

The Legal Protection for Refugees in the Sultanate of Oman.

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Abstract

The Sultanate of Oman is not a State party to the 1951 Convention relating to the Status of Refugees (the 1951 Refugee Convention) and its 1967 Protocol, which establish refugee rights and obligations. In addition, there are no specific national laws or administrative regulations governing the right to asylum. However, the Basic Statute of the Sultanate of Oman and the Foreign Residency Law in Oman explicitly grant the right to asylum to a specific category of individuals, who are political refugees. The Basic Statute of Oman refers to political asylum briefly, while the Foreign Residency Law in Oman includes several rules that detail this right, from granting political asylum to withdrawal and deportation. In addition, there are cases of refugee protection based on practice that are related to domestic legal standards. This paper seeks to examine the current legal framework for the protection of refugees in Oman, the reality of refugees in Oman based on practice, and will also clarify the challenges that affect the asylum processes and refugee rights.

Keywords: Protection, Refugees, asylum, foreigners' residency, Sultanate of Oman.

الحماية القانونية للاجئين في سلطنة عمان.

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المخلص

سلطنة عمان ليست بدولة طرف في اتفاقية عام ١٩٥١م الخاصة بوضع اللاجئين، وبروتوكولها الإضافي لعام ١٩٦٧م. بالإضافة إلى ذلك، لا توجد قوانين وطنية محددة أو لوائح إدارية تحكم حق اللجوء في سلطنة عمان. ومع ذلك، فإن النظام الأساسي لسلطنة عمان، وقانون إقامة الأجانب العماني يمنحان صراحة حق اللجوء لفئة معينة من الأفراد، وهم اللاجئين السياسيين. إذ يشير النظام الأساسي العماني إلى اللجوء السياسي بشكل موجز، في حين أن قانون إقامة الأجانب يتضمن عدة قواعد تفصل هذا الحق، بدءاً من منح اللجوء السياسي إلى السحب والترحيل. ناهيك عن أن هناك حالات لحماية اللاجئين على أساس الممارسة والتي ترتبط بالمعايير القانونية الوطنية. وتهدف هذه الورقة إلى دراسة الإطار القانوني الحالي لحماية اللاجئين، وكذلك واقع اللاجئين على أساس الممارسة في سلطنة عمان. كما ستوضح الورقة التحديات التي تؤثر على عمليات اللجوء وحقوق اللاجئين في سلطنة عمان.

الكلمات المفتاحية: الحماية، اللاجئين، حق اللجوء، إقامة الأجانب، سلطنة عمان.

Introduction

The issue of refugees and asylum is not per se a new topic. There have been international debates and discussions concerning this issue since before World War I, beginning with different arrangements and ending with the 1951 Convention on Refugee Status. Since armed conflicts and political tensions between conflicting groups continue to occur in several states, the issue of refugees constantly raises new legal questions day after day.

Sultanate of Oman has historically been a transit State for refugees and asylum seekers, with many passing through on their way to other States. Nevertheless, in recent years, the State has also become a destination for refugees, primarily from neighbouring Yemen, and also from Iraq and Syria. While Oman has provided some limited assistance to those refugees, including access to healthcare and education, there is no formal legal recognition of their status and no clear pathway to permanent residency or citizenship.

The paper investigates a new legal issue concerning refugee status within the Sultanate of Oman, taking into account the Sultanate's non-membership in the 1951 Convention. The significant of this paper lies in presenting an innovative legal analysis of refugee law in the Sultanate of Oman, through analysis of the Basic Statute of Oman, the Foreign Residency Law, and the reality of refugees in Oman. By using this paper as a guide, the enforcement and legislative authorities in Oman could reconsider the laws and policies that govern refugees in the country. In particular, examining the regulations of refugee in a State is essential to ensure compliance with international law on refugee.

1. The national legal framework for protection

One of the features that characterises the legal system for the protection of refugees in Oman is the lack of explicit and sufficient laws that suffice international rules and standards of refugees protection. This deficiency can be based on two reasons. First, Oman is the not a State party to 1951 Convention relating to the Status of Refugees – the main instrument concerning refugees – and it is not compelled to have laws and regulations that discharge the rules of convention. Second, the demographic factor constitutes a reason for not adopting such laws. Oman has a population of 4.553 Million,

2.722 Million of which are Omani people and 1.831 Million of which are non- Omani people,⁽¹⁾ and then the State is keen to achieve a degree of balance between the population in order to maintain the demographic factor and social structure inside the State. This policy is generally consistent with the protectionist naturalization laws of the Gulf States.⁽²⁾

This paper will explore the current national legal framework in Oman, which asylum seekers can follow to obtain asylum status and necessary protection. This framework can be found in the Basic Statute of Oman, the Foreign Residency Law and the principle of non-refoulement. These standards and rules can be classified as the domestic sources of the refugees protection in Oman, which will be examined respectively.

1.1 The political asylum according to the Basic Statute of Oman

A number of constitutions directly recognise a positive right for those who deserve asylum, while others stipulate that granting the right to asylum should be as per the regulations and laws in force.⁽³⁾ Article 28 G(2) of the 1945 Constitution of the Republic of Indonesia is a case of the point of the former category. It states that “Every person shall have the right to be free from torture or inhumane and degrading treatment, and shall have the right to obtain political asylum from another country.” The latter category of constitutions could be exemplified in Article 9 of the Burkina Faso constitution that states “The free circulation of persons and of assets, the free choice of residence and the right of asylum are guaranteed within the order of the laws and regulations in force.” Both categories explicitly and positively recognise the right to asylum, unlike the Basic Statute of the Sultanate of Oman (the Basic Statute) which has adopted a different method. In

(1) The National Center for Statistics and Information, Oman
<https://www.ncsi.gov.om/Pages/NCSI.aspx> accessed 16 July 2020.

(2) Marwan Muasher and Maha Yahya, Refugee Crises in the Arab World (Carnegie Endowment for International Peace, 2020)
<https://carnegieendowment.org/2018/10/18/refugee-crises-in-arab-world-pub-77522>.
accessed 21 June 2020.

(3) Michel Foster & Jonathan Klaaren, Asylum and Refugees in Mark Tushnet, Thomas Fleiner & Cheryl Saunders(eds), Routledge Handbook of Constitutional Law (Routledge 2013) p416.

other words, the Omani constitution does not fall within one of these categories.

