

The 1951 Geneva Refugee Convention: Its Evolution, Current Practices, and the Need for Reform

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ABSTRACT

The 1951 Geneva Refugee Convention laid the foundations of the modern international asylum regime and provided the most comprehensive legal framework to protect refugees. However, today, global migration dynamics and state security-focused policies have made the effectiveness and relevance of the Convention debatable. This article critically evaluates the historical development of the Convention, its fundamental articles, and its impact on today's asylum regimes. In the scope of the article, the fundamental articles of the Convention, 1 and 33 will be examined and the definition of refugee, the principle of non-refoulement, and the obligations of the party states will be analyzed through country examples. In addition, the sociological, legal, and political (theoretical) dimensions of the refugee definition, which are missing in the literature, will be addressed together and the existing gaps will be tried to be filled. Today, the emphasis on exclusionary migration policies and safe third-country practices instead of international protection mechanisms limits the capacity of the Convention to secure the individual. In this context, the capacity of the Convention to respond to the current global migration crises and the need for reform will be discussed. Finally, the need for updating the Convention will be evaluated in light of the current deficiencies and possible solutions will be presented.

1. Evolution of the 1951 Geneva Refugee Convention

Refugee protection is often traced back to the aftermath of World War II and the vast displacement it triggered. However, the 1951 Convention was a refinement and unification of earlier international agreements on refugee status. (Labman, 2010, p. 2)

The League of Nations first addressed the refugee situation by assisting Russians who fled due to the civil war, the Bolshevik Revolution. Since they had lost protection from their home country, they required international assistance, leading the League to formalize their status in 1922. Notably, under this framework and its 1924 extension to Armenian refugees, fleeing from armed conflict or violence was not a prerequisite for refugee status. (Holzer, 2012, p. 8)

In 1926, the definitions of "Russian refugee" and "Armenian refugee" were officially incorporated. (Hathaway, 1984, p. 353) The early agreements of July 5, 1922, May 31, 1924,

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and May 12, 1926, primarily focused on defining these refugee groups and establishing identity certificates to regulate their status. (Jaeger, 2001, p. 729)

The 1933 Convention on the International Status of Refugees, signed on October 28, marked the first legally binding commitment by signatory states to protect Russian, Armenian, and other similar refugee groups. It introduced administrative measures, including the issuing of "Nansen certificates," and covered critical aspects such as protection from refoulement, legal rights, labor conditions, social welfare, education, and taxation. Furthermore, it advocated for the formation of refugee committees. This convention was a pivotal development in refugee protection and later served as a foundation for the 1951 Refugee Convention. (ibid. 730)

Following the displacement of over 40 million people during and after World War II, (Holzer, 2012, p.9) as a provisional response, the United Nations created the International Refugee Organization (IRO) to facilitate the relocation or repatriation of refugees. Nevertheless, it became evident that the organization faced significant challenges in effectively managing the situation as the mandate date drew near. Moreover, a distinct group of refugees had started to arrive from Central and Eastern Europe, which had recently become communist governments. (Ormsby, 2017, p. 1196)

In these circumstances, taking into account previous agreements and conventions that were implemented in past years to address the challenges posed by asylum and migration but ultimately failed to provide a definitive solution, the Geneva Refugee Convention was drafted in 1951 to regulate the legal status of refugees and outline the responsibilities of host countries and entered into force on April 22, 1954. (United Nations High Commissioner for Refugees [UNHCR], 2010)

The Convention (and its 1967 Protocol) has been a central component of research on refugee and asylum issues since the beginning. (Janmyr, 2021, p. 189)

In the broadest sense, refugee protection involves ensuring fundamental rights that are at specific risk. These include the right to life, freedom, and personal security, protection from torture and other forms of inhumane or degrading treatment, freedom from discrimination, and access to essential resources necessary for survival, such as food, shelter, and medical assistance. Additionally, at a later stage, refugee protection extends to fostering self-sufficiency, encompassing access to education, healthcare, and means of livelihood. (Feller, 2001, p.1)

Although it was the first comprehensive refugee agreement, it had some shortcomings, especially time and place restrictions, and included expressions such as "events that occurred in Europe" and "events before January 1, 1951" (UNHCR, 2010) The time and place restrictions were abolished with the 1967 New York Refugee Protocol. And continued as 'regional restrictions' in exceptional countries. (UNHCR, 2010)

Given the evolution of migration and refugee movements after 1951, it is critical to reexamine the key concepts of the Convention. The Convention is still being debated in academic circles because it raises questions about burden sharing and long-term solutions to today's considerably more complicated mass refugee movements. (Goodwin-Gill, 2014, p. 6)

Despite being the foundation of the global refugee system, the Convention has drawbacks. (Hassan, 2022, p. 92)

Originally designed to respond to the displacement crisis following World War II, the Convention established a legal framework aimed at protecting individuals fleeing persecution. However, the exclusion of climate change (Türk & Dowd, 2014, p. 4) and gender sensitivities

(Krause, 2024) represents a significant shortcoming in addressing the complexities of contemporary displacement dynamics.

