

**Forum:** Human Rights Council

Issue # 2: Measures to promote equal rights for foreigners entering a new country.

**Chairs:** Camila Bianco & Antonella Polini

---



### Guiding Questions as you Read

What are the key legal and policy frameworks in place to address the rights of foreigners entering new countries, and how do they vary across different regions and nations?

How do economic and social integration challenges impact the rights and opportunities of foreigners entering new countries, and what strategies are proposed to address these challenges?

What role do international organizations, NGOs, and advocacy groups play in advocating for the rights of foreigners entering new countries?

## Introduction

### Key Terms

Migration  
Discrimination  
Refugees  
Equal Rights  
Stereotypes

As global issues continue to force people to leave their home countries, foreigners face unnecessary challenges when entering new countries. The challenges caused by countries' migration laws forbid them from being able to provide for their family or have a chance at the life they had in their home country. There is not only inequality between citizens and foreigners rights but also between the different types of foreigners, like refugees and immigrants. It takes months, years, or even decades for foreigners to be allowed access to health care, work permits, and documentation that will enable them to stay in the country legally. Foreigners are not only denied resources but are also faced with discrimination from locals for their race, nationality, religion, etc... Ensuring equality for foreigners is crucial to ensure for them a decent life after leaving the home where they belonged.

**Comprehension Question(s):** How have foreigners been affected by discrimination and equality when entering a new country.

## Definition of Key Terms

**Integration:** The process by which immigrants and refugees become part of their new country's social, cultural, economic, and political life. Effective integration involves mutual adaptation between newcomers and host societies.

**Discrimination:** The unjust or prejudicial treatment of different categories of people, particularly on the grounds of race, age, sex, or nationality. In the context of immigration, it refers to unfair treatment of individuals based on their foreign status.

**Refugee:** A person who has been forced to flee their country because of persecution, war, or violence, and who has a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group.

**Migrant:** A person who moves from one place to another, especially to find work or better living conditions. Migrants can be voluntary (seeking better opportunities) or involuntary (escaping conflict or disaster).

**Human Rights:** Fundamental rights that every person is entitled to, regardless of their nationality, residence, or legal status. These include rights to freedom, equality, and dignity, as enshrined in international human rights law.

**Legal Aid:** Assistance provided to individuals in navigating legal processes, particularly those who cannot afford legal representation. Legal aid for immigrants and refugees often includes help with asylum applications, residency status, and understanding their rights.

**Stereotypes:** Simplified and often exaggerated beliefs or assumptions about a particular group, based on characteristics such as race, gender, nationality, or religion. They can lead to unfair generalizations and prejudices, influencing perceptions and behaviors towards individuals or communities.

## Current situation

### Key Terms

Migration  
Discrimination  
Refugees  
Equal Rights  
Stereotypes

Since the Universal Declaration of Human Rights was adopted in 1948, it has been considered a basic right to be able to enter one's country, stay in a country that one has legally entered, and leave any country including one's own. Every year, the world becomes more interconnected, with people migrating across borders for work, education, and other opportunities. However, in comparison to citizens, foreigners who enter new countries often face challenges in securing equal rights. This can manifest itself in various ways, including employment opportunities, access to social services, property rights, and other complex issues. Foreigners may face restrictions on certain jobs or professions, or encounter bias in hiring practices. Additionally, they may have limited access to healthcare, education, or social security benefits, and can be restricted from owning property or starting businesses.

This has raised concerns within human rights organizations about the treatment of foreigners, particularly refugees and undocumented migrants. These issues include detention conditions, lack of access to legal representation, and violations of basic rights. After all, it is important to consider how discrimination and xenophobia can lead to social exclusion and violence against foreigners, which can limit their ability to integrate into the host society. This exclusion is fueled by stereotypes and misinformation about different cultures, leading to these foreigners living in isolated communities, which further encourages divisions. As a whole, discriminatory mindsets that prevent foreigners from participating fully in community life undermine their sense of belonging and can lead to feelings of alienation or isolation. Clearly, despite various efforts around the world, there are still gaps in ensuring equal rights for foreigners entering new countries. Because of this, action must be taken, and effective policies must be considered to

address these challenges and commit to human rights and equality.

