

UNEQUAL

UNEQUAL TREATMENT OF REFUGEES

:

A CRISIS FOR THE 21ST CENTURY

TREATMENT



07

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UNEQUAL TREATMENT OF REFUGEES: A CRISIS FOR THE 21ST CENTURY

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Located in the historic town of Kenilworth in the heart of Warwickshire, The Cross is an award-winning pub that combines Michelin-starred food with a welcoming, relaxed atmosphere. Under the guidance of chef-owner Andreas Antona and head chef Adam Bennett, they have held a Michelin star for over six years and are proud to boast three AA Rosettes. They received a Good Food Award Gold Seal in 2021. The Cross is housed in a Grade II listed 19th-century inn and has been sympathetically restored to retain its heritage alongside contemporary touches that make it a fabulous place to enjoy great food, a casual atmosphere, and informal but attentive service. During the pandemic, Andreas launched a nationwide meal delivery service, inspired by dishes served at The Cross and its sister restaurant Simpsons in Edgbaston. He is now building on its success with the launch of Soko Patisserie, producing ethical, artisan chocolate and Antona Bespoke catering services.

The Cross at Kenilworth is recruiting kitchen and front-of-house staff to join its fantastic team. They have various positions available, offering four days a week with a good rate of pay and pension. Please send your CV and covering letter to enquiries@thecrosskenilworth.co.uk

BRIEFING NOTE

This report will highlight the inequalities that refugees face across the world today. It focuses on three main areas: labour market inequality, health inequality and a lack of legal representation. This briefing section gives an overview of the current situation of refugees across these three main areas, before proceeding to give more detailed insights.

OVERVIEW

- There are 26.4 million refugees in the world today. This number has doubled since 2010¹.
- 39% of refugees are hosted in just 5 countries, with Turkey hosting the most (3.7 million) (UNHCR, 2020)
- 1 million children were born as refugees (UNHCR, 2020)
- Refugees face challenges in accessing healthcare, due to reasons such as discrimination and legal status. They are also at risk of falling ill due to poor living conditions, sanitation and nutrition²
- They also face difficulties in accessing the labour market, with factors such as a lack of language proficiency and their legal status forcing many into unregulated informal sector work
- There is increasing violence being aimed at refugees as part of a worrying rise in xenophobia worldwide. This comes from both state actors, such as politicians, but also from the wider public
- It is becoming increasingly common for refugees to be forcibly returned to the countries that they have fled, which puts them in immediate danger and violates international law³

¹ UNHCR. (2020). Global Trends: Forced Displacement in 2020.

² World Health Organization. (2019, January 21). 10 things to know about the health of refugees and migrants.

³ Amnesty International. (2016, October 28). Greece: Evidence points to illegal forced returns of Syrian refugees to Turkey.

LABOUR MARKET INEQUALITY

Many refugees are excluded from the formal labour market due to complications with their legal status

- Refugees may lack the official documents which guarantee citizenship, ruling them out from gaining work permits
 - For example, most Afghan refugees in Turkey are unregistered, which stops them from gaining legal work⁴
 - There were an estimated 500,000 undocumented Afghan refugees in Pakistan in 2020⁵, a figure that will have skyrocketed given the Taliban's recent takeover of Afghanistan. These refugees have to resort to work in the informal sector as a result of being undocumented
 - In the EU, refugees have much lower unemployment rates (refugees in Spain only had a 40.6% employment rate in 2019⁶). A major factor causing this has been employers' uncertainty over refugee work permits

Refugees are at higher risk of being engaged in precarious labour, or being exploited

- Many refugees work in the informal sector, where they are more vulnerable to exploitation given the lack of employment regulation
- Multiple surveys have found that employers threaten undocumented refugees with deportation, as a way of keeping refugees in a state of exploitation⁷
- A 2020 study found that 3 out of 4 Syrian refugees in Turkey earned less than the minimum wage, with around 1 million Syrians working informally without any legal protections⁸
- Child refugees are particularly prone to labour exploitation. There are an estimated 11 million child refugees globally and they are particularly vulnerable to modern slavery when separated from their families⁹
- Exploitation and long working hours in the informal sector are significant barriers for refugee women to enter the labour market. They report that sexual harassment is common in the workplace¹⁰.
 - This leads to much lower employment rates for refugee women. For example, only 15% of Syrian female refugees are gainfully employed (Leghtas, 2019)

⁴ IBC. (2021, August 16). IBC Start Relief Works for Afghan Refugees. Relief Web.

⁵ European Asylum Support Office. (2020). Pakistan- Situation of Afghan Refugees.

⁶ Dhéret, C., & Diez, O. S. (2019). Integrating refugees into the labour market: How can the EU better support employers? European Policy Centre.

⁷ European Union Agency for Fundamental Rights. (2019). Protecting migrant workers from exploitation in the EU: workers' perspectives; European Asylum Support Office. (2020). Pakistan- Situation of Afghan Refugees.

⁸ Caro, L. P. (2020). Syrian Refugees in the Turkish Labour Market. ILO.