Article 43 of the Basic Statute on Oman stipulates, "The extradition of political refugees is prohibited, and laws and international conventions define the provisions of the extradition of criminals." This article shows that political asylum is a constitutional right for those who fall within this category, however this article reveals a difference between the Basic Statute with regards to political asylum and the categories mentioned above. Article 36 clarifies that the extradition of political refugees is prohibited, but it does not mention the positive right of asylum for political reasons as other constitutions do. Generally, this approach that has been adopted by the Basic Statute can be classified as the negative right of political asylum, in which it leaves the question whether the status of asylum has any positive content open.⁽¹⁾ In addition, the approach of the Basic Statute can be interpreted as "escape clause", by which allowing the right to asylum set forth in the constitution will be interpreted according to a national law,⁽²⁾ and this might be confirmed or vice versa upon discussing the political asylum according to the Foreign Residency Law.

Another issue worthy of examination is whether the Basic Statute can cover other categories of refugees in addition to the political refugees. In this context, Kowalczyk and Versteeg believe that most of domestic constitutions that include the right to asylum, stipulate this asylum as a human right available to all displaced people, rather than a limited right available only to those who can demonstrate a well-founded fear of persecution on account of one or more of the five grounds enumerated in the 1951 Refugee Convention.⁽³⁾ This thought might be in line with the constitutions that have adopted the right to asylum as positive and without the reference to a specific category. In other words, it seems that certain constitutions, such as the Basic

(1) Ibid , p417.

(2) Stephen Meili, "the Constitutional Right to Asylum: The Wave of the Future in International Refugee Law?" (2018) 41 Fordham International Law Journal 383, 390.

(3) Lucas Kowalczyk & Mila Versteeg, "The Political Economy of the Constitutional Right to Asylum" (2017) 102 Cornell L. Rev 1219, 1256.

Statute of Oman, do not fit into the category described by Kowalczyk and Versteeg. To put it more simply, it can be said that the right to asylum in the Basic Statute is very limited, since it addresses only one category, that is political refugees. The right to asylum in the Basic Statute does not cover the asylum based on, for example, race, religion, nationality, membership in a particular social group, or environmental or humanitarian grounds.

It is also remarkable that the Basic Statute does not include any substantive provisions that clarify the standards or fields of protection for political refugees. Consequently, the Basic Statute will not directly be utilized by lawyers and other advocates for protection of refugees, and this has been implicitly mentioned by the United Nations High Commissioner for Refugees. The latter stated in the report of Universal Periodic Review of Oman that “all persons in need of international protection fall under the Foreign Residency Law and there are no exceptions made for them, particularly those who have failed to secure a residence permit.”⁽¹⁾ This means that the Basic Statute will not be the main mechanism for the protection of political refugees in Oman. In this case, the main issue that could arise is whether the Foreign Residency Law might assume this role. The next section will examine this issue.

1.2 The political asylum according to the Foreign Residency Law

It is important to indicate that the Basic Statute constitutes the direct source of the Foreign Residency Law, in relation with the right to political asylum. The Foreign Residency Law has provided detailed rules on how the right to political asylum as set forth in the Basic Statute may be implemented. Chapter VII (Articles 24 to 27) regulates the right to political asylum, beginning from granting political asylum, up to the rights and obligations of the political refugees, and finally the withdrawal of the political asylum, and deportation.

Article 24 of the Foreign Residency Law authorises any foreigner to apply for political asylum and residence in Oman, as long as, he/she is pursued for political reasons by a non-Omani authority, and such pursuit threatens his/her life and freedom. Furthermore, the article

(1) The High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: 2nd Cycle, 23rd Session (The Sultanate of Oman) p3.

stipulates that the political reasons (the cause of pursuit) should not conflict with the public policies of Oman and Islamic beliefs.⁽¹⁾ This political asylum will be granted and maintained until the threats that a political refugee faces disappear.⁽²⁾ The asylum seekers who can meet the criteria set forth in Article 24, will obtain the status of political asylum through a Sultan's royal decree.⁽³⁾ Article 24 of the Foreign Residency Law can be interpreted that the right to political asylum might be granted to any individual who can prove that the authority in the State of nationality, the authority of permanent residence or any other authority pursues him/her.

Regardless of the fact that Oman is not a State party to the 1951 Refugee Convention, the approach adopted by the Foreign Residency Law is slightly broader than the 1951 Refugee Convention. The Foreign Residency Law stipulates that the pursuit should be done by non-Omani authority, and without identifying of any such authority. On the other hand, the 1951 Refugee Convention defines "refugee" in paragraph 2 of Article 1, as a person who is outside of the country of his nationality or residence because of fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion, and is unwilling to return to that country. In other words, the Refugee Convention implicitly stipulates that pursuit should be done by an authority of the State of nationality or residence.⁽⁴⁾ Nevertheless, the United Nations High Commissioner for Refugees (UNHCR) has stated that it is not necessary that the well-founded fear of persecution on the basis of one or more of the Refugee Convention grounds is the sole or dominant cause in the context of granting refugee status.⁽⁵⁾ In response to the human consequences of the wars, which cause fleeing people into neighboring countries,

(1) The Foreign Residency Law (promulgated by Royal Decree 16/95) Article 2
< <https://mola.gov.om/legislation/laws/details.aspx?id=47> > accessed 10 June 2020.

(2) Ibid.

(3) The Foreign Residency Law (n8) Article 25.

(4) Hugo Storey, "The Meaning of "Protection" within the Refugee Definition" (2016) 35 Refugee Survey Quarterly 1,15.

(5) UNHCR, 'Guidelines on International Protection: the application of Article I A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to the Victims of trafficking and persons at risk of being Trafficked' UN Doc HCR/GIP/06/07 (7 April 2006) para 29.

seeking refuge, as in the case in Ukraine today, the UNHCR calls all to provide the protection for this category against an enemy or aggressor State.⁽¹⁾ To put it another way, the pursuit can also come from the enemy or aggressor state, and therefore the refuge status might be granted based on the human rights violations arising out of the consequences of war.