## Major Parties Involved and Their Views

**United States:** The United States, as a powerful and influential country has made proposals and actions that have been both for and against equal rights for foreigners. One of the most famous examples of the United States going against foreigners' human rights is former president Trump's attempt to build a wall on the border between the US and Mexico. Proposals such as Trump's wall have given the United States a reputation of hostility toward refugees. On the other hand, the US follows international law, which indicates no form of discrimination is permitted when in the process of naturalization (Taran). Even though the United States has been part of multiple UN treaties, declarations, and conventions, it continues to fail to acknowledge what was agreed upon because of political powers, citizens, allies, and beliefs systems disagreement with such claims.

**Canada:** Foreigners in Canada have their rights protected by the Canadian Charter of Rights and Freedoms, but they are more limited than the rights of Canadian citizens. The Charter protects the rights of anyone physically present in Canada, regardless of citizenship status ("Non-citizens and the Charter of Rights and Freedoms"). However, non-citizens do not have the right to vote for any level of the government, this right is reserved for Canadian citizens according to the Charter. This has led to issues related to the fact that foreigners who pay taxes are also affected by political decisions in which they do not have a say ("Non-Citizen Voting Rights"). Canada is well known as a country that has very open migration laws. But it is very closed when it comes to actually allowing those foreigners to be part of the country.

**Germany:** Germany has been aiming its policies regarding foreigners to increase the

number of immigrants that benefit the economy, while also reducing the number of foreigners negatively impacting the country. The new point system introduced in Germany is supposed to allow skilled workers to find jobs without offers, allowing them to apply for residency easier than before (Symons). On the other hand, German laws are also closing the door for foreigners regarding facilitating deportation if the government seems necessary. Ignoring the extensive processes that allow the asylum seekers to advocate for themselves (Pieper). Germany as an EU country has extensive requirements when it comes to nationality and migration. But they are willing to change certain aspects of their migration laws for benefits in areas such as the economy.

**Japan:** While the constitution guarantees equality for all people, non-citizens are not protected from discrimination in the same manner as citizens. The Japanese government has made significant efforts to extend social benefits to foreigners in recent years. By 1986, a wide range of social benefits was available to registered foreigners under various national laws. It was made possible by the removal of nationality clauses in national welfare laws, which previously excluded non-citizens from public services (Takao). Japan, as one of the countries with the most powerful passports in the world (Conte and Lu) it has various restrictions on migration and naturalization. But in the latest years, Japan has shown efforts for improving equality between citizens and foreigners.

**Australia:** Australian laws provide foreigners with equal treatment in many aspects, as long as they are residing legally in the country. A foreigner who is illegally residing in the country catches the attention of the Department of Home Affairs, they become subject to mandatory detention. The Department has the discretionary power to place them in alternative facilities such as Immigration Residential Housing, Immigration Transit Centres, Alternative Places of Detention (hotels), or Community Detention. The Department can also remove the unlawful non-citizen from Australia under section 198

of the Migration Act 1958 (Foran).

## UN Involvement

The United Nations has combated this issue by supporting various different initiatives, policies, and programs that have the aim of promoting equal rights for foreigners and simultaneously combating discrimination towards them. For example, the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)**, ensures the protection of migrant workers and their families from exploitation and abuse, providing them with rights related to employment, education, and social services ("International Convention on the..."). When observing the details of this convention, it becomes clear that its primary objective is to foster respect for migrants' human rights, and fuel the idea that migrants are not only workers, they are also human beings. It is important to note that this is not the only key international legal framework that has been established by the United Nations, there are several others that focus on protecting the rights of migrants and refugees. This demonstrates how the United Nations emphasized a policy topic that is drawing increasing attention worldwide: the link between migration and human rights.

