

TITLE OF THE PAPER

**Islamic Ethics towards Refugee:
Reflections on the Responses of Muslim-Majority Countries**

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Abstract

'Refugee' is now a very widely discussed issue around the world. Thousands of people are becoming refugees every year globally, and most of them are Muslims. The UNHCR reports that 89.3 million people in the world have been forced from their homes, of which 27.1 m are refugees, and the highest number of refugees originated from Afghanistan, Myanmar, South Sudan, and Syria (2021). Globally, the refugees are living in very inhumane conditions. *Hijra*, the Islamic term for refugee, offers a broader definition that gives individuals the right to seek and grant asylum. Islam views that seeking asylum is a right of any human being irrespective of religion. The Holy Qur'an says: *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)*. Similar to that, many verses of the Holy Qur'an and Hadith of the Prophet (PBUH) provide a generous framework for the protection of the rights of refugees. With these perspectives, the paper aims at analyzing critically the responses of Muslim majority countries towards the refugee crises and evaluating them from an Islamic ethical point of view. It will also offer policy recommendations for the stakeholders. 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. The study would contribute to widening the acceptance of refugees and protection of their rights, while it would remove the misconceptions regarding the issues.

Key Words: Refugee, Islamic Ethics, Muslim Countries.

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. The UNHCR reports that 89.3 million people in the world have been forced from their homes, of which 27.1 m are refugees, and the highest number of refugees originated from Afghanistan, Myanmar, South Sudan, and Syria (2021). Different international covenants have been formulated to meet the global refugee crises. The UN Refugee Convention of 1951 and its protocol of 1967, the Cairo Declaration on Human Rights of OIC, and the Ashgabat Declaration of OIC on Refugees in the Muslim World are prominent, specially, in Muslim countries. In spite of these covenants, refugee crises couldn't be resolved; rather the number of refugees has reached its climax in 2021 than it has ever been (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 any human being irrespective of religion 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, Muslim states today rarely refer to *hijra* when dealing with refugees, despite their adherence to Islam or Sharia law. However, despite its rare use by Muslim states, *hijra* could provide an important framework for the protection of refugees and asylum-seekers in present global context. 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. The study will, hopefully, provide a rich contribution to the ongoing discourse on global refugee crises. 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). According to international law, 'Refugee' has a more explicit meaning. The most widely accepted and universal legal definition of refugee has been given in the UN Refugee Convention. 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).

This definition has its root in the perspectives after World War II. It has, sometimes, been criticized for not recognizing common causes of mass displacement clearly. These concerns have led to more extended legal definitions of a refugee, in the 'Cartagena Declaration on Refugees' which defines:

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, 2022a). 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. The concept of *hijra* in Islam is, primarily, referred to the migration of the Prophet Muhammad (PBUH) from Mecca to Medina in 622 A.D. Before that, a group of Muslims of Mecca had also migrated to Abyssinia in 613 A.D.

where they were protected by a Christian king. There are many instances of *hijra* (migration) in the holy Qur'an, including stories from the life of Abraham and Moses (PBUH). The Quranic verses show that *hijra* can become a necessity for anyone when one's life and beliefs are in danger. The event of the *hijra* of the Prophet (PBUH) is too significant in Islamic history that the Islamic era started not with the Prophet's (PBUH) birth or any other event, but with the date of *hijra*. The Prophet (PBUH) created the 'Charter of Medina' after *hijra* that integrated Muslim refugees within the asylum city of Medina and established harmonious relations between the refugees and the host community by granting civil and political rights for the refugees within a mutually agreed legal framework (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* (9: 100).

