



## General Assembly

Thirteenth Session

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### Sixth Committee – Legal

This group focuses on legal questions. The UN wants all states to agree to international laws. This can happen if they make them together. They also want to make sure people know the laws. This can happen if they are written down and published. This makes it easier for states to work together. It also stops wars from happening. They also ask states to make laws to protect citizens.

Every year the General Assembly gives this group a discussion list. If the legal question is difficult or complex this group asks for help from the **International Law Commission**. This committee has a tradition of consensus. States reach agreement without having to take a vote. This makes sense because if you want everybody to follow a law they should agree it is a good idea.

This group works closely with the **International Law Commission**. They passed resolutions on international terrorism, human cloning, and taking hostages.

### Agenda Item 82 – Expulsion of aliens

#### Guiding Questions

In a global world people are traveling, immigrating, and coming to more countries than ever before in history. With your fellow delegates you need to find a way to work towards making the following goals a reality.

- What are the rights all aliens should have when they come to a country that they are not citizens of?
- Can countries come to an agreement on how aliens should be treated when a state wants to take them out of a country?
- How should a country handle a situation when a person has more than one citizenship?

#### Background

Aliens are not creatures from another planet in international law! They are residents of a country but do not have its nationality. They can be immigrants, refugees, migrant workers, students, or even tourists. Often, governments use the term legal and illegal to define aliens. Legal aliens have the permission of the government to be in the country. Illegal aliens do not have permission. For example, a person with Nigerian citizenship might immigrate to France. He is a **legal alien** because he is a Nigerian who has permission to be in the country but does not have French citizenship. A Canadian might travel to the US and decide to stay longer than he is allowed. He is an **illegal alien** because he did not leave the country when he was supposed to.

In the past aliens were almost always seen as enemies and treated badly. Aristotle (a philosopher from the 4<sup>th</sup> century BC) believed all non-Greeks should be treated as

## Background

slaves. Throughout history, states have expelled people they considered aliens. Spain in the 16<sup>th</sup> century expelled 200,000 Jews who lived there. In the 1930s the US expelled a million Mexican-Americans. With the Universal Declaration of Human Rights adopted in 1948, many states began to see that all people, including aliens, should be treated with respect. However, this did not stop Idi Amin from expelling roughly 50,000 Asian people from Uganda in 1972.

The UN has been working to try to protect aliens from unfair actions. In 1985 the General Assembly passed the *Declaration on the Human Rights of Individuals Who are not Nationals of the Country in Which They Live*. This Declaration states the rights aliens should have. Also, a state should publish their laws on aliens so that people know what they are.

All countries have the right to control who comes into their country. The UN notes that good border management is key to stopping many forms of terrorism. Very few countries want a closed border. They want people coming and going into their countries – at the appropriate entry points! When somebody crosses a border illegally it can put them in danger. Mavis Otuteye died trying to cross the border from the US to Canada illegally. Other asylum seekers have suffered frostbite and other injuries trying to cross illegally into Canada.

In the summer of 2018 the US government was separating children from their parents after crossing the US-Mexico border illegally. They did this because crossing the border illegally is a crime and children cannot be put in prisons with their parents. More than 450 parents may have been deported without their children. In Europe, more than 1.8 million migrants have travelled to the EU for a better life. Many of these migrants will be asked to leave. What is the best way of expelling aliens from a country in a fair and peaceful way?

This situation becomes more complicated when people have more than one citizenship. All people have the right to a nationality – but they do not have to stop at one! Maher Arar was a Canadian who also had Syrian citizenship. When he was traveling in the US he was stopped by the US government at the airport. They thought he might be a terrorist and deported him to Syria. However, he was traveling to Canada originally, had a Canadian passport and lived in Canada. Can a state choose which country to deport someone to?

Not all people are good citizens. Some people are involved in terrorism or other negative acts. States might want to expel these types of people by taking away their citizenship. Since 2010, 33 people have had their British citizenship taken away. This can leave people in the dangerous situation where they become “stateless”. This means they do not belong to any country. The British government took away a family’s citizenship while they were in Pakistan. The government said they think they have links to terrorism. The family disagrees. Should a state be allowed to take away the citizenship of one of its members?

A man in Canada named Deepan Budlakoti was born there. His parents worked for the Indian government. As Budlakoti grew up he always assumed he was Canadian. Then, after he was charged with a crime, Canada told him that he was not Canadian. He was Indian because his parents were working for the Indian government in Canada at the time. They took his passport and all his identification and tried to get him deported to India. But India will not claim him as a citizen. He is now stateless. Canada still wants to deport him. Is this a fair way of expelling an alien?

## Recent Developments

**Universal Declaration of Human Rights**

This was adopted by the UN in 1948. It outlines all the rights most states agree people should have. Article 15 states that everyone has the right to a nationality and that no one should be arbitrarily deprived of a nationality or denied the right to change nationality. In addition, all people are entitled to human rights regardless of whether they are a citizen of a country. All people should be treated fairly.