Asylum seeker for political reasons will not obtain the status of political asylum under the Foreign Residency Law if such political reasons conflict with the public policies of Oman.⁽²⁾ However, the concept of public policy is not defined in the Foreign Residency Law, thus a political asylum seeker or his/her attorney may assess the possibility of obtaining the status of political refugee. In fact, the concept of public policy is not considerably used in the constitutions of States, and alternatively, the States use definable circumstances or actions, such as the 2001 Immigration and Refugee Protection Act of Canada and the 1991 Refugee Act in South Africa. The latter will disqualify an asylum seeker for refugee status if he/she commits a crime against peace, a war crime or a crime against humanity, any nonpolitical crime punishable in South Africa, or acts contrary to the objectives and principles of the United Nations or the Organisation of African Unity (African Union).⁽³⁾ This exclusion is in conformity with article 1(F) of the 1951 convention, and given that South Africa is a member of the 1951 convention,⁽⁴⁾ it is just an application of the convention.

Regarding the procedures for submitting an application for political asylum and the authority that is responsible for the process of examination and determination, the Foreign Residency Law, on the one hand, does not include such details. On the other hand, Article 24 of the Law states that the Minister of State for Foreign Affairs regulates the issues related to refugees and political residents in

(1) Kelly T. Clements, Humanitarian Implications of the Ukraine Crisis (7 June 2022)

(2) The Foreign Residency Law (n8) Article 24.

(3) South Africa: Act No. 130 of 1998, Refugee Act, 1998 [South Africa] 4 (1) (a), (b) and (c).

(4) South Africa accessed to the 1951 convention on 12 Jan 1996. See United Nations Treaty Collection. <

https://treaties.un.org/Pages/ViewDetailsII.aspx?src=IND&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=en> accessed at 24 Feb 2023.

coordination with the competent authorities. Nevertheless, these competent authorities have not been identified in the Foreign Residency Law, but the only vivid procedure in this context is that Sultan of Oman is responsible for granting political refugee status by a Sultan's royal decree.⁽¹⁾

It can also be noted that the Foreign Residency Law lacks a comprehensive framework of protection for the political refugees; there are very few rules that illustrate the rights in this category. The political refugee is entitled to a special card that contains all details of his/her identity, and any obligations imposed on him/her.⁽²⁾ In addition, in case of a decision for deporting the political refugee is taken, the latter would not be deported to a country where he/she fears for his/her life or freedom.⁽³⁾ The Foreign Residency Law is silent on several rights in the context of the protection of political refugees, such as, employment, education, housing and medical services. However, the refugees (including the political refugees) are permitted to work in Oman if they are in the country on a work visa.⁽⁴⁾ Thus, they will also enjoy medical services if such services are included in the employment contract or if they have their own insurance contracts. What is important is that the legal basis of such rights is the work visa and not the Foreign Residency Law.

With regards to the level of obligations imposed on the political refugees, a political refugee is required not to perform in any political activity during his/her residence in Oman.⁽⁵⁾ The violation of this obligation by the political refugee might lead to the withdrawal of the political asylum status and commencement of the process of his/her deportation.⁽⁶⁾ Furthermore, the status of the political asylum is subject to more restrictions (obligations) with new conditions at any time, when the circumstances require so.⁽⁷⁾ Except for practicing political activities, it can be said that the cases of withdrawal of the political asylum status and deportation under the Foreign Residency Law are

(1) The Foreign Residency Law (n8) Article 25.

(2) Ibid.

(3) Ibid, Article 27.

(4) The High Commissioner for Human Rights' Compilation Report (n7) p2.

(5) The Foreign Residency Law (n8) Article 26.

(6) Ibid, Article 27.

(7) Ibid.

unclear. Additionally, the authority responsible for the withdrawal of the political asylum and for issuing the deportation order is not defined in the Foreign Residency Law. Nevertheless, as political asylum will be granted under a Sultan's royal decree, it can be deduced that the withdrawal of political asylum and the deportation of political refugees will also be done under a Sultan's royal decree.

1.3 The obligation of non-refoulement as a part of the domestic law

Sultan's royal decree has been promulgated on 6 April 2020, which states the accession of Oman to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁽¹⁾ Accession is one of the means to express the consent of a State to be bound by the Convention against Torture,⁽²⁾ and the convention will be entered into force for each State acceding to it on the thirtieth day after the date of the deposit of its own instrument of accession.⁽³⁾ Consequently, Oman is supposed to comply with obligations set forth in the CAT beginning from 9 June 2020.⁽⁴⁾ What is important is that the rules of the CAT, including the obligations, have become a part of the domestic law in Oman. The reason for direct implementation of the convention domestically in Oman is that it follows a monist theory according to Article 93 of the Basic Statute.⁽⁵⁾ In other words, it is not necessary that Oman should domestically legislate the obligations set forth in the international conventions which it is a party to. As mentioned above, as soon as Oman approves a convention, the latter will be a part of Oman domestic law and has direct internal effect. Thus, it is assumed that the

(1) See the Royal Decree 45/2020

<http://mola.gov.om/eng/legislation/decrees/details.aspx?id=1184&type=L&lang=e> accessed 25 July 2020.

(2) See the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted on 10 December 1984 and entered into force on 26 June 1987) Article 26.

(3) Ibid, Article 27(2).

(4) United Nations Treaty Collection. <

https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&clang=en#EndDec> accessed 27 July 2020. It seems that Oman has deposited the instrument of accession on 9 May 2020.

(5) The Basic Statute of Oman (promulgated by Royal Decree 6/2021) Article 93.

CAT would be applied in Oman according to Article 93 of the Basic Statute of Oman.

One of the obligations imposed on Oman under the CAT is the obligation of non-refoulement set forth in Article 3 (1). This obligation requires the States not to deport, extradite, expel, return (refouler) or otherwise transfer persons to countries where there is a real risk that they would be subjected to torture.⁽¹⁾ The obligation of non-refoulement is applicable to asylum seekers and refugees, as well as all non-citizens, regardless of their status.⁽²⁾ From the perspective of *ratione personae*, it can be noted that the obligation of non-refoulement in Article 3(1) of the CAT is wider than the obligation in the 1951 Refugee Convention.⁽³⁾ Unlike Article 33(1) of the Refugee Convention that uses the term 'refugee', Article 3(1) of the CAT uses the term of 'person'. On the basis of the textual interpretation of this term, the obligation of non-refoulement set forth in the CAT is not restricted to a specific category, but is instead applicable to any person who meets the substantive grounds in Article 3. Consequently, Article 3(1) of the CAT covers several asylum seekers who are not refugees within the meaning of the Refugee Convention.⁽⁴⁾ In other words, it can be said that the obligation of non-refoulement applies not only in a specific relation with the Refugee Convention but also, with Article 3(1) of the CAT, where any person may be in danger of being subjected to torture. Furthermore, the Committee against Torture (the Committee)⁽⁵⁾ considered, in its General Comment No. 2, that non-refoulement should also be applied to ill-treatment.⁽⁶⁾

(1) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: A Guide to Reporting to the Committee against Torture (Redress, the UK, 2018) p11.

