

The Right of Asylum in Jurisprudence Perspective

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ABSTRACT

The right to asylum is mentioned as one of the human rights in the 1948 Universal Declaration of Human Rights (UDHR) to safeguard those people. When an individual believes that his or her life or freedom may be jeopardized as a result of his or her ethnicity, religion, nationality, participation in a certain social group, or political beliefs, he or she may seek asylum. The purpose of this paper is also to analyse the right to asylum and its international status in addition to asylum cases that occurred in Malaysia. The methodology of this paper is qualitative by reviewing various articles related to the right to asylum. According to the findings, the right to asylum can be granted in two ways internationally: territorial asylum or extra-territorial asylum. The instances also show that more and more countries are agreeing to safeguard asylum seekers. The majority of jurists agreed to grant the seeker the right to asylum. However, a few of those jurists consider that specific conditions must be met to award rights to asylum. As a result, the major outcome of this study is that nations and individuals are becoming more inclined to respect asylum seekers' rights constantly.

Keywords: human rights, jurist opinion, law, right of asylum, types of asylums.

INTRODUCTION

Asylum can be described in a variety of ways. The lexical meaning of asylum, according to the Oxford English Dictionary, was “a sanctuary or inviolable haven of refuge and protection for criminals and debtors, from which they cannot be forcefully removed without sacrilege.” It first appears in English around 1430 in Lydgate’s Fall of Princess, where it was written that “Asylum...Was a haven of refuge and succours... For to receyue all foreyn trespassours,” as one translation put it. While this “asylum” was a sanctuary, it was not well-liked by those on the outside or those who wanted to enter. But, over time, the term “asylum” came to have a warmer, gentler connotation, around the mid-17th century, it was conceived of as a “safe haven of refuge, sanctuary, or retreat,” according to the Oxford English Dictionary.

In a Latin term, asylum stems from the Greek word “Asyilia,” which means “inviolable place.” The terms of asylum developed and in widely spoken language, may be regarded as legal protection afforded to those who have fled their home countries owing to war, conflict, persecution, or fear of

persecution. It is possible to remain in a country either permanently or temporarily. In international law, the primary goal of asylum is to provide a haven for people who face persecution in their native countries. According to Article 14 (1) of the Universal Declaration of Human Rights, “everyone has the right to seek and enjoy asylum from persecution in other nations.” Asylum remains a concept of personal immunity from the actions of a decision maker rather than the jurisdictional authority to which it belongs. It is vital to emphasise, however, that there is a procedural difference between a refugee and an asylum seeker. An asylum seeker is someone who wants international protection but has not yet been granted refugee status. A refugee, on the other hand, is someone who has been recognised as a refugee under the 1951 Refugee Convention.

WHAT IS THE RIGHT TO ASYLUM?

Even though the right to asylum has existed for millennia, it was formally codified in international law in Article 14(1) of the 1948 Universal Declaration of Human Rights and was further defined in the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees.

Article 14 (1) of the 1948 Universal Declaration of Human Rights:

1. *Everyone has the right to seek and to enjoy in other countries asylum from persecution.*
2. *This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.*

This right arose in reaction to the post-World War II concern for refugees and stateless persons.

The 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees:

The United Nations Convention relating to the Status of Refugees, adopted in 1951, is the cornerstone of international refugee protection today. It is based on Article 14 of the 1948 Universal Declaration of Human Rights, which recognises the right of people to seek asylum from persecution in other countries. The Convention went into force on April 22, 1954 and has been subject to just one change in the form of a 1967 Protocol, which abolished the 1951 Convention's geographic and temporal constraints.

As a result, anybody who is persecuted in his or her own country has the legal right to seek refuge or protection in another country. Asylum may be sought for any of the following reasons: race, caste, nationality, religion, political opinion, membership and involvement in specific social groups or activities, sexual persecution and violence (as a result of female genital mutilation), civil

war, ethnic cleansing, tribal violence, and sexual or gender orientation. Although the UN Refugee Agency (UNHCR) has urged that they be considered, the latter five reasons stated above are not often regarded as acceptable grounds for receiving asylum.

