



# The Hague International Model United Nations

**Forum:** Human Rights Council Subcommission 1 (HRC-1)

**Issue:** Respect for the right to universal freedom of travel and the vital importance of family reunification throughout the world

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## Introduction

Family reunification has long been recognized as a fundamental human right, due to its essential role in preserving family integrity and promoting the well-being of individuals, particularly in the context of migration. Article 16 of the Universal Declaration of Human Rights states, “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” This is based on the principles of family unity and social stability. To greater emphasize family reunification specifically as a human right, one can draw in Article 9 of the Covenant of Civil and Political Rights, which affirms that “the family is the natural and fundamental group unit of society.” As greater access to migration arises, there is also an increasing number of individuals who are displaced by conflict, economic hardship, and other crises. As of January 2023, there were approximately 4 million individuals waiting for family-based visas in the US, with wait times extending up to 23-24 years for certain countries due to high demand. This proves the importance of this issue, as it is a critical issue affecting multitudes of people, especially in the modern day.

In recent decades, globalization has increased migration flows and has resulted in more complex family structures across borders. According to the International Organization for Migration (IOM), around 272 million people were international migrants in 2019, many seeking to reunite with left-behind family members. Many countries impose stringent eligibility criteria that complicate family reunification processes. For example, financial requirements can be prohibitive for low-income migrants.

## Definition of Key Terms

### Family Reunification

The process through which family members are allowed to unite with relatives settled or who may have migrated to another country

### Migration policy

Regulations and laws that govern the movement of people across borders, which can be set by national or local governments, international organizations, or the private sector

### Remittances

Money sent back home by migrants in order to support their families

### Asylum Seekers

Individuals who have fled their home countries due to persecution or violence and seek protection in another country

### State Obligations

The responsibilities of governments under international law to protect and promote human rights. In regards to refugees and family reunification, there are 7 main state obligations governments must adhere to:

1. Right to apply for family reunification: states are obliged to allow recognized refugees to apply for family reunification, i.e, once a refugee is granted status, they can sponsor eligible family members to join them in the host country, as outlined in the UNHCR guidelines on family reunification.
2. Non-discrimination in Family reunification procedures: states must ensure that their family reunification processes do not discriminate against refugees based on nationality, race, or other protective characteristics.
3. Provision of information and assistance: governments are responsible for providing clear information about the family reunification process to refugees. This includes details on eligibility, criteria required documentation and application procedures.
4. Timely processing of applications: states should ensure that applications for family reunification are processed in a timely manner to prevent prolonged separation of families. For example,

measures taken by the Dutch Immigration and Naturalization Service aim to shorten waiting times for family reunification applications, which demonstrate state efforts to fulfill this obligation.

5. Consideration of best interest of children: in cases involving minor states are obligated to prioritize the best interest of the child when making decisions about family reunification.
6. Legal framework supporting family reunification: states must establish former that facilitate family reunification for refugees. These include ensuring laws are in place that recognize the right family life and providing mechanisms for refugees to sponsor their family members effectively.
7. Protection against refoulement: states are obliged under international law not to return refugees to countries where they faced persecution or threats to their safety. This obligation supports the stability necessary for reunification by ensuring that refugees can safely reside in the host country while their families join them.

## Humanitarian Law

A set of rules that seek to protect individuals during armed conflict (is also known as the law of armed conflict). The key principles of humanitarian law are as follows:

1. Protection of noncombatants: international humanitarian law mandates that individuals who are not actively participating in hostility, such as civilians, medical personnel and humanitarian workers must be protected from violence and harm.
2. Distinction: parties to conflict must always distinguish between combat and non-combatants, directing military operations only against legitimate military targets.
3. Proportionality: any military action must balance military advantage against potential harm to civilians and civilian property attacks that would cause excessive civilian damage in relation to the anticipated, military gain are prohibited.
4. Humanity: international humanitarian law prohibits unnecessary suffering, and mandates the main treatment for all individuals who are hors de combat (out of action) due to injury or capture.
5. Limitations on means and methods of warfare: international humanitarian law restricts the types of weapons and tactics that can be used in armed conflict. For instance, it prohibits weapons that cause indiscriminate harm or unnecessary suffering.

