

Issue in focus: Refugees

SUMMARY

The refugee crisis highlights many human rights issues that intersect Britain, Europe and the world. This document explains which human rights legislation is in focus and what it means.

The 1951 Refugee Convention states that a refugee is someone who "owing to a 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 to, or owing to such fear, is unwilling to avail himself of the protection of that country."

The cause of the current situation is largely due to the result of human rights abuses. Syrians make up the largest proportion of refugees to Europe, owing to the brutal civil war in which less than a half of the Syrian population have managed to remain in their homes. Afghans, Eritreans, Nigerians and Roma people from Kosovo make up other groups fleeing their home nations, again largely due to human rights abuses. More than 350,000 migrants were monitored at the EU's borders in January-August 2015, compared with 280,000 for the whole of 2014.

More than 2,600 people have drowned in the Mediterranean trying to reach Greece or Italy this year. This, after Italy abandoned its Mare Nostrum search-and-rescue mission last year after some EU members - including the UK - said they could not afford to fund it.

Human Rights Legislation:

The main sources of refugee law are treaty law, notably the 1951 Convention relating to the status of refugees ([1951 Refugee Convention](#)) and its [1967 Protocol](#), and customary international law. Customary international law applies to all states irrespective of whether they are a party to relevant treaties or not.

Under the Universal Declaration of Human Rights, from which the majority of treaties flow, three principles govern basic refugee rights:

"No one shall be subject to arbitrary arrest, detention or exile" (Universal Declaration of Human Rights, Article 9);

"Everyone has the right to seek and to enjoy in other countries asylum from persecution." (Universal Declaration of Human Rights, Article 14);

"Everyone has the right to freedom of movement and residence within the borders of each State" (Universal Declaration of Human Rights, Article 13)

Along with these basic international principles, there are EU rules that state an asylum seeker has the right to food, first aid and shelter in a reception centre. They should get an individual assessment of their needs. They may be granted asylum by the authorities at "first instance". If unsuccessful, they can appeal against the decision in court. There is also international protocol that prevents a nation from turning an asylum seeker or refugee back to their nation of origin if there is a significant likelihood of harm.

The Dublin protocol has significant ramifications on the refugee crisis. This protocol states that an asylum seeker should be processed by the first state they arrive in. This was meant to avoid asylum seekers being sent from one European country to another by states unwilling to house them, but due to discrimination against refugees in certain states many refugees do not want to seek asylum in the first state they land in, such as Hungary. This protocol can be suspended however, as Germany and Finland have done so and are accepting refugees who initially arrived in other European nations.

Asylum Seekers currently in the UK:

Depriving people of their personal liberty is one of the most serious decisions the government can take. The UK is currently contravening its own Home Office guidance with the practice of indefinite detention of asylum seekers. Those received in Britain can be detained in immigration removal centres for many years whilst their asylum claim is processed. The UK is the only European nation not to have a time limit on detention. Read more about the campaign to end indefinite detention [here](#).

Finally, the political and media rhetoric surrounding refugees blurs the lines between migrants, refugees, asylum seekers, EU natives and long-term non-native residents. This is unhelpful as the language can dehumanize and can fuel discrimination against refugees.

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