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### **“We’ll Offer Asylum Just So Long As...” The Discrimination of POC and LGBTQ+ Refugees in Ongoing Refugee Crises**

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Department of Global Politics & Societies, Hollins University 23-24

*“We’ll Offer Asylum Just So Long As...”*

**The Discrimination of POC and LGBTQ+ Refugees in Ongoing Refugee Crises**

Faith Schaefer

INTL 490

Dr. Ashleigh Breske

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**ABSTRACT**

An ongoing refugee crisis is apparent in global politics and foreign relations. Still, the way receiving countries regard certain communities in this critical period has brought to light the inhumane discrimination solely based on one's skin color and/or sexual identity. Despite the "open arms" policy that most nations tend to project, there is an unwritten protocol along borders that some states have chosen a "pick and choose" approach when it comes to People of Color (POC) and Lesbian, Gay, Bisexual, Transgender, Queer, and other gender non-conforming (LGBTQ+) individuals who are fleeing their country of origin. Any such prejudice and inequity are unjust in the face of war and violence against certain groups. The purpose of this examination is to understand the overt discrimination towards specific refugees and the impact this has on the communities seeking asylum from previous persecutions. Using an exploratory approach and international relations theories to examine the mistreatment of refugees along borders, this thesis exposes the reception and ignorance regarding current and past refugee crises within Poland, the United States, and the United Kingdom. Towards the end of this research, it is apparent that a liberalism theoretical perspective toward these crises is how global regimes should approach receiving refugees, regardless of their sexuality and/or race.

**Keywords:** Refugees, International Relations Theory, POC, LGBTQ+, Discrimination, Critical Theory, Classical Realism, Intersectionality, United States, United Kingdom, Poland

## INTRODUCTION

The persisting “world order” was thrown off by the outbreak of war between Russia and Ukraine in Eastern Europe, laying bare the inequities and abuse that People of Color (POC) and Lesbian, Gay, Bisexual, Transgender, Queer, and other gender non-conforming (LGBTQ+) asylum-seekers have experienced for years, even before the start of the conflict in February 2022. Recent re-examinations of how these nations around the globe have handled the continuing movements of refugees<sup>1</sup> from not only Eastern Europe but also the Middle East and South America have captured the attention of human rights analysts and global advocates for displaced persons. This attention has uncovered the inhumane attitude certain “open border” countries—countries that are considered to have more generous humanitarian and refugee policies, allowing for the admission and protection of individuals fleeing persecution, conflict, or humanitarian crises—have regarding refugees and asylum-seekers who are not cis, white, and/or heterosexual presenting.

Throughout history, struggles for power have caused conflicts resulting in social, cultural, political, environmental, and economic imbalances that threaten human security (Dissanayake 2). This insecurity is due to violence and multiple human rights violations that have forced displacement and migration across international borders in search of socioeconomic and political stability. Throughout the 2010s, around 80 million people worldwide were forcibly displaced due to war and political violence. With no end in sight to this increasing global trend, this has become a dominant challenge in world politics today, illuminating the outcome of further discrimination and violence during the reception into a new country for refugees. This thesis examines the treatment of marginalized refugee groups while crossing borders and what legal

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<sup>1</sup> A refugee is a person who has fled their own country because they are at risk of serious human rights violations and persecution there (Amnesty International)

protection looks like for those fleeing who are a part of POC and LGBTQ+ communities. My initial prediction is that a more liberalist approach should be taken to avoid further restrictions of border policies and mistreatment of asylum-seekers<sup>2</sup> in so-called “open” countries that toe the line of misapplying the Universal Declaration of Human Rights. The Universal Declaration of Human Rights (UDHR), written on the 10th of December 1948 by the General Assembly of the United Nations, acts as a global road map for freedom and equality—protecting the rights of every individual, everywhere. Embracing a more liberalist approach to immigration policies not only aligns with the principles of the UDHR but also offers a pathway towards safeguarding the rights and dignity of asylum-seekers in countries often regarded as “open” to migration.

### ***Outline of Thesis***

In an examination of the case studies, my project addresses the discrimination faced by refugees through a comprehensive analysis of case studies and theoretical frameworks. The intent is to shed light on the issue of discrimination against a marginalized group *within* a marginalized group and to explore potential solutions and interventions to mitigate its effects. I begin with a brief history of refugee movements within these chosen case studies—Poland, the United States, and the United Kingdom—and the development of international refugee law and policy. This historical context provides insights into the root causes of refugee discrimination and the challenges faced by displaced populations throughout history.

My project then outlines the objectives, which include identifying the forms of discrimination and how they are harmful to asylum-seekers, examining theoretical frameworks within International Relations (IR) theories—classical realism, critical theory—and

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<sup>2</sup> An asylum seeker is a person who has left their country and is seeking protection from persecution and serious human rights violations in another country, but who hasn't yet been legally recognized as a refugee and is waiting to receive a decision on their asylum claim (Amnesty International)

intersectionality, and analyzing policy implications and how they can be improved upon. The development of case studies involves a combination of literature review, qualitative research, and a liberalist approach. My case studies are chosen based on their relevance to the international sphere and their potential to provide insights into specific forms of refugee discrimination and effective strategies for addressing them. These three countries—Poland, the United States, and the United Kingdom—include similar patterns of discrimination within present-day policies and social attitudes. I exploit these similarities in order to further understand discrimination of POC and LGBTQ+ refugees in multiple circumstances and to propose reforms on how to better handle these crises.

### ***Foundations for the Case Study Analysis***

The root cause for the increase in refugees in the United Kingdom was related to conflicts in Syria, Afghanistan, Myanmar, Somalia, and Libya beginning in 2010 and the political tensions and poverty in Yemen, Pakistan, and other African and Middle Eastern Countries. Following 2015, the European Union (EU) continued to see an increase in the number of refugees, disrupting individual member states and enforcing obligations on strained responses to the sudden population influx, causing tensions and resentment along borders that ultimately lead to discrimination and even violence towards those seeking asylum. One of the most immediate challenges faced by European countries was the need to provide accommodation and food for the refugees. Many countries were unprepared for the sudden influx of people and struggled to find enough housing and resources to meet their needs. This led to overcrowding in refugee camps and shelters and a shortage of food and other essential supplies. In addition, European countries also had to grapple with the long-term implications of the refugee crisis. This included the need to integrate the refugees into their societies, to provide them with education and employment



opportunities, and to address the root causes of the refugee crisis, such as conflict and poverty in the Middle East and Africa. The refugee crisis also had a significant impact on European politics. In many countries, the issue of immigration became a primary focus of political debate, and far-right parties that opposed immigration gained popularity. This led to a rise in anti-immigrant sentiment and to a backlash against refugees in some parts of Europe. The influx of refugees into Europe has had a profound impact on the continent in terms of its challenges and the opportunities it has presented.

This is also apparent in the United States' reception of refugees from harmful conditions in South America—specifically along the Southwest border of the United States—as well as Poland's attitude towards Ukrainian refugees that are POC and/or LGBTQ+. This correlation of discrimination with the increase of displaced peoples is consequential but also heartless as it becomes daunting for these individuals when they understand that while they flee from oppression in one country, they might be met with it in another.

The state's<sup>3</sup> interest in refugees is a complex issue with a long history. In general terms, states are responsible for protecting refugees from harm but also have a right to control their borders and manage their resources. This can lead to a conflict of interests, as states may be reluctant to receive refugees if they believe that doing so will burden their citizens. Numerous factors can influence how states respond to refugees. These include the state's domestic political situation, its economic situation, its foreign policy, and its cultural values. For example, states with a strong humanitarian tradition may be more likely to accept refugees than states more concerned with national security. In recent years, there has been a growing trend of states becoming more restrictive in their refugee policies. This is due to several factors, including the

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<sup>3</sup> “*State*” here refers to a sovereign state whose citizens are relatively homogeneous in factors such as shared language, territory, and history

increase in the number of refugees worldwide, the growing cost of caring for refugees, and the rise of anti-immigrant sentiment.

