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Challenges to the International Protection of Refugees in Light of Current International Circumstances

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Abstract

Asylum issues rank among the most complex international challenges facing the global community in recent times. Contrary to the expectation—held when the 1951 Refugee Convention was adopted—that the situation would be resolved within a brief, defined timeframe, we find ourselves in 2026 witnessing an alarmingly escalating crisis. The causes of displacement have multiplied, extending well beyond the scope of the original Convention; these include the rise of armed conflicts, economic crises affecting most nations—particularly in the wake of the COVID-19 pandemic—and climate change, which compels thousands to flee or seek refuge in safer territories. Coupled with the issue of irregular migration, these factors have exacerbated the crisis and constrained opportunities for international protection, thereby creating challenges that the international community must address.

Keywords: Asylum, international protection, forced migration, environmental asylum, resettlement, illegal migration.

INTRODUCTION

The issue of asylum and the protection of refugees is among the thorniest issues of the present age. It has become plainly evident to the countries of the contemporary world that they have failed to curb the asylum problem, which was initially given a transitory character tied to a limited period, as it was at first connected with the aftermath of the First and Second World Wars. They therefore sought to conclude the 1951 United Nations Convention in order to resolve the situation; yet after more than two eras, we observe that the crisis is worsening.

Other causes of asylum, not provided for in the Convention, have emerged, notably the expansion of humanitarian asylum resulting from growing conflicts, wars, and armed conflicts of every kind in today's world, in addition to the emergence of other, more recent drivers such as environmental asylum. Climate change has given rise to a new and distinct category of refugees known as environmental refugees. All of this poses very significant challenges to the international protection recognized for refugees in the international instruments currently in force. In addition, several other factors aggravate the problems and suffering of refugees, whether economic, social, or even political—the latter reflecting the states' unwillingness to grant this category a wider scope of protection under current circumstances, particularly after the COVID-19 pandemic and its effects on the global economy (economic recession), as well as the war on Ukraine and the rise in oil prices on world markets. All of these factors have combined to aggravate the suffering of refugees.

This is what prompted us to shed light on the reality of the international protection afforded to refugees in recent times, and to examine the challenges that impede the resolution of their problems and the safeguarding of their status in the host states, especially in the camps designated for them, bearing in mind that the asylum problem is steadily increasing. We therefore ask: **What is the reality of, and what are the challenges facing, this international protection afforded to them in light of all the changes the world is currently experiencing?**

In answer to this question, we divided the subject of the research into two sections. The first section is devoted to the reality of international protection for refugees in light of contemporary international transformations, in which we addressed the limited scope of the international protection afforded to refugees and its lack of effectiveness at present. The second section is devoted to studying the difficulties that hinder the activation of international protection for refugees, by addressing the legal, political, and economic challenges alike.

2. The Reality of the International Protection Afforded to Refugees

The reality of international protection for refugees suffers from a deep gap between the theoretical framework and practice. Despite the existence of an integrated legal system led by the United Nations High Commissioner for Refugees and based on the 1951 Geneva Convention, the escalation of conflicts has led to an unprecedented increase in the numbers of displaced persons, resulting in complex structural and political challenges related to the operational aspect, that is, implementation

(UNHCR n.d. A). The flaw certainly does not lie in the text of the Convention itself, despite its flexibility; rather, states—particularly host states—exploit that flexibility to impose restrictions that, to a certain extent, limit the effectiveness of the international protection afforded to refugees. This shortcoming is linked, on the one hand, to the limited application of this protection, and, on the other, to the system of its effectiveness.

2.1 The Limited Application of International Protection for Refugees

It can be said that the reality of international protection is witnessing a shift from a perspective based on the protection of the individual to one that focuses on managing asylum and migration flows. The success of the protection system is no longer measured by the existence of advanced legal rules, but by its ability to ensure that refugees can reach that protection and benefit from it without obstacles.

