

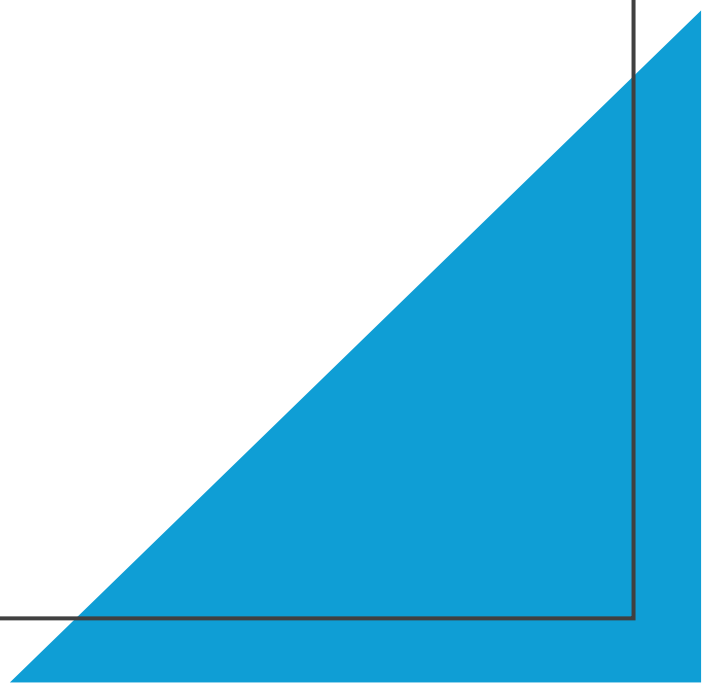
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Researching refugee law

Laura Griffiths and Hester Swift, Institute of Advanced Legal Studies Library

Researching migration and refugee narratives, Institute of Historical
Research workshop, 20 March 2025



Introduction

- Refugee/Asylum seeker/Migrant
- Legal definitions/protections
- All UK sources point Internationally...
 - To make sense of anything, you must make sense of the Convention and its protocols
 - Does the Convention itself make sense anymore?



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 2

ASYLUM

Treatment of refugees; support for asylum-seekers

12 Differential treatment of refugees

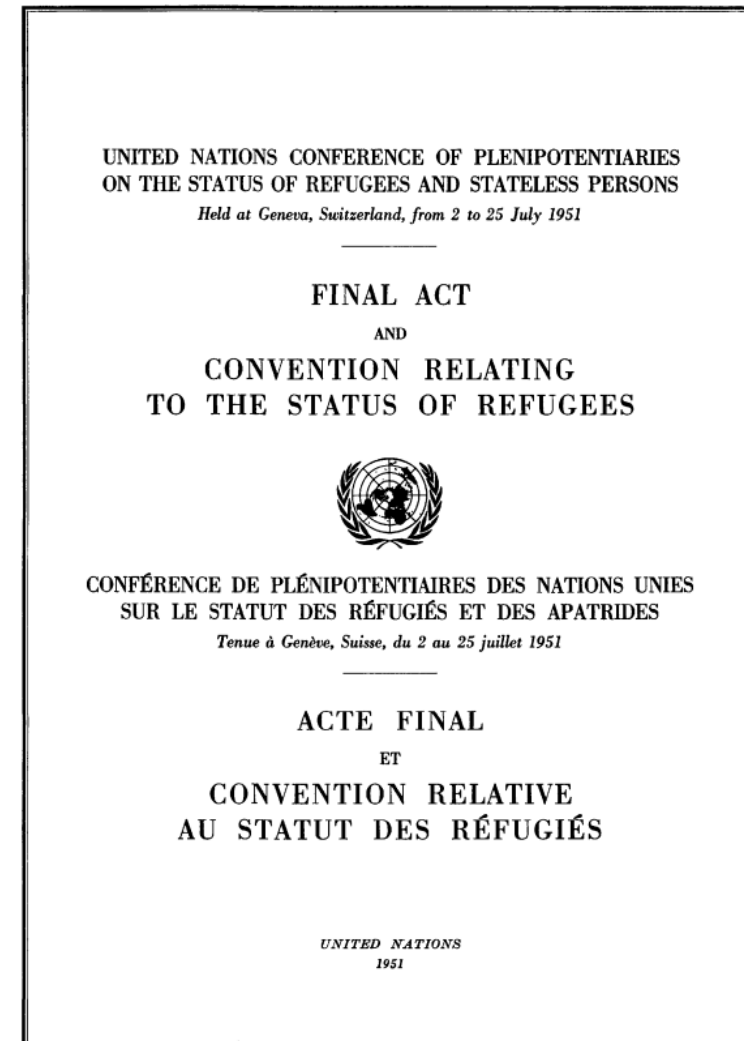
- (1) For the purposes of this section—
- (a) a refugee is a Group 1 refugee if they have complied with both of the requirements set out in subsection (2) and, where applicable, the additional requirement in subsection (3);
 - (b) otherwise, a refugee is a Group 2 refugee.
- (2) The requirements in this subsection are that—
- (a) they have come to the United Kingdom directly from a country or territory where their life or freedom was threatened (in the sense of Article 1 of the Refugee Convention), and
 - (b) they have presented themselves without delay to the authorities.

