

How has the United Kingdom’s departure from the European Union affected the human rights protections available to asylum seekers?

David Albou-Remme

Abstract

This research paper looks at how the United Kingdom’s exit from the European Union, known as Brexit, changed the ways asylum seekers are protected under human rights law. Brexit was about giving the UK more control over its borders and immigration, but it also affected people who are among the most vulnerable on Earth, asylum seekers. To look into the topic, I focused on two case studies. The first of which is the UK-Rwanda Asylum Agreement, where the British government planned to send asylum seekers to Rwanda instead of letting them stay in the UK. Courts (such as the European Court of Human Rights and the UK’s Supreme Court) quickly ruled this plan unlawful because Rwanda was not considered safe, and it risked breaking Article 3 of the European Convention on Human Rights, which protects people from torture and inhumane treatment. The second example is immigration detention. Unlike other European countries, the UK has no time limit on how long asylum seekers can be held, which can harm their mental health. This violates Article 5, the right to liberty and security. Together, both these examples show how Brexit gave the UK more freedom to change its asylum system, but also made asylum seekers less protected and more vulnerable.

Introduction

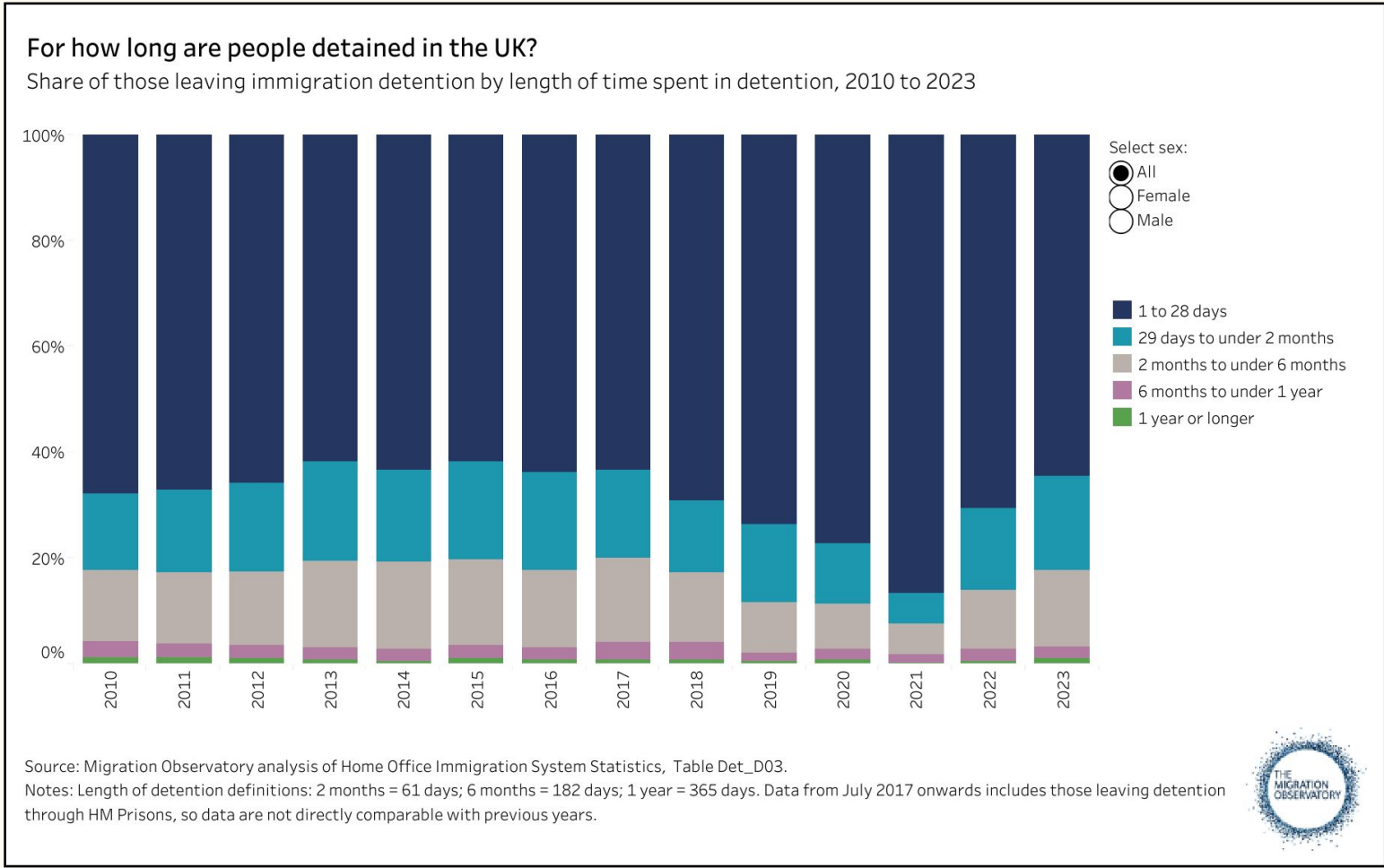
Human rights is a very complex and commonly discussed topic in today's world. It lays the foundations to the rights that every person should have. However, states do not always consistently apply laws as prescribed by human rights conventions that they are signatory to. An example of this is the rights of migrants, specifically asylum seekers being undermined and threatened. There have been some questions surrounding the idea of whether the UK is consistently following human rights rules and principles. It is important to look into this subject as past and current geopolitics have affected the lives and rights of the vulnerable. In this paper, I discuss how the United Kingdom’s departure from the European Union affected the human rights protections available to asylum seekers? It will be in the format of a background/literature review.