⁹ Latham, J., Larsen, G., McNeill, A., Kenney, A., & Luciano, M. (2019). Migrants and their vulnerability to human trafficking, modern slavery and forced labour. International Organization for Migration.

¹⁰ Leghtas, I. (2019). Insecure Future: Deportations and Lack of Legal Work for Refugees in Turkey. Refugees International.

There is a lack of a clear legal framework around refugees' working rights

- As many refugees are forced into informal sector work, their rights aren't protected
 - Refugees in the agriculture and domestic work industries report high levels of labour law violations in the EU, due to the lack of employment protection in these industries. This issue is exacerbated when refugees' residence permits are tied to an employer, which is often the case in these industries¹¹
- Migration rules and refugees' working rights are often complicated, which means many refugees are unaware of their rights. A lack of language proficiency further compounds this problem, making them more vulnerable to exploitation (FRA, 2019)

Refugees are insufficiently supported in their education and adjusting to a new country

- Refugees without official documents face restricted access to state education, which prevents them from upskilling. This restricts them to work in the informal sector
- A 2017 EUROCIITIES report found that a lack of language proficiency was the most significant challenge to refugee integration into the labour market¹²
- As many refugees have to work long hours in the informal sector, they report that they have little time to learn the language¹³
- Many refugees are unable to prove their existing qualifications, because they don't have the necessary documents. This is a significant problem for high-skilled refugees, who end up in low-skilled jobs as they can't show their qualifications¹⁴

¹¹ European Union Agency for Fundamental Rights (FRA). (2019). Protecting migrant workers from exploitation in the EU: workers' perspectives

¹² EUROCIITIES. (2017). Labour Market Integration of Refugees and Asylum Seekers.

¹³ European Union Agency for Fundamental Rights. (2019). Protecting migrant workers from exploitation in the EU: workers' perspectives

¹⁴ EUROCIITIES. (2017). Labour Market Integration of Refugees and Asylum Seekers.

LACK OF ACCESS TO HEALTHCARE

Refugees are particularly vulnerable to the health and social effects of Covid-19

- A 2021 report in the Lancet found that refugees are more susceptible to Covid-19 due to underlying health conditions; overcrowded conditions in refugee camps and detention centres and a lack of accessible information on the pandemic.¹⁵
- A report for the UN Refugee Agency the effect Covid-19 is particularly pronounced in developing countries, which host 85% of the world's refugee population and highlighted the challenge of maintaining health care for refugees in these countries.¹⁶

There is a disparity between refugees' access to healthcare in international legislation and in reality due to administrative and legal barriers

- The 1946 Constitution of the World Health Organisation established that access to healthcare is a universal, foundational and inalienable right regardless of nationality or legal status. It was signed by all 51 UN member countries and 10 other countries.¹⁷
- A report by the Migrant Integration Policy Index (MIPEX), based on data collected between 2014 - 2019, found that asylum seekers faced administrative barriers to accessing healthcare in 38 out of the 52 MIPEX countries and undocumented migrants faced legal and administrative barriers to accessing healthcare in 50 out of the 52 MIPEX countries (MIPEX, 2020).
- A report by the Migrant Integration Policy Index (MIPEX), based on data collected between 2014 - 2019, found that 'migrant friendly' health systems tend to be in countries with: a high GDP; a strong commitment to equal rights and opportunities; a taxed rather than insurance based health system.¹⁸
- A 2020 report by Insight Turkey found that refugees living in cities have restricted access to healthcare due to domestic regulations and that undocumented refugees commonly under-report illness for fear of deportation.¹⁹

Case study: Moria refugee camp. Refugees' mental health is worsened in some refugee camps

- A 2021 report in the BMC Public Health journal found that a positive association with the likelihood of an acute mental health crisis and the length of stay in Moria refugee camp;

¹⁵ Balakrishnan, V. S. (2021, August 01). Impact of COVID-19 on migrants and refugees. The Lancet, 21(8), 1076-1077. [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(21\)00410-2/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(21)00410-2/fulltext)

¹⁶ UNHCR. (n.d.). Refugees and the Impact of Covid 19. <https://www.unhcr.org/uk/events/campaigns/5fc1262e4/refugees-and-the-impact-of-covid-19.html>

¹⁷ WHO. (n.d.). WHO Constitution. https://www.who.int/governance/eb/who_constitution_en.pdf

¹⁸ MIPEX. (n.d.). MIPEX Health. <https://www.mipex.eu/health>

¹⁹ MONSHIPOURI, M. (2020, Fall). Managing the Refugee Crisis in the Era of the COVID-19 Pandemic. Insight Turkey, 22(4), 179 - 200. <https://www.jstor.org/stable/26981723?refreqid=excelsior%3Ac35e5d19d45fd1f0b7a267ca9c62e793>

for every 10% increases of days living in the camp (the average stay is 71 days), the odds ratio of a 'mental health crisis' increases by 1.03.²⁰

- A 2018 report in the Conflict and Health journal found that at Moria refugee camp, institutional abuse was prevalent through inhumane living conditions, humiliation, a lack of information and depersonalisation which led to continuous traumatic stress. Provision of mental health services faces delays in appointments and a lack of psychiatric care.²¹

