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## Refugee Rights and Immigration Law: Challenges and Policy Solutions in the 21<sup>st</sup> Century

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### Abstract

Refugee rights and immigration law have become increasingly significant in the face of sustained global displacement, institutional strain, and emerging protection gaps. This study examines the major legal and structural challenges affecting refugee protection and explores policy directions capable of strengthening more equitable and rights-based responses. The research adopts a doctrinal legal research design supported by qualitative analysis of secondary data. It draws on legal and policy literature as well as official statistical sources to assess trends in forced displacement, internal displacement, asylum applications, and pending claims. The findings show that forced displacement remained consistently high between 2015 and 2018, while asylum systems in the European Union, Canada, and the United States experienced growing procedural pressure and backlog accumulation. The analysis also indicates that disaster-related internal displacement had become a major component of global mobility, exposing limitations in conventional refugee protection frameworks that remain centered on persecution and cross-border flight. In addition, the study highlights that refugee protection extends beyond legal admission to issues of healthcare access, education, labour market inclusion, and local integration. The study concludes that effective refugee governance requires more coherent responsibility-sharing, stronger institutional capacity, reduced reliance on restrictive control measures, and greater attention to the practical realization of rights. A more integrated and responsive legal-policy framework is therefore necessary to address evolving displacement realities.

**Keywords:** refugee rights, immigration law, asylum governance, forced displacement, refugee protection, climate-related displacement

### 1. Introduction

Forced displacement has assumed a new role as one of the biggest legal and humanitarian issues of the modern world. The rising number of refugees and asylum seekers has put strain on asylum systems, border controls, host populations, and state institutions in regions. What used to be considered primarily as a problem of emergency humanitarian assistance has become more of a long-term problem of governance, protection of rights, and institutional adjustment. Migration pressures have been viewed in the European context through the security prism, which has led to more aggressive border control and more restrictive responses to the problem, making the relationships between state sovereignty and humanitarian responsibility more complex (Estevens, 2018). Concurrently, these policy discussions on asylum and migration in Europe have demonstrated that the current systems are still grappling with responsibility-sharing, coordination, and coherent execution across states (Ademmer *et al.*, 2018).

The issue of protection of refugees is not solved as soon as they enter a receiving country or have submitted an asylum application. It spills over into the everyday fact of whether displaced persons have the right to, or can in fact, access rights, services, and opportunities that can help them survive and feel dignified. Research has revealed that access to healthcare is a severe problem to refugees and asylum seekers particularly in situations where there is legal insecurity, cost, language barrier, and low institutional inclusion. Obstacles to care have been shown to have a substantial negative effect on effective access to care even in cases where humanitarian need is acute as evidenced by Malaysia (Chuah *et al.*, 2018). These issues are also evident in Europe, where refugee and migrant health responses have been generally reactive and emergency-based instead of part of broader public health frameworks, underscoring the necessity of more individual and sustainable policy responses (Puchner *et al.*, 2018). These circumstances demonstrate that the efficiency of refugee protection cannot be evaluated solely on legal grounds, but in the context of the responsiveness of institutions in relation to human vulnerability on a practical level.

The other significant aspect of the ongoing refugee issue is that the factors that lead to displacement are evolving. Although persecution, armed conflict, and political instability continue to be critical factors in forced migration, environmental degradation, calamities, and climate pressures are becoming more central to the movement of humans. These new types of displacement pose challenging legal issues since the traditional refugee law was not made to directly deal with them. The increasing importance of climate change and movement caused by disasters has thus highlighted inefficiencies within traditional protection systems, and has brought demands of more adaptable legal and policy reactions (Goodwin-Gill & McAdam, 2017). This is of special concern since it implies that the legal categories of the refugee status could be subjected to pressure due to the emerging trends of movement that cannot be easily fitted into the conceptual frames of the existing doctrines.

Meanwhile, the inclusion of refugees over the long-term has become one of the primary concerns of host countries. Protection in the modern world does not exist in the simple form of admission and legal recognition, but also in the ability of refugees to enter education systems, labour markets, and the communities where refugees live. According to comparative evidence in OECD countries, refugee education is a key factor in social inclusion, future mobility, and equality of opportunity, and thus is a key pillar of sustainable integration policy (Cerna, 2019). Equally, participation in the labour market is crucial to dependency minimisation, self-reliance, and social cohesion in the societies where refugees are received, but because of structural obstacles, refugees typically face delayed or failed integration into the economy (Desiderio, 2016). These facts signify that the governance of refugees has ceased to be about temporary accommodation and has now extended to the more general issue of creating more sustainable and inclusive protection structures.