Methods

- I used a case-study approach:
 - (1) The UK-Rwanda Asylum Agreement
 - (2) The UK’s lack of a statutory time limit on immigration detention
- I used very specific types of sources, such as:
 - Government bills, court rulings, reports from NGOs like the British Red Cross, and international conventions such as the Universal Declaration of Human Rights.
- I read and compared official documents, news articles, and academic studies to each other.
- I compared compared UK policies before and after Brexit and checked how they matched or conflicted with human rights standards.

Results

- The UK-Rwanda Agreement threatened around 18,000 asylum seekers, but courts ruled it unlawful
- The plan conflicted with Article 3 in the ECHR, which bans torture and inhumane treatment
- The UK is the only country in Europe with no time limit on immigration detention
- Some asylum seekers are held for months and even years (shown in figure) violating Article 5
- Brexit removed the UK from the Dublin Regulation, forcing it to process all asylum claims, taking time



Discussion

- Prior research predicted Brexit would give the UK more control but reduce alignment with EU human rights standards
- Studies on asylum relocation warned that the protections would become weaker
- European research shows the importance of detention limits
- The loss of the Dublin Regulation matches predictions of stain on the UK’s asylum system

Conclusion

The research shows that Brexit increased the UK’s sovereignty but weakened human rights protections available to asylum seekers. The case studies back up the hypothesis that control over borders comes at the expense of many international standards. Future studies could explore additional negatives that Brexit had on migrants. They explore what it would look like if the UK were to rejoin the EU.

References

- [1] Fig. 1: Stillwell, John. “Priti Patel, Former England Footballer Sol Campbell, Boris Johnson and Michael Gove During a Vote Leave Rally at Forman’s Fish Island.” *The Telegraph*, Online Image, 29 June 2016, <https://www.telegraph.co.uk/news/2016/06/29/did-britain-really-vote-brexit-to-cut-immigration/>. Accessed 14 July 2026.
- [2] Fig. 2: Wohlfahrt, Simon. “Then-British Home Secretary Priti Patel (L), and Rwandan Minister of Foreign Affairs and International Cooperation Vincent Biruta Sign an Agreement at the Kigali Convention Center in Kigali, Rwanda, April 14, 2022.D.” *Human Rights Watch*, Online Image, 14 Apr. 2022, <https://www.hrw.org/news/2022/04/14/uk-plan-ship-asylum-seekers-rwanda-cruelty-itself>. Accessed 16 July 2026.
- [3] Fig. 3: The Migration Observatory. “For How Long Are People Detained in the UK?” *Tableau Public*, Online Data, 20 Jan. 2025, <https://public.tableau.com/app/profile/migobs/viz/ImmigrationDetentionintheUK2024/6>. Accessed 23 July 2026.

[Link to Final Research Paper & Full Work Cited](#) (MLA)