



## The Human Rights of Non-citizens

David Weissbrodt

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Non-citizens include asylum seekers, rejected asylum seekers, immigrants, non-immigrants, migrant workers, refugees, stateless persons, and trafficked persons. This book argues that regardless of their citizenship status, non-citizens should, by virtue of their essential humanity, enjoy all human rights unless exceptional distinctions serve a legitimate State objective and are proportional to the achievement of that objective. Non-citizens should have freedom from arbitrary arrest, arbitrary killing, child labor, forced labor, inhuman treatment, invasions of privacy, *refoulement*, slavery, unfair trial, and violations of humanitarian law. Additionally, non-citizens should have the right to consular protection; equality; freedom of religion and belief; labor rights (for example, as to collective bargaining, workers' compensation, healthy and safe working conditions, etc.); the right to marry; peaceful association and assembly; protection as minors; social, cultural, and economic rights.

There is a large gap, however, between the rights that international human rights law guarantee to non-citizens and the realities they face. In many countries, non-citizens are confronted with institutional and endemic discrimination and suffering. The situation has worsened since September 11, 2001, as several governments have detained or otherwise violated the rights of non-citizens in response to fears of terrorism. This book attempts to understand and respond to the challenges of international human rights law guarantees for non-citizens human rights.



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