

**8<sup>th</sup> AMITY INTERNATIONAL MOOT COURT**

**COMPETITION 2018**

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**INTERNATIONAL COURT OF JUSTICE**



**THE PEACE PALACE**

**THE HAGUE, THE NETHERLANDS**

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**CASE CONCERNING THE ORUKAIN REFUGEES**

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**THE STATE OF ANTOLIA (APPLICANT)**

**v.**

**THE STATE OF VARYS (RESPONDENT)**

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**MEMORANDUM ON BEHALF OF THE RESPONDENT**

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**2018**

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## LIST OF ABBREVIATIONS

Serial Number	Abbreviation(s)	Full Form(s)
1.	¶	Paragraph
2.	¶¶	Paragraphs
3.	&	And
4.	Annex.	Annexure
5.	Antolia	The Republic of Antolia
6.	Art.	Article
7.	Arts.	Articles
8.	Bangladesh	People's Republic of Bangladesh
9.	BIA	Board of Immigration Appeals
10.	CEDAW	Convention on the Elimination of all forms of Discrimination against Women, 1981
11.	eg.	<i>exempli gratia</i>
12.	et al	And others
13.	etc.	<i>et cetera</i>
14.	EU	European Union
15.	Germany	The Federal Republic of Germany
16.	HDI	Human Development Index
17.	Hon'ble	Honourable
18.	HRC	Human Rights Committee
19.	ICCPR	International Covenant on Civil and Political Rights, 1976
20.	ICESCR	International Covenant on Economic, Social and Cultural Rights, 1976
21.	ICJ	International Court of Justice
22.	Id.	<i>Ibidem</i>
23.	i.e.	That is

24.	INA	Immigration and Nationality Act(s)
25.	India	The Republic of India
26.	INS	Immigration and Naturalization Service
27.	Int'l	International
28.	Italy	Repubblica Italiana
29.	MEA	Minister/Ministry of External Affairs
30.	Myanmar	Republic of the Union of Myanmar
31.	Nat'l	National
32.	NGO(s)	Non – Governmental Organization(s)
33.	No.	Number
34.	Pg.	Page
35.	r/w	Read with
36.	Tahoma	The State of Tahoma
37.	u/s	Under section
38.	UDHR	Universal Declaration of Human Rights, 1948
39.	U.K.	The United Kingdom
40.	UN	United Nations
41.	UNCRC	United Nations Convention on Rights of Child, 1989
42.	UNDP	United Nations Development Programme
43.	UNGA	United Nations General Assembly
44.	UNHCR	United Nation High Commission for Refugees
45.	UOI	Union of India
46.	U.S.	The United States of America
47.	USD	United States Dollar
48.	v.	<i>versus</i>
49.	Varys	The State of Varys
50.	VCLT	Vienna Convention on Law of Treaties, 1969
51.	Vol.	Volume

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**AGREEMENTS, CONVENTIONS AND COVENANTS**

<b>Serial Number</b>	<b>Bibliographical Information</b>	<b>Referred to at:</b>
1.	<i>U.N. Charter</i> ; Oct. 24, 1945, 1 U.N.T.S. XVI.	3, 9
2.	<i>Vienna Convention on Law of Treaties</i> , May 23, 1969, 1155 U.N.T.S. 331. [Hereinafter referred to as VCLT]	(Moot Problem)
3.	UN General Assembly, <i>United Nations Convention on Rights of Child</i> ; Sep 2, 1990, G.A. Resolution 44/25 of 20 November 1989. [Hereinafter referred to as UNCRC]	(Moot Problem)
4.	UN General Assembly, <i>United Nations Convention Relating to the Status of Refugees</i> , 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137.	5, 6
5.	UN General Assembly, <i>Protocol Relating to the Status of Refugees</i> , 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267.	(Moot Problem)
6.	United Nations, <i>Statute of the International Court of Justice</i> , 18 April 1946.	11

### CASES

Serial Number	Bibliographical Information	Referred to at:
1.	<i>Makatengkeng v. Gonzales</i> [495 F. 3d 876 (8 <sup>th</sup> Cir. 2007)]	2
2.	<i>Beck v. Mukasey</i> [527 F. 3d 737 (8 <sup>th</sup> Cir. 2008)]	2
3.	<i>Chae Chan Ping v. US</i> [(1889), 130 U.S. 581 at 606]	3
4.	<i>Nishimura Ekiu v. US</i> [(1892), 142 U.S. 651 at 659]	4
5.	<i>R. v. Secretary of State for the Home Department, Ex parte Sivakumaran and Conjoined Appeals</i> [(UN High Commissioner for Refugees Intervening) (1988) AC 958, 16 December 1987 (UK House of Lords)]	7

### REGULATIONS

Serial Number	Bibliographical Information	Referred to at:
1.	Office Journal of the European Union: I. 180/31. “Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June, 2013. [Hereinafter referred to as ‘ <i>Dublin Regulation.</i> ’]	10

2.	COUNCIL REGULATION (EC) No 343/2003 of 28 February, 2003.	10
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### ARTICLES

Serial Number	Bibliographical Information	Referred to at:
1.	<i>Economic Refugees: Unprotected in the United States</i> by Virtue of an Inaccurate Label by Elizabeth Kay Harris. [American University International Law Review. Volume 9: Issue 1. Article 12]	1
2.	<i>Refugees, Departees and Illegal Migrants</i> by D. H. N. Johnson. [9 Sydney L. Rev. 11. 1980]	3
3.	<i>Irregular Migration in a Globalizing World</i> by Alice Bloch. [34 (8): 1271 – 1285]	5
4.	<i>Ethical Issues in Irregular Migration Research</i> by Frank Duvell. [Clandestino: Volume of October 2008]	5
5.	<i>Undocumented Migration: Counting the Uncountable</i> by Francesco Facini [Clandestino: Volume of November 2008]	5
6.	<i>The Impacts of Irregular Migration</i> by Laura Chappell. [Background paper for the ETUC]	6

**BOOKS**

<b>Serial Number</b>	<b>Bibliographical Information</b>
1.	<i>The Rights of Refugees Under International Law</i> by James C. Hathaway [ISBN – 13 978 – 0 – 521 83494 – 0 Hardback. First Published 2005. 3 <sup>rd</sup> printing 2012 of Cambridge University Press (The Edinburg Building, Cambridge CB2 2RU, UK)]
2.	<i>International Human Rights and Humanitarian Law</i> by Rene Provost [ISBN – 13 – 978 – 0 521 – 80697 – 8 Hardback. First published 2002. Third printing 2004 of Cambridge University Press (The Edinburg Building, Cambridge CB2 2RU, UK)]



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**STATEMENT OF JURISDICTION**

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Both the parties, namely the State of Antolia and the State of Varys, have consensually transmitted to the Hon'ble International Court of Justice an original copy of the Special Agreement for the '*Case concerning the Orukain Refugees*,' under Article 40 Paragraph 1 of the Statute of the International Court of Justice, signed in The Hague, The Netherlands, which states that "*Cases are brought before the Court, as the case may be, either by the notification of the **special agreement** or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.*" Both parties shall accept the Court's decision to the word.

