

# UNHEALTHY TREATMENT AGAINST REFUGEES AND ASYLUM SEEKERS IN THE MIDST OF THEIR CONFUSION

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## Abstract

This article delves into the complex and challenging experiences of refugees and asylum seekers amid the global crisis, shedding light on the multifaceted issues they face. Beginning with an overview of the global refugee crisis, the article emphasizes the distinction between refugees and asylum seekers, highlighting the reasons for displacement, including conflict, persecution, and environmental factors. It explores the intricate legal frameworks and challenges that asylum seekers encounter during their pursuit of safety, ranging from legal barriers to discrimination and detention. The humanitarian crisis is examined through the lens of living conditions in refugee camps, the impact on mental health, and the struggles related to accessing education and healthcare. The article underscores the crucial role of

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support and advocacy, discussing the contributions of NGOs, international organizations, grassroots initiatives, and community support, while also emphasizing the need for heightened awareness. Furthermore, it delves into the influence of government policies on the experiences of refugees and asylum seekers, analyzing the effectiveness and shortcomings of current approaches. The concluding section offers insights into potential future perspectives, exploring solutions to the refugee crisis, the importance of global cooperation. This research adopts the doctrinal method.

**Keywords:** Refugee, Asylum Seekers, and Confusion

## **1. Introduction**

The world today stands witness to an unprecedented global refugee crisis, a crisis that transcends borders and forces millions to flee their homes in search of safety and a chance at life. This crisis marked by the displacement of individuals due to conflict, persecution, and environmental upheavals, has reached staggering proportions, demanding urgent attention and empathetic understanding. This article endeavors to unravel the complexities surrounding refugees and asylum seekers, shedding light on the challenges they face amid the tumultuous sea of uncertainty. As we navigate the abyss of their experiences, it becomes imperative to explore the distinct yet interlinked journeys of those labeled as refugees and asylum seekers. These terms, often used interchangeably encapsulate different phases of a harrowing process that involves fleeing one's homeland, navigating legal complexities, enduring the challenges of seeking refuge, and ultimately striving for integration in unfamiliar territories.

To comprehend the gravity of the refugee crisis, it is crucial to distinguish between refugees and asylum seekers. The United Nations High Commissioner for Refugees defined a Refugee as,<sup>1</sup> someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so. War, ethnic, tribal and religious violence are leading causes of refugees fleeing their countries. Similarly, Asylum seeker, on the other hand, as defined by the United Nations High Commissioner for Refugees is someone whose request for sanctuary is yet to be processed.<sup>2</sup> Asylum seeker are often in the initial stages of the complex process of seeking protection, facing a myriad of legal and logistical hurdles as they grapple with unfamiliar systems and environments.

The reasons behind the displacement of millions are varied and complex. Conflict fueled by political, religious, or ethnic tensions, stands as a primary driver of forced migration. In regions marred by war, civilians become unwitting victims, compelled to abandon their homes in search of safety. Equally compelling are instances of persecution, where individuals are targeted based on factors such as race, religion, nationality, or

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<sup>1</sup> United Nations. 'What is a Refugee?' Retrieved from <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>. Assessed on the 24<sup>th</sup> of December, 2023.

<sup>2</sup> United Nations. 'Asylum-seekers'. Retrieved from <https://www.unhcr.org/asylum-seekers>. Assessed on the 24<sup>th</sup> December, 2023.

membership in a particular social or political group. The impacts of environmental factors, including natural disasters and climate change further contribute to the rise in displacement, adding to the complexity of the already dire situation.<sup>3</sup>

The legal landscape surrounding refugees and asylum seekers is intricate and varies widely across different nations. Asylum seekers often face a convoluted process with eligibility criteria, documentation requirements, and waiting periods differing significantly from one country to another.<sup>4</sup> Legal barriers, including language barriers, lack of legal representation, and the complexity of the asylum application process, pose substantial challenges for those seeking protection. Discrimination and detention, both systemic and individual further exacerbate the plight of asylum seekers adding to the mental and emotional toll of their already arduous journeys.<sup>5</sup>

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<sup>3</sup> United Nations, "Massive displacement, greater competition for scarce resources cited as major risks in Security Council debate on climate-related threats" Retrieved from <https://www.preventionweb.net/news/massive-displacement-greater-competition-scarce-resources-cited-major-risks-security-council> (2019). Assessed on the 24<sup>th</sup> of December 2023.

