

Islamic ethics towards refugee: Reflections on the responses of Muslim-majority countries

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Abstract

The issue of 'Refugee' has become a pressing global concern, with thousands displaced every year, the majority of whom are Muslims. According to UNHCR (2021), 89.3 million people worldwide are displaced, including 27.1 million refugees, primarily from Afghanistan, Myanmar, South Sudan, and Syria. Many live under inhumane conditions. In Islamic thought, hijra (migration) provides a broader understanding of asylum, recognizing it as a fundamental right irrespective of religion. The Holy Qur'an instructs Muslims to protect those seeking refuge, while both the Qur'an and Hadith establish a normative framework for safeguarding refugee rights. Against this backdrop, the study critically examines how Muslim-majority countries have responded to refugee challenges from an Islamic ethical perspective. Employing a critical review of literature, data analysis, and secondary sources such as books, journals, and official reports, it explores the gap between Islamic ethical obligations and state practices. The study also offers policy recommendations to enhance refugee protection and dispel prevailing misconceptions.

Keywords Refugee, Islamic ethics, Muslim Countries

Paper type Research paper

1. Introduction

"Refugee is a person who leaves his or her home or country to find safety, especially during a war or for political or religious reasons" (Cambridge Dictionary, 2022). The refugee crisis has now become a very crucial global challenge that poses threats to sustainable socio-economic development and, most importantly, regional and global security concerns. Thousands of people have been becoming refugees every year globally, and most of them are Muslims. According to the UNHCR, 89.3 million people worldwide have been displaced, of whom 27.1 million are refugees. The countries with the biggest numbers of refugees are Afghanistan, Myanmar, South Sudan, and Syria (2021). Different international covenants have been formulated to meet the global refugee crises. The 1951 UN Refugee Convention and its 1967 Protocol, the OIC's Cairo Declaration on Human Rights and Ashgabat Declaration on Refugees in the Muslim World are all well-known, particularly among



Muslim nations. Refugee problems could not be resolved despite these agreements; rather, in 2021, the number of refugees hit an all-time high (WEF, 2021).

The refugee concept or *hijra* (Islamic migration law) occupies a very special status in the history of Islam. *Hijra* offers a broader definition of refugee that includes all of the concerned definitions in modern law such as Refugee, Asylum-seeker, Internally Displaced People, and Stateless People. Its comprehensive features distinguish the refugee concept of Islam from that of modern law. *Hijra* gives individuals the right to seek and determine asylum together. Islam views that seeking asylum and being granted asylum both are rights of anybody irrespective of religions who fleeing his/her homeland due to persecution, injustice, etc. It is the duty of Muslims, both individual and state, to accept refugees and protect their rights for as long as they seek. The most explicit Quranic verse in this regard is: “And if anyone of the disbelievers seeks your protection, then grant him protection so that he may hear the word of Allah, and then escort him to where he will be secure” (9:6). Besides, good number of Quranic verses requires the believers to assist vulnerable people, while refugees are the most vulnerable community globally. Quranic verses and Prophetic (PBUH) traditions provide a generous framework for the protection of refugee rights. Thus, *hijra* constitutes an integral part of Islamic ethics. But despite their allegiance to Islam or *Shari’ah* law, Muslim countries now seldom ever use the term "hijra" when referring to refugees. *Hijra* might nevertheless offer a crucial foundation for the protection of refugees and asylum seekers in the current global setting, notwithstanding its infrequent use by Muslim governments. With these perspectives, the paper analyzes critically the role of Muslim majority countries towards the refugee crises and evaluates it from an Islamic ethical point of view. The methodology used in this study is composed of a critical review of relevant literature, analysis of relevant data, and information from various secondary sources such as books, journals, official websites, etc. Hopefully, the study will make a significant addition to the ongoing discussion on the world's refugee issues. It will also contribute to extending the reception and protection of refugees in Muslim societies, removing the misconceptions regarding the issues, and reflecting ethical views in the policy.

2. Definition of Refugee

“A refugee is a person who has been forced to leave their country or home because there is a war or for political, religious, or social reasons” (Oxford Learners Dictionary, 2022). The term "Refugee" has a more defined meaning in international law. The UN Refugee Convention lays

forth the most commonly recognized and universal legal definition of a refugee. It defines a refugee as:

“Any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (UNHCR, 2010: 14).

The foundation of this definition is found in post-World War II viewpoints. It has at times come under fire for failing to identify properly the common reasons of mass relocation. Due to these worries, the "Cartagena Declaration on Refugees" has more comprehensive legal definitions of what constitutes a refugee, including the following:

The persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order (UNHCR, 1984: 36).

Similarly, the “Convention Governing the Specific Aspects of Refugee Problems in Africa” extended the definition:

Refugee is a person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality (UNHCR, 1969: 3).

The UNHCR, in addition to the above definitions, recognizes a person as a refugee “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, 2022b). Amnesty International defines a refugee as “a person who has fled their own country because they are at risk of serious human rights violations and persecution there. The risks to their safety and life were so great that they felt they had no choice but to leave and seek safety outside their country because their own government cannot or will not protect them

from those dangers. Refugees have a right to international protection” (Amnesty International, n.d.).

3. Definition of Refugee in Islam

Hijra is the Islamic legal term for refugee. In Islam, the term "hijra" principally refers to the Prophet Muhammad's (PBUH) journey from Mecca to Medina in the year 622 A.D. Prior to that, in 613 A.D., a group of Mecca-based Muslims moved to Abyssinia under the protection of a Christian ruler. There are many instances of *hijra* (migration) in the holy Qur'an, including stories from the life of Abraham and Moses (PBUH). According to passages from the Quran, *hijra* might become necessary for anybody if their lives or their beliefs are under threat. Due to the Prophet's (PBUH) *hijra's* importance in Islamic history, the Islamic period did not begin with the Prophet's (PBUH) birth or any other event, but rather with the date of *hijra*. After *hijra*, the Prophet (PBUH) drafted the "Charter of Medina," which granted Muslim refugees civil and political rights within a mutually acceptable legal framework, integrating them into the Medina refugee city and establishing peaceful relations between the refugees and the host community (Hamidullah, 1981). The Holy Qur'an praises the sacrifices of those early migrants and those who assisted them. "As for the foremost-the first of the Emigrants and the Helpers-and those who follow them in goodness, Allah is pleased with them and they are pleased with Him" (Al-Qur'an, 9: 100).

