



BORDERS AND RIGHTS: LEGAL CHALLENGES FACING REFUGEES AND MIGRANTS IN 2025

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INTRODUCTION

“Every day, globally, people make one of the hardest decisions in their lives, to leave their uprooted Country in hope of a secure, better life.”

Many people, as migrants and refugees, leave home to access opportunities or better educational conditions, while others are forced to cross borders because of human rights infringements such as harassment. Millions of people left because of armed rebellions or other internal crises such as poverty, forced labour, natural disaster or violence. Some no longer feel safe and secure as they have been targeted because of who they are or what they do or believe – for example, for their job, caste, ethnicity, religion, place of birth, sexuality,¹ etc. As of 2025, there are an estimated 122.6 lakhs people globally who are forcibly displaced, including 36.4 million refugees, 62 lakh internally displaced people, and 6.08 lakhs are seeking asylum. Additionally, there are 3 crore global migrants, In Eritrea an estimated 559,000 people currently left the country till 2025, Central African Republic despite violence decreasing majorly in 2021 and several thousand Central Africans returning home in the first half of 2024 till now in 2025, there are still over 754,000 civilians confirmed as migrants and refugees. The people are not the issue; rather, the causes that force families and individuals to cross the borders and the unreal ways that politicians and the Government deal with them are the problem. Refugees and migrants' rights are somewhat protected by international law via conventions and human rights, but still, they face many legal obstacles, including difficulties such as pushbacks, torture, discrimination, etc. These challenges are exacerbated by factors like language differentiation, limited economic resources, and discrimination.

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¹ Amnesty International, 'Refugees, Asylum Seekers And Migrants' (28 November 2016) <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/> accessed 12 June 2025

THE GLOBAL LEGAL FRAMEWORK GOVERNING BORDERS AND REFUGEE RIGHTS

International and public legal laws provide the basis to cover the rights of deportees and settlers by the countries and philanthropic agencies:

- Under International Laws on Refugees and Migrants;
- Under International Human Rights Laws;
- Under International Humanitarian Laws;
- Under National Laws

Under International Laws on Refugees and Migrants: The agreement referring to the definition of migrants and refugees of July 1951 unites ideas on which the governance in the worldwide safety of migrants and refugees is based. Set up of the primary rights of migrants and refugees in addition to remedies entitled by the U.S.A. of sanctum. In 1967, the convention was strengthened by way of a Protocol that made the provisions of the 1951 convention applicable to a broader range of exile conditions. The 1967 Protocol eliminates the geographic and time limitations written into the 1951 Refugee conference, which had correctly limited the scope of worldwide exile safety to refugees in Europe during the Second World War. The 1951 Refugee Convention and its 1967 Protocol contain the subsequent introductory safety standards:

- Refugees can no longer go back to a rustic in which existence or liberty, and freedom cannot be found.
- Refugees can be kicked out of a nation of asylum if their existence poses a significant issue to localities' protection and safety or public order.
- No discrimination in the safety provided to every person of every age and gender due to their race, faith, country, etc.
- Deportees should not be punished for entering a nation immorally so long as they prove their presence acknowledged to the government, except for detention.

- Due to the fact that guarding displaced and refugees is a humanitarian initiative, it should not lead to international conflict. They should work with governments to protect migrants and refugees.
- The conference of 1951 on Refugees additionally proposes the problems of the right of refugees to documentation and enlisting, get right of entry to work, public schooling, access to courts and justice, freedom to move freely in any nation-state, freedom to exercise their religious beliefs and religion and many others.²

The UN's Children's Fund: Half of the total percentage of the global refugees are youngsters, are internally displaced, and others challenge to governing authorities. UNICEF works in collaboration with UNHCR to ensure that youngsters are protected in opposition to violence, exploitation, abuse and forget by way of elevating awareness and advancing capacities in unique situations of society and within the government.

The Office of the UN High Commissioner for Human Rights (OHCHR): Workshop on several problems make ensure moral rights: defended and well known. There are two foremost mechanisms installed by the UN that OHCHR follows to make certain that nations respect and recognise moral rights. Duty-grounded ministries are constituted under the United Nations charter to help and respond to human rights violations. Treaty-grounded ministries consist of the exclusive United Kingdom panels evolved to cover the perpetration of the foremost transnational mortal rights contraptions.³

Under International Human Rights Law –

- Worldwide human-interest protection is the basis for migrants and refugees.
- Universal Declaration of Human Rights (UDHR), 1948: Article 14 states that all persons must have the right to have and enjoy asylum from persecution in different nation-states. Article 14 of the regular Declaration of Human Rights of 1948 states that all individuals ought to have the proper to have and enjoy asylum from persecution in nation state.

² UNHCR, The UN Refugee Agency, 'The 1951 Refugee convention and 1967 Protocol'- convention and protocol relating to the status of refugees (28 July 1951)<<https://www.unhcr.org/media/1951-refugee-convention-and-1967-protocol-relating-status-refugees>> accessed 12 June 2025

³ UNHCR & International Protection, 'The Protection Induction Programme Handbook - Chapter 3: The Legal Framework'(1 June 2006)<<https://www.unhcr.org/sites/default/files/legacy-pdf/44b500902.pdf>> accessed 12 June 2025

- To all persons, international human rights are applicable, inculcating they are raised and brought up in two different nations. They are entitled to be treated by standards of international human rights to make sure that they are safe and secure from physical violence and have access to necessities, medical treatment and education, during displacement.
- International human rights law also complements and goes along with international protection, mainly with regard to providing special laws for every person of every age and gender. Their safety regulations are out on the standards established by worldwide human rights legal guidelines.

