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The principle of non-refoulement: the legitimacy of refugee policies in Western countries

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Abstract

In recent years, affected by the influx of refugees, some Western countries have suffered blows in the security, economic, and other fields and are faced with the dilemma of safeguarding national interests and fulfilling the principle of non-refoulement under international law. Western countries are broadly adopting the following three policies to restrict and control the entry of refugees into their territories: the policy of extraterritorial refoulement, the policy of interception at sea, and the policy of safe third countries. They are adopting several flexible measures to circumvent the application of the principle of non-refoulement, believing that they are not violating the principle of non-refoulement. However, the United Nations and human rights organizations are still skeptical of the abovementioned policies. This thesis will mainly discuss the legality of these behaviors and make some suggestions based on the full understanding and respect of national sovereignty and territorial integrity, which can deal with the refugee problem more humanely and provide feasible ideas for solving the refugee problem.

Keywords Refugees; non-refoulement principle; Border control; Safe third countries

I. Introduction

Article 33 of the United Nations Convention relating to the Status of Refugees makes the refoulement of refugees dependent on the fact that their life or liberty may be violated if the State refuses to return them. The subsequent Additional Protocol to the Convention relating to the Status of Refugees and the Convention against Torture emphasize this important principle. However, there is a contradiction in that even if the principle of non-refoulement binds a State party, the State remains sovereign over its borders. Moreover, article 33 of the Convention relating to the Status of Refugees was not an operative provision. State parties had the right to interpret and apply Article 33 by the principle of sovereignty, which was often an important consideration for state parties, thus affecting the application of the human rights principle of the protection of the rights and interests of refugees.

According to the data released by UNHCR in June 2022, the total number of refugees has exceeded 100 million. Undoubtedly, the huge refugee population is a huge challenge for refugee-hosting countries. In recent years, successive vicious terrorist attacks, such as the Cologne New Year's Eve sexual assault on December 31, 2015, the suicide terrorist attack at the Zafentem International Airport in Brussels, Belgium, on March 22, 2016, and the terrorist attack on the British Parliament building on March 22, 2017, have caused great distress to the otherwise peaceful and harmonious continent of Europe and aroused the European people's Panic. Influenced by the will of the people and to protect the national economy, politics and social order, the European Union countries have successively adopted a tighter refugee policy, forcing refugees to become the "scapegoats" of terrorists. In Germany, for example, as of 2015, Germany had accepted 1 million applications for refugee registration. However, the corresponding measures have not kept pace, and the refugee camps are overflowing, making it impossible for refugees to be resettled. The cost of food, medicine, clothing, and basic health checks for refugees put the government under financial pressure. This has led to protests and social violence against the resettlement of refugees in the camps. The influx of refugees has put the German Government under tremendous internal and external political pressure and has posed a serious challenge to the existing asylum system.

Therefore, despite being bound by the principle of non-refoulement, many States have attempted to interpret or apply this principle in different policies to avoid the enormous economic and security costs of having large numbers of refugees enter their countries.

This paper focuses on analyzing the balance between the state's fulfillment of the principle of non-refoulement and the prevention of refugee influx. The paper will discuss in detail the Western states' three approaches to limit refugee entry through their extraterritorial refoulement, mari-

time control, and safe third-country policies. The United States mainly adopts interception on the high seas, France adopts a policy of rejecting asylum claims in "international zones," and Canada and Australia adopt the "safe third country" rule, which enables countries of asylum to redistribute the share of refugee protection. The United Kingdom has set up an entry clearance procedure for the interception of Roma arrivals. States have interpreted their policies accordingly and have argued that how they are implemented does not violate non-refoulement obligations. Assessing the legitimacy of these refugee policies is an important question that deserves to be explored in depth.

1.1 The development of the non-refoulement

The term "non-refoulement" refers to the "prohibition of deportation" or "prohibition of sending back," with the earliest non-refoulement principles emerging in the form of "requests" in the work of the International Law Association, and they do not have legal effectiveness in practice. In the 1892 Geneva Conference, it was proposed that countries should not transfer refugees to other nations using refoulement unless proper safeguards regarding extradition conditions were appropriately observed.