Refugees' physical health is risked or worsened by bad conditions in refugee camps

- A 2019 report for the Observation Research Foundation found that Rohingya refugees have come from impoverished communities in Myanmar and 'their poor health status is further aggravated by the subhuman conditions in the camps'.²²
- A 2019 report for the Observation Research Foundation found that in refugee camps in Bangladesh between March and May 2019, 182,118 cases of illness due to issues with access to water, sanitation and hygiene were reported (Banerjee, 2019).
- Children under 5 suffer malnutrition (24,500 out of 163,200 have been admitted for treatment with Severe Acute Malnutrition but more are in need), anemia (more than 50%) and stunted growth (more than 40%) (Banerjee, 2019)
- A 2021 report in the journal Healthcare, interviewed adult Syrian refugees and found that almost 50% have 'bad or worse health status' than before arrival; 48.8% living in Turkish refugee camps were satisfied with healthcare services and 58.8% living outside camps in Turkey were satisfied with healthcare services (a random sampling method of 714 participants).²³
- A 2019 report in the journal Sexual and Reproductive Health Matters, found that in Rohingya refugee camps, some pregnant women must use insufficient emergency facilities (900,000 refugees have the minimum facilities for 500,000 people) as around 42% of refugees cannot afford healthcare. These emergency facilities can be difficult to access for pregnant women due to crowded conditions, difficult terrain and a lack of roads.²⁴

²⁰ van de Wiel, W. (n.d.). Mental health consequences of long-term stays in refugee camps: preliminary evidence from Moria. BMC Public Health.

<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-11301-x#citeas>

²¹ Eleftherakos, C. (n.d.). "I prefer dying fast than dying slowly", how institutional abuse worsens the mental health of stranded Syrian, Afghan and Congolese migrants on Lesbos island following the implementation of EU-Turkey deal. Conflict and Health.

<https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-018-0172-y#citeas>

²² Banerjee, S. (2019). The Rohingya crisis: A health situation analysis of refugee camps in Bangladesh. ORF. Available at: <https://www.orfonline.org/research/the-rohingya-crisis-a-health-situation-analysis-of-refugee-camps-in-bangladesh-53011/>

²³ TENGİLİMOĞLU, D. (2021, April 21). Refugees' Opinions about Healthcare Services: A Case of Turkey. MDPI, 9(5). <https://www.mdpi.com/2227-9032/9/5/490/htm>

²⁴ Parmar, P. K. (2019, May 31). Mortality in Rohingya refugee camps in Bangladesh: historical, social, and political context. Sexual and Reproductive Health Matters. <https://www.tandfonline.com/doi/full/10.1080/26410397.2019.1610275>

LACK OF LEGAL REPRESENTATION

There is insufficient free access to legal aid and representation for refugees in the UK

- Without free, high quality legal aid, many refugees and asylum seekers are unable to communicate their case effectively. This can result in months or years with no legal protection or being sent back to their country of origin where they may face persecution, torture or death.
- On average, people waited 14 days for a decision on their asylum support application despite Home Office guidelines that responses should take up to five days. Asylum seekers are given £35.39 per person per week while awaiting a decision, often leading to rough sleeping, days without eating a proper meal and damaging physical and mental health impacts.²⁵

Provision for legal aid and representation has fallen in the UK²⁶

- A survey by NACCOM and Refugee Action of 92 organisations in 2018 found that 76% of responders working in refugee services found it ‘quite difficult’ or ‘very difficult’ to refer people to legal representatives; 87% said it was more difficult to find referrals than six years ago.
- Even if legal representation exists on paper, it may not be accessible in reality as time-consuming complex cases often cost significantly more than the official remuneration rates.
- Between 2005 and 2018, over half the legal providers working in immigration and asylum in England and Wales were lost; a 64% drop for not for profit legal providers.
- In March 2018, there were 26 local authority areas in the UK with more than 100 asylum seekers but no legal aid provision.

A lack of legal aid can lead to refugees’ and asylum seekers’ imprisonment or forced returns

- A report by Human Rights Watch found that in Canada, refugees and asylum seekers are detained in detention centres where access to legal representation is constricted and the legal autonomy of detainees with mental health conditions is revoked, which is ‘in violation of detainees’ rights as they infringe on their right to due process and legal capacity’.²⁷

²⁵ Refugee Action and NACCOM. (n.d.). Missing the Safety Net. <https://www.refugee-action.org.uk/wp-content/uploads/2019/09/Missing-The-Safety-Net-Report.pdf>

²⁶ Refugee Action. (n.d.). Tipping the Scales. <https://www.refugee-action.org.uk/wp-content/uploads/2018/07/Access-to-Justice-July-18-1.pdf>

²⁷ Human Rights Watch. (n.d.). I Didn't Feel Human There. <https://www.hrw.org/report/2021/06/17/i-didnt-feel-human-there/immigration-detention-canada-and-its-impact-mental#> Key points: Canada's legal system allows refugees and asylum seekers to be detained for indefinite periods. In 2019-20, almost 9000 people were in immigration detention and since 2016, Canada has detained over 300 people for over a year; one man has been detained for more than 11 years. Conditions in immigration detention centres such as solitary confinement and prolonged segregation (over 15 days) violate Canada's obligations under international human rights law, including the right to liberty and freedom from arbitrary detention.