(2) Ibid.

(3) Andreas Zimmermann, the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary (Oxford University Press, 2011) 1352.

(4) Jacqueline Bhabha, 'Human Smuggling, Migration and Human rights' (the International Council on Human Rights Policy 2005) 14.

(5) The Committee against Torture is the treaty body created to monitor and encourage States to uphold and implement their international obligations under the Convention against Torture. See the Convention against Torture (n22) Article 17.

(6) United Nations CAT, Committee Against Torture Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: General Comment No. 2, para 6.

Consequently, Oman has an obligation under the CAT not to expel, refouler or extradite a person to another State where he/she would be in danger of being subjected to torture or ill-treatment. The Committee stated that an individual will have the initial burden of proof to present “substantial grounds” for showing the risk of torture.⁽¹⁾ On this basis, a person must submit to the competent authorities in Oman substantial grounds that clarify that refoulement to a country would subject him/her to torture as defined Article 1(1) of the CAT, or ill-treatment.⁽²⁾ After submitting such substantial grounds, Oman is required to examine each case individually, not collectively, and undertake its own individual, impartial and independent investigations for any proposed removal to ensure that there is no actual risk that the individual would be in danger of being subjected to torture or ill-treatment.⁽³⁾ Thereafter, as non-refoulement provides a temporary refuge to asylum seekers, as it can be interpreted as partial or de facto asylum,⁽⁴⁾ the competent authorities in Oman may permit the refugee to temporarily remain in its territory. However, Oman has also the discretionary power to deport the asylum seeker to a third country where there is no risk of being subjected to torture or ill-treatment, or refusal of the substantial grounds and refoulement to the concerned country.

Since Oman has recently acceded to the CAT, it is not expected that the competent authorities in Oman will put the obligation of non-refoulement set forth in Article 3 of the Convention against Torture into effect in the near future. Therefore, in the absence of a national asylum system in Oman, the UNHCR can carry out all asylum-related activities and refugee status determination under its mandate.⁽⁵⁾ In other words, the UNHCR can undertake the necessary procedures related to non-refoulement in Oman, such as examination of cases,

(1) A Guide to Reporting to the Committee against Torture (n29) 12.

(2) To distinguish torture from ill-treatment, it is necessary to take into consideration several factors, such as the purpose of the conduct, the intention of the perpetrator, the victim's vulnerability and powerlessness. See Guide to Reporting to the Committee against Torture (n29) p11.

(3) Ibid, pp 11-12.

(4) Boed, Roman. 'The State of the Right of Asylum in International Law' (1994) 5 Duke Journal of Comparative & International Law 1, 16.

(5) The High Commissioner for Human Rights' Compilation Report (n7) p1.

issuing refugee and asylum- seeker certificates and resettlement procedures to a third country.⁽¹⁾

For those States that are parties neither to the 1951 Convention nor to other conventions, which include texts on the obligation of non-refoulement, the customary international law of non-refoulement, is relevant. To put it in different way, the customary international law of non-refoulement can constitute another legal basis of the obligation of non-refoulement, by which Oman should comply with. The obligation of non-refoulement is explicitly exist in Article 33 (1) of the 1951 Refugee Convention, Article 3(1) of the CAT, and Article 16 (1) of the Protocol against the Smuggling of Migrants. It has also been deduced from Article 7 of the International Covenant on Civil and Political Right (ICCPR) and Article 3 of the European Convention on Human Rights (ECHR) as result of a number of judicial interpretations.⁽²⁾ Furthermore, a number of non-binding instruments have mentioned to the obligation of non-refoulement, such as the Declaration on Territorial Asylum, the Asian-African Refugee Principles and the Cartagena Declaration on Refugees. There is no doubt that such explicit and implicit expressions of the obligation of non-refoulement in such instruments reflects near universal acceptance of the obligation, and thus supports the existence of a customary obligation of non-refoulement.⁽³⁾ This conclusion is in compatible with the ICJ jurisprudence in the North Sea Continental Shelf case in which it had accepted that a widespread and representative participation in a convention might suffice of crystallisation a customary rule.⁽⁴⁾ It can be said that based on the customary international law, the obligation of non-refoulement is a part of the domestic law in Oman.

(1) Ibid, p2.

(2) C v Australia, Communication No. 900/1999 UN Doc CCPR/C/76/D/900/1999 (2002) para 8; Ahmed v Austria App no 25964/94 (ECtHR 15 November 1996); Soering v the UK App no 1/1989 (ECtHR 7 July 1989); Jabari v Turkey App no 40035/98 (ECtHR 11 July 2000).

(3) United Nations High Commissioner for Refugees, The Scope and Content of the Principle of Non-Refoulement – Opinion (20 June 2001) para 212.

(4) North Sea Continental Shelf, Judgment, ICJ Reports 1969, p.3, at paragraph 73.

2. The Reality of refugees in Oman

The management of refugees has been one of the most important issues in the Arab region for decades since the Arab region is one of the areas most exposed to factors and causes of asylum, especially during the last twenty years. For example, the war that the USA launched against Iraq in 2003 has largely led to the displacement of Iraqis to the neighboring countries. Furthermore, hostilities and armed conflicts in Syria have created a serious humanitarian situation inside Syria, pushing the Syrians to flow outside of Syria seeking asylum. In the past few years, many Yemenis were forced to leave Yemen while fleeing from war and the difficult humanitarian conditions that destroyed most of the infrastructure required for a decent life.⁽¹⁾

All these crises have resulted in sudden external displacement, and their suddenness causes them to maintain dangerous humanitarian dimensions, as well as economic, political and security dimensions on the host countries. The sudden flow of refugees to neighboring countries creates deep economic, social and political problems, especially if the refugees remain in host countries for long.⁽²⁾

In fact, the countries hosting refugees are forced to bear deep and considerable pressures, the most prominent of which is the relationship that will prevail with the country from which these people come and the consequent political effects thereof. There will also be security and economic repercussions since it is very difficult to manage groups that suddenly enter a country while such groups continue to communicate with other groups within their own countries. Moreover, addressing the provision of food, medicine and housing requires extraordinary efforts. There are other challenges, such as providing education and providing a work environment for young refugees to develop their professional aspects and to take advantage of their capabilities, at least to help them provide a livelihood.