Subsections (1) to (3) of section 37 apply in relation to the interpretation of paragraphs (a) and (b) as they apply in relation to the interpretation of those requirements in Article 31(1) of the Refugee Convention.

- (3) Where a refugee has entered or is present in the United Kingdom unlawfully, the additional requirement is that they can show good cause for their unlawful entry or presence.

International legal framework

- Convention Relating to the Status of Refugees (1951) 189 UNTS 137
- Protocol Relating to the Status of Refugees (1967) 606 UNTS 267
- [UN Treaty Collection](#)



Drafting history

- Lex Takkenberg & Christopher C. Tahbaz, *The Collected Travaux Préparatoires of the 1951 Geneva Convention Relating to the Status of Refugees* (1989)
- Paul Weis, *The Refugees Convention, 1951: the Travaux Préparatoires Analysed, with a Commentary* (1995) - on [Refworld](#)
- [UN Audio-Visual Library of International Law](#)
- [Legal Instruments | Refworld](#) (UNHCR)

The screenshot shows the UN Audiovisual Library of International Law website. The header includes the UN logo and the title "AUDIOVISUAL LIBRARY OF INTERNATIONAL LAW" in large, serif font. Below the header is a navigation bar with tabs: HOME, HISTORIC ARCHIVES, LECTURE SERIES, MINI-SERIES, and RESEARCH LIBRARY. The main content area is titled "Convention relating to the Status of Refugees" and "Protocol relating to the Status of Refugees". It includes a list of documents, a table of contents, and a detailed introduction. The introduction text discusses the historical context of the Convention, its adoption in 1951, and its significance in international refugee law. The footer contains copyright information and a link to the Terms and Conditions of Use.

Convention relating to the Status of Refugees
Geneva, 28 July 1951

Protocol relating to the Status of Refugees
New York, 31 January 1967

Introductory Note | Procedural History | Documents | Status | Audio | Photo

By **Guy S. Goodwin-Gill**
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Introduction

The 1951 Convention relating to the Status of Refugees, with just one "amending" and updating Protocol adopted in 1967 (on which, see further below), is the central feature in today's international regime of refugee protection, and some 144 States (out of a total United Nations membership of 192) have now ratified either one or both of these instruments (as of August 2008). The Convention, which entered into force in 1954, is by far the most widely ratified refugee treaty, and remains central also to the protection activities of the United Nations High Commissioner for Refugees (UNHCR).

In the aftermath of the Second World War, refugees and displaced persons were high on the international agenda. At its first session in 1946, the United Nations General Assembly recognized not only the urgency of the problem, but also the cardinal principle that "no refugees or displaced persons who have finally and definitely ... expressed valid objections to returning to their countries of origin ... shall be compelled to return ..." (resolution 8 (I) of 12 February 1946). The United Nations' first post-war response was a specialized agency, the International Refugee Organization (IRO, 1946-1952), but notwithstanding its success in providing protection and assistance and facilitating solutions, it was expensive and also caught up in the politics of the Cold War. It was therefore decided to replace it with a temporary, initially non-operational agency, and to complement the new institution with revised treaty provisions on the status of refugees.

