

# **REFUGEES, RACE AND THE LEGAL CONCEPT OF ASYLUM IN BRITAIN**

**Prakash A. Shah**



# Refugees Race And The Concept Of Asylum In Britain

**Michael Rajnik**



## **Refugees Race And The Concept Of Asylum In Britain:**

*Refugees, Race and the Legal Concept of Asylum in Britain* Prakash Shah, 2000 This book critically interrogates the principle of asylum for refugees in UK law and proposes that when faced with the migration of non European refugee groups this principle has often been limited The book considers the response of the State to the migration of various groups of refugees through five centuries The reaction of the legal system to the arrival of gypsies and Huguenots from the Tudor period is analysed The responses to the arrival of African refugees from the American War of Independence is also considered here along with an examination of the reactions to refugees from the French Revolution and the Napoleonic Wars various European refugee groups in the mid Victorian period Jews from Eastern Europe and later from Nazism and groups displaced in Europe as a result of the Second World War *Refugees Race and the Legal Concept of Asylum in Britain* also provides a detailed discussion of the backlash against African and Asian refugee groups in particular as against the East African Asians Vietnamese and Tamils from Sri Lanka An analysis of the major legislative reforms of the 1990s which have been directed against the settlement of Asian and African refugees is also presented The post Second World War period is scrutinised in the context of the failure of European human rights law and international norms of refugee protection to secure the principle of asylum and the implications of the development of a Fortress Europe that is premised on the tight control of non European migrants are drawn out *The Oxford Handbook of International Refugee Law* Cathryn

Costello, Michelle Foster, Jane McAdam, 2021-06-02 *The Oxford Handbook of International Refugee Law* is a comprehensive critical work which analyses the state of research across the refugee law regime as a whole Drawing together leading and emerging scholars the Handbook provides both doctrinal and theoretical analyses of international refugee law and practice It critiques existing law from a variety of normative positions with several chapters identifying foundational flaws that open up space for radical rethinking Many authors work directly in the field and their contributions demonstrate how scholarship and practice can mutually inform each other Contributions assess a wide range of international legal instruments relevant to refugee protection including from international human rights law international humanitarian law international migration law the law of the sea and international and transnational criminal law Geographically contributors examine regional and domestic laws and practices from around the world with 10 chapters focused on specific regions This Handbook provides an account as well as a critique of the status quo and in so doing it sets the agenda for future academic research in international refugee law ***The Evolution of Humanitarian Protection in European Law and Practice*** Liv Feijen, 2021-04

Humanitarian protection has evolved from an act of charity into a legal obligation not to remove certain categories of non nationals *The Discourse of Repatriation in Britain, 1845-2016* Daniel Renshaw, 2021-03-04 Examining responses to migration and settlement in Britain from the Irish Famine up to Brexit *The Discourse of Repatriation* looks at how concepts of removal evolved in this period and the varied protagonists who have articulated these ideas in different contexts Analysing

the relationship between discourse and action Renshaw explores how ideas and language originating on the peripheries of debate on migration and belonging can permeate the mainstream and transform both discussion and policy The book sheds light both on how the migrant other has been viewed in Britain historically and contemporaneously and more broadly how the relationship between state press and populace has developed from the early Victorian period onwards It identifies key junctures where the concept of the removal of othered groups has crossed over from the rhetorical to the actual and considers why this was the case Based on extensive original archival research the book reassesses modern British history through the lens of the most polarised attitudes to immigration and demographic change This book will be of use to readers with an interest in migration diaspora the development of populism and political extremes and more broadly the history of modern Britain

*The Refugee in International Law* Guy S. Goodwin-Gill, Jane McAdam, 2007-03-22 Millions of people today are forced to flee their homes as a result of conflict systemic discrimination persecution and other violations of their human rights The core instruments on which they must rely to secure international protection are the 1951 Convention relating to the Status of Refugees and its 1967 Protocol now complemented by international and regional human rights treaties This book the leading text in a field where refugee law is now a subject of global importance examines key challenges to system of international protection including those arising from within the asylum process increased controls over the movements of people and the new concern with security The situation of refugees is one of the most pressing and urgent problems facing the international community and refugee law has grown in recent years to a subject of global importance In this long awaited third edition each chapter has been thoroughly revised and updated every issue old and new has received fresh analysis and complementary or human rights based protection is given special attention Features include analysis and assessment of developments in interpreting the refugee definition with particular reference to social group exclusion procedures and the impact of European Union harmonization initiatives In addition this book reviews the situation of refugee women and children the plight of Palestinian refugees the protection of internally displaced persons the role and responsibilities of the UNHCR including in the administration of camps and settlements the current status in general international law of the fundamental principles of non refoulement asylum and the right to seek asylum and the extent of protection possibilities in human rights treaties particularly the European Convention on Human Rights

