



**ISLAMIC
RELIEF
USA**

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**FORCED MIGRATIONS,
REFUGEE RIGHTS,
AND ISLAM: AN OVERVIEW**

EXECUTIVE SUMMARY

This study examines the significance of migration in Islamic history, highlighting its deep connection to forced migration. By referencing key historical events, such as the migration of Prophet Muhammad (PBUH) and his companions to Abyssinia and Medina, it underscores the Islamic obligation to protect displaced persons and refugees. The study aims to provide a framework for understanding the rights of refugees and to explore how Islamic teachings can guide more effective and compassionate approaches to accommodating them. The obligation to protect refugees is backed by the Qur'an and tradition of Prophet Muhammad (PBUH). The framework presented is based on the rights of refugees within the context of Islamic teachings, focusing on several key rights: the right to protection (Ijara and Aman), the right to safe passage and non-refoulement, the right to dignity and respect, the right to asylum without discrimination, the right to religious freedom, the right to basic needs (shelter, food, and clothing), the right to family reunification, the right to fair treatment and justice, and the right to assistance and support. Defining forced migration and discussing the political, social, and economic instabilities experienced by refugees and internally displaced people (IDPs), the study also examines displacement brought on by natural disasters, violence, persecution, and climate change. It emphasizes the significance of fairness, compassion, and preservation of human dignity that are the cornerstones of seeking asylum in Islam. The Islamic frameworks can provide useful insights for global humanitarian efforts and urges the revival of traditional Islamic ideals to meet modern refugee crises by highlighting Islamic teachings on migration.

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INTRODUCTION

a. Understanding the Concept of Forced Migration

The term “forced migration” simply refers to the forcible relocation or displacement of people or communities as a result of events like large-scale development projects, natural disasters, conflict, war, or persecution. It comprises a variety of displacement scenarios such as refugees fleeing conflict and violence, internally displaced people (IDPs) compelled to relocate within their own nation, and asylum seekers running away from persecution by traveling to neighboring countries in search of safety or employment.

Furthermore, droughts, rising sea levels with high probability of flooding, and other environmental crises forcing people to flee their homes make climate change an increasingly prominent cause of forced migration (Praveen, 2022). Forced migration also includes forced labor and human trafficking in which people are transported/traded against their will to be exploited morally and sexually. This global issue reveals significant humanitarian, social, and financial challenges affecting millions of individuals annually, often intensifying socially-related problems like destitution, instability, and transgressions of human rights (Praveen, 2022).

As governmental actions frequently determine the circumstances in which people are forced to flee their homes, causing societal tension and worry, the political environment has a significant impact on the experiences of forced migrants (Moore & Shellman, 2004). However, these people are frequently denied decent recognition as refugees by international legal frameworks and left without sufficient social security or urgent assistance (Handayani & Fauziah, 2020).

Forced migration has numerous consequences that go beyond the initial act of relocation/displacement. People often experience a wide range of difficulties, such as social isolation, economic instability, and psychological disturbances in their new placements, IDP camps in most cases (Adams & Kivlighan, 2019).

b. Statistics of Global Refugee and Forced Migration

Recently, there is global concern about the growth in the number of forced migrations and the global refugee crisis mostly caused by conflict, physical persecution, climate change, Covid-19, and economic crisis. The United Nations High Commissioner for Refugees (UNHCR) reported that the number of internally displaced persons (IDPs), refugees, and asylum seekers who were forcibly displaced from their homes globally by the end of 2022 was over 108.4 million. With 35.3 million people identified as refugees

and nearly 5 million as asylum seekers, this is a significant increase from the previous year's data (UNHCR, 2023).

The leading causal factors of forced migration include the war in Syria, the crisis in Ukraine, the violence in Myanmar, and the conflicts in Afghanistan and Venezuela. Furthermore, millions of people are being forced to evacuate their homes because of natural disasters, including droughts, infernos, floods, and other environmental crises, with climate change appearing as a major contributing factor as acknowledged by the International Organization for Migration (IOM, 2023).