The local and territorial aspect of protection is crucial as well. The reception and settlement process can vary significantly according to the institutional capacity and socio-economic nature of the region of placement of the asylum seekers. Studies conducted in non-metropolitan France reveal that contextual factors determine how far the reception can be temporary or facilitate the achievement of meaningful autonomy and inclusion (Arfaoui, 2019). These findings highlight the fact that the application of the rights of refugees is not homogenous and that local governance frameworks are significant in determining practical consequences.

It is on this backdrop that the issue of refugee rights and immigration law needs a fresh look. The current work responds to this requirement by both examining the significant legal and design issues that impact refugee protection and by examining policy responses that can potentially bolster more equitable and rights-based systems in current circumstances. The study aims are as follows:

1. To critically examine the major legal and institutional challenges affecting refugee protection and immigration law in the contemporary period.
2. To analyze how emerging displacement realities, including climate- and disaster-related pressures, expose gaps in existing protection frameworks.
3. To evaluate the role of access to healthcare, education, labour markets, and local integration in shaping the practical effectiveness of refugee protection.
4. To identify policy directions that may strengthen more coherent, rights-based, and sustainable refugee governance.

## **2. Methodology**

### **2.1 Research Design**

This study is a qualitative analysis of the secondary data using the qualitative research design that supports a doctrinal legal research design. The design is appropriate as the study focuses on the analysis of refugee rights and immigration law using the lens of legal principles, protection frameworks, and other policy documents, whereas official secondary data is also used to comprehend the modern tendencies in displacement and asylum governance.

### **2.2 Sources of Data**

The paper relies completely on the secondary sources. They comprise international legal documents, policy frameworks, open-source academic materials, governmental documents, and published statistics on refugee protection, asylum policies, detention, climate displacement, and issues of integration.

### **2.3 Method of Analysis**

The materials gathered were analysed by qualitative doctrinal analysis and descriptive analysis of secondary data. The reviewed study has chosen legal and policy literature to find common themes: restrictive asylum practices, delays in the procedures, detention and alternative to detention, displacement due to climate and disasters, and unequal application of the protection requirements. Also, the available statistical data were tabulated and analyzed to determine trends associated with forced displacement, internal displacement, asylum claims, and pending claims. It was also observed through a comparative reading of the selected jurisdictions to see how the issue of refugee protection manifest in various legal and policy contexts.

### **2.4 Nature of the Study**

The approach is an interpretive and analytical methodology. It analyses the disconnect between legal commitments and practical challenges that can be encountered in protecting refugees. By doing so, the paper determines the sufficiency of the refugee and immigration law in responding to emerging trends of displacement and protection demands.

## **3. Results**

### **3.1 Global growth in forced displacement, 2015–2018**

The secondary-data analysis demonstrates that the world forced displacement is steadily increasing, between 2015 and 2018. Table 1 shows that the number of forcibly displaced individuals in the world increased by 70.8 million in 2018 as compared to 65.3 million in 2015. In the same years, the asylum-seekers rose to 3.2 million to 3.5 million, internally displaced persons to 40.8 million to 41.3 million, and the number of refugees grew to 21.3 million to 25.9 million. These values reflect the fact that forced displacement has been steadily high during the study period and is ever-growing along various categories.

The trend has been that internal displacement was still the highest percentage of global forced movement. This is critical in the sense that it implies that, asylum issues across borders cannot be interpreted through the prism of refugee protection issues. Instead, they are entrenched in more widespread and enduring states of strife, violence, and instability that still produce mass-displacement of human beings across spaces.

Table 1. Global Forced Displacement Trends, 2015–2018

| Year | Forcibly displaced worldwide (millions) | Refugees (millions) | Asylum-seekers (millions) | Internally displaced persons (millions) |
|------|---|---------------------|---------------------------|---|
| 2015 | 65.3                                    | 21.3                | 3.2                       | 40.8                                    |
| 2016 | 65.6                                    | 22.5                | 2.8                       | 40.3                                    |
| 2017 | 68.5                                    | 25.4                | 3.1                       | 40.0                                    |
| 2018 | 70.8                                    | 25.9                | 3.5                       | 41.3                                    |

Source: UNHCR Global Trends reports, 2015–2018.