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**QUESTIONS PRESENTED**

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**I.**

WHETHER THE NOTIFICATION DATED JUNE 6, 2018 ISSUED BY THE STATE OF VARYS IS IN CONFIRMITY WITH THE PRINCIPLES OF INTERNATIONAL LAW?

**II.**

WHETHER THE ANTOLIAN GOVERNMENT IS OBLIGED TO TAKE BACK THE DEPORTED MIGRANTS?

**III.**

WHETHER THE ANTOLIAN GOVERNMENT IS DUTY-BOUND TO UNDERTAKE THE DOCUMENTATION PROCEDURE OF THE MIGRANTS?

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**STATEMENT OF FACTS**

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**BACKGROUND**

In the continent of Laasa, there are three countries adjacent to each other – The State of Tahoma, the Republic of Antolia and the State of Varys. The State of Tahoma shares its western border with the Republic of Antolia and the latter shares its western border with the State of Varys. The State of Antolia is an underdeveloped country with HDI Rank 151. The State of Varys is a rapidly developing nation which is also the world's most populous country at the same time. Tahoma, Antolia and Varys, all three of them, have a considerable percentage of their total population following Orukai and Phikam, which are two ideologically opposite beliefs. The former believes in the conventional methodologies of form of living whereas the latter is a believer of modernity. The dispute arose at the ideological difference.

**TURN OF EVENTS**

The situation turned violent on the 5<sup>th</sup> of February, 2018 in Woka, the capital of Tahoma, wherein the Orukains and the Phikams had a clash over a vitriolic social media post with regard to the development of Tahoma. The Orukains were in favour of preserving the natural ways of living whereas the Phikams wanted to develop into a tourist attraction. Then one thing led to another and the result was conviction of only Orukains to the levels of death penalty. Although the Orukains consisted of more than half of the Tahomian population, they perished. Tahoma has a total population of 5 million people and half of the people were Orukains. Phikams consisted of half a million. Mathematically, Orukains were five times the Phikams in Tahoma.

**GENESIS OF DISPUTE**

The discord arose when the Orukains were convicted by death sentence in the case of riots in Woka. Phikams were not arrested or held liable. The Orukains feared persecution from Tahoma and hence, fled to Antolia. Antolia, being an underdeveloped nation, was not able to sustain 2.5

million Orukains. Antolia itself is living off the grants being provided by the State of Varys. It does not have the requisite resources to make both ends meet of their own population; that is evident from their HDI rank. Antolia obviously cannot support a quarter of ten million more people. So, the Orukains, because of multiple reasons, shifted to Varys. Varys is the most populated country in the world and *prima facie*, it does not have the requisite space to accommodate two and a half million more people into its territory. The resources are fast depleting and there is an acute shortage of everything. Therefore, Varys issued a notification to deport the undocumented immigrants back to Antolia, the place where they came from.

### **CURRENT STATUS**

After several sessions of discussions and negotiations, neither of the two countries are ready to leave their grounds. The ground from the side of Varys being that of deportation of the undocumented immigrants back to Antolia *in lien* with the notification dated June 6, 2018. The stand of Antolia here is with the fact that the notification is in violation of the General Principles of International Law.

Both the countries, namely – the Republic of Antolia and the State of Varys, have amicably and mutually consented to submit the matters of dispute to the Hon’ble International Court of Justice under a special agreement. Hereinafter, the State of Antolia is presented as the ‘Applicant’ and the State of Varys as the ‘Respondent.’

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**SUMMARY OF PLEADINGS**

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**[1.] THE NOTIFICATION DATED JUNE 6, 2018 ISSUED BY THE VARYSIAN GOVERNMENT IS VALID AND IN CONFORMITY OF ITS OBLIGATIONS UNDER INTERNATIONAL LAW**

The notification issued by the Government of Varys is well justified and definitely valid under international law. Varysian Government holds a duty towards its citizens before anyone else and therefore, it will take all the necessary steps to protect its sovereignty and secure its citizens from any foreign threat. Varysian intelligence agencies have warned the Government that some of these irregular migrants might be hatching terrorist plots against the Government. Therefore, the Government needs to take necessary measures.

The Government has not violated any rights of these people since they qualify to be migrants and not refugees, under international law. Since these migrants do not have any governmental identification cards and are undocumented as well as they have entered the territory of Varys illegally; they are to be termed as ‘irregular migrants.’

**[2.] ALTERNATIVELY, THE ORUKAINS WHO ENTERED VARYS FROM ANTOLIA CANNOT BE TERMED AS REFUGEES UNDER INTERNATIONAL LAW, IF THEY ARE OF ANTOLIAN NATIONALITY.**

The Orukains should not be treated as refugees under International law as they do not fulfill the pre-requisites for availing refugee status under Article 1 of the Refugee Convention, 1951. For availing refugee status, a well-founded fear of persecution has to be established which is absent in the present case. A person who has moved from his country of origin to another, but without any fear of persecution per se, holds no right under International Law to be benefitted from the refugee status.

Furthermore, people living in Tahoma, Antolia and Varys share cultural similarities. Physical appearances and languages are also very similar and it is difficult to distinguish between the citizens of these countries. Moreover, there is no concrete proof regarding the nationality of

Orukains in the present case. Since Antolia allowed its border to be used for illegal immigration it will be presumed that they are of Antolian nationality and in that case, Varys is under no obligation to grant them refugee status.

**[3.] ANTOLIA IS LIABLE TO ACCEPT THE ORUKAINS BEING DEPORTED BY VARYS.**

The Republic of Antolia is liable to accept the Orukains being deported by the State of Varys because as per the norms around the globe today, the migrants are deported back to where they came from. The Orukains are migrants who came to Varys through Antolia, and hence, the Antolian government is liable to take them back.

