



ICAR Briefing - December 2006

Key Issues: Asylum and Security

With warnings of further terrorist attacks still high on the public agenda, there has been a tendency amongst certain sections of the media and some politicians to make direct and indirect links between asylum seekers and refugees and terrorism and organised crime.

Whilst several commentators have argued that the UK's immigration generally and its asylum system specifically leaves the country vulnerable to foreign terrorists, a number of refugee and human rights organisations counter that such a claim is unfounded, unnecessarily generates public fear and demonises asylum seekers.

What links have the media and politicians made between asylum and terrorism?

Politicians and journalists have argued that the asylum system is prone to abuse and immigration controls need to be tightened if the UK is to be protected from the threat of terrorism.

An IPPR research report notes a 'growing habit of newspapers to taint all asylum-seekers by linking them with Islamic fundamentalist terrorists'.¹ The report provides details about misleading or inaccurate commentary about asylum seekers' or failed asylum seekers' alleged involvement in terrorist activities.

It has been noted that increased global insecurity has impacted on public attitudes towards asylum seekers, particularly asylum seekers from Islamic countries who are frequently associated with terrorism.²

This association intensified in 2003 as a result of the so-called 'ricin-plot' and the murder of a policeman in Greater Manchester. The individual who was convicted for these crimes had been refused asylum but had remained in the country.

These developments led to newspaper commentary that inadequacies in the asylum system heighten the terrorist threat in the UK. In the same year, a number of refugees and unsuccessful asylum applicants were detained without trial under anti-terrorism legislation.³ All of these individuals have since been released on bail.⁴

In March 2005 the leader of the Conservative party commented that 'we face a real terrorist threat in Britain today...but we have absolutely no idea who is coming into or leaving our country. There are a quarter of a million failed asylum seekers living in our country today. No one knows who they are or where they are.'⁵

Most of the individuals who attempted to detonate bombs on 21 July 2005 entered the UK through the asylum system and were granted refugee status or indefinite leave to remain. In contrast, three of the men who carried out the 7 July bombings were born in Britain.

It has been argued that the asylum system fails to screen out potential terrorists because many asylum seekers do not arrive with documentation, or enter under an assumed identity; further it is argued that identity and security checks undertaken by the Home Office are insufficient and unreliable.⁶

Commentary from politicians

Daily Mail (2005) [Labour putting Britain's security at risk](#) 10 April 2005

Guardian (2001) [MP reprimanded over asylum call](#) 12 September 2001

Oliver, M. and Happold, T. (2005) [Milburn apologises for police death](#) *Guardian*, 14 April 2005

Travis, A. and White, M. (2005) [Howard pursues asylum and terror link](#) *Guardian*, 15 April 2005

¹ **Greenslade, R.** (2005) *Seeking scapegoats. The coverage of asylum in the UK press*. London: [ippir](#)

² **Lewis, M.** (2005) *Asylum: understanding public attitudes*, London: [ippir](#)

³ **BBC** (2005) [Who are the terror detainees?](#) 11 March 2005.

⁴ For more information on this issue refer to the section on UK legislation.

⁵ **Howard, M.** (2005) [Howard: we can control our borders](#). 29 March 2005.

⁶ **Brooks, L.** (2003) [5 tough questions about asylum - Part 2](#) *Guardian*, 1 May 2003.

Press coverage

Brooks, L. (2003) [5 tough questions about asylum - Part 2](#) *Guardian*, 1 May 2003

Daily Mail (2005) [Asylum chaos allowed ricin plotter to kill](#) 14 April 2005

Morris, S. (2003) [Press whips up asylum hysteria: Editor's dub Britain a gangster's haven as they make direct links between refugees and terrorism](#) *Guardian*, 24 January 2003

Gillan, A. (2003) [Fear of the unknown cranked up by tabloids](#) *Guardian*, 6 February 2003

Phillips, M. (2005) [Failure to secure our borders defies belief](#) *Daily Mail*, 8 July 2005

What are the arguments de-emphasising a link between asylum and terrorism?

Elsewhere, journalists, academics and refugee advocacy organisations have been keen to delink asylum and terrorism.⁷ *The Guardian* has focused on numbers claiming that asylum seekers make up only a very small percentage of international arrivals each year into the UK and where concerns are expressed about security and border controls attention would need to be extended to all categories of in-migrants including tourists, students and employees.⁸ The September 11th terrorist attacks are frequently cited because none of the organisers were identified as asylum seekers but rather entered and remained in the US legally.⁹

The fact that asylum seekers are subjected to more stringent controls than other categories of migrants has led Refugee Action to conclude that 'a would-be terrorist is unlikely to choose a route of entry that immediately brings them to the attention of the authorities, requires fingerprinting and carries the risk of being detained'.¹⁰

⁷ **Aiken, S.** (2000) 'Manufacturing 'terrorists': Refugees, national security and Canadian law' *Refugee*. 19:3, 54-73.