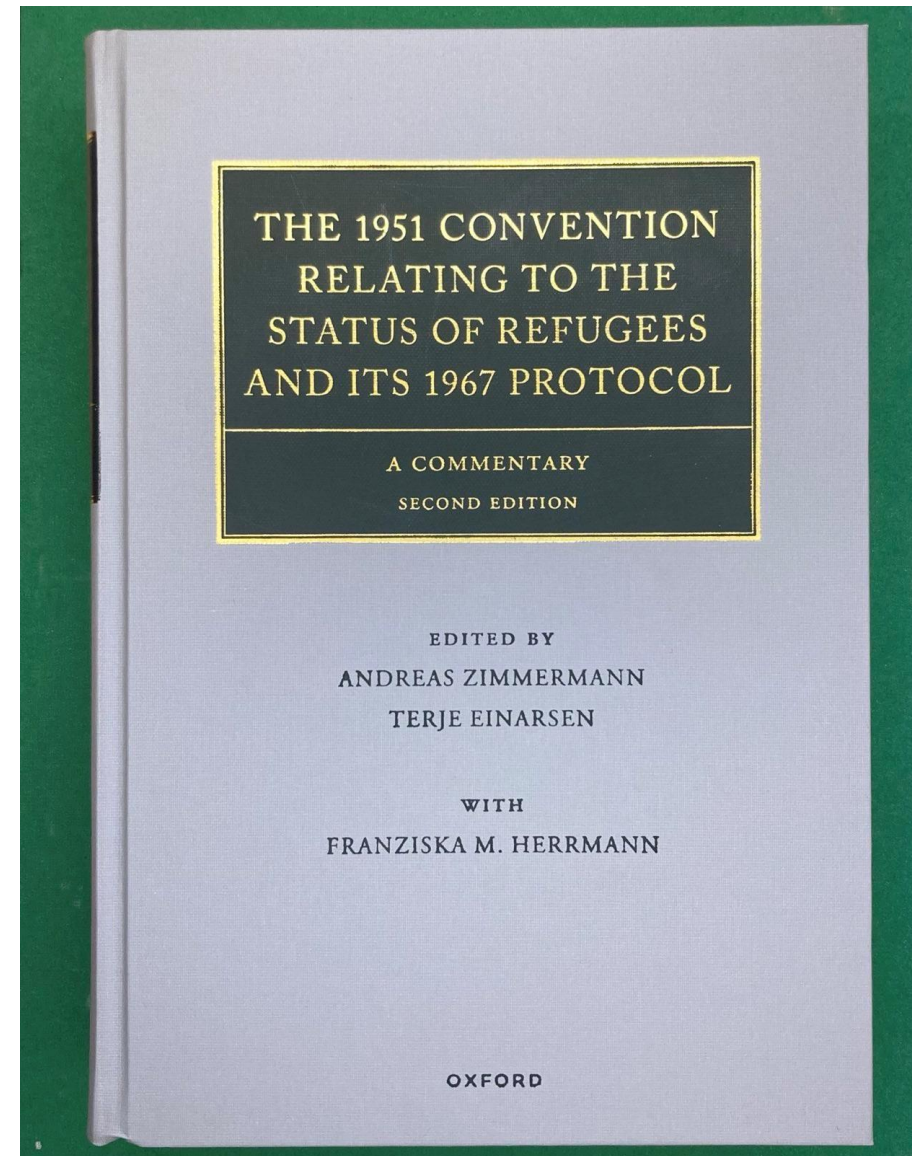
The historical context also helps to explain both the nature of the Convention and some of its apparent limitations. Just six years before its conclusion, the Charter of the United Nations had identified the principles of sovereignty, independence, and non-interference within the reserved domain of domestic jurisdiction as fundamental to the success of the Organization (Article 2 of the Charter of the United Nations). In December 1948, the General Assembly adopted the Universal Declaration of Human Rights, article 14, paragraph 1, of which recognizes that, "Everyone has the

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<https://legal.un.org/avl/ha/prsr/prsr.html>

Commentary

- Nehemiah Robinson, *Convention Relating to the Status of Refugees: its history, significance and contents* (1952) - [Hathi Trust](#)
- [UN Audiovisual Library of International Law](#)
- IALS Library [Catalogue](#)
- HeinOnline, Westlaw, Lexis



Conclusion

- Inseparability of the Convention from the refugee

1. Definition

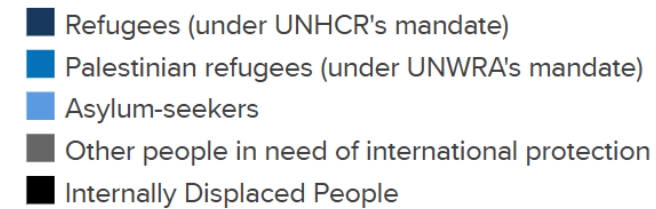
3 Migration denotes the process of human mobility. It is not yet a recognized term of general international law, but rather a notion stemming from different fields of international law such as refugee law or the law of migrant workers. The complex issue of **migration** involves a multitude of dimensions. As a consequence, it has to be understood as a process, implying economic, sociological, political, and legal aspects. The causes of **migration** can be divided into two main categories: a) the dimension of security, concerning persons threatened by natural disasters (see also → *Duty to Protect in Cases of Natural Disasters*), internal or international conflicts (→ *Armed Conflict, International*; → *Armed Conflict, Non-International*), threats to individual safety, or persecution; and b) the dimension of economy linked to a poor economic situation of a State, region, or an individual.

4 Nearly all countries in the world are affected by **migration**, either as origin, transitory, or destination countries, or even in various combinations of these capacities. Migrants are persons who leave their country of origin or the country of habitual residence, to remain either permanently or temporarily in another country with the possible consequence of establishment. The movement of **migration** at the State level concerns the inflow and outflow of migrants. From a legal point of view, **migration** within a State is to be treated differently from inter-State **migration**. **Migration** within a State is usually the subject of municipal law, which may be influenced by → *human rights*. **Migration** from one State to another, concerning persons eventually crossing one or more transitory States, is an international problem and can be the subject of international law (see also → *International Law and Domestic (Municipal) Law*). The political task of governing **migration** may be fulfilled by rules on different legal levels.

5 There are very different groups involved in **migration**. **Migration** may appear as → *emigration* or as → *immigration*. Emigration causes less legal—though not economic—problems than immigration. Emigration occurs when a person leaves the country of origin, possibly resulting in a loss of human resources for that country. From the point of view of the host country, immigration occurs when a person enters their territory. The law on immigration is closely connected with national → *sovereignty*. As a consequence, **migration** influences different aspects of the life and legal order in a State society.

117.3 million people worldwide are forcibly displaced.

at the end of 2023 as a result of persecution, conflict, violence, human rights violations or events seriously disturbing public order.



As of the end of 2022

Source: [UNHCR Global Trends 2023](#), 13 June 2024

The total number of forcibly displaced people worldwide accounts for overlaps between population groups.



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