According to UNHCR (2023) the highest number of refugees are living in low- and middle-income countries. Turkey, Colombia, and Uganda have the highest number of IDP camps. Despite having few resources to manage the effect, these countries often feel the impact of the crisis.

c. Islam and Forced Migration

Throughout human history, forced migration has been a continuous experience across every century. Islamic heritage is full of the history of forced migration and lessons about how important it is to ensure the security of individuals who are fleeing for their lives. History of many prophets such as Prophet Ibrahim (AS), Prophet Musa (AS) and Prophet Muhammad (PBUH), heavily reported migration and fleeing due to fear of persecution. For instance, in 615 AD, early Muslims fled persecution by the Quraysh leaders in Makkah and sought safety with the Christian King Negus of Abyssinia (modern Ethiopia). Prophet Muhammad (PBUH) and his companions later migrated to Medina in 622 AD, a pivotal event in the history of Islam.

d. The Need for an Islamic Framework on the Rights of Forced Migrants

Regretfully, the teachings of Islam on the protection of refugees and forced migrants are not often practiced nowadays. Many Muslim nations like Turkey, Egypt, and Tunisia began a process of secularization after the Islamic caliphate of Ottoman fell in 1924, and adopted legal frameworks modeled by secular or conventional norms from the West. Theories of Islamic protection and frameworks were no longer produced or modified for contemporary crisis situations and Islamic academics were marginalized in affairs of state.

As a result, many Muslim states still lack sufficient knowledge about Islamic frameworks for the protection of forced migrants. Islamic teachings are disregarded, even though they provide invaluable and effective guidance on handling crises involving forced migration. Reviving these lessons is imperative if communities want to improve the circumstances of forced migrants globally, particularly in Muslim countries.

The paper presented a model that has the possibility to establish the essentials of an Islamic framework for providing proper protection to forced migrants. It references secondary writings on forced migration protection in Islam, in addition to primary Islamic sources like the Qur'an and Sunnah. In order to make sure that the interpretations and conclusions are based on Islamic legal traditions, consultation with Islamic experts must be conducted.

e. Methodology

This study uses a qualitative research design to investigate Islamic teachings on forced migration and asylum by analysis of primary sources of Islamic law. The study incorporates Islamic legal frameworks and historical migration case studies, such as the migration to Abyssinia and Medina.

The Qur'an and Sunnah are the primary sources of Islamic law. Verses in the Qur'an and traditions in the sunnah regarding migration and seeking asylum were given particular attention and analyzed in detail. Secondary data includes the academic works of scholars, literature on classical Islamic jurisprudence, and recent works on Islamic law focusing on refugees, displaced persons, and asylum seekers. Furthermore, the paper examined some reports from the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) on the subject matter.

The study employed thematic analysis to identify important themes such as *Aman* (protection), the rights of forced migrants and asylum seekers, and the obligation to provide safety and other basic necessities, while textual analysis is used to look at pertinent Hadiths and Qur'anic verses.



ISLAM AND ASYLUM

a. Concept of Forced Migrant in Islam

There is no term precisely discussed as “refugee” or “internally displaced person,” in the Islamic revealed text. However, the Qur’an regularly mentions people who are persecuted and forced to flee their homes. The “oppressed” (Qur’an 7:137, Qur’an 4:97), “driven out of their homeland” (Q2:246), and “driven unjustly from their homes” (Qur’an 22:40) are all mentioned in the verses. These verses emphasize how in Islam, the primary motivation for forced migration is the desire to be secured and protected from any kind of persecution.

The Prophet Muhammad (PBUH) and his companions have historically gone through forced migrations, notably in the history as ‘Hijra’ to Abyssinia and Medina. These migrations explained how deeply ingrained in Islamic culture is the notion of seeking protection from persecution.

b. The Duty to Seek Asylum

Islam gives priority to human life, honor, and dignity. Seeking protection against any kind of persecution when the life and faith of a believer are in danger is not only a right, but a duty. In Qur’an chapter 4, verse 97 Allah the Almighty said:

“Indeed, those whom the angels take [in death] while wronging themselves - [the angels] will say, “In what [condition] were you?” They will say, “We were oppressed in the land.” The angels will say, “Was not the earth of Allah spacious [enough] for you to emigrate therein?” For those, their refuge is Hell - and evil it is as a destination” (Qur’an 4:97).

This verse has vividly shown that seeking shelter and protection from oppression is necessary for believers. Furthermore, Allah has promised greater rewards to those who abandoned their homelands, wealth, and everything sincerely for the sake of Allah in order to uphold their faith (Qur’an 4:100), which motivates people to flee for their lives.

