

**Forum:** Human Rights Council

**Issue:** Implementing Measures To Ensure The Universal Protection Of Non-citizen Rights

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## Introduction

The Merriam Webster Collegiate Dictionary describes a [citizen](#) as a “member of a state to whom he or she owes allegiance and is entitled to its protection”. Therefore it can be assumed that a non-citizen is someone who is not a member of a state or owes allegiance to the state he or she is currently in.

However, over the last century the rights of those who hold citizenships have changed significantly. Those who are citizens of wealthy democratic states now have the right to vote for government lawmakers, have access to healthcare benefits, better jobs and public schools. These additional privileges that citizens are now receiving have led to non-citizens being marginalised by the large bureaucracies they live under. This is why a lot more people are attempting to become citizens in HIC countries like the United States Of America and Canada.

Unfortunately during this process lots of legal and illegal [migrants](#), [refugees](#), victims of trafficking and [foreign students](#) have been exploited. For example, many undocumented immigrants face workplace injustices such as low pay, inhumane work hours and dangerous conditions. According to Workplace Fairness about 6.5 million undocumented migrants face such conditions. Rights similar to ones above are not only revoked from undocumented citizens but are sometimes also taken away from the 272 million migrants in the world (UN, 2019). This treatment is unjust as according to the Universal Declaration of Human Rights which was passed in 1948 all human beings are entitled to economic, social and cultural rights. Therefore, measures to ensure the universal protection of non-citizen rights are needed.

## Definition of Key Terms

### Citizen

“Person who by place of birth, nationality of one or both parents, or by going through the naturalization process has sworn loyalty to a nation” ( The People’s Law Dictionary, 2020). Each state is allowed to decide what characteristics are required to be a legal citizen.

### Non-citizen

A legal or illegal resident of a particular state in which they are not recognized as a national or an individual with efficient links to the country they are located in. The OHCHR recognizes permanent residents, migrants, refugees, asylum seekers, victims of trafficking, foreign students, temporary visitors, other kinds of non- immigrants and stateless people as Non-citizens.

### Migrants

“A person who moves from one place to another, especially in order to find work or better living conditions”(Oxford Dictionary, 2020).

### Refugees

“A refugee is someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries” (UNHCR,2020).

### Human Trafficking

Human trafficking is the illegal trade of human beings for forced labour or sex work. Human trafficking is something that occurs in almost every single country in the world. According to the UNTOC thousands of men, women and children are trafficked (nationally and internationally) every year.

### Hate Crime

“A crime, typically one involving violence, that is motivated by prejudice on the basis of race, religion, sexual orientation, or other grounds” (Oxford Dictionary, 2020).

## Foreign Students

“Foreign students are students who chose to undertake all or part of their tertiary education in a country other than their own and move to that country for the purpose of studying” (UNESCO,2020).

## Democracy

“A system of government by the whole population or all the eligible members of a state, typically through elected representatives” (Oxford Dictionary, 2020).

## Communicable diseases

Communicable diseases are illnesses that are caused by the existence and advancement of pathogenic bacteria, found in human beings, or other animal hosts.

## Xenophobia

Xenophobia is the acrimony and fear of people who are foreigners, belong to different cultures and races, or who are complete strangers. They despise any different cultural beliefs including their clothing, customs, food, etc.

## High Income Country (HIC)

In 2019 the World Bank defined a high income country as a country with an gross national income of US\$12,535 or more. Examples of HIC countries are Australia, Germany and the United States of America.

## Key Issues

### Non-citizens Face Hate Crimes

As previously mentioned before a [hate crime](#) is a violent crime motivated by a prejudice of a particular characteristic of an individual such as an ethnicity, religion, political belief etc. The number of hate crimes is increasing globally; for example in the United States of America the number of hate crimes has been increasing for the past 16 years (FBI,2018)! Some researchers say that the increase in hate crimes has been caused by the rapid increase in migration. This can be seen in a study completed by the OECD as the number of [migrants](#) living in OECD countries increased to 100 million from 75 million in the first decade of the new century.