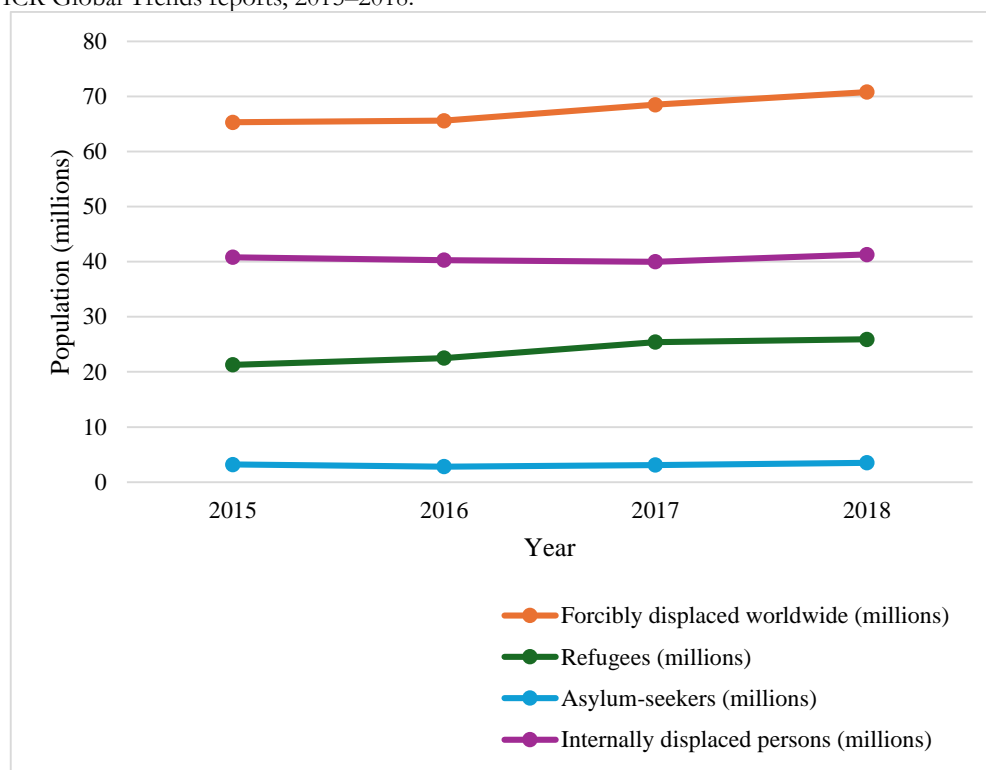


Figure 1. Global Forced Displacement Trends, 2015–2018

As Figure 1 shows, the forced displacement was on the steady rise throughout the study, with internally displaced individuals continuing to constitute the largest portion of total forced movement.

### 3.2 Internal displacement and the increasing weight of disasters

The results also show that the level of internal displacement was still very high and disasters were one of the significant causes of displacement in the second half of the study period. Table 2 shows that in 2017 and 2018, there were 30.6 and 28.0 million new internal displacements, respectively. Among the total of 2018, 17.2 million were disaster related, and 10.8 million were conflict and violence related. These statistics indicate that by the time the period in question came to an end, disaster-related movement already constituted a big part of global displacement.

This trend has value in the context of learning the greater constraints of traditional refugee protection models. Although the refugee law has been predominantly focused on persecution and movement across the borders, the empirical data has shown that the environmental shocks and disasters were already creating a high level of mobility on a high scale. Simultaneously, the figures must be viewed with caution because they are new internal displacements in each particular year, and not the cumulative number of internally displaced persons who are living in displacement at the year-end level.

Table 2. New Internal Displacements by Trigger, 2017–2018

| Year | Total new internal displacements (millions) | Conflict and violence (millions) | Disasters (millions) |
|------|---|----------------------------------|----------------------|
| 2017 | 30.6  | 11.8                             | 18.8                 |
| 2018 | 28.0  | 10.8                             | 17.2                 |

Source: IDMC Global Report on Internal Displacement 2018 and 2019.