From an Islamic legal point of view, *hijra* incorporates all of the concepts in the modern law of refugee, asylum-seeker, forced migrant, internally displaced people, and stateless people. Islamic notions and teachings relating to refugees under *hijra* law are quite different and advanced even from modern refugee law (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 person, irrespective of religious or national identity, fleeing persecution has the right to enter a Muslim country and ask for protection. The person can seek asylum from the state or from individuals (Muslims or non-Muslims). The state or individuals are equally responsible for the protection of refugees and asylum-seekers. The asylum-seeking persons should be granted refuge or asylum for as long as they seek. After being granted refuge, they are entitled to all general rights like the citizens of the host community with no discrimination. 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 concept of a refugee is an integral part of the Islamic concept of human rights (Arnaut, 1987). The *hijra* of the Prophet (PBUH) symbolizes the Islamic concept of migration from lands of persecution, while the hospitable treatment by the people of Medina embodies the Islamic model of refugee protection. Islam provides a set of instructions in dealing with the refugees. 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 *ahadith* 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. The significance of this directive is realized when the status of polytheists in Islam is considered. Polytheism is

considered the most grievous sin in Islam and the only sin that is not forgivable by God (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* (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?* (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 and 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 Mecca. 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* (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 (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 (Jamal, 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 (UN Refugee Convention, Article 33). 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 is 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* (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* (4:36). *Give to close relatives their due, as well as the poor and 'needy' travellers. And do not spend wastefully* (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* (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* (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, 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.
- 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. Modern law divides displaced persons into refugees, asylum-seekers, stateless persons, internally displaced, returnees, and persons at risk of displacement, and appoints these groups varying rights. By comparison, the protection guaranteed to refugees and forced migrants under modern law is more limited and restrictive than that of Islam (Elmadmad, 1989; 1999; 2008).
- F) According to most Islamic schools of thought, there is no time limit for such protection. The refugees could not be forced into the land of persecution. Their departure from the place of stay will depend on individual decisions. This is the equivalent of voluntary repatriation in modern refugee law.

6. Global Refugee Statistics:

According to a UNHCR report, at least 89.3 m people around the world have been forced to flee their homes, among them nearly 27.1 m are refugees, 4.6 m are asylum-seekers, and 53.2 m are internally displaced people. This number has doubled since 2010 and is higher now than it has ever been (WEF, 2021). 69% of refugees originated only from five countries i.e. Syria, Afghanistan, South Sudan, Venezuela, and Myanmar (UNHCR, 2021a). The highest number of refugees came from Syria (6.8 m) and the same was hosted by Turkey (3.8 m). 83% of refugees are hosted by low and middle-income countries (UNHCR, 2021). After the break out of the Ukraine war, UNHCR announced that the number of people forced to flee due to violence had reached more than 100 m for the first time on record. It means 1 in every 78 people on earth has been forced to flee (UNHCR, 2022a). There are also millions

of stateless people, who have been denied nationality. The major global refugee statistics are presented below (UNHCR, 2021a, Amnesty International, 2021; WEF, 2021):