While international agreements set minimum protection standards, the ultimate implementation of these provisions is determined by state policies. Legal protection depends on the approach of the receiving country, as the rights of refugees depend on national legal frameworks. (Sainz-Pardo, 2002, p. 30)

While the global number of displaced persons reached an unprecedented peak in 2015 (Ormsby, 2017, p. 1191), the refugee framework established by the 1951 Geneva Convention has been inadequate to address contemporary challenges. Despite its central role in international refugee law, the Convention has struggled to address modern migration dynamics. (Chaudhury, 2022, p. 15)

In addition, certain provisions of the Convention have remained largely unchallenged and have prevented significant criticism or reform. These include Article 1, which defines refugee status and Article 33, which guarantees the principle of non-refoulement, arguably the most important guarantee of the Convention. (Fontaine, 1996, p. 79)

However, their application varies considerably across jurisdictions, leading to inconsistencies in protection standards. For example, while Article 1 defines a refugee, its broad wording allows states to interpret and apply it differently, affecting the uniformity of asylum procedures. (Phuong, 2018)

Similarly, the principle of non-refoulement in Article 33 has faced increasing challenges as states pursue restrictive immigration policies under the guise of national security. (Singh, 2008, p. 57)

This analysis also identifies gaps in the existing literature, particularly concerning the intersection of refugee law with sociological, legal, and political considerations. While there is extensive legal work on the framework of the Convention, less attention has been paid to its sociopolitical implications, particularly in the context of increasing populism and anti-immigration rhetoric. In addition, political factors play a significant role in shaping state responses to refugee protection, as governments often prioritize national security concerns, economic stability, and public sentiment over their international legal obligations. Understanding these dimensions is important in assessing whether the Convention requires reform to address contemporary migration challenges effectively.

2. Methodology

This study employs a qualitative research design, utilizing critical discourse analysis and comparative case studies to explore the legal, sociopolitical, and theoretical dimensions of the 1951 Geneva Refugee Convention. Given the evolving nature of refugee law and policy, a multidisciplinary approach is adopted, drawing from international law, political science, and sociology to assess the Convention's effectiveness in addressing contemporary displacement crises. For data collection and analysis primary sources, mainly the 1951 Geneva Convention and its 1967 Protocol, and policy reports from global organizations such as the UNHCR, the European Court of Human Rights (ECtHR), and the International Organization for Migration (IOM) are used. As secondary sources, peer-reviewed journal articles, books, and reports from human rights organizations detailing violations of refugee rights and state compliance with international obligations are included with a focus on pushbacks, border securitization, and the interpretation of refugee definition and non-refoulement. For analytical framework, with doctrinal analysis, how different jurisdictions interpret and apply the provisions of the 1951 Convention is critically examined concerning how political, economic, and security

considerations shape state compliance with international refugee law and influence the design and implementation of refugee protection frameworks.

In selecting case studies, this research applied purposive criteria to ensure analytical depth and thematic relevance. Foremost, alignment with the core legal provisions of the 1951 Geneva Refugee Convention—specifically Article 1 (defining refugee status) and Article 33 (prohibiting refoulement)—was prioritized. Each case was chosen for its ability to reveal interpretive ambiguity or enforcement challenges within these articles. For instance, the persecution of the Rohingya in Myanmar underscores the complexities of religious-based persecution involving both state and non-state actors. At the same time, Eritrean political dissidents exemplify the risks faced by individuals targeted for political opinions in authoritarian contexts. The case of Iranian asylum seekers facing discrimination based on sexual orientation illustrates evolving interpretations of “membership of a particular social group.” Secondly, geographical diversity was considered essential to reflect the variation in legal practices and refugee protection standards across different jurisdictions. Greece was included as a key example of how border securitization and documented pushback practices contest the application of non-refoulement within the European Union. Third, the selected case studies exhibit legal and political complexity, often engaging with broader themes such as sovereignty, deterrence, and legal pluralism. All cases were selected based on the availability of reliable documentation—including UNHCR materials, legal judgments, and peer-reviewed literature—ensuring a strong evidentiary foundation. These criteria collectively support a multidimensional and critically engaged methodological approach, allowing for a nuanced assessment of the Convention’s practical limitations and interpretive evolution across different contexts.