*Forced Migration: Exiles and Refugees in the UK and the British Empire, 1815-1949*, 2025-03-24 This volume explores the forced migration of people defined briefly as when individuals or groups are compelled to leave their home countries due to various though predominantly political factors to the UK and the British Empire from 1815 to 1949 With a uniquely international and inclusive scope this volume is a welcome contribution to our understanding of forced migrations over this 135 year period It aims to kickstart future work on this subject and provide the basis for a more truly global understanding of refugees forced migrations and border controls in modern history Contributors are Yianni Cartledge Vesna Curlic Milosz K Cybowski Rosaria Franco Jade Hastings Jemima

Jarman Jeffrey Jones Thomas C Jones Chana Revell Kotzin Micha Adam Palacz Leslie Rogne Schumacher Evan Smith Andrekos Varnava and Andrew Williams     Britannia's Embrace Caroline Shaw, 2015-09-18 On the eve of the American Revolution the refugee was according to British tradition a Protestant who sought shelter from continental persecution By the turn of the twentieth century however British refuge would be celebrated internationally as being open to all persecuted foreigners Britain had become a haven for fugitives as diverse as Karl Marx and Louis Napoleon Sim n Bol var and Frederick Douglass How and why did the refugee category expand How in a period when no law forbade foreigners entry to Britain did the refugee emerge as a category for humanitarian and political action Why did the plight of these particular foreigners become such a characteristically British concern Current understandings about the origins of refuge have focused on the period after 1914 Britannia s Embrace offers the first historical analysis of the origins of this modern humanitarian norm in the long nineteenth century At a time when Britons were reshaping their own political culture this charitable endeavor became constitutive of what it meant to be liberal on the global stage Like British anti slavery its sister movement campaigning on behalf of foreign refugees seemed to give purpose to the growing empire and the resources of empire gave it greater strength By the dawn of the twentieth century British efforts on behalf of persecuted foreigners declined precipitously but its legacies in law and in modern humanitarian politics would be long lasting In telling this story Britannia s Embrace puts refugee relief front and center in histories of human rights and international law and of studies of Britain in the world In so doing it describes the dynamic relationship between law resources and moral storytelling that remains critical to humanitarianism today     **Race, Criminal Justice, and Migration Control** Mary Bosworth, Alpa Parmar, Yolanda Vázquez, 2018 In an era of mass mobility those who are permitted to migrate and those criminalised controlled and prohibited from migrating are heavily patterned by race This volume places race at the centre of its analysis 14 chapters examine question and explain the growing intersection between criminal justice and migration control     Bordering Britain Nadine El-Enany, 2020-02-11 B ordering Britain argues that Britain is the spoils of empire its immigration law is colonial violence and irregular immigration is anti colonial resistance In announcing itself as postcolonial through immigration and nationality laws passed in the 60s 70s and 80s Britain cut itself off symbolically and physically from its colonies and the Commonwealth taking with it what it had plundered This imperial vanishing act cast Britain s colonial history into the shadows The British Empire about which Britons know little can be remembered fondly as a moment of past glory as a gift once given to the world Meanwhile immigration laws are justified on the basis that they keep the undeserving hordes out In fact immigration laws are acts of colonial seizure and violence They obstruct the vast majority of racialised people from accessing colonial wealth amassed in the course of colonial conquest Regardless of what the law media and political discourse dictate people with personal ancestral or geographical links to colonialism or those existing under the weight of its legacy of race and racism have every right to come to Britain and take back what is theirs     **Statelessness in**

**the European Union** Caroline Sawyer, Brad K. Blitz, 2011-02-10 Statelessness in the European Union draws together original research from over one hundred interviews in Estonia France Slovenia and the United Kingdom to provide one of the first comparative accounts of the de facto or de jure stateless populations in the European Union It blends legal political and empirical research to examine how non citizens without secure status in some cases established undocumented migrants and their descendants manage their lives in four European Union member states Normative and legal analyses of the practical meaning of basic human rights are combined with a groundbreaking investigation of the obstacles that prevent people from accessing essential services Contrasting the situation of Europe s stateless now with that examined by Arendt over fifty years ago it considers proposals for the future security of Europe s stateless people