Hijra, from the perspective of Islamic law, encompasses all of the notions of refugee, asylum-seeker, forced migrant, internally displaced person, and stateless person found in contemporary law. Even in comparison to contemporary refugee law, Islamic ideas and teachings on refugees under *hijra* law are very distinct and sophisticated (Elmadmad, 2008: 51). It is linked with the obligation of oppressed people to search for security as well as a duty of the believers to provide assistance to them (Munir, 2011: 4). Any individual fleeing persecution has the right to enter a Muslim country and request protection, regardless of their religion or nationality. The individual may request refuge from the government or from private parties (Muslims or non-Muslims). The responsibility for protecting refugees and those requesting asylum falls equally on the state and on private citizens. Refuge or asylum should be provided to those who are seeking it for however long that may be. After being granted refuge, they are entitled to all general rights like the citizens of the host community with no discrimination (Abu-Sahlieh, 1996). Islam doesn't stipulate any difference in regard to the rights, obligations, and responsibilities concerning *hijra* among refugees, internally displaced persons, stateless persons, and forced migrants (Zaat, 2007: 13).

4. Islamic ethics towards Refugee

The Islamic understanding of a refugee is fundamental to the Islamic understanding of human rights (Arnaout, 1987). The *hijra* of the Prophet (PBUH) represents the Islamic idea of emigration from countries where people are persecuted, while Medina's residents' gracious reception of refugees personifies the Islamic idea of refugee protection. Regarding how to handle the refugees, Islam offers a set of guidelines. Zaman (2016) writes: "Matters pertaining to protection and assistance are referred to 396 times in the Qur'an; 170 in relation to the needs of vulnerable people; 20 make specific reference to *hijra* (migration) and *aman* (asylum); 12 mention sanctuary; 68 verses refer to *zakat* and charity; more than 100 other *abadith* deal with persecution". The most significant Quranic verse in this regard (9: 6) clearly instructs the Muslims to protect the polytheists' rights, if they seek refuge. When the status of polytheists in Islam is taken into account, the importance of this command becomes clear. In Islam, polytheism is regarded as the most serious sin and the only one that God would not pardon (4: 116). However, Islamic ethics towards refugees are summed up below:

A) *Hijra* encompasses both the concepts of refugee and asylum. Any person, who is living in a persecuted territory, has the full right to seek the protection of an Islamic society, while it is the duty of the Muslim state or individuals to provide shelter to the refugee. In this regard, no discrimination should be made based on religion, ethnicity, nationality, or any other identity.

B) In a sense, seeking asylum is a duty of the persecuted people. Muslims are not obliged to live in places where there is injustice and persecution and they are urged to leave these places and seek protection elsewhere. The Holy Qur'an says: "Whoever emigrates in the cause of Allah will find many safe havens and bountiful resources throughout the earth. Those who leave their homes and die while emigrating to Allah and His Messenger-their reward has already been secured with Allah" (Al-Qur'an, 4: 100). The Almighty Allah asked the Prophet (PBUH) and his companions when they were oppressed in Mecca. "Was not the earth of Allah spacious enough for you to flee for refuge?" (Al-Qur'an, 4: 97).

C) It is an obligatory duty of Islamic countries and individuals to provide protection to vulnerable refugees. Ibn-al-Arabi suggests that asylum is mandatory for anyone coming from states where there is injustice, intolerance, persecution, disease, and financial insecurity (Eickelman & Piscatori 1990). Additionally, Zaat (2007: 11) claims that 'Muslim states and non-state actors... have an obligation to guarantee the safety, security and unfettered access of those offering protection and assistance.' During

the *hijra* of the Prophet (PBUH), the people of Medina shared their houses, food, and even clothes with the refugees who migrated from Makkah. The holy Qur'an says: "Allah has certainly turned in mercy to the Prophet as well as the Emigrants and the Helpers who stood by him in the time of hardship" (Al-Qur'an, 9: 117). So, Muslims cannot close their doors to persons seeking refuge as it is their duty to grant asylum.

D) Muslims are encouraged to provide *aman* (safeguard) to the non-Muslim refugees as a way of introducing Islam to them (Al-Qur'an, 9: 6). But, they are not obliged to adopt Islam, rather they are granted the status of *aman* (protected persons). *Aman* encompasses the rights of refugees and the duties incumbent upon their hosts. Such protection remains inviolate even if the protected person, Muslims or non-Muslims, is in a conflict against Muslims. Islamic scholars of jurisprudence believe that *aman* creates an indissoluble bond.

E) After granting the status of refugee, they would be entitled equally to enjoy all the benefits and rights that are awarded to the native citizens of the host country including the right to work, education, free movement, etc. They must be treated with care, siblinghood and no discrimination. After *hijra*, the Prophet (PBUH) introduced the novel concept of religious brotherhood *Ummah* (nationhood) in lieu of blood relations or tribal bonds between the *muhajir* (refugee) and *ansar* (host). According to the fraternization policy declared by the Prophet (PBUH), each *ansar* should take care of one *muhajir*. This care included food, clothing, shelter, and any other assistance needed until the *muhajir* could look after himself (Krafess, 2005). The *ansar* were of a generous mind, and they rose above the natural avarice which lies in the human soul; they took the *muhajir* as brothers in everything that they possessed (Qutb, 2000: 135). The Holy Quran makes specific reference to the exemplary standard of treatment provided to the refugees by the host community in the following verse: "As for those who had settled in the city (Medina) and 'embraced' the faith before 'the arrival of' the emigrants, they love whoever immigrates to them, never having a desire in their hearts for whatever 'of the gains' is given to the emigrants. They give 'the emigrants' preference over themselves even though they may be in need. And whoever is saved from the selfishness of their own souls, it is they who are 'truly' successful" (Al-Qur'an, 59: 9).