2.1.1 Forced Asylum and Its Repercussions on the International Protection System

Over the past decade, the international system has witnessed rapid transformations imposed by international and non-international armed conflicts, escalating political unrest, and the widening scope of grave violations of human rights (Sarhan 2020: 154). This has led to an unprecedented rise in the number of persons forced to leave their homelands in search of international protection. This reality has had a direct impact on the international refugee protection system, which now faces a real test of its capacity to achieve the objectives for which it was established under the 1951 Geneva Convention and its 1967 Protocol.

Statistics issued by the United Nations High Commissioner for Refugees show that the phenomenon of asylum is no longer linked to limited regional crises, but has become a global phenomenon characterized by continuity and complexity. According to the Global Trends report, the number of persons forcibly displaced exceeded 122 million (Global Trends 2025), among them more than 43 million refugees, in addition to millions of asylum-seekers and persons in need of other forms of international protection (UNHCR 2025). The importance of these figures lies not only in their statistical dimension, but in what they reflect of a fundamental shift in the nature of international asylum.

Crises have become simultaneous and multiple, without a corresponding development in protection mechanisms or in the level of states' commitment to burden-sharing. International reports also indicate that the majority of refugees are hosted by developing countries and by countries neighboring conflict zones, which reveals an imbalance in the distribution of international responsibilities, even though the states with the greatest economic capacity have a greater ability to respond (Goodwin-Gill & McAdam 2021).

A growing number of states have tightened their asylum policies and strengthened border controls, reflecting a shift in the philosophy of dealing with refugees from a logic of protection to a logic of migration management and security. The war in Ukraine, alongside the crises in Sudan, Gaza, and Syria, highlights a clear disparity in the levels of international response (Saadaoui & Baouni 2024: 425), which raises questions about the consistency of the practical application of the rules of international protection with the established legal principles. It ultimately becomes clear that the problem lies not in the absence of legal rules, but in the widening gap between the legal protection and the actual protection that refugees obtain in reality.

2.1.2 Weak Implementation of International Obligations and Divergence in States' Practices in Applying Them

The Geneva Convention has become incapable of responding to international transformations. Yet the fundamental principles it established—foremost among them the principle of non-refoulement, the guarantee that a refugee is not penalized for irregular entry, and the right of access to asylum procedures—still constitute the legal basis on which national and regional refugee protection systems rely. The Convention has also proved highly flexible, enabling it to endure for more than seventy years without losing its legal or humanitarian value, which confirms that the problem is not linked to the weakness of the texts, but to the reality of their implementation.

International practice in recent years has shown that states have not expressly abandoned their legal obligations, but have tended to reorganize how they implement them so as to strike a balance between the requirements of international protection and the demands of national sovereignty (al-Tarawneh 2019). This is evident in the adoption of stricter policies of border control, the tightening of entry conditions, and the conclusion of agreements with transit countries to limit the arrival of asylum-seekers on the state's territory, which has had a direct impact on the possibility of benefiting from the protection afforded by the 1951 Geneva Convention.

The restrictions faced by refugees today are not due to a deficiency in the content of the rights granted to them, but to the narrowing of opportunities to access those rights. Contemporary international crises confirm this reality clearly. The war in Ukraine showed the capacity of European states to provide broad and rapid protection when political will was present (Bouazza 2022), as temporary protection mechanisms were activated. By contrast, the crises in Sudan and the Gaza Strip, as well as the continuing Syrian crisis, reveal a clear disparity in the international response, which reflects that the effectiveness of protection is affected by the degree of political commitment to implementing the legal rules.

This reflects the breadth of the discretionary power enjoyed by host states in managing migration and asylum affairs, which has increasingly come to influence how those obligations are implemented. Sovereignty grants a state the right to regulate the entry and residence of foreigners, yet this right remains restricted by international obligations relating to the protection of refugees.

2.2 The Lack of Effectiveness of the International Refugee Protection System

It can be considered that the real crisis facing the international protection system is not a crisis of legal legitimacy, because the Geneva Convention remains the primary reference, but rather a crisis of effectiveness, represented by the weak implementation of international obligations and the divergence in states' practices in applying them. Hence, developing the international protection system requires strengthening the mechanisms for implementing the Convention and consolidating the principle of shared responsibility among states, so as to transform legal protection into actual protection.