Under International Humanitarian Law, International Humanitarian Law seeks to limit the effects of military conflict. It establishes the means and methods of war and secures persons who have not or no longer participate in hostilities. The most prominent sources of contemporary international humanitarian law are the four Geneva Conventions of 12 August 1949 and the two Additional Protocols of 8 June 1977. IHL aims to protect all civilians, including refugees, migrants the internally displaced, caught up in military conflict.

Under the National Law of Countries: Making the human rights and refugees-focused laws of each nation is a proficient way to make sure that the rights of refugees are secured, and the nation-states ' national laws inculcate principles of international human rights protection, such as the right not to be detained arbitrarily, the right to life, freedom from torture, etc. They are enforced by national courts.

CHALLENGES AT BORDERS: ACCESS TO ASYLUM AND PROTECTION

Access to asylum and protection is a critical issue at borders worldwide, where refugees and migrants often face significant challenges in seeking safety and protection.

Pushbacks: From January to October 2024, UDHR documented hundreds of pushbacks across Europe, adding to the huge total of more than 50,000 since 2021 to 2025. Many countries carry out the dangerous practices of “pushbacks” and forced returns OF Refugees and Migrants, where they make asylum seekers go away from the border and force them to head back to their uprooted country, without permitting them to apply for refugee status.

Closed Borders: It is crucial to remember that in order to claim their right to seek asylum, people forced to flee should first pass an international border. But many times, countries

close their borders, so people cannot cross and seek asylum. During the rise of the COVID-19 pandemic, many countries closed their borders and restricted entry for public health concerns, deterring people from seeking asylum.

Dangerous Routes: While asking for safety, so many asylum seekers go through dangerous ways and routes, sometimes crossing the desert or the ocean. We often hear in the news about people crossing the Mediterranean Sea. From 2014 till now, more than 25000 people have lost their lives trying to cross the Mediterranean Sea.

Smuggling and Trafficking: In July 2021, United Nations Secretary General Antonio Guterres said that more than half of the 40.3 million victims of human trafficking worldwide are migrants and refugees. It is identified that two of the principal smuggling routes - starting from East, North and West Africa to Europe, and from South America to North America – generate about 6.75 billion dollars a year for criminals.⁴

Detention and Discrimination: Unfortunately, in many countries, asylum seekers are detained for an indefinite span of years or are forced to stay in prison, in harsh conditions, while their case is in process. In Europe, UNHCR and partner organisations recently released a short report condemning the detention of migrant and refugee children across 27 European countries. Even after fleeing from the border, discrimination is still a major challenge for asylum seekers. This leads to host countries being unwelcoming towards asylum seekers, or even worse, cases of harassment. In the context of Ukraine, incidents have been reported of people being turned away or detained due to the colour of their skin.

CASE STUDIES AND ANALYSIS

Soering v. United Kingdom 161 ECHR 1989: is a selection of the ECHR which established that repatriation of the people of Germany to the USA to stand the expenses of capital murder and their implicit exposure to the loss of life row phenomenon violated comprising 3 of the European Convention on Human Rights, making certain the right towards inhuman and degrading remedy. Additionally, to the precedent established by the judgment, the judgment in particular responded within the USA and the Virginia, committing to no

⁴ UNHCR, The UN Refugee Agency, 'Ensuring The Safety Of Asylum Seekers – Background Guide'(March2023)<<https://www.unhcr.org/sites/default/files/2023-03/background-guide-challenge-1-ensuring-the-safety-of-asylum-seekers.pdf>> accessed 12 June 2025

longer pursuing the death penalty against the Germans concerned within the case, and he became in the end extradited to the USA.⁵

Chahal v. United Kingdom 23 EHRR 413, 1996: The court emphasised the abecedarian nature of Composition three in protecting that the prohibition is expressed in absolute terms, regardless of the victim's actions. The ruling, which was based on the *Soering v. The United Kingdom* 1989 case, is regarded as an example of the British government losing a landmark criminal case at the EU Human Rights. The convention's provisions 5 and 4, which ensure a proper judicial examination of the legality of detention, were also found to be in conflict by the court.⁶

S.S. Ors. v Italy, 21660/18, the continued tragedy of migration and displacement by the waterways in the Central Mediterranean, and pending judgment of the ECtHR in the case of increasing common legal challenges. The Committee has established a precedent in the criminal attempts to hold the EU States responsible for the violations of human rights occurring as a result of their poor handling of migrant and relocation flows and their disengagement from their duty to save the lives of such individuals at sea, as required by international law.⁷

CONCLUSION

Even after the ideas laid down by the 1951 Refugee Convention and the ns, the Protocol on refugees and migrants, and the displaced people still suffering to enter into a new country, sometimes, they are dragged into bonded and forced labour, some are kept in custody and tortured inhumanely. Their human rights are violated, and their dignity is hampered. But Many reforms are being made by the landmark cases to uphold and protect human rights, international law, Humanitarian law, and national laws are also working to protect the refugees and migrants and displaced people. The challenges faced by the refugees and migrants or the displaced people, such as discrimination, pushbacks, torture in asylum, detention, human trafficking and even deaths, are still a huge issue until a stricter and substantive reform is uniformly made applicable worldwide. All over the world, there will be 35 million refugees by 2025. They have the right to stay safe and to be protected like other citizens.

⁵ *Soering v. United Kingdom* 161 ECtHR 1989

⁶ *Chahal v. United Kingdom* 23 EHRR 413, 1996

⁷ *S.S. and Others v Italy*- App no 21660/18 (ECtHR, 3 May 2018)