Table 1: Trend of Global Refugees

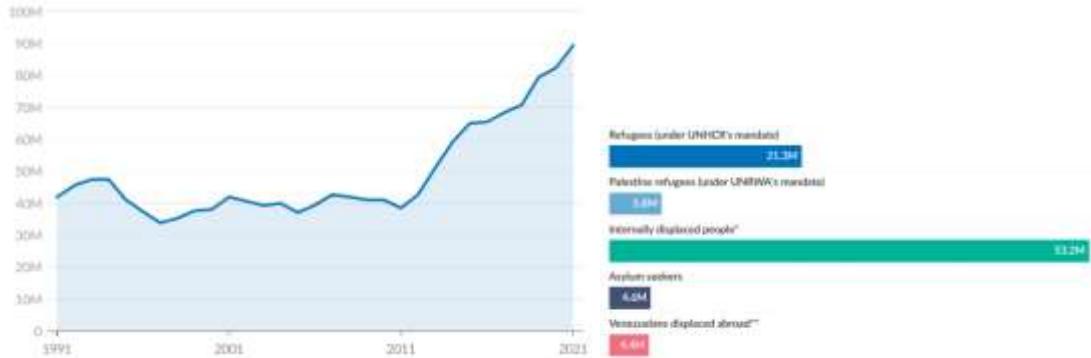


Table 2: Classified Statistics of Global Refugees

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



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

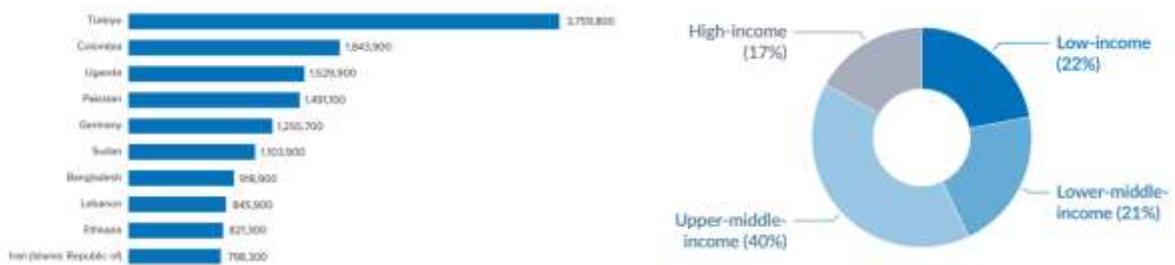


Table 5: Demographics of the Refugees



Table 6: Global Force Displacement (2012-2022)

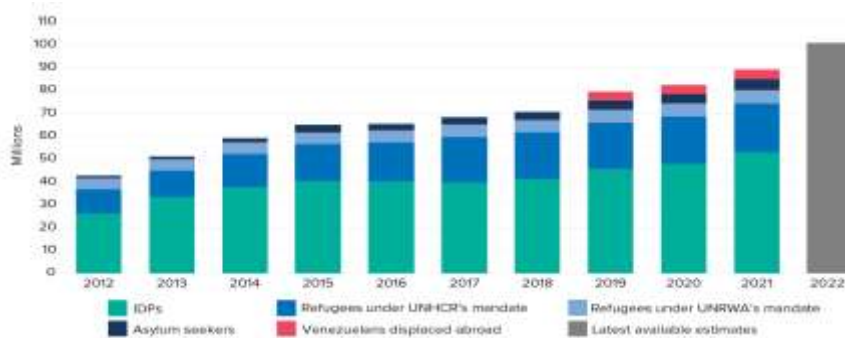


Table 7: People displaced across borders by region | 2012–2021

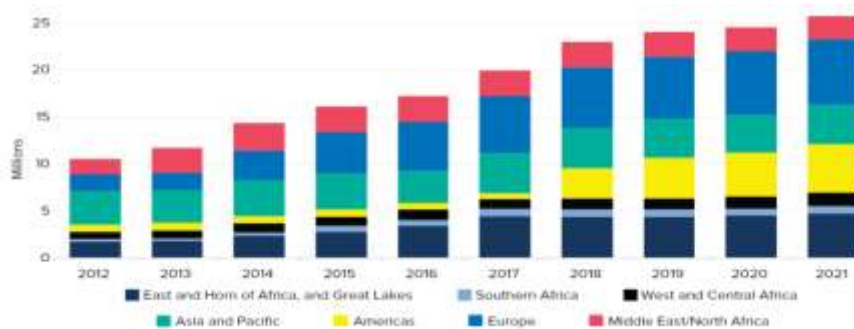


Table 8: Noteworthy Facts and Statistics by Region/Country (USA for UNHCR, 2022a; Concern Worldwide, 2021)