The communal harmony of the State of Varys is at stake as Varys is a Phikam majority country. When in Tahoma, the ratio of the population of Orukains to Phikams was fifty is to ten, here the ratio would be even greater. It is not safe at all to keep the Orukains in Varys. The communal tension would result in a turmoil which will take a plunge towards the downfall of the country to unknown depths because a huge population is involved on both the sides.

The last and the most pertinent of problems is the population of Varys. As already mentioned, Varys is the most populous country of the world. It is already facing a scarcity of resources and has made its population control laws more stringent than ever. An influx of two and a half million more people would overburden the already overburdened. Varys will not be able to sustain two and a half million more people on its soil when it cannot sustain its citizens already.

Therefore, Antolia will have to accept the migrants being deported by the State of Varys.

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**PLEADINGS**

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**[1.] THE NOTIFICATION DATED JUNE 6, 2018 ISSUED BY THE VARYSIAN GOVERNMENT IS VALID AND IN CONFORMITY OF ITS OBLIGATIONS UNDER INTERNATIONAL LAW**

- 1 The notification issued by the Government of Varys on June 6, 2018 is definitely valid and is in conformity with its obligations as per the guidelines given by United Nations High Commissioner for Refugees, Conventions of the United Nations, customary International Law and other subsidiary sources of law.
- 2 The argument behind this contention is threefold: **[1.1]** *firstly, displacement of migrants from Antolia to Varys due to economic hardships*, **[1.2]** *secondly, threat to the national security of the State of Varys*, **[1.3]** *thirdly, the displaced people being irregular migrants*.

**[1.1] No Obligation of the State of Varys towards Migrants Coming from Antolia**

- 3 The undocumented people that have been discovered by the tribunal have migrated towards Varys in search of better opportunities as there was resource scarcity and lack of employment opportunity in Antolia.<sup>1</sup>
- 4 As per Oxford's dictionary, a political refugee is someone who has faced an oppressive government.<sup>2</sup> A person who has faced death or torture by governmental or guerrilla forces in the form of mass terror or starvation may be termed as political refugee.<sup>3</sup> Whereas these

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<sup>1</sup> Moot Proposition. ¶ 12.

<sup>2</sup> Political Refugee, English Oxford Living Dictionaries (Sept. 23, 2018, 09:16 PM), [https://en.oxforddictionaries.com/definition/political\\_refugee](https://en.oxforddictionaries.com/definition/political_refugee).

<sup>3</sup> Elizabeth Kay Harris, Economic Refugees: Unprotected in the United States by Virtue of an Inaccurate Label, American University International Law Review, Volume 9, Issue 1, Citation 6 of Article 12 (1993) (Sept. 23, 2018, 09:20 PM), <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=https://www.google.co.in/&httpsredir=1&article=1462&context=auilr>.

people who have entered the territory of Varys from Antolia weren't facing any kind of terror or torture by the Government of Antolia.

- 5 They illegally entered Varys since they saw the borders as “Golden Doors” that would lead them to a life free from impoverishment; unlike the one they had in Antolia. They were trying to elevate themselves from a condition that daily confronts millions of people on this planet.<sup>4</sup> Hence this cannot be considered as an excuse to enter a country without documents, since granting refuge to such people would be unjust to those who are facing similar conditions in our own country.
- 6 These migrants were not facing any kind of physical persecution in Antolia, and thus, shall not be considered as refugees. Merely, they were economic migrants who crossed the international borders in search of occupational opportunities to improve their economic standards.
- 7 In the case of *Makatengkeng v. Gonzales*<sup>5</sup> where the petitioner claimed economic persecution on the basis of his being albino, the Eighth Circuit Court of the United States Court of Appeals did not find a basis on which it could reverse the Board's determination that Makatengkeng had a well-founded fear of economic hardship but not persecution.
- 8 In *Beck v. Mukasey*,<sup>6</sup> the Eighth Circuit found that “*the unfair prejudice and discrimination that Beck and Aranyi were subjected to did not amount to persecution. It found that, although they were relegated to low-level jobs notwithstanding their “advanced schooling,” private employment was available. For this reason, the Court determined that the discrimination was not sufficiently harsh to constitute a threat to life or freedom.*”

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<sup>4</sup> The Conversation, [Are those fleeing persecution and impoverishment so very different](https://theconversation.com/are-those-fleeing-persecution-and-impoverishment-so-very-different-42320) (Sept. 14, 2018, 06:45 PM), <https://theconversation.com/are-those-fleeing-persecution-and-impoverishment-so-very-different-42320>.

<sup>5</sup> *Makatengkeng v. Gonzales*, 495 F.3d 876 (8th Cir. 2007).

<sup>6</sup> *Beck v. Mukasey*, 527 F.3d 737 (8th Cir. 2008).



- 9 Therefore, it can be derived from above that since the subjects of discussion have not faced any kind of physical persecution in Antolia; and have crossed the border in search of better lifestyle and economic opportunities, they shall be termed as economic migrants as the cause of displacement was economic hardship.

**[1.2] Threat to the National Security as an Exception under Article 33 (2) of the Convention**

- 10 Article 33 (2) of the 1951 UN Refugee Convention<sup>7</sup> gives the liberty to a contracting State to hold back the benefits given to a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is.
- 11 The State of Varys is a Phikam majority nation and since the release of the intelligence reports, the Government is no longer willing to keep such undocumented people in its territory who can pose threat to the same country.
- 12 By virtue of the principle of sovereignty over its territory, a State has an undoubted right to exclude all aliens, however deserving they may be. This has been asserted by high tribunals on many occasions.<sup>8</sup>
- 13 The Government of Varys holds a responsibility towards its citizens first; and has a duty to protect them from any upcoming foreign threat as well as to save the sovereignty of the nation.<sup>9</sup>
- 14 In *Chae Chan Ping v. U.S.*, the Supreme Court of the United States, through Mr. Justice Field, said: *“To preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation; and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression*

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<sup>7</sup> United Nations Convention Relating to the Status of Refugees, 1951, United Nations, Treaty Series, Vol. 189, P. 137.

<sup>8</sup> D. H. N. Johnson, *Refugees, Departees and Illegal Migrants*, 9 Sydney L. Rev. 11 (1980).