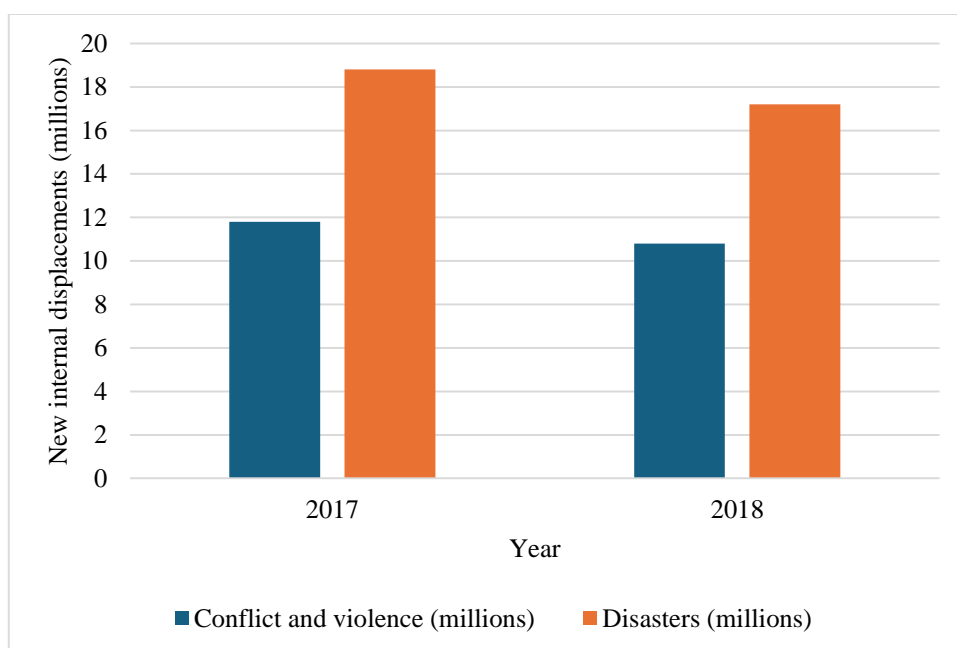


Figure 2. New Internal Displacements by Trigger, 2017–2018

Figure 2 indicates that the internal displacement due to disasters was higher than the internal displacement due to conflict and violence in 2017 and 2018.

### 3.3 Continued asylum pressure in the European Union

The European data indicate that asylum pressure remained substantial even after the peak of the 2015 refugee crisis. As presented in Table 3, the number of first-time asylum seekers in the European Union reached 1,256,600 in 2015, declined to 654,600 in 2017, and fell further to 580,800 in 2018. Although this represents a reduction from the exceptional peak recorded in 2015, the figures remained high in comparative terms and continued to place significant pressure on the regional asylum system.

The decline in applications does not suggest that structural strain had disappeared. Rather, it indicates that the acute phase of the crisis had eased while major procedural and governance challenges remained. The data therefore support the view that asylum governance in Europe during this period was characterized by continuing institutional pressure, uneven implementation, and ongoing adjustment rather than a complete return to normal administrative conditions.

Table 3. First-Time Asylum Seekers in the European Union, Selected Years

| Year | First-time asylum seekers in the EU |
|------|-------------------------------------|
| 2015 | 1,256,600                           |
| 2017 | 654,600                             |
| 2018 | 580,800                             |

Source: Eurostat asylum statistics, 2019

### 3.4 Escalating refugee protection claims in Canada

The Canadian evidence demonstrates that the refugee protection caseloads have significantly increased during the study period. As indicated in Table 4, referred claims rose from 16,592 in 2015 to 55,388 in 2018, while finalized claims increased from 13,459 to 26,805. Most notably, pending claims expanded from 9,999 in 2015 to 71,675 by the end of 2018. These numbers indicate that there has been a significant increase in adjudicatory pressure in the Canadian system of refugee determination.

The Canadian case is of interest especially since it shows that even more protection-oriented systems can experience significant procedural pressure in case new claims grow more rapidly than the adjudicatory capacity. Though the conclusion of claims also increased in the period, the significant increase in the pending claims is much more than the period, meaning that institutional capacity failed to match the demand. The implications of this expanding gap include the procedural timeliness, legal assurance, and access to refugee protection in practice.

Table 4. Canada Refugee Protection Division Claims, 2015–2018

| Year | Referred claims | Finalized claims | Pending claims at year-end |
|------|-----------------|------------------|----------------------------|
| 2015 | 16,592          | 13,459           | 9,999                      |
| 2016 | 23,350          | 15,761           | 17,537                     |
| 2017 | 47,425          | 21,513           | 43,250                     |
| 2018 | 55,388          | 26,805           | 71,675                     |

Source: Immigration and Refugee Board of Canada, Refugee Protection Division annual statistics, 2015–2018.

### 3.5 Expanding backlog pressure in the United States

The data provided by the United States also depict a rising procedural congestion over the course of the study. Table 5 shows that in the US, pending asylum cases before USCIS were 289,835 in 2017 and 320,000 in 2018. During the same time, pending cases in the immigration courts increased to 795,566 as opposed to 655,929. These statistics reflect significant increases in administrative and judicial workloads in the larger U.S. immigration and asylum system.