The concept of the non-refoulement principle was first incorporated into legislation in the United Kingdom with the Foreigners Act of 1905. Chapter 13, Section 1, Article 1 of the "Aliens Order" in this Act stipulates: "If an immigrant proves that he is seeking admission into the United Kingdom only to avoid prosecution or punishment on account of his religious beliefs or political opinions or because of political offenses or persecution, or that he is in danger of suffering bodily harm or of being killed or subjected to arbitrary punishment on account of his religious beliefs, he shall not be refused admission on the grounds of the absence of the necessary documents."1

The first international law that included the non-refoulement principle within its protective scope was the 1933 Convention on the International Status of Refugees. However, it wasn't until after the Second World War, with the increase in the number of refugees, that the international community began to focus on existing legal frameworks for refugee protection. Subsequently, the non-refoulement principle was referenced in various international legal instruments, including the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the 1963 European Convention on Human Rights: Fourth Protocol, and the 1984 Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Among these conventions, the 1951 Convention on Refugees is a milestone in refugee protection.

II. Extraterritorial refoulement policies and their legitimacy

States that have adopted extraterritorial refoulement have interpreted the key concepts set out in Article 33 of the Convention relating to the Status of Refugees in a restrictive manner, arguing that a State should only comply with its nonrefoulement obligations under the Convention relating to the Status of Refugees if the person seeking refugee status has successfully entered its borders, and that the expulsion of a refugee who has already entered a State's borders is not permitted by the principle of nonrefoulement. In other words, the scope of application of the non-refoulement obligation is limited to the territory of the State and does not extend extraterritorially. Extraterritorial refoulement policies are generally implemented in two ways: entry clearance procedures at national airports and interception operations on the high seas.

2.1 Execution of interceptions on the high seas

To prevent refugee crises from occurring without violating the principle of non-refoulement, the United States has primarily adopted a policy of extraterritorial refoulement to prevent refugees from reaching its borders. Maritime interdiction is a measure of maritime law enforcement that the United States has widely utilized in recent years.2 To prevent Haitian refugees from entering its territory by sea, the United States orders the Coast Guard to intercept Haitians on the high seas who are attempting to migrate to the U.S. and repatriate them back to Haiti. Between 1991 and 1994, the U.S. Coast Guard intercepted more than 60,000 Haitians on the high seas and repatriated them. Between September 19 and December 31, 2021, alone, the U.S. deported more than 12,000 Haitians. They will most likely be deported back to Haiti, the Caribbean country that has been hit hard by the crisis. Their only hope is to be able to flee their country in pursuit of a better life. However, the United States Supreme Court held that such extraterritorial refoulement did not violate Article 33 of the Convention relating to the Status of Refugees.

For example, in Sale v. Haitian Centers Council, the United States Supreme Court held that Article 33 should not be interpreted to cover a State's conduct towards aliens outside its territory and does not prohibit the obstruction of asylum claims. Specifically, in Sale v. Haitian Centers Council, the United States Supreme Court held that

1 British Alien Act, Chapter 13,1905, available at: http://www.uniset.ca/naty/aliensact1905,accessed March 4, 2020.

2 Jun Hua Xu, "On the Application of the Principle of Non-Referral in Maritime Interception," in Politics and Law Forum, No. 3, 2017, p. 49.

Article 33 was not drafted to refer to extraterritorial application, nor did it state that asylum-seekers could not be prevented from entering the border. Finally, article 33, paragraph 2, explicitly refers to the "State of location," i.e., the receiving State, and the harmonization of paragraphs 1 and 2 can only be guaranteed if it is based on the concept of territory. Thus, the United States Supreme Court has interpreted Article 33 to take the position that it does not violate the principle of nonrefoulement by preventing the United States Coast Guard from intercepting Haitian refugees before they reach the border.