### *Causes Of Hate Crimes*

According to a study completed by the FBI where victims, perpetrators and investigators were interviewed it was determined that there are 4 possible causes for [hate crimes](#). One cause of hate crimes is “thrill-seeking”; these perpetrators commit hate crimes because of an immature

itch for excitement. [Non-citizens](#) are often targeted by thrill-seeking hate crimes as they are often vulnerable and unprotected. Another cause of hate crimes are defensive ones which are caused because perpetrators feel the need to protect their neighbourhood, jobs and religion. Some hate crimes are also retaliatory to crimes committed by [non-citizens](#) such as terrorism. For example, after the 9/11 attack, hate crimes against Muslims and Arabs increased by 1,600%. The last and most severe cause of hate crimes are 'Mission Offenders'. Mission offenders commit hate crimes for a racial or religious cause. Their objective is to ensure the complete destruction of their enemy which makes them a serious danger to society.

### **Immoral Treatment Of Illegal Immigrant**

Illegal immigrants around the world are being mistreated. Even in countries like Australia which have been praised by the international community for its treatment of asylum seekers, [refugees](#) have been treated poorly. The following quote from an investigation conducted by an Australian newspaper best shows how poorly refugees have been treated; "Imagine losing your eye in an assault and going slowly blind in the other, but having no medical treatment available. Or having your kneecap torn loose, causing intense pain and swelling, but being given nothing but paracetamol and a bandage. Or having a stroke, and needing to see a neurologist, psychiatrist and a cardiologist, but being offered aspirin. These things have happened to refugees held offshore, on Australia's watch"(McAdam et Chong, 2019). Some argue that the poor treatment of refugees is fair as refugees do not enter countries legally. However, the Refugee Convention states that it is unlawful for countries to penalise refugees for arriving in a country without travel documentation.

#### ***Poor Treatment of illegal immigrants in U.S detention centers***

A survey conducted by professor Tom Wong of UC San Diego shows that President Trump's "remain in Mexico" policy is leading to the poor treatment of illegal immigrants. This policy allows the US government to send asylum seekers back to Mexico whilst their applications are being processed. The study claims that 1 in 4 people sent back to Mexico were threatened with physical violence, and more said they ended up homeless. The study also showed that even illegal immigrants that were allowed to remain in detention centers were treated poorly.

Wong calculated that 85% of those detained did not receive enough food and water, were unable to get sleep because the containment cells they were cramped or controlled temperature were not available. Basic hygiene practises such as showering and dental hygiene was only available to 20% of the 600 asylum seekers interviewed. Some of the asylum seekers detained even had their own personal belongings and savings confiscated without them being returned. The study claims that “Roughly 25% also had their property seized when taken into detention, including important documents and cash that was not returned to them” (The Guardian,2019). Some of the illegal immigrants in custody did not even know why they were imprisoned as interpreters were only available in a few languages without consideration of different dialects. In response to the serious allegations proposed by Wong’s survey the Immigration And Customs Enforcement agency (ICE) simply said that an investigation will be conducted and that employees who have violated their standards will be held accountable.

### *European Union migrant crisis*

In 2019 over 100,000 people illegally entered the borders of European Union (EU) states. According to Human Rights Watch, the EU and its member states have been focused on preventing illegal immigration by placing responsibility on countries outside the EU block. In the first half of 2020 there was an increase in illegal immigration through the Greece-Turkey border; Politicians such as President Erdogan of Turkey have been using this spike to urge the EU to approach migration with respect to human rights. The EU is continuing to work with Libyan authorities on controlling illegal migration between their borders. However, the EU’s cooperation with Libya has led to the imprisonment of tens of thousands of women, men and children who are being forced to be contained in appalling conditions. The EU is partially responsible for the breach in human rights as they have provided the Libyan authorities with the essential equipment used to capture the illegal immigrants (e.g. speed boats, radar technology, trained personnel). Therefore, the EU is responsible for cases of beatings, sexual violence, exploitation, forced labour, unlawful killings, and deaths in custody due to inadequate medical treatment or lack of adequate food.

## Unavailability Of Healthcare

Many [non-citizens](#) have access to limited or healthcare aid. Considering that migration numbers are still increasing it is shocking that Thailand is the only country that provides universal healthcare to all regardless of their immigration status. Until very recently, the United Kingdom has restricted access to free medical care to some groups of [migrants](#) to ensure that they are not only entering the country for free treatment. The World Health Organization (WHO) is concerned about similar approaches to health care and illegal immigrants as a mobile population can lead to the rapid spread of [communicable diseases](#) all around the world. This could result in epidemics and even pandemics becoming the new normal! Many illegal immigrants are forced to seek medical care in the black market. These counterfeit medications are very dangerous as they are often mislabeled with incorrect dosages and can be expired. This has resulted in a large amount of preventable deaths.

