

REFUGEE AND MIGRANT RIGHTS

Responsibility-sharing and the right to asylum

Amnesty has long criticized governments of the UK, and several other countries, for failing to share responsibility. This briefing explains responsibility-sharing and our criticism, with particular focus on the UK.

The right to asylum

Everyone at risk of persecution in their own country is entitled to seek and receive asylum in another country (“the right to asylum”).ⁱ The Refugee Convention is the main international law agreement that sets out this right and how it is to be guaranteed.ⁱⁱ

The right to asylum is **not restricted to seeking or receiving asylum in any particular country**. All countries share responsibility for providing asylum in accordance with the Refugee Convention.ⁱⁱⁱ

Asylum is to be provided to someone who is a refugee as defined by the Refugee Convention.^{iv} In summary, a refugee is someone who would be at risk of persecution if they returned to their home country.^v To ensure meeting their obligations to refugees, many countries operate systems to identify whether someone who seeks asylum meets this definition before granting them asylum.^{vi}

A refugee is **entitled to seek asylum by crossing borders without prior permission**. They are not restricted to seeking asylum in any particular country, whether that country is near or said to be safe by others to be. More are they restricted to only crossing one or a limited number of borders for that purpose.^{vii}

What is responsibility-sharing?

Responsibility-sharing means that all who are responsible for something should participate in meeting that responsibility on a fair basis – i.e., take a fair share.

A **fair share of responsibility is not the same as an equal share** – e.g., it is not fair that one country takes the same amount of responsibility as another if the capacity of each to take responsibility is very different.

The world is very unequal. Some countries have much more wealth and resources than others. The richest countries should take more responsibility because their capacity to do so is greater.

Is responsibility for refugees being shared?

There are various ways in which this can be assessed.^{viii} Whichever is adopted, it is clear **some countries are taking far greater responsibility than others** and **many of those countries are among the world's poorest and least stable**.^{ix}

At mid-2024, the UK hosted around 600,000 refugees (including 128,000 people seeking asylum), nearly half of whom (242,000) from Ukraine.^x That is less than 1% of the UK's population. The UK is one of the world's richest countries, with the second largest economy in Europe.^{xi}

By comparison:^{xii}

- Jordan and Lebanon are each relatively poor countries. They host around 3 million and nearly 1.3 million refugees each (most of whom Palestinian or Syrian). This constitutes about a third of each country's population.
- Iran and Turkey host the largest refugee populations worldwide. The 3.7 million refugees in Iran (nearly all of whom from Afghanistan) and 3.1 million refugees in Turkey (nearly all of whom Syrian) make up over 4% and over 3.5% of each country's population.
- Chad and Uganda are among the least developed countries in the world. They each host many more than 1 million refugees, constituting around 6.6% and 3.4% of their respective populations.
- There are more than 10 million Sudanese people displaced within that poor country. It also hosts nearly 1 million refugees from other countries, nearly 2% of its population. Ethiopia, the Democratic Republic of Congo, and Syria are other poorer countries with very large populations of their own nationals internally displaced in addition to large populations of refugees from other countries.
- Germany has the largest economy in Europe. It hosts around 3 million refugees (over 1.1 million of whom are Ukrainian, nearly 800,00 Syrian, and over 310,000 Afghan). They make up around 3.5% of its population.
- France has a population and economy of similar size to the UK. It hosts around 750,000 refugees, over 1% of its population. Refugees in Poland (nearly 1 million, almost all of whom Ukrainian) and Spain (nearly 700,000), with smaller economies, make up around 2.6% and 1.4% of each country's population.
- Other countries that host many more refugees than the UK include Colombia (nearly 3 million Venezuelans), Peru (around 1.5 million Venezuelans), Russia (over 1 million people from Ukraine), and Bangladesh (around 1 million Rohingya). Colombia is another country with very many internally displaced nationals of its own (nearly 7 million).

How can responsibility be better shared?

First and foremost, it is necessary to take responsibility in the same way others are expected to do so. Anything less is, or at the very least looks like, hypocrisy and fundamentally undermines any true notion of responsibility-sharing.

The UK must therefore **fulfil its obligations to provide asylum including to refugees who cross its borders without prior permission** – just as is expected of countries like Chad, Bangladesh and Iran. Failing to do so not only harms the few people who exercise their right to seek asylum in the UK. It puts many more people at risk by providing an excuse or incentive for other countries to fail to meet their obligations.^{xiii}

Responsibility can also be shared by countries making arrangements for people to move from one country to another. This may constitute responsibility-sharing if it involves one country receiving people seeking asylum or already recognized to be refugees where, for example:

- the family or other close connections of the people moving are in the receiving country rather than the sending country;
- the receiving country has greater capacity to meet the particular needs of the people moving; or
- the result of the people moving is to relieve a country that is taking greater responsibility and thereby even out the share of responsibility between that country and the sending country.

It is, however, **neither responsible nor sharing** for a country, which is already taking less responsibility than many others, to simply transfer people and its responsibilities for them elsewhere – particularly if that means to a country which has less capacity or is already taking greater responsibility.^{xiv}

Other ways in which responsibility can be shared include providing financial assistance to those poorer countries, which host by far the greater proportion of the world's population of people displaced by conflict and persecution.^{xv} However, this can never replace the obligation to fulfil international laws on the right to asylum – just as others are expected to do.^{xvi}

Safe routes for people seeking asylum

A key way by which richer countries – including the UK – should share responsibility is to create and operate safe routes for people to seek asylum on their territories.^{xvii} This would have several advantages:

- enabling people to travel in safety thereby reducing the trauma, exploitation and loss of life endured by so many people seeking asylum;
- reducing the opportunity for people smugglers and human traffickers to exploit people and their need to make journeys;
- enabling governments to better manage their asylum systems and the crossing of borders;
- reducing governments' spending on border security; and
- demonstrating clear commitment to asylum responsibilities that would strengthen calls for other countries to meet their own obligations.