<sup>9</sup> U.N. Charter, 1945, 1 U.N.T.S. XVI.

*and encroachment come, whether from the foreign nation acting in its national character, or from vast hordes of its people crowding in upon us.”<sup>10</sup>*

- 15 Also, in *Nishimura Ekiu v. U.S.*,<sup>11</sup> the Apex Court of the United States speaking through Mr. Justice Gray, said: “*It is an accepted maxim of international law, that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe.*”
- 16 Article 32 (1) of the UN Refugee Convention, 1951<sup>12</sup> “*The Contracting States shall not expel a refugee **lawfully** in their territory save on grounds of national security or public order.*” The subjects of the discussion were undocumented migrants who were living in the Varysian territory unlawfully. All the more, there was no formal communication or application by the migrants to the Varysian Government seeking refuge.
- 17 Therefore, it can be derived that these undocumented people are a threat to the national security of Varys and as the intelligence reports have cited, they could possibly be hatching terrorist plots against the Varysian Government. Hence, any sovereign country which is facing manifold constraints such as population, citizenship, depletion of national resources, et al will work towards solving its internal issues rather than entertaining the illegal migrants.

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<sup>10</sup> *Chae Chan Ping v. U.S.*, (1889), 130 U.S. 581 at 606.

<sup>11</sup> *Nishimura Ekiu v. U.S.*, (1892), 142 U.S. 651 at 659.

<sup>12</sup> United Nations Convention Relating to the Status of Refugees, 1951, United Nations, Treaty Series, Vol. 189, P. 137.

**[1.3] The Displaced People Being Irregular Migrants**

- 18 The term ‘migrant’ should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of ‘personal convenience’ and without intervention of an external compelling factor.<sup>13</sup>
- 19 It is quite clear from the above definition that migrants are not those who are compelled to leave their homes. Instead, they are the ones who made choices about when to leave and where to go.
- 20 In the present scenario, the people crossed the border to enter Varys in search of better opportunities to gain employment and earn.<sup>14</sup> Hence they should also be covered under the definition of migrants as they chose where to go and for their own betterment.
- 21 The term ‘refugee’ is defined in Article 1 (A) (2) of the Convention related to the Status of Refugees, 1951, according to which a refugee is someone 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.”*<sup>15</sup>
- 22 The subjects of discussion here had no fear of persecution in Antolia and hence, do not come under the definition of refugee. The only problem they had in Antolia was that of unemployment, which according to them could have been solved by crossing the border and entering Varys.

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<sup>13</sup> United Nations Educational, Scientific, and Cultural Organization (UNESCO), *Learning to Live Together* (Sept. 23, 2018, 4:16 PM), <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/>.

<sup>14</sup> Moot Proposition. ¶ 12.

<sup>15</sup> United Nations Convention Relating to the Status of Refugees, 1951, United Nations, Treaty Series, Vol. 189, P. 137.

23 Irregular immigrants are those “*people who enter a country, usually in search of employment, without the necessary documents and permits.*”<sup>16</sup> The migrants who have entered Varys from Antolia satisfy the said condition since they had no government identity cards and any other documented proofs to either be the citizens of Varys or of a refugee; and qualify to be irregular migrants.<sup>17</sup>

24 Henceforth, it can be established from the above discussion that the people who have entered the territory of Varys from Antolia are not entitled to be refugees. They have migrated from Antolia by choice and for the betterment of their economical standards which makes them migrants and since these migrants are undocumented and have entered the territory of Varys illegally, therefore they shall be termed as irregular migrants.

**[2.] ALTERNATIVELY, THE ORUKAINS WHO ENTERED VARYS FROM ANTOLIA CANNOT BE TERMED AS REFUGEES UNDER INTERNATIONAL LAW, IF THEY ARE OF ANTOLIAN NATIONALITY.**

25 The Orukains, in the present case should not be treated as refugees under International Law because of their Antolian nationality. The argument behind this contention is twofold: **[2.1]** *firstly, non-fulfillment of pre-requisite conditions according to Article 1 (A) (2) of the United Nations Convention on Refugees, 1951;* **[2.2]** *secondly, economic migrants cannot be granted refugee status.*

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<sup>16</sup> United Nations Institute for Training and Research, [Irregular Migration](https://www.unitar.org/ny/sites/unitar.org/ny/files/IML_Irregular%20migration.pdf) (Sept. 28, 2018, 08:45 PM), [https://www.unitar.org/ny/sites/unitar.org/ny/files/IML\\_Irregular%20migration.pdf](https://www.unitar.org/ny/sites/unitar.org/ny/files/IML_Irregular%20migration.pdf).

See also: Alice Bloch, [Irregular Migration in a Globalizing World](https://www.researchgate.net/publication/279535353_Irregular_migration_in_a_globalizing_world), 34(8):1271-1285, August 2011 (Sept. 24, 2018, 12:30 PM), [https://www.researchgate.net/publication/279535353\\_Irregular\\_migration\\_in\\_a\\_globalizing\\_world](https://www.researchgate.net/publication/279535353_Irregular_migration_in_a_globalizing_world).

See also: Frank Duvell, [Ethical issues in irregular migration research](https://www.compas.ox.ac.uk/wp-content/uploads/PR-2008-Clandestino_Ethics.pdf), Volume of October 2008 (Sept. 18, 2018, 07:43 PM), [https://www.compas.ox.ac.uk/wp-content/uploads/PR-2008-Clandestino\\_Ethics.pdf](https://www.compas.ox.ac.uk/wp-content/uploads/PR-2008-Clandestino_Ethics.pdf).

See also: Francesco Fasani, [Undocumented Migration: Counting the Uncountable](http://irregular-migration.net/typo3_upload/groups/31/4.Background_Information/4.4.Country_Reports/Italy_CountryReport_Clandestino_Nov09_2.pdf), Volume of November 2008 (Sept. 13, 2018, 03:45 PM), [http://irregular-migration.net/typo3\\_upload/groups/31/4.Background\\_Information/4.4.Country\\_Reports/Italy\\_CountryReport\\_Clandestino\\_Nov09\\_2.pdf](http://irregular-migration.net/typo3_upload/groups/31/4.Background_Information/4.4.Country_Reports/Italy_CountryReport_Clandestino_Nov09_2.pdf).

