring long-term nationality rights and self-sufficiency. However, this process is exceedingly complex for refugees in Iraq. Article 6 of the nationality law establishes the following conditions for approving non-Iraqi nationality:

- a) The individual in question must have reached the age of maturity.
- b) The concerned person must have entered Iraq lawfully and been residing within Iraq at the time of applying for nationality.
- c) The individual must have had legal residency in Iraq for ten consecutive years prior to applying for nationality.
- d) The person must possess good conduct and reputation, with no convictions for crimes or dishonorable offenses.
- e) The individual must have a visible means of livelihood.
- f) The person must be free from contagious diseases.

Furthermore, Iraqi nationality is not granted to Palestinians as a means of safeguarding their right to return to their homeland. The granting of Iraqi nationality is also not pursued as part of a population resettlement policy that could disrupt the demographic composition [31].

Furthermore, Article 3/6 has the potential to classify a significant portion of refugees in Iraq, particularly Syrian Kurdish refugees, Iranian refugees, and Turkish refugees of Kurdish origin, as a

²⁷ According to Article 18 of the Iraqi Constitution, the following principles pertaining to nationality are outlined:

1. An individual with an Iraqi father or mother is recognized as an Iraqi.
2. Iraqi nationality is a fundamental entitlement for all Iraqis and forms the basis of their citizenship.
3. A: The act of depriving an individual, regardless of their birth in Iraq, of Iraqi nationality is strictly prohibited. In the event that a person has been deprived of this right, they have the right to petition for the restoration of their nationality. The specifics of this process shall be determined by law.
4. B: Iraqi nationality may be revoked in instances defined by the law for those who have obtained the nationality of another country.
5. Every Iraqi citizen possesses the right to hold multiple nationalities. However, individuals occupying sensitive or high-security positions are required to renounce any other nationalities they have acquired, as specified by law.
6. Iraqi nationality shall not be granted for the purpose of implementing settlement policies that undermine the demographics of Iraq's population.
7. Legislation will be enacted to cover provisions regarding nationality, and specific courts will be established to handle any legal disputes arising from nationality-related matters.



distinct group that may be susceptible to exclusion from citizenship based on their population composition.

4. THE LEGAL STATUS OF REFUGEES IN IRAN AND IRAQ

4.1. Rights and limitations imposed on refugees in Iran and Iraq

In Iran, refugees possess the right to access primary and secondary education on par with Iranian citizens under equitable conditions. The government has implemented policies aimed at ensuring the enrollment of refugee children in public schools and providing the necessary educational resources. However, obstacles such as language barriers and financial constraints often impede their full participation in the education system [32].

Similarly, in Iraq, refugees also enjoy the right to access education, including primary and secondary schools. The Iraqi government, in collaboration with international organizations, has made endeavors to offer educational opportunities to refugee children. Nonetheless, the availability of limited resources and overcrowded classrooms present significant challenges to ensuring the quality of education for these individuals [33].

Both Iran and Iraq acknowledge the entitlement of refugees to access healthcare services. In Iran, refugees are accorded the same healthcare rights as Iranian citizens, encompassing emergency care, hospitalization, and preventive services. However, the implementation of this policy can vary, and administrative barriers may hinder refugees' access to healthcare.

Likewise, in Iraq, refugees have the right to healthcare services through the national health system. The government has made efforts to guarantee access to basic healthcare, immunization, and maternal and child health services for refugees. However, the strain on the healthcare infrastructure due to the substantial refugee population and limited resources poses challenges to the provision of comprehensive healthcare services.

In Iran, refugees are permitted to work in specific sectors, provided they obtain a work permit. While they possess the right to employment in certain industries, there are restrictions on accessing public sector employment and certain professions. Acquiring a work permit can be a protracted and bureaucratic process, often leading refugees to seek informal employment opportunities with limited legal protection [34].

In Iraq, refugees are granted the right to engage in employment and self-employment. The government has formulated policies to facilitate their entry into the labor market. Nonetheless, challenges persist for refugees seeking formal employment due to high unemployment rates and competition with the local population.

In Iran, refugees are afforded freedom of movement within the country and are permitted to reside in designated areas known as "refugee settlements" or "refugee towns," where they can establish homes and participate in economic activities. However, leaving these areas without permission can result in legal repercussions [35].

Similarly, in Iraq, refugees enjoy the right to freedom of movement within the country. However, their mobility may be restricted in conflict-affected regions and hindered by security concerns and bureaucratic procedures [36].