2.2.1 Protection between the Stability of Legal Rules and the Changing International Reality

The unprecedented rise in the number of refugees, and the resulting pressure on the international protection system, brings to the fore an important question concerning the usefulness of the 1951 Geneva Convention and the capacity of the international legal order to translate the protection set out in the text of the Convention into actual protection from which refugees benefit (Goodwin-Gill & McAdam 2021). The international reality does not reveal a deficiency in the legal construction of protection so much as it reveals growing difficulties in implementing international obligations, as a result of changing state priorities and the growth of security and political considerations that now directly influence asylum policies.

The transformations witnessed by the contemporary international system raise growing questions about the ability of the international refugee protection system to keep pace with the developments that the phenomenon of asylum has undergone in recent decades. Since the adoption of the 1951 Geneva Convention, this instrument has remained the primary legal reference for the protection of refugees, and its universality was reinforced after the adoption of the 1967 Protocol, which lifted the temporal and geographical restrictions, confirming the continued validity of the legal framework governing protection (Ben Othman 2017).

However, the stability of legal rules does not necessarily imply the stability of the reality in which they are applied. The phenomenon of asylum today has become the product of an overlap of international wars, internal conflicts, humanitarian crises, mixed migration, and climate change, which has led to an unprecedented swelling in the numbers of those in need of international protection and to their falling outside the category of those covered by international protection. We can therefore say that the text of this Convention no longer accommodates all the currently known causes of asylum; the factors are changing and numerous and are not covered by the provisions of the Convention. This constitutes a very important legal challenge for the international community, which to date refuses to recognize these new causes so that no additional burdens fall upon it in connection with expanding the scope of application of the 1951 asylum convention.

2.2.2 The Need to Strengthen the Mechanisms for Applying the 1951 Geneva Convention

This increase in the number of refugees does not reflect a deficiency in the Geneva Convention, but rather the widening of international crises and the decline in the international community's practical capacity to implement its legal obligations with the required effectiveness. International practice has shown that many states have tightened entry and asylum procedures and strengthened border controls (Debate over Tightening Immigration 2025), while formally maintaining their adherence to the provisions of the Convention. This reveals that the crisis is linked to the effectiveness of application more than to the existence of the legal rule, as considerations of sovereignty, security, and migration management have come to directly influence the implementation of international obligations.

The economic, social, and security burdens borne by host states as a result of the increasing numbers of refugees cannot be denied. Yet these considerations should not lead to emptying the international protection system of its essential purpose, which is to protect the human being when his or her state is unable to provide protection.

It can therefore be said that the current crisis is not a crisis of legal legitimacy, because the Geneva Convention still represents the primary reference for the protection of refugees, but rather a crisis of effectiveness in implementation and in application mechanisms. Developing the international protection system thus requires strengthening the implementation of the Convention and consolidating the principle of shared responsibility among states, so as to transform legal protection into actual protection and contribute to supporting international peace and security. This may be achieved through the coordinated work of all United Nations agencies and by granting the High Commissioner for Refugees greater powers. New, specially created agencies should also be designated to follow up on the situation of refugees in special and distinctive circumstances, such as climate refugees, who have not yet received legal recognition even though they are a reality that demands a solution. Environmental asylum is a consequence of the economic development of the advanced countries (Ouchene 2023: 1248), and climate change has aggravated this crisis, as shown by what happened only recently in Nepal. It is therefore high time for these countries to assume their responsibility toward the present situation, and to work on adopting new and effective protective mechanisms.

3. The Difficulties That Hinder the Activation of International Protection for Refugees

International protection for refugees faces major challenges today, most notably the weak commitment of states to human rights conventions and the disregard of the "principle of non-refoulement," which is a rule that prohibits returning a refugee to his or her country. Economic crises, climate change, and wars also hamper the work of international organizations, which makes providing safety very difficult, especially at a time when we are living through wars and armed international conflicts that worsen day by day and threaten to produce very high numbers of refugees. The asylum crisis remains and imposes itself on the international community more than at any other time. This calls for finding solutions to this problem, which threatens

international stability and security at all levels, as states must seriously seek solutions to the asylum crisis and address these difficulties related to activating the international protection established for refugees in the text of the 1951 Geneva Convention, beginning with the political, legal, security, and economic challenges that do adversely affect the rights of refugees and limit their protection.