Region	Facts
Sub-Saharan Africa	<ul style="list-style-type: none"> ➤ The East and Horn of Africa region hosted nearly 5 m refugees at the end of 2021. ➤ Conflict in Ethiopia led to the displacement of more than 3 m Ethiopians. ➤ More than 10% of the population of Eritrea over 492,000 now lives as 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. ➤ Colombia hosted more than 1.7 m displaced people.
Europe	<ul style="list-style-type: none"> ➤ Turkey continues to be the world’s largest refugee-hosting country, home to 3.7 m. ➤ In 2021, more than 114,000 people risked their lives trying to reach Europe by sea; over 3,200 of them are dead.
Iraq	<ul style="list-style-type: none"> ➤ Nearly 1.2 m Iraqis continued to be internally displaced in 2021. ➤ Iraq hosts over 250,000 refugees from other countries.
South Sudan & Sudan	<ul style="list-style-type: none"> ➤ By the end of 2021, there were more than 2.1 m South Sudanese refugees. ➤ 95% of South Sudanese refugees are hosted in Uganda, Sudan, Ethiopia, and Kenya. ➤ Sudan is the 5th largest country of asylum for refugees; while the country has over 805,000 refugees as of December 2021.
Syria	<ul style="list-style-type: none"> ➤ More than half of Syrian people (13.5 m) are displaced. ➤ Syria has been the main source country of refugees since 2014. ➤ At the end of 2021, there were 6.8 m Syrian refugees. ➤ 80% of them are hosted in neighboring countries, including 3.6 m in Turkey.
Rohingya Refugees of Myanmar	<ul style="list-style-type: none"> ➤ The Rohingya are a stateless Muslim minority in Myanmar. ➤ 1.1 m Rohingya refugees have fled Myanmar since 2017. ➤ 90% of Rohingya refugees are hosted in Bangladesh and Malaysia.
Yemen	<ul style="list-style-type: none"> ➤ In 2021, the internally displaced population in Yemen reached 4 m.
Afghanistan	<ul style="list-style-type: none"> ➤ Afghanistan continues to be one of the top source countries of refugees. ➤ Roughly there are 2.6 m Afghan refugees. ➤ More than 88% of Afghan refugees are hosted by Pakistan and Iran.
Ukraine	<ul style="list-style-type: none"> ➤ Russia-Ukraine War in recent months made the country the second-largest country of origin for the global refugee population. ➤ As of April 25, 2022, over 5.2 m Ukrainians have fled the country.

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. Islamic states rarely evoke the phenomenon of *hijra* when dealing with, and more crucially, legislating on refugee rights (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 and Gouda, 2014). Only 11 Muslim countries, (Algeria, Djibouti, Egypt, Iran, Mauritania, Morocco, Somalia, Sudan, Tunisia, Yemen, and Turkey) ratified the UN Refugee Convention of 1951, while Jordan and Iraq enacted their refugee protection clauses that conform to the convention. Despite this, the conventions are seldom honored by the member states (Jureidini and 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:

Member states of the League of Arab States (Arab League) adopted the 'Arab Convention on Regulating Status of Refugees in the Arab Countries' in 1994 to address the refugee crises that contains the following key issues (League of Arab States, 1994):

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.

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, 2021a). 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. Apart from the government, Turkish civil society, and NGOs also played a vital role in the international arena to address the Rohingya crisis. According to Turkey’s Disaster and Emergency Management Authority (AFAD) report, between 2018 and 2020 Turkish organizations, including AFAD, TIKA, Turkish Red Crescent, Turkiye Diyanet Foundation, Humanitarian Relief Foundation, Yardimeli International Humanitarian Aid Association, Earth Favor Movement and Sadkatasi Association, constructed 33,446 houses, 15000 feet drainage system, distributed 94,609 blankets, 6,250 tarpaulins, installed 359 solar panels to supply electricity for Rohingya refugees in Bangladesh (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). Turkey’s contributions to the welfare of Rohingya Muslims in Bangladesh exceeded \$60 m, besides the aid which is dispersed through the UN agencies (Kamruzzaman, 2020). Turkey was the main architect to form the Myanmar Contact Group, consisting of Malaysia, Indonesia, Turkey, Egypt, Djibouti, and Saudi Arabia, on Rohingya under the OIC umbrella in 2012 to organize Buddhist and Muslim communities’ dialogue, and restore the Rohingyas’ citizenship in Myanmar. Thus, Turkey has become the hub of the Rohingya solidarity movement.