**Convention on the Reduction of Statelessness**

This is an international agreement that wants to reduce the number of people who are stateless. The Universal Declaration of Human Rights states all people have the right to a nationality. This convention works to create a list of ways stateless people can get a nationality. It has 71 parties and was signed in 1961.

**Declaration on the Human Rights of Individuals Who are not Nationals of the Country in Which They Live**

This is the document that was adopted by the General Assembly in 1985. It says all people are protected by human rights even if they are aliens. The state can treat nationals and aliens differently but they need to follow human rights. The declaration makes it clear that people should not enter a country illegally. The state has the right to stop this.

**Expulsion of Aliens: Important Terms****Foreign National**

This is the term that is used by a lot of countries instead of alien. It started being used more when the term "foreigner" began to sound negative.

**Non-refoulement**

This is a principle in international law that says a country cannot send an alien to a country where they could be put in danger. This could include war or persecution.

**Expulsion & extradition**

Expulsion is when a state removes an alien from their borders. Extradition, is when a state asks another state to send them someone they want. Usually, for a crime.

**Refugees**

These are aliens who are escaping danger in their home country. They are usually called asylum seekers until the state decides if they should be refugees.

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## Research Questions

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1. Does your country have a lot of aliens? Are your citizens aliens in other countries?
2. Should states be allowed to take away the citizenship of someone? Why or why not?
3. How should states treat people who have more than one nationality?
4. Should aliens who are from a country at war with the host country be allowed to stay in the country?
5. If an alien is expelled from a country should they be allowed back into the country at some point?
6. Would completely open borders be a possibility for countries? Why or why not?
7. Should there be a difference in how illegal and legal aliens are treated? Why or why not?
8. Does the problem exist in your community?
9. Who is working on it? NGOs, not for profits, other groups or individuals?
10. Knowing about this problem, how does it impact your world view?
11. How could you make an impact on this issue through your life choices?

## Resources

Source / Title	Hyperlink	How is it helpful?
<b><i>International Law Commission</i></b>	<a href="http://legal.un.org/ilc/">http://legal.un.org/ilc/</a>	This is the official site of the UN group that tries to come up with the rules for international law.
<b><i>Britannica</i></b>	<a href="https://www.britannica.com/topic/alien-law">https://www.britannica.com/topic/alien-law</a>	An overview of alien law.
<b><i>Foreign Policy</i></b>	<a href="https://foreignpolicy.com/2014/08/27/illegal-alien-a-short-history/">https://foreignpolicy.com/2014/08/27/illegal-alien-a-short-history/</a>	An overview of aliens in the US through history.
<b><i>The Diplomat</i></b>	<a href="https://thediplomat.com/2017/05/kazakhstan-considers-revoking-terrorists-citizenship/">https://thediplomat.com/2017/05/kazakhstan-considers-revoking-terrorists-citizenship/</a>	A news article about Kazakhstan getting rid of the citizenship of its citizens who are terrorists.
<b><i>UN Human Rights</i></b>	<a href="https://www.ohchr.org/EN/ProfessionalInterest/Pages/HumanRightsOfIndividuals.aspx">https://www.ohchr.org/EN/ProfessionalInterest/Pages/HumanRightsOfIndividuals.aspx</a>	The full Declaration on the Human Rights of Individuals Who are Not Nationals of the Country in Which They Live.
<b><i>BBC</i></b>	<a href="https://www.bbc.com/news/world-32912867">https://www.bbc.com/news/world-32912867</a>	Article on migration and why the numbers have become so high.
<b><i>The Guardian</i></b>	<a href="https://www.theguardian.com/uk-news/2017/mar/09/terror-suspects-british-citizenship-european-ruling">https://www.theguardian.com/uk-news/2017/mar/09/terror-suspects-british-citizenship-european-ruling</a>	The news story talks about how some terror suspects can lose their citizenship.
<b><i>CBC</i></b>	<a href="https://www.cbc.ca/radio/thesundayedition/the-sunday-edition-march-25-2018-1.4589621/over-a-million-mexican-americans-were-expelled-in-the-1930s-now-history-is-repeating-itself-1.4589640">https://www.cbc.ca/radio/thesundayedition/the-sunday-edition-march-25-2018-1.4589621/over-a-million-mexican-americans-were-expelled-in-the-1930s-now-history-is-repeating-itself-1.4589640</a>	Article about how Mexican-Americans were forced out of the US in the 1930s.
<b><i>Deportation: Global Information Project</i></b>	<a href="http://postdeportation.org/statistics/">http://postdeportation.org/statistics/</a>	A website that has a lot of data and information on the numbers of alien expulsion.