Hence, host countries feel that they urgently need support from the relevant international institutions and organizations to deal with such

(1) <http://asp.story/news/arabic/org..unwww Q0VtQVbebsT #.23948=NewsID?>
accessed 15/07/2020

(2) Displacement, and development in a changing Arab region, Economic and Social Commission for Western Asia 2015 International Migration Report.

crisis and manage it in a manner that achieves the required protection goals for these refugees. As for the countries that are obligated to receive these refugees, there must be a legislative framework to guarantee the rights of these refugees on the one hand and to protect the conditions and gains of the host country in a way that does not affect the stability of its citizens on the other hand.

Oman, like most of its neighbors in the Gulf region, did not enact a specific legislation that regulates the asylum application or rules that clarify the methods to deal with the refugees. In most cases, the borders remain closed except for cases that require medical intervention, holders of work visas or those who have special permission to enter, which makes the issue of asylum-seeking somewhat complicated. In other words, the political asylum is rarely granted in Oman.

However, there is, with no doubt, great cooperation from Oman with regards to receiving those who need medical and health care. However, these asylum seekers must return to their countries immediately after receiving the necessary treatment and after their health conditions improve. As a result of this humane condition and based on its commitment to the international treaties and agreements, Oman finds itself in a situation that requires development, especially when it comes to protecting women and children. Oman is one of the countries in which these groups receive the utmost attention, and Oman has agreed to the most important international agreements relating to the rights of women and children. By virtue of being an active member in the Arab League, Oman has contributed to the issuance of many decisions at the level of the Arab Summit as well as at the level of ministers and delegates, and such decisions dealt with all aspects related to the conditions of refugees. ⁽¹⁾ In practice, Oman dealt with specific categories coming from neighboring and non-neighboring countries, as these will be shown in the following sub-sections.

(1) The General Secretariat of the League of Arab States, Forced migration in the Arab region: an overview of the crisis and the efforts of the League of Arab States < <http://www.lasportal.org>> accessed 18/07/2020.

2.1 The Yemeni refugees

Oman is the closest neighbor to Yemen. The border between the two countries is 288 km long, not to mention the historical relationship between the two countries. Moreover, the Yemeni and Omani families are united with deep and continuous social ties. Since the beginning of the crisis in Yemen, Oman has been playing a role to achieve peace and reject war due to the repercussions that the war can leave. In fact, the war in Yemen has caused unreasonably difficult humanitarian conditions, which resulted in the displacement of Yemenis both internally and externally. Oman opened its borders to the Yemenis, especially those who needed health care. It also took a leading role by allowing many Yemenis to travel through Oman to other countries by opening its borders to Yemenis wishing to travel abroad through its airports. It also transported hundreds of wounded people from inside Yemen to its territory and then transferred them to other countries bearing the costs thereof.

Oman has expressed its official stand about opening the borders to the Yemenis several times during the crisis. In November 2017, Youssef bin Alawi, the Omani Minister of Foreign Affairs, stated in an interview with "France 24" news channel, that "the Sultanate has opened borders for all Yemenis to travel to other countries, and return to Yemen."⁽¹⁾ He added: "Oman seeks, with the brothers in Yemen and with other countries, to work things out, and therefore we are working to provide all the requirements of the Yemenis, including opening borders to them in order to reduce their suffering."⁽²⁾

In 2018, Martin Griffiths, the United Nations Secretary General's Special Envoy to Yemen, announced that Oman is playing a pivotal role by helping Yemenis, according to the Times of Oman Newspaper. Moreover, the Omani government allows the international organizations to operate in its lands to help Yemen. Jamila Hamami, head of the delegation to the International Committee of the Red Cross in Oman said, "In 2019, we sent 136 aid trucks to Yemen. We are working under the supervision of the Ministry of Foreign Affairs, and do not export anything unless it is approved and verified by the local authorities in accordance with the requirements of the ICRC."⁽³⁾

(1) <https://alkhaleejonline.net> accessed 19/07/2020

(2) Ibid.

(3) https://akhbaralyom-ye.net/news_details.php?sid=118364 accessed 19/07/2020

Since the beginning of the war on Yemen, Oman has received hundreds of Yemenis, provided them with treatment in its hospitals, and contributed to the transfer of others for treatment outside the Sultanate.

2.2 The Libyan and Iraqi refugees

Oman has exerted notable efforts in dealing with refugees not only from Yemen but even from countries that do not share borders with Oman. For example, Oman accepted 151 Iraqi Refugees in 2014, who lived mainly in urban areas and the vast majority of which possessed valid residence permits, meaning they have secured a sponsorship through work, investment, or a family link.⁽¹⁾

Furthermore, Oman took a role in receiving refugees from Libya after the fall of the Libyan regime under purely humanitarian reasons. Mohamed Abdulaziz, the Libyan Minister of Foreign Affairs and International Cooperation told Sky News Arabia that Oman granted asylum to the family of the late Libyan President Muammar Gaddafi.⁽²⁾ Political sources in Oman stated to the Omani newspaper, Al-Watan, that Safiya Farkash, the widow of the late Gaddafi and three of his children, Aisha, Muhammad and Hannibal, in addition to Gaddafi's grandchildren, obtained the right of "humanitarian asylum" in Oman several months ago for purely humanitarian reasons.⁽³⁾ The sources added that the government's acceptance of their asylum request "is in accordance with the authentic Omani ethics that do not reject the call for help, and the saying "have mercy on an honorable person of a nation reduced to disgrace."⁽⁴⁾ The sources indicated that the acceptance of the asylum request was based on approval of Libyan authorities, provided that Gaddafi's widow and children refrain from any political activity, and that the government provides for all the costs of their full subsistence and living.⁽⁵⁾

(1) The High Commissioner for Human Rights' Compilation Report (n7) p2.