<sup>4</sup> United Nations. 'The truth about asylum'. Retrieved from <https://www.refugeecouncil.org.uk/information/refugee-asylum-facts/the-truth-about-asylum/>. Assessed on the 24<sup>th</sup> of December, 2023.

<sup>5</sup> Robjant K, Hassan R, Katona C. "Mental health implications of detaining asylum seekers: systematic review." *Br J Psychiatry*. 2009 Apr; 194(4): 306-12. doi: 10.1192/bjp.bp.108.053223. PMID: 19336779.

Amidst these humanitarian crises, the living conditions in refugee camps emerge as a stark reminder of the challenges faced by those forcibly displaced. The overcrowded and often under resourced camps become a temporary home for many, with limited access to basic necessities such as clean water, sanitation, and healthcare. The prolonged stay in such conditions takes a toll on the mental health of refugees and asylum seekers, as the uncertainty of their future and the trauma of their past experiences weigh heavily on their well-being<sup>6</sup>.

Access to education and healthcare is another critical aspect of the refugee experience. Displaced individuals, especially children, often find themselves deprived of educational opportunities, hindering their prospects for a brighter future. Similarly, limited access to healthcare services in refugee camps poses significant risks to the well-being of the displaced populations, particularly in the context of ongoing global health challenges.

In the face of these challenges, the importance of support and advocacy cannot be overstated. Non-Governmental Organizations (NGOs) and international organizations play a crucial role in providing aid, protection, and advocacy for refugees and asylum seekers.<sup>7</sup> Grassroots initiatives and

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<sup>6</sup> Ibid

<sup>7</sup> United Nations. 'Civil Society And Ngos'. Retrieved from <https://www.iom.int/civil-society-and-ngos>. Assessed on the 24<sup>th</sup> of December, 2023.

community support further contribute to creating a supportive environment for those in need. Raising awareness about the realities faced by displaced populations becomes a moral imperative, fostering empathy and understanding among the global community.

Government policies play a pivotal role in shaping the experiences of refugees and asylum seekers. Varied asylum policies across different nations influence the ease or difficulty with which individuals can seek protection and build a new life. An analysis of these policies, considering their effectiveness and shortcomings, is essential to understanding the broader implications for displaced populations. Calls for policy reform and improvement become imperative in the pursuit of a more humane and effective approach to addressing the refugees and asylum seekers crisis.

As we navigate the tumultuous waters of the refugee and asylum seeker experience, it is essential to explore real-world case studies. These case studies provide a nuanced understanding of the challenges faced by individuals in specific regions or countries and highlight success stories of integration and resilience. Examining these cases allows us to draw lessons, identify best practices, and advocate for comprehensive, effective and compassionate approaches to addressing the needs of displaced populations.

Looking towards the future, this article explores potential solutions to the refugee crisis and emphasizes the importance of global cooperation. Recognizing the interconnectedness of our world, the article advocates for a collective response to the challenges faced by refugees and asylum seekers.

## **2. Navigating the Legal Landscape: Protecting Refugees and Asylum Seekers amidst Global Challenges**

The legal landscape surrounding refugees and asylum seekers is a complex tapestry woven with international agreements, national legislations, and evolving policies. At the heart of this framework lies a commitment to safeguarding the rights and well-being of individuals forced to flee their homes due to persecution, conflict, or other forms of adversity. To comprehend the legal dynamics of this critical issue, it is essential to explore the international instruments, regional agreements, and national laws that shape the protection and treatment of refugees and asylum seekers.

### **(i) The 1951 Refugee Convention<sup>8</sup>**

The 1951 Refugee Convention and its 1967 Protocol stand as the bedrock of international refugee law, outlining the definition of a refugee and establishing the rights and responsibilities of signatory nations.<sup>9</sup> The Convention reflects

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<sup>8</sup> United Nations. *Convention Relating to the Status of Refugees*. Geneva, Switzerland: United Nations High Commissioner for Refugees; 1951.