Evaluating the treatment of specific refugee groups, including climate refugees, gender-based asylum seekers, and displaced individuals from conflict zones, to identify gaps in legal protection and explore alternative frameworks for addressing contemporary migration challenges. Through an interdisciplinary approach that incorporates legal analysis, political science, and sociological perspectives, this study offers a comprehensive evaluation of the limitations of the 1951 Geneva Convention and its capacity to address contemporary displacement dynamics.

3. Article 1

Article 1, one of the most significant provisions of the Convention alongside Article 33, is further categorized within itself, highlighting certain sections of particular importance. One such section is Article 1/A(1), which defines a refugee. Its significance is primarily because it constitutes the backbone of the 1951 Refugee Convention. From this point onward, the state parties to the Convention and their respective governmental institutions have used this definition to identify refugees. When considered independently from Section 1/B, this provision, which is stipulated in the first paragraph of Section A, is explained as follows:

A refugee is defined as a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality and is unable or, owing to such fear, unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return. (UNHCR, 2010)

Due to the great destruction caused by World War II, nearly 50 million people became refugees, and the years between 1946 and 1952 were taken as a basis to solve this problem, and the international community completed a large-scale resettlement program. However, this did not

provide a definitive solution to the problem, as global developments led to new waves of refugee movements. (Carlin, 1982, p. 3) In this regard, it can be argued that the countries that signed or became parties to the Convention focused solely on temporary solutions at that moment without making any predictions for the future. According to a commonly held Western belief at the time, refugee flows were beneficial because they gave host nations resources to deal with competitors and the labor force needed for development. (De Andrade, 2018, p.122)

Moreover, even with the 1967 New York Protocol that revised the convention, continued to escalate, along with the growing number of refugees.

A detailed examination of the recognized provisions within Article 1A (2) allows for a more comprehensive analysis, which can be further elaborated upon as follows: Mentioned in the context of the "refugee definition" above and included in the definition are the illegal actions related to the concept of "race". The discrimination that a person or persons belonging to a certain race are subjected to has brought this concept to the forefront, and these legal violations have increased especially in states with a multi-ethnic and heterogeneous social structure, and this situation has turned into a struggle of one race for superiority over another. During the Bosnian War, Bosniak (Bosnian Muslim) civilians were targeted in ethnic cleansing campaigns by Serb nationalist forces, based on the ideology of Serbian ethnic superiority. The Srebrenica massacre (1995) led to over 8,000 deaths. (Paul, Clarke, & Grill, 2010) and forced hundreds of thousands to flee to Germany and Austria (Hageboutros, 2016, p. 5)

Another example is the Congo Wars, Tutsis (particularly Banyamulenge) were targeted by government forces and local militias due to their ethnicity, forcing many to flee to Rwanda, Uganda, and Burundi. (Ntanyoma & Hintjens, 2022)

One of the types of persecution mentioned in the definition of the Geneva Refugee Convention and which enables one to become a refugee is the type of "religious persecution". In this context, the right to freedom of religion and conscience emerges. In the context of the abuse of religious freedoms, legal violations persist in the present day, with certain incidents in the Asian region serving as examples of this issue. One such case is that of the Rohingya Muslims, a refugee group residing within the territory of Myanmar (Burma), who were forced to flee to Bangladesh due to persecution. This group has suffered oppression solely because of their Muslim identity. The persecution was not limited to the oppressive and interventionist policies of the state; Burmese Buddhist groups also carried out attacks against Muslims. (Selth, 2003)

A key legal question that arises is whether persecution in a religious context must be perpetrated exclusively by the state. The concept of "being under persecution," as outlined in Article 1/A(1) of the 1951 Geneva Refugee Convention, is particularly relevant. This provision demonstrates that individuals facing religious persecution are eligible for refugee status not only when the state carries out the oppression but also when non-state actors are responsible for such acts. (De Andrade, 2018)