(2) <https://www.skynewsarabia.com/middle-east> accessed 20/07/2020.

(3) Ibid.

(4) Ibid.

(5) Ibid.

3. The legal challenges for refugees protection

There are legal challenges in Oman that might prevent refugees from obtaining the necessary protection, such as the non-accession to the 1951 Refugee Convention, criminalisation of illegal entry into Oman and the statelessness resulting from the Omani Nationality Law. These challenges will be examined respectively in the following sub-sections.

3.1 The non-accession to the 1951 Refugee Convention

The Refugee Convention is ratified by 146 States, but Oman is not one of them.⁽¹⁾ The UNHCR mentioned, in the report of Universal Periodic Review about Oman, that “accession to the 1951 Convention and the establishment of a national legal and institutional framework would provide a clearer basis for the Government to provide refugees with international protection and ensure the quality of the asylum process.”⁽²⁾ This means that, as long as, Oman does not accede to the Refugee Convention, it will not have a clear and comprehensive framework of protection for refugees. The question that can be asked in this context is how the non- accession of Oman to the Refugee Convention would negatively affect the protection for refugees? In order to clarify this effect, it is necessary to show standards and mechanisms of protection for refugees set forth in the Refugee Convention, in which Oman is not required to follow them. Oman is not bound to ensure the protection for refugees – as explained below – resulting from the Refugee Convention, as long as, it is not a State that is a party to the convention, and this constitutes a significant challenge for protecting of refugees.

On the one hand, it is important to recognise that the Refugee Convention provides a legal approach to deal with refugees, beginning from the legal definition of refugee to the standards of protection. Article 1 (A) (2) defines the term of “Refugee” as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion, is outside the country of his nationality and is unable

(1) United Nations Treaty Collection, Convention relating to the Status of Refugees. < https://treaties.un.org/Pages/ViewDetailsII.aspx?src=IND&mtmsg_no=V2&chapter=5&Temp=mtmsg2&clang=en > accessed 2 August 2020.

(2) The High Commissioner for Human Rights’ Compilation Report (n7) p3.

or, due 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, due to such fear, is unwilling to return there.” As a matter of fact, individuals who fall within this definition will not obtain the refugee status in Oman, unless they apply for this status under another legal basis, such as the Foreign Residency Law.⁽¹⁾

Under the Refugee Convention, the States parties have accepted an obligation of non-refoulement, that means not to return “a refugee in any manner whatsoever to the frontiers of territories where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion.”⁽²⁾ This obligation is not an obligation to grant asylum, but it can practically lead to such a right, as in the case of “the absence of a safe third country to which a refugee can be sent, the receiving state should permit the refugee to reside in.”⁽³⁾ Oman is not required to employ with the obligation of non-refoulement as indicated in the Refugee Convention, but it should comply with the obligation as a part of its domestic law, based on Article 3(1) of the Convention against Torture.⁽⁴⁾ Although the obligation of non-refoulement in Article 3(1) of the Convention against Torture is wider than the obligation in the 1951 Refugee Convention from the perspective of *ratione personae*,⁽⁵⁾ but it can be noted that the Refugee Convention is based on several grounds of threat (race, religion, nationality, political opinion or membership in a particular social group) as a basis of non-refoulement, and this is unlike Article 3(1) of the Convention against Torture. The latter requires that a person must have substantial grounds that he/she would be subjected to torture, which is a high threshold to satisfy.⁽⁶⁾ To put it more simply, the obligation of non-

(1) See part (1.2) of this paper

(2) See the Convention relating to the Status of Refugees (adopted on 28 July 1951 and entered into force on 22 April 1954) Article 33.

(3) Kristen Walker, 'Defending the 1951 Convention Definition of Refugee' (2003) 17 Geo Immigr LJ 583.

(4) See part (1.3) of this paper.

(5) Ibid, p8.

(6) Guy S Goodwin and Jane McAdam, the Refugee in International Law (3rd edn, Oxford University Press 2007) p305.

refoulement on the basis of Article 33 of the Refugee Convention might be more beneficial for refugees in Oman. In addition, Oman is not bound to comply with other obligations set forth in the Refugee Convention that would improve the positions of refugees in its territory, such as obligations regarding freedom to practice religion, free access to the courts, employment, and education.⁽¹⁾

On the other hand, the supervisory role entrusted to the UNHCR under Article 35 of the Refugee Convention provides a firm foundation to the role of the office in refugee status determination procedures and in monitoring the application of the essential provisions of the convention.⁽²⁾ On these grounds, the non-accession of Oman to the Refugee Convention will deprive the UNHCR to ascertain whether or not Oman, in its dealing with refugees, has complied with, for example, the standards of non-discrimination,⁽³⁾ non-penalisation of illegal entry,⁽⁴⁾ and non-refoulement⁽⁵⁾.

To conclude, it can be said that being a State that is not a party to the 1951 Refugee Convention, Oman does not have legal obligations under the convention to provide protection for refugees. However, Oman has recently acceded to the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Covenant on Economic, Social and Cultural Rights,⁽⁶⁾ and this might pave the way for Oman to accede to the 1951 Refugee Convention in the near future. Nevertheless, a number of factors will be taken into of consideration by the Omani government before such accession. It might consider whether resources and facilities that will be provided for refugees would affect its financial capacity and its main undertaking to provide welfare for its nationals. In addition, the Omani government will evaluate the process of balance and assimilation between its nationals and the new arrivals who come from different cultural background

(1) Convention relating to the Status of Refugees (n55) Articles 4, 16, 17 and 22.

(2) Guy S Goodwin-Gill, 'Refugees: Challenges to Protection' (2001) 35 Int'l Migration Rev 130, 131.

(3) Convention relating to the Status of Refugees (n55) Article 3.

(4) Ibid, Article 31(1).

(5) Ibid, Article 33(1).

(6) See the Royal Decree 44/2020, Royal Decree 45/2020 and Royal Decree 46/2020. <<http://mola.gov.om/legislation/decrees/?Gzy=2020>> accessed 7 August 2020.

since it could affect the demographic factor and social structure inside the State.

3.2 Deportation under the Foreign Residency Law

Although the Foreign Residency Law has room for obtaining asylum in Oman,⁽¹⁾ it also includes legal mechanisms which constitute challenges of protection for refugees. Articles 29 and 31(5) of the Foreign Residency Law are good illustrations of these legal mechanisms.