3.1 Difficulties Related to the Political and Legal Aspects

We can address several difficulties and challenges, foremost among them the legal challenge. The 1951 Asylum Convention itself does not meet the requirements of the present time—not because of any shortcoming on its part, as explained above, but because of the legal gap between the text and the manner of its application. This stems from the inherent flexibility of the Convention, for it is binding on the contracting state but leaves that state with the right of domestic application and implementation (Sarhan 2020: 212). Each state has its own domestic system for dealing with asylum issues; the Convention also lacks tools of enforcement and does not cover all causes of asylum. It can no longer be said that persecution alone is a cause of asylum; rather, there is humanitarian asylum, whether due to armed conflicts of whatever form, or to climatic conditions that have given rise to what is known as climate asylum. All of this increases states' fears and their strict approach to dealing with asylum issues for political and security reasons.

3.1.1 Political and Security Challenges

These challenges lie essentially in the multiple facets of the asylum issue itself, especially for the states that receive refugees, namely the advanced and developed countries, led by the countries of the European continent (Spain, Italy, France, Germany). We observe that they adopt very strict measures in dealing with asylum issues and seek to limit the huge numbers of asylum-seekers on their territories, because this burdens them economically and socially and threatens their internal security.

First – The refugee crisis in the world has acquired several fundamental features:

According to many statistics, the crisis of the displaced is more serious than the crisis of refugees. It must be noted that the victims of the increase in the number of refugees in the world are the developing countries, which receive about 85% of refugees (Yahya & Muasher 2019). This will have a negative impact by threatening their situation or creating obstacles on their path to development. We must therefore point to the aggravation of the refugee crisis: the failure of many interventions by the international community to help alleviate the intensity of the conflicts witnessed in the Middle East and Africa was a main reason for peoples leaving their countries and fleeing to safer and more stable countries, as the failure of the international community to contain conflicts will worsen the refugee crisis and increase their numbers around the world.

Second – The divergence of states' positions in receiving refugees:

There are different types of states that have differed in how they handle the refugee issue. For example, frontline states are those that receive the largest number of refugees, such as Jordan and Turkey, with Turkey receiving 1.9 million Syrians. The Gulf states also receive Syrian refugees, despite announcing that they do not receive Syrian refugees. It should also be pointed out that the Gulf Cooperation Council has affirmed that the Gulf states are not obliged to receive refugees, and that they do not accede to any convention that would oblige them to receive refugees (Yahya & Muasher 2019).

There are also the European states that view the refugee issue as a difficult dilemma for them, because of the many crises experienced by the states of the European Union, such as the financial crisis from which Hungary suffers. Within Hungary there is a hardline current opposed to immigration, which prompted it to build strong borders to prevent refugees from entering its territory. These steps, however, were denounced by international organizations concerned with refugee affairs. It must also be pointed out, with regard to the supporting states, that according to a report Germany and Sweden are the European states most open in opening their borders to receive refugees, having allocated funds to serve the refugee file (Achacha & Gharib 2024: 157).

We currently observe the growth of the extreme right-wing current in European states, which refuses to respond to asylum issues; on the contrary, nationalist and populist tendencies that refuse to receive refugees are increasing. These developments reveal a permanent tension between the requirements of national security and the international obligations to protect refugees (Saadaoui & Baouni 2024: 423). The success of the international protection system therefore requires achieving a delicate balance between respect for human rights and the guaranteeing of states' security, while strengthening international cooperation and burden-sharing, in a way that preserves the effectiveness of international protection without prejudice to the fundamental principles of the 1951 Geneva Convention, foremost among them the principle of non-refoulement.

3.1.2 Legal Challenges Facing the International Protection of Refugees

The world is witnessing an unprecedented increase in the number of refugees because of armed conflicts, environmental disasters, and human rights violations, with millions living in camps lacking the most basic necessities of life and facing difficulties in accessing education, work, and health care.