Few other additional declarations guarantee the 'Right to Asylum', such as:

Article 33(1) Convention and Protocol Relating to The Status of Refugees 1951:

No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

The 2016 New York Declaration for Refugees and Migrants adopted by the United Nations General Assembly emphasises the "right to seek asylum" and an individual's freedom to leave or return to their own country.

Article 18 of the Charter of Fundamental Rights of the European Union provides:

The right to asylum should be guaranteed in line with the requirements of the Geneva Convention of July 28, 1951, and the Protocol of January 31, 1967, dealing to the status of refugees, as well as the Treaty establishing the European Community.

The World Conference on Human Rights maintains that everyone, without distinction, has the right to seek and receive asylum from persecution in other nations, as well as

the right to return to one's own country, in I (23), where:

The World Conference on Human Rights maintains that everyone, without distinction, has the right to seek and receive asylum from persecution in other nations, as well as the right to return to one's own country. In this regard, it emphasises the importance of the Universal Declaration of Human Rights, the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and regional treaties.

Thus, even though everyone has the right to seek asylum, the state has no equivalent responsibility to grant asylum. As a result, the right to asylum is only a right to enjoy it if granted. States have complete discretion in this area, subject to specific promises made via the negotiation of extradition treaties. Although the constitutions of some countries give the right of refuge to those persecuted for political reasons, it is not yet clear that such a right has become a "general principle of law" recognised by civilised nations and thereby constituting part of international law.

TYPES OF ASYLUM

There are two types of asylum. The first type of asylum is Territorial Asylum. It is given when a state grants asylum to an asylee on its territory. The right of a State to offer asylum to a person on its own territory stems from the fact that every State exercises territorial sovereignty over all individuals on its territory. As there are no exact standards governing the grant of territorial asylum, the provision of territorial asylum is thus at the discretion of a State that is not legally obligated to offer asylum to a fugitive. In 1959, the General Assembly requested that the International Law Commission begin work on codifying the concepts and standards of international law regarding the right to asylum.

Through the approval of a resolution on December 14, 1967, the General Assembly

adopted the Declaration of Territorial Asylum. The declaration is made up of a Preamble and four Articles that deal with the principles of granting and refusing asylum. This Declaration states that the right to seek and enjoy asylum may not be invoked by any individual against whom there are significant grounds to believe that he has committed a crime against peace, a war crime, or a crime against humanity. Article 4 of this Declaration states that the State giving asylum should not permit people granted asylum to engage in activities that are antithetical to the purpose and principles of the United Nations. It is obvious from the declarations above clauses that the state does not have an absolute right to provide asylum. The right to asylum, for example, cannot be used in the case of international crimes such as genocide. The preceding idea is further incorporated in Articles 31, 32, and 33 of the 1951 Refugee Convention. The 1951 Convention Relating to the Status of Refugees has 147 members.

Next is Extra-Territorial Asylum. It is awarded when a state grants shelter beyond its own territory, such as in warships, legation consular buildings, international headquarters, or its embassy in another country, — in other words one of its public venues located or lying within foreign territorial borders. The phrase extraterritorial refers to being outside the authority of the authorities of the state in which the establishment is located, namely the local authorities. Diplomats and other officials are granted immunity to defend their country's interests. Without specific permission, local authorities are not permitted to access the Embassy of any nation located in their country.

There are the following types of extra-territorial asylum:

Diplomatic Asylum is the first form of extraterritorial asylum. It is provided when the state gives asylum at Embassies, Foreign Legations, and consular facilities (premises of a consul individual who heads a particular mission in that local country). It has not been regarded as a right since it is frequently perceived as interfering with the host country's sovereign control over its territory. Normally, the right to asylum is not regarded in international law, although asylum can still be given if persons are in bodily danger as a result of violence, if a binding local custom exists, or if a particular treaty exists between the State of Legation concerned and the territorial State.

