

# Legal indifference to refugees

March 29 2022, by David Bradley

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A new analysis of the prosecutions of refugees and asylum-seekers in the UK suggests that there are three main reasons why they do not fare well. Work published in the *International Journal of Migration and Border Studies*, suggests that there is only a "patchwork" of protections to

safeguard refugees and asylum-seekers from unwarranted prosecution. There is also a major problem in that state and legal institutions operate in policy silos and fail to communicate with each other. Finally, there is a significant indifference among legal institutions to the plight of desperate people and moreover, they are deeply hostile towards them.

John R. Campbell of the Department of Anthropology & Sociology at SOAS (School of Oriental and African Studies), University of London, UK, explains that the UK government has consistently prosecuted and convicted asylum-seekers. This he suggests is in contravention of the government's obligations under the 1951 Refugee Convention. The underlying terms of the pertinent Article of the convention say that people "coming directly" from a country of persecution cannot be punished by the receiving state on the basis of their entry or presence in that state as being deemed "illegal" by the host government. Indeed, it says that "as far as possible states should facilitate the assimilation and naturalization of refugees." There is a caveat in that those who have gained nominally illegal entry to a country under these circumstances should present themselves to the authorities in a timely manner.

The UK is not the only country to flout the [convention](#), Campbell adds, but in so doing repeatedly, the UK has also then felt at liberty to adopt numerous measures and pass laws that are, he suggests, aimed explicitly at criminalizing and demonizing refugees and asylum-seekers. The legislation also sanctions 'carriers' – the airlines and shipping companies, for instance. The UK now enforces passport and visa obligations on refugees and asylum-seekers that allow prosecutions to take place in order to reduce the number entering the country. The penalties have been maintained over years and have been buttressed by additional restrictive laws.

Campbell suggests that the UK not only fails in the context of the 1951 Refugee Convention but its legal actions can be seen as an attempt to end

the right of asylum. He writes that the British government needs to revise existing legislation so that refugees and asylum-seekers are given immunity from [prosecution](#) and it must rein in the tendency of the Home Office to undermine international law. In addition, it must reject the proposed Nationality and Borders Bill 2021, which criminalizes asylum-seeking.

**More information:** John R. Campbell, Legal silo's and indifference: the wrongful prosecution of refugees and asylum-seekers in the UK, *International Journal of Migration and Border Studies* (2022). [DOI: 10.1504/IJMBS.2022.121728](#)

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