## Major Parties Involved and Their Views

### The United States Of America

The United States Of America in theory should be a big supporter of [non-citizen](#) rights; because the 'American Dream' "is the belief that anyone, regardless of where they were born or what class they were born into, can attain their own version of success in a society where upward mobility is possible for everyone" (Investopedia, 2020). Even though the constitution of the USA has written to grant rights to [non-citizens](#) in recent years the government has opted to reduce migration and reserve benefits and aid for American [citizens](#).

Ever since the US government passed the Civil Rights Act of 1964, the Federal Bureau of Investigation (FBI) has been in charge of investigating and sentencing [hate crimes](#). In 2018 the FBI investigated 7036 hate crimes. However, there are still 8 American states that do not have laws against hate crimes (American Samoa, Arkansas, Guam, Northern Mariana Islands, South Carolina, U.S. Virgin Islands, Wyoming).

As previously mentioned the U.S and ICE has faced serious backlash for its immoral treatment of illegal immigrants. To counter this backlash in June of 2020 congress passed a bill to send \$4.6bn

to address the ongoing crisis at the border, amid growing outrage over the conditions immigrants were detained in. Even though the media has bashed the government's policy on border control, President Trump's "remain in Mexico" policy was successful as the undocumented population is reducing and Mexicans are no longer the majority. President Trump is now appealing to destroy the Deferred Action for Childhood Arrivals (DACA) which defers the deportation of children brought into the United States Of America for two years and allows them to seek employment.

## The United Kingdom

In 2018 there were 9.3 million [non-citizens](#) in the UK, which means that [non-citizens](#) made up 14% of the entire country's population. After a national audit the UK's home office has been called out for its lack of data on illegal immigrants. In a report issued by auditors in June of 2020 it was revealed that the Office has not updated its estimate on the number of illegal immigrants living in the UK for 15 years. The audit also revealed that 2/3's of those who were detained by immigration enforcement were released from detention without removal from the UK.

Ever since the UK removed itself from the EU ('Brexit') changes were made as EU [citizens](#) are now classified as [non-citizens](#). An example of this is when in 2018 former prime minister Theresa May increased the fee EU students pay to study in the UK so that it is equal to the fees paid by other international students. Theresa May also made life in the UK "hostile" for illegal immigrants by imposing penalties on companies, landlords, hospitals and banks that assisted illegal immigrants. The UK has gone against the 3rd sustainable development goal which asks that all people are in good health since they do not provide medical care to illegal immigrants (unless it's a serious health condition or pregnancy).

## Australia

According to a report published by the Australian government in 2018 it was said that there are more than 60,000 illegal immigrants in the country. Most of these illegal immigrants are students or tourists who have overstayed their visa. These individuals have overstayed their visas because they were able to find better pay or to have children in the country so that they can obtain citizenship.

The Australian government also launched a 'Zero Chance' campaign in 10 different countries across the Indian subcontinent to discourage people illegally entering Australia through boats. Tara

Cavanagh, the Minister of Counsellor Home Affairs said this when asked about the campaign; “The message of Zero Chance is simple. Anyone who tries to come illegally to Australia by boat has zero chance of success. You will be turned back from Australia if you attempt to come illegally by boat”. In 2019 the Australian navy confirmed that they stopped 47 people on 35 vessels trying to enter Australia illegally. Cavanagh also added that those who wish to seek asylum in Australia should do so through it’s refugee program which is affiliated with the United Nations High Commissioner for Refugees (UNHCR).

Unlike other countries, [refugees](#) who have been granted asylum in Australia are given a free medical assessment to ensure that no [communicable diseases](#) are spread. However, refugees are not given access to the national insurance scheme known as “medicare”; this makes receiving medical treatment challenging for refugees who already do not have much disposable income to spare.

### [Office of the United Nations High Commissioner for Human Rights \(OHCHR\)](#)

The Office of the United Nations High Commissioner for Human Rights (OHCHR) is a department managed by the Secretariat of the United Nations to promote and protect human rights which are protected by international law. The OHCHR was founded on the 20th of December 1993 in Geneva, Switzerland. In 2006 the OHCHR published a lengthy document discussing the rights of non-citizens (appendix I. ). In this document the issues surrounding [non-citizen](#) rights were explained in great detail with case study examples. The document also makes recommendations for UN states on how they can better protect non-citizen rights. This allowed the international community to better respond to issues relating to non-citizen rights.