See also: Laura Chappell, [The Impacts of Irregular Migration](https://migration.etuc.org/en/docs_en/6%20The%20impacts%20of%20irregular%20migration.pdf), Background paper for the ETUC (Sept. 14, 2018, 08:12 PM), [https://migration.etuc.org/en/docs\\_en/6%20The%20impacts%20of%20irregular%20migration.pdf](https://migration.etuc.org/en/docs_en/6%20The%20impacts%20of%20irregular%20migration.pdf).

<sup>17</sup> [Supra](#) 14.

**[2.1] Non-Fulfillment of Pre-Requisite Conditions for Availing Refugee Status**

26 A refugee according to Article 1 of the 1951 Convention is someone who is unable or unwilling to return to their country of origin owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.<sup>18</sup>

27 *“The requirement that an applicant for refugee status had to have a ‘well-founded’ fear of persecution if he was returned to his own country meant that there had to be demonstrated a reasonable degree of likelihood that he would be so persecuted, and in deciding whether the applicant had made out his claim that his fear of persecution was well-founded the Secretary of State could take into account facts and circumstances known to him or established to his satisfaction but possibly unknown to the applicant in order to determine whether the applicant’s fear was objectively justified.”*<sup>19</sup>

28 In the instant case, there is no visible well-founded fear of persecution to the Orukains if deported back to Antolia. Therefore, Varys is under no obligation under International law to not deport the refugees back to Antolia, where they came from.

**[2.1.1] No concrete proof to ascertain the nationality of the Orukains**

29 Tahoma, Antolia and Varys have several cultural similarities. All these three countries have followers of Orukai. Further, the physical appearances and languages are also very similar and it is difficult to distinguish between citizens of these countries on the basis of facial feature, culture or language.<sup>20</sup>

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<sup>18</sup> United Nations Convention Relating to the Status of Refugees, 1951, United Nations, Treaty Series, Vol. 189, P. 137.

<sup>19</sup> R. v. Secretary of State for the Home Department, Ex parte Sivakumaran and Conjoined Appeals (UN High Commissioner for Refugees Intervening), (UK House of Lords), AC 958 (1987).

<sup>20</sup> Moot Proposition. ¶ 07.

- 30 Furthermore, on April 24, 2018, the Times of Varys, which is a leading newspaper of the country, reported that thousands of Orukains were illegally migrating to Varys. Since, Orukai is a religion, which exists in Tahoma, Antolia and Varys as well, and owing to similarities of citizens of these countries it cannot be ascertained that they belonged to any one of them.
- 31 However, it is evident that since the Orukains migrated from Antolian border to the State of Varys, they will be considered as Nationals of Antolia and thus, Varys is not obliged to grant them refugee status as they did not fear persecution in Antolia.
- 32 Assuming but not conceding to the fact that the Orukains who entered Varys from Antolia are refugees from Tahoma and not Antolia, even then the State of Varys is under no obligation to grant them refugee status as they feared persecution in Tahoma and came to Antolia for refuge. Therefore, the duty lies upon Antolia to grant them refugee status along with asylum.
- 33 In the instant case since the nationality of the Orukains is not ascertained and it is evident that they are of Antolian nationality because they entered the Varysian territory from Antolia, therefore, Varys is under no obligation to grant them refugee status.

## **[2.2] Migration on Economic Grounds Not A Criterion for Granting Refugee Status**

- 34 The UN High Commissioner for Refugees (UNHCR) has said seven in 10 people found crossing the Mediterranean are not legitimate refugees but are economic migrants, while the rest are in genuine “need of protection.”<sup>21</sup>

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<sup>21</sup> Rebecca Flood, Seven out of 10 Migrants crossing to Europe are not refugees: UN Reveals, Express UK (Sept. 23, 2018, 07:56 PM), <https://www.express.co.uk/news/world/824794/migrant-crisis-refugee-Italy-Libya-UN-figures-Mediterranean-boat-crossing>.

- 35 The same problem can be attributed to the Orukains who have fled to Varys from Antolia. They did not fear any sort of persecution per se and came to Varys just for a better standard of living.
- 36 Varys is a rapidly developing nation. However, it is the most populated nation in the world and is facing severe shortage of natural resources.<sup>22</sup> In such a condition it cannot accept 2.5 million refugees in its country owing to different evident reasons.
- 37 Had the Orukains been genuine refugees fearing persecution, Varys would have open-heartedly accepted them in its land. But, since they are just the people who have moved in for better standard of living, that too 2.5 million of them it becomes impossible for the most populated country of the world to accommodate such influx of population.
- 38 Article 2 (1) of the UN Charter stipulates that *“The Organization is based on the principle of the sovereign equality of all its Members.”*<sup>23</sup>
- 39 Being a UN member and keeping the UN Charter in its supreme esteem, Varys considers it as a primary duty to abide by the principles of the UN Charter. In this regard it is evident by Article 2 that all the sovereign members are equal and thus there lies no duty on any one member to protect the other in its national crisis.<sup>24</sup> Hence, Antolia should resolve the national problems faced by them amongst themselves and Varys is under no obligation to intervene in this regard.
- 40 Therefore, it is well established in the present case that the Orukains migrated to Varys because of economic grounds. Thus, Varys is not obliged to grant them refugee status.

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<sup>22</sup> Moot Proposition. ¶ 8.

<sup>23</sup> U.N. Charter, 1945, 1 U.N.T.S. XVI.

<sup>24</sup> id.

### [3.] ANTOLIA IS LIABLE TO ACCEPT THE ORUKAINS BEING DEPORTED BY VARYS

41 The reason with regard as to the why the Republic of Antolia is liable to accept the Orukains being deported by the State of Varys is threefold. [3.1] *firstly, the deportation of migrants back to where they came from;* [3.2] *secondly, there is an impending danger and threat to the communal harmony of the State of Varys;* and [3.3] *thirdly, the State of Varys is presently faced with the problem of overpopulation.*

#### [3.1] Deportation of Migrants to Transit Country

42 The law determining the responsibility of the EU Member States for the examination of applications of an or a group of asylum seekers is guided by the “Dublin Regulation.” The Regulation is, at times referred to as the “Dublin III Regulation.”<sup>25</sup>

43 The Dublin Resolution establishes the criteria and mechanisms for determination of the member states responsible for examination of the asylum application being lodged in one of the member states of the European Union by a national of a third-country. Normally, the state from where the asylum seeker first entered the EU is responsible for the same. The purpose of this regulation is to grant each asylum seeker a fair chance in at least one of the member states.<sup>26</sup>

44 Article 4 (1) of the Dublin Resolution states that, “*The process of determining the Member State responsible under this Regulation shall start as soon as an application for asylum is first lodged with a Member State.*”<sup>27</sup>

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<sup>25</sup> COUNCIL REGULATION (EC) No 343/2003 of 28 February 2003, Office Journal of the European Union: I.\* 50/1, establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member State by a third country National (Sept. 23, 2018, 05:02 PM), <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF>.