Article 29 of the Foreign Residency Law states that a foreigner who enters Oman illegally shall be deported by order of the General Inspector,⁽²⁾ and this will be at the expense of the foreigner or at the expense of the person who enabled his entry or employment. This means that refugees who enter Oman illegally might be deported despite their entitlement for protection. Generally speaking, the voluntary repatriation by asylum seekers in Oman is limited, particularly, for those who come from hot spots, such as Iraq and Syria, where the situation in these States is not viable for safe return.⁽³⁾ Therefore, in absence of such voluntary repatriation or resettlement process (conducted by UNHCR), the deportation of refugees, especially for those who enter Oman illegally, becomes an option for the competent authorities in Oman and this can be conducted on the basis of Article 29 of the Foreign Residency Law. The UNHCR has implicitly mentioned this consequence when it stated in its report about Oman that "Refugees are only allowed to stay and work if they are in the country (Oman) based on a work visa."⁽⁴⁾ This means that refugees who enter Oman illegally will not obtain a work visa and then the deportation of this category is inevitable. It can be said that deportation of foreigners in case of illegal entry as indicated in Article 29 can be interpreted as an "indirect punishment" that is also

(1) See part (1.2) of this paper.

(2) According to Article 1 of the Foreign Residency Law in Oman, the General Inspector is the Inspector General of Police and Customs, and he is the senior responsible for the Royal Oman Police, including the General Directorate of Passports and Civil Status. See <https://www.rop.gov.om/english/> Accessed at 25 Feb 2023.

(3) The High Commissioner for Human Rights' Compilation Report (n7) p2.

(4) Ibid.

applicable to refugees who are in need for protection. This indirect punishment (deportation) might close the door in front of any process or determination for the political asylum on the basis of Article 24 of the Foreign Residency Law, or temporary residence on the basis of the obligation of non- refoulement.

Article 31 (5) of the Omani Residency Law also constitutes one of the challenges to protect refugees in Oman. This article grants the General Inspector in Oman the discretionary power to revoke a foreigner residency and to give the order to deport him/her from Oman if he/she no longer has an apparent and legitimate mean for residing.⁽¹⁾ Thus, it is likely that refugees who stay in Oman on the basis of work visa would be deported under Article 31 (5) of the Foreign Residency Law if they lost their jobs. In particular, the government in Oman is working now on the implementation of the Omani job nationalisation policy “Omanization”, and thus many non-Omanis, including who are in need of international protection will lose their jobs and may be prone to deportation.⁽²⁾

3.3 Criminalisation of illegal entry

In general, the phenomenon of illegal entry into any region remains one of the most dangerous phenomena facing many States of the world, especially stable ones, as it poses a real threat to its security and stability, and Oman, since it is one of the States that witness this phenomenon, because of the hot spots around it. Despite the fact that Oman has adopted legislations and security and military measures to deal with this phenomenon, these procedures could negatively affect the protection of asylum seekers and refugees. The best legal mechanism that is cited in this regard is the Foreign Residency Law adopted by the Royal Decree No. 16/1995, as well as the decision of the Inspector General of Police and Customs⁽²⁾ to issue the executive regulations for the same law.

It was mentioned in Article 41 of the Foreign Residency Law that, without prejudice to any more severe punishment provided under the Omani Penal Code or any other laws, the penalty for imprisonment for a period of no less than a month, not exceeding three years, and a fine

(1) See the Foreign Residency Law (n8) Article 31 (5).

(2) The High Commissioner for Human Rights' Compilation Report (n7) p3.

of not less than one hundred riyals (the Omani currency), not exceeding Five hundred riyals, or either of these two penalties to the following people:

- 1- Anyone who gives false information or submits incorrect documents before the competent authority with the intention of obtaining any type of visas stipulated in this law or obtaining a residence visa or transit permit or renewing any of them.
- 2- Every foreigner who enters the territory of the Sultanate by sneaking or infiltration, or in violation of the provisions of Article 5 or Article 6 of this law.
- 3- Every foreigner who does not leave the territory of the Sultanate within the specified period despite being informed of the refusal to renew his residency.

Thus, there is no doubt that the legislator has been firm with any activity that leads to the entry into Oman's lands by illegal means, and also residence in Omani lands outside the framework of the law through punishing under Article 41 referred to above. In fact, there is no rule in international law prohibiting a State from regulating entry into its territory, a right flowing from State sovereignty that is well established in international law.⁽¹⁾ On this basis, it can be said that Oman has used the criminalisation mechanism – through Article 41 of the Foreign Residency Law to regulate the entry into its territory. Nevertheless, it is important to note that such article is in conflict with the need of asylum seekers and refugees for protection, particularly, in case of the State of origin (where they are prone to persecution) imposes constraints on leaving its territory through regular channels. In such cases, asylum seekers and refugees are naturally forced to resort to illegal means⁽²⁾ for entering into Oman and thus they will be prosecuted under Article 41 of the Foreign Residency Law. Although the asylum seekers and refugees who illegally enter Oman can obtain

(1) Brian Opeskin, 'The Influence of International Law on The International Movement of Persons: Research Paper' (United Nations Development Programme - Human Development Reports 2009) para31.

(2) Pablo C Cernadas, 'European Migration Control in the African Territory: The Omission of the Extraterritorial Character of Human Rights Obligations' (2009) 6 Intl JHR 178.

the necessary protection,⁽¹⁾ the possibility of prosecuting them under Article 41 of the Foreign Residency Law still exists.

It can be concluded that Oman, like many countries, is criminalizing illegal entry to its lands even if the motive for entry falls within the internationally recognized framework of refugees for purely humanitarian reasons. This can be based on its right to determine how to deal with a foreigner in its territory as recognised in international law, that is essential to protect its national security and demographic identity.

3.4 Statelessness in light of the Omani Nationality Law

The Omani Nationality Law was promulgated by Royal Decree No. 38/2014 and published in the Official Gazette No. 1066 on 12 August 2014, and as a result, the Omani Nationality Regulation Law promulgated by Royal Decree No. 3/1983 was abolished.⁽²⁾ This was followed by some amendments to some of the articles therein, in proportion to tightening the conditions and procedures for obtaining Omani nationality and rights thereof, in addition to controlling the mechanisms of losing, revoking, and withdrawing Omani nationality and the penalties prescribed for that.