<sup>9</sup> United Nations. 'The 1951 Refugee Convention'. Retrieved from <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>. Assessed on the 24<sup>th</sup> of December, 2023.

the post-World War II consensus on the need for a global commitment to protecting individuals fleeing persecution.<sup>10</sup> Despite its significance, the Convention's definition of a refugee has faced criticism for being narrow. The stipulation that an applicant must be fleeing persecution seems to limit consideration to situations where an individual faces suffering, injustice, or discrimination that falls short of being deemed persecution. Moreover, an individual seeking asylum must demonstrate that their reason for seeking asylum is the primary cause of persecution, which involves both serious harm and systematic discriminatory conduct for a successful claim of refugee status.<sup>11</sup> Furthermore, the definition of a refugee outlined in the 1951 Refugee Convention is narrowly tailored to cover only specific grounds such as race, nationality, religious belief, political opinion, or membership in a particular group.<sup>12</sup> Consequently, individuals experiencing persecution for reasons beyond these specified grounds, such as torture, cruel punishment, or violations of democratic rights, are excluded from the Convention's protection. For instance, someone facing persecution based on their sexual preference or gender identity may face challenges in obtaining refugee status. The evolving nature of conflicts

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<sup>10</sup> Ibid

<sup>11</sup> Amnesty International. 'The limitations of the 1951 Refugee Convention'. Retrieved from <https://nswlegalnetwork.wixsite.com/ainswlegalnetwork/single-post/2016/06/07/the-limitations-of-the-1951-refugee-convention#:~:text=The%20second%20weakness%20associated%20with,he%20or%20s he%20faces%20persecution%27>. Assessed on the 24<sup>th</sup> of December, 2023.

<sup>12</sup> Ibid



and displacement often challenges the ability of available legal frameworks to adapt, demands the need for a more inclusive and flexible definition.

One of the fundamental principles underpinning the Refugee Convention is non-refoulement, prohibiting states from returning refugees to a country where their life or freedom would be at risk.<sup>13</sup> Non-refoulement reflects the global commitment to preventing the forced return of individuals to situations of persecution or danger, emphasizing the humanitarian imperative to provide refuge to those in need.

## **(ii) The United Nations High Commission for Refugees (UNHCR) 1950**

The United Nations High Commission for Refugees (UNHCR) established by the United Nations General Assembly in 1950 in the aftermath of the World War II to help the millions of Europeans who had fled or lost their homes,<sup>14</sup> plays a pivotal role in overseeing the implementation of the Refugee Convention and in providing assistance and protection to refugees worldwide. The UNHCR works in collaboration with governments, non-governmental organizations (NGOs),

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<sup>13</sup> United Nations. 'Access to territory and non-refoulement'. Retrieved from <https://emergency.unhcr.org/protection/legal-framework/access-territoryandnonrefoulement#:~:text=The%20principle%20of%20non%2Drefoulement%20obliges%20States%20not%20to%20expel,other%20form%20of%20serious%20harm>. Assessed on the 24<sup>th</sup> of December, 2023.

<sup>14</sup> United Nations. 'History of UNHCR'. Retrieved from <https://www.unhcr.org/africa/about-unhcr/who-we-are/history-unhcr>; Assessed on the 24<sup>th</sup> of December, 2023.

and other partners to ensure the well-being of refugees and advocate for their rights.<sup>15</sup> The agency's presence is critical in conflict zones and areas of displacement, facilitating access to protection, shelter, and essential services.

However, despite these international frameworks, challenges persist in the effective implementation and enforcement of refugee protection. The global nature of forced displacement requires a coordinated and cooperative approach, yet disparities in resources, political will, and commitment among nations impede the realization of a comprehensive and consistent response.

At the national level, each country adopts its own set of laws and procedures governing the treatment of refugees and asylum seekers. The level of protection and the rights afforded to individuals can vary significantly from one country to another, contributing to a patchwork of legal approaches.

In Nigeria for instance, Section 20 of the National Commission for Refugees Act<sup>16</sup> stipulates that any individual recognized as a refugee under the UN Convention or its Protocol<sup>17</sup> related to the status of refugees, or the OAU

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<sup>15</sup> United Nations. 'Our partners'. Retrieved from <https://www.unhcr.org/about-unhcr/our-partners>; Assessed on the 24<sup>th</sup> of December, 2023.

<sup>16</sup> National Commission for Refugees Act Cap 244 Laws of the Federation of Nigeria 1990.

<sup>17</sup> United Nations Refugees Conventions 1951 and United Nations Protocol 1967.