F) There is no time limit for such protection in Islam. The refugees should be provided shelter as long as they need. Their departure will fully depend on their individual decision. The host country or any other authority has no right to force the refugees to leave the place of their stay and to move to the place of persecution. It is very similar to the concept of voluntary repatriation or non-refoulement (non-return of refugee to

conditions of persecution) in modern refugee law (UNHCR. (n.d.). After hijra of the Muslims to Abyssinia, the Quraish envoy appeared in the court of the Abyssinian king and appealed for their return on account of rebellion against the local religion. The king delivered the issue unto the decision of the Muslim refugees stating that ‘if you wish you can go if you don’t, you are safe in my land. Not for mountains of gold would I harm a single man of you’ (Martin, 1983: 84). The king judiciously determined their status as refugees which Islam acknowledges.

G) *Ihsan*, an important Islamic injunction, strongly recommends extending support to people who are in vulnerable situations, and dire straits. No doubt, the refugees are among the most vulnerable communities in the world. There are a good number of Quranic verses that instruct believers to support the vulnerable and needy people. “Worship none but Allah; be kind to parents, relatives, orphans and the needy; speak kindly to people; establish prayer; and pay alms-tax” (Al-Qur’an, 2: 83) “And be kind to parents, relatives, orphans, the poor, near and distant neighbors, close friends, needy travellers, and those bonds-people in your possession. Surely Allah does not like whoever is arrogant, boastful” (Al-Qur’an, 4:36). “Give to close relatives their due, as well as the poor and ‘needy’ travellers. And do not spend wastefully” (Al-Qur’an, 17: 26).

H) Justice is the central basis of all Islamic regulations in society. The Holy Qur’an has numerous references to justice, which provides a framework for justice towards vulnerable people (such as refugees), even in the case of non-Muslims. The refugee issue is riddled with injustice. Denial of entry to safe land, denial of basic rights such as access to education, healthcare, livelihood, and denial of residency or citizenship- all represent grave injustices. From the Islamic view of justice, Muslims as individuals, communities, as well as states, should strive to eradicate all these injustices. The holy Qur’an says: “O believers! Stand firm for justice as witnesses for Allah even if it is against yourselves, your parents, or close relatives. Be they rich or poor, Allah is best to ensure their interests. So do not let your desires cause you to deviate ‘from justice’. If you distort the testimony or refuse to give it, then ‘know that’ Allah is certainly All-Aware of what you do” (Al-Qur’an, 4: 135).

I) Different forms of Islamic charity such as *zakat*, *khums* (one-fifth of the spoils of war that Muslims are required to hand out as charity), as well as optional alms, could be used to support the vulnerable refugees. The Holy Qur’an says: “Do not let the people of virtue and affluence among you swear to suspend donations to their relatives, the needy, and the emigrants in the cause of Allah. Let them pardon and forgive. Do you not

love to be forgiven by Allah? And Allah is All-Forgiving, Most Merciful” (Al-Qur’an, 24: 22).

J) Islamic ethics have an overarching theme of brotherhood, neighborhood, compassion, hospitality, and care for others, specially, for the strangers and needy. All these ethical essentials intensely endorse supporting the helpless refugees. The Holy Qur’an says: “The believers are but one brotherhood, so make peace between your brothers” (49: 10). Prophet (PBUH) said: “The believers in their mutual kindness, compassion and sympathy are just like one body. When one of the limbs suffers, the whole body responds to it with wakefulness and fever” (Riyad as-Salihin, nd; 224). The Prophet (PBUH) further said: “If anyone relieves a Muslim believer from one of the hardships of this worldly life, Allah will relieve him of one of the hardships of the Day of Resurrection... Allah helps His slave as long as he helps his brother” (Bulugh al-Maram, 16: 20).

K) *Hijra* recommends that the refugees should be provided such support to make them self-reliant and explore their own abilities and expertise. After *hijra*, *ansar* of Medina provided the *muhajirun* with an agency for economic development, given their deep expertise in trade and commerce. (Sahih al-Bukhari, 1997: 80). The Meccans were so expert at a trade that they could change the sands of desert into gold (Haykal, 2002: 178). The *muhajirun* were supported to be self-sufficient by utilizing their trading competencies and diversifying their skills. In essence, the *muhajirun* were provided the sustainable solution of local integration.

5. Differences between the Islamic and modern concept of Refugee

There are fundamental differences between the Islamic theory of *hijra* and the refugee concept in modern law. *Hijra* is more inclusive and comprehensive than the definition of refugee in different international covenants.

A) All international covenants defined a refugee as only a person who has been forced to flee persecution for specific reasons. But, in Islam, seeking refuge from any form of ‘injustice, intolerance, physical persecution, disease, or financial insecurity’ is a fundamental right of a human being. No form of persecution or injustice is specified in Islam.

B) Modern law made classification into refugee, asylum-seeker, stateless people, internally displaced people, etc, with classification in their rights. But *hijra* incorporates all types of migration without any classification and with no discrimination in regard to the rights of refugees and the duty towards them by the host community.

C) According to modern convention, individuals have no right to grant asylum. Only the states have the right to grant or refuse asylum or to

whom refugee status will be granted. But Islam gives individuals as well as states the right of granting asylum. In Islam, it is the duty of Muslim individuals and states to grant asylum (Baderin, 2005).

D) In Islam, any person, Muslim or non-Muslim, has the right to seek asylum. No one, living in a Muslim community, has the right to refuse asylum. Being granted asylum, irrespective of religious, political or any other identity is one's basic right. But in modern law, states are the sole authority to grant or refuse asylum. In a sense, granting asylum, according to international covenants, is sympathy to the asylum-seeker; but in Islam, granting asylum is a responsibility of the Muslims, while seeking asylum is a right.

E) According to *hijra*, refugees should enjoy all of the rights awarded to the host community equally without any discrimination. Even, the state has no right to restrict or make discrimination between them. But, in international conventions, the rights of refugees are restricted depending on the decisions of the host country. The categories of refugees, asylum seekers, stateless people, internally displaced people, returnees, and those at danger of being displaced are used by modern law to categorize and assign varied rights to displaced people. The protection promised to refugees and forcibly displaced people under contemporary legislation is, in contrast, more constrained and limiting than that of Islam (Elmadmad, 1989; 1999; 2008).