2.2 Remain in Mexico: A product of a policy battle

In 2019, the U.S. government proposed a controversial policy called "Remain in Mexico." It requires Central American refugees who apply for asylum at the U.S. border to wait in Mexico for the results of their authorization. This policy was designed to reduce the pressure on the U.S. to manage the border and prevent illegal immigrants from entering the country.

This policy works because when asylum seekers arrive at the U.S.-Mexico border, they are required to register and wait for placement in Mexico. While their asylum claims are being reviewed, they are confined to living in Mexico and cannot work, relying on assistance from international organizations.

Having described the basics of the stay-in-Mexico policy, we would like to mention another very important refugee processing policy, the measurement policy, whereby Mexico, faced with a growing flow of asylum-seekers from the United States, has introduced a waiting-list mechanism to facilitate its management.3. The details of this mechanism are that the Bureau of Migration Concerns has partnered with the Mexican Migration Institute and Mexican migrants. The Migration Institute is working with asylum-seekers to provide them with the necessary assistance, and then the waiting list for asylum-seekers will be shortened.

This listing mechanism facilitates the Mexican Government's efforts to maintain order at the border and prevent a mass influx of asylum-seekers into the United States. On the other hand, it has advantages for asylum seekers, who are prioritized through participation in a partnership that allows them to realize their dream of asylum more quickly. There are, of course, problems. It may create a "survival priority" phenomenon, whereby those with certain resources and capacities may be prioritized, while those who are vulnerable may be marginalized.

At the United States border, detention facilities have another nickname, "hieleras," which derives from the cold.4, hard environment, and cold reality in these facilities. In these facilities, undocumented immigrants and asylum-seekers are held in frigid cells, awaiting review and processing. These "healers" have been widely criticized for their harsh conditions, overcrowding, and lack of basic sanitation and medical care. There are reports that many detainees are forced to sleep on cold floors without even blankets. There is no shortage of refugees who have been waiting for months.

The U.S. government argues that these facilities are necessary; otherwise, there would be an influx of undocumented immigrants into the United States. They argue that it is a necessary means to stop the influx of undocumented immigrants. For the detainees, these "hieleras" are where the nightmare of seeking a new life begins. Their plight has sparked discussions on human rights, justice, and equity.

The "hieleras" and "Remain in Mexico" are both tools used by the United States Government to control the immigration problem. However, they are not perfect solutions but result from a policy war. Two of the most important immigration policy concepts, the "Waiting-list mechanism" and the "principle of non-refoulement," are in potential conflict. The principle of non-refoulement is an important component of international human rights law, which provides that a State cannot deport persons to places where they may be subject to serious human rights violations.

If an asylum-seeker applies for asylum at the United States-Mexico border and is delayed or denied entry due to the limitations of the "waiting list mechanism," that person may be forced to return to a country where they may be at risk of persecution, which may be a violation of the "principle of nonrefoulement."

The United States Government maintains that the "waiting-list mechanism" is necessary to prevent abuse of the asylum system and to maintain order. However, critics have argued that this practice may result in asylum-seekers being put at risk while awaiting processing, thereby violating the "non-refoulment principle."

III. Refugee problem between Turkey and Greece

Turkey was one of the first countries to sign and ratify the

3 Miranda B, Silva Hernández A. Overwhelmed management: asylum applications in the United States and waiting mechanisms beyond its borders[J]. Migraciones internacionales, 2022, 13.

4 Riva S. Across the border and into the cold: Hieleras and the punishment of asylum-seeking Central American women in the United States[J]. Citizenship studies, 2017, 21(3): 309-326.

1951 Geneva Convention relating to the Status of Refugees and is a party to the 1967 Protocol, with a geographical restriction on non-European asylum seekers. According to this reservation, Turkey can only grant refugee status to asylum-seekers from Council of Europe member States.5. The first time Syrian refugees traveled to Turkey was after the Syrian civil war in 2011, when a small group of Syrians, about 8,000, arrived in the country, and just one year later, the number had risen to 170,000.