- A report by Human Rights watch found that in 2016, Pakistan used deportation threats and police violence to commit the largest unlawful mass forced returns of refugees (over 550,000) in recent times. This was possible due to the insecure legal status of these refugees.²⁸

The impetus for this violence against refugees has come from divisive politicians and sometimes the wider public.

- The recent wave of populism in the West accelerated during the 2016 refugee crisis, propagating aggressive xenophobic rhetoric against a backdrop of millions of refugees crossing into Europe
 - Viktor Orban, President of Hungary, has targeted Muslim refugees particularly, labelling them as “invaders” and “poison”²⁹
 - This has served to legitimise brutal treatment of refugees in Hungary, including beatings from police and unlawful detention³⁰
- Xenophobic attacks have also come from the general population, inspired by nationalistic political rhetoric
 - In August 2021, hundreds of people in Ankara, the capital of Turkey, ransacked Syrian houses, cars and shops. Xenophobic posts were also circulated widely on social media, including phrases such as “We don’t want Syrians” and “We don’t want Afghans”³¹
 - The opposition party leader in Turkey, Kemal Kilicdaroglu, has promised to deport all refugees if he came to power (Bellut, 2021), taking advantage of the refugee crisis for political gain

²⁸ Human Rights Watch. (n.d.). Pakistan Coercion, UN Complicity. <https://www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees>

²⁹ BBC. (2021, May 28). Viktor Orban in talks with Boris Johnson amid condemnation.

³⁰ Amnesty International UK. (2020, January 20). Hungary’s anti-refugee campaign.

³¹ Bellut, D. D. (2021, August 13). Xenophobia flares up in Ankara as mob attacks Syrian shops. Deutsche Welle, published by Info Migrants.

INSIGHT

OVERVIEW

This section aims to show the reasons behind the issues highlighted in the briefing section: labour market inequality, health inequality and lack of legal representation. This will involve a deeper analysis of these issues, with examples from a range of countries including Turkey, the UK and the EU more broadly.

With regards to labour market inequality, we find that the main issues underlying this include a lack of official documents, discrimination and a lack of integration in education. The lack of official documents is clearly the most prominent issue in this area, as it underpins the other issues, such as discrimination based on legal status.

In health inequality, we find that the main issues are a lack of official documents once again, bureaucracy in healthcare systems and a poor framework around refugee camps. Here, the lack of official documents and bureaucracy are interlinked and both together create a very serious issue for refugees' access to treatments.

Finally, with regards to a lack of legal representation, we find that governments provide insufficient support to refugees when they are involved in legal cases. Governments promise free legal aid but fail to offer an effective service to refugees, leaving them vulnerable to criminalisation and deportation.

Processes to acquire legal status are dependent on official documents, which many refugees lack leaving them no choice but to work illegally. This leaves them vulnerable to exploitation

As a result of the circumstances in which refugees leave their country, there is an increased likelihood that they may lack the identity documents which are deemed necessary in many countries to acquire legal status. This means that these refugees are treated as ‘irregular migrants’, essentially as people that have migrated illegally³². Therefore, they aren’t able to receive work permits, pushing them into informal sector work in order to survive.

International law is very weak in this area, which leaves countries with significant autonomy over handling refugees’ legal status³³. Under Articles 27 and 28 of the 1951 United Nations Convention regarding the Status of Refugees, countries are required to issue refugees with either identity papers or a valid travel document (UNHCR, 1984). However, as refugees are less likely to hold identity documents from their country of origin, they still face barriers when registering with authorities³⁴. Moreover, the nature of the identity documents provided under Articles 27 and 28 is unclear; countries are not required to identify that the person is a refugee, nor provide any right to residence³⁵. As there is no requirement to confer any legal status to these refugees, this means that even if the refugees are able to attain these identity documents, there may still be great uncertainty over their rights and freedom (for example, to work). Thus, the inadequacy of current international law and the persistent lack of identity documents being provided to refugees create serious barriers to employment.

This problem is clearly seen with the situation of Afghan refugees in Turkey. Afghan refugees are asked to provide Afghanistan ID cards, passports or marriage documents in order to register with Turkish authorities³⁶. This means that nearly 95% of new applications to acquire legal status are rejected by the relevant authorities, with a lack of identity documents being one of the biggest reasons for this (IBC, 2021). Thus, most Afghan refugees are left unregistered and have no work permit as a result. As they are also ruled out from financial assistance due to being unregistered³⁷, they work without a permit. This confines them to informal sector work, where they are at higher risk of exploitation.

Even if refugees are considered ‘irregular’ migrants, they are still entitled to working rights which protect their health, limit their working hours and entitlement to unpaid wages under EU law³⁸.

