

## Discrimination, Detention, and Deportation: Immigration & Refugees

<https://www.acluohio.org/en/news/right-asylum-legal-relief-persecution>

### Campaign and Advocacy

[Skip to main content](#)

There is no more natural trait to humanity or to the nature of any being on this planet than migration. Migration has accompanied us since our origins, and the causes for migration vary from climate change, to wars, to seeking new opportunities. At the same time, it is one of the subjects most utilized by politicians -- to stoke fear, to blame, or to simply separate people. The time has come to **end the stigma of migration**, for we are all migrants.

But, one step at a time. Today, we will look at the most paramount aspect of migration the right to asylum given to those who escape persecution due to **race, religion, political opinion, nationality or membership of a particular social group**. These are the factors stipulated in **The 1951 Geneva Convention Relating to the Status of Refugees**.

**"[A refugee] owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to or owing to such fear, is unwilling to avail himself of the protection of that country."** - 1951 Geneva Convention Relation to the Status of Refugees.

Asylum seekers are often treated unfairly, scorned for seeking refuge from discrimination. This is not just a problem in the United States, but across the world. I cannot grasp how Europe, my home and the land torn by the two World Wars, brought the sanctity of asylum to the level of a trash can. Keeping in mind that contemporary asylum laws were created primarily for Europeans impacted by World War II, and only later its refugee definition started to encompass everyone else.

I still cannot grasp why the media use the words refugee and economic migrant interchangeably. These two are as different as the sun and the moon. Although we are not discussing today the right of the latter; this piece is not to diminish the economic migrants at all. It is to highlight the fact that refugee status is an entity **protected and guaranteed by international law**, by the obligations of each and every state party to the Geneva Convention, but also a core value that any country that prioritizes human rights should duly respect.

Meanwhile, asylum seekers are placed in inhumane detention, are subject to involuntary rendition, homelessness, or unlawful deportations violating the principle of non-refoulement. From the European Union, through the United States of America, to Australia it seems like we cannot get it right. Perhaps we too quickly forget the history, and have less sympathy for the victims of wars and persecutions today, as well as not enough courage to speak out against the erosion of the right to asylum. Some scholars may say that it is because of race, some that it is because of economy that we cannot afford the refugees. **Yet politicians and hate-spillers dehumanize refugees when they refer to them as herds, disease carriers, or terrorists.** Rather, in their tired feet and eyes that saw way too much we should see the eyes of Jews seeking a refuge from the Nazis; we should see Jesus Christ, The XIV Dalai Lama, Albert Einstein, Madeleine Albright, or Freddie Mercury and many others who were refugees themselves or children of refugees.

**But an even worse failure and a 'red light' to our democracies and civil liberties come with our disregard of the Geneva Convention and other international doctrines. Can we not see it- how easily our governments undermine themselves to not fulfill their obligation to legal documents they signed and ratified? We speak so often about the 'slippery slope' when it comes to freedom of speech, but if they can so easily disobey the right to asylum, what international laws will they disregard next?**

Having all of these thoughts in mind, I have commenced my fellowship at the American Civil Liberties Union (ACLU), a champion of human rights that fights to keep them alive and thriving in the United States. In these series of entries, I will take a closer look at the issues involving the right to asylum in the U.S., a party to international treaties. In the first two posts, I will talk to an asylum law expert and a forerunner of the *Immigration & Human Rights Clinic at the University of Akron School of Law*, **Professor Elizabeth Knowles**.

*DISCLAIMER The views expressed in this article are the author's own and do not necessarily reflect the views of the ACLU.*

*\* Prof. Elizabeth Knowles is an Assistant Clinical Professor of Law at the University of Akron School of Law which she joined in 2016. At Akron Law, she supervises the Immigration & Human Rights Law Clinic and teaches asylum law. Before coming to Akron, she served as the Executive Director of the American Bar Associations Immigration Justice Project (IJP). She is a member of the California State Bar, the American Immigration Lawyers Association, and the American Constitution Society (more information about prof. Knowles can be accessed over here: <https://goo.gl/NZ1vJB>).*

*\* Lukasz W. Niparko LL.M., is a Humanity In Action Fellow (HIA) at the ACLU of Ohio. He graduated from the European University Viadrina with a degree in international human rights and humanitarian law. Prior to coming to the ACLU, Lukasz has served with various NGOs such as The Association for Legal Intervention, The Helsinki Foundation for Human Rights, and Polish Humanitarian Action.*

Stay informed

2022 ACLU of Ohio