Although the Turkish authorities initially adopted an open-door policy for Syrian refugees at the time, there was no legal or regulatory framework for this influx. Turkish authorities referred to Syrian refugees as "guests" and implemented "spontaneous measures and evolving practices." 6(ECRE, 2015, p. 105) until October 2014, when the Temporary Protection Regulation (TPR). Although the Turkish authorities had already announced in 2011 (ECRE, 2015) that they were implementing the Temporary before the adoption of the TPR in October 2014, basic issues such as the entry of Syrian refugees into the territory, identification, registration, access to shelter and health services were based solely on political and administrative discretion between 2011 and 2014.

The Convention on the Rights of Refugees (CRP), adopted in 2014, merely provides a framework for the fundamental rights of refugees, including non-punishment of illegal entry and stay (Article 6 of the Protocol on the Rights of Refugees (PRRO) and the principle of non-refoulement (Article 7 of the Convention relating to the Status of Refugees (COSR)), as well as regulating their access to social services, such as health care and education. However, Article 7(3) and Article 25 TPR explicitly exclude beneficiaries of temporary protection from long-term and durable solutions. Article 7(3) emphasizes that the acquisition of temporary protection status "shall not be considered as one of the direct acquisitions of international protection status." Moreover, article 25 of the Turkish Nationality Law emphasizes that temporary protection status does not "grant the right to transition to a permanent residence permit" and "shall not entitle its holder to apply for Turkish citizenship."

On March 20, 2016, the European Union reached an agreement with Turkey. Under the deal, the EU would provide Turkey with 6 billion euros as resettlement funds. In return, for every refugee that Turkey accepted, the EU would resettle one refugee from Turkey. This agreement violated the 1951 Refugee Convention and also contradicted the non-refoulement principle. It was due to this agreement that Turkey subsequently faced significant refugee pressures, with annual costs of hosting refugees exceeding 20 billion euros, far exceeding the resettlement funds provided by the EU. This was also the reason Turkey opened its borders, allowing 80,000 refugees to enter Greece.

IV. Safe Third Country Policy and its Legitimacy

The safe third country policy is a reallocation of responsibility for the resettlement of refugees, which allows contracting States to reallocate refugees to other "safe third countries," thus allowing for a better distribution of responsibility for providing asylum. Generally, safe third-country policies are accomplished through international friendship agreements previously concluded by States.

In April 2022, the British government announced an agreement with the Rwandan government that the Rwandan government would receive 120 million pounds a year from the UK to set up and manage UK offshore refugee processing centers, where the UK would send refugees to Rwanda for resettlement each year. There has been international controversy over the British government's move, with UNHCR officials arguing that the initiative smacks of trading people like commodities and that the UK must ensure that those seeking protection are granted asylum.

The United Kingdom is a signatory to the 1951 Refugee Convention, but since the "Arab Spring" movement in 2011, Europe has been caught up in a refugee crisis. As early as the last century, the UK implemented restrictive measures due to the refugee issue. The UK enacted the "1962 Commonwealth Immigrants Act," the "1968 Commonwealth Immigrants Act," and the "1971 Immigration Act." Subsequently, they introduced even stricter legislation in the form of the "1981 Nationality Act." This act imposed extremely stringent restrictions on acquiring British citizenship, significantly reducing refugee admissions. Today, The UK has significantly restricted the entry of refugees and, as a result, decided to withdraw from the European Court of Human Rights. The UK's agreement with Rwanda for offshore immigration processing violates the non-refoulement principle. In comparison to the United States, which intercepts refugees at sea and announces policies declaring refugees ineligible for entry, the UK's actions appear more like a departure from the principles of the Refugee Convention.

5 Ulusoy O, Battjes H. Situation of readmitted migrants and refugees from Greece to Turkey under the EU-Turkey statement[J]. VU Amsterdam Migration Law Series, 2017, 15.

6 Adar S, Angenendt S, Asseburg M, et al. The refugee drama in Syria, Turkey, and Greece: why a comprehensive approach is needed[J]. 2020.