³² IBC. (2021, August 16). IBC Start Relief Works for Afghan Refugees. Relief Web.

³³ UNHCR. (1984, July 20). Identity Documents for Refugees EC/SCP/33.

³⁴ GSMA. (2017). Refugees and Identity: Considerations for mobile-enabled registration and aid delivery.

³⁵ UNHCR. (1984, July 20). Identity Documents for Refugees EC/SCP/33.

³⁶ IBC. (2021, August 18). Information Note on Afghan Refugees Turkey.

³⁷ Leghtas, I., & Thea, J. (2018, December 13). “You Cannot Exist in This Place:” Lack of Registration Denies Afghan Refugees Protection in Turkey.

³⁸ ILO. (2021). How to ensure labour rights of undocumented migrant workers in a changing economy. Events.

More generally, all refugees are entitled to basic human rights such as the right not to be subjected to cruel treatment, under the Universal Declaration of Human Rights³⁹. However, refugees still face labour market exploitation and discrimination, which is even more prominent when combined with legal status problems.

Exploitation of refugees is driven by a multitude of factors. A survey of EU migrants found that racism was a key cause of exploitation, with skin colour, nationality and refugee status all being common reasons for this⁴⁰. This survey found that exploitation included the underpayment or withholding of wages, a lack of health and safety provisions and being pressured into working extremely long hours (FRA, 2019). Employers are able to keep refugees in a state of exploitation by taking advantage of their lack of knowledge of asylum procedures. For example, refugees have reported being given incorrect information by their employers regarding asylum applications, so that their employers can continue exploiting them (FRA, 2019). Above all, however, vulnerability linked to legal status has been recognised to be the key cause of continued exploitation, as it both reduces refugees' employment options and gives employers a strong position over them (FRA, 2019). In this scenario, employers are able to threaten refugees with deportation by reporting them to the authorities, leaving refugees with no bargaining power to negotiate decent pay and working conditions (FRA, 2019).

³⁹ United Nations. (1948, December 10). Universal Declaration of Human Rights.

⁴⁰ European Union Agency for Fundamental Rights (FRA). (2019). Protecting migrant workers from exploitation in the EU: workers' perspectives.

Legal and administrative barriers prevent refugees and migrants from accessing the healthcare provision which is established under international legislation and domestic law

Legally, refugees and immigrants are granted equal access to healthcare as non-immigrants. Internationally, legislation regarding refugees' access to healthcare was established in the 1946 Constitution of the World Health Organisation⁴¹. This constitution stated that the 'enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.' The constitution was signed by all 51 UN member states, thus seemingly creating a consensus that refugees should have equal access to a high level of healthcare. On a national level, a report by the Migrant Integration Policy Index (MIPEX)⁴² found that in all 52 of the MIPEX countries (excluding Malta), migrants' access to healthcare coverage was a legal right.

However, the findings of the MIPEX report indicate a disparity between refugees' access to healthcare as defined in law and in reality. The report found that asylum seekers faced administrative barriers to accessing healthcare in 38 of the MIPEX countries; conditions to accessing healthcare included remaining in an assigned location or having insufficient financial resources. Similarly, undocumented migrants faced legal and administrative barriers to accessing healthcare in 50 of the MIPEX countries; even without barriers, healthcare was restricted to emergency care which inevitably involves a discretionary judgement about what constitutes an emergency. The report suggests that other barriers to accessing healthcare include requirements for documents which may be difficult to obtain for immigrants and issues with discretionary decisions on the urgency of treatment or financial capacity of immigrants to pay for healthcare. Due to such obstacles, the reality of access to healthcare for refugees and immigrants differs vastly from that laid out in national and international law and legislation.

For example, the EU framework around immigration has forced immigrants into camps which risk or worsen mental and physical health outcomes. Since 2015, EU policy around immigration has been designed to restrict the number of immigrants entering the EU. The 2016 EU-Turkey deal established that any immigrants and refugees arriving irregularly on Greek islands would be returned to Turkey⁴³. An Amnesty International report⁴⁴ states that the European leaders signing this deal were 'blithely disregarding their international obligations', as it places refugees in unsafe and unstable conditions which risk their physical and mental health. This can be exemplified through the conditions of camp Moria⁴⁵, where refugees suffered institutional abuse through

⁴¹ WHO. (n.d.). WHO Constitution. https://www.who.int/governance/eb/who_constitution_en.pdf

⁴² MIPEX. (n.d.). MIPEX Health. <https://www.mipex.eu/health>

⁴³ Rankin, J. (2020, March 2nd). Erdoğan puts EU's failure to agree a common migration policy in spotlight. The Guardian. <https://www.theguardian.com/world/2020/mar/02/four-years-after-turkey-deal-eu-no-closer-to-new-asylum-system>

⁴⁴ Amnesty International. (2017, March 20th). The EU-Turkey deal: Europe's year of shame. <https://www.amnesty.org/en/latest/news/2017/03/the-eu-turkey-deal-europes-year-of-shame/>

⁴⁵ van de Wiel, W. (n.d.). Mental health consequences of long-term stays in refugee camps: preliminary evidence from Moria. BMC Public Health. <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-11301-x#citeas>

inhumane living conditions, humiliation, a lack of information and depersonalisation which led to continuous traumatic stress. For every 10% increase in days living in the camp (the average stay is 71 days), the odds ratio of a 'mental health crisis' increases by 1.03. Thus, poor health outcomes for refugees may be attributable to EU policy.