“And whoever emigrates for the cause of Allah will find on the earth many [alternative] locations and abundance. And whoever leaves his home as an emigrant to Allah and His Messenger and then death overtakes him - his reward has already become incumbent upon Allah. And Allah is ever Forgiving and Merciful” (Qur’an 4:100).

c. Offering Asylum in the History of Islam

Islam also attached greatest emphasis on the importance of aiding people who seek a safer place. The obligation to defend the oppressed is explained by the sunnah of

Prophet Muhammad (PBUH) where he said: “Help your brother, whether he is an oppressor or oppressed” (Sahih Al-Bukhari 2444). The idea that grants the sanctuary is a moral obligation particularly in instances where lives are in danger is also backed by Islamic law (shari’ah).

Two historical examples that show the significance of granting shelter for the protection of human life were the migration of the Prophet Muhammad (PBUH) to Medina, and the early migration of companions to Abyssinia in search of protection of life and faith with King Negus. The Prophet Muhammad (PBUH) and his companions were warmly received by the people of Medina and settled in comfortably. For these reasons, the Prophet Muhammad (PBUH) referred to them as “Ansar” (أنصار), which literally means "helpers" or "supporters" in Arabic, as they exemplified a model for assisting individuals in need of refuge.

It is clear from the above discussion that all capable Muslims should consider it a moral duty to grant asylum or any kind of protection to individuals who are escaping persecution. These noble teachings, which have their roots in the values of justice, compassion, and the preservation of human dignity and honor, are still relevant today and should serve as a guide/modality for how Muslim societies -- and societies in general -- should handle forced migration and the asylum seekers.



THE DUTY TO GIVE ASYLUM

a. Who is Responsible for Providing Asylum in Islamic Teachings?

Because of the concept of '*Aman*,' or the guarantee of protection, Muslims are obviously required by Islamic tradition to provide asylum to those who requested it. As soon as this protection is provided, all Muslims are required to maintain it as it becomes binding. Asylum must be granted by the state and its people.

b. The Islamic Concept of *Aman* as a Legal Obligation

Aman in Islamic law denotes not just a moral pledge but also a legally enforceable duty. The Qur'an emphasizes offering a place of safety to everyone, including unbelievers. Allah says in the Qur'an:

- "And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah" (Qur'an 9:6)

The above verse has clearly explained the obligation to support and protect asylum seekers until they are secured. This highlighted the significance and position of justice and compassion in Islam.

c. The Teaching of Prophet Muhammad (PBUH)

In his sunnah, the Prophet Muhammad (PBUH) emphasized collective responsibility and accountability when reiterating this duty. He said in a Hadith from Sahih Bukhari:

- "And the asylum granted by any Muslim is to be secured by all the other Muslims, and whoever betrays a Muslim in this respect will incur the same (Curse)." Sahih Bukhari, Hadith 3172 (Al-Bukhari, n.d.)

This Hadith highlights the significance of Muslim protection by demonstrating how it covers the entire community.

d. The Role of the Islamic State

In addition, the state is important in granting asylum and making sure that refugees are safe, supported, and protected against all crises. Imam Al-Mawardi (2018) discussed in his book *Al-Ahkam al-Sultaniyya* the need for the state to protect refugees, making reference to historical instances like the *Hijrah* in which Muslims were given sanctuary in Abyssinia by a Christian King.

Therefore, offering asylum in Islam is a social duty based on the concept of *Aman* and the precepts of the Prophet Muhammad (PBUH). It embodies the fundamental Islamic principles of compassion, justice, and human dignity.

THE RIGHTS OF FORCED MIGRANTS IN ISLAMIC TRADITIONS

Islam values the protection of the rights of refugees and asylum seekers highly. These rights evolved from the fundamental Islamic precepts of justice, kindness, and compassion. In Islam, the definition of asylum is called *Ijara* (protection) and *Aman* (safety) and it dates back to the period of the Prophet Muhammad (PBUH). The following are the major Islamic rights for refugees:

a. Right to Protection

Refugees have a right to security and safety. Islamic law states that someone who seeks asylum cannot be denied, hurt, or deceived. It is emphasized in the Qur'an and Sunnah that it is morally required to protect those who seek it.