\*(Acts whose publication is obligatory) Page Number 3.

<sup>26</sup> United Nations High Commission for Refugees, The Dublin Regulation: Asylum in Europe – Now it’s up to you (Sept. 16, 2018, 02:29 PM), <http://www.unhcr.org/4a9d13d59.pdf>.

<sup>27</sup> COUNCIL REGULATION (EC) No 343/2003 of 28 February 2003, Office Journal of the European Union: I.\* 50/1, establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum



- 45 Article 5 (2) of the Resolution further mandates that, “*The Member State responsible in accordance with the criteria shall be determined on the basis of the situation obtaining when the asylum seeker first lodged his application with a Member State.*”<sup>28</sup>
- 46 Furthermore, the amended or the recast Dublin Resolution states in introductory Paragraph 3 that “*The European Council is ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non - refoulement. In this respect, and without the responsibility criteria laid down in this Regulation being affected, Member States, all respecting the principle of non-refoulement, are considered as safe countries for third - country nationals.*”<sup>29</sup>
- 47 Furthermore, the reason why it is being humbly submitted before the Hon’ble Court is because under Article 38 (1) (c) of the Statute of the International Court of Justice, “*The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply **‘the general principles of law as recognized by civilized nations.’***”
- 48 The Dublin Resolution of the European Union qualifies very well as ‘*the general principles of law as recognized by civilized nations.*’<sup>30</sup> Furthermore, it qualifies as a State practice as well. The *opinio juris* on the said subject matter is also present in the form of the country’s legislations and acts. There is no reason whatsoever to not declare deportation as a customary International Law. Hence, as both the countries, namely the State of Varys and the Republic of Antolia, belong to the same continent of Laasa,<sup>31</sup> this could be the middle path to look into the legality of asylum seekers in the continent.

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application lodged in one of the Member State by a third country National (Sept. 23, 2018, 05:02 PM), <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF>.

\*(Acts whose publication is obligatory) Page Number 3.

<sup>28</sup> *id.*

<sup>29</sup> Regulation (EU) No 604/2013 of the European Parliament And of the Council of 26 June 2013, Office Journal of the European Union: I. 180/31, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third – country national or a stateless person (recast) (Sept. 17, 2018, 03:15 PM), <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>.

<sup>30</sup> United Nations, Statute of the International Court of Justice, 18 April 1946.

<sup>31</sup> Moot Proposition. ¶ 1.

- 49 If the case of Germany be looked into, it has already taken a tough stand against undocumented migrants. Germany deported a young West African man back to Italy because that was where he first crossed the continental border and migrated into the European Union. He was not deported to West Africa, the native place where he came from but to the country where he came to first after migrating.<sup>32</sup>
- 50 Also, Germany is constantly deporting undocumented migrants back to either the places they came from or to the places through which they reached Germany. Countries of the European Union have agreed to help Germany in deporting undocumented migrants. These countries include Belgium, Denmark, Estonia, Finland, France, Lithuania, Latvia, Luxembourg, the Netherlands, Portugal, Sweden, Hungary, Poland and the Czech Republic.<sup>33</sup>
- 51 Germany's neighbour country, Italy, is also engulfed in political turmoil with regard to undocumented migrants. Italy's interior minister, Matteo Salvini, has made an official statement for deporting half a million migrants who have entered the country through foul means.<sup>34</sup>
- 52 Spain, a country with one of the most tolerant laws when it comes to immigration in Europe has also decided to deport the Saharan Africans. The Spanish interior minister said before a parliamentary hearing verbatim that, "*Humanitarianism is not permissiveness. Orderly, secure and legal migration is possible, but not violent migration that threatens our country and its security forces;*"<sup>35</sup> referring to the Saharan Africans who stormed across six - meter high fences into the Spanish territory on the 26<sup>th</sup> of July. They hurled

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<sup>32</sup> Sputnik News, [More than 10 EU countries expressed their readiness to assist Germany in sending back migrants to countries of their first arrival in the bloc, local media reported](https://sputniknews.com/europe/201807011065929617-eu-countries-ready-help-germany-deport-migrants/) (Sept. 15, 2018, 06:12 PM), <https://sputniknews.com/europe/201807011065929617-eu-countries-ready-help-germany-deport-migrants/>.

<sup>33</sup> [id.](#)

<sup>34</sup> The Guardian, [Italy vows to send home undocumented immigrants](https://www.theguardian.com/world/2018/jun/01/italy-vows-to-send-home-undocumented-immigrants) (Sept. 17, 2018, 03:52 PM), <https://www.theguardian.com/world/2018/jun/01/italy-vows-to-send-home-undocumented-immigrants>.

<sup>35</sup> Martin Arostegui, [Spain orders mass deportation of African migrants](https://www.voanews.com/a/spain-orders-mass-deportation-of-african-migrants/4551044.html), Voa News (Sept. 17, 2018, 03:41 PM), <https://www.voanews.com/a/spain-orders-mass-deportation-of-african-migrants/4551044.html>.

acid and fired home - made bombs at the border guards, rendering a number of the latter injured severely.<sup>36</sup>

53 A number of countries all around the globe including France,<sup>37</sup> Hungary,<sup>38</sup> India,<sup>39</sup> Myanmar and the United States of America are deporting migrants either back to the countries they came from or back to their homelands lest the issue of persecution be solved as of the present time.

54 Therefore, in the light of these events taking place the notification of deportation dated June 6, 2018 is valid and legal.<sup>40</sup> The Varysian government is not committing non-refoulment in any way whatsoever by deporting the illegal and undocumented migrants back to Antolia because they were not facing any kind of persecution per se in the Republic of Antolia. They migrated from Antolia to Varys in search of better employment opportunities and to better their standards of living, which in no way amounts to persecution.<sup>41</sup>

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<sup>36</sup> id.