The insufficient access of refugees to healthcare in host countries can be examined through the UK system. A report by the Equality and Human Rights Commission⁴⁶ found numerous administration and communication barriers to immigrant healthcare. Administration obstacles are usually created by healthcare professionals' lack of knowledge, causing them to act against government policy and guidance. This can lead to worse outcomes for immigrant patients. For example, immigrant patients having lifesaving care denied or delayed and being billed for treatments which should be free; GP practices refusing to register asylum seekers or refugees and requiring extensive, unnecessary paperwork; and healthcare professionals failing to meet refugees' specific health needs.

⁴⁶Equality and Human Rights Commission. (2018, November). Access to healthcare for people seeking and refused asylum in Great Britain. <https://www.equalityhumanrights.com/sites/default/files/research-report-121-people-seeking-asylum-access-to-healthcare-evidence-review.pdf>

Refugees have insufficient access to free legal aid and representation, leaving them vulnerable to criminalisation, imprisonment and forced returns

International law defines and protects the legal rights of refugees. The UN's 1951 Convention and 1967 Protocol ensured the protection of refugees against forced returns to countries where they faced persecution, torture and death and provided refugees and their families with civil, political, economic, social and cultural rights⁴⁷. Under this legislation, countries pledged to accept refugees while they awaited their asylum decisions and countries were required to establish nation asylum systems with frameworks for refugee protection. The 1951 Convention and 1967 Protocol were signed by 148 countries.

However, critically, the European Convention of Human Rights (ECHR) does not extend the judgement that free legal aid on certain civil issues is a human right to include cases relating to deportation, asylum and nationality⁴⁸. Therefore, although international legislation states that refugees should be protected, it does not offer the legal mechanism to ensure that such rights are upheld. Without legal representation to uphold countries' commitment to international legislation regarding refugees, refugees are vulnerable to criminalisation, imprisonment and forced returns. Providing legal representation for refugees is made the responsibility of host countries which can result in sufficient provisions as demonstrated in the UK system and criminalisation, abuse and forced returns in Canada and Pakistan.

Insufficient legal representation has led to an average waiting time of 14 days on asylum support applications which violates Home Office Guidelines that refugees should receive a response within five days⁴⁹. While awaiting a decision, asylum seekers are given £35.39 per person per week by the government, which often results in rough sleeping, days without eating a proper meal and damaging physical and mental health impacts (Refugee Action and NACCOM, 2019). Therefore, the delay in application response time created through insufficient legal representation for refugees can be damaging. Even if legal representation exists on paper, Refugee Action⁵⁰ suggests that in reality it may be inaccessible because complex, time-consuming cases often cost significantly more than the remuneration rates offered by the government. Furthermore, free legal aid and representation can be difficult to access or even inaccessible for refugees. A 2018 survey found that 76% of respondents working in refugee services found it difficult to refer people to legal representatives and in March 2018, there were 26 local authority areas in the UK with more than 100 asylum seekers but no legal aid provision (Refugee Action, 2018). This problem is exacerbated

⁴⁷ Fact Sheet: International Refugee Protection System. (2019, April 1). National Immigration Forum. Retrieved November, 2021, from <https://immigrationforum.org/article/fact-sheet-international-refugee-protection-system/>

⁴⁸ Legal aid and human rights - JUSTICE. (n.d.). Justice. Retrieved November, 2021, from <https://justice.org.uk/legal-aid-human-rights/>

⁴⁹ Refugee Action and NACCOM. (n.d.). Missing the Safety Net. <https://www.refugee-action.org.uk/wp-content/uploads/2019/09/Missing-The-Safety-Net-Report.pdf>

⁵⁰ Refugee Action. (n.d.). Tipping the Scales. <https://www.refugee-action.org.uk/wp-content/uploads/2018/07/Access-to-Justice-July-18-1.pdf>

through falling legal aid provision in the UK: over half the legal providers for immigration and asylum cases were lost, and 64% of non-profit legal providers were lost (Refugee Action, 2018). Therefore, many refugees in the UK are unable to access free legal aid and representation.

A report by Human Rights Watch⁵¹ found that in its immigration detention centres, Canada has constricted refugees' and asylum seekers' access to legal representation and revoked the legal autonomy of detainees with mental health conditions. The report suggests that this violates detainees rights of due process and legal capacity. Canadian immigration detention centres' use of solitary confinement and prolonged segregation (over 15 days) also violate international human rights law, including the right to freedom from arbitrary detention (Human Rights Watch, 2021). Canada's legal system allows refugees and asylum seekers to be detained for indefinite periods; one man has been detained for more than 11 years (Human Rights Watch, 2021). Canada's treatment of refugees illustrates the effect of a lack of legal representation on the rights of refugees. Similarly, Human Rights Watch⁵² found that Pakistan used deportation threats, police violence and extortion, arbitrary detention and increasingly hostile government legislation against refugees to force the return of Afghan refugees. In 2016 alone, Pakistan committed the largest unlawful mass forced returns of refugees in recent times: over 550,000 (Human Rights Watch, 2017). The report reflects that this was possible due to the insecure legal status of Afghan refugees in Pakistan.