In dealing with refugees, States are faced with the dilemma of political considerations of their interests versus international humanitarian protection obligations, and the "safe third country" policy is to interpret and apply the "principle of nonrefoulement" by way of "responsibility-shifting." The principle of non-refoulement. States adopting a safe third country policy consider the redistribution mechanism legitimate, as Article 33 prohibits States from returning a refugee to a territory where his or her life or liberty would be threatened. Still, non-refoulement does not constitute an affirmative obligation, and States are not obliged to grant asylum. Thus, since there is no obligation to grant asylum, State A will not be in breach of the non-refoulement obligation as long as it sends the asylum-seekers to State B, which is the State of the relevant agreement, and State B does not deport them to State C, which jeopardizes the applicants' life or liberty.

4.1 Safe Third Country Policy in EU

In the EU countries, safe third countries have other roles to play. For those refugees who voluntarily leave the countries that can provide them with haven for a better life and who enter the EU, it is not a violation of the Refugee Convention to transfer refugees who have applied for asylum to the EU to a safe third country.7, as the transit country can provide a haven for the refugees. The principle of safe third countries in the Dublin system8 The EU is intended to turn the EU's neighboring countries into "quarantine zones" or "buffer zones" for refugees so that safe third countries can share the EU's huge refugee burden. The Dublin III Regulation stipulates that signatory countries may enjoy the right to transfer refugees to safe third countries by EU directives.9, but the transfer must be based on the premise that the refugees have been granted a genuine haven in a safe third country.

4.2 The Country of First Arrival

The principle of the first country of entry is, in fact, a sibling of the principle of the safe third country. Although the two principles cover different elements, their spirit is the same, i.e., the sharing of responsibility for refugees, except that the former is shared with non-EU Member States. In contrast, the latter is shared with EU member states.

The first country of entry refers to the first country through which a refugee enters the EU zone: if a refugee enters the EU zone from a land border, the country of the first borderline crossed is the first country of entry; if the refugee enters the EU zone from the sea, the country of the first port entered is the first country of entry; The first country of entry principle means that the first country where a refugee enters the EU assumes responsibility for examining the asylum application. The principle of the first country of entry first appeared in Article 30 of the Schengen Convention: Article 30.1 (d) and (e) of the Schengen Convention.10, which stipulates that the State Party through whose external borders a refugee enters the territory of another State Party is responsible for examining the asylum application, was the first time that the principle of the first country of entry came into the picture.1 The Dublin system inherited the principle of the first country of entry from the EU, which was the first country of entry. The Dublin system inherited and enriched the first country of entry principle of the Schengen Convention.

The principle of first-entry countries was well conceived, but its implementation faced many problems.11. Firstly, the geographical location of the EU member states is different, and the scale of refugees they face is also different. The principle of the first-entry country makes border countries such as Greece and Italy bear the heavy burden of examining and resettling refugees. Secondly, refugees entering the EU are always on the move before they are finally stabilized, and in the face of these constantly moving refugees, following the principle of the first country of entry means that these refugees are constantly being transferred, which is a time-consuming process that involves a large amount of material consumption and slows down the process of resolving the refugee problem. In conclusion, the EU's policy arrangements on refugee asylum are not mature enough and must be adjusted to overcome the refugee crisis.

4.3 Safe third-country resettlement in other

7 The 1951 Convention Relating to the Status of Refugees (Geneva Convention on Refugees) places an explicit ban on the expulsion and return of refugees to countries where their lives or freedom can be considered threatened.

8 Radjenovic A. Reform of the Dublin system[J]. European Parliamentary Research Service', PE, 2019, 586.

9 Regulation (EU) No 604/2013 of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), 26 June 2013, p.5.

10 Kasparek B. Complementing Schengen: The Dublin system and the European border and migration regime[M]// Migration policy and practice: Interventions and solutions. New York: Palgrave Macmillan US, 2016: 59-78.