<sup>37</sup> Claire Suddath, Who are Gypsies, and why is France deporting them?, Content Time (Sept. 17, 2018, 03:45 PM), <http://content.time.com/time/world/article/0,8599,2013917,00.html>.

See also: BBC News, France sends Roma Gypsies back to Romania (Sept. 17, 2018, 03:56 PM), <https://www.bbc.co.uk/news/world-europe-11020429>

See also: Romea.cz, France resumes deportation of Roma people from Romania (Sept. 17, 2018, 03:44 PM), <http://www.romea.cz/en/news/world/france-resumes-deportations-of-roma-people-from-romania>.

<sup>38</sup> Jose Arce, Julia Suárez – Krabbe and Annika Lindberg, Against the politics of killing slowly contesting Danish deportation camps, Open Migration (Sept. 17, 2018, 03:54 PM), <https://openmigration.org/en/op-ed/against-the-politics-of-killing-slowly-contesting-danish-deportation-camps/>.

See also: Julia Dumont, Hungary expelling asylum seekers during appeal proceeding, Info Migrants (Sept. 17, 2018, 03:45 PM), <http://www.infomigrants.net/en/post/11651/hungary-expelling-asylum-seekers-during-appeal-proceedings>.

<sup>39</sup> Sanjeev Tripathi, Illegal immigration from Bangladesh to India toward comprehensive solution, Carnegie India (Sept. 17, 2018, 03:49 PM), <https://carnegieindia.org/2016/06/29/illegal-immigration-from-bangladesh-to-india-toward-comprehensive-solution-pub-63931>.

\*Sanjeev Tripathi is a former head of the government of India's Research and Analysis Wing (R&AW), the Indian intelligence agency.

<sup>40</sup> Moot Proposition. ¶ 15.

<sup>41</sup> Moot Proposition. ¶ 12.

**[3.2] Fear of Disruption of Communal Harmony in the State of Varys**

- 55 The problem of a country facing communal strife is not an unprecedented event in the history of the world. As per the instant case, the entire issue arises because of the communal harmony being disrupted in the State of Tahoma. The ideological difference can be traced back to the country of origin. Tahoma has a population comprising of majorly Orukains, who comprise of more than fifty percent of the entire population; Phikams, who comprise of ten percent of the entire population; Gashun; and Ralek.<sup>42</sup>
- 56 As per the provided statistics, the total population of the State of Tahoma is approximately five million. Hence, if calculations be done right, the Orukains make up for more than two and a half million of the entire population; and the Phikams, on the other hand, make up for a mere five hundred thousand of the total population. The rest two million comprises of the Gashuns, the Raleks other minor religions.
- 57 The ideological difference was so vast that the population which was five times of the Phikams had to leave their homeland to save their lives. Antolia also has a sizeable and considerable percentage of population comprising of both, Phikams and Orukains, and an influx of even more Orukains does not work at all in the favour of the communal harmony of the State of Varys which has a Phikam Majority.<sup>43</sup>
- 58 The problem of communal violence due to the refugees is not unheard of. The communal divide in Rakhine, Myanmar was due to the Rohingya refugees who were Muslims and their ideological counterparts, i.e., the Hindus. It was because of the belief that the Rohingya militants had with regard to the collaboration of the Hindus with the rulers of Myanmar. It was due to this belief that the armed Rohingyas captured around hundred

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<sup>42</sup> Moot Proposition. ¶ 01.

<sup>43</sup> Moot Proposition. ¶ 20.

Hindus, early in the morning in Fakir Bazaar, and marched them along the forest path. They were tied together like cattle and herded.<sup>44</sup>

59 Likewise, even Bangladesh decided to move around fifteen thousand refugees from a Buddhist locality. The Rohingyas are basically Muslim refugees who had settled in the Bandarban district of Chittagong Hill Tracts. Bangladesh had opened its borders to the Rohingyas who were rendered stateless when their native country Myanmar denied them citizenship. To “*ensure peace in the hill district*” was the main aim of re-settling them in the refugee camps. The Buddhists’ and the Muslims’ ideological clashes could turn violent in the future, as was the case in the past.<sup>45</sup>

60 The problem of communal disharmony is not just limited to the Rohingyas. It is being faced by a country like Germany as well. As soon as Germany opened its doors to the Syrian refugees, there was a steep rise in the rates of hate crimes against the Muslim Syrian refugees seeking asylum in Germany. Although the German public has been welcoming the refugees with open arms, there have still been as many as six ‘Anti-Refugee Protests’ weekly in the year 2015.<sup>46</sup> An average of ten attacks per day took place in the year 2016 as per Germany’s interior ministry. There were reported incidents of over thirty - five hundred attacks on the asylum hostels and the refugees.<sup>47</sup>

61 Furthermore, the huge influx of around five million refugees in India from Bangladesh has seen communal violence since partition days of the country.<sup>48</sup> The Bangladeshi

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<sup>44</sup> Praveen Swami, Myanmar tapped into communal divide, The Indian Express (Sept. 12, 2018, 08:20 PM), <https://indianexpress.com/article/india/myanmar-tapped-into-communal-divide-fear-paved-way-for-violence-in-rakhine-rohingya-muslims-4855350/>.

<sup>45</sup> First Post, Rohingya Crisis revival of communal violence (Sept. 12, 2018, 08:28 PM), <https://www.firstpost.com/world/rohingya-crisis-fearing-revival-of-communal-violence-bangladesh-to-move-15000-refugees-from-buddhist-locality-4100147.html>.

<sup>46</sup> Amnesty International, Germany failing to handle rise in hate crime (Sept. 12, 2018, 08:44 PM), <https://www.amnesty.org/en/latest/news/2016/06/germany-failing-to-tackle-rise-in-hate-crime/>.

<sup>47</sup> Harriet Agerholm, Refugee attacks, Independent UK (Sept. 12, 2018, 08:54 PM), <https://www.independent.co.uk/news/world/europe/refugee-attacks-germany-ten-angela-merkel-hate-crime-a7600616.html>.

<sup>48</sup> Nilanjana Chatterjee, Interrogating Victimhood: East Bengal narratives of communal violence, University of Carolina – Chapel Hill (Sept. 13, 2018, 09:56 PM), <https://swadhinata.org.uk/wp-content/uploads/2017/08/chatterjeeEastBengal-Refugee.pdf>.

Muslim refugees have always had to face closed doors and cold attitude from the Indian Hindus. There has always been a profound tension between the two communities and a mere tip off could start a violent agitation at the drop of hat.