## Displacement

The forced movement of individuals or groups from their home or place of residence, due to various factors, often resulting in their inability to return safely.

## Refugee

provided in Article 1A(2) of the 1951 Refugee Convention, which states: "A 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."

## Background Information

After World War II, the concept of family reunification began to take shape as many families were separated and displaced due to violence and migration. This led to the UN declaring the Universal Declaration of Human Rights (1948) which established the right to family life, laying the groundwork for subsequent legal frameworks supporting family reunification. Additionally, the refugee crisis following the war led to the 1951 Refugee Convention, which aimed to address displacement but had limited provisions for family reunification. This convention provided a definition of a refugee, stating " term 'refugee' shall apply to any person who: (2) As a result of events occurring before 1 January 1951 and 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." This definition, however, provides a narrow definition solely recognizing those fleeing persecution rather than encompassing broader categories such as environmental migrants. Additionally, Article 33 establishes the principle of non-refoulement, prohibiting the return of refugees to countries where they face threats to their life or freedom. This principle is fundamental and cannot be changed, even during emergencies. However, this article also allows for certain individuals, such as war criminals, to be excluded from refugee status, limiting protection for vulnerable populations who may still face significant dangers.

Previous attempts to solve the problem include legal frameworks such as the 1951 Refugee Convention and 1967 Protocol, which defined refugee rights but lacked a robust mechanism for family reunification. UN initiatives have long advocated for family reunification policies, particularly for refugees. UNHCR implemented the Family Reunification Mechanism to assist these displaced families. Moreover, countries have adopted specific measures themselves to try and solve this issue. Canada has the Family Sponsorship Program, which allows citizens and permanent residents to sponsor family members for immigration, reuniting thousands annually.

However, recently there have been many major developments in this issue. For instance, in Syria, from 2011 over 13 million Syrians have been displaced, with only a fraction of refugee families reunited due to host country limitations. Worldwide, UNHCR has reported 35.3 million refugees worldwide, with family reunification applications lagging. Family reunification also fell behind due to the COVID-19 pandemic, where restrictions resulted in a 70% decline in international travel, stranding millions from their families.

## National Sovereignty vs. International Obligations

There is an international obligation by countries to enact humanitarian action when a human right seems to be in violation. Humanitarian action is guided by core principles that shape how aid is delivered and how the rights of individuals are upheld. These principles serve as an ethical compass for humanitarian organizations, guiding their operational decision in complex environments. The first is humanity. This principle emphasizes the necessity of alleviating human suffering, whenever and wherever it is found. Prioritizing the protection of life and health, ensuring respect for the individual. The next is impartiality. This means that aid must be provided based solely on need, without discrimination based on any factor, including race, religion, or political affiliation. This is particularly relevant as biases can affect who is allowed to reunite. Third, neutrality. Humanitarian actors mustn't take sides in conflicts. This is significant as it ensures fairness and equality in all reunification processes. Finally, independence. Humanitarian action must be autonomous from political, economic, or military objectives. This allows organizations to operate effectively without external pressures.

Despite the strong ethical foundation supporting family reunification, significant challenges remain. Many humanitarian organizations struggle with impartiality while working in politically sensitive environments. For example, there is the question of whether aid agencies should operate in refugee camps that may function as internment centers. These decisions require careful consideration of their implications to human rights.

There is much tension between sovereignty and international obligations, which arise when states prioritize their sovereignty- the authority of a state to govern itself without external intervention- over their commitments to uphold international human rights standards. Sovereignty allows states to control their borders, regulate immigration, and enforce laws within their territories. This is crucial for maintaining national security, public order, and cultural identity. States often invoke this as a justification for restrictive immigration policies and practices that may conflict with international human rights obligations, under the guise of protecting national interests.

International human rights laws, such as the Universal Declaration of Human Rights, impose obligatory measures on states to respect and protect the rights of all individuals. These measures include the right to family life, which is essential for personal dignity and social stability. While states have the right to regulate immigration, they must do so while also respecting their international obligations to uphold human rights.

