

Replacing the Persecution Condition for Refugeehood

Eilidh Beaton

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Abstract: In order to be eligible for refugee status under the 1951 Refugee Convention, an individual must have a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. A major problem with this condition for refugee status is that it leaves significant protection gaps, for it is generally agreed that individuals fleeing indiscriminate violence or generalized harm do not satisfy this requirement. In this paper, I evaluate existing arguments both defending and critiquing the persecution condition, and then outline my own account of the criteria that should replace it. I argue that my view is preferable to alternatives suggested in the literature because it satisfies three key desiderata: 1) it eliminates protection gaps; 2) it is feasible to implement in a world like ours; and 3) it preserves the importantly political nature of the institution of refugeehood.