### [United Nations High Commissioner for Refugees \(UNHCR\)](#)

The United Nations High Commissioner for Refugees is a United Nations agency that aims to protect [refugees](#), forcibly displaced communities and stateless people. The UN organization was founded on December 14, 1950 in Geneva, Switzerland. The UNHCR “collects and analyses data and trends, develops policy and guidance, implements programmes and provides operational support to governments and other stakeholders on mixed movements and related issues such as trafficking in persons and protection at sea” (UNHCR,2020). An excellent example of the UNHCR’s work is the 10-Point Plan of Action on Refugee Protection and Mixed Movements which was first published in

2007. This plan of action provides a plethora of practical examples from UN and NGO organizations on ways of developing and implementing migration and border policies that reflect international human rights and refugee law. A positive outcome of this plan was that it gave governments a detailed plan on how to improve the treatment of refugees.

### Development of Issue/Timeline

Date	Event	Outcome
212 BC	The concept of citizenship started in Ancient Greece	Citizens of Ancient Greece (not women or slaves) were property owners. These individuals were allowed to vote but were liable to military service and tax. This started the formation of democracy in government.
1790	USA's first naturalization law	All free white people could gain citizenship by living in the country for 2 years and by having a good character
1882	The Chinese Exclusion Act	The Chinese Exclusion act was the first law restricting entrance into the USA. It was passed because cheap Chinese labour was making labour lower. This resulted in a decline in the Chinese population in the USA, which allowed the wages of white American miners to increase.
10 December 1948	Universal Declaration of Human Rights	The United Nations General Assembly came up with a set of rights that all human beings should be entitled to.

<b>July 28, 1951</b>	Convention Relating to the Status of Refugees	A convention was held in Geneva to define what a refugee is and how they should be handled. 145 signatories were received.
<b>May 8, 2002</b>	Enhanced border security and visa entry reform act	As a result of the 9/11 attack the U.S government increased the budget, staffing and authority provided immigration enforcement systems.
<b>March 15, 2011</b>	Syrian Refugee Crisis	When the Syrian civil war started a brutal conflict started forcing millions of Syrians out of their homes. This created a refugee crisis across the Middle East and Europe
<b>June 15, 2012</b>	Deferred Action for Childhood Arrivals policy is announced by president Barack Obama	Provided protection from immediate deportation to millions of children who were brought into the US illegally as children for a period of 2 years.
<b>Nov 13, 2015 – Nov 14, 2015</b>	November 2015 Paris Attack	Three suicide bombers from the Islamic State Of Iraq and the Levant coordinated a deadly terrorist attack. This resulted in Muslims across France facing a lot of unjust discrimination.
<b>August 12, 2015</b>	Open Borders Policy Towards Refugees Coming Into Europe	German chancellor Angela Merkel announces an open border policy for refugees entering the EU. She says “Wir schaffen das” which means “we will manage it”.
<b>June 2017</b>	The UK votes on leaving the European Union	As the UK is no longer a part of the EU, citizens of the EU lose and UK lose special privileges previously given to them (e.g. cheaper tuition) and respectively treat each other as

		non-citizens.
<b>Summer 2020</b>	Non-citizens and the COVID-19 pandemic	As the number COVID-19 cases increased a large number of countries began restricting non-citizens from travelling through their borders. For example, foreign students studying in the USA were not granted visas to return. Refugee programs have also been suspended.

## Previous Attempts to Solve the Issue

### Refugee Healthcare Network In Victoria, Australia

Refugees granted asylum in Australia are given a free medical assessment however, many refugees are excluded from the national healthcare insurance ‘medicare’ which can make it challenging for them to receive medical treatment. This issue has partly been resolved as in 2005, in the state of Victoria since the government funded programs that provided discounts and free services for refugees in numerous hospitals and medical clinics. The Victorian Healthcare Network has even published several digital and print documents listing what free medical services asylum seekers are entitled to and where they can receive them. This program has greatly benefited refugees as previously they were bulk billed.

While the program does provide refugees with more accessible and affordable medical treatment there are a few issues with it. Several Australian media outlets have noticed that refugees receiving treatment are treated and talked to like second class [citizens](#). In a statement published by the World Health Organization (WHO) Desmos Krouskos, the director of the center of culture said that “There was recognition that migrant-health services needed to become socially and culturally inclusive”. Krouskos also mentioned that healthcare providers need to reform their philosophies relating to inclusion; Free healthcare should be available to all regardless of where they are from or what they look like. Overall, the program is successful at meeting its main objective which is to

provide accessible healthcare to refugees. However, efforts need to be made to train staff to be more inclusive.