Asylum on a warship is another type of extraterritorial asylum. There are no precise norms in this area, thus the situation is highly unpredictable. However, the laws in legations, consular premises, and embassies are similar to those in asylum. When a warship enters another state's territorial water body, the coastal state has no other authority except to order the ship to leave its territorial waters. Article 1 of the Havana Convention on Asylum states that anyone accused of common crimes but not political crimes who seeks asylum on a warship, military camp, aircraft, or legations must be handed over to the local authorities upon request. According to Article 2 of the Convention, such places can only give asylum in emergency cases. Once asylum is awarded, the asylee's home country's foreign minister should be notified to ensure his or her protection. The convention essentially allows political violators to be granted asylum.

Last but not least, there is asylum on merchant vessels. Merchant vessels include commercial ships, and the legislation of the nation in which they are based is binding on them. They do not exercise or enjoy immunity in the same way that battleships do. According to maritime law, if the asylum-seeker is in life-threatening danger and suffering significant persecution, then he or she will be granted asylum.

CASES OF ASYLUM DALAI LAMA AND HIS FOLLOWERS

The first case that could be referred to is the case of the Dalai Lama and his followers. The year was 1959, and a guerrilla war had been waged for years between Tibetan insurgents and Chinese soldiers in Tibet, which China claimed as its territory. On March 10, the Dalai Lama received an invitation from Chinese general Zhang Chenwu that appeared to be benign. Soon after, he got a telegram informing him to come to the Chinese military headquarters without the presence of soldiers or armed escorts. The Tibetans, who were already distrustful of the unexpected friendly gesture, saw it as a trap.

As a precaution, the Dalai Lama's closest advisers also advised him to escape Tibet. Tibet's 23-year-old spiritual and political leader dressed himself as a soldier and carefully slipped through the masses encircling his summer palace in Lhasa on the night of March 17, 1959. He was accompanied by 20 of his officials and his family. This was the start of the Dalai Lama's dangerous quest for asylum. To escape detection by Chinese sentries, the group traversed the difficult Himalayan territory on foot, including a crossing of the 500-yard-wide Brahmaputra River. For the following two weeks, there was no news from the Tibetan leader, and people all around the globe assumed he had been executed. However, it was stated that the Dalai Lama had addressed an urgent letter to Indian Prime Minister Jawahar Lal Nehru, seeking refuge in India. Having been forewarned, the Indian government immediately took steps to welcome and protect the Dalai Lama and his group.

Finally, when the Dalai Lama arrived in India, he was clothed in weather-beaten clothes but was easily identifiable among the tiny entourage. The Tibetan leader was greeted by Indian officials, who presented him with a telegram from Indian Prime Minister which said, “My colleagues and I welcome you and send greetings on your safe arrival in India.” *We would gladly provide you, your family, and your entourage with the essential amenities to live in India. The people of India, who hold you in high regard, will no doubt pay you the customary respect you deserve. Sincere regards. Nehru.*

ROHINGYA

The Rohingya are an ethnic group that live in Rakhine State on Myanmar's western coast. Historically, they were regarded as the Arakan Kingdom, which practised Buddhism and Hinduism until Arab merchants arrived and Islam flourished rapidly. When Burma, as it was known at the time, obtained independence from the British and renamed the country Myanmar in 1989, it did not recognise the Rohingya as one of the nation's 135 ethnic groups, and they were proclaimed stateless.

Since they are stateless, around 600,000 Rohingyas in Myanmar, notably Rakhine State, have very restricted access to basic necessities, amenities, and even rights. While the rest of the world ignored the Rohingya crisis, Malaysia hosted over 154,560 Rohingya refugees registered with the Malaysian office of the United Nations High Commission for Refugees (UNHCR) long before the pandemic, even though Malaysia is not a signatory to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol (Stange et al., 2019). By Article 14 of the Universal Declaration of Human Rights, Malaysia has been extremely hospitable to refugees, particularly asylum seekers (Yesmin, 2016).