The impact of state interest on refugees can be both positive and negative. On the one hand, states can play a vital role in protecting refugees from harm and helping them rebuild their lives. On the other hand, states can also be a source of oppression for refugees if they are denied asylum or if they are subjected to discrimination and violence. It is important to remember that the term refugee describes a non-homogenous group—they come from different countries, cultures, and backgrounds and have different needs and aspirations. States need to take this into account when developing their refugee policies. Ultimately, the state's interest in refugees reflects the values of its citizens. If citizens believe that refugees are an asset to society, then states are more likely to adopt policies that are welcoming to refugees. However, if citizens believe that refugees are a threat to their security or their way of life, then states are more likely to adopt restrictive policies.

This idea, founded on the state's interest, survival, and self-help, corroborates with Hans Morgenthau's classical realism theory. Therefore, using a tri-fold theoretical lens, my study analyzes the refugee crisis with a heavy emphasis on POC and LGBTQ+ individuals and the responses of the global regime to examine the double standard of acceptance in so-called "welcoming" countries. Using an exploratory sequential framework, this research applies a qualitative methodology with selected theories of international relations—classical realism, critical theory—and intersectionality. While IR theories have not been classified as "right or wrong," I approach them with a critical point of view. Their use in the 21<sup>st</sup> century has become debatable with their involvement in these refugee crises, validating a nation's reasoning for being

discriminatory. As dominant and foundational theories of IR, I use realism and liberalism to help analyze these changes in the international arena.

## CHAPTER 1: LITERATURE REVIEW

The marginalization and mistreatment of displaced peoples and refugees have left a noticeable imprint on the patterns of history and continue to be a problem today. I utilize Morgenthau's classical realism theory, Max Horkheimer's critical theory, and Kimberlé Crenshaw's intersectionality approach to analyze why this mistreatment of refugees persists. These theories also inform the framework for solving this problem.

Discrimination and mistreatment along borders have been consistent in terms of present-day crises and are visible yet ignored. Cathryn Costello (2022) identifies racial discrimination in the field of international human rights law in the article "*(Some) Refugees Welcome: When Is Differentiating Between Refugees Unlawful Discrimination?*" The piece focuses on the differences in treatment based on nationality, which causes the engagement of barring refugee passage based on race. The importance of Article 3 of the 1951 Convention on the Status of Refugees is also highlighted, which requires states to "apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin." This guides the interpretation of international human rights norms, supporting the examination of why the global refugee regime treats certain refugees differently.

Harriet Gray and Anja Franck (2019) open the discussion about the racialized and gendered grids of intelligibility that make securitizing—the process by which states determine threats to national security based on subjective rather than objective assessments of perceived danger—moves possible in the context of migration. Specifically, they suggest that during the EU refugee crisis, the process of framing migration as a security issue was built upon combined representations of racialized threat and vulnerability. This means that migration during the EU refugee crisis was not just about addressing legitimate security concerns but was also influenced

by deeply ingrained racial and gender perceptions that reflect historical patterns of oppression. Their research includes published pieces in British newspapers between September 2015 and March 2016 that advance understanding of the narratives through which the refugee crisis has been understood. In highlighting the naturalized inequalities, the article also contributes to the literature that seeks to improve the understanding of power to securitization theory. This piece is useful in the research because of its position on examining not only the racialized differences but the sexualized differences within refugees crossing borders as well.

Considering the racialized trend, Amie Ferris-Rotman and Natalie Keyssar (2022) write about the racism that Ukrainian refugees of different origin are facing along the borders of countries like Poland. They detail stories of some refugees and their personal anecdotes about the experiences of fleeing Ukraine, only to be met with more prejudice. For example, in an interview with *The Guardian*, a 24-year-old medical student from Kenya said she spent hours waiting for Ukrainian border guards to let her enter Poland because they were prioritizing Ukrainian nationals. After eventually crossing the border, she boarded a free bus organized by an NGO, but the hotel she arrived at refused to take her and her Kenyan friends in, even after she offered to pay for a room. Ghana, South Africa and the Ivory Coast are also among the growing number of African countries seeking to evacuate their citizens in response to reports of discrimination and violence that have sparked widespread outrage and heartbreak in the face of the invasion. The racist rhetoric communicated to refugees highlights the backward and unfair treatment that is forcing POC refugees back toward unsafe territory. This goes together with Char Adams' (2022) article, "*African Immigrant Advocates Point to 'Double Standard' as Ukrainians Receive U.S. Relief*," as it focuses on the racial bias and underlying double standards for accepting refugees in the United States. It discusses the difference between the reception of Black and African

immigrants compared to those who are white and fleeing the current conflict in Ukraine. Voices from those interviewed speak about the racial disparities presented. The inequities that have come to a head in response to the war in Ukraine leave African refugees to wonder how fair and humane the U.S., and even countries in Europe, are in their attitudes towards those fleeing war or famine.

### ***Classical Realism***

In IR theory, classical realism emphasizes the importance of power in explaining state behavior. Classical realists argue that states are primarily concerned with their survival and security and will act in ways they believe will achieve these goals. Refugee crises and the corresponding discrimination of refugees are complex issues, but classical realism can offer some insights into how they arise and why they are challenging to resolve. Joshua S. Goldstein and Jon C. Pevehouse (2014) discuss this theory, describing realism as “[a] school of thought that explains international relations in terms of power” (Goldstein 43) and heavily relies on it being a “state of nature” within a state.

Realists argue that refugee crises are often caused by conflicts between states, either directly or indirectly. They also argue that the actions of states can exacerbate refugee crises. For example, some states have been reluctant to accept refugees or have made it difficult for refugees to enter their territory. This can lead to large refugee camps forming in neighboring countries, which can strain resources and lead to tensions between the refugees and the local populations. Additionally, they argue that discrimination against refugees is often rooted in concerns about security and national identity. This idea suggests that some people fear refugees will pose a threat to their country’s security, either because they are seen as potential threats or because they are seen as a strain on resources. Eva Dissanayake (2021) expands on this in “*The European Union*

*Refugee Crisis through the Theoretical Lens of International Relations*” with their understanding of realism,

“Realist theories share a set of core assumptions - statism, survival, and self-help, which claim that states are the pre-eminent actors in world politics, and all other actors are of lesser significance and that *State sovereignty* signifies the existence of an independent political community” (Dissanayake 7).

Dissanayake’s piece offers another perspective that realists argue. It supports the idea that this kind of attitude towards refugees is harmful by immediately identifying them as threats to the state’s well-being. Furthermore, classical realists have also argued that discrimination against refugees can be a way for states to maintain their power. For example, a state may use rhetoric about refugees threatening national security to justify stricter immigration controls or increase military spending.

However, it is essential to note that realism is just one IR theory that only partially explains these complex issues. In addition, it is vital to remember that refugees are individuals who have been forced to flee their homes due to conflict or persecution. They deserve to be treated with dignity and respect and should not be discriminated against.

### ***Intersectionality***

An intersectional approach can help better understand the prejudices against “nontraditional” refugees. Intersectionality examines how multiple social identities, such as race, gender, class, and sexual orientation, can interact and compound to create individual experiences of oppression and discrimination. Refugees often face discrimination and marginalization in their countries of origin and in the countries where they seek asylum and resettlement.

Intersectionality is important for understanding the experiences of refugee discrimination since it

recognizes the multiple ways in which refugees can be marginalized and disadvantaged.

Kimberle Crenshaw (1991) elaborates on this,

“Where systems of race, gender, and class domination converge, as they do in the experiences of battered women of color, intervention strategies based solely on the experiences of women who do not share the same class or race backgrounds will be of limited help to women who because of race and class face different obstacles” (Crenshaw 1246).

Crenshaw highlights the crossover of POC and gendered violence as well as targets to refugees in the LGBTQ+ community.

LGBTQ+ refugees often face discrimination and violence when leaving their country of origin. During conflicts, they may face persecution in their countries of origin, and then after, they may even be discriminated against in refugee camps and resettlement countries. This is harmful in many ways; for example, if an individual was “out” in the country they were fleeing but is met with discrimination in a new country, they may have to go back “in the closet” which can cause an inexplicable amount of damage to one’s mental health. An intersectional approach to refugee crises and discrimination is essential for developing effective policies and programs that address the needs of all refugees, regardless of their multiple identities. An intersectional approach can be applied through data collection and analyses, policy and program development, and training and awareness-raising.