The other mentioned context is the membership of a Particular Social Group, although there is a perception that other expressions in the refugee definition are more important, it is concluded that this expression is more important in terms of being able to renew oneself and find solutions to other problems that occur. This issue emerges as a classification that comes to the forefront in the legal plane, especially in cases where women, children, and disabled refugees require more protection due to their being vulnerable groups. Especially in the period after 1979, asylum seekers who came to countries such as Turkey, which are on the transit route, and tried to obtain refugee status through the UNHCR because they were sentenced to death in Iran due to their sexual orientation or violations of women's rights (Since Turkey accepted the Geneva Refugee Convention with a geographical reservation, these Iranian citizens cannot obtain

refugee status from the Turkish authorities), present the expression "membership of a certain social group" in the refugee definition as a justification. (Ahmady, 2018, p. 11)

Another definition included in the definition of a refugee is people who are subject to "forced migration (asylum) due to their political opinions". Eritrea is an example of serious human rights abuses. Countless political opponents are imprisoned in secrecy. Among the army, torture is often employed for questioning and punishment, especially against conscription evaders, deserters, and troops suspected of military crimes. Thousands of Eritreans have fled their homeland, seeking refuge in Europe and neighboring countries. Many cite persecution due to their political opinions as the impetus for their flight. (Amnesty International, 2004, p. 2)

Another element of the refugee definition is that the person whose application to become a refugee is received (whether they have citizenship or not) is outside their country, has a certain fear of persecution, and cannot return to their country. One should not assume that a refugee must have fled their home country because of fear of persecution for reasons specified in the Convention. When something happens that creates a legitimate fear of persecution, a person may find themselves abroad as a traveler, diplomat, or student. "Refugee sur place" is the term used to describe such a person. Events that give rise to a legitimate fear can be external to the refugee, such as a military takeover in their home country, or they can be directly related to their actions, like making public statements critical of the government of their home country. (UNHCR, 2001, p. 9)

Article 1/B of the Convention addresses a key provision that was originally part of the 1951 Geneva Refugee Convention but was later removed by the 1967 New York Protocol—namely, the geographical and temporal restrictions. This article granted states two different options for interpreting the Convention, allowing them to either limit its application to "events occurring in Europe before January 1, 1951" (1/a) or extend it to "events occurring before January 1, 1951, either in Europe or outside this region" (1/b). When a state signs, ratifies, or becomes a party to the Convention, it must choose one of these two interpretations and make an official declaration accordingly. (UNHCR, 2010)

Article 1/C of the Convention addresses not only the acquisition of refugee status but also the conditions under which it may be lost. A person who has been granted refugee status will lose it under the following circumstances:

- If they voluntarily seek the protection of their country of nationality [1/C(1)].
 - If they regain the nationality of their home country after having previously lost it [1/C(2)].
 - If they acquire the nationality of a third country and benefit from its protection [1/C(3)].
 - If they voluntarily return to their home country to resettle [1/C(4)].
 - If the conditions that led to their refugee status no longer exist they can once again receive protection from their home country [1/C(5)].
 - If they are stateless, the conditions that led to their refugee status have changed, allowing them to receive protection from their previous country of residence [1/C(6)].
- (UNHCR, 2010).

In nearly all of these cases, the refugee's actions, psychological state, and verbal statements will be assessed, and the principle of voluntariness will be taken into account. (UNHCR, 1996, p. 27-28) Additionally, the Convention outlines circumstances under which refugee status ceases to apply. If a person is found to have received assistance from a UN agency or organization other than UNHCR, they will not be granted refugee status under Article 1/D.

(UNHCR, 2019) Individuals who have been granted refugee status by organizations such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA, 1949) and the United Nations Korean Reconstruction Agency (UNKRA, 1950) are not eligible to receive a second refugee status under the Geneva Refugee Convention. (UNHCR, 2005, p. 15)

Article 1/E states that individuals who acquire the nationality of their host country will no longer be granted refugee status, and the provisions of the Convention will not apply to them. This rule is particularly relevant to minority groups who have been naturalized in their host countries. For instance, Tibetan refugees fled to India and Nepal after the Chinese annexation of Tibet in 1950. Over the years, India has provided them with residency rights and specific legal protections, but they have not been granted full Indian citizenship. However, some Tibetans have acquired Indian citizenship through naturalization or birth in India, making them ineligible for refugee status under the Geneva Convention. (United States Bureau of Citizenship and Immigration Services, 2003)

Finally, Article 1/F addresses exclusions from refugee status, which excludes individuals from refugee protection if they have:

- Committed crimes against peace, war crimes, or crimes against humanity [1/F(a)].
- Commit a serious non-political crime (such as theft, assault, murder, fraud, or bribery) before arriving in the host country [1/F(b)].
- Acted against the principles and objectives of the United Nations [1/F(c)].