Convention<sup>18</sup>, is regarded as a refugee under Nigerian law. Nigeria, having ratified these refugee instruments, not only demonstrates its commitment to international standards but has also implemented the National Commission for Refugees Act to protect the rights and interests of refugees within its borders. A person seeking asylum in Nigeria, upon meeting the criteria outlined in Section 20 of The National Commission for Refugees Act 1990,<sup>19</sup> may be granted refugee status by the Federal Commissioner for Refugees based on the favorable recommendation of the Eligibility Committee. Once recognized as a refugee, the individual is safeguarded by the principle of non-refoulement and is entitled to specific social and economic rights in the country. The Act designates the responsibility for refugee matters in Nigeria to the office of the Secretary to the Government of the Federation.<sup>20</sup> Article 34 of the United Nations Refugee Convention<sup>21</sup> emphasizes the contracting State's commitment to facilitating the naturalization of refugees, although the explicit right to naturalization is not declared. The remedy to the refugee issue involves their return to their home country, but if that proves unfeasible, refugees may opt to settle permanently in the host country. In this context, refugees may acquire citizenship, granting them legal rights equivalent to those of native citizens. The potential acquisition of citizenship by refugees

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<sup>18</sup> Repealed and now known as the Constitutive Act of the African Union (AU), 2000.

<sup>19</sup> Ibid

<sup>20</sup> Section 2 of The National Commission for Refugees Act Cap 244 Laws of the Federation of Nigeria 1990.

<sup>21</sup> United Nations Refugees Conventions 1951.

is contingent upon satisfying the requirements outlined in the Nigerian constitution, primarily through the process of naturalization.<sup>22</sup>

In Europe, the European Union (EU), has made effort to establish a common asylum system, exemplified by the Dublin Regulation<sup>23</sup>. This regulation determines the EU member state responsible for examining an asylum application, aiming to ensure a fair and orderly distribution of responsibilities. However, the system has faced criticism for placing a disproportionate burden on certain countries, leading to disparities in the treatment of asylum seekers across the European Union. According to Fratzke,<sup>24</sup> there has been significant criticisms directed at the Dublin system for its failure to meet the needs of refugees and Member States. For her it is a system marred with not only dysfunctionality but also marked by inherent unfairness. The report underscores instances of family separations, destitution, and detention, affecting approximately 40% of applicants with Germany witnessing detention for half of its applicants. Fratzke emphasizes that the guarantee of access to an asylum procedure is not consistently ensured.

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<sup>22</sup> Section 27 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>23</sup> Regulation (EU) 604/2013 (Dublin III Regulation).

<sup>24</sup> Fratzke, S. (2015). "Not Adding Up: The Fading Promise of Europe's Dublin System". Retrieved from <https://www.migrationpolicy.org/sites/default/files/publications/MPIe-Asylum-DublinReg.pdf>. Assessed on the 11<sup>th</sup> of May, 2024.

Despite the implementation of Dublin Regulation III<sup>25</sup>, which has introduced notable changes, its impact on addressing fundamental flaws, particularly in safeguarding the rights of asylum seekers, remains questionable. The persisting issues underscore the urgent need for the European Commission to acknowledge and rectify these shortcomings. A more compassionate and equitable system must be devised, capable of addressing the challenges faced by refugees, asylum seekers and Member States.

Similarly, the United States of America has its own set of laws and procedures governing the treatment of refugees and asylum seekers. The Immigration and Nationality Act (INA) of the U.S.<sup>26</sup> establishes the legal framework for immigration in the U.S., including provisions for the admission of refugees and the granting of asylum. However, changes in administration and shifts in political priorities have resulted in fluctuations in policies and practices, impacting the experiences of those seeking refuge in the country. For Example, under the Donald Trump<sup>27</sup> administration, there were several notable policy shifts affecting refugees and asylum seekers. One of them being that, in January 2017, President Trump signed an executive order suspending the U.S. Refugee Admissions Program (USRAP) for 120 days

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<sup>25</sup> The Dublin Regulation (EU) No. 604/2013

<sup>26</sup> United States Code: Immigration and Nationality, 8 U.S.C. §§ 1104-1401 (Suppl. 2 1964).

<sup>27</sup> Donald Trump was the 45<sup>th</sup> President of the United States of America from 2017 to 2021.

and indefinitely halting the entry of refugees from Syria<sup>28</sup>. The order also banned entry to the U.S. for nationals of seven predominantly Muslim countries, leading to widespread protests and legal challenges<sup>29</sup>.

Currently, global statistics of refugees and asylum seekers underscore the urgency of addressing the legal complexities surrounding the protection of refugees and asylum seekers. UNHCR's forced displacement statistics<sup>30</sup> reveal that, as of April 30<sup>th</sup>, 2024, around 1.7 million refugees are currently sheltered in school buildings operated by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The data points to a severe displacement crisis in Gaza, where 75% of the population has been displaced due to ongoing conflict, primarily resulting from the militant activities of Hamas against Israeli territories and subsequent retaliatory actions by the Israeli military. These statistics emphasize the urgency of developing robust legal frameworks to ensure the safety and rights of displaced

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<sup>28</sup> Shear, M. D., & Cooper, H. (2017). "Trump Bars Refugees and Citizens of 7 Muslim Countries. Retrieved from <https://www.nytimes.com/2017/01/27/us/politics/trump-syrian-refugees.html>". Assessed on the 11th of May, 2024.