### ***Critical Theory***

Finally, critical theory is another theoretical approach to address the discrimination of refugees. Critical theories are essential in research with immigrant and refugee families because they aim to amplify these marginalized voices and share their experiences. Critical researchers actively look for silenced voices and seek to raise them to advocate for these communities.



Because immigrant and refugee groups are often marginalized within their new living environments, it is essential to consider critical approaches and understandings to capture the actual lived experiences of specific refugees. Jaime Ballard and Elizabeth Wieling (2019) highlight this in their book *'Immigrant and Refugee Families,'* by detailing,

“Critical theories offer an important contribution to the conceptualization of immigrant and refugee families. These theories assume that thought is mediated by power relationships, which are both socially and historically constructed. They focus both on the individual’s experience and on how that experience developed through interactions with multiple environments” (Ballard ch. 9.3).

This approach helps identify the experiences that certain refugee groups are going through, bringing to light the pushback and aggression that may be affecting the lives of POC and LGBTQ+ asylum-seekers.

Utilizing Crenshaw’s intersectionality approach, Ferris-Rotman and Keyssar (2022) expand on the racist “acceptance” Poland has taken towards Ukrainian refugees in *“Ukraine’s Refugees of Color Are Facing Racism, Violence.”* This *Time* article documents the racism that Ukrainian refugees of different origins face along the borders of countries like Poland. It details stories of refugees and their personal anecdotes about the experiences of fleeing Ukraine only to be met with more prejudice. This piece further examines the racist rhetoric aimed at refugees, highlighting the backward and unfair treatment that is forcing POC refugees back towards unsafe territory. This language is yet another tool that countries use to alienate refugees further, causing them more isolation. This is also seen in the relationship that the United States has with African and Middle Eastern refugees. Philip Marcelo (2022) touches on this in *“In U.S.’s Welcome to Ukrainians, African Refugees See Racial Bias”* to examine racism in the United States’ response to the war in Ukraine versus wars in Africa. He focuses on the confusion and hurt that Africans seeking asylum have felt in watching the U.S. and others open their arms willingly toward

Ukraine. Marcelo also discusses the racist actions specific departments of the U.S. have participated in during the Cameroon conflict, beginning in 2017, as well as other African disputes—for example, when the Department of Homeland Security declined to respond to the complaints of racism in U.S. immigration policy. It brings attention to the small, not unnoticed, acts that lean towards the selective attitude towards refugees and asylum-seekers.

Following this racist rhetoric, homophobic behavior becomes apparent as well. Aaron Morris (2022), from the U.S.-based LGBTQ-rights group Immigration Equality, describes this as a pattern that has been seen many times before. LGBTQ refugees fleeing from Turkey, Syria, Afghanistan, and Central America historically have been victims of attacks and discrimination. In *“LGBTQ Refugees Fleeing Ukraine Face Discrimination in Countries with Anti-Gay Laws,”* Morris states in an interview,

“Often when they flee through another country in hopes of getting to a place where they will feel safe, they are ostracized. They don’t have the same access to family support, to religious-based support, that other minorities might” (Mazariegos 1).

This calls out the blatant anti-LGBTQ+ laws that refugees face while emphasizing the fact that when they flee through another country in hopes of getting to a place where they will feel safe, they are cast out. They do not have the same support, causing unrest and a disheartened attitude. In addition to other sources gathered, this article bolsters the claims of discrimination based on identity and brings to light the laws and policies that make it difficult for these refugees to indeed find security in a country that is not their own. It also emphasizes the importance of equity in these situations for those asylum-seekers who are already faced with pressures and fear from the countries they are fleeing.

A more classical realism approach can be seen in sources such as Jon Henley’s (2020) *“LGBT Asylum Seekers’ Claims Routinely Rejected in Europe and UK.”* His article covers the

stories and anecdotes of refugees claiming they were rejected at EU and UK borders because they “were not being persecuted enough” to require asylum. It claims that one in three were refused because officials did not believe their sexual orientation or gender identity, and four in ten reported being rejected. Decision-makers did not consider their status as persecuted or at risk of persecution in their home country, while more than a third felt interviewers did not listen to their story or ask the right questions (Henley 1). This treatment of disbelief and overall inequity harms the identities of those seeking refuge and forces them to believe there is no end in sight. Moira Dustin, who led the UK part of the university’s four-year SOGICA (Sexual Orientation and Gender Identity Claims of Asylum) project commented in an interview with Henley, “These findings of course sit within a broader picture of the ‘hostile environment’ to immigration” (Henley 1). This statement supports my argument, demonstrating the narrowing experiences of refugees in relation to the state and the safety and well-being of the state regarding foreign relations. Ultimately, these sources illustrate the use of these IR theories as an excuse for the actions taken against displaced persons. This rhetoric of using international relations theories is harmful to the continued fleeing of individuals as physical and mental violence will persist without repercussions because these actions are “validated” by international theories.

## CHAPTER 2: METHODOLOGY

My research explores the discrimination and inequity refugees and asylum-seekers face when fleeing their country of origin, specifically within Poland, the United States, and the United Kingdom. I focus on gathering distinct, targeted treatment POC and LGBTQ+ refugees have received amidst fleeing from their home countries. In this research, I use a variety of sources, including published interviews, narratives, and legal policies to gain an in-depth understanding of the impact that discrimination along global borders has during times of unrest. Each piece of literature and data has a unique individual perspective on the discriminatory attitude a specific country's border policies have on the lives of refugees and immigrants.

I use an exploratory sequential qualitative approach to study refugees' experiences and understand their perceptions of discrimination. This method allows me to gather nuanced data to capture the complexities of refugees' experiences. For example, a qualitative interview approach can provide refugees a safe and supportive space to share their stories. At the same time, focus groups can help researchers identify common themes and patterns in their experiences. Explicitly focusing on others' ethnographies and narrative work analyses integrates different types of sociologies, humanities, and politics surrounding the chosen argument. The layout integrates with an inductive style (looking at individual meaning to explain a situation) and incorporates case studies (looking at specific places, stories, etc.).

Furthermore, I include a transformative, embedded approach to the research, drawing from a social justice framework. Throughout my research, I apply a sequential method that provides a philosophical framework that focuses on ethics in terms of cultural responsiveness within my case studies. My sources have a combined accumulation of diversity regarding continued prejudice along borders and a call for action and possible solutions. Applying this

methodology to each source allows for a collection of detailed and nuanced data and an understanding of how refugees are discriminated against, the impact that this discrimination has on their lives, and the lived experiences they share. It is also used to generate new discrimination theories and advocate for refugees. The diverse collection allows for a proper understanding of the experiences of POC and LGBTQ+ refugees along “refuge” borders. This documentation of aggressive events towards these individuals provides a voice that urges a reassessment of border policies and the “welcoming attitude” these countries have towards asylum-seekers. Furthermore, this unique perspective utilizes a critical position in examining the inequalities occurring along borders based on race and sexual orientation.

### ***Case Study Selection***

Through this research, I uncover how specific POC and LGBTQ+ individuals are received and treated after fleeing their country of origin and being stopped in “open-door” states. The case study states selected for this project are Poland, the U.S., and the UK. I examine instances’ social and ethical impacts, explicitly focusing on the double-standard attitude of said “open-door” countries. These states highlight different but similar accounts of discrimination and mistreatment of asylum-seekers along their borders in terms of recent bills and policies that have been proposed/implemented as well as even critical political elections.

Poland, for example, focuses on race and the alienation of migrants within and along its borders. Poland has a long history of complex and often conflicting attitudes towards immigration. Despite being a major destination for refugees and displaced persons, the country’s current policies are relatively restrictive and favor skilled workers over refugees and asylum-seekers. This has led to criticism from human rights groups, who argue that Poland is not

doing enough to help those in need. However, this has become more apparent in global politics, as they reached a pivotal election year in 2023 with a surprising outcome.