F) There is no temporal limit for this protection, according to the majority of Islamic schools of thought. The refugees could not be coerced into returning to the oppressive country. Individual choices will determine when they depart from the accommodation. According to contemporary refugee law, this is the same as voluntary return (Baderin, 2005).

6. Global refugee statistics

A UNHCR assessment estimates that at least 89.3 million people worldwide have been forced to leave their homes, of whom almost 27.1 million are refugees, 4.6 million are seeking asylum, and 53.2 million are internally displaced. This number has doubled since 2010 and is higher now than it has ever been (WEF, 2021). Only five countries—Syria, Afghanistan, South Sudan, Venezuela, and Myanmar—accounted for 69% of all refugees (UNHCR, 2021b). The highest number of refugees came from Syria (6.8 m) and the same was hosted by Turkey (3.8 m). Low- and middle-income nations house 83% of refugees (UNHCR, 2021a). The UNHCR said that the number of persons compelled to escape because of violence has surpassed 100 million for the first time in recorded history after the outbreak of the Ukraine War. It means 1 in every 78 people on

earth has been forced to flee (UNHCR, 2022b). Additionally, millions of people who have been refused nationality are stateless. The major global refugee statistics are presented below (UNHCR, 2021b, Amnesty International, 2021; WEF, 2021):

Figure 1
Trend of Global Refugees

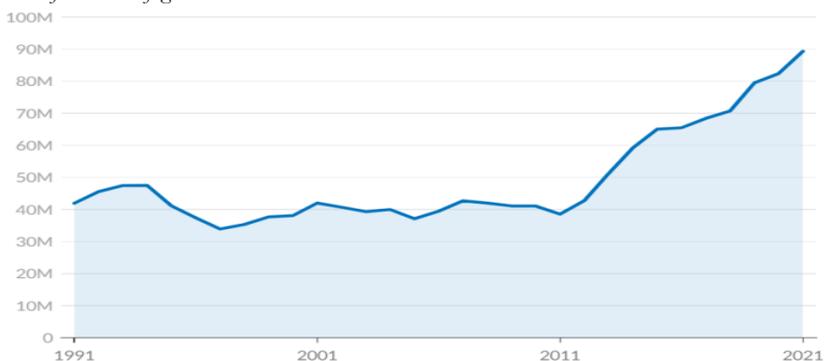


Figure 2
Classified Statistics of Global Refugees



Figure 3
People displaced across borders by country of origin | end-2021



Figure 4
People displaced across borders by host country | end-2021

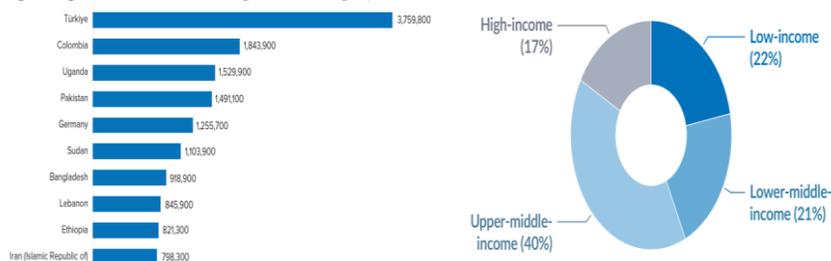


Figure 5
Demographics of the Refugees

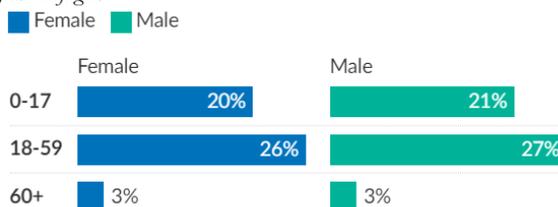


Figure 6
Global Force Displacement (2012-2022)

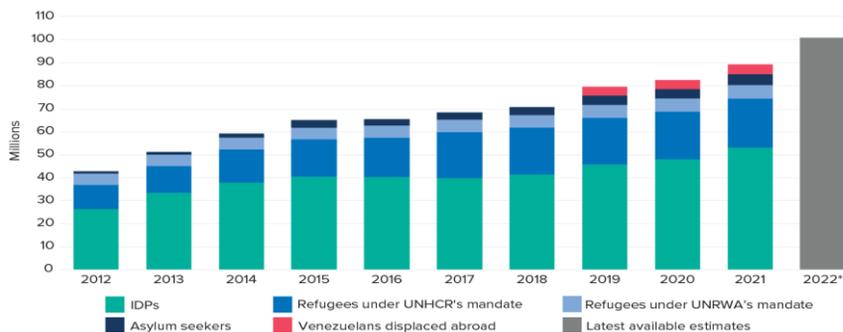


Figure 7
People displaced across borders by region | 2012-2021

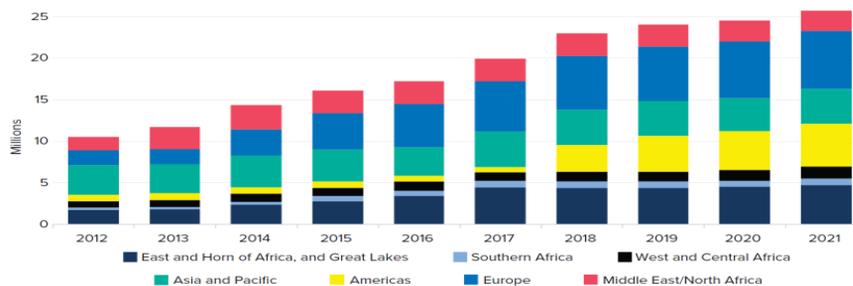


Table I

Noteworthy Facts and Statistics by Region/Country (USA for UNHCR, 2022b; Concern Worldwide, 2021)