**Race Relations in Britain** Tessa Blackstone, Bhikhu Parekh, Peter Sanders, 2005-06-27 Bringing together distinguished experts in the field of race relations this book addresses questions which are increasingly relevant in the current socio political context of Great Britain The kind of visions of multicultural Britain which are currently being canvassed and the problems which ethnic minorities continue to face are addressed together with an examination of the new policy initiatives which are needed to tackle these problems Race Relations in Britain falls into three parts which analyse contemporary trends articulating a vision of multicultural Britain and exploring important theoretical controversies identify the obstacles that stand in the way of a racism free Britain looking at current policy in areas such as immigration employment education the criminal justice system as well as the role of the media offer a vision of a multi cultural Britain advancing new policies based on current research

**African Migration, Human Rights and Literature** Fareda Banda, 2020-12-24 This innovative book looks at the topic of migration through the prism of law and literature The author uses a rich mix of novels short stories literary realism human rights and comparative literature to explore the experiences of African migrants and asylum seekers The book is divided into two Part one is conceptual and focuses on art activism and the myriad ways in which people have sought to write justice Using Mazrui s diasporas of slavery and colonialism it then considers histories of migration across the centuries before honing in on the recent anti migration policies of western states Achiume is used to show how these histories of imposition and exploitation create a bond which bestows on Africans a status as co sovereigns of the First World through citizenship The many fictional examples of the schemes used to gain entry are set against the formal legal processes Attention is paid to life post arrival which for asylum seekers may include periods in detention The impact of the increased hostility of receiving states is examined in light of their human rights obligations Consideration is paid to how Africans navigate their post migration lives which includes reconciling themselves to status fracture taking on jobs for which they are over qualified while simultaneously dealing with the resentment borne of status threat on the part of the citizenry Part two moves from the general to consider the intersections of gender and status focusing on women LGBTI individuals and children Focusing on their human rights and the fictional literature chapter four looks at women who have been trafficked as well as domestic workers and hotel maids

while chapter five is on LGBTI people whose legal and literary stories are only now being told The final substantive chapter considers the experiences of children who may arrive as unaccompanied minors Using a mixture of poetry and first person accounts the chapter examines the post arrival lives of children some of whom may be citizens but who are continually made to feel like outsiders The conclusion follows starting with two stories about walls by Hadero and Lanchester which are used to illustrate the themes discussed in the book Few African lawyers write about literature and few books and articles in Western law and literature look at books by or about Africans so a book that engages with both is long overdue This book provides fascinating reading for academics students of law literature gender and migration studies and indeed the general public

**The Ashgate Research Companion to Migration Law, Theory and Policy** Satvinder S. Juss, 2016-03-23 The Ashgate Research Companion to Migration Law Theory and Policy complements the already successful Ashgate series Law Migration established in 2006 which now has a number of well regarded monographs to its credit The purpose of this Companion is to augment that Series by taking stock of the current state of literature on migration law theory and policy and to sketch out the contours of its future long term development in what is now a vastly expanded research agenda The Companion provides readers with a definitive and dependable state of art review of current research in each of the chosen areas that is all embracing and all inclusive of its subject matter The chapters focus on the regional and the sub regional as well as the national and the global In so doing they aim to give a snap shot that is contextual coherent and comprehensive The contributors are both world renowned scholars and newer voices and include scholars practitioners former judges and researchers and policy makers who are currently working for international organisations

**The Routledge Handbook on Crime and International Migration** Sharon Pickering, Julie Ham, 2017-07-14 The Routledge Handbook on Crime and International Migration is concerned with the various relationships between migration crime and victimization that have informed a wide criminological scholarship often driven by some of the original lines of inquiry of the Chicago School Historically migration and crime came to be the device by which Criminology and cognate fields sought to tackle issues of race and ethnicity often in highly problematic ways However in the contemporary period this body of scholarship is inspiring scholars to produce significant evidence that speaks to some of the biggest public policy questions and debunks many dominant mythologies around the criminality of migrants The Routledge Handbook on Crime and International Migration is also concerned with the theoretical empirical and policy knots found in the relationship between regular and irregular migration offending and victimization the processes and impact of criminalization and the changing role of criminal justice systems in the regulation and enforcement of international mobility and borders The Handbook is focused on the migratory fault lines between the Global North and Global South which have produced new or accelerated sites of state control constructed irregular migration as a crime and security problem and mobilized ideological and coercive powers usually reserved for criminal or military threats Offering a strong international focus and comprehensive coverage of a wide range of