Shifting focus across the Atlantic, the U.S. is also dealing with persistent persecution in its refusal to revise and get rid of a COVID-19 policy put in place to stop the spread of the virus. This policy has further validated racist and xenophobic rhetoric towards asylum-seekers fleeing South America and Mexico. While the country was built on the idea of being a melting pot of cultures, it has also seen periods of exclusion and discrimination against specific groups while also partaking in a long history of border security and enforcement measures.

Finally, I assess the UK and its claims of “invalid” reasons for immigration, as well as its history of being intolerant and discriminatory in accepting refugees. The UK has a long history of colonialism and empire-building, which has shaped its attitude toward immigration. The country has become more diverse in recent years, but there has also been a rise in anti-immigrant sentiment, particularly since the Brexit referendum on June 23<sup>rd</sup>, 2016. Like the other countries mentioned previously, the UK’s immigration policies are becoming increasingly restrictive, focusing on reducing net migration. This has made it more difficult for people to immigrate to the UK, particularly those with low skills or who do not speak English. I choose to examine specific moments and language, and while there are other issues within these case studies, I am highlighting more particular pieces of it, as the policies and language used are more problematic. The following section addresses these countries and their actions and reactions to refugees, focusing on the impact this has created for POC and LGBTQ+ asylum-seekers.

## CHAPTER 3: POLAND AND ITS EASTERN BORDERS IN THE WAKE OF THE RUSSIA-UKRAINE CONFLICT

### *Section 1: Recent Election Uncovers Harmful Immigration Rhetoric*

Poland has a long history of discrimination and marginalization that has led to the current political environment its people live in today, fresh out of a pivotal parliamentary election. The election, which took place on October 15<sup>th</sup>, 2023, resulted in Poland's opposition parties winning enough seats to take power from the Law and Justice (PiS) party, which has ruled the country since 2015. The final count had PiS with 35.4%, followed by the centrist Civic Coalition at 30.7%, the center-right Third Way at 14.4%, the Left at 8.6% and the far-right Confederation at 7.2%. But why is this important? The results were predicted to have significant consequences for the country during its ongoing border tensions with Belarus and the war in Ukraine. PiS chose irregular migration as the main polarizing campaign issue. They even held a national referendum on the same day of the election, where voters were asked, among other questions, if they wanted to accept "thousands of illegal immigrants." Lydia Gall (2023), author for the Human Rights Watch, states,

"Xenophobic rhetoric, including around migrants crossing the border from Belarus, has been at the core of the ruling Law and Justice party's political messaging, so it is of little surprise that the party organized the referendum for the day of national elections" (Gall 1).

Younger voters have pushed against this polarization, hoping to dismantle their parliament's discriminatory attitude toward these borders.

The outcome ultimately led to former Prime Minister Donald Tusk becoming the leader of the Civic Coalition, which is believed to be a significant shift for the Polish government. As the former president of the European Council, Tusk is deeply pro-EU. He has promised to

reverse many of PiS's policies on judicial independence, media freedom, and lack of respect for the rule of law. That would please many EU institutions, where officials are keen on restoring liberal democratic principles in Poland (Matthijs 1). Poland's oldest human rights organization, the Helsinki Foundation for Human Rights, views the change in government as a chance to "clean up the messes" made by PiS, who have been repeatedly accused of democratic backsliding and politicizing the courts (Kassam 1). This also means that the ongoing nightmare for Poland's LGBTQ+ community is close to ending. The election ignited hopes among campaigners and human rights defenders who have been continuously forced to set aside the push for progress and instead reckon with the government's demonization of LGBTQ+ people, migrants and refugees. But, while this is a significant win for the people of Poland, there is still the question of how border conflicts will be handled down the line. Undoing legislation created by PiS would involve a combination of legal, political, and social processes. This includes legal reforms, political mobilization, public awareness and education, and judicial remedies. There are many steps needed to completely reform the attitude towards migrants and refugees from individuals living in Poland, which makes it difficult to adequately address the ongoing refugee crisis in the wake of the Russia-Ukraine conflict.

For the Ocalenie Foundation, a Polish NGO that helps refugees and migrants build a new life in Poland, the election results came as a welcome surprise. But many board members are still hesitant about this "win." Much of the hesitation comes down to the previously mentioned election campaign during which PiS sought to convince voters it could protect Poland from an "invasion" of refugees. Surprisingly, Tusk struck a similar tone, stoking fears about Muslim migration as he sought to woo voters. This ultimately caused worry that the situation along the Poland-Belarus border would not change. Ashifa Kassam (2023) writes,



“Since 2021, the situation on the border has been dire as thousands of asylum seekers from Syria, Afghanistan and other countries have found themselves trapped in one of Europe’s last primeval forests, with no food or shelter to protect them when temperatures begin to plunge” (Kassam 1).

Organizations such as Amnesty International and the UN refugee agency have accused Poland of breaking international law by pushing the migrants back to Belarus rather than allowing them to apply for asylum in Poland. Human rights activists have also accused Poland of mistreating migrants seeking access from Belarus, saying thousands have sought their protection after crossing the border.

Next, we shift our attention to migrants who are not white, cis-presenting, or heterosexual. As previously discussed, Ferris-Rotman and Keyssar (2022) write on the racism that Ukrainian refugees of different countries of origin are facing along the border of Poland. The racist rhetoric continuously being conveyed to refugees demonstrates the backward and unfair treatment that is forcing POC refugees back towards unsafe conditions. This disparate treatment is slowly coming to the attention of human rights organizations worldwide as they notice that white refugees from Ukraine have been welcomed with open arms and granted more accessible access to asylum, highlighting a stark contrast in Poland’s treatment of different refugee groups. This discrepancy has sparked accusations of discrimination and racism based on nationality and ethnicity, including verbal abuse and racial profiling. This creates a hostile environment and further hinders these communities’ ability to access asylum. Several human rights organizations have condemned the Polish government’s actions and called for an end to pushbacks and better protection for refugees. The EU has also criticized Poland’s policies and threatened legal action if the violations continue, which makes the 2023 election a crucial win for the Polish government. With Tusk in place as an EU supporter, Polish human rights activists are looking for

more agreeable policies regarding the acceptance of refugees within these marginalized communities. However, the situation has not changed.

### ***Section 2: Poland's Current Position on Asylum-Seekers***

Poland's individual asylum policy is vague, leaning into the subjectivity of interpretation. Various factors can influence this, including domestic political considerations, EU regulations, and global migration trends. Poland is a part of the EU's Central and Eastern European zone when it comes to migration and asylum. This means that these countries have a shared responsibility to welcome asylum-seekers, ensuring that they are treated fairly and their case is examined following proper standards. However, Poland's approach to migration has evolved over the years and can be characterized by a combination of restrictive measures and selective admission policies. For instance, Poland primarily focuses on attracting skilled workers to address labor shortages in specific places within its economy—such as IT, healthcare, and construction. The government has implemented various selective programs to filter the entry of skilled migrants, which includes the Blue Card scheme for highly qualified non-EU workers. This type of residence and work permit is designed to attract skilled non-EU nationals to work and live in Poland. It is similar to the EU Blue Card, a standardized residence and work permit issued by EU member states for the same targeted group of individuals. To qualify for a Blue Card in Poland, applicants must meet specific criteria, including having a higher education diploma or equivalent qualification, a job offer or binding job contract with a Polish employer for at least one year, and a minimum salary threshold set by the Polish government. While this provides opportunities for “qualified” individuals to live and work in Poland, it leaves certain groups stranded.

Poland's Blue Card scheme, which is designed to attract skilled non-EU nationals to work and live in the country, is not inherently discriminatory against LGBTQ+ individuals or POC refugees. The criteria for the Blue Card scheme typically focus on factors such as education, employment, and salary, rather than characteristics like sexual orientation or ethnicity. However the broader migration policies and social attitudes in Poland can pose challenges for LGBTQ+ individuals and POC refugees. Poland has faced criticism for its treatment of queer individuals, including government policies and public discourse that are hostile and discriminatory. Additionally, there have been concerns raised about racism and xenophobia in Polish society, which can also affect the experiences of POC refugees and migrants. In this context, LGBTQ+ individuals and POC refugees in Poland may encounter challenges related to social acceptance, discrimination, and access to support services. These challenges can extend to various aspects of life, including employment, housing, healthcare, and legal protection. So, while the Blue Card scheme itself is not directly targeted at LGBTQ+ individuals or POC refugees, the broader social and political environment in Poland may create difficulties for marginalized groups.