⁵¹ Human Rights Watch. (n.d.). I Didn't Feel Human There. <https://www.hrw.org/report/2021/06/17/i-didnt-feel-human-there/immigration-detention-canada-and-its-impact-mental#>

⁵² Human Rights Watch. (n.d.). Pakistan Coercion, UN Complicity. <https://www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees>

CONCLUSION

In this insight section, we have shown that a lack of identity documents, legal aid and education all severely disempower refugees from integrating themselves into host countries. These three problems inhibit labour market integration, prevent equal access to healthcare and leave refugees vulnerable to forced returns. Thus, in the next section we shall focus on providing policy recommendations on reducing the need for identity documents, enhancing the legal aid provided to refugees and improving refugee education.

POLICY RECOMMENDATIONS

OVERVIEW

As previously mentioned, we shall provide three important recommendations to governments on improving the integration of refugees into host countries. These three recommendations are the following:

Action 1: Register refugees without the need for identity documents

Action 2: Ensure access to legal aid for all refugees

Action 3: Widen refugees' access to education

ACTION 1:

Register refugees without the need for identity documents

As previously seen, a lack of identity documents is one of the foremost issues preventing effective refugee integration. Currently, most if not all host countries require some form of self-identification in order to provide new identity documents and register refugees; this is completely self-defeating since most refugees don't have self-identification in the first place. Our first policy recommendation would be to encourage host countries to follow the UNHCR's approach to registering refugees. The UNHCR's approach is explained below⁵³:

1. Collect basic demographic data, such as country of origin, name, gender and date of birth. Only ask for identity documents if available
2. Collect biometric data, such as fingerprints, iris scans and photographs. This ensures that refugees are only registered once
3. Gradually use face-to-face interviews to further strengthen refugees' registration, allowing authorities to confirm background information such as employment and education

This approach circumvents the need for host countries to ask for identity documents when registering refugees. It also avoids the problematic idea of registering refugees more than once, through the use of biometric data. This is the optimal and most practical solution for policymakers to implement currently, so we would encourage them to cooperate and seek support from the UNHCR to carry this out. Indeed, the UNHCR has a mandate to provide support and advice to host countries, or even take control of the entire registration process if countries lack the resources or will to implement effective solutions in refugee registration (GSMA, 2017).

We believe that carrying out the UNHCR's solution to registering refugees would solve many of the problems that we have highlighted in this report. Unregistered refugees are more prone to facing abuse from employers and are more reluctant to report this to the authorities given their irregular status⁵⁴, so a more effective form of registration would reduce refugees' vulnerability to exploitation. This would improve their prospects of labour market integration and potentially incentivise more female refugees to enter the labour market. As previously noted, a lack of identity documents also tends to impede refugees from accessing healthcare and heightens the threat of forced returns. The UNHCR solution provides a way of averting these issues. Indeed, in the Middle East, the UNHCR's use of biometrics allowed refugees to access food and healthcare assistance without requiring personal data, proving the effectiveness of this solution⁵⁵. A more widespread

⁵³ GSMA. (2017). Refugees and Identity: Considerations for mobile-enabled registration and aid delivery.

⁵⁴ European Union Agency for Fundamental Rights. (2019). Protecting migrant workers from exploitation in the EU: workers' perspectives; European Asylum Support Office. (2020).

⁵⁵ UNHCR. (2016, December 12). Regional Refugee & Resilience Plan 2017-2018 in Response to the Syria Crisis.

implementation of this method would allow for coordination between countries in registering refugees, which could prove particularly useful in a migration bloc such as the EU.

ACTION 2:

Ensure access to legal aid for all refugees

As we have seen, the lack of access to free legal aid and representation is a hugely prevalent issue for refugees, immigrants and asylum seekers as it makes them vulnerable to criminalisation, imprisonment and forced returns. Currently, there is no universal framework which mandates that refugees have the right to legal aid; such provision falls on individual countries and charities. Recommending the creation of such provision internationally seems somewhat unrealistic, due to the huge economic resources that this would require. Therefore, we have chosen to recommend a policy for countries with the economic resources to improve provision for refugees. Our second policy follows recommendations from NACCOM and Refugee Action⁵⁶ for the UK government, which are quoted below:

1. Urgently commit to ensuring that every person in the asylum system who is eligible for legal aid representation can access it.
2. Ensure that legal aid provision takes into account the dispersal of people seeking asylum, and guarantees that there is provision in areas into which people are dispersed.
3. Undertake a comprehensive and public review of all current legal aid provision. This must include consideration of the current state of provision for people in the asylum system.

