

# **COMMONWEALTH LAW CONFERENCE 2023**

## **Refugee Rights post Covid – The UK Experience**

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# Refugees Versus Asylum Seekers

**Refugees are people who are recognized as same under:**

- the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol
- the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa,
- people recognized as refugees in accordance with the UNHCR statute, people granted refugee-like humanitarian status, and people provided temporary protection.
- Protocols for Palestinians

**Asylum seekers are:**

- people who have applied for asylum or refugee status and who have not yet received a decision or who are registered as asylum seekers.

Source World Bank

# Refugees Defined

“someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”

# An Analysis

## 3 Questions:

1. With most jurisdictions locked down for substantial periods during the pandemic, and national borders closed, for even more extensive periods, how have the rights of refugees been affected?

**(The global data)**

2. How have anti – refugee politicians used the pandemic to retard the improvements in the lot of refugees across the Commonwealth?

**(The UK experience)**

3. With new outbreaks of repression and mortal danger in various parts of the world, in light of those regulations, are international agreements guaranteeing asylum guarantee at all?

**(Hostile environment, policies and legislation)**

# The Global Position

## World wide refugee Statistics

- 2022 – 32,000,00 estimates
- 2021 - 27,100,000
- 2020 - 26,365,367.00
- 2019 - 26,044,498.00
- 2018 was 25,905,093.00

Source: The World Bank

# The Global Position

- UNHCR advised in May 2022 that the numbers of people forced to flee their countries due to persecution, conflict, violence, human rights violations and events seriously disturbing public order had reached more than 103 million for the first time on record; the equivalent of 1 in every 78 people
- UNHCR uses statical modelling defined as nowcasting or member states returns or internally displaced people
- 53 million people internally displaced
- 5 million people seeking asylum May 2022
- Significant levels – Ukraine 3/4 million, Venezuela 7 million and Rohingya, 1 million
- Poland has 1.8 million Ukrainian refugees
- Columbia has 2 million Venezuelan refugees and migrants
- Bangladesh has over 900,000 Rohingya refugees
- Trinidad and Tobago with a population of 1.5 million has 300,000 refugees from Venezuela

# The Global Position

Source Countries as per UNHCR data

Syrian Arab Republic	6.8 million
Venezuela	5.6 million
Ukraine	5.4 million
Afghanistan	2.8 million
South Sudan	2.4 million

# The Global Position

Host Countries as per UNHCR data

Turkey	3.7 million
Colombia	2.5 million
Germany	2.2 million
Pakistan	1.5 million
Uganda	1.5 million



# The UK Position

Applications for asylum UK

- 2002 – 84,132
- 2010 – 17,916
- 2015 – 32,733
- 2022 – 74,751

Source: Refugee Action UK

- The UNHCR confirm, as do the UK's Home Office, that as of November 2022, there were 231,597 refugees, 127,421 pending asylum cases and 5,483 stateless persons.
- This is 0.54% of the UK's total population

# Push Pull Factors

Push:

War, famine, political instability, social and cultural norms, climate crisis

Pull:

Family reunion, social and cultural ties, colonial and historical ties, ease of access, safe routes

# A Crisis Rebutted

- In the global context, the UK gets hardly any asylum seekers and refugees
- The UK is the 5<sup>th</sup> largest economy
- Of those who arrive, 75% show either at first instance or at a tribunal that they have suffered persecution
- Inferences to draw from the data

# The Crisis

- Toxicity
- Electoral posturing
- Far right politicians fanning the flames
- Racism and xenophobia – factors in Brexit
- Anti Muslim tendencies
- Serious economic decline in the UK
- Challenges in the UK educational system
- The media

# Legislative Framework and Sources

- Universal Declaration of Human Rights 1948
- Refugee Convention 1951
- European Convention on Human Rights 1998
- Human Rights Act 1998
- Myriad of Immigration and Asylum Laws and Rules

# Hostile Legislation and Frameworks

- Legacy of the Hostile Environment Policy/Windrush
- National and Borders Bill 2022
- Rwanda Migration and Economic Partnership
- 2023 Illegal Immigration Bill

# Impact of Covid

- Borders closed but asylum seekers and refugees remain
- Squalid living conditions in refugee camps made worst by the pandemic
- Economic woes for all countries/housing crisis
- Strain on public health infrastructure in all countries
- Increases in unemployment
- Quantitative easing and stimulus packages causing indebtedness
- Challenging times for all causes resulting fear in the others
- Covid is just an amplifier

# Mistreatment and Denial of Rights

- Populous political posturing
- Media headlines
- Increase in far right activism
- Increasing toxicity, racism and xenophobia
- Rwanda economic partnership – 200
- Weak and drawn out asylum processing systems
- Disbelief and credibility issues despite high levels of successful claims
- Lack of safe routes – Syria, Afghanistan
- Inhumane reception facilities – Manston
- Destitution - £8/week
- The right to work
- Appalling accommodation
- Lack of family reunion rights
- Weak and drawn out asylum processing systems over 100,00 people waiting
- New measure of the asylum questionnaire



# Final Points

- Need for a global solution
- Countries with low participation
- Burden is disproportionately on lesser developed countries
- Responsible governance
- Examination of the refugee convention. It's 72 years old and restrictive
- A new paradigm
- Addressing the concerns of host nations
- Humanitarian responses