Furthermore, Poland's approach to asylum-seekers and refugees has been documented as more restrictive compared to some other EU countries. Many refugees have documented Germany, France, and Spain as destinations with better societal conditions. As a result, the government has faced criticism for its limited acceptance of asylum-seekers and its reluctance to participate in EU-wide refugee relocation programs. Poland has "prioritized" border security and has taken measures to strengthen its borders in response to migration flows from the Middle East and Africa. Immigration remains a contentious issue in Polish politics and society, with debates often focusing on national identity, cultural preservation, and security concerns. As observed in the previous section, some political parties and groups advocate for stricter immigration controls

and emphasize protecting Poland's cultural and national heritage. Poland's current refugee policy reflects a balance between addressing economic needs, upholding security interests, and navigating the broader political dynamics within the EU and domestic politics.

### ***Section 3: What Does the Future Look Like?***

Organizations like the United Nations High Commissioner for Refugees (UNHCR) and various NGOs provide humanitarian aid to refugees trapped at the border. Still, access to this assistance remains limited due to restrictions imposed by Polish and Belarusian authorities. Revising Poland's attitude towards POC and LGBTQ+ refugees involves addressing these complex social, political, and economic factors. A more inclusive and humane approach would take some reform. They could begin by implementing policy reforms to create a more streamlined and humane asylum process. This could include improving access to legal representation for asylum-seekers, reducing processing times for asylum applications, and ensuring fair and transparent decision-making procedures. They would also need to invest in integration programs and support services to help facilitate the social and economic integration of refugees and asylum-seekers. This involves providing language classes, cultural programs, and job placement assistance to help adapt to life in Poland.

In a more internal approach, the country and its people should be open to promoting diversity and inclusion within society through public awareness campaigns, education, and cultural exchange programs. Encouraging communication and understanding between different communities can help combat these harmful stereotypes, prejudice, and discrimination. Strengthening partnerships with NGOs, humanitarian aid groups, and grassroots initiatives that advocate for refugee rights and provide support to vulnerable populations is another way that Poland can improve its relationship with queer and POC refugees. Collaboration with these

organizations can enhance the effectiveness of refugee assistance programs and ensure their needs are met. This also includes engaging with international organizations, such as the UNHCR and the EU, to coordinate efforts and share best practices in refugee protection and integration.

Ultimately, Donald Tusk and the Parliament must focus on supporting efforts to address the root causes of forced displacement. By addressing these underlying factors, Poland can create conditions that allow individuals to feel safer and more supported when settling into a new country. Implementing these revisions requires a comprehensive and collaborative approach involving government agencies, humanitarian aid organizations, and the broader global community. By working together to uphold values and respect for fundamental human rights, Poland can create a more inclusive and welcoming environment for POC and LGBTQ+ asylum-seekers.

## **CHAPTER 4: THE UNITED STATES USES COVID-19 RHETORIC IN DENYING SOUTH AMERICAN ASYLUM-SEEKERS**

The United States has a tumultuous history with its immigration policies and the acceptance of refugees. The continued effects of the COVID-19 pandemic (2020) have only worsened the intolerant attitude that the government and people present toward its borders, specifically its border with Mexico. This is explicitly due to the two policies implemented by the administration of former President Donald Trump—the Migrant Protection Protocols and the Title 42 border expulsion policy—that continue to be used under President Joe Biden’s administration to block access to the asylum system for most people who try to cross into the U.S. to seek safety.

According to the U.S. Department of Homeland Security (DHS), the 2019 Migrant Protection Protocols (MPP) are a U.S. government action whereby certain foreign individuals entering or seeking admission to the U.S. from Mexico may be returned to Mexico and wait outside of the U.S. for the duration of their immigration proceedings. Mexico will supposedly provide them all with appropriate humanitarian protections—be it protection from physical threats or access to asylum procedures—for the duration of their stay. And while this is the expectation from the instructions of the protocols, the follow-through is not entirely up to par. For example, the US’s asylum restrictions, detention and family separation, and limited resettlement opportunities have failed to achieve appropriate protections for these individuals and their families. This targets people at a greater risk of harm, especially in Mexico, because of their conditions or identities, including gender identity or expression, disability, and age, who should be entitled to an exception from expulsion (Juárez 1). Despite a recognition by the DHS that LGBTQ+ individuals may face “increased risk of harm in Mexico due to their sexual

orientation or gender identity,” there have been many documented cases in which border officials returned LGBTQ+ asylum-seekers, including those with HIV, to Mexico.

### ***Section 1: Title 42 Policy***

Consecutively, the 2020 Title 42 border expulsion policy is a COVID-19 era policy that allows the U.S. Border Patrol and U.S. Customs and Border Protection to prohibit the entry of persons who “potentially pose a health risk by being subject to previously announced travel restrictions” or by unlawfully entering the country to bypass health-screening measures. And although the Biden administration moved to terminate Title 42, the program had to be kept in place during litigation following many federal suits. For instance, a Trump-appointed federal district court judge in the Western District of Louisiana temporarily blocked the Biden administration from ending the policy in May 2022, forcing the administration to keep Title 42 in place. The following year was a back-and-forth legal battle that ended after the Biden administration announced the public health emergency would expire on May 11<sup>th</sup>, 2023. However, there is no evidence that these asylum-seekers posed any public health threat to the United States, and the policy cannot be justified under these parameters. Judge Emmet Sullivan of the U.S. District Court in Washington, D.C., argued that,

“It is unreasonable for the CDC to assume that it can ignore the consequences of any actions it chooses to take in the pursuit of fulfilling its goals, particularly when those actions included the extraordinary decision to suspend the codified procedural and substantive rights of noncitizens seeking safe harbor” (Garcia 1).

There were many additional arguments surrounding the termination of this policy. One was that the courts found that the Biden Administration had not followed the proper procedures for ending the policy. Another reason was that the courts found that the potential harms of ending the policy had not been adequately considered. And finally, some courts believed that Biden’s

justification for ending the policy was not credible. It is important to note that this is a complex issue with various viewpoints, but most of the pushback is stained with a black-and-white view of immigration. Ultimately, the reasoning behind their decision to block ending the policy lies in a long history of anti-immigrant sentiments and discrimination against those specific immigrants who did not fit the image of “American society.”

This policy was created to curb the spread of a pandemic, so why was it being used to persecute South American refugees on the grounds of sexuality? It is outdated in terms of the pandemic, and yet, its effects still ripple along the border, impacting hundreds of thousands of lives. In January 2023, the Biden Administration announced that it would end the public health emergency associated with the COVID-19 pandemic. As previously stated, this meant that enforcement of the immigration restrictions under Title 42 ended on May 11<sup>th</sup>, 2023, but in its place came a new rule called the “Circumvention of Lawful Pathways.”

“The proposed rule created a presumption of asylum ineligibility for individuals who (1) did not apply for and receive a formal denial of protection in a transit country and (2) entered between ports of entry at the southern border or entered at a port of entry without a previously scheduled appointment through the CBPOne mobile application, subject to extremely limited exceptions” (Garcia 1).

This rule became known as the “asylum ban” because it made nearly all asylum-seekers ineligible for protection in the U.S. It has been accused of violating a person’s human right to receive refuge under the 1967 Protocol to the Refugee Convention, which the U.S. ratified in 1968. The 1967 Protocol to the Refugee Convention was an international agreement that removed the temporal and geographic limitations of the original 1951 Refugee Convention. The 1967 Protocol extended the Convention’s coverage, allowing it to apply to all refugees regardless of when or where they fled persecution. The rule requires migrants to use the CBPOne app to schedule appointments, a mobile application that U.S. Customs and Border Protection created



that serves as a single portal to various CBP services. Through guided questions, the app directs users to the appropriate travel or trade services based on their needs. However, the app currently does not allow LGBTQ+ immigrants to indicate that they are particularly vulnerable to violence while waiting at the border due to their sexual orientation or gender identity (Garcia 1).