Region	Facts
Sub-Saharan Africa	<ul style="list-style-type: none"> ➤ By the end of 2021, there were around 5 million refugees living in the East and Horn of Africa. ➤ More than 3 million Ethiopians were displaced as a result of the conflict there. ➤ Over 492,000 people, or more than 10% of Eritrea's total population, now call themselves refugees. ➤ In Central African Republic, more than 1 m people have been displaced. ➤ The number of Somali refugees reached 790,000 at the end of 2020. ➤ In Congo, there were over 864,000 refugees at the end of 2021.
Venezuela	<ul style="list-style-type: none"> ➤ Venezuelan refugees and displaced reached over 4 m by the end of 2021. ➤ More than 1.7 million displaced persons resided in Colombia.
Europe	<ul style="list-style-type: none"> ➤ Turkey continues to house the most refugees in the world, with 3.7 million people living there. ➤ Nearly 3,200 of the nearly 114,000 persons who attempted to travel by water to Europe in 2021 lost their lives in the process.
Iraq	<ul style="list-style-type: none"> ➤ In 2021, there were still about 1.2 million internally displaced Iraqis. ➤ More than 250,000 foreign immigrants are now living in Iraq.
South Sudan & Sudan	<ul style="list-style-type: none"> ➤ There were around 2.1 million South Sudanese refugees at the end of 2021. ➤ Approximately 95% of South Sudanese refugees are housed in Kenya, Ethiopia, Uganda, and Sudan. ➤ With more than 805,000 migrants in the nation as of December 2021, Sudan is the fifth-largest country offering shelter to refugees.
Syria	<ul style="list-style-type: none"> ➤ More than half of Syrian people (13.5 m) are displaced. ➤ Since 2014, Syria has become the primary source of refugees. ➤ By the end of 2021, 6.8 million Syrians had fled their country. ➤ 80% of them are hosted in neighboring countries, including 3.6 m in Turkey.
Rohingya Refugees of Myanmar	<ul style="list-style-type: none"> ➤ A stateless Muslim minority in Myanmar is known as the Rohingya. ➤ 1.1 m Rohingya refugees have fled Myanmar since 2017. ➤ 90% of the Rohingya refugees are housed in Malaysia and Bangladesh.
Yemen	<ul style="list-style-type: none"> ➤ The number of internally displaced people in Yemen surpassed 4 million in 2021.

Afghanistan	<ul style="list-style-type: none"> ➤ Afghanistan is still one of the main nations from which refugees come. ➤ There are around 2.6 million Afghan refugees. ➤ The two countries that host the majority of Afghan refugees are Pakistan and Iran.
Ukraine	<ul style="list-style-type: none"> ➤ □ Russia-Ukraine The nation is now the second-largest place of origin for refugees worldwide due to recent war. ➤ More than 5.2 million Ukrainians had left the nation as of April 25, 2022.

7. Responses of Muslim majority countries towards refugee crises

The majority of refugees worldwide has originated from Muslim countries, and has also been hosted by the same. Hence, the global refugee crisis is primarily concentrated in Muslim communities. At the same time, Islamic ethics have a very responsible attitude towards the refugees. But, the responses of Muslim majority countries are inadequate and, notably, incompatible with the Islamic ethics in this connection.

7.1 Legislative response

In developing local laws, the majority of Muslim countries have paid no attention to refugee crises. When discussing, and more importantly, legislating on refugee rights, Islamic governments hardly ever refer to the *hijra* issue (Islamic Relief, 2012). Ahmed and Gouda conducted a study on the constitutions of 57 OIC member states and surprisingly, found that none of them referred to the rights of refugees in their constitutions (Ahmed & Gouda, 2015). The UN Refugee treaty of 1951 was only ratified by 11 Muslim countries (Algeria, Djibouti, Egypt, Iran, Mauritania, Morocco, Somalia, Sudan, Tunisia, Yemen, and Turkey), while Jordan and Iraq have adopted refugee protection provisions that are compliant with the treaty. Despite this, the member nations seldom uphold the norms (Jureidini & Reda, 2017).

7.1.1 Cairo declaration on human rights

The most significant legislative development of Muslim countries regarding human rights is the “Cairo Declaration on Human Rights” adopted by OIC in 1990. It addressed refugee issues directly and indirectly:

Article 1: All human beings form one family. They are equal in dignity, rights and obligations, without any discrimination on the grounds of race, color, language, sex, religion, sect, political opinion, national or social origin, fortune, age, disability or other status.

Article 11a: Every human being shall have the right to freedom of movement, and to select his/her place of residence whether inside or

outside his/her country in accordance with the international law and domestic legislations.

Article 11c: No one may be exiled from his/her country or prohibited from returning thereto including the right of return of refugees to their countries of origin.

Article 12: Refugees and migrants are entitled to the same universally recognized human rights and fundamental freedoms, which must be respected, protected and fulfilled at all times. All forms of discrimination, including racism, xenophobia and intolerance, against migrants and their families, must be eliminated by adopting appropriate legislations.

Article 13: Everyone has the right to a nationality, granting of which is governed by law. No one shall be arbitrarily or unlawfully deprived of his/her nationality nor denied the right to change his/her nationality (OIC, 1990).

7.1.2 Ashgabat declaration of OIC on Refugees in the Muslim world

The OIC member states adopted the “Ashgabat Declaration” at the International Ministerial Conference of the OIC on refugees in the Muslim world in 2012. The key points are given below (OIC, 2012):

- a) “Islam laid down the bases for granting refuge, which is now deeply ingrained in Islamic faith, heritage and tradition. We express our deep concern over the situation of refugees in the world, particularly that most of them are hosted by OIC Member States.
- b) We commend the contributions of the OIC Member States in hosting refugees in their territories that is reflected in the fact that the 57 OIC Member States host 10.7 m refugees.
- c) We also commend the OIC Member States’ continued and steadfast commitment in providing protection to refugees.
- d) We recognize the social and humanitarian dimensions of the problem of refugees, and the need to address its root causes, and urge the international community to make efforts to prevent this problem from becoming a source of tension.
- e) We reaffirm that voluntary repatriation remains the most preferable solution to refugee situations, and call upon countries of origin, countries of asylum, UNHCR and the international community as a whole to work together, to do everything possible to enable refugees to exercise their right to return to their homes.
- f) We call upon the international community, in cooperation with UNHCR and other relevant international organizations, to provide more resources to support States which host refugees in line with the principle of international solidarity, cooperation and burden-sharing.

g) We express deep gratitude to the Member States hosting refugees in spite of their limited economic resources, in affirmation of their noble Islamic values. We acknowledge the donor Member States for their donations to international and regional organizations active in the field of refugees, and commend in this the sustained support extended.”