### Community Center Programs For Assimilation

Many countries that accept a large amount of refugees sponsor and community center programs to help them better assimilate with the general population. These programs help [non-citizens](#) find an outlet to celebrate their heritage whilst giving them a chance to improve their English. Programs like “Edible Alphabet” are a great opportunity for non-citizens and locals to get to know each other better. Programs like this can be great for reducing [xenophobic](#) behaviours and [hate crimes](#) as it allows different groups of people to humanize each other. Participants of “Edible Alphabet” are taught how to shop for essential items like groceries by familiarising themselves with the name of different ingredients in English whilst cooking dishes with a native speaker. This allows the native speaker to not only transfer literacy skills but also learn how to cook foreign dishes.

However, some believe that assimilation programs are morally incorrect as [non-citizens](#) are forced to give up certain aspects of their culture and life that do not align with the beliefs of the general population. This theory has partially been backed up by a large literature survey completed by the National Academy Of Science. Many people believe that the general population should be educated to be less [xenophobic](#) towards non-citizens instead of forcing non-citizens to meet the status quo.

### International Detention Coalition

The International Detention Coalition (IDC) is a global network of 400+ organizations and individuals that assist communities impacted by immigration detention. IDC currently operates in over 100 countries. The IDC envisions a world where people are free to migrate and live with dignity without fear of legal persecution. The IDC achieves its goals by educating the public, reforming laws and policies and by changing current practises. The IDC effectively educates the public by facilitating the development of shared learning and practises between multiple stakeholders. The Coalition members actively communicate with state actors in priority countries to reform laws and policy. They change current practises by conducting detailed research, condensing information into understandable terms and then spreading the information to state actors. In the MENA region the IDC

successfully held several workshops for law enforcement agencies in Egypt, Lebanon, Jordan, Morocco, Algeria, Tunisia, Libya, Sudan, and Israel.

A benefit of the IDC's approach to protecting non-citizen rights is that it ensures relevant information is clearly communicated to the public and governments. Better educating the public and government officials is important as it allows them to better vote on measures to protect [non-citizen](#) rights as they now have a more detailed understanding of the issue. A disadvantage of the IDC's approach is that effects are not immediate as they take time to pass through government bureaucracies.

## Possible Solutions

### Education Programs To Discourage Xenophobic Behavior

Education programs for both [citizens](#) and [non-citizens](#) would be a suitable solution for governments to implement to discourage [xenophobic](#) behaviours as the public would be better equipped to deal with each other. School aged citizens and non-citizens could receive such an education program through their schooling. Adults could receive education on non-citizen rights through public service announcements in the form of billboards, text messages and websites. Relevant workplaces such as those in hospitality, healthcare and government workspaces could receive professional development sessions from licensed educators. Industries such as the ones mentioned above should have their employees tested on the content of the education programs to ensure that they are being taken seriously.

### Support Group For Illegal Immigrants

Many illegal immigrants are forced to isolate themselves from society as they are constantly in fear that they will get caught and be deported back to their country of origin. This type of treatment is bad for their mental health and overall happiness as it forces them to stay in hiding and can also result in them being vulnerable to exploitation as they cannot access resources (e.g. medical treatment, legal assistance) that legal residents are entitled to. Support groups should be a space of amnesty where illegal immigrants can go to receive aid and social interaction without fear of being arrested. These support groups should be managed by an organization like the IDC in collaboration with the respective government.

## Regular Inspections At Immigrant Detention Centers

The main issue with immigrant detention centres is that they are unregulated which results in the detainees being treated poorly. Governments can resolve such issues by having internal and external inspections done facilities. Some third parties that could conduct external inspections are the UNHCR or any other UN body or the International Detention Coalition. The frequency of these inspections can depend on the number of previous violations or reports of violations. During these inspections a ground visit should be conducted, staff and detainees should be interviewed and surveillance camera footage should be reviewed.

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## Appendix

- I. Document published by the OHCHR on non-citizen rights;

<https://www.ohchr.org/Documents/Publications/noncitizensen.pdf>

- II. Study guide on non-citizen rights from the Human Rights Library

<http://hrlibrary.umn.edu/edumat/studyguides/noncitizens.html>