Additionally, many have found it to be not fully accessible (applications are available in English and Spanish only, languages many of the migrants do not speak), routinely oversubscribed, and often glitchy. In practice, the use of this app has limited who can get access to asylum at the border. These policies have significantly affected members of the LGBTQ+ community, many of whom are also survivors of family violence, sexual violence, stalking, and violence from gangs or drug cartels. They continue to face violence, discrimination, and harassment while waiting in Mexico for an interview through the CBPOne App. This new asylum ban has resulted in many LGBTQ+ refugees being sent back to countries where they run the risk of facing the unthinkable.

## ***Section 2: The Emergency National Security Supplemental Appropriations Act (H.R. 815)***

The fact that the Biden Administration has dismissed concerns regarding the ban demonstrates how the U.S. has fallen short in its commitment to protecting LGBTQ+ people seeking refuge and protection in the United States. This can be and has been harmful to many individuals seeking asylum along the U.S.-Mexico border. Even today, we are experiencing similar anti-immigration rhetoric in Congress as new bills are being proposed. These designed legislations are notably harmful to those trying to seek asylum. For instance, part of what is being discussed in Congress right now contains a new temporary authority, the “Border Emergency Authority,” or the Emergency National Security Supplemental Appropriations Act (H. R. 815), that allows the President and Secretary of Homeland Security to temporarily

prohibit individuals from seeking asylum, with limited exceptions, when the Southwest Border is overwhelmed. The bill was collectively developed by Senators James Lankford (R-Oklahoma), Kyrsten Sinema (I-Arizona), and Chris Murphy (D-Connecticut), and President Biden stated on January 26<sup>th</sup>, 2024, that he would sign the legislation if it were passed by the House and Senate (“Border Security and Asylum Reform” 1). This is a point of contention in the refugee community as it would leave asylum entirely out of reach for those crossing between ports of entry for much of the next three years. Additionally, this bill would modify the screening for asylum from “significant possibility” to “reasonable possibility,” which means they are being more intense with their requirements for a “valid” asylum claim. Those who have fled to the border have already faced near-impossible asylum requirements—especially if they are a part of the LGBTQ+ community—and the “not oppressed enough” requisite. According to the American Immigration Council,

“The bill also expects the U.S. to deter future migration without any significant attention to the root causes of migration, ignoring the issues that have led people in this hemisphere to ever-higher levels of displacement. It also does nothing to support people who are waiting in Mexico for their chance at a CBP One appointment—to come “the right way” for asylum—or who have been deported there from the U.S. The conditions facing migrants in northern Mexico continue to pose humanitarian and security dangers” (“An Analysis of the Senate Border Bill” 1).

Already dealing with the limitations that come with the CBPOne app, this new proposition does not acknowledge those who are currently facing the cruelty of being forced back and ignored along the border.

### ***Section 3: Potential Revisions for H.R. 815***

This ongoing debate has raised concerns within international migration communities like the American Immigration Council, Human Rights First, and other humanitarian rights groups.

This apprehension centers around its potential impact on the equitability of policies and due process rights. While the bill aims to address the perceived flaws and injustices in the current system, critics worry that certain provisions could have unintended consequences and undermine critical priorities related to the rights of refugees and asylum-seekers. At this point in my research, H.R. 815 is still under consideration in the Senate. However, it is crucial to note that the outcome of this decision could change the lives of hundreds of thousands of asylum-seekers. There have been discussions about potential reforms, but the final version of the act and its likelihood of improvement may change.

I take a critical approach to understand this act better and propose an alternative solution. While this bill does not speak to the actual problems at the border—or within the asylum system—there are multiple humane ways that this can be addressed and consequently improved upon for the betterment of the refugee community. Firstly, we must turn to the prospect of investment in processing capacity at and along the border, allowing for a more orderly and humane management system that boosts screening and promptly processes individuals as they arrive. Next, the U.S. would need to support and improve its processing options in the Americas to reduce the pressure that floods the southwest border and work to increase the hosting and protection capacity of other countries in the region to assist people in accessing protection and reduce irregular migration. Getting rid of the CBPOne app is a place to start. Following along, it has been talked about by many refugee rights groups that the U.S. should improve immigration case processing by investing in so-called “immigration courts” and legal representation to improve efficiency, fairness, and reliability so asylum-seekers are not being recycled through the system without correspondence. This specifically would be beneficial to LGBTQ+ refugees who have been deemed “not oppressed enough” along the border regarding their experiences in their

home country and in fleeing. There are also communities along the border and around the U.S. that the government can support through better employment authorization and creating a center for migrant coordination. This would ensure that migrants have access to the communities and potential employers awaiting them and receive the support they need to get their feet on the ground.

Ultimately, it is essential to remember that these options are not mutually exclusive and could be combined or further modified. At length, the best approach to replacing or reforming H.R. 815 depends on a thorough evaluation of all potential benefits and drawbacks, considering factors like efficiency, accountability, and responsiveness to national security needs and the needs of migrants alike. However, like all legislation, reaching a consensus on reform will likely involve balancing different perspectives and priorities. My only hope is that the lives of these asylum-seekers are taken into consideration when deciding what is best for border security.

## **CHAPTER 5: ACCORDING TO THE UNITED KINGDOM, “INTERNATIONAL RULES MAKE IT TOO EASY TO SEEK ASYLUM”**

The United Kingdom has also pushed back at its borders, unjustly claiming that refugees need more cause to be considered “asylum-seekers.” This is becoming a more polarized topic as the British government is due for a general election this coming year. In September of 2023, the country’s home secretary, Suella Braverman, questioned the foundation of modern asylum law during a speech in Washington, D.C. Her statements brought up concern within migrant communities as well as global humanitarian rights organizations in discussion of the UK’s position and how they are handling the global refugee crisis. For example, the UK’s response to various refugee crises, like the Syrian Civil War (2011), has been met with mixed reactions. Compared to other European countries, the UK has resettled a relatively small proportion of Syrian refugees throughout this conflict. This has been attributed to various factors, including concerns about the cost of resettlement and national security anxieties. While many Syrian refugees have integrated into UK society, some have faced challenges such as accessing language training, securing employment, and finding adequate housing. In the past couple of years, the UK implemented new resettlement schemes for refugees from Hong Kong and Ukraine, reflecting a shift in approach to some specific situations. And while this may seem like a step in the right direction, there may be a preference behind their acceptance of refugees from Hong Kong and Ukraine. As a former British colony, Hong Kong has a historical connection to the UK. And as part of the handover agreement to China in 1997, the UK and China agreed to maintain certain rights and freedoms in Hong Kong under the “one country, two systems” framework. This sets up an existing relationship between the countries. In addition, most Ukrainian refugees have a higher acceptance rate, which can be related to their European

heritage. This, however, does not take into consideration the particular experiences that POC and LGBTQ+ refugees are exposed to.

The UK has a long history of discrimination against refugees, filled with racist and hostile rhetoric, causing distrust between asylum-seeking communities and UK citizens. Recent debates surrounding immigration and asylum have intensified, with public opinion becoming more divided. This ultimately led to what we know as Brexit—the UK leaving the EU. Debates on refugee policies showed how divided the general population was, which forced the UK to consider long term implications outside of the EU. On June 23<sup>rd</sup> 2016, the UK held a referendum on its membership of the EU. Eventually, the UK left the EU on January 31<sup>st</sup> 2020 after results showed 51.89% of voters in favor of the split.

This has affected the current political climate for the UK in many ways. For example, the UK government proposed reforms to its asylum and immigration laws following Brexit. These reforms included introducing a new immigration system focused on skilled migrants, tightening asylum eligibility criteria, and implementing measures to deter irregular migration, such as increasing penalties for illegal entry. Additionally, Brexit has led to changes in the UK's engagement with international organizations and partners on refugee issues. The UK's departure has prompted a reevaluation of its role in global refugee response efforts, including its contributions to international refugee resettlement programs and humanitarian assistance initiatives.