- 62 There is no reason whatsoever to believe that the Orukain refugees will live in harmony with the Varysian citizens. Lest the citizens start an uprising, the government does not have requisite resources to defend the refugees. As already mentioned, the State of Varys is running out of its resources due to the increasing population.<sup>49</sup> And if there is an armed conflict between the two distinct communities, the government will be rendered powerless due to insufficiency and inability to protect either of the communities, i.e. the Phikams and the Orukains.

### **[3.3] Overpopulation as a Hindrance to Acceptance of the Migrant Population by Varys**

- 63 The State of Varys is the world's most populated country.<sup>50</sup> It is developing nation which is facing a shortage of natural resources because of overpopulation. To curb the problem, the Varysian government had to take a very huge step towards taxing couples or individuals 'reproducing' more than one child, with the option of adoption and natural conceiving of twins being exempted. The legislation was termed 'Population Control Act (2018).'<sup>51</sup>
- 64 The point of concern raised herein is the number of Orukains coming into a country. Two and a half million refugees into the world's most populated country would only worsen the situation further.
- 65 The situation of the State of Varys could be compared with that of an Asian nation, the Republic of India. The Republic of India is the largest democracy of the world and is a home to 1.3 Billion people hence, making it the world's second most populated country

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<sup>49</sup> Moot Proposition. ¶ 8.

<sup>50</sup> id.

<sup>51</sup> Moot Proposition. ¶ 10.

as well. Also, India is a developing nation and has a sizeable number of poor people. The health care services and the social welfare services are overburdened in serving the already overpopulated citizens of the Republic of India.<sup>52</sup>

66 The Republic of India has been facing a very peculiar situation of constant migration since 1971 from its neighbouring country, People's Republic of Bangladesh. 47 years of constant influx of migrants has led to a total of number of 'Bangladeshi' immigrants being more than four million.<sup>53</sup>

67 Bangladesh is one of the world's poorest country and is also enlisted as one of the most densely populated countries of the world. Bangladesh has outrightly denied that any of its citizens crossed over to the borders of the Republic of India illegally. The government of Bangladesh has refused to accept the deportation of the 'illegal immigrants.'<sup>54</sup>

68 Also, adding to the woes of the Republic of India, around forty thousand Rohingyas have sought refuge in the Republic of India which is also, as a matter of fact, the seventh largest country on this planet. India had no choice but to deny the same, although with a heavy heart. Despite all the intentions to the contrary, India had no choice but to reply negative to the asylum seekers.<sup>55</sup>

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<sup>52</sup> Daniel Naujoks, Diasporic Relations, Migration Policy (Sept. 17, 2018, 10:45 PM), <https://www.migrationpolicy.org/article/emigration-immigration-and-diaspora-relations-india>.

<sup>53</sup> Farheen Fatima, Indian Muslim Migrants fear deportation after 4 million are left off citizen list, The Washington Post (Sept. 17, 2018 at 10:10 PM), [https://www.washingtonpost.com/world/asia\\_pacific/indias-muslim-migrants-fear-deportation-after-4-million-are-left-off-citizens-list/2018/07/30/0d5c28fc-bbd7-4934-821c-17e9520c0d60\\_story.html?noredirect=on&utm\\_term=.8c64b50dc866](https://www.washingtonpost.com/world/asia_pacific/indias-muslim-migrants-fear-deportation-after-4-million-are-left-off-citizens-list/2018/07/30/0d5c28fc-bbd7-4934-821c-17e9520c0d60_story.html?noredirect=on&utm_term=.8c64b50dc866).

See also: Shaikh Azizur Rahman and Michael Safi, Indian State preparing to deport tens of thousands of foreigners, The Guardian (Sept. 17, 2018, 10:27 PM), <https://www.theguardian.com/world/2018/feb/26/assams-list-indian-state-preparing-to-deport-tens-of-thousands-of-foreigners>.

See also: Asia News, 4 Million people deprived of citizenship (Sept. 17, 2018, 10:38 PM), <http://www.asianews.it/news-en/Assam,-4-million-people-deprived-of-citizenship,-at-of-risk-deportation-44559.html>.

See also: Joyeeta Bhattacharjee, India resolving the Bangladesh issue, The Diplomat (Sept. 17, 2018, 10:45 PM), <https://thediplomat.com/2014/05/india-resolving-the-bangladesh-immigration-issue/>.

See also: Scott Neuman and Furkan Latif Khan, Citizenship List in India, NPR (Sept. 17, 2018, 10:32 PM), <https://www.npr.org/2018/07/30/633900830/citizenship-list-in-indian-state-stokes-fears-of-deportation>.

<sup>54</sup> id.

<sup>55</sup> id.

69 Therefore, it can be derived that the population of a country plays a very vital role in determining the country's stand on the influx of the migrant and refugee population. The case of the State of Varys is also the same. World's most populated country cannot support and sustain two and a half million more population who are ideologically opposite to the majority of the Varysian citizens. Varys will plunge into a state of eternal darkness and turmoil if the Orukains be granted refuge.

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See also: Subir Bhaumik, World and Asia, BBC News (Sept. 17, 2018, 10:18 PM), <https://www.bbc.com/news/world-asia-india-41144884>.

See also: Armstrong Chanambam and Zeet Nawaz Thouba, Rohingya Muslims in India, The First Post (Sept. 18, 2018, 12:56 PM), <https://www.firstpost.com/india/rohingya-muslims-in-india-how-can-india-deport-40000-illegal-refugees-to-myanmar-when-it-cant-even-deport-11-4054169.html>.

See also: Alarby UK, Rohingya Refugees in India (Sept. 15, 2018, 12:52 PM), <https://www.alaraby.co.uk/english/indepth/2017/11/20/rohingya-refugees-in-india-ruled-kashmir-fear-deportation-to-myanmar>.



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**PRAYER FOR RELIEF**

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Wherefore in light of the issues raised, arguments advanced and authorities cited, the agent on behalf of the respondent respectfully requests this Panel to adjudge and declare that:

- I. The notification dated June 6, 2018 is valid and in conformity with the obligations under International Law.
  
- II. The Antolian Government take back the deported migrants gracefully.
  
- III. The Antolian Government undertake the documentation procedure of the migrants.

-ON BEHALF OF THE STATE OF VARYS

AGENT[S] FOR THE RESPONDENT