DR. ZAKIR NAIK

In November 2016, Dr Zakir Naik sought asylum and moved to Malaysia as he faced charges of hate speech and money laundering in India. He is accused of acquiring \$28 million worth of assets and property in India. He is also accused of terrorism as he made provocative speeches which he denied. On 14th May 2020, India requested the extradition of Dr Zakir Naik. However, the Malaysian government's decision on Dr Zakir Naik remains unchanged (Mukhopadhyay, 2020).

NUR SAJAT

A transgender businesswoman, Nur Sajat who fled Malaysia after being accused of insulting Islam by cross-dressing has been granted asylum. She has been granted asylum by Australia. She is on the run from the Malaysian police after failing to appear at Shariah Court for a charge of dressing as a woman during a religious event at her beauty centre in 2018. In September 2021, she was detained, charged, and fined for an immigration offence in Thailand but was released and arrived in Australia where she was granted asylum (Chew, 2021).

JURIST OPINION

HUGO GROTIUS

In the past, the act of asylum can be seen when an individual who was threatened with punishment, whether guilty or innocent of the crimes, was offered temporary refuge in churches or holy places as no one could be detained anyone in those places. The asylee will only be given to the claimants after the churches or holy places authorities such as a bishop negotiated a milder punishment.

However, in the modern days, asylum can be referred to as ‘a legal duty for states to offer protection to foreigners who are persecuted for political or religious reasons (de Wilde, 2019).

Hugo Grotius is often identified as its founding father as he is the first one who stated that asylum is not only a right but a duty of states to offer refuge to foreigners who had fled from persecution based on Egidio Reale’s observation. Reale added that Grotius in his magnum opus *De iure belli ac pacis* [On the Laws of War and Peace, 1625] argued that ‘permanent residence ought not to be denied to foreigners who, expelled from their homes, are seeking a refuge, provided that they submit themselves to the established government and observe any regulations which are necessary to avoid strifes’ (de Wilde, 2019). Grotius stated that as long as the asylee did not harm the state that offered them refuge, then the state has the duty to offer asylum to foreigners who are innocently persecuted. According to de Wilde (2019), Hans-Richard Reuter concludes that Grotius recognizes the right to asylum based on the natural law principle that an individual in need has a right to use someone else’s possessions or dwell on another people’s territory as long as they do not harm them.

Grotius first recognized the right to asylum when he was commissioned by the States of Holland and West-Friesland to draft a set of legal regulations for Sephardi Jews who had been expelled from Spain and Portugal and taken refuge in the Dutch provinces. He then argues that the countries have the duty to offer hospitality towards the Jews regardless of their religious beliefs under the condition that they have to submit to local regulations. Grotius then differentiates between asylum and expulsion whereby Grotius does not regard the Jews as asylum-seekers but as an *expulsi*. Asylum-seekers seek temporary refuge until a milder punishment is given while *expulsi* is offered permanent residence as they cannot return to the communities from which they have been expelled.

Grotius also uses the traditional doctrine of canon law that ‘in times of necessity all things become common’ as the main reason to offer a permanent resident to *expulsi*. It is because foreigners who have been expelled from their homes have an urgent need to find a place to stay. Thus, the states may not refuse foreigners from taking refuge in their lands if they have been expelled from their homes. As an example, Grotius referred to ancient peoples who were driven from their homes by war and allowed to stay among other peoples, including Aeneas and the Trojans. Based on Strabo’s statement, he then concludes that ‘nations that have refused to receive foreigners are denounced everywhere as barbarians and unnatural men’.

Grotius also emphasizes the element of *expulsi*’s obedience to the state authority after being offered a permanent residence. He mentions that the Aeneas and the Trojans were allowed to settle in Italy only after recognizing the ‘inviolable’ sovereignty of King Latinus while Minyae, who demanded a share in government after being admitted by the Lacedaemonians, were expelled as they had returned a kindness with an injury.

According to Grotius, asylum should be available only to those who unintentionally injured others. He stated that asylum is offered to those who suffer from ‘undeserved enmity’ not to those who cause injury towards the other people or against the state. An individual who wants to escape a just punishment by taking refuge in another state should be denied asylum. Grotius