POC and LGBTQ+ communities face many challenges when fleeing to the UK. For example, there have been accusations of systemic bias in the UK's refugee resettlement policies—UK Resettlement Schemes (2023) and Indefinite Leave to Remain—with reports suggesting POC and LGBTQ+ refugees face more significant difficulties navigating the asylum

process compared to cisgender, heterosexual, white refugees from Ukraine and other European countries. This includes longer processing times, higher rejection rates, and concerns about inadequate reception conditions. Anti-immigrant sentiment and negative media portrayals can create a hostile environment for POC asylum-seekers, impacting their sense of belonging and integration as well. Experiences of discrimination and racism can compound this.

Similar to how the United States handled COVID-19, the UK introduced immigration policy changes in 2020 to combat the pandemic and support its exit from the EU. The broad reform aimed at ending free movement and introducing a points-based system, took effect on January 1<sup>st</sup>, 2021. This point-based system is a way to control movement by awarding points to potential immigrants based on various criteria. Here is what we know—you need to score enough points to be eligible for a visa, which are awarded based on criteria like your job offer, qualifications, English language ability, and salary. This system aims to attract “highly skilled workers,” and while there are routes for these workers with job offers, students, investors, etc., those who are not deemed eligible face reality—little to no success rate for lower-skilled workers. There are exceptions for social care and seasonal horticulture, but generally the system does not provide a route for lower-skilled jobs. The UNHCR reported on this global skills gap in an attempt to highlight the level of differences and inequality regarding the acceptance of refugees. Not only do they face this obstacle, but they would also need a job offer from a licensed sponsor employer. Why does this matter? Well, the UK’s point-based immigration system does not consider factors like sexual orientation, gender identity, race, or ethnicity. And even though it is not entirely directed at these communities, it can have an indirect negative impact on these groups. For example, since the system prioritizes points for skills and qualifications, it does not consider that refugees may not have the same level of documented

qualifications, especially if they have fled war or persecution. The English language element is also a point of contention. Refugees may struggle to meet this requirement if they have not had access to education or live in a country where English is not spoken. Finally, since many skilled worker visas require a job offer with a licensed sponsor, refugees may find it harder to secure such an offer without established networks in the UK. This system hinders these communities' attempts to seek asylum in the UK.

Additionally, the UK's overall refugee resettlement quotas have been criticized as insufficient, particularly in comparison to other European nations. And while there have been no recent requirements, some previous schemes, such as the Vulnerable Persons Resettlement Scheme, did have quotas. This further restricts opportunities for POC refugees seeking haven in the UK. Diving deeper into the queer perspective, according to advocacy groups like Rainbow Migration, the UK government has a high rate of rejecting asylum claims based on sexual orientation or gender identity—research suggests a rejection rate exceeding 80%. Furthermore, while applying for asylum the burden of proof falls on the applicant, who may have limited documentation or face societal stigma in openly discussing their sexual orientation or gender identity, making it challenging to present sufficient evidence. Even after that, LGBTQ+ refugees often report facing discriminatory attitudes and skepticism from officials during the asylum process. Most of the time, their claims are disbelieved, based on harmful stereotypes rather than factual assessments. Although transgender individuals are generally exempt from detention, other LGBTQ+ refugees may still be detained, further exacerbating their vulnerability. A final concern is the controversial Nationality and Borders Bill passed in 2022. This has since then raised concerns amongst LGBTQ+ rights groups. Provisions that send asylum-seekers deemed



“inadmissible” to a third country for processing have been criticized for deterring them from seeking asylum in the UK.

### ***Section 1: Safety of Rwanda Immigration Bill and Possible Revisions***

We see this more recently with the UK’s five-year agreement to send asylum-seekers to Rwanda, as of the start of 2022. This asylum plan, officially called the Safety of Rwanda (Asylum and Immigration) Bill, makes it so that some asylum-seekers arriving in the UK would be sent to Rwanda, to have their claims processed there. If successful, they could be granted refugee status and allowed to stay; otherwise, they could apply to settle in Rwanda or seek asylum in another “safe third country.” This also means no asylum seeker could apply to return to the UK. However, in November 2023, the UK Supreme Court ruled unanimously that the Rwanda plan was unlawful (“What Is the UK’s Plan to Send Asylum Seekers to Rwanda?” 1). The Court stated that it breaches the European Convention on Human Rights (ECHR), which prohibits torture and inhuman treatment, as well as calling out Rwanda for its questionable human rights record. Presently, the government introduced the Safety of Rwanda Bill in December 2023 to make clear in UK law that Rwanda is a safe country. Their evidence lies in the bill’s ability to meet minimum human rights safeguards. The legislation would have the courts pay no mind to key sections of the Human Rights Act in an attempt to sidestep the Supreme Court’s ruling. This also includes other British laws or international rules—such as the International Refugee Convention—that stand in the way of deportations to Rwanda.

Despite opposition from some Conservative MPs who wanted the legislation to go further, the bill was passed in the House of Commons on January 17<sup>th</sup>, 2024. As of March 1<sup>st</sup>, 2024, the bill is now in the House of Lords, where it has already faced opposition. The House of Lords, the Upper House of Parliament, recently concluded its scrutiny of the Bill. They removed

a clause that would have prevented appeals based on Rwanda's safety record. However, the core principle of designating Rwanda as safe by default remains. Furthermore, international pressure has also played a vital role in the outcome of this bill. The UN and human rights groups (like Amnesty International UK and Human Rights Watch) have condemned the bill, raising concerns about its legality and impact on human rights. The UN rights chief stated that the "UK bill to send asylum-seekers to Rwanda 'undercuts human rights'" ("UK Bill to Send Asylum Seekers to Rwanda" 1).

It is hypothesized that the bill could be passed with revisions, potentially allowing some challenges based on individual circumstances and that the government might face continued legal challenges. And while this plan has many possible outcomes, the bill's future is uncertain. It faces opposition from human rights groups and the UN, who argue that it violates international law, but we will ultimately have to wait and see how the debate unfolds in Parliament. As for revisions to this bill, there are many ways that it can be made more humane and aim towards improving the movement of refugees within the UK. They can start by focusing on processing asylum claims in the UK. This revision could streamline the asylum process in the UK to reduce backlog and wait times. The bill could also be amended to include stronger safeguards and independent monitoring of Rwanda's treatment of asylum-seekers. The legal challenges it poses could also be addressed. This ensures the bill complies with international refugee law and the UK's human rights obligations and includes more explicit guidelines and independent program oversight. Ultimately, they need to explore the alternatives. The bill is intended to deter illegal immigration, but revisions could explore other methods, like increased support for legal immigration routes and working with source countries to address root causes of migration.

## ***Section 2: Suella Braverman's Statements on Asylum-Seekers***

To understand the reasoning behind the Safety of Rwanda bill, we must observe the rhetoric used towards asylum-seekers and how that is affecting the countries' decisions. On September 26<sup>th</sup>, 2023, the former UK Home Secretary, Suella Braverman, questioned the role of the 1951 Geneva Convention at the American Enterprise Institute in Washington D.C. Created after World War II, the 1951 Geneva Convention is an international treaty that established refugee rights and protections. In addition, it aimed to provide sanctuary and support to those fleeing persecution and violence. Braverman questioned the United Nations Refugee Convention by stating that people who faced discrimination for their gender or sexuality should not be granted asylum unless they were "fleeing a real risk of death, torture, oppression or violence" (Lawless 1). The ignorance of that statement alone questions the ability to fully recognize the injustices and experiences of these individuals seeking asylum. Braverman says that the bar for asylum claims had been lowered since the 1951 United Nations Refugee Convention. She also questioned if the "well-intentioned legal conventions and treaties" from decades ago are "fit for our modern age," arguing that "simply being gay, or a woman" should not be grounds for international protection:

"Let me be clear, there are vast swathes of the world where it is extremely difficult to be gay, or to be a woman. Where individuals are being persecuted, it is right that we offer sanctuary. But we will not be able to sustain an asylum system if in effect simply being gay, or a woman, and fearful of discrimination in your country of origin is sufficient to qualify for protection" (Euronews 1).