The concurrence of the two trends implies that the pressure was institutional as opposed to being limited to a single institutional unit. The USCIS numbers indicate a pressure on the front end of the asylum processing, compared to the immigration court numbers which indicate broader adjudicatory overload on the removal process and the broader adjudicatory overload overall. Despite the different areas of procedure that are measured in the two series, both demonstrate that by 2018, asylum governance in the United States was under pressure due to a large backlog.

**Table 5. United States Asylum-System Pressure, 2017–2018**

| Year | USCIS pending affirmative asylum cases | EOIR pending immigration court cases |
|------|--|--------------------------------------|
| 2017 | 289,835                                | 655,929                              |
| 2018 | about 320,000                          | 795,566                              |

*Source:* USCIS asylum office workload statistics, EOIR pending caseload statistics

## 4. Discussion

As demonstrated by the results of the current research, three interlocked forces define the refugee protection in the modern era: the ongoing increase of global displacement, the ever-increasing strain on the procedures in the asylum systems, and the ongoing fragmentation in the allocation of the protection roles. The findings revealed that there was a significant growth in forced displacement between 2015 and 2018 and the major receiving jurisdictions included the European Union, Canada, and the United States reported growing backlogs, delays, and administrative strain. These trends show that the problem facing the refugee law is not merely the legal acknowledgment but the institutional capacity, equitable sharing of responsibility, and the capacity of the states to translate the formal commitments into a working protection.

On the international level, the results substantiate the opinion that the latest tendencies in the governance of refugees have not yet addressed the structural flaws of the system of protection. Despite the growing interest in international policy discourse on solidarity and cooperation, the allocation of the hosting responsibilities is extremely unequal, and the displacement further is still present in various regions in more protracted forms. Such tension is seen in the argument that the Global Compact on Refugees is still limited in its normative form by its non-binding nature and by the fact that state interests still dominate over enforceable burden-sharing commitments (Chimni, 2018). The current results support that argument, as there is an indication in the concentration of displacement pressure in particular receiving systems that there is a difference between international cooperation being aspirational and fully operational.

The same conclusion can be made based on the larger normative framework that is created by the New York Declaration of Refugees and Migrants. The Declaration was a significant acknowledgment that displacement on a grand scale needs foreseeable international collaboration and a fairer response on a global scale. Nevertheless, the trends observed in this paper show that these promises are still yet to change the structural imbalances that are deeper in nature and characterize refugee governance. Although the Declaration is of political significance, it still remains largely dependent on unequal national practice, and there remains a substantial disparity between the collective promise and the real protection achievements (UNGA, 2016). In this regard, the governance of international refugees is still dominated by a high level of rhetorical commitment and poor practical actualization.

The findings further indicate that refugee protection cannot be simply viewed as a legal or a humanitarian concern, but should be interpreted as a wider developmental concern. Displacement volumes and periods generate strains that have impacts on host communities, institutional structures, labor market, public services, and local government systems. This can be interpreted as an indication that forced displacement must be dealt within a development-focused approach that balances both the requirements of displaced communities and the potential of host societies, especially in low- and middle-income nations that bear the brunt of the burden (World Bank, 2017). The current results, thus, show that the long-term protection should be ensured by both the law and the long-term investment in the social and institutional basis of hosting and integration.

The European results at the regional level indicate that the drop in the number of asylum applications since the 2015 peak failed to remove systemic strain in the Common European Asylum System. Even though the first-time asylum seekers decreased in 2015-2018, the numbers were still significant to suggest the ongoing institutional pressure, the lack of balance, and the strain in the process. This aligns with the opinion that despite certain gains in terms of institutional progress, the Common European Asylum System is still characterized by unresolved issues regarding responsibility-sharing and still remains divided in the practice by the Member States (Sokolska, 2019). Findings in this research therefore indicate that harmonization of legislation has failed to bring about the equal protection of the region.

Another important issue to note is the increasing role of securitization in asylum management as is observed in the European experience. The untenability of border restrictive measures, deterrence, and procedural choke points indicates that increasingly asylum is being regulated in the vocabulary of risk management and control and not necessarily in the vocabulary of humanitarian duty. This reading is consistent with the claim that European migration policy has developed into a strong connection to security discourses that tend to overstate the threat and rationalize extraordinary control practices (Mark Akkerman, 2019). Read in the light of the current findings, this view can be used to understand why legal protections of protection are often accompanied by limiting and exclusionary practices in practice.