The EU challenges with migration quotas during the 2015 refugee crisis serves as a notable example of this tension in September 2015. The European Union approved a plan to relocate 120,000 refugees from frontline states like Italy to other EU countries through mandatory quotas, however, several central and eastern European nations, notably, Hungary, Slovakia, and the Czech Republic opposed these quotas, arguing that they infringe upon their national sovereignty. They contended that decisions regarding immigration should be made at the national level rather than imposed by EU majority

votes, reflecting a broader reluctance to accept refugees within their borders. Despite this the European Court of Justice upheld the legality of the quotas system in 2017, emphasizing that it was within the ease rights to impose such measures to manage the crisis effectively, this ruling highlights the conflict between the ease obligation to project to protect refugees, and the individual states desire to maintain control over their immigration policies. The reluctance of some EU members to accept refugees under the quota system directly impacted family reunification, as while many families sought to reunite with family members already residing in other EU countries, restrictive national policies and opposition to accepting new arrivals complicated these reunification efforts.

### Economic Impacts

Family reunification for migrants has significant economic implications for both the migrants themselves and the host countries. Family reunification often leads to a combined household income that is higher than what individual members could achieve separately. Families can pool greater resources, share living expenses, and benefit from each other's earnings. Additionally, migrants who send remittances back home are able to make decisions about family reunification. Research shows that these remittances can enhance the likelihood of family reunification, as families in the home country can use these funds to support migration processes or improve living conditions.

Furthermore, the economic impacts can also be seen through their effect on labor market integration. When migrant families are reunited, the productivity of the primary migrant increases. UNICEF notes that families who are together tend to be more self-sufficient, effectively lowering social and economic costs for host communities in the long term. Additionally, the OECD has indicated that migrants whose families are reunited have higher employment probabilities and longer working hours compared to those who are separated.

While there are numerous benefits associated with family reunification, there are also costs involved. The process of family reunification may involve significant relocation costs, including travel expenses, housing upgrades for larger families, and costs associated with integrating into a new environment, such as language learning. Additionally, migrants, especially asylum seekers, are likely to face higher levels of poverty, increasing their reliance on social services and welfare programs, putting a higher cost on the host country. This could mean host countries end up spending an increased amount on migrants, rather than other initiatives to benefit the country.

### Security Concerns

This issue is often intertwined with security concerns, many of which influence the policies and practices surrounding immigration in various countries. Governments often justify restrictive immigration policies by citing national security concerns. This perception that more relaxed immigration policies might allow the entry of individuals who pose security risks can lead to heightened scrutiny of applications. This is particularly relevant when concerning countries facing significant challenges related to terrorism,

organized crime, or irregular migration. Moreover, in response to security threats, many countries implement stringent border control measures that can further complicate migration.

Migration processes also often require extensive documentation to verify identities and relationships (when concerning family reunification). However, refugees and migrants may lack access to essential documents due to conflict or displacement. The lack of documentation raises concerns about potential fraud or misuse of the system, leading authorities to impose stricter requirements that can delay or deny reunification. The UNHCR highlights that these procedures can be difficult for refugees and migrants to navigate, due to the lack of reliable information, which can worsen these challenges, resulting in missed deadlines or incomplete applications.

Political discourse surrounding migration also plays an important role in influencing these policies. Anti-immigrant sentiment can lead to backlash against policies perceived as lenient or overly accommodating, further complicating efforts to implement fair and humane immigration practices.

## Major Countries and Organizations Involved

### Relevant UN Treaties and Events

- Respect for the Right to Universal Freedom of Travel and the Vital Importance of Family Reunification, 18 December 2002 (A/RES/57/227)
  - Emphasizes the need for all states to guarantee freedom of travel for legally residing foreign nationals and recognizes family reunification as essential for documented migrants, urging governments to incorporate this into national legislation.
- Respect for the Right to Universal Freedom of Travel and the Vital Importance of Family Reunification, 18 December 2014 (A/RES/69/167)
  - Reaffirms the principles established in (A/RES/57/227), calling on states to uphold the right to travel and facilitate family reunification, while also addressing the need for financial remittances from migrants to their families.
- Promotion of the Right to Peace, 20 December 2016 (A/RES/71/189)
  - Highlights the significance of peace as a fundamental human rights and calls for international cooperation to promote peaceful societies, recognizing that peace is essential for the realization of all other human rights.
- International Covenant on Civil and Political Rights (ICCPR)
  - Commits signing parties to respect and ensure civil and political rights for individuals, including rights such as freedom of speech, assembly, religion, and the right to a fair trial, aiming to protect individuals from government infringement.
- Convention on the Rights of the Child (CRC)

