



Maciej Grześkowiak

THE GAP BETWEEN THE PRINCIPLE OF TEMPORARY REFUGE AND ASYLUM: HOW THE
INTERNATIONAL REFUGEE REGIME PERPETUATES EMERGENCIES

MPIL Agora

20 March 2024, 16:00-17:00, Room 014

The project hypothesizes that there is a significant protection gap within the international refugee regime related to the content of the principle of temporary refuge and its relationship with forms of asylum mandated by international law. This principle applies in a situation of rapid, large-scale influx of asylum-seekers and obliges states to provide admission to territory, protection from expulsion (non-refoulement), and the most immediate civil rights. At the same time, states may suspend their regular asylum systems pending the emergency related to mass arrivals. Temporary protection regimes operated, among others, by the EU, Turkey, and Colombia, constitute the clearest crystallization of this principle but in other major host states it remains uncodified (e.g., Lebanon or Bangladesh).

Some authors suggest that the principle of temporary refuge constitutes a link between non-refoulement and international solidarity in the sense that while triggering temporary refuge provides an immediate, albeit significantly limited, protection in a recipient state, it also brings with it a duty of the international community to seek out a lasting solution. As such, the principle is meant to be a tool of managing emergency situations that both provisionally protects forcibly displaced persons and addresses the limited capacity of a recipient state.

The project explores how temporary refuge can extend through years despite its purpose, thereby undermining the very idea of durable asylum. The findings are based on three-year-long research involving, in addition to the dogmatic approach, direct empirical methods deployed for the purposes of case studies of Lebanon, Uganda, and Poland. The findings illustrate how international law permits the entrenchment of the status of beneficiaries of temporary refuge at a deeply precarious level and that this has a profound impact on the international refugee regime as such. Additionally, the findings suggest that the lack of predictable responsibility-sharing arrangements at the international level greatly amplifies this effect.



About the Speaker

Maciej Grześkowiak is a PhD candidate at the University of Warsaw and the Principal Investigator in the 3-year research project 'The Gap Between the Principle of Temporary Refuge and Refugee Status in the International Refugee Protection Framework: Scope, Consequences, Remedies', funded by the National Science Centre, Poland. His research focuses on the rights of displaced persons and the functioning of global and European refugee protection frameworks. Additionally, he serves as the Chief Coordinator at the Office of the Polish Ombudsperson (currently on a long-term leave).

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