The results on detention and containment also shed more light to the evolving nature of the governance of refugees. The findings revealed that procedural congestion and limiting policy responses continue to be key characteristics of asylum systems in jurisdictions. These trends are inextricably connected with the emergence of the practices that pose themselves as humane alternatives, but still restrict autonomy and mobility. Missbach (2017) shows that alternatives to detention are not always a decisive move towards a rights-based protection, but can be viewed as containment techniques that maintain state control in a new guise. This observation is particularly applicable to the current study since it claims that policy innovation should not only be evaluated based on its form, but also on its substantive impact on liberty, movement, and the possibility of access to protection.

Detention-oriented approaches also have normative implications that are important. Administrative inertia, incarceration, and institutional confusion are not only technical failures; they have a direct impact on dignity, recognition, and legality. As Fiske (2016) demonstrates, immigration detention tends to raise a lot of protest due to its refusal to acknowledge refugees as people with rights and its tendency to dehumanize them to the status of objects of control. This view adds further depth to the current findings by demonstrating that the burden on asylum systems cannot be only quantified by the number of cases awaiting hearings and rulings, but also through the process of living with insecurity and dehumanization that comes with restrictive migration control.

The other significant implication of the study is the disjuncture between the current legal categories and new types of displacement. The results showed that internal displacement due to disasters had come to form a significant part of the global mobility by the conclusion of the study period. However, the legal framework that governs the protection of refugees remains designed to be founded upon persecution and flight across borders. Bates-Eamer (2019) posits that both border and migration controls contribute to the vulnerability of groups of people impacted by movement due to climate, especially in situations where legal frameworks do not recognize complex kinds of displacement. The current results confirm this explanation by demonstrating that mobility in the context of the environment and disasters could not be considered as marginal to the discussion of refugees and protection, although current legislation is not yet adjusted to these realities.

The legal/procedural gap discussion should also be related to the daily experience of being excluded. Formal status in law does not, in itself, ensure any real access to protection, services or social inclusion. As Fang *et al.* (2015) illustrate, institutional neglect, stigmatization, and obstacles to health care access tend to be common among asylum seekers and refugees, even in the context of the existence of the legal frameworks of asylum protection. This view is very applicable to the current findings because it argues that the success of refugee protection must be gauged not alone by how many people are admitted into the country, or how many people are recognized but by how many people are able to exercise their rights in reality.

Combined, the results suggest that the protection of refugees is confined between the growing demands and the unfinished reform. International systems are moving towards the recognition of the value of cooperation and solidarity, but there is still an uneven implementation. States have come up with alternative forms of migration management, which are not necessarily reinforcing the substantive rights. Concurrently, the shifts in the pattern of displacement especially that associated with calamities and ecological stresses are pushing the conceptual boundaries of the current legal framework. The current discussion, thus, indicates that effective reform should not only be based on the legal standards, but also on the institutional fairness, responsibility-sharing, and the actual circumstances under which protection is provided.

## 5. Conclusion

This study has demonstrated that the rights and immigration law of refugees remains a major challenge in the modern era both in legal and institutional terms. The analysis revealed that forced displacement has been steadily high between 2015 and 2018, and asylum systems in key jurisdictions like the European Union, Canada, and the United States were faced with growing procedural pressure, backlogs, and administrative pressure. These patterns suggest that protection of refugees is not just a question of legal acknowledgment, but also of the capability of the institutions, policy consistency and practical implementation of rights. The results also indicated that current protection systems are being challenged by the evolving displacement trends. Specifically, the increasing importance of disaster-related mobility underscores the shortcomings of traditional refugee law, which is still to a great extent organized based on persecution and cross-border flight. Simultaneously, the research demonstrated that the idea of refugee governance is not limited to the process of admission and determining a status but also to the issues of access to healthcare facilities, education, labour market and integration of refugees into the local population. This proves that the proper measure of the protection of refugees should not be measured merely based on the legal criteria, but to determine the circumstances where the displaced individuals can enjoy the protection in reality. The paper thus concludes that serious reform in refugee rights and the immigration law needs a more rights-based and coherent approach of integrating institutional responsiveness and legal protection. More responsibility-sharing, efficiency in the process of asylum, less use of restrictive control mechanisms, and better access to social and economic inclusion are necessary to enhance protection mechanisms. The disjuncture between policy and the protection of refugees, unless underpinned by meaningful implementation and commitment by the policy, will remain the bane of credibility and fairness of refugee governance.

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