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CANADA'S PERIODICAL ON REFUGEES

# REFUGEE

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## Burden Sharing or Burden Shifting?

### "Irregular" Asylum Seekers: What's All The Fuss?

by James C. Hathaway

In 1985, the Executive Committee of UNHCR noted its concern about "the growing phenomenon of refugees and asylum-seekers who, having found protection in one country, move in an irregular manner to another country ..." (Conclusion No. 36, para. j). At first glance, one might not view this conclusion as objectionable. With all of the millions of refugees in the world, most of who have *no protection*, why should we be concerned about the lot of a bunch of ingrates who, having already found protection, now want to move on in search of greener pastures? Don't we really have better things to do with our time, more important causes to fight for, than the rights of a load of malcontents who are already being adequately protected elsewhere?

In fact, though, there are some very good reasons for us to be concerned about the way that governments have dealt with this issue.

First, the way that the concern is framed is to my mind designed to confuse. "Irregular" asylum-seekers. What's a "reg-

ular" asylum seeker? Why is an "irregular" asylum seeker something negative, something to be concerned about?

The Sub-Committee on International Protection (EC/SCR/40, 1985) makes it clear that these dangerous, "irregular" refugees are in fact only persons who have failed to comply with "structured international efforts to provide appropriate solutions ..." They are people who, sensing themselves to be in jeopardy, dare to take their fates into their own hands and move on "without the prior consent of ... national authorities." Not exactly your hoards of marauding villains, nor

even your garden variety pests. What we are talking about here are rather people who dare to decide for themselves what their own needs are, whether or not they are being met, and who have the audacity to determine their own destinies. In other contexts, we might call such people responsible, self-reliant, or even courageous, but if they are refugees, they are instead "irregular."

The "offence" of moving without authorization is to my mind fairly trivial, at least if there is a good reason that

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