⁸ **Brooks, L.** (2003) [5 tough questions about asylum - Part 2](#) *Guardian*, 1 May 2003.

⁹ **Guild, E.** (2003) 'International terrorism and EU immigration, asylum and borders policy: the unexpected victims of September 11th'. *European Foreign Affairs Review* 8:331-346.

¹⁰ **Refugee Action** (July 2005) [Asylum and terrorism: the facts](#)

How else have asylum seekers and refugees been associated with security?

Asylum seekers have become further linked with security concerns as a result of the asylum migration process which commonly involves the use of people smugglers to cross national borders and organised criminal networks in the production of documentation. Commentators have observed that refugees often have no alternative means of reaching the UK and that their 'right to leave' has been criminalised by receiving countries as a result of anti-smuggling legislation and initiatives.¹¹ Consequently, they are characterised more by their mode of entry into the UK than by the reason for which they are claiming asylum.

Global refugee flows have been identified as a threat to state and regional security by some academics, governments and international agencies. In a number of post-Cold War conflicts, refugee populations, particularly in camps, have become militarised and parties to conflict.

A further concern is that mass refugee flows may alter the ethnic balance in parts of the host country or region and this can exacerbate conflict. Finally, the diplomatic relationships between states can be threatened as a result of refugee flows to and from countries.

Useful resources

Aiken, S. (2000) 'Manufacturing Terrorists: Refugees National Security, and Canadian Law.' *Refugee* 19, 3: 54-73.

Bigo, D. (1997) 'Security, Borders and the State.' in *Borders and Border Regions in Europe and North America*, edited by Ganster, P., Sweedler, A., James Scott, J., and Dieter-Eberwein, W. pp. 81-105. San Diego: San Diego University Press

Crelinsten, R. (1998) 'The Discourse and Practice of Counter-Terrorism in Liberal Democracies.' *American Journal of Politics and History* 44, 1: 389-413.

¹¹ **Morrison, J. and Crosland, B.** (2001) [The Trafficking and Smuggling of Refugees: the End Game in European Asylum Policy?](#) UNHCR Working Paper 39



Useful resources

Koser, K. (2000) 'Asylum Policies, Trafficking and Vulnerability.' *International Migration* 38, 3: 91-112.

Morrison, J. and Crosland, B. (2001) [The Trafficking and Smuggling of Refugees: the End Game in European Asylum Policy?](#) UNHCR Working Paper 39

Roberts, A. (1998) 'More Refugees, Less Asylum: A Regime in Transformation' *Journal of Refugee Studies* 11, 4 (1998): 375-395.

How have the terrorist attacks impacted upon refugees, asylum seekers and black and minority ethnic communities?

The terrorist attacks of 9/11 and the more recent London bombings gave rise to fears that refugee, asylum seeker and ethnic minority communities would be adversely affected in two ways. The first, that they would be targeted in reprisal following the attacks, and second that the government's anti-terror measures would have a disproportionate effect on black and minority ethnic (BME) communities.

The Mayor of London told a Home Affairs select committee inquiry that the capital's BME communities had experienced a disproportionate increase in stop and searches (under section 44 of the Terrorism & Community Relations Act 2000) in the immediate aftermath of September 11th.¹²

Prior to the attacks of July 2005 the same committee produced a report: [Terrorism and Community Relations](#) which considered whether community relations had deteriorated since 9/11, by looking at so-called Islamophobia, anti-Semitism and other issues of minority relations. The report concluded that 'community relations have indeed deteriorated, although not universally and that there are positive elements.'¹³

¹² **Mayor of London** (2004) [Memorandum](#) submitted to the Home Affairs Committee Inquiry into Terrorism & Community Relations, 21 September 2004.

¹³ **House of Commons Home Affairs Committee** (April 2005) [Terrorism and Community Relations](#), Sixth Report of Session 2004-5.

The Church of England's [submission](#) to the committee's inquiry warned of the potential threat of terrorism exacerbating existing tense community relations in the UK. Research initiated by the Archbishop of Canterbury had found that many in the Muslim community felt 'isolated, anxious, and misunderstood within wider society as a result of the current situation'.¹⁴

Professor Michael Clarke of the Centre for Defence Studies at Kings College London has argued that Britain needs to review its 'covenant of security' between the British authorities and leaders of Muslim communities that allows high levels of toleration in exchange for self-policing. He suggests that reworking the covenant approach should encourage opponents of British foreign policy 'to face the questions squarely, instead of using them to construct an identity based on fear and self-pity'.¹⁵

There is a body of largely anecdotal evidence about community impact that was collected in the days and weeks following the 2005 London bombings. In Middlesbrough the BME community network reported that the atmosphere was 'very tense within the BME Community, with the fear of indiscriminate reprisal attacks'.¹⁶ Following the London bombings and the subsequent increase in anti-terrorism measures, the Refugee Council initiated [research](#) on the impact of these on refugee and asylum seeking communities.

The editor of a Muslim newspaper reported a 'deluge' of anti-Muslim threats after the London attacks. Ahmed Versi, editor of Muslim News, said: 'We received a large number of negative emails saying Muslims were responsible for the killings and that they were going to attack our mosques, that they were going to kill us and we should leave this country and so on.'¹⁷

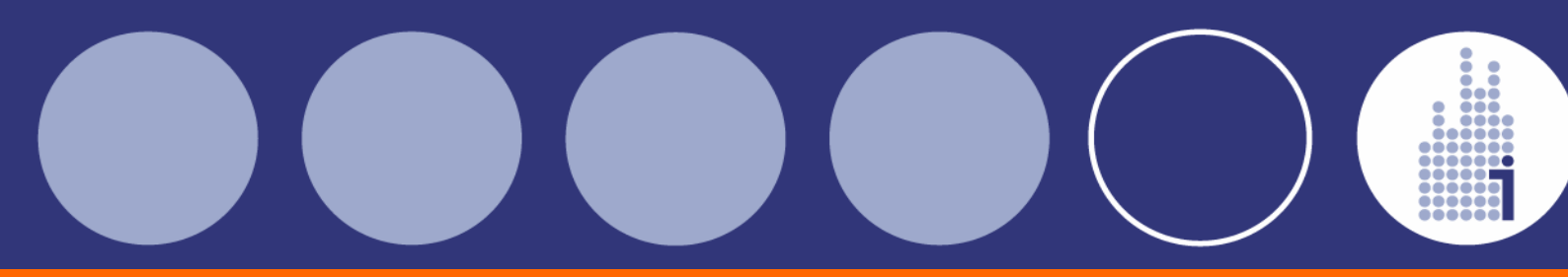
Other organisations have voiced similar concerns; the Campaign Against Criminalising Communities states that the 'war on terror' "promotes a racist culture of suspicion towards migrant and Muslim

¹⁴ **The Church of England** (2004) [Memorandum](#) submitted to the Home Affairs Committee Inquiry into Terrorism & Community Relations, 20 September 2004.

¹⁵ **Clarke, M.** (2005) [The contract with Muslims must not be torn up](#), Guardian, 26 August 2005.

¹⁶ **Middlesbrough BME Community Network Management Committee** - [minutes](#) of meeting, 26 July 2005.

¹⁷ **Holloway, L.** (2005) [Terror backlash begins](#), Black Information Link, 8 July 2005



communities.”¹⁸ The London-based BME cracking crime project also highlighted the potentially damaging impact of anti-terror legislation on BME communities¹⁹ and the Islamic Human Rights Commission has published a report discussing the effect of anti-terrorism legislation on British Muslims, calling it a ‘modern day witch-hunt’.²⁰

The Criminal Justice System’s latest statistical report purports that race hate crimes have not risen substantially following the London bombings. ‘Racist incidents recorded by the police have continued to rise with about 58,000 incidents recorded in 2004/05, although the latest information from the British Crime Survey (self-reported crime) estimates that actual numbers of racist incidents fell from 206,000 in 2003/04 to 179,000 in 2004/05.’²¹

UK legislation

The [1951 Refugee Convention](#), drafted in the immediate post-WW2 years does not include an explicit reference to terrorism, but contains provisions to exclude individuals from protection if they have committed a crime against peace, a war crime, a crime against humanity, a serious non-political crime, or who have been guilty of acts contrary to the purposes and principles of the United Nations, Article I F (c).

The current gap in international law has meant that national governments have implemented domestic legislation in order to define terrorism. The UK’s [Terrorism Act 2000](#), which came into force in February 2001, introduced a new definition of terrorism, replacing that found in the 1973 Prevention of Terrorism Act. Previously terrorism was generally defined as violence with a political motivation but now includes anyone serving a political, religious or ideological cause.

Definition

Under the 2000 Terrorism Act, terrorism is defined as the use or threat of action where the action is designed to influence the government or

an international governmental organisation,²² or intimidate the public or a section of the public; and advance a political, religious or ideological cause. All subsequent anti-terrorism legislation has been based on this definition. The Act contains a power to issue a ‘proscribed organisations order’, which makes it illegal to become a member of, or support certain groups in the UK. Two examples of these organisations are the PKK (Kurdish Workers Party) and the LTTE (Liberation Tigers of Tamil Eelam), which have support in some parts of the Kurdish and Tamil asylum seeker/ refugee communities in the UK. There are currently 44 international organisations proscribed under the 2000 Act.²³

The definition of terrorism in this Act has been criticised as being ‘very wide and open to subjective interpretation’.²⁴ It has often been observed that there is often a fine line between a ‘freedom fighter’ and a ‘terrorist’ and that many movements, historically supported by the UK, would fall foul of the criteria under the Act.²⁵

Refugee advocacy organisations are concerned that under the legislation people will be suspected of terrorist activities even when they have only loose associations with a named organisation. They have argued that a catch-22 situation may develop whereby an asylum seeker is fleeing persecution because of their association with an organisation deemed to be illegal in the UK. As a result, the very basis of their asylum claim may result in their exclusion from the asylum process or potential prosecution.²⁶

Counter-terrorism legislation is currently independently reviewed by Lord Carlile of Berriew QC.²⁷ At present, the definition of terrorism in UK law is under examination and several organisations, including Article 19, Campaign against Criminalising Communities, Liberty and the Refugee Council have submitted responses.²⁸ The Refugee Council has raised

²² [Terrorism Act 2006](#), section 34

²³ <http://www.homeoffice.gov.uk/security/terrorism-and-the-law/terrorism-act/proscribed-groups>

²⁴ [Amnesty International](#) (2001) [Media briefing: UK Terrorism Act 2000](#), 20 February 2001

²⁵ [Statewatch](#) (2001) [UK Terrorism Act: 21 new proscribed organisations](#).

²⁶ [CARF](#) (2001) [The Terrorism Act - embracing tyranny](#)

²⁷ <http://www.homeoffice.gov.uk/security/terrorism-and-the-law/checks-on-laws2>

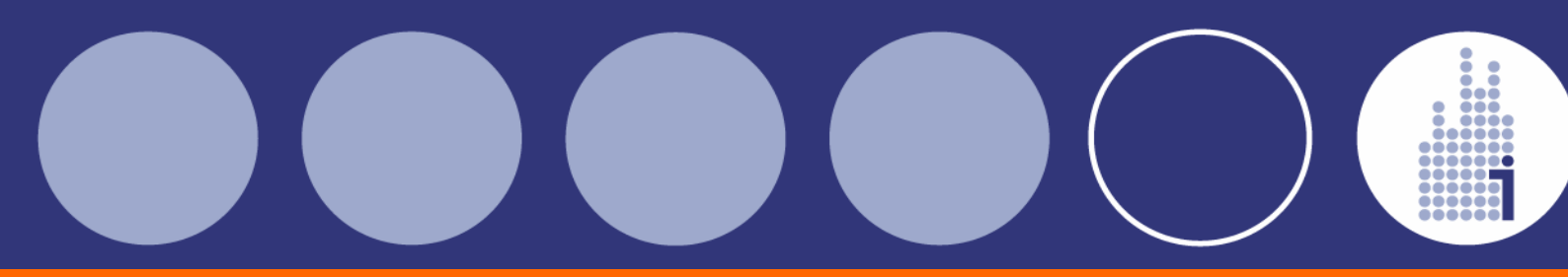
²⁸ [Article 19](#) (March 2006) [Submission to the Inquiry into the definition of terrorism](#)

¹⁸ [Campaign Against Criminalising Communities](#) (2005) [Suspect Communities: The Real 'War on Terror' in Europe](#) - conference, 21 May 2005

¹⁹ [BME Cracking Crime Project](#) (Spring 2004) [newsletter](#) - issue 4

²⁰ [The Islamic Human Rights Commission](#) (2005) [British Anti-Terrorism: A Modern Day Witch Hunt](#) Updated June 2006.

²¹ [Criminal Justice System](#) (November 2006) Section 95, [Criminal Justice Act 1991 - Race and the Criminal Justice System: An overview to the complete statistics 2004-5](#)



concerns that the UK definition of terrorism undermines the 1951 Refugee Convention and the international protection regime by significantly extending the grounds on which refugees can be prosecuted for terrorist offences and denied protection in the UK.

UK Anti-Terrorism Legislation

[Terrorism Act 2006](#)

Further information about the Act available [here](#)

[Prevention of Terrorism Act 2005](#)

Further information about the Act available [here](#)

[Anti-terrorism, Crime and Security Act 2001](#)

Further information about the Act available [here](#)

[Terrorism Act 2000](#)

Further information about the Act available [here](#)

Asylum appeals

Under Section 97 of the Nationality, immigration and Asylum 2002 Act an appeal to the AIT against a negative asylum or human rights decision will not be allowed if the person's exclusion from the UK is in the interests of national security and if the decision was made on the basis of information that cannot be disclosed for reasons of national security. In these cases, there is instead a right of appeal to the [Special Immigration Appeals Commission \(SIAC\)](#). At SIAC hearings, appellants are entitled to two legal representatives: a special advocate appointed by the government who is allowed to view the 'sensitive material' in closed session and make representations on behalf of the appellant; and a second representative who represents the appellant in the open sessions.²⁹

In the landmark case of *Rehman v Secretary of State for the Home Department* [2001] UKHL 47, it was decided by the House of Lords that the Home Secretary was best placed to judge a threat to national security. Nevertheless, the SIAC can hear an appeal on such cases and may conclude

Campaign against Criminalising Communities (March 2006) [Submission to the inquiry into the definition of terrorism](#)
Liberty (June 2006) [Submission to the inquiry into the definition of terrorism](#)

Refugee Council (May 2006) [Submission to the inquiry into the definition of terrorism](#)

²⁹<http://www.publications.parliament.uk/pa/cm200405/cmselec/cmconst/323/323ii.pdf>

that the individual is no threat to national security, albeit that due deference must be had to Secretary of State for the Home Department's view.

Exclusion

In August 2005 the Prime Minister announced a 12-point [plan](#) for dealing with the terrorist threat in the UK and stated that 'anyone who has participated in terrorism, or has anything to do with it anywhere will be automatically refused asylum in our country'. Section 55 of the [Immigration, Asylum and Nationality Act 2006](#) allows the Secretary of State to issue a certificate that an appellant is not entitled to the protection of Article 33 (1) of the Refugee Convention because Article 1F applies or Article 33 (2) applies on national security grounds. It requires the Asylum and Immigration Tribunal (AIT) or the Special Immigration Appeals Commission (SIAC) to begin substantive consideration of the asylum appeal by considering the statements in the certificate. If SIAC or the AIT agrees with the statements in the certificate, then it must dismiss the appeal insofar as it relies on the Refugee Convention.

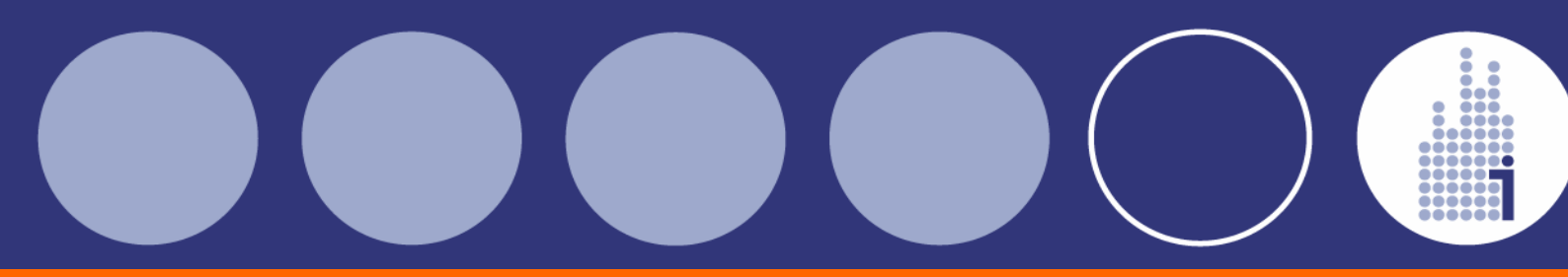
Section 55 raises concerns among human rights lawyers because the power to exclude claimants from the protection offered by refugee law is already sanctioned by the 1951 Refugee Convention and, consequently, a number of diverse organisations (UNHCR, Association of Chief Police Officers, the parliamentary Joint Committee on Human Rights and the Refugee Council) have all questioned the purpose of incorporating an exclusion clause into national legislation.³⁰ The fear is that the operation of Section 55 may result in the UK government 'extending an overly broad application of Article 1F(c) with the result that certain persons, who do not fall within the scope of the exclusion clauses, are denied the benefit of international protection'.³¹

Deprivation of citizenship

Section 56 of the Immigration, Asylum and Nationality Act 2006 enables the deprivation of British nationality on the basis that it is conducive to the public good. A deprivation order may not

³⁰<http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds06/text/60119-29.htm>

³¹http://www.unhcr.org/uk/legal/positions/UNHCR%20Comments/comments_dec2005clause52.htm



be made on this basis if it were to make a person stateless. Some commentators have expressed concern that the Secretary of State is now able to deprive an individual of nationality on the basis that it is 'conducive to the public good'. Concerns include the broadness of the term 'conducive to the public good' and that there is no requirement of proof that the individual in question has engaged in terrorist acts or has been found guilty of a criminal act.³²

Detention

Part 4 of the Anti-terrorism, Crime and Security Act 2001 gave power to the immigration authorities to detain non-UK nationals suspected of international terrorism even if they have not been charged with any offence. The detention period was indefinite even if it had been found that the person could not be removed because they were protected by Article 3 of the European Convention on Human Rights (ECHR). Detention of an individual who cannot be removed is potentially in breach of the UK's obligations under Article 5 of the ECHR, but the government announced that it was derogating from this article because there was a 'public emergency'. These powers were subject to a sunset clause so they would lapse unless revived by the Home Secretary and approved by Parliament. Although previously revived, following the House of Lords ruling in December 2004, these were allowed to lapse in March 2005.

A number of individuals were detained under the 2001 Act. Initially SIAC ruled that it was not lawful to detain only non-nationals as it was discriminatory, but the ruling was overturned by the Court of Appeal on 25 October 2002. This decision has since been appealed to the House of Lords. At the end of December 2003, the Privy Council Review Committee, made up of members of both the House of Commons and the House of Lords, said the law should be replaced. On 16 December 2004 the Law Lords ruled the derogation incompatible with European Human Rights laws, which placed significant pressure on the government to withdraw the legislation.³³

³² Blake, N. (26 April 2006) ['Why is there no song and dance about this Act?'](#) The Times

³³<http://www.publications.parliament.uk/pa/ld200405/ldjudgmt/jd041216/a&others.pdf>

Control orders

In 2005, after allowing the powers for indefinite detention to lapse, the Government replaced them with a system of control orders under the [Prevention of Terrorism Act 2005](#). This Act allowed for control orders to be made against any terror suspect, whether a UK national or non-UK national, or whether the terrorist activity was national or international.

[Control orders](#) enable the government to impose conditions upon individuals ranging from prohibitions on access to specific items or services (such as the internet), and restrictions on association with named individuals, to the imposition of restrictions on movement or curfews. The Home Secretary must normally apply to the courts to impose a control order based on an assessment of the intelligence information. Control orders are time limited and may be imposed for a period of up to 12 months. Breach of any of the obligations of the control order without reasonable excuse is a criminal offence punishable with a prison sentence of up to five years and/or an unlimited fine.

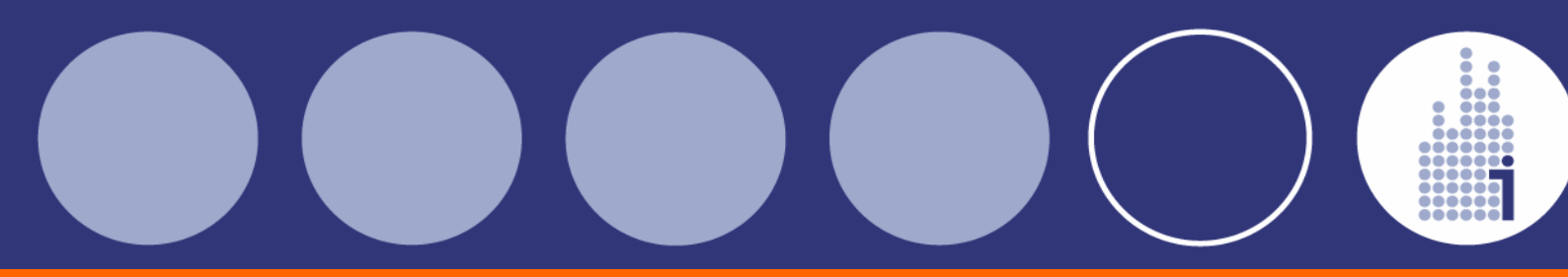
Recent government attempts to apply control orders have resulted in them being overturned by the High Court. In April 2006, the High Court overturned the first control order stating that the suspect had not received a fair hearing. The most recent case in June 2006 resulted in the nullification of control orders for six Iraqi asylum seekers suspected of terrorist activities.³⁴ The control orders were deemed to breach Article 5 of the ECHR, which prohibits indefinite detention without trial.

Recent legislation

The latest piece of legislation to be introduced is the [Terrorism Act 2006](#), which received Royal Assent on 30 March 2006 and came into force on 13 April 2006. This Act creates a number of new offences, such as:

- Acts Preparatory to Terrorism – any conduct intended to prepare for an act of terrorism by the individual or another is an offence.
- Encouragement to Terrorism - this makes it an offence to directly or indirectly induce or encourage others to commit acts of terrorism

³⁴<http://news.bbc.co.uk/1/hi/uk/5125668.stm> and <http://politics.guardian.co.uk/homeaffairs/story/0,,1808088,00.html>



by publishing a statement, or causing a statement to be published. This includes every statement which glorifies terrorism.

- Dissemination of Terrorist Publications – this covers the sale, loan, or otherwise making available of terrorist publications. This includes those publications that encourage terrorism, and those that provide assistance to terrorists.
- Terrorist training offences - this makes sure that anyone who gives training in terrorist techniques can be prosecuted. The Act also criminalises anyone who is present at a place where terrorist training is given.

The Act also makes amendments to existing legislation, including:

- Introducing warrants to enable the police to search any property owned or controlled by a terrorist suspect.
- Extending terrorism stop and search powers to cover bays and estuaries.
- Extending police powers to detain suspects after arrest for up to 28 days (though periods of more than two days must be approved by a judicial authority).
- Extends search powers at ports.
- Increased flexibility of the proscription regime, including the power to proscribe groups that glorify terrorism.³⁵

The European context

In 2001, the EU Commission responded to the events of September 11 by producing a [working document](#) on the issue of 'the relationship between safeguarding internal security and complying with international protection obligations and instruments'.³⁶ The purpose of this document was to facilitate discussion of this issue with the view to potential legislation in the medium to long term and marked the launch of the anti terrorism action plan which is renewed every six months. In September 2005 the European Council approved a new [strategy](#) for counter-terrorism.

The EU Qualification [directive](#), which was due to be implemented by Member States by October 2006, contains a clear set of criteria for qualifying either for refugee or subsidiary protection status,

³⁵ <http://www.homeoffice.gov.uk/security/terrorism-and-the-law/terrorism-act-2006>

³⁶ http://www.ecre.org/eu_developments/terrorism/safeguard.pdf

and sets out what rights are attached to each status. The way in which security concerns were to be incorporated into the Directive was an issue debated hotly during the negotiation period. The main focus of the discussion was on whether or not security concerns should become a ground for exclusion from the provisions of the Refugee Convention or an exception to the principle of *non-refoulement*.³⁷ Eventually security concerns were reflected in the documents as part of the revocation clause (Article 14) and as an exception to the principle of *non-refoulement* (Article 19). Refugee advocacy agencies have observed that the inclusion of security concerns in an article on revocation may in fact result in the widening of the exclusion clauses in the 1951 Refugee Convention.³⁸

The case of *Ramzy v Netherlands*, which is currently before the European Court of Human Rights, is dealing with the scope of Article 3.³⁹ The applicant claims that he will be exposed to a real risk of torture or ill-treatment if returned to Algeria. However, the Dutch government has issued an exclusion order against the applicant on the basis that he was posing a threat to national security and they began removal proceedings against him. Removal has been stayed until a ruling on the case is made; a ruling that will have a great impact on the application of Article 3 within the EU and the prohibition of transfer to States where there is a substantial risk of torture or ill-treatment.

The international context

In 2001, the Security Council adopted [resolution 1377](#) which states that acts of international terrorism are contrary to the purposes and principles of the UN Charter, a position reaffirmed by [resolution 1624](#) in 2005. However, it is important to note that these resolutions do not contain definitions of international terrorism.

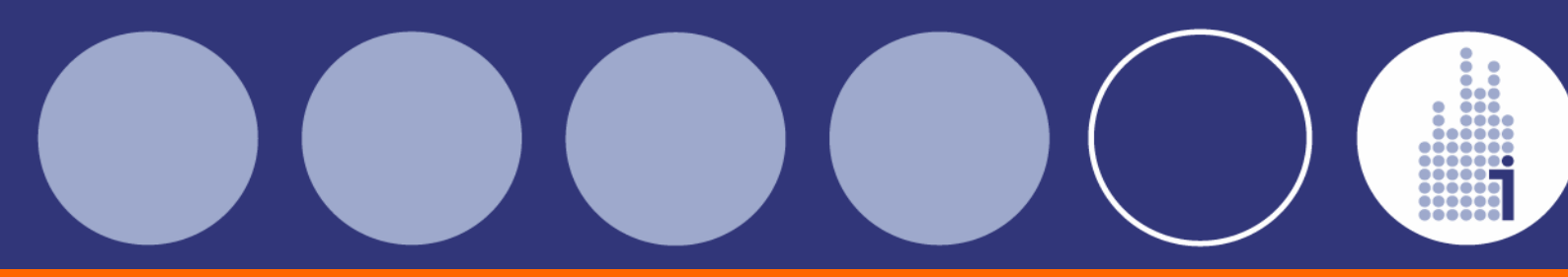
The events of 11 September 2001 re-ignited the international debate on how to deal with terrorism. The UN has a number of different conventions that address different forms of

³⁷ Article 33 of the Refugee Convention states that no contracting state shall return or 'refouler' an individual to persecution

³⁸ <http://www.ecre.org/statements/jha5603.doc>

³⁹ <http://www.interights.org/doc/Ramzy%20final%20brief%2022%20Nov.doc> and

http://www.echr.coe.int/Eng/Press/2005/Oct/Applicationlodge_dRamzyvNetherlands.htm



terrorism, such as airline threat and the taking of hostages, but an internationally recognised definition of terrorism has never been agreed upon and remains a contentious issue.

A comprehensive convention on international terrorism has been under negotiation for a number of years. Most articles of the drafts are complete, but there is still disagreement over how broadly the label 'terrorist' can be applied to, for example, national self-determination movements and national armed forces. This draft convention would require governments to take appropriate measures, before granting asylum, to ensure that the asylum seeker has not engaged in terrorist activities. Negotiations over the comprehensive convention continue. For an update on the progress of the convention refer to the [UN Ad Hoc Committee on Terrorism](#).

There has been increasing debate over whether or not acts deemed as terrorist in nature fall within the scope of Article I F and refugee advocacy groups have expressed concern that the lack of an internationally agreed definition may pave the way for asylum seekers to be automatically excluded if they are labelled as terrorists, despite the fact that the Convention gives specific circumstances under which someone may be lawfully excluded.

Resources

Adelman, H. (2002) [Refugees and border security post-September 11](#), *Refuge*, vol. 20, no. 4, pp. 5-14.

Aiken, S. (2000) 'Manufacturing 'terrorists': Refugees, national security and Canadian law' *Refuge*. 19:3, pp. 54-73.

Amnesty International (October 2001) [United Nations General Assembly, 56th Session 2001, Draft Comprehensive Convention on International Terrorism: A Threat to Human Rights Standards](#).

Amnesty International (February 2006) ['United Kingdom: Human rights: a broken promise' The effect of the UK's anti-terrorism policies on human rights](#)

Baldaccini, A. and Guild, E. (November 2006) *Terrorism And the Foreigner: A Decade of Tension Around the Rule of Law in Europe*, Martinus Nijhoff

Blick, A., Choudhury, T. and Weir, S. (2006) [The Rules of the Game: Terrorism, Community and Human Rights](#), Human Rights Centre, University of Essex

Bliss, M. (2000) 'Serious Reasons for Considering': Minimum Standards of Procedural Fairness in the Application of the Article 1F Exclusion Clauses, *International Journal of Refugee Law*, vol. 12, pp.92-132

Bruin, R. and Wouters, K. (2003) Terrorism and the Non-derogability of *Non-refoulement* *International Journal of Refugee Law*, vol. 15, pp. 5-29

CMI (Chr. Michelsen Institute) (May 2006) [The New Asylum Dilemma: Refugee, War Criminal or Terrorist?](#), vol.5, no.1

Criminal Justice System (November 2006) Section 95, [Criminal Justice Act 1991 - Race and the Criminal Justice System: An overview to the complete statistics 2004-5](#)

Crisp, J. (2000) [Refugees and international security: an introduction to some key issues and policy challenges](#) Paper presented for the 4th International Security Forum.

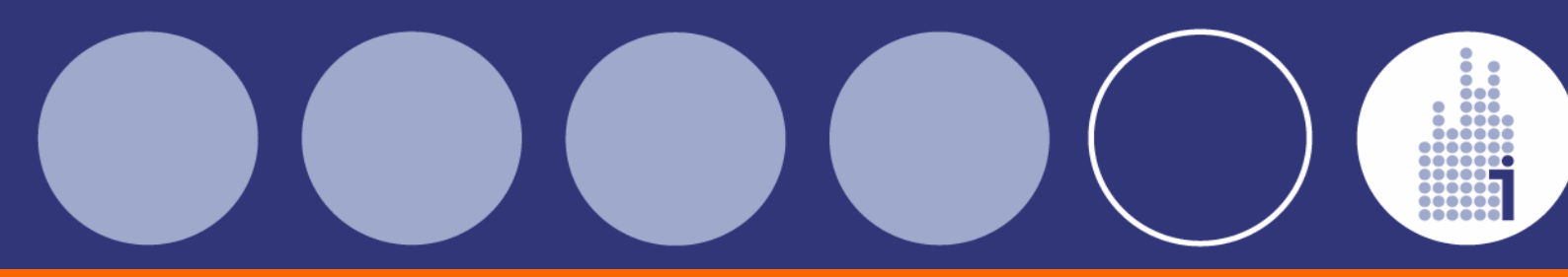
ECRE (May 2002) [Comments on the Commission Working Document on the relationship between safeguarding internal security and complying with international protection obligations and instruments](#)

Euractiv (March 2005) [EU anti-terrorism policy](#)

European Council Directive (29 April 2004) [on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted](#)

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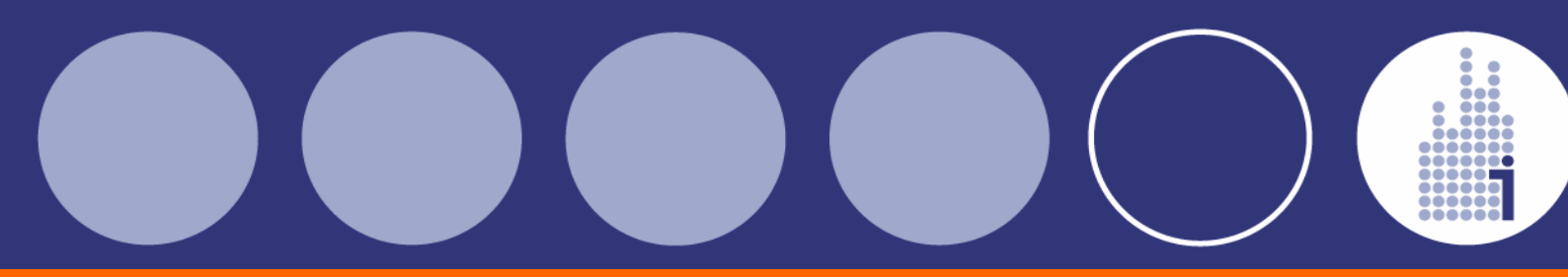
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