11 Bačić N. Asylum policy in the European Union competencies and the Dublin system's inefficiency [J]. Croatian yearbook of European law & policy, 2012, 8(1): 41-76.

areas

The allocation of refugees from other countries can be categorized into two main situations: one to States parties to the Convention and the other to States not limited to the Convention.

Canadian courts have held that the participation of States in multilateral agreements with third States is compatible with Article 33, by the principle of the security of third States.12. Similarly, in section 101(1)(e) of the Immigration and Refugee Protection Act of Canada (IRPA), it is stated that a refugee claim will be refused if the applicant has previously resided in a country or territory designated by statute (other than the applicant's country of citizenship or habitual residence) and has subsequently come to Canada. In other words, if another country or territory agrees to share responsibility for asylum review and has a relevant interest in the applicant, the applicant will be returned to the country or territory through which they have traveled.

However, Canada's requirements for third countries are quite stringent13, as section 102(1)(a) of the Canada Immigration Act requires that the third country be a signatory to the Convention relating to the Status of Refugees, the convention's provisions must be part of national law. Canada sends asylum seekers to a safe third country. If the safe third country violates Article 33 of the Convention, Canada is responsible for the violation in the safe third country. As can be seen, Canada minimizes the risks inherent in the reallocation rule by requiring the third country to sign the Convention.

Some areas do not require the third country to be a party to the Convention, such as Australia, which is permitted to return refugees to a third country as long as the third country can provide effective protection to the applicant.14. Australia also does not consider it necessary to consider whether a refugee is a refugee under the Convention on the Status of Refugees as long as the situation in the third country allows the applicant to remain and there is no risk of deportation to the country of origin.

The safe third country policy is justified by the fact that Article 33 provides that refugees may not be returned to a place where their life or liberty would be threatened, which means that the State has no obligation to grant asylum but only an obligation not to return refugees to a place where their life or liberty would be threatened. Therefore, the rationale for applying the safe third-country policy is somewhat justified, and the right of refugees not to be refouled is, to some extent, protected. However, in how to identify safe third countries, different criteria will have a certain impact on the right of non-refoulement; Canada limits the criteria to contracting states, which is undoubtedly more favorable to refugees, but influenced by the principle of sovereignty, some countries believe that the criteria of safe third countries should be analyzed according to the specific situation of the country, This approach allows for a wider range of third countries to be chosen. A certain degree of flexibility, but since the Convention does not bind non-contracting States, it risks refugees being sent back twice.

V. Solution

5.1 Enhancing relevant theories.

5.1.1 Expanding the scope of refugees.

In addressing the non-refoulment principle concerning refugees, I believe that the primary issue in the international community at present is the need to enhance the relevant theories related to refugees. The definition of refugees in the 1951 Refugee Convention is too narrow, and the contemporary concept of refugees has far surpassed the scope defined in that convention and other international documents like the 1967 Protocol. At the time, the definition of refugees was primarily limited to "political refugees" because the convention was created to safeguard the rights of the large number of political refugees produced after the two World Wars, and it couldn't anticipate the future evolution of refugee categories. Subjective factors heavily influence the determination of refugee status. If refugee status were determined solely according to the convention, newly emerging categories such as war refugees, climate refugees, economic refugees, and international disease refugees would not be eligible for legal refugee status. Therefore, to protect the rights of refugees more effectively, the provisions in refugee-related conventions must expand their conceptual framework and broaden the scope of protection.

What we need to be cautious about is that international conventions, while expanding the applicability of the non-refoulment principle, should not automatically categorize all individuals whose basic human rights are violated as refugees. Doing so could stimulate the expansion

12 Moore A F. Unsafe in America: a review of the US-Canada safe third country agreement[J]. Santa Clara L. Rev., 2007, 47: 201.

13 Gil-Bazo M T. The safe third country concept in international agreements on refugee protection assessing state practice[J]. Netherlands Quarterly of Human Rights, 2015, 33(1): 42-77.

14 Moreno-Lax V. The legality of the "safe third country" notion contested: insights from the law of treaties[J]. Migration & Refugee Protection in the 21st Century: Legal Aspects, 2015: 665-721.

of the refugee population, which is not conducive to the development of the international economy and society.