Qur'anic basis:

- “And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah. Then deliver him to his place of safety. That is because they are people who do not know.” (Qur'an 9:6)

In the above verse, Allah has encouraged everyone who requests for asylum to be given it, irrespective of his religious background.

b. Right to Safe Passage and Non-Refoulement

Islam guarantees refugees the right to safe passage to a secure location. They should not be sent back to a location where their life will be in jeopardy. This principle is consistent with the contemporary notion of “non-refoulement,” which prohibits sending refugees back to areas where their freedoms or lives are in danger.

c. Right to Dignity and Respect

Islam maintains that every person is valuable and deserves to be treated with respect, honor and decency regardless of their upbringing or status in society. Therefore, it is necessary to protect refugees from all forms of abuse, exploitation, and any other advantage that compromises human dignity and honor.

Qur'anic basis:

“And We have certainly honored the children of Adam...” (Qur'an 17:70)

This verse established the general principle of glorifying human creatures including refugees, asylum seekers and displaced individuals regardless of religion, ethnicity, and social status.

d. Right to Asylum without Discrimination

Islamic law encourages the notion that anybody in need, irrespective of their nationality, religion, or ethnicity, should be given a safe place -- the Prophet Muhammad (PBUH) has urged and taught his companions through numerous acts and traditions.

Prophetic practice:

During his lifetime, the Prophet Muhammad (PBUH) extended safety and refuge to members of many tribes, including non-Muslims. In a notable event, during the opening (fathu) Mecca he stated that whoever enters the house of Abu Sufyan is safe. – Sahih al-Bukhari 4280 (Al-Bukhari, n.d.)

Thus, it is evident that Muslims grant refugees a wide range of rights that guarantee their security, honor, and welfare. These rights stem from the ideas of fairness, empathy, and the basic responsibility to look out for all people, especially the weaker ones. Islam emphasizes values that align with modern international refugee laws, encouraging the communities to support and protect refugees.

e. Right to Religious Freedom

Islamic law forbids pressure in forcing people in matters of faith, allowing refugees the freedom to pursue their chosen religion. Islam allows migrants to practice their religion freely and safely, regardless of their religious background.

Qur'anic principle:

“There shall be no compulsion in [acceptance of] the religion...” (Qur’an 2:256)

This verse established that refugees should be treated and should not be forced into following a certain religion as this deprives them of their moral rights.

f. Right to Basic Needs (Shelter, Food, and Clothing)

Humans are entitled to basic necessities such as clothing, food, water, and accommodation in all situations and refugees and displaced persons deserve them the most. The solidarity between the Ansar (people of Medina) and the Muhajirun (migrants from Mecca) proves the Islamic principle of brotherhood while emphasizing the duty of the society to provide for the weak and needy, especially refugees.

Prophetic evidence:

The Ansar, the native residents of Medina, have kindly shared their properties including their homes, food, and wealth with the refugees (Muhajirun) when the Prophet Muhammad (PBUH) and his companions migrated there (*Hijrah*). This gesture of

kindness served as a universal template for how Muslim communities should handle refugees. – Sahih al-Bukhari 3780 (Al-Bukhari, n.d.)

g. Right to Family Reunification

Family ties and relationships should be preserved according to Islamic teachings. If a family member becomes displaced from each other, due to conflict or migration, they have the right to be reunited. A fundamental principle of Islamic ethics is the protection of family groupings in accordance with objectives of Islamic law (*maqasid shari'ah*).

Qur'anic basis:

“And those who believed and whose descendants followed them in faith - We will join with them their descendants, and We will not deprive them of anything of their deeds. Every person, for what he earned, is retained.” (Qur'an 52:21)

This principle reinforces the importance of maintaining familial bonds even after separation due to displacement.

h. Right to Fair Treatment and Justice

In Islam, refugees must be treated equally and justly, without facing prejudice because of their place of birth, religious beliefs, or social and economic status. Islamic law encourages equity and equality and forbids oppression, particularly of the abuse or exploitation of weaker groups of people, such as refugees.