- Outlines the civil, political, economic, social, health, and cultural rights of children, emphasizing their right to protection, education, and participation in decisions affecting their lives.
- Global Compact for Safe, Orderly and Regular Migration
  - Aims to enhance international cooperation on migration by promoting safe and orderly migration practices while ensuring that migrants' rights are protected throughout their journey.
- European Union Family Reunification Directive
  - establishes the legal framework for family reunification within EU member states, allowing non-EU nationals residing legally in an EU country to bring their immediate family members to join them under specific conditions.
- Resolution on the Protection of Families in Migration, 12 December 2018 (A/RES/73/195)
  - Underscores the importance of protecting families in migration contexts by promoting family unity and ensuring that migrants have access to legal avenues for family reunification.
- UNHCR Family Reunification Guidelines, 2021
  - Provide a framework for countries to develop effective family reunification procedures for refugees and asylum seekers, emphasizing the right to family unity as a fundamental aspect of international protection.

### United States:

The Immigration and Nationality Act (INA), enacted in 1952, includes provisions for family reunification and allows citizens and lawful permanent residents to sponsor relatives. Despite this, recent administrations have proposed to reform this policy, under the guise of addressing “chain migration” concerns.

Additionally, the US has abstained from many UN resolutions regarding migration, especially those that may impose binding commitments, such as the Resolution on the Human Rights of Migrants, adopted in October 2024.

The US has historically been a leader in refugee resettlement, but has seen significant reductions in admissions in recent years, impacting family reunification efforts.

### Saudi Arabia:

Saudi Arabia has historically implemented the Kafala system, which ties migrant workers to their employers, severely limiting their freedom of movement. Under this system, workers needed their employer's permission to leave the country or change jobs.



In 2021, Saudi Arabia launched the Labour Reform Initiative, which allows workers covered by labor laws to transfer jobs without employer consent after one year of employment and leave the country without needing permission from their employers. Despite this, the requirement for exit visas remains a significant barrier. Many migrant workers face difficulties accessing the digital platforms required for obtaining exit visas and they may be subject to retaliation from employers if they seek to leave.

While Saudi Arabia has participated in discussions surrounding their migration policies at the UN Human Rights Council, it has defended its policies instead of supporting resolutions aimed at enhancing protections for migrants. During the Universal Periodic Review, Saudi Arabia has made commitments to improve labor rights but has been criticized for failing to implement substantial changes effectively.

### European Union (EU):

The EU has introduced the Pact on Migration and Asylum, adopted by the European Parliament in April 2024, which aims to establish a comprehensive framework for managing migration and ensuring solidarity among member states. The pact is expected to be implemented in 2026.

The EU has also made reforms of the Dublin Regulation, which previously required that asylum seekers be processed in the first EU country they entered. Now, asylum seekers are relocated among member states, alleviating pressure on countries that have historically high numbers of asylum seekers.

Moreover, the EU consistently has shown support for resolutions in the UN that support human rights, including rights for migrants and refugees. In 2018, they supported the Resolution on the Protection of Families in Migration, which emphasizes the importance of family unity in migration contexts.

### International Organization for Migration (IOM):

The IOM plays a vital role in addressing issues related to migration, including family reunification. The IOM advocates for the right to family reunification as a fundamental aspect of migration policy. The IOM asserts that keeping families together enhances social cohesion and supports the mental health and well-being of migrants.