It is also important to note that several UN agencies play crucial roles in supporting foreigners and promoting their rights, and these work to develop global agreements that ultimately address the challenges of migration and refugee protection. For example, the **UNHCR** provides protection and assistance to refugees and displaced people worldwide, working to advocate for their rights and find durable solutions, including resettlement and integration. The **OHCHR** is another example, which monitors human rights violations and campaigns for the rights of migrants, also providing guidance and support to ensure that international human rights standards are upheld. All in all, these efforts demonstrate the United Nations' commitment to promoting equal

rights for foreigners entering new countries with the goal of creating a more inclusive and just world for all.

## Timeline of Events

**December 10, 1948** **The Universal Declaration of Human Rights** was adopted by the United Nations General Assembly, establishing the fundamental rights of all people. The rights should be respected regardless of situations such as a person's legal status.(Taran)

**July 28, 1951** **The Convention Relating to the Status of Refugees** established the principle of non-refoulement, which forbids the forced return of refugees to a country where they may face prosecution or abuse. (Taran)

**December 16, 1966** **The International Covenant on Civil and Political Rights** was a treaty also adopted by the United Nations recognizing the rights of foreigners to participate in public affairs, to vote, and to hold office, subject to certain limitations. (Taran)

**1969** **The Committee on the Elimination of Racial Discrimination** mentions the importance of ensuring equal rights for foreigners and prohibiting discrimination based on citizenship or immigration status. (Taran)



**August 2, 2001** **The Immigrant Fairness Restoration Act** was passed, which aimed to reform INS's indefinite detention of immigrants without a fair hearing. ("In Second Victory for Immigrants' Rights, High Court Says INS Cannot Indefinitely Jail Immigrants")

**2006** **The Rights of Non-citizens** was published by the Office of the United Nations High Commissioner for Human Rights stating the rights of foreigners, including their rights to equality, freedom of speech, and protection from arbitrary detention. (Taran)

### **Past International Action**

Two main international actions and declarations aimed to promote equal rights for foreigners are as follows. The Universal Declaration of Human Rights states "Everyone has the right to recognition everywhere as a person before the law". Implying that human rights apply to all regardless of citizenship status ("Research Guides: Universal Declaration of Human Rights (1948): 30 Articles - 30 Documents: Exhibit for the 75th Anniversary: Articles 6-11"). Another approach was "The Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live" being adopted by the UN. This declaration recognizes the human rights of immigrants, refugees, and other non-citizens, and calls on countries to make their laws regarding foreigners accessible to the public ("Research Guides: Universal Declaration of Human Rights (1948): 30 Articles - 30 Documents: Exhibit for the 75th Anniversary: Articles 6-11").

### **Possible Solutions**

When addressing this issue, it is important to think innovatively to develop creative solutions that target the essential goals. A possible solution could be developing some sort of integration program that would ease foreigners into their new country. This could

involve the providing of language courses and cultural orientation sessions to help these newcomers adapt to their new environment smoothly. Other types of vocational training and certification programs could also be offered to bridge the gap that exists between these foreigners' qualifications and the requirements of their local job markets. This solution would be effective because it would ensure that these newcomers are equipped with the tools necessary to live a proper life in their new country, therefore reducing social isolation. As these people could then contribute to and benefit from their new communities, this would ultimately lead to a more inclusive society as a whole. Additionally, another possible solution could be the launching of anti-discrimination campaigns and educational initiatives to achieve a more welcoming, accepting society. By running nationwide campaigns, countries are able to combat stereotypes and promote positive narratives about diversity and encourage the integration of lessons on diversity, inclusion, and human rights into school curriculums. This would serve to educate young people about the importance of equality and respect for all individuals, reducing prejudice and discrimination from an early age.