7.2.2 The Gulf Countries:

The role of Gulf countries (Saudi Arabia, Kuwait, Bahrain, Qatar, the UAE, and Oman) is very controversial in response to the refugee crises. Since the beginning of the Syrian conflict in 2011, millions of Syrians have become refugees across the border and displaced within Syria. But, the GCC countries are controversially claimed of hosting no refugees. While GCC countries are listed among the top contributors of humanitarian assistance for refugees, particularly during the Syrian conflict, they have been the most resistant to granting refugee status to individuals (Yahya and Mausher, 2018). Only in 2015, Saudi Arabia contributed \$88.8 m, Kuwait \$313.6 m, and the UAE \$71.9 m to humanitarian support related to the Syrian crisis, specially, for the refugees (Oxfam, 2016). GCC countries argue that they have hosted thousands of Syrian migrant workers and students since 2011, although none have agreed to grant refugee status (Amnesty International, 2015; Yahya and 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). On the part of GCC countries, it is claimed that these Syrians are technically not ‘refugees’ as the Gulf States are not signatories to the 1951 UN Refugee Convention. The GCC countries are primarily concerned with the prospective challenges posed by incoming refugees to political balance between different sectarian and ethnic communities as well as with the economic burden of caring for large numbers of refugees. They fear that welcoming Syrian refugees could cause subversive ideas to be brought into the states, and cause uprisings. They also fear that members of the Islamic State could sneak in among the Syrian refugees and provoke the risk of terrorist attacks in their countries. Considering demographic balance, already national population has become a minority in proportion to foreigners in some GCC countries. In Qatar and UAE, for example, in 2010, almost 90% of the population was foreign; in Kuwait, it was 70% (Ouaki, 2016).

The reasons behind the reluctance of Gulf countries to take in refugees seem very weak compared to their capacity. Despite the possibility of hindering demographic balance, there is no possibility of reaching a bursting point as these countries are still the least populated in the world. For example, Saudi Arabia has only 14 people per sq km (Ouaki, 2016). Alternatively, less wealthy Arab countries such as Lebanon, Jordan, and neighboring Turkey, have accepted the refugees. Legal instruments to address refugee crises are also lacking there. The GCC countries are some of the very few countries that didn’t sign the UN Refugee Convention. Accordingly, the Gulf countries have no legal obligation towards refugees and no distinction between the status of migrants and refugees. Therefore, refugees are not given any preferential treatment due to the absence of a global burden and responsibility sharing. In the broader context, the GCC countries have adopted a non-integrative policy approach toward refugees; it denies their status and basic rights and considers them to be both a burden and a potential threat to security and social integrity.

7.2.3 Lebanon, Jordan, Iraq and Egypt:

After Turkey, the neighboring countries of Syria have accommodated a large number of refugees. Lebanon and Jordan, which share borders with Iraq, Palestine, and Syria, have a long history of hosting refugees, including successive waves of Armenians, Palestinians, and Iraqis. But yet none of them has signed the UN Refugee Convention. Both countries are hosting the highest number of refugees per capita worldwide. Lebanon hosts 164 refugees per 1,000 inhabitants, whereas Jordan hosts 71 (Amnesty International, 2021). Lebanon hosted 831,053 refugees, while Jordan hosted 675,433 (UNHCR, 2022b). Only Jordan granted Palestinian refugees full citizenship. More than half of Jordanians today are of Palestinian

origin (Wilcke, 2010). 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 and 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 UNHCRb, 2022). Besides, Iraq lacks a legal framework for refugee protection.