<sup>29</sup> Executive Order 13769, Protecting the Nation from Foreign Terrorist Entry into the United States, 82 Fed. Reg. 8977 (2017).

<sup>30</sup> Statista Research Department (2024). "Number of internally displaced refugees in Gaza after Israeli air strike October 2023". Retrieved from <https://www.statista.com/statistics/1422394/palestinian-territories-number-of-internally-displaced-refugees-in-gaza-after-israeli-air-strike/#:~:text=As%20of%20April%2030th%2C%202024,du%20to%20the%20ongoing%20conflict>. Accessed on the 12<sup>th</sup> of May, 2024.

individuals, particularly in regions plagued by continuous instability and conflict.

Recent examples, such as the Syrian refugee crisis that began in 2011,<sup>31</sup> serve as poignant illustrations of the legal complexities surrounding forced displacement. The conflict in Syria forced millions to flee, seeking safety in neighboring countries and beyond. The legal response to this crisis revealed both the strengths and weaknesses of the international framework, as nations grappled with the sheer magnitude of the displacement and the challenges of providing adequate protection and support<sup>32</sup>.

The Rohingya crisis in Myanmar offers another lens through which to examine the legal landscape.<sup>33</sup> As hundreds of thousands sought refuge in neighboring Bangladesh, legal questions arose concerning the responsibility of the international community to protect and assist those displaced by violence and discrimination. The Rohingya crisis underscores the need for a comprehensive and coordinated legal response to address the unique challenges posed by different forms of persecution and displacement.

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<sup>31</sup> United Nations (2024). “Syria Refugee Crisis Explained”. Retrieved from <https://www.unrefugees.org/news/syria-refugee-crisis-explained/#:~:text=The%20Syrian%20refugee%20crisis%20began,the%20southern%20town%20of%20Daraa>. Assessed on the 12<sup>th</sup> of May, 2024.

<sup>32</sup> Ibid

<sup>33</sup> United Nations (2023). “Rohingya Refugee Crisis Explained”. Retrieved from <https://www.unrefugees.org/news/rohingya-refugee-crisis-explained/>. Assessed on the 25<sup>th</sup> of December , 2023.

Beyond conflicts, environmental factors such as climate change and natural disasters are increasingly contributing to displacement. The legal landscape is still catching up to address the unique challenges posed by climate-induced migration. While existing frameworks can offer some protection, there is a growing recognition that a more comprehensive and adaptable legal approach is needed to address the complexities of climate-related displacement. Legal scholars and policymakers are exploring innovative solutions and frameworks to ensure that individuals displaced by environmental factors receive adequate protection and support under the law.

Obviously, the legal framework for safeguarding the rights of refugees and asylum seekers is intricate, juxtaposing international agreements with national laws, and evolving policies. While the 1951 Refugee Convention lays the foundation, criticisms persist over its narrow definition and limitations. The principle of non-refoulement remains crucial, but challenges abound in achieving a consistent global response. National laws vary, exemplified by Nigeria, the European Union, and the United States of America, emphasizing the need for a more coordinated international approach. Recent statistics, reveals a substantial increase in refugees, and underscore the urgency of addressing legal complexities. Real-world crises, such as the Syrian and Rohingya situations, reveal both strengths and weaknesses, highlighting the demand for a comprehensive and adaptable legal framework to safeguard the rights of refugees and



asylum seekers and to protect their lives. The emerging challenge of climate-induced migration further necessitates innovative legal solutions to ensure the adequate protection of those displaced by environmental factors. In essence, continuous examination and adaptation are imperative to effectively address the diverse challenges faced by refugees and asylum seekers globally.

### **3. Living in Limbo: Challenges in Settlement**

Living in limbo is a harsh reality for countless individuals who have sought refuge in foreign lands, escaping conflict, persecution, or other life-threatening circumstances in their home countries. The experience of being caught in a prolonged state of uncertainty poses multifaceted challenges, encompassing legal, societal, and deeply personal dimensions. In this exploration, we will critically examine the complexities of living in limbo, shedding light on the legal frameworks that govern it, the societal dynamics that shape the lives of those trapped in this state, and the profound personal struggles faced by individuals and families awaiting resolution of their status.