7.1.3 Arab convention on regulating status of refugees in the Arab countries

In order to handle the refugee problems, Members of the League of Arab nations enacted the "Arab Convention on Regulating Status of Refugees in the Arab Countries" in 1994, which comprises the following important provisions:

Article 3: The Contracting States of this Convention shall undertake to exert every possible effort, within the limits of their respective national legislation, to accept refugees.

Article 5: The States shall undertake to exert every possible effort, to ensure that refugees are accorded a level of treatment no less than that accorded to foreign residents on their territories.

Article 6: Granting asylum is a peaceful and humanitarian act and shall not be deemed by any state as a hostile act against it.

Article 7: The Contracting States shall undertake to refrain from discriminating against refugees as to race, religion, gender and country of origin, political or social affiliation.

Article 8: A refugee lawfully residing on the territory of a Contracting State shall not be expelled on grounds of national security or public order. A refugee may, however, appeal before the competent judicial authority against the expulsion decision.

Article 9: The will for return to country of origin in all cases shall be respected and the refugee shall not be involuntarily repatriated to his country of origin.

Article 11: The refugee shall respect and abide by the provisions of laws and regulations of his host country (League of Arab States, 1994).

7.2 Practical response

The responses of the Muslim majority countries to the refugee crises have varied from country to country with their national policies and the changes of governments.

7.2.1 *Turkey*

Turkey has set an example by hosting 3.8 m, the largest number of refugees in the world (UNHCR, 2021b). This role of Turkey has widely been appreciated by international organizations including UNHCR and OIC.

Besides, Turkey spends a huge amount of money to support the refugees in different parts of the world. Turkish President Erdogan addressed:

“We are the grandchildren of *muhajirun* generation, but at the same time we are the grandchildren of *ansar* generation [...], my siblings in Reyhanli should serve as *ansar* to the *muhajirun* who fled from the brutality of al-Assad. They should fulfill the same duty, they should also open their homes exactly as it happened at the time [of the Prophet]” (Zaman, 2016).

Turkey played an important role in support of the Rohingya refugees by raising its voice in a different international forum and providing them with humanitarian assistance. In addition to the government, Turkish NGOs and civil society organizations were crucial in addressing the Rohingya problem on a global scale. Disaster and Emergency Management Authority (AFAD) report states that between 2018 and 2020, Turkish organizations such as AFAD, TIKA, Turkish Red Crescent, Turkiye Diyanet Foundation, Humanitarian Relief Foundation, Yardimeli International Humanitarian Aid Association, Earth Favor Movement, and Sadkatasi Association built 33,446 homes, installed 359 solar panels to provide electricity, distributed 94,609 blankets, and distributed 6,250 tarpaulins (AFAD, 2021). They also distributed 901,992 food parcels, 104,168 Ramadan packets, 15,000 spice and seasoning packets, 57,500 hygiene packages, 4,000 toys for kids, 6,880 items of clothing, 48,992 umbrellas, and 5,500 raincoats. They provided medical aid to 512101 Rohingya refugees within the said period (AFAD, 2021). In addition to the help that is provided through UN organisations, Turkey has made donations totaling more than \$60 million to the wellbeing of Rohingya Muslims in Bangladesh (Kamruzzaman, 2020). In order to facilitate communication between the Buddhist and Muslim populations and to reestablish the Rohingyas' citizenship in Myanmar, Malaysia, Indonesia, Turkey, Egypt, Djibouti, and Saudi Arabia formed the Myanmar Contact Group in 2012 under the auspices of the Organisation of the Islamic Conference (OIC). As a result, the Rohingya sympathy movement has its centre in Turkey.

7.2.2 *The Gulf countries*

In response to the refugee problems, there is much debate on the role of the Gulf nations (Saudi Arabia, Kuwait, Bahrain, Qatar, the UAE, and Oman). Millions of Syrians have fled over the border as refugees and become internally displaced since the start of the crisis in Syria in 2011. But, the GCC countries are unfortunately claimed of hosting no refugees. Despite being among the top donors of humanitarian aid for refugees, especially during the Syrian crisis, GCC nations have been the

most refractory to granting persons refugee status (Yahya & Mausher, 2018). Saudi Arabia alone gave \$88.8 million, Kuwait \$313.6 million, and the UAE \$71.9 million to aid in the Syrian refugee crisis in 2015 (Oxfam, 2016). Since 2011, the GCC nations claim to have taken in thousands of Syrian migrant workers and students, but none of them has accepted any of them as refugees (Amnesty International, 2015; Yahya & Mausher, 2018). Saudi Arabia, for example, authorized entry permits for 2.5 m Syrians since 2011, but not as refugees, rather they are freely living in the society with basic rights (Bel-Air, 2015). The UAE claimed that it had taken in over 2,42,000 Syrians since 2011. According to the World Bank Migration data index, Gulf Countries are still sponsoring about 1.2 m Syrians that including 745,580 in KSA, 50,463 in UAE, 142,000 in Kuwait, 5614 in Bahrain, and 12320 in Qatar (World Bank, 2017). The GCC states assert that because they are not parties to the 1951 UN Refugee Convention, these Syrians are not, in fact, "refugees." The GCC nations are mostly worried about the potential threats that impending migrants may represent to the political equilibrium between various sectarian and ethnic groupings, as well as the financial burden of caring for a large number of refugees. They worry that allowing Syrian migrants into the country will spread radical ideologies and spark revolutions. They worry that Islamic State militants may enter among the Syrian refugees and raise the possibility of terrorist acts in their nations. In several GCC nations, the national population has already shifted towards being a minority in relation to immigrants, taking demographic balance into account. For instance, in Kuwait, 70% of the population was foreign in 2010, compared to approximately 90% in Qatar and the United Arab Emirates (Ouaki, 2016).