Egypt is a destination country for refugees arriving from across the Middle East and East Africa. From the beginning of the conflict, many Syrians started seeking asylum in Egypt. 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, 2021c). In recent years, Egypt's challenging economic conditions have increased the vulnerability of both refugees and the host community as well.

7.2.4 Iran and Pakistan:

Iran hosts to one of the largest and most prolonged urban refugee situations in the world for over four decades. Since the 1979 Soviet invasion, displacement from Afghanistan continues in the longest protracted refugee situation. Nearly 5 m Afghans remain displaced outside of the country; 90% of whom are hosted by Iran and Pakistan. About 800,000 refugees live in Iran including 780,000 Afghans and 20,000 Iraqis. Additionally, some 2.7 m undocumented Afghans live in Iran (UNHCR, 2022c). Since the Taliban takeover in Afghanistan in August 2021, the number of Afghan refugees in Iran has increased dramatically. Up to 5,000 people were reported to arrive daily in the aftermath of the takeover (ACAPS, 2021). Iran has been maintaining progressive and inclusive policies towards refugees by offering them access to education, health, and livelihood opportunities—helping them thrive, not just survive. About 96% of refugees in Iran live in cities, towns, and villages side by side with Iranians, while only 4% live in 20 UNHCR settlements (UNHCR, 2022c). 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, 2022c).

Pakistan has also hosted millions of Afghan refugees since 1979. As of January 2022, there were nearly 3 m Afghans were living in Pakistan (EUAA, 2022). With the Taliban takeover in 2021, a large number of Afghan refugees crossed the border of Pakistan. Between January 2021 and February 2022, UNHCR documented 117,547 new arrivals from Afghanistan in Pakistan (EUAA, 2022). In 2013, Pakistan adopted a new national policy on Afghan refugees titled 'Solutions Strategy for Afghan Refugees (SSAR)' insisting on voluntary repatriation, sustainable reintegration inside Afghanistan, and assistance to 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 Myanmar) are considered one of the most persecuted communities in the world. They have been facing decades of systematic discrimination, statelessness, targeted violence, and ethnic cleansing in the Rakhine State of Myanmar. It persuaded them to flee to Bangladesh with significant spikes following violence in 1978, 1991-1992, and again in 2016 (OCHA, 2021). In 2017, the largest and fastest Rohingya refugee influx occurred in Bangladesh. Within a few weeks, half a million people entered Bangladesh seeking safety and shelter. There are now 860,000 Rohingya refugees living in Cox's Bazar, Bangladesh, which is now home to the world's largest refugee camp (UNICEF, 2021). Bangladesh, being itself the most populous country in the world, hosts this large number of vulnerable refugees which is widely appreciated by global communities.

7.2.6 Malaysia and Indonesia:

Malaysia hosts some 184,000 refugees, of whom 157,860 are from Myanmar comprising some 104,890 Rohingyas. The remaining are from 50 countries fleeing war and persecution, including some 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, 2022d). There are also many undocumented refugees in Malaysia. It is not a signatory to the UN Refugee Convention, and there is no domestic legislation that recognizes the status of refugees. They are generally seen as 'Illegal' migrants in the country. 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). In recent years, Malaysia has promoted the Rohingya issue in several regional and global forums, including ASEAN and the OIC. These provide new opportunities to strengthen national and regional protection for Rohingya refugees. In 2017, the Government made an announcement of a work pilot scheme for 300 Rohingya refugees. It is hoped that this scheme, initially limited to the plantation and manufacturing sectors, will be expanded over time (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, 2022e). Like Malaysia, Indonesia is also not a signatory to the UN Refugee Convention and has no domestic legislation to recognize the legal status of refugees. In late 2016, the President of Indonesia signed the 'Presidential Regulation on the Handling of Refugees', which determines the processes for detection, shelter, and safeguarding of refugees.

8. Conclusion and Recommendations:

Hijra- the Islam 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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