First: The gap between legal texts and application: The refugee crisis faces major legal challenges, most notably the weak application of the principle of "non-refoulement," states' stringency in asylum policies, and the decline of humanitarian funding. The crisis also suffers from gaps in national legislation and weak international coordination (al-Shorouat n.d.), which threatens the international protection rights of individuals fleeing armed conflicts of various forms, whether international or internal, such as civil wars and internal unrest that threaten their security and safety.

Despite the clarity of legal obligations, the policies of some states have become more restrictive in receiving refugees, and a decline in the application of the principle of non-refoulement is observed (Belhadj 2020: 52), in addition to the use of asylum issues as a political pressure card between states. For example, in the case of the Syrian refugees in Turkey, we observed how Turkey used them as a means of pressure on European states; the situation of refugees in the Mediterranean and the crisis of the Rohingya refugees in Southeast Asia all reflect the complex challenges between legal obligations and the political interests of states.

Second: The limited and ambiguous scope of protection provided for in the 1951 Geneva Convention: This Convention is considered the cornerstone of international refugee law, yet it has been subject to numerous criticisms because of the limited nature of its definition of the refugee. This has led to the exclusion of growing categories of forcibly displaced persons, such as those fleeing environmental disasters, the effects of climate change, and generalized violence. It also negatively affects the protection afforded to some of the most vulnerable groups (Rouabhi 2021), as the rules of asylum have difficulty providing effective protection for women, children, persons with disabilities, and victims of human trafficking.

The clarity and precision of legal texts is among the most important guarantees of the uniform application of the law, since the purpose of a legal rule is not limited to regulating legal relations, but extends to achieving legal certainty and equality among those addressed by its provisions. However, the 1951 Geneva Convention Relating to the Status of Refugees, despite its importance in the international system for the protection of refugees, contained a number of flexible legal concepts or concepts not precisely defined, such as the concept of persecution, the concept of the refugee itself, and the lack of precision regarding the binding nature of the principle of non-refoulement to the country of origin (Achacha & Gharib 2024: 157). This gives states wide latitude to interpret them in accordance with their national considerations, and has led to a clear disparity in the criteria for granting refugee status.

We conclude that the ambiguity of a number of legal concepts contained in the 1951 Geneva Convention represents one of the most prominent legal challenges facing the international refugee protection system, and necessitates developing the legal interpretation of the Convention so as to keep pace with contemporary developments and achieve the humanitarian purpose on which it was founded. It becomes clear that the legal challenges are linked not only to the texts but also to the mechanisms of implementation and interpretation and the extent of states' commitment, which necessitates developing the rules of international refugee law.

3.2 Difficulties Related to the Economic and Social Aspects

The 1951 Geneva Convention enshrined a set of rights enjoyed by the refugee, to which all states must adhere and which they must do their utmost to realize on the ground. Unfortunately, however, we observe the disastrous situation suffered by refugees, whether in the camps designated for them or even in the territories of the states that receive them. These challenges take two perspectives or forms: that of the refugee as the focus of international protection, and then that of the states receiving them or even sponsoring them through the humanitarian aid they provide to the specialized United Nations agencies, foremost among them the United Nations High Commissioner for Refugees and also the Red Cross. The current global economic situation has led to a severe shortage in the aid provided.

3.2.1 Economic Challenges from the Refugees' Perspective

The 1951 Geneva Convention guarantees refugees important economic rights, including the right to work, to wages, to social security, and to the practice of certain professional activities, with the aim of enabling them to live in dignity and reducing their dependence on aid. However, reality reveals a clear gap between these rights and the possibility of actually exercising them (UNHCR n.d. B).

Many refugees come up against legal and administrative restrictions that prevent them from entering the labor market or confine them to low-paid and unstable jobs, which exacerbates rates of poverty and economic vulnerability. Refugees also face difficulty in obtaining decent housing, health care, education, and banking services, in addition to high living costs and the decline of humanitarian aid programs because of limited international funding. This leads to the spread of informal work and the exploitation and absence of social protection associated with it, making the economic rights set out in the Convention closer to legal guarantees than rights fully and actually enjoyed by refugees.