In comparison to their capabilities, the justifications for the Gulf nations' refusal to accept migrants appear to be quite flimsy. Despite the danger of interfering with demographic balance, these nations continue to have the lowest populations in the world, therefore there is little chance of reaching a bursting point. Saudi Arabia, for instance, has just 14 inhabitants per square km (Ouaki, 2016). As an alternative, less developed Arab nations like Jordan, Lebanon, and the neighbouring Turkey have taken in the refugees. There are also no legal tools to resolve refugee situations. One of the very few nations that did not ratify the UN Refugee Convention is the GCC. Therefore, there is no legal distinction between the status of migrants and refugees in the Gulf nations, nor are there any legal obligations towards refugees. Because there is no global burden and responsibility sharing, refugees do not receive any special treatment. In a larger sense, the GCC nations have taken a non-integrative policy stance towards refugees; it disavows their legal status, refuses them access to

basic rights, and sees them as a burden and a possible threat to societal cohesion and security.

7.2.3 Lebanon, Jordan, Iraq and Egypt

After Turkey, the neighboring countries of Syria have accommodated a large number of refugees. A lengthy history of harbouring refugees, including repeated waves of Armenians, Palestinians, and Iraqis, can be seen in Lebanon and Jordan, which share borders with Iraq, Palestine, and Syria. None of them have, however, ratified the UN Refugee Convention. The biggest proportion of refugees per person are being hosted by these two nations. Jordan only takes in 71 refugees per 1,000 people, compared to Lebanon's 164 (Amnesty International, 2021). Jordan housed 675,433 refugees, compared to 831,053 in Lebanon (UNHCR, 2022c). Only Jordan provided full citizenship to Palestinian refugees. According to Wilcke (2010), more than half of Jordanians now are of Palestinian descent. Both countries are shouldering a disproportionate number of refugees that pose significant socio-economic challenges. In response to the growing imbalance, both countries adopted restrictive policies towards Syrian refugees, because of the financial burden and concerns with the changing demographic balance (Yahya & Mausher, 2018). Iraq hosted 262,756 refugees (UNHCR, 2022b), while the country itself has witnessed massive displacement. Nearly 1.2 m Iraqis were internally displaced (USA for UNHCR, 2022a). Besides, Iraq lacks a legal framework for refugee protection.

For refugees leaving the Middle East and East Africa, Egypt is their final destination. Since the start of the crisis, many Syrians have been turning to Egypt for refuge. Simultaneously, conflicts and political instability in East Africa, the Horn of Africa, Iraq, and Yemen, have driven thousands of individuals to seek refuge in Egypt which now rose to 263,298 comprising 133,568 Syrians, 50,665 Sudanese, 20,240 South Sudanese, 20,174 Eritreans, 15,671 Ethiopians, 9,404 Yemenis, 6,805 Iraqis, 6,771 Somalis and more than 50 other nationalities (UNHCR, 2021d). Recent years' difficult economic circumstances in Egypt have made both refugees and the host society more vulnerable.

7.2.4 Iran and Pakistan

For more than 40 years, Iran has hosted one of the biggest and longest-lasting urban refugee situations in the world. The longest-lasting refugee situation has existed in Afghanistan since the Soviet invasion in 1979. 90% of the 5 million Afghans now living outside of Afghanistan are being housed by Iran and Pakistan. Iran is home to around 800,000 refugees, including 780,000 Afghans and 20,000 Iraqis. A further 2.7 million Afghans without documentation reside in Iran (UNHCR, 2022d). Since

the Taliban took control of Afghanistan in August 2021, there have been a significant surge of Afghan refugees in Iran. Following the takeover, up to 5,000 individuals were said to arrive each day (ACAPS, 2021). In order to help refugees flourish rather than merely survive, Iran has maintained progressive and inclusive policies towards them by providing them with access to healthcare, education, and employment opportunities. Only 4% of refugees in Iran live in the 20 UNHCR settlements, with the majority living side by side with Iranians in cities, towns, and villages (UNHCR, 2022d). Iran acceded to the UN Refugee Convention and its Protocol, with reservation to Article 17 (wage-earning employment), Article 23 (public relief), Article 24 (social security and labour legislation), and Article 26 (freedom of movement) (UNHCR, 2022d).

Since 1979, Pakistan has also taken in millions of Afghan refugees. Nearly 3 million Afghans were residing in Pakistan as of January 2022 (EUAA, 2022). Many Afghan migrants travelled into Pakistan after the Taliban took control in 2021. UNHCR recorded 117,547 new arrivals from Afghanistan in Pakistan between January 2021 and February 2022 (EUAA, 2022). A new national strategy on Afghan refugees called "Solutions Strategy for Afghan Refugees (SSAR)" was established by Pakistan in 2013 and places an emphasis on voluntary repatriation, sustainable reintegration inside Afghanistan, and support for host communities. Besides serious security and economic challenges, Pakistan continues to support Afghan refugees. In recent years, Pakistan has restricted the entrance of new Afghan refugees by fencing its border with Afghanistan. Pakistan is not a signatory to the UN Refugee Convention of 1951.

7.2.5 Bangladesh

The Rohingya refugees (Muslims of the Rakhine Province of Myanmar) are considered one of the most persecuted communities in the world. In Myanmar's Rakhine State, they have endured decades of systemic discrimination, statelessness, brutality against specific individuals, and ethnic cleansing. With notable surges during the conflict in 1978, 1991–1992, and again in 2016 (OCHA, 2021) it caused many to migrate to Bangladesh. Bangladesh had the greatest and quickest inflow of Rohingya refugees in 2017. Within a few weeks, 500,000 refugees invaded Bangladesh in need of protection and shelter. The largest refugee camp in the world, Cox's Bazar, Bangladesh, is presently home to 860,000 Rohingya refugees (UNICEF, 2021). The fact that Bangladesh, the world's most populous nation, is hosting so many vulnerable refugees is much appreciated by the international community.

