

Education and asylum seekers:

A legal and normative examination of access, integration and educational content.

By Mirjam Streng

Since the 1980s, a gradual process of integration of International Refugee Law ('IRL') and International Human Rights Law ('IHRL') has taken place. In legal scholarship, academics have focused on issues related to the right 'to seek' asylum and the principle of *non-refoulement*. The inter-relationship between IRL and IHRL with regards to the correlative right 'to enjoy' asylum has been relatively unexplored, especially in terms of the standards of treatment owed to asylum seekers under specific rights, such as the right to education. A comprehensive normative analysis on what these rights should look like and whether State obligations towards asylum seekers in the area of education should be limited or expanded is equally lacking.

In my research, I assess whether and to what extent States have a normative obligation to guarantee asylum seekers' right to education and whether there are normative grounds for limiting or expanding these State obligations. This analysis includes an assessment to what extent different schools of political philosophy can support the legal norms on asylum seekers' rights to education. Apart from potentially strengthening the normative value and basic premises of the IRL/IHRL rights to education of asylum seekers, these political theories may also suggest that normative theory or principles of justice require limitations or extensions of asylum seekers' rights in these areas.

My research then focuses on analyzing and critically assessing current State obligations and the standards of treatment due to asylum seekers under the right to education from an IRL and IHRL perspective. Doing so requires interpreting IRL and IHRL as an inter-related system of norms providing for state obligations and asylum seekers' rights. In this part of the research I describe the current state of international law with regard to asylum seekers' right to education and note certain question to which international law does not (yet) provide a clear answer.

Considering the normative and legal frameworks explored and developed, I turn to an examination of current State practice in a number of States. Lastly, I intend to suggest how the normative and legal frameworks analyzed and developed in my research can assist international and local actors in working towards better protection of asylum seekers' right to education.