3.2.2 Economic Challenges from the Perspective of Host States

Economic challenges are not limited to refugees but extend to the host states, which bear heavy burdens in light of the continuing increase in the number of asylum-seekers. Receiving large numbers of refugees places pressure on public budgets and on the health, education, housing, and infrastructure sectors, and increases demand for jobs and basic services (UNHCR n.d. C). These challenges are aggravated by the current international economic conditions, as the global economy still suffers from the effects of the COVID-19 pandemic, in addition to supply chain disruptions, geopolitical fluctuations, and the rise in energy and transport prices as a result of regional conflicts, which is reflected in inflation rates and the high cost of living.

Developing countries, which host a large proportion of the world's refugees, face even greater difficulties because of limited resources and high levels of poverty, unemployment, and debt (Les réfugiés n.d.), which makes achieving a balance between protecting refugees and meeting the needs of citizens an extremely complex challenge. Although these pressures are legitimate, they do not exempt states from their international obligations; rather, they confirm the need to strengthen shared responsibility and international financial support so that economic crises do not become a reason for weakening the

effectiveness of the international protection of refugees. The current economic crisis affects the implementation of economic rights more than it affects their legal existence (Barsalou & Sipowo 2018), which is consistent with the basic hypothesis of the research that the problem lies in the effectiveness of implementation and not in any deficiency of the Geneva Convention itself.

Refugees face intertwined economic challenges, beginning with the difficulty of access to the labor market and not ending with the limited basic services and the decline of international aid. Although the 1951 Geneva Convention established an integrated system of economic rights, global economic conditions, weak funding, and the domestic restrictions of host states have limited the effectiveness of these rights. The economic challenge facing refugees is reflected even in the development of their opportunity for smooth adaptation in the territories of host states, and this also generates social challenges from which the refugee suffers, on the one hand, often linked to differing customs, traditions, and norms, and even to the doctrinal side, that is, differences of religion. We observe that refugees do indeed encounter various social obstacles; for example, Syrian Muslim refugees in particular in European states suffer various forms of discrimination and abuse, reaching the point of depriving some refugee families of raising their children on baseless pretexts, not to mention the problem of wearing the headscarf. On the other hand, the host state often justifies its positions toward asylum issues by the growth of crime in its societies because of these refugees, in whom it sees a danger to its societal security. But I must emphasize once again that the crisis of international protection is a crisis of implementation and mechanisms more than a crisis of deficiency in the legal framework.

CONCLUSION

The asylum crisis has not ended and, unfortunately, will not end despite all the international efforts undertaken to protect refugees; rather, it has worsened because of the multiplicity of the causes and motives of asylum. The world is living in a state of tension and turmoil unparalleled in more than two millennia. International armed conflicts such as the war between Russia and Ukraine, the massacres committed in the Gaza Strip, the war on Iran, and other conflicts necessarily lead to the mass displacement of individuals, as does the increase in the rates of forced asylum due to climatic factors and the emergence of a new international problem, namely environmental or climate asylum.

All of these constitute security challenges, to which are added the political challenges, as we observe several states tightening the procedures for receiving refugees, especially in the European states. There is also the economic challenge, for the issue of asylum cannot be addressed in isolation from the global economic situation, especially as it is living in a state of recession after the coronavirus pandemic, and the worsening inflation rates limit the rights recognized by the 1951 Geneva Convention. The extreme right-wing currents also use the migration file as a pressure card on the ruling authorities in the European states in particular, as is the case in France, Germany, and Spain, all of which invoke the economic situation and the increase in new burdens.

In the end, we can say that international refugee law is a very important branch of international law, dealing with an extremely sensitive issue and a heavy and also dangerous file, especially in light of the increase in international armed conflicts and the instability of global systems. Given these facts, we say that the deficiency lies not in the 1951 Geneva Convention so much as in its effectiveness in reality; the texts and treaties that enshrine protection exist, but the problem lies in obliging states to respect and give effect to them. And why not search for a solution from another perspective, since the current situation does not foretell any solution to this dilemma in the near future; all indicators foretell the opposite, and asylum issues may even turn into a threat to international peace and security.

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