Qur'anic basis:

- “O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives...” (Qur'an 4:135)

In dealing with all people, irrespective of their religious beliefs, this verse confirms the importance of fairness as a fundamental virtue of justice for refugees.

i. Right to Assistance and Support

It is the duty upon the Islamic community (ummah) to give all the necessary support to refugees and other categories of people in need. In addition to providing for their urgent physical needs, this entails securing their long-term wellbeing via integration and self-sufficiency. Supporting refugees is significantly using charitable institutions (Zakat and Sadaqah).

Qur'anic basis:

- “And cooperate in righteousness and piety, but do not cooperate in sin and aggression.” (Qur’an 5:2)

The above verse has simply underscored the duty of Muslims towards mutual assistance and extending support to those in need including refugees as part of their religious duty.



ENDING REFUGE IN ISLAMIC JURISPRUDENCE

a. Violation of Aman (Covenant of Protection):

According to Islamic law, if a man – a forced migrant – engages in acts that directly break the law and the security of the host state, his protection may be withdrawn. However, this should not be an abrupt or arbitrary end to protection. First, a formal warning must be issued to the immigrant along with a thorough justification for terminating his asylum status. This is in line with the Qur’anic concept of justice, which demands equity even while interacting with adversaries (Q4:135). Additionally, the migrant should be given enough time and opportunity to arrange for another place to live. When their time of protection is up, they should be taken to a safe location and should not be hurt or the target of violence in any way (Qur’an 9:6).

b. Integration into Host Communities:

Islamic law has considered forced migrants to be fully integrated into host communities including the right to enjoy legal citizenship. Forced migrants, Muslim and non-Muslim alike, have the right to apply for citizenship in a Muslim state which guarantee them protection of life and rights. With the exception of a few minor obligations such as paying jizya taxes rather than the required Zakat by Muslims, non-Muslim citizens known as dhimmis were entitled to most of the same rights and protections as Muslim citizens under classical Islamic law (Ibn Qayyim, Ahkam Ahl al-Dhimma).

One option for Muslim forced migrants is to integrate into non-Muslim communities. According to Islamic law, Muslims are allowed to live in non-Muslim countries if they are allowed to freely practice their faith and there is no excessive interference with their religious obligations. In his book *Al-Ahkam al-Sultaniyya*, Imam Al-Mawardi (2018) have stated that *Dar al-amn* (fields of peace) is a concept that affirms that Muslims can live in safety outside of a state with a majority of Muslims as long as they are not persecuted for their beliefs.

c. Voluntary Repatriation:

If the causal factors that led to their initial relocation have altered, a forced migrant may freely decide to return to their home country. In these situations, the host state is responsible for ensuring that the migrants' return is safe. The migrant must be given safe transportation and protection during the voyage and the host community must assist in the repatriation process. The notion of guaranteeing security and safety while returning home aligns with more extensive Islamic precepts like preserving human dignity and offering sanctuary in the (Qur’an 17:70).

CONCLUSION

This study intended to explore how Islamic traditions provides a viable basis for a framework meant for the protection of refugees, forced migrants and displaced persons as they are derived from the Qur'an, the life and teaching of the Prophet Muhammad (PBUH) and the sunnah of the early companions and their early followers. As evident, the framework is deeply rooted in the Qur'an, the life and teachings of Prophet Muhammad (PBUH), and the early Islamic practices of his companions. While classical Islamic literature has addressed forced migration, the rise of modern challenges such as nation-states and stricter border controls calls for a reassessment of these teachings.

Currently, half of the world's refugees are hosted by Muslim-majority countries. Despite this, many of these nations have yet to create comprehensive national programs for displaced persons or ratify international refugee conventions. Reviving Islamic traditions on forced migration could play a crucial role in addressing the current global refugee crisis. Islamic teachings emphasize the importance of compassion, fairness, and human dignity in safeguarding refugees, as demonstrated in historical events like the migration of Prophet Muhammad (PBUH) to Abyssinia and Medina.

In Islam, forced migrants are entitled to fundamental rights such as freedom of religion, protection, safe passage, and the principle of non-refoulement, which prohibits the return of refugees to places where they face danger. The study underscores that Islamic principles provide valuable insights that can enhance global humanitarian efforts, advocating for a revival of these traditional values to address modern refugee challenges effectively. Drawing on Islamic teachings could offer meaningful solutions to the refugee crises facing the world today, reinforcing a compassionate and dignified approach to forced migration.

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