(UNHCR, 2010).

3.1. Interpreting Article 1

The definition of a refugee in Article 1A of the Refugee Convention is one of the key factors that raise doubts about the Convention's relevance as it fails to align with the realities faced by contemporary refugees. (Fontaine, 1996, p. 69)

One of the most conspicuous categories missing from the definition is gender, despite evidence that women and LGBTI individuals are often persecuted or exploited based on their gender and sexual orientation. (Afaq & Sirohi, 2018, p. 83)

Although there is no explicit prohibition against recognizing women as refugees, gender biases are still reinforced in the way member states apply these measures, open to interpretation. While the legal criteria may appear gender-neutral, they disadvantage women by overlooking the unique circumstances they face. Abuses more likely to affect women—such as rape, sexual assault, gender-based violence, and human trafficking, which often occur in private settings—have not been included in the list of violations that qualify an individual for refugee status. (Prithivi, 2017, pp. 3-4)

Climate and environmental migrants, often referred to as 'climate refugees,' are another group that currently does not benefit from the international protection established by the 1951 Geneva Convention. Despite the growing use of the term 'climate refugees' to describe individuals fleeing natural disasters and climate change, these individuals are not formally recognized as refugees under international law. As a result, the status, protection, and resettlement of climate refugees remain unclear in international legal frameworks. While the need for protection is evident, it remains uncertain whether states are obligated to provide such protection, and if so, the extent of this obligation within the realms of international law, human rights, and environmental law. (Karagöz, 2021, pp. 46-47)

As new threats to human security arise from environmental change, food scarcity, and widespread violence, it is crucial to establish a clear, principled framework for determining who has the right to seek refuge across borders. Currently, political interests, rather than principles, shape the conditions under which millions fleeing dire situations in unstable or failed states can access international protection. (Betts, 2013, p. 195)

4. Article 33

Another important legal process that must be discussed gains significance within the meaning of Article 33(1), creating a situation similar to the refugee definition outlined in Article 1(A)(1) of the Convention. The most decisive element within this framework is the concept of "intent and risk of persecution." Given the crucial role of this concept in determining refugee status, international law recognizes the prohibition of returning a refugee to their country of origin—where they face a risk of persecution—as a fundamental human right.

The principle of non-refoulement, widely regarded by some as a fundamental rule of customary international law, was explicitly codified in the 1951 Refugee Convention. This principle was thus established as a core tenet of refugee law, serving as a prerequisite for all protections granted to refugees and forming the essence of international protection. Article 33(1) of the 1951 Convention articulates this rule as follows:

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

The following paragraph of the same article, however, outlines an exception to this principle:

"The benefit of this provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which they are, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country."

Based on these provisions, the following scenarios constitute violations of the non-refoulment principle:

- Rejecting asylum seekers at the border when they have no alternative place to seek asylum.
- Deporting a refugee from an asylum country to a territory where their life, freedom, or physical security may be at risk (a concept that entails responsibility for potential harm).
- Forcibly returning refugees to their country of origin, where they fear persecution.
- Transferring refugees to a third country where they may face deportation to their country of origin and, consequently, a risk of persecution.

Within the framework of these principles, the asylum-granting state is obliged to uphold the duty of non-refoulement. However, the state retains the right to invoke the exceptions specified in the Convention under circumstances related to national security, public order, or when a refugee has been convicted of a serious crime and poses a threat to society. Moreover, if a state exercises this authority, refugee status is terminated, as outlined in the provisions that define the cessation of refugee status. (UNHCR, 2010)

4.1. Interpreting Article 33

Despite the non-refoulement principle being the backbone of the Convention, many people in the international community can see its shortcomings. More precisely, state parties are not subject to obligations under the Convention that would be required to guarantee a fully comprehensive mechanism for refugee protection. The main concern is that there is no binding requirement for states to grant asylum or even to review asylum claims. This, combined with the duty of non-refoulement, motivates governments to implement deterrence strategies aimed at preventing refugees from entering their territory or jurisdiction in the first place—thus avoiding any potential additional obligations. (Ormsby, 2017, pp. 1200-1201)