7.2.6 Malaysia and Indonesia

Malaysia hosts some 184,000 refugees, of whom 157,860 are from Myanmar comprising some 104,890 Rohingyas (ACAPS, 2022). The remaining refugees, who came from 50 different nations and are escaping of conflict and persecution, include 6,730 Pakistanis, 3,770 Yemenis, 3,330 Syrians, 3,190 Somalis, 3,050 Afghans, 1,570 Sri Lankans, 1,200 Iraqis, 780 Palestinians, and others (UNHCR, 2022e). In Malaysia, there are also a lot of unauthorized refugees. There is no domestic law that recognizes the status of refugees, and it has not ratified the UN Refugee Convention. They are frequently referred to as "illegal" immigrants in the nation. Because of the strictness of law enforcement agencies and disruptions, new arrivals of Rohingyas have significantly been reduced, despite the escalation of conflict in Myanmar since 2016 (Towle, 2017). Malaysia has recently advocated for the Rohingya problem in a number of regional and international organizations, including ASEAN and the OIC. These present fresh chances to improve regional and national safeguards for Rohingya refugees. The government announced a job trial program for 300 Rohingya refugees in 2017. It is envisaged that this program, which was first restricted to the industrial and plantation industries, would eventually be expanded (Towle, 2017).

Indonesia hosts more than 9,991 refugees and 3,158 asylum-seekers, 57% of them are from Afghanistan, 10% from Somalia, and 5% from Myanmar (UNHCR, 2022f). Similar to Malaysia, Indonesia does not recognise the legal status of refugees domestically and is not a signatory to the UN Refugee Convention. The 'Presidential Regulation on the Handling of Refugees', which establishes the procedures for identifying, relocating, and protecting refugees, was signed by the President of Indonesia at the end of 2016 (Mohammadi & Askary, 2022).

8. Conclusion and recommendations

Hijra- the Islamic concept of refugee, strongly endorses the full range of rights of a refugee that includes the right of asylum-seeking, being granted asylum, access to basic rights, non-refoulement, humanitarian support, social integration, civil and political rights to ensure the development of refugees' human potentials. Compared to modern refugee law, undoubtedly, *hijra* presents a more comprehensive and inclusive idea that prioritizes the security and rights of vulnerable communities. However, the present study found that there are far differences between the Islamic theory of *hijra* and the practices of Muslim societies and countries regarding refugee crises. Although the majority of refugees are hosted in Muslim countries, in most cases, they are living in inhumane conditions. Many Muslim countries aren't accepting any refugees. The majority of

Muslim countries are not signatories to the UN refugee convention. Although, Cairo and Ashgabat Declarations were signed by OIC countries, there is no obligation for implementation. Based on the findings above, the study recommends the followings:

A) Islamic education could serve as a faith-based guarantor of the rights of refugees. So, the promotion of Islamic teachings in Muslim societies could make Muslim individuals, societies, and states aware of their responsibilities towards the refugees and encourage them to widen the acceptance of vulnerable refugees and provide them with the necessary support. The effective application of Islamic instructions would not only alleviate the sufferings of the refugees but also eradicate the crises.

B) Islamic principles contain such rich elements to protect refugee rights, if these are employed judiciously, not only refugee rights would be protected, but also they would be mainstreamed with the society and contribute to national development. Regrettably, Islamic legal instruments to protect refugees remain largely unknown in academic and political discourse and are often overlooked. So, Islamic regulations should be in central point while developing any law regarding refugees, domestic or international, in Muslim countries.

C) The constructive role of OIC can be instrumental in establishing Islamic values regarding the refugee crises in Muslim countries. Although OIC has proclaimed Cairo and Ashgabat Declarations, these documents have lacked an implementation mechanism. There is no obligation for its execution in the member states. Considering the gravity of the crises in the present Muslim world, OIC should develop sustainable regulations based on Islamic ethics and mechanism for its mandatory implementation in the member states to meet the refugee challenges effectively.

D) The 1951 UN Refugee Convention and its 1967 protocol were designed to respond to challenges faced by post-World War II refugee crises. This document failed to protect refugee rights internationally. Responsibility for caring for refugees was assumed to be global, but no binding mechanism was included. Consequently, the absence of global burden and responsibility sharing resulted in the imbalanced distribution of refugees globally. These international instruments should be modified considering the current trend of refugee crises with a binding and enforcement mechanism. It will enhance burden and responsibility sharing among the global communities and mitigate its impact accordingly.

E) The involvement of all sectors of society, including international organizations, civil societies, media, and the private sector, in the development of comprehensive policy to meet the refugee crises, is essential. An integrated policy could contribute diversely to addressing the

crises. Civil societies in Muslim countries can play a vital role in meeting the refugee crises by assisting the government's policy-making, supporting legal development, and creating consciousness among the individuals. NGOs are playing a very prominent role in assisting refugees globally, which could further be expanded with transparency. Wealthy individuals should come forward to support this helpless community from Islamic as well as humanitarian perspectives.

F) Only a humanitarian approach ignoring its political roots could not contribute to eradicating refugee crises. So, the international community should identify the root causes and address those accordingly involving regional and global actors. The available durable solutions, usually involving repatriation, resettlement, and local integration, do not present a sustainable solution to the displacement of millions of people around the world. As options for refugees become increasingly limited, the international community needs a lasting political solution to ensure refugee rights and their safe return with security guarantees. Islamic regulations could serve as the basis for such a sustainable solution to the global refugee crises.

G) Intergovernmental cooperation at the sub-regional level could be an essential tool to find out the root causes and resolve the issues accordingly. At least, it will mitigate the impact of the crisis on the frontline countries. The regional conventions could be used to address refugee challenges regionally.

H) An Islamic theory of *hijra* represents the integration of refugees with the host community and supporting them to enhance their self-reliance and explore their potential and abilities. It will convert them into resources, instead of a burden. The application of such an integrative policy could transform the refugee crisis into an opportunity for the host countries.

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