#### **(a) Legal Frameworks: Navigating the Uncertain Terrain**

Living in limbo often results from the protracted processes of asylum applications and refugee status determinations. The legal frameworks governing these processes play a pivotal role in shaping the experiences of individuals waiting for a resolution to their status.

The asylum-seeking process is a cornerstone in the legal landscape of living in limbo. Countries adopt varying procedures for asylum applications and refugee status determination, impacting the length of time individuals spend in this uncertain state. Delays in processing applications can lead to extended periods of vulnerability and limited access to rights and resources.

International agreements, such as the United Nations Refugee Convention 1951 and its 1967 Protocol,<sup>34</sup> provide the foundation for legal protection of refugees. However, the application and interpretation of these agreements vary across nations, leading to disparities in the treatment of asylum seekers and refugees. The absence of a standardized global approach contributes to the prolonged uncertainty faced by those seeking refuge, leaving them vulnerable to the whims of individual governments and their changing policies.

An illustrative example of the legal complexities and challenges in settlement is the Australian offshore processing system, particularly in Nauru and Manus Island.<sup>35</sup> Approximately 1,200 men, women, and children who sought refuge in Australia in 2012 and were involuntarily relocated to the remote Pacific island nation of Nauru endure egregious

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<sup>34</sup> United Nations Refugees Conventions 1951 and United Nations Protocol 1967

<sup>35</sup> Asylum Seeker Resource Centre (2023). "Refugees evacuated from Nauru after a decade, 80 people remain in PNG". Retrieved from <https://asrc.org.au/2023/06/25/refugees-off-nauru/>. Assessed on the 12th of May, 2023.

levels of abuse, inhumane treatment, and neglect.<sup>36</sup> Held for three years, these refugees and asylum seekers routinely experience negligence from health workers and other service providers hired by the Australian government, coupled with unpunished assaults by local Nauruans. They dealt with unnecessary delays and, at times, denial of critical medical care, even for life-threatening conditions, contributing to dire mental health challenges and pervasive despair, with self-harm and suicide attempts occurring frequently. Australia's policy of exiling asylum seekers arriving by boat is condemned as excessively cruel by Amnesty International.<sup>37</sup> Initially housed in stifling vinyl tents in a detention facility known as the 'Regional Processing Centre,' refugees faced extreme temperatures and flooding. The enduring uncertainty about their future exacerbates their plight, while inadequate mental health support and substandard medical care further compound the already dire situation. The physical safety of those on Nauru was also of grave concern. There were reports of beatings, robberies, and a pervasive lack of security, especially for women who could venture out alone<sup>38</sup>. Local police showed little commitment to investigating attacks against the refugees. These highlight the urgent need for intervention and reform.

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<sup>36</sup> Ibid

<sup>37</sup> Ibid

<sup>38</sup> Ibid

**(b) Societal Dynamics: Between Hostility and Hospitality**

Living in limbo places individuals at the intersection of societal dynamics, where attitudes of host communities, policies, and public perceptions shape the daily lives and well-being of those awaiting a resolution to their status. Public perception plays a crucial role in the lives of individuals in limbo. Stigmatization and misconceptions surrounding refugees and asylum seekers can result in social exclusion, discrimination, and challenges in finding employment or integrating into the host community. Addressing these societal attitudes is essential for fostering an environment of understanding and support.

The policies of host countries significantly impact the settlement experience. Countries with inclusive and supportive integration policies contribute to a more positive living environment for those in limbo. In contrast, restrictive policies or inadequate support structures can exacerbate the challenges faced by refugees and asylum seekers.

The European Union's Dublin Regulation,<sup>39</sup> determining the member state responsible for examining an asylum application, has faced criticism for its impact on the living conditions of individuals seeking refuge. The burden-sharing mechanism has resulted in disproportionate pressures on certain member states, contributing to challenges in the settlement of asylum seekers within the EU.

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<sup>39</sup> Ibid

Societal dynamics also extend to the local community's response to those living in limbo. Communities with positive attitudes and support mechanisms can significantly contribute to the well-being of individuals awaiting resolution of their status. Conversely, hostility and prejudice can create additional barriers, making it harder for refugees and asylum seekers to establish a sense of belonging and stability in their host countries.

**(c) Personal Struggles: Mental Health, Education, and Employment**

Beyond the legal and societal dimensions, individuals living in limbo grapple with profound personal struggles that impact their mental well-being, educational opportunities, and employment prospects.