border criminal justice and migration related issues this book is an important contribution to criminology and migration studies and will be essential reading for academics students and practitioners interested in this field      *Comparative Law in Global Perspective* Ian Edge,2021-10-01 The essays in this volume offer global perspectives on crucial contemporary issues such as economic development the persistence of customary law offshore jurisdictions family law and succession land tenure the forging of national constitutions human rights violations and the treatment of ethnic minorities They portray the laws of Asian and African countries as equal manifestations of legal culture in a shrinking world Rendering Asian and African legal systems and traditions in an accessible form to a non Asian and non African audience this volume will sharpen the sensitivity of academics and practitioners everywhere A special classroom adoption price is available Published under the Transnational Publishers imprint      **Refugees, Capitalism and the British State** Tom Vickers,2016-04-08 Today in a period of economic crisis public sector cuts and escalating class struggle Marxism offers important tools for social workers and service users to understand the structures of oppression they face and devise effective means of resistance This book uses Marxism s lost insights and reinterprets them in the current context by focussing on one particular section of the international working class refugees and asylum seekers in Britain Vickers analysis demonstrates the general utility of a Marxist approach enabling an exploration of the interplay between state policies how these are experienced by their subjects and how conflicts are mediated The substantive focus of the book is twofold to analyse the material basis of the oppression of refugees in Britain by the British state and to examine the means by which the British state has managed this oppression through the cultivation of a refugee relations industry within a broader narrative of social capital building These questions demand answers if social workers and other practitioners are to successfully work with refugees and asylum seekers and this book provides these through a detailed Marxist analysis      *Regulating Marriage Migration into the UK* Helena Wray,2016-04-08 Marriage migration is a controversial and problematic issue in the UK as elsewhere in Europe This timely analysis is a comprehensive examination of the regulation of marriage migration into the UK With international relevance the book uses the analysis to examine the relationship between government priorities and the dynamics of transnational family life The book is one of the first to scrutinise the control of UK marriage migration after 1997 and explores the dilemmas faced by the post 1997 government in managing this form of migration in a changed domestic and international environment Using high quality sources from across the political spectrum it analyses regulatory decisions made by government the judiciary and the visa service and suggests that there is an unofficial and unarticulated hierarchy predicated on assumptions and beliefs about acceptable marriages Finally the book establishes a principled basis for the future regulation of marriage migration

Evaluating the Effectiveness of International Refugee Law M.R. Alborzi,2006-08-01 The legal instruments on which refugees can rely to secure international protection are the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol Supported by soft laws which were developed by the international community during the past decades they form the



protection regime for refugees which is set to respond to all refugee situations This book is an evaluation of the international response to a major protracted humanitarian situation As such it is the first comprehensive account and assessment of the effectiveness of international law in dealing with Iraqi refugees during the regime of Saddam Hussein It contains detailed information and analysis of the history and behaviour of Iraq and its neighbouring states as regards refugees as well as of the operations of international organizations both inter governmental and non governmental and legal responses to humanitarian needs The factual context in which the legal analysis is presented grounds the legal theory      **Civil Liberties and Human Rights** Helen Fenwick,2002-01-02 This third edition has been extensively re written in order to consider the impact of the Human Rights Act 1998 It takes extensive account not only of the Strasbourg jurisprudence but also of a number of key domestic decisions in the post Human Rights Act era Particular attention is paid to Labour legislation including the Terrorism Act 2000 the Regulation of Investigatory Powers Act 2000 the Data Protection Act 1998 the Freedom of Information Act 2000 and the Criminal Justice and Police Act 2001 This book is a detailed thought provoking and comprehensive text that is valuable not only for students but also for all those interested in the development of civil liberties in the Human Rights Act era      *Constitutional & Administrative Law* Hilaire Barnett,2012-08-06 Hilaire Barnett s respected and ever popular textbook helps to provide students with an understanding of the constitution s past present and future by analysing and illustrating the political and socio historical contexts which have shaped the constitution the current major rules and principles of public law and on going constitutional reform

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