In its Migration Governance Framework, the IOM outlines principles for humane and orderly migration. A key principle includes ensuring that migrants have access to family reunification processes as a part of their rights. While the IOM does not vote in UN resolutions as it is an intergovernmental organization, it collaborates closely with UN agencies and aligns itself with UN resolutions that advocate for the rights of migrants.

The IOM implements various programs designed to facilitate family reunification for migrants, often

including logistical support for travel arrangements and assistance with legal documentation requirements. The IOM also conducts research on migration trends, including family reunification patterns, often highlighting challenges faced by families seeking reunification.

## Timeline of Events

Date	Name	Description
December 10th, 1948	Universal Declaration of Human Rights (UDHR)	Affirms freedom of movement in Article 13 and the sanctity of the family in Article 16.
July 28th, 1951	Refugee Convention	Mandates protections for displaced individuals and advocating family reunification
August 1st, 1975	Helsinki Accords signed	Advocates for family reunification rights of those separated by the Cold War
February 6th, 2003	The European Union enacts the Family Reunification Directive	Establishes common rules to promote family reunification for non-EU nationals
March 15th, 2011	Syrian Civil War begins	Leads to a refugee crisis that underscores the importance of family reunification for the millions of people displaced as a result of the war.
January 27th, 2017	The United States issues Executive Order 13769	Commonly known as the “travel ban”, restricts entry from several predominately Muslim countries and separating families.
March 11th, 2020	World Health Organization (WHO) declares COVID-19 a global pandemic	Travel restrictions and border closures prevent family reunification worldwide.
February 24th, 2022	Russia invades Ukraine	Triggers a mass displacement crisis. several countries enacted special measures to reunite Ukrainian families separated by the war.

January 28th, 2025		THIMUN begins!
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## Previous Attempts to solve the Issue

### United Nations:

The Global Compact for Safe, Orderly and Regular Migration was adopted by UN member states in December 2018 to enhance international cooperation on migration issues, including commitments to facilitate family reunification. While this compact provides a framework promoting family unity, it is non-binding. Hence, implementation relies on individual states' will.

The UNHCR Family Reunification Guidelines were published in 2021, aiming at improving family reunification processes for refugees. While these guidelines serve as a resource for countries looking to make processes easier, actual implementation varies widely among nations, with countries being able to pick and choose which guidelines they follow.

### International Organization for Migration (IOM):

The IOM has implemented the Family Assistance Program to assist with family reunification, particularly for those who are beneficiaries of international protection. While this has been effective in providing logistical and legal support to families seeking reunification, there are still challenges surrounding gaining access to information and the complexity of migration laws in different countries.

### European Union:

In 2003, the EU implemented the EU Family Reunification Directive, which establishes the right to family reunification for non-EU nationals residing legally in EU member states. While it has made family reunification possible for many migrants, implementation has struggled across member states, leading to unequal access for families attempting to reunite.

## Possible Solutions

### Addressing Root Causes:

The first possible solution would be to encourage states to ratify and implement international

treaties that would legally bind them to uphold the right to freedom of movement and family reunification. This would address the issue of national sovereignty vs international obligations, as the states are legally binding themselves to upholding these rights.

The simplification of visa processes would also help family reunification, and the complexities of travel. Advocate for countries to adopt standardized policies that are transparent, fair, and accessible, while also addressing the concerns of citizens who might deem the simplification unfair.

### Proposing Targeted Interventions:

To address the security concerns associated with migration, develop security protocols that protect national interests while respecting individual rights, for example risk assessments that do not disproportionately impact specific groups.

### Offering Holistic Support:

Economic impacts can be addressed through multilateral agreements that help countries receiving a large amount of migrants, to relieve the financial burden while helping migrants reunite with their families. Integration programs can also be funded by international bodies to prioritize family reunification as a means of enhancing social cohesion and economic stability in host countries.

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## Appendix or Appendices

- I. [https://www.iom.int/sites/g/files/tmzbdl486/files/our\\_work/ODG/GCM/IOM-Thematic-Paper-Family-reunification.pdf](https://www.iom.int/sites/g/files/tmzbdl486/files/our_work/ODG/GCM/IOM-Thematic-Paper-Family-reunification.pdf).
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