In the past decade, Greece has emerged as a key entry point for refugees and migrants seeking to reach Europe. The country has struggled with a large influx of asylum seekers from conflict-ridden nations such as Syria, Afghanistan, Iraq, and Somalia. Managing migration remains a complex issue, but the Greek government's approach has increasingly prioritized deterrence over legal obligations, raising serious human rights concerns. Reports from UNHCR highlight ongoing violations. As of early 2024, Greece hosts around 161,419 refugees and asylum seekers, primarily from Afghanistan, Syria, Pakistan, and Iraq. In 2023 alone, more than 17,000 individuals were forcibly removed from Greece in documented pushback incidents. The Evros region and the Aegean Sea continue to be key locations where migrants are intercepted and returned to Turkey without being allowed to seek asylum. Witnesses have reported mistreatment by Greek border authorities, including physical violence, destruction of personal belongings, and forced expulsions. Some asylum seekers were left at sea in overcrowded boats, putting their lives in danger. Despite multiple rulings from the European Court of Human Rights (ECtHR) condemning these actions, Greece has not fulfilled its legal obligations. Vulnerable groups, such as children and trafficking survivors, have also been expelled without due process. The Greek government, however, denies accusations of illegal pushbacks, arguing that strict border control measures are necessary to curb irregular migration. (ASSEDEL, 2025)

Many countries around the world engage in such practices, with 'pushbacks' and the deportation of asylum seekers and refugees becoming increasingly common, particularly in Western nations.

According to Protecting the Rights at the Borders (PRAB) data, since the start of the initiative in January 2021, 46,946 pushbacks were reported at the European border, being only a small fraction of the true numbers due to refugees not reporting most of the incidents due to safety and asylum concerns. (PRAB, 2025, p. 5)

The European Union's great devotion to the external aspect of migration, which aims to reduce arrivals and seek unconventional solutions, can be analyzed as a shift of responsibility rather than responsibility sharing, which eventually impedes the achievement of just global solidarity. (ibid, p. 15)

Regardless of how, this deterrence strategy has faced increasing legal challenges, including rulings from the European Court of Human Rights. In contrast, poorer nations have often lacked the means to prevent refugee arrivals altogether. For states in either position, restricting refugee movement through detention or similar measures—often accompanied by harsh post-arrival treatment—serves as an alternative way to signal that they are not welcoming to refugees. (Hathaway, 2016, p. 95)

While the main concern is security, there is no concrete proof that refugees pose a higher risk of crime or violence than the numerous other foreign nationals who frequently cross borders or even those who are already residents of the state. In any case, the Refugee Convention takes

a very tough stance on these matters, mandating that anyone justifiably suspected of committing a crime be denied refugee status. It also permits States to deport individuals who are demonstrated to be a danger to their safety or security, including returning them to their country of persecution if no other choice is available. (ibid)

5. Conclusion

The 1951 Geneva Refugee Convention, while foundational to international refugee law, has increasingly struggled to address the realities of contemporary refugee crises. Initially designed for a post-World War II context, the Convention was ineffective in accommodating new causes of forced migration, such as climate change, gender-based persecution, and generalized violence. Despite amendments through the 1967 Protocol, the Convention continues to leave critical gaps in legal protection, allowing states to interpret and apply asylum policies selectively, often in ways that restrict refugee rights. In a world where nation governments aggressively defend their sovereignty, this formalization was unavoidable. (Gallagher, 1989, p. 594)

As demonstrated, many countries—including Greece and broader EU states—have implemented deterrence measures, such as pushbacks, border fortification, and restrictive asylum policies, leading to systematic violations of non-refoulement.

Given the global scale of displacement, there is an urgent need for a more inclusive and adaptive international asylum framework that reflects modern displacement dynamics. Expanding the legal definition of a refugee, strengthening enforcement mechanisms, and ensuring greater burden-sharing among states are critical steps toward a more effective refugee protection system.

In order to protect refugees, oversee their applications, coordinate the work of nonprofit organizations that provide for their welfare, and administer and distribute the money received for their material assistance, UNHCR should consult with the relevant governments to assess the status of refugees in accordance with its mandate and implement measures to improve the situation. (Afaq & Sirohi, 2018, p. 97)

However, as nations continue to externalize asylum responsibilities to transit states, achieving a truly equitable and humanitarian asylum system remains a distant goal.

Ultimately, without substantial legal reforms and stronger international cooperation, the inadequacies of the current refugee regime will persist, leaving millions of displaced individuals in legal and humanitarian limbo.

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