Extended periods of uncertainty can take a toll on the mental health of refugees and asylum seekers. Anxiety, depression, and post-traumatic stress disorders are prevalent among those awaiting resolution of their status. Access to mental health support services is crucial in mitigating the psychological impact of living in limbo. Unfortunately, many individuals in this situation face barriers to accessing adequate mental health care, which compounds the challenges they already confront. Children and young adults in this state of uncertainty face challenges in accessing quality education. Prolonged uncertainty can disrupt their academic progress, limiting their potential for future success. Inclusive education policies are vital in providing opportunities for intellectual development

and social integration. However, the reality often falls short, with many refugee children experiencing disruptions in their education due to the challenges of living in limbo.

The Palestinian refugee population, particularly those residing in camps, exemplifies the enduring personal struggles associated with living in limbo.<sup>40</sup> Generational displacement and restricted access to education and employment opportunities contribute to a cycle of uncertainty and limit the potential for social mobility and economic stability. The protracted nature of their displacement, with some families experiencing decades of uncertainty, has profound inter-generational effects. It perpetuates cycles of poverty and limits the prospects for a better future.

Limited access to the labor market is a pervasive challenge for individuals in limbo. Legal restrictions and societal prejudices often hinder refugees and asylum seekers from securing gainful employment and intensify dependency on humanitarian assistance. The inability to work not only affects individuals' economic well-being but also contributes to feelings of powerlessness and lack of agency.

In essence, the experience of living in limbo is a complex and multifaceted reality for refugees and asylum seekers

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<sup>40</sup> Feldman, Ilana. "The Humanitarian Condition: Palestinian Refugees and the Politics of Living." *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, vol. 3, no. 2, January 2012, pp. 155-172. DOI:10.1353/hum.2012.0017.

worldwide. Legal frameworks, societal dynamics, and personal struggles intersect to create a challenging environment for individuals and families awaiting resolution of their status. Efforts to improve the situation must address these interconnected dimensions, advocating for fair and efficient legal processes. There is need to foster inclusive societal attitudes and provide comprehensive support for the mental health, education, and employment needs of those in limbo. Recognizing the humanity and resilience of individuals in these circumstances is crucial for building a more compassionate and just world for those seeking refuge.

#### **4. Recommendations**

The global refugee crisis demands a comprehensive and collaborative approach from both local communities and the international community to ensure effective refugee settlement. The protracted uncertainty experienced by refugees and asylum seekers is intricately linked to legal processes, with variations in asylum procedures across countries contributing to prolonged vulnerability. Notwithstanding the international agreements like the United Nations Refugee Convention 1951, disparities in their application result in divergent treatment of asylum seekers. As we navigate the challenges faced by refugees seeking a new beginning, this exploration focuses on recommendations for community and global responses.

(i) **There is need to strengthen legal frameworks.**

A robust legal framework is foundational for ensuring the protection and rights of refugees. To enhance community and global responses, legal frameworks must be refined and adapted to address emerging challenges. The definition of a refugee, as outlined in the 1951 Refugee Convention and its 1967 Protocol<sup>41</sup>, needs to be revisited to encompass a broader range of circumstances, including those displaced due to environmental factors and gender-based violence. Legal instruments should evolve to reflect the dynamic nature of contemporary displacement. National laws governing refugee settlement should be harmonized to ensure consistency and fairness across countries. This is particularly relevant in regions with shared responsibilities, such as the European Union,<sup>42</sup> where discrepancies in asylum processes can result in disparities in treatment. Access to legal representation is fundamental for refugees navigating complex legal processes. Governments and NGOs need to collaborate to ensure that refugees have adequate legal support throughout asylum applications and status determination procedures. Pro bono<sup>43</sup>

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<sup>41</sup> Ibid

<sup>42</sup> Gabel, Matthew J. "History & Society, European Union." Britannica, last updated on December 21, 2023. Retrieved from <https://www.britannica.com/topic/European-Union>. Accessed on the 26<sup>th</sup> of December, 2023.

<sup>43</sup> The term traditionally referred to provision of legal services by legal professionals for people who are unable to afford them. More recently, the term is used to describe specialist services provided by any professional free of charge to an individual or community. Retrieved from [https://en.wikipedia.org/wiki/Pro\\_bono](https://en.wikipedia.org/wiki/Pro_bono). Accessed on the 26<sup>th</sup> of December, 2023.



legal services can also be expanded to accommodate the financial constraints often faced by displaced individuals.