4.2. Limitations and challenges faced by refugees in Iran and Iraq

The support and protection of refugees' citizenship rights in Iran and Iraq encounter numerous challenges, including inadequate legal frameworks, limited capacity and resources, discrimination, and geopolitical factors. Overcoming these challenges necessitates various solutions, such as policy reforms, capacity building, and international cooperation. Drawing from successful initiatives and best practices implemented in other nations can also be beneficial. The following sections provide a detailed analysis of each aspect [37].

4.2.1 Limited legal frameworks

Both Iran and Iraq possess limited legal frameworks that acknowledge and safeguard the rights of refugees and asylum seekers. In Iran, refugees lack viable pathways to citizenship, rendering them vulnerable to exploitation and discrimination. Conversely, Iraq lacks a specific legal framework dedicated to refugees.



Solution: Addressing these challenges necessitates policy reforms. Iran and Iraq should establish comprehensive legal frameworks that delineate the rights and responsibilities of refugees, including access to citizenship. These policies should align with international human rights standards, such as the 1951 Refugee Convention and its 1967 Protocol.

Promising initiatives, inspired by Uganda's refugee law, provide refugees with the right to work, freedom of movement, and access to social services. Uganda's inclusive approach has been widely commended as a model for managing refugee populations and safeguarding their rights [38].

4.2.2. *Insufficient capacity and resources*

Iran and Iraq encounter resource constraints, including limited budgets, inadequate infrastructure, and a shortage of properly trained personnel, impeding their ability to effectively protect the citizenship rights of refugees and asylum seekers.

Solution: Governments should invest in capacity building, including training programs for officials involved in refugee protection. Strengthening the asylum system through the enhancement of expertise among judges, lawyers, and immigration officers can lead to improved processing of asylum applications. It is crucial to allocate sufficient resources to programs and services tailored to refugees to ensure successful implementation.

Exemplary practices can be observed in countries like Canada, which have implemented refugee resettlement programs. Canadian initiatives, such as the Refugee Assistance Program and the Refugee Housing Assistance Program, provide crucial support to refugees, facilitating their integration and access to full citizenship rights [39].

4.2.3. *Discrimination and social challenges*

Refugees residing in Iran and Iraq frequently encounter discrimination, and limited opportunities for education, healthcare, and employment, as well as social hurdles that impede their integration and enjoyment of citizenship rights.

Solution: In addition to policy reforms, it is essential to initiate social awareness campaigns aimed at combating discriminatory attitudes towards refugees. Educational programs should promote empathy, inclusivity, and respect for refugee rights. Furthermore, endeavors to ensure equitable access to education, healthcare, and employment for refugees are pivotal.

Sweden's refugee integration approach serves as an exemplary model. Sweden focuses on early and comprehensive language and vocational training for refugees, aiming to facilitate their sustainable participation in society.

4.2.4. *Geopolitical factors*

The geopolitical landscape in Iran and Iraq, marked by ongoing conflicts, economic instability, and political challenges, poses significant obstacles to the effective protection of refugees' citizenship rights.

Solution: International cooperation assumes paramount importance in addressing geopolitical hindrances. Regional and international organizations, such as the United Nations and the Organization for Security and Cooperation in Europe (OSCE), should extend support and establish engagement with Iran and Iraq to bolster their refugee protection frameworks.

Lebanon's approach to managing the Syrian refugee crisis, characterized by collaboration with international and regional actors, serves as a commendable example. Lebanon implemented coordination mechanisms involving various stakeholders to ensure effective assistance and protection for both refugees and host communities [40].

Through the implementation of policy reforms, capacity-building efforts, engagement in international cooperation, and the adoption of successful practices from other nations, Iran and Iraq can enhance the safeguarding of refugees' citizenship rights and guarantee their access to citizenship and the associated entitlements and privileges.

Ultimately, the challenges encountered in protecting the citizenship rights of refugees in Iran and Iraq can be addressed through policy reforms, capacity-building initiatives, international cooperation, and the adoption of successful practices from other countries. By establishing comprehensive legal frameworks, investing in the development of capabilities, combating



discrimination, and actively participating in international cooperation, Iran and Iraq can significantly enhance the protection of rights and the well-being of refugees and asylum seekers [41].

4.3. Comparison of Iranian and Iraqi national laws on refugees with international documents

Iran and Iraq, two Middle Eastern countries, have ratified numerous international human rights documents pertaining to refugee protection. An evaluation of these documents allows for the assessment of established standards, obligations, and the degree of compliance with national laws in both nations.

4.3.1. The Convention Relating to the Status of Refugees (1951) and its Protocol (1967):

Both Iran and Iraq have ratified the Convention Relating to the Status of Refugees, which delineates the definition of a refugee and outlines their rights and responsibilities. This includes safeguarding against refoulement (the forced return of refugees to countries where their life or liberty is at risk), ensuring access to fundamental rights like education and employment, and the issuance of official documents. By adopting the Protocol, both countries have expanded their obligations to encompass individuals who, while not fitting the traditional refugee definition, still necessitate protection.