## **Sustainable Development Goal (SDG)**

Out of the 17 SDGs, promoting equal rights for foreigners connects to multiple SDG's. First of all the 1st SDG, to end poverty in all its forms everywhere. Foreigners entering a new country with no steady source of income make up a significant amount of the population that is considered poor. Another SDG it is connected to is the 3rd SDG, to ensure healthy lives and promote well-being for all at all ages. Most foreigners when entering a new country are denied access to health care and aid. Promoting equal rights would allow them not only to receive that care but in the process ensure healthy lives and promote well-being for all at all ages. Furthermore, the 4th SDG to

ensure inclusive and equitable quality education and promote lifelong learning opportunities for all also connects to promoting equal rights for foreigners. Allowing foreigners to gain equal rights will allow for a part of the population that is currently not able to get an education to have that and many more learning opportunities. The issue also connects to the 10th SDG to reduce inequality within and among countries. Foreigners, no matter their legal status, are prone to discrimination in most countries. Allowing them to have equal rights may contribute to the search for equality among countries which can also refer to cultures and the opportunity to relate to one another without discrimination.

## Bibliography

### Works Cited

- Conte, Niccolo, and Marcus Lu. "The World's Most Powerful Passports in 2024." *Visual Capitalist*, 16 February 2024, <https://www.visualcapitalist.com/worlds-most-powerful-passports-in-2024/>. Accessed 10 June 2024.
- Foran, Tom. "Unlawful Non-Citizens Australia." *Potts Lawyers*, 30 May 2022, <https://pottslawyers.com.au/blog/2022/05/30/unlawful-non-citizens/>. Accessed 10 June 2024.
- Higgins, Rosalyn. "The Right in International Law of an Individual to Enter, Stay in and Leave a Country." *Oxford Academic*, <https://doi.org/10.1093/acprof:oso/9780198262350.003.0030>. Accessed 9 June 2024.

"In Second Victory for Immigrants' Rights, High Court Says INS Cannot Indefinitely Jail

Immigrants." *American Civil Liberties Union*,

<https://www.aclu.org/press-releases/second-victory-immigrants-rights-high-court-says-ins-cannot-indefinitely-jail>. Accessed 9 June 2024.

"International Convention on the Protection of the Rights of All Migrant Workers and

Members of Their Families." *ohchr*,

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>. Accessed 10 June 2024.

"Non-citizens and the Charter of Rights and Freedoms." *Oxford Law Blogs*, 14 April 2014,

<https://blogs.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2014/04/non-citizens-and>. Accessed 10 June 2024.

"Non-Citizen Voting Rights." *Canadian Civil Liberties Association*,

<https://ccla.org/get-informed/talk-rights/non-citizen-voting-rights/>. Accessed 10 June 2024.

"Research Guides: Universal Declaration of Human Rights (1948): 30 Articles - 30

Documents: Exhibit for the 75th Anniversary: Articles 6-11." *UN Research Guides*, 7 May 2024, <https://research.un.org/en/udhr75/6-11>. Accessed 10 June 2024.

Takao, Yasuo. *Foreigners' Rights in Japan: Beneficiaries to Participants*,

<https://library.fes.de/libalt/journals/swetsfulltext/17768957.pdf>. Accessed 10 June 2024.

Taran, Patrick A. "The Rights of Non-citizens." *ohchr*,

<https://www.ohchr.org/sites/default/files/Documents/Publications/noncitizensen.pdf>. Accessed 9 June 2024.

## Useful Links for Research

(When researching use non-citizens instead of foreigners)

- I. Country profile:
  - A. <https://www.cia.gov/library/publications/the-world-factbook/>
- II. United Nations High Commissioner for Refugees (UNHCR):
  - A. <https://www.unhcr.org/>
- III. International Organization for Migration (IOM):
  - A. <https://www.iom.int/>
- IV. Office of the United Nations High Commissioner for Human Rights (OHCHR):
  - A. [https://www.ohchr.org/en/ohchr\\_homepage](https://www.ohchr.org/en/ohchr_homepage)