

Political asylum outline



Political Asylum Purpose: To explain the concept of political asylum and give examples of cases.

I. Background

A. Definition

1. Right to seek shelter somewhere if one has reasonable fear of persecution.
2. Asylum = individual who seeks official protection to remain in the country vs illegal immigrants

B. Development

1. Created by the Greeks
 - a. To protect abused slaves.
 - b. Also to house fugitives from other city-states.
2. Adapted by the Christian Church
 - a. Asylum given to anyone in church, or in bishop's house.
 - b. Churches were now designated as places of sanctuary..." (Dunne 117)

C. Modern

1. UN guides national legislation.
 - a. 1951 Convention Relating to Status of Refugees Protected grounds: race, nationality, religion, political opinions, sexual orientation and membership/participation in social group.
 - b. Universal Declaration of Human Rights: " Everyone has the right to seek and to enjoy in other countries asylum from persecution...this right may not be invoked in the case of prosecutions genuinely arising from non political crimes..." (Dunne 123).
2. Political Tool . Can lead to tensions between nations.
 - b. Granting asylum implies accusing the other country of illegally persecuting its citizens.
 - c. Cuba v. United States
3. Extradition
 - a. "...the mainly executive but also partly judicial whereby an escapee is denied asylum...and surrendered by one sovereign power to another for trial and punishment of criminal offenses" (Dunne 119).
 - b. Julian Assange facing rape charges in Sweden, but currently being held in UK. UK has ordered extradition to Sweden, which he is appealing.

II. Modern Cases

A. Cuba

1. Political Liberties
 - a. Many individuals seek political freedom and a democratic form of government" (Cuban Immigration to the United States).
 - b. " Individuals living in Cuba who are against the Castro regime are not free to express themselves and their lives may be threatened if they dare to speak out or to

assemble anti-Castro groups in their homeland” (Cuban Immigration to the United States). 2. Wet feet dry feet policy a. Cuban caught in waters is sent home/elsewhere. Cuban caught on shore stays in USA. b. Very controversial because of tactics used to prevent Cubans from reaching the shores. . Elian Gonzalez Affair a. Mother left with Elian to USA w/o consent of father, but drowned. He was found in the waters and given to grandparents in Miami (violating above policy). Custody battle. 11th US Circuit Court of Appeals ruled Elian too young to apply for asylum, extended relatives had no legal standing so only father can. Also in no likelihood of persecution or torture if returned to Cuba. Returned to Cuba in 2000. Supreme Court declined to review the case. b. Very famous case, which led to the issue of political asylum being highly publicized.

B. Europe Union 1. Serbian Nationals a. Claim ethnic persecution since they are Romani. “ Nearly 18, 000 Serbian nationals sought political protection in the EU last year” (Pignal). b. Resulted in EU trying to instate border patrols to prevent too much influx. 2. North Africa a. > 30, 000 Tunisians since February have reached European shores. b. Libyans have also attempted to escape to Italy by claiming political persecution due to the civil war. c. Arab Revolutions causing them to tighten restrictions, particularly in Spain and Italy.