In terms of compliance, there are areas requiring improvement in both Iran and Iraq. Although both nations have demonstrated a willingness to accommodate significant numbers of refugees, challenges persist. Enhancements can be made in areas such as the provision of proper documentation and access to services. Additionally, both countries have encountered instances of refugee refoulement and limited availability of legal remedies for refugees [42].

4.3.2. International Covenant on Civil and Political Rights (ICCPR):

Iran and Iraq are signatories to the International Covenant on Civil and Political Rights, which guarantees civil and political rights within their respective territories, inclusive of refugees. This covenant encompasses a wide range of rights, such as the right to life, liberty, and personal security, freedom of expression and assembly, and the right to a fair trial. Compliance with this covenant necessitates ensuring that refugees are not arbitrarily detained, subjected to torture, or subjected to inhumane treatment.

Both Iran and Iraq encounter challenges regarding compliance. Reports have indicated instances of arbitrary detention, limitations on freedom of speech and assembly, and restricted access to fair trials in both countries. Refugees, as a vulnerable population, may be disproportionately affected by these issues.

4.3.3. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT):

Both Iran and Iraq have ratified the CAT, which prohibits the usage of torture and ensures protection from cruel, inhuman, or degrading treatment. This directly applies to refugees as they may be at risk of such mistreatment in host countries.

Although both countries have ratified the CAT, reports of torture and ill-treatment, particularly within detention centers, have been documented in Iran and Iraq. Strengthening effective monitoring and accountability mechanisms, along with providing adequate protection to refugees, are critical areas for improvement.

By addressing these improvement areas, Iran and Iraq can enhance their adherence to international human rights standards for refugees and better protect their rights and well-being.

In general, while Iran and Iraq have ratified significant international human rights instruments related to refugee protection, compliance with these documents presents challenges for both nations. Areas requiring improvement include ensuring proper documentation and access to services, preventing refoulement, and addressing issues such as arbitrary detention, restrictions on freedom of expression, as well as torture or ill-treatment [43].

5. CONCLUSION

In a compilation of diverse texts, an individual designated as a refugee is someone who faces persecution due to a well-founded apprehension of being subjected to persecution based on race, religion, nationality, membership in a particular social group, or political opinion. Such an individual



resided abroad in a country other than their own, being unable or unwilling, due to the aforementioned fear, to avail themselves of the protection of their home country's nationality.

Citizens' entitlements can be classified into five principal categories, within each of which refugees are also granted rights. Civil rights encompass freedoms such as the right to choose residency, transport, personal status, self-expression, education, religion, and assembly, as well as equality before the law, the judiciary, taxation, access to government employment, and the safeguarding of life and human dignity.

Political rights bestowed upon refugees consist of the right to partake in elections, hold political positions, engage in political activities, and acquire nationality. Social rights entail provisions for material and financial support, governmental insurance, and judicial protection. Economic rights encompass the freedom of ownership, employment, and property transfer for refugees. However, cultural rights, including refugees' rights pertaining to the arts, industry, and intellectual property, have been given relatively limited attention in the Convention.

Although Iran and Iraq have ratified international human rights instruments related to respecting refugee rights, there exist areas where compliance and implementation can be enhanced. Firstly, both countries should fully incorporate the provisions of these international documents into their national legislations, including enacting specific laws that comprehensively address refugee rights and protection, ensuring coherence and clarity in the legal framework.

Secondly, measures should be taken to reinforce laws and policies in both countries that explicitly prohibit discrimination against refugees based on nationality, race, religion, or any other grounds. This is crucial for addressing social and cultural challenges faced by refugees and promoting their integration.


Thirdly, Iran and Iraq ought to increase their efforts to facilitate refugees' access to essential services such as education, healthcare, and housing. This may require enhanced resource allocation, improved coordination among relevant government entities, and cooperation with international organizations. Fourthly, it is imperative that both countries guarantee refugees access to legal assistance and fair asylum procedures. This entails providing interpreters, and legal representation, and ensuring that asylum applications are processed in a timely and transparent manner.

Lastly, Iran and Iraq should strengthen their collaboration with the United Nations High Commissioner for Refugees (UNHCR) in order to build their capacity to support and assist refugees. This includes facilitating UNHCR's access to refugees, sharing information, and collaborating on finding sustainable solutions.

To enhance compliance with international human rights standards, Iran and Iraq should implement legal reforms, allocate sufficient resources, strengthen coordination among relevant stakeholders, and actively engage with the international community to address gaps and challenges in their refugee policies.

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