Chapter Four of the Omani Nationality Law includes provisions for losing, revoking, and withdrawing nationality, and each case has been organised in an independent article. Article 19 determines the only case in which an Omani loses his Omani nationality by virtue of the law, in order to limit it in the event that he/she acquires another nationality in violation of the provisions of the Nationality Law.

Article 20 of the same law specifies the cases in which the Omani nationality is revoked in an original way, if it is proven that he/she belongs to a group, party or organization that embraces principles or beliefs that harm the interest of Oman, or if it is proven that he works for a foreign country in whatever capacity it is, whether his work was inside or outside Oman, and he did not fulfill the Omani government's request to leave employment within the specified time, and finally if it is proven that he/she is working for the benefit of an enemy state that

(1) See parts (1.2) and (1.3) of this paper.

(2) See the Omani Nationality Law (promulgated by Royal Decree No. 38/2014) < <https://data.qanoon.om/ar/rd/2014/2014-038.pdf> > accessed 10 August 2020.

acts against the interest of Oman. The same article also states in its last paragraph that deciding the nationality may be restored to a person from whom it was revoked if the above-mentioned reasons for revocation cease to exist.⁽¹⁾

Through the extrapolation of the above cases that lead to the revocation of nationality, it can be deduced that most of them actually require revoking the nationality because of the danger of these cases to the stability and security of the homeland, but it also may be noted that the Omani, upon revoking the nationality, will be a stateless person and there is no legal protection for him/her in Oman. Nevertheless, there is room in which looking at this issue in a somewhat positive way is the determination that the nationality may be restored in the event that the reasons for its revocation disappear, and this in practice is not a simple matter as the matter is very complicated if these cases are proven as not simple to prove its demise, which makes it possible for the continued presence of this person in the territory of the homeland and he is stateless. In fact, this is a serious matter in the absence of legislation governing dealing with this situation.

As for cases of withdraw of nationality, the Nationality Law Article 21 comes forth for determining when the nationality is withdrawn for the person to whom it was granted, as the withdrawal differs from the revocation, as the latter relates to the original Omani, while the withdrawal of Omani nationality concerns everyone who was granted Omani nationality. The nationality is withdrawn from the person to whom it was granted in accordance with the aforementioned article in the event that any of the cases stipulated in Article 20 of this law are available in this regard. Furthermore, the nationality is withdrawn from someone who acquired Omani nationality by illegal means, and this is extended to everyone who acquired it according to him/her.⁽²⁾ The Omani nationality will also be withdrawn from a person convicted of a crime against state security,⁽³⁾ or was sentenced to a valid penalty for more than one offense during five years following

(1) Ibid, Article 20.

(2) The Omani Nationality Law (n78) Article 21 (2).

(3) Ibid, para (3)

his acquisition of Omani citizenship.⁽¹⁾ Finally, the Omani nationality will be withdrawn from those who resided outside Oman during ten years following their acquisition of Omani nationality for a period of more than 6 consecutive months without justification or permission, according to the procedures specified by the regulations.⁽²⁾

The right to a nationality is one of the most important rights. Article 15 (2) of the Universal Declaration of Human Rights states that "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." The nationality creates a sense of belonging, of membership to a community; it affect the enjoyments of all other human rights – political, civil, economic, social, and cultural and therefore it is relevant when assessing an application for asylum status.⁽³⁾ There is no doubt that those who lose the Omani nationality through revocation or withdrawal will be deprived from any protection, including their assessment as refugees in Oman itself.

In fact, it is worth noting that the situation in Oman might be acceptable, as the law clearly identifies the cases of revocation or withdrawal, to cases related to the individual's disloyalty and complete separation from his/her homeland. In addition to that all cases of granting, loss, revocation, withdrawal or restitution of Omani nationality must be by a royal decree based on a recommendation from the Minister of the Interior.⁽⁴⁾ In addition, the legislator, as was previously mentioned, has permitted restitution of nationality in the event that the reason for revoking thereof has ceased.⁽⁵⁾ However, Oman must establish more legislative efforts through general provisions and practical mechanisms to ensure narrowing down the cases of revocation or withdrawal of nationality. For instance, it is sufficient to prosecute whoever commits crimes even if they are against the external or internal security of the state and punish him with the appropriate punishment without revoking or withdrawing his nationality, unless prosecuting him is originally not available.

(1) Ibid, para (4)

(2) Ibid, para (5)

(3) Hélène Lambert, "The Link between Statelessness and Refugeehood" in Alex Amiral & others (eds), Migration and Statelessness (the Center for International Relations, USA 2016) p25.

(4) The Omani Nationality Law (n78) Article 7.

(5) Ibid, Article ٢٠.

Conclusion

Oman does not have one explicit clause on asylum seekers and refugees. Oman is not a signatory to the 1951 Refugee Convention and does not have a specific legal framework in place to address the status and protection of refugees. As a result, refugees and asylum seekers in Oman do not have formal legal rights and are not recognised as such by the government. However, the Foreign Residency has regulated political asylum with some conditions. Furthermore, Oman provided asylum and a level of tolerance and assistance to several Yemeni and Iraqi refugees, and to prominent individuals from the former regime in Libya as political refugees.

While the protection offered to other categories for humanitarian reasons will be granted as a consequence of the obligation of non-refoulement that constitutes part of Oman domestic law due the Convention against Torture to which Oman has recently become party to, and the customary international law of non-refoulement.

However, it can be noted that the protection framework for refugees in Oman is not sufficient, particularly, following the increased movement of external displacement and sever violation of human rights resulting from international and non-international armed conflicts. In addition, this modest framework of protection for refugees in Oman might be weaken more as result of a number of the legal challenges. The non-accession to the 1951 Refugee Convention, criminalisation of illegal entry into Oman and the statelessness resulting from the Omani Nationality Law are good illustrations of these legal challenges.

The Sultanate of Oman should take some bold steps in the field of refugees protection. While Oman is required by the international customary law to protect refugees on its territory, acceding to the 1951 Refugee Convention will enhance Oman's standing and reputation as a human rights State. Besides political refugees, other categories of refugees such as the Yemeni refugees enjoy some protections in Oman, and thus, a domestic law confirming and describing their rights should exist.

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