5.2 Solving operational challenges.

States primarily carries out the resettlement of refugees as a humanitarian aid measure. When a country's interests are adversely affected due to an influx of refugees, whether that nation has the right to refuse the entry of refugees is a question worth considering. In recent refugee crises, countries on the periphery of Europe, such as Greece and Turkey, have experienced a significant influx of refugees, resulting in a multitude of problems in their domestic politics, economy, and social security. Furthermore, even Germany, which has proactively accepted refugees, has gradually tightened its border policies due to the sheer number of refugees. This has created a conflict between the refugee protection principle and national sovereignty. In most cases, nations opt for a "third way" by implementing various policies to keep refugees outside their borders, all while explaining that they have not violated their obligations under international law.

5.2.1 Enhancing the screening process.

Improving the refugee screening process in host countries is essential for aiding genuine refugees and reducing potential security issues. Taking the European Union (EU) as an example, due to sovereignty concerns, the EU has not established a uniform refugee screening procedure, and each member state independently assesses refugee status according to its circumstances. While the EU's approach respects member states' autonomy, it has raised suspicions of responsibility avoidance. To address this, the EU could establish some basic regulations to ensure minimum requirements for refugee screening. At the same time, member states should refine and develop these regulations according to their specific situations to create reasonable screening standards.

To enhance the efficiency of the identification process, countries should strengthen the management and training of relevant officials such as interviewers and evidence collection personnel to ensure their professionalism and adherence to regulations. In practice, refugee status often depends significantly on an interviewer's decision, making it crucial to ensure the professionalism of the interviewers' workforce for fairness and equity. Additionally, the establishment of refugee asylum application centers can be beneficial. Most EU member states have established refugee asylum application centers at entry points or police stations. In some cases, services are provided only at entry points, severely affecting the efficiency of refugee identification. Therefore, increasing the number of service centers, assigning more staff, and simplifying the process can help more eligible individuals obtain refugee status.

5.2.2 Providing a green channel for the private sector.

Another crucial issue in accommodating refugees is the substantial economic burden and social strain. It is understood that the funding available to the UN Refugee Agency is only 2% of its budget from UN allocations, with the majority of the remaining budget coming from donations by countries and private individuals. Severe underfunding has already started to impact its regular humanitarian operations. In the context of the current refugee crisis, the significant funding shortfall for refugee protection efforts is currently undermining the response to the largest global displacement crisis since World War II. Expenditures for actions related to protecting refugees by the UN Refugee Agency reached as high as $724 million in 2016, but the current funds available amount to only $158 million. The substantial gap between the funding needs and supply makes the agency's work extremely challenging.

Countries can maximize the contribution of the private sector. In response to the requests of host and source countries, the private sector can consider, in consultation with various countries and other relevant stakeholders, the following aspects: policy measures and risk mitigation arrangements; providing the private sector with a green channel for creating more infrastructure and employment opportunities in a favorable business environment; developing innovative technologies such as renewable energy to bridge the technology and capacity gap in refugee host countries, particularly in developing and least developed regions; offering a broader range of financial products and information services to refugees and host communities.

VI. conclusion

In conclusion, the non-refoulement principle is paramount in both the United States and the European Union. While variations exist in how it is implemented and enforced within these jurisdictions, the underlying commitment to protecting individuals from being returned to persecution remains steadfast.

The United States, with its diverse and evolving asylum system, faces challenges in maintaining a consistent application of the principle. In contrast, through its harmonized framework under the Common European Asylum System, the European Union strives for greater uniformity but also grapples with issues of burden-sharing and externalization.

The U.S. and the EU can learn from each other's experiences and best practices to enhance their refugee protection mechanisms. Collaboration and adherence to the non-refoulement principle are vital in an era marked by

increasing global displacement. By working together and continually refining their respective approaches, these two influential regions can set an example for the world in upholding refugees' fundamental rights and dignity.

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