We believe that these policies would be applicable to many countries with the economic resources to improve legal aid provision, not just the UK. It seems unreasonable to request that countries already struggling with the economic burden of providing services or centres for refugees should commit to providing free legal aid and representation for refugees. It also seems unlikely that such countries would have the ability or will to follow such recommendations. Furthermore, 85% of all refugees are hosted by developing countries⁵⁷ and Amnesty International (Amnesty International) emphasises the need for wealthier countries to do more to share the cost of protecting refugees. Therefore, improving access to legal aid for refugees in countries which can afford such policies seems more reasonable and effective.

We maintain that these policies would be highly effective as commitment to these recommendations would ensure that refugees could access the legal aid that they are eligible for. Furthermore, a comprehensive and public review of all current legal aid provisions may expose gaps in provision and perhaps pressure the government into further action. We hope that by improving the efficiency and effectiveness of legal aid and representation in wealthier countries, levels of integration and wellbeing among refugees will improve. The more wealthy countries

⁵⁶ Refugee Action. (n.d.). Tipping the Scales. <https://www.refugee-action.org.uk/wp-content/uploads/2018/07/Access-to-Justice-July-18-1.pdf>

⁵⁷ Amnesty International. (n.d.). The World's Refugees in Numbers. <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/global-refugee-crisis-statistics-and-facts/>

which commit to such policies, the wider the scope for helping to protect refugees, asylum seekers and immigrants.

ACTION 3:

Widen refugees' access to education

For effective refugee integration to occur, host countries must tackle the educational gap between the resident and refugee population. The first step towards this is improving the quality of language courses, which are crucial in opening further educational and work opportunities to refugees. They are also crucial in enabling cultural integration with the wider population of host countries, preventing social isolation of refugees⁵⁸. As previously shown, a lack of language proficiency is the main barrier to labour market integration for refugees as well⁵⁹.

A strong method for tackling this would be integrating language-learning courses into job-orientation schemes, as followed by Ghent and Berlin (EUROCITIES, 2017). In Ghent, for example, refugees volunteer for three months in a workplace that fits their job interests, which enables language-learning that is relevant to their future careers. This method would tackle employers' concerns over refugees not having the required language competence relevant to the workplace. Furthermore, some refugee teaching centres include language-learning along with skills development, such as in IT or maths (EUROCITIES, 2017); this not only tackles refugees' lack of language proficiency, but also provides a way for them to prove competence in key skills. This integrated style of teaching centres allows refugees to access higher education, empowering them to gain jobs in the formal labour market⁶⁰.

We must also try to tackle inequality of access to education among refugee children. UNESCO⁶¹ defines free, universal access to primary and secondary school education as a fundamental human right. Under this international framework, states have a legal obligation to offer free, equal access to education to refugees (UNESCO, 2020). However, 3.7 million refugee children are out of school: 63% of refugee children are enrolled in primary school and 24% of refugee children are enrolled in secondary school⁶². A UNESCO⁶³ report recommends the implementation of the '4 A's Framework', which aims to offer states guidance in the creation and maintenance of policies and laws. The two main goals of these principles are to prevent discrimination of refugees in education and to protect refugees' rights to education. The '4 A' principles are: availability of educational resources and institutions for refugee children; accessibility of education without discrimination; acceptability of the content of the education, based on beliefs and cultures; and

⁵⁸ Eminoğlu, C. (2020, February 14). Syrian refugees learn Turkish for better communication with the host community members in Turkey – UNHCR Turkey. UNHCR.

⁵⁹ EUROCITIES. (2017). Labour Market Integration of Refugees and Asylum Seekers.

⁶⁰ Eminoğlu, C. (2020, February 14). Syrian refugees learn Turkish for better communication with the host community members in Turkey – UNHCR Turkey. UNHCR.

⁶¹ UNESCO. (n.d.). What you need to know about the right to education.

<https://en.unesco.org/news/what-you-need-know-about-right-education>

⁶² Grandi, F., & Brown, G. (n.d.). Stepping up: Refugee education in crisis - 2019 Report. UNHCR.

Retrieved December 2, 2021, from <https://www.unhcr.org/steppingup/>

⁶³ Protecting the right to education for refugees; Working papers on education policy; Vol.:4; 2017. (n.d.). Refworld. Retrieved December 2, 2021, from <https://www.refworld.org/pdfid/5a5f41fc4.pdf>

adaptable education which can fit the needs of refugee children. We think that by following such legal guidelines, countries could vastly improve refugees' access to education.

CONCLUSION

Overall, we have found that refugees face a number of barriers in effective integration; the most predominant issue is a lack of identity papers, which stops refugees from gaining legal status. This causes a series of other problems, such as a lack of access to healthcare and the labour market. A lack of legal representation and education are also significant barriers towards refugee integration. Ultimately, to tackle these issues, governments must recognise their humanitarian and legal obligations towards refugees instead of viewing them as a 'burden'. Indeed, as seen in Germany, refugees can become significant contributors to society when governments take concrete steps towards effective integration.