Conclusion

Responsibility-sharing is a **key principle** at the heart of the international law on which the right to asylum is based. It is also a matter of practicality because sharing responsibility is necessary to encourage everyone to pull their weight. Failing to do so provides others with an incentive or excuse to fail too.

Even taking account of the UK's scheme for Ukrainian refugees, it falls significantly behind many countries in terms of taking responsibility for providing asylum. Worse, it has adopted policies that set out to avoid asylum obligations rather than fulfil them. That can only encourage similar avoidance by others.

All countries – including the UK – should share responsibility for providing asylum. That is required by international law. It is what people forced to flee from conflict and persecution need and are entitled to. It is also the only way to reduce the costs and enhance the benefits of providing asylum by ensuring that all countries:

- play their full and fair part;
- cooperate to manage the international asylum system well; and
- avoid or reduce the dangers, harms and deaths that result when people who need to seek asylum are made to depend on smuggling gangs and human traffickers to be able to do so.

Notes

- ⁱ Article 14 of the [1948 Universal Declaration of Human Rights](#)
- ⁱⁱ [1951 UN Convention relating to the Status of Refugees](#) and the [1967 UN Protocol relating to the Status of Refugees](#)
- ⁱⁱⁱ The principle that responsibility is to be shared is identified in the Preamble to the Refugee Convention. As briefly explained in this briefing, the need to share responsibility is also a matter of practicality.
- ^{iv} Article 1(A)(2) of the Refugee Convention provides the primary refugee definition. This definition was amended by the 1967 Protocol to remove limitations in the original definition that excluded people whose fear of persecution resulted from events after 1951 and excluded people whose fear of persecution resulted from events outside Europe.
- ^v Persecution means serious harm, such as torture, extrajudicial killing, disappearance and other human rights abuses where the harm is for reasons of race, religion, nationality, membership of a particular social group or political opinion.
- ^{vi} The [UN High Commissioner for Refugees \(UNHCR\)](#) is the United Nations (UN) body responsible for refugee protection. It provides guidance on how to operate systems for identifying whether people seeking asylum are refugees ([refugee status determination](#)), and assists some countries with this.
- ^{vii} Article 31 of the Refugee Convention prohibits countries from imposing penalties upon refugees who enter or are present on their territories without permission. This prohibition recognizes that the right to seek asylum is not dependent on the permission of the country in which asylum is sought.
- ^{viii} In 2016, Amnesty International made specific proposals for establishing a global basis for responsibility sharing: [Genuine Responsibility-Sharing: Amnesty International's Five Proposals](#). These proposals cover resettlement of refugees in especially vulnerable circumstances, transfer of refugees from situations in which one country is hosting an especially large refugee population with regard to its capacity to do so, financial support for countries with larger refugee populations, improved refugee status determination processes and standards, and a guarantee that all countries fulfil their obligations concerning the right to asylum under international law.
- ^{ix} At the end of 2023, [UNHCR's Global Trends Report](#) identified that 75% of refugees were hosted in middle and low income countries, and more than a fifth of the world's refugee population was hosted by the world's least developed countries. This disproportionate responsibility being taken by several of the world's poorer or poorest countries has continued for several decades.
- ^x This data is available from [UNHCR's Refugee Data Finder](#)
- ^{xi} The size of a country's economy is often measured in terms of gross domestic product (GDP), on which the Bank of England provides an explainer: [What is GDP?](#)
- ^{xii} The data on refugee populations and populations of internally displaced people is available from [UNHCR's Refugee Data Finder](#). However, the data given on Jordan and Lebanon also includes Palestinian refugees, who fall within the mandate of the [UN Relief and Works Agency \(UNRWA\)](#), and are generally not included in UNHCR's figures. Countries' economies are identified according to World Bank assessment and categorization. The world's [least developed countries](#) are identified by the UN, which maintains a list of these countries and provides information concerning them.
- ^{xiii} For example, the situation of many Afghan refugees in Iran and Pakistan, Somalis in Kenya, and Syrians in Turkey and Lebanon has been made much more insecure – and some refugees have been forced to return to unsafe conditions – has been seriously undermined by the failure of countries such as the UK to clearly meet their own obligations.
- ^{xiv} This was one, though not the only, serious defect with the UK's previous deal with Rwanda for transferring people seeking asylum to that country. UNHCR produced several [detailed analyses of this deal](#), including how it was inconsistent with and undermined responsibility-sharing.
- ^{xv} While international funding for refugee emergencies and crises has long failed to meet targets, some richer countries also treat spending on their own asylum systems as if this constitutes a contribution of overseas development aid. The [UK has recently done so to a very large extent](#), and this constitutes a further way in which responsibility is not being shared.
- ^{xvi} As Amnesty International's [Genuine Responsibility-Sharing: Amnesty International's Five Proposals](#) (2016) makes clear, financial support to poorer countries is an important aspect of responsibility-sharing but richer countries cannot simply buy their way out of fulfilling their obligations to receive and host refugees.
- ^{xvii} A good, though limited, example of this was the agreement between the UK and France for the former to receive several hundred Iraqi and Afghan people seeking asylum from the territory of the latter at Sangatte as a means to share responsibility between the two countries in 2002. The Iraqi nationals were permitted to come to the UK on work permits and the Afghan nationals were reunited with family in the UK. The minister for immigration at the time informed Parliament that 1,018 people were enabled to come to the UK under this agreement: [Hansard HC, 16 Dec 2002 : Col 641W](#).

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