**(ii) Fostering Community Engagement and Empowerment.**

Community responses play a pivotal role in the successful settlement of refugees. It is essential to foster engagement, understanding, and empowerment within host communities. Cultural exchange programs can bridge the gap between refugees and host communities, foster mutual understanding and respect. Initiatives that encourage cultural sharing, language exchange, and joint activities contribute to the integration of refugees into the social fabric of their new environment. Education is a powerful tool for dispelling myths and stereotypes surrounding refugees. Community-based awareness campaigns, utilizing various media channels, can provide accurate information about the refugee experience, promote empathy, and address misconceptions that may contribute to stigmatization.

Furthermore, establishing partnerships between refugee communities and local organizations can facilitate integration. Community-driven initiatives, such as mentorship programs, skill-sharing workshops, and collaborative projects, empower refugees to contribute to their host communities while fostering a sense of belonging.

**(iii) Strengthening Educational Opportunities**

Access to education is a fundamental right that significantly impacts the long-term prospects of refugees. Strengthening educational opportunities ensures that displaced individuals can rebuild their lives and contribute meaningfully to their host societies. Host countries should work to eliminate barriers preventing refugee children from enrolling in schools. Policies should be implemented to recognize and validate prior education. Also, targeted support should be provided to address language barriers and cultural adjustments. Refugees with aspirations for higher education should have access to opportunities beyond primary and secondary schooling. Scholarships, language support programs, and partnerships between educational institutions and refugee advocacy organizations can open doors for tertiary education. Investing in vocational training and skill development programs equip refugees with the tools needed to secure employment and contribute economically. Governments and NGOs can collaborate to offer tailored training programs aligned with local market needs.

**(iv) Enhancing Employment Opportunities**

Economic self-sufficiency is crucial for the long-term success of refugees in their host countries. Enhancing employment opportunities involves addressing legal barriers, fostering entrepreneurship, and collaborating with private sector. Host countries should review and revise legal restrictions on refugee employment to facilitate economic integration. Flexible work permits, recognition of foreign qualifications

and streamlined processes for obtaining work authorization can contribute to economic self-sufficiency.

Entrepreneurship can be a pathway to economic empowerment for refugees. Governments and NGOs should support initiatives that provide financial literacy training, access to microfinance, and mentorship for refugee entrepreneurs, fostering self-reliance and resilience. Private sector engagement is critical for creating employment opportunities. Governments can incentivize corporations to participate in refugee employment programs through tax breaks, partnerships with NGOs, and initiatives that promote diversity and inclusion within workplaces.

#### **(v) Global Partnerships and Responsibilities**

Addressing the global refugee crisis requires a collective and coordinated effort from the international community. The burden of hosting and supporting refugees should be equitably distributed among nations. Global initiatives, such as the Global Compact on Refugees, provide a framework for burden-sharing, emphasizing financial contributions, resettlement opportunities, and support for host countries.

To prevent protracted displacement, early warning systems should be implemented to identify potential crises and address root causes before they escalate. International cooperation in conflict prevention, peace building, and addressing environmental challenges is essential.

## **5. Conclusion**

In the midst of the confusion surrounding the plight of refugees and asylum seekers, it is evident that a collective and compassionate response is imperative. As we navigate the complexities of forced displacement, hazardous journeys, and uncertain settlements, the need for comprehensive legal frameworks, empathetic community engagement, and global cooperation becomes increasingly apparent. The challenges faced by those seeking refuge demand a nuanced understanding that goes beyond borders, stereotypes, and political divides. Resettlement remains a crucial durable solution for refugees facing protracted displacement. The international community should work to expand resettlement opportunities, ensuring that vulnerable populations have access to safe and stable environments where they can rebuild their lives. Responding to the challenges of refugee settlement requires a multifaceted and collaborative approach that addresses legal, societal, and personal dimensions. Strengthening legal frameworks, fostering community engagement, enhancing educational and employment opportunities, and promoting global partnerships are essential components of a comprehensive strategy. By implementing the recommendations, communities and nations can work together to create environments that foster resilience, inclusion, and sustainable solutions for refugees seeking a new beginning. To foster lasting solutions, societies worldwide must come together to not only address the immediate needs of refugees but also to tackle the root causes of displacement, dismantle systemic barriers, and build a

world where the inherent dignity and rights of every individual, regardless of their origin, are recognized and protected. In forging a path forward, the call is for solidarity, resilience, and a shared commitment to create a more just and compassionate global community.