She uses rhetoric that encourages the idea of the "other" and points to blaming someone else instead of making progress toward fixing the broken asylum system. The danger that this language poses is how the Rwanda Bill came into place. Rather than advocating for better ways

to address this crisis, Braverman and others pointed fingers, saying the current situation is “absurd and untenable.”

To understand this better, we must also look at the facts. According to the Human Dignity Trust, in 12 countries around the world, people can be put to death for being in a same-sex relationship, while in 66 countries, consensual same-sex sexual activity is criminalized (even if it is private). Additionally, according to The International Lesbian, Gay, Bisexual, Trans and Intersex Association the top countries of origin for LGBTQ+ asylum-seekers in the UK are Pakistan, Bangladesh and Nigeria. In all three countries consensual same-sex sexual acts are considered illegal and punishable by life imprisonment and, in some parts of northern Nigeria, by death (Zeffman and Francis 1). This is in direct opposition to the statements Braverman makes about the safety of LGBTQ+ asylum-seekers. As Home Secretary, Braverman was expected to take steps towards implementing better migration policy while taking into consideration the injustices these refugees are being faced with. However, not only did she fail to do so, but she also contradicted her responsibility. Shabia Mantoo of the UNHCR said the convention did not need reform but instead needed “international political will and commitment to abide by the obligations for refugees under the international legal framework” (Zeffman and Francis 1).

Many LGBTQ+ asylum-seekers are non-white and come from previously colonized states, which makes it essential to understand how UK citizenship is based upon Western ideals of presenting as white, cisgender, and heterosexual, in order to move forward. As Braverman’s example shows, the state constructs its identity by creating the “other” that is classified as not following a shared social likeness. Referring to my earlier discussion of classical realism, we can see how the state is acting out of its own concern for its survival and security and acting in a way that it believes will achieve these goals. However, this idea is bolstered by Braverman’s

anti-immigrant sentiments. This is further alienating the community within the UK from those trying to seek asylum. Even those with UK citizenship who are a part of the LGBTQ+ community are hesitant of queer asylum-seekers as they have had a rhetoric forced upon them for being “anti-LGBTQ+” just because of where they are from. Due to this, it has become possible to create policies and bills that are heavily anti-refugee because of the perceived threat that an “unknown other” will enter the state and threaten its culture (Galdeano 4).

In November 2023, Prime Minister Rishi Sunak dismissed Braverman from her position as Home Secretary and appointed James Cleverly as her replacement. Cleverly is a prominent UK politician with African heritage. His mother, Evelyn Suna Cleverly, is from Sierra Leone, while his father, James Philip, is British. Cleverly entered federal leadership in 2015 after winning a seat in the House of Commons representing the parliamentary constituency of Braintree in Essex, a position he still holds. In 2020, he was appointed as the Minister of State for the Middle East and North Africa, and in July 2022, he made history as the first black Briton to serve as Foreign Secretary. Cleverly assumes the role of Home Secretary during a period of increased ideological polarization in the UK and has the opportunity to make serious change after Braverman.

What does this mean in terms of change? Many analysts see Cleverly as less polarizing than Braverman and believe him to be more lenient than his predecessor in dealing with immigration. He has previously stated that his priorities as home secretary will be “protection of the UK,” “stopping the boats” and “supporting our police to keep us safe” (Specia 1). He has even been rumored to be a key backer of the Rwanda plan. All of these fall in line with government goals. However, Cleverly has also spoken out against the use of a former military barracks in Essex, to house asylum-seekers, something that Braverman had backed. He stated

that the site “wasn’t appropriate for asylum accommodations” due to its remoteness and limited access to transportation (Syal and Adu 1). Ultimately, it’s hard to know what to expect in terms of Cleverly’s appointment as Home Secretary, we can only wait and see which way he leans and hope that he learns from Braverman’s mistakes.

### ***Section 3: Potential Reforms to Understanding the Situation***

While Braverman and others may believe that queer asylum-seekers pose a threat to the state, there are other ways to approach and address this crisis. First, there needs to be a combatting of misinformation that is spread. As we’ve observed, public anxieties around immigration can be fueled by this. Efforts to promote understanding of the refugee experience and the benefits of immigration can help foster a more welcoming environment for those seeking asylum. Another critical area is creating safer routes for refugees to enter the UK. This could involve expanding family reunion programs or offering more resettlement opportunities. Currently, most refugees come through dangerous routes, and resettlement quotas are limited. Once refugees arrive, supporting their integration into British society is also crucial. Improving the “points system” would be a start on reworking the opportunities for those refugees who are considered “not qualified enough.” This could involve providing language classes, job training, and assistance with finding housing. Ultimately, the refugee crisis is a global problem; and no single country can solve it alone. Addressing the root causes of displacement, like war and poverty, requires an international effort.

## CONCLUSION

After considering these exclusionary practices and protocols, why are immigrants still choosing these countries to settle in? If they are faced with this much resistance, why continue going there? From the research and testimonies of refugees, the perceived benefits of these countries draw in asylum-seekers despite facing challenges and hostilities once they arrive. These countries often offer better economic opportunities than those of refugees' origin. Countries like Poland, the US and the UK also have educational institutions and healthcare systems that may attract asylum-seekers to access quality education and healthcare for themselves and their families.

Despite instances of prejudices, these countries generally have strong legal systems and protections for individuals' rights, which may be greater in security and stability than their country of origin. However, for some, these countries might be perceived as the best available option among limited choices. Factors such as visa restrictions, geopolitical circumstances, or economic conditions in neighboring countries may push asylum-seekers to choose these destinations despite potential challenges. Ultimately, the perceived benefits and opportunities offered by countries like Poland, the US, and the UK outweigh these challenges, leading many to seek settlement in these places.

By examining these case studies, we learn valuable lessons about the dangers of mass prejudice in international asylum policies, explicitly for those who are POC and LGBTQ+. We also learn about the importance of promoting tolerance and understanding between different groups of people. These case studies highlight how certain asylum policies and practices can perpetuate prejudice and discrimination against certain groups. Recognizing these biases is crucial in addressing systemic inequalities within immigration systems. Lessons from these case

studies underscore the importance of implementing inclusive asylum policies that consider the diverse needs and experiences of all individuals, regardless of race, ethnicity, sexual orientation, or gender identity. Policies should aim to protect the rights and dignity of all refugees.

Future researchers might include how a better understanding and a basic empathetic response are essential to fostering tolerance and acceptance among people. This can be addressed through a more liberalist theoretical lens. Education and awareness-raising initiatives can help promote this understanding of diverse backgrounds and experiences, reducing prejudice and fostering a more inclusive society. Additionally, by amplifying the voices of marginalized communities and advocating for policy reforms, individuals and organizations can work towards creating more equitable immigration systems. This, in turn, will foster global solidarity among activists, policymakers, and communities working towards advancing refugee rights. Examining these specific countries and their use of policies and languages can promote tolerance, understanding, and social justice within global immigration systems and society.

In the end, understanding the prejudices against POC and LGBTQ+ refugees remain crucial in recognizing the backward policies and treatment that are more prevalent in global politics today. Theories and experiences of POC and LGBTQ+ communities have been instrumental in shaping policies as they highlight the unique challenges faced by these communities. This knowledge is vital for upholding human rights, developing humane refugee policies, mitigating harm, promoting diversity and inclusion, empowering marginalized communities, and fostering global solidarity. However, while progress has been made, there is still much work to be done to ensure that states adequately address the intersecting identities and experiences of queer and POC individuals. This requires ongoing dialogue, advocacy, and collaboration between policymakers, advocacy groups, and affected communities.



Our day-to-day actions continuously influence the future. To grow towards a more evolved state response, societal attitudes and foreign policy must change. It is essential to acknowledge that change often happens gradually and may face resistance. However, there are reasons for optimism, as more people become aware of the prejudices and injustices facing POC and LGBTQ+ communities and are committed to working towards positive change within the global sphere. With continued effort and commitment, there is the potential to create a more just and equitable society where all refugees are valued and treated with dignity and respect.

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