On the legal relation between refugees and terrorism

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Abstract

No longer can it be confidently asserted that the core legal obligation of states in connection with individuals falling within the definition of Article 1A(2)of the *Convention Relating to the Status of Refugee*s, 1951 is expressed within the Convention's Article 33 *non-refoulement* principle. As a result of anti-terrorism legislation and judicial interpretation/application of such legislation, Article 1F contains the primary obligation of the *Convention*. Before coming to any finding on the merits of a claim to refugee status, state signatories are required to determine whether an asylum-seeker has engaged in activities which render him or her unworthy of the protection of the provisions of the *Convention*.

Part of a wider comparative project, this paper examines successive UK anti-terrorism Acts of Parliament in order to argue that individuals seeking asylum within the UK are presumptively excluded from the scope of the *Convention.* In particular, the paper argues that the ability of the Special Immigration Appeals Commission (SIAC) to make use of evidence relating to matters of national security which cannot be revealed to an appellant or his/her legal representatives effectively lowers the threshold for applying Article 1 F. The question of whether there are "...serious reasons for considering ...." that an asylum-seeker has committed a crime against peace, or has committed a serious non-political crime is beyond proper scrutiny.

The Refugee *Convention* was thought to provide one important fetter on the exercise of a state's sovereignty over its borders. Now that Convention Article 1 F has been co-opted towards the aim of domestic immigration control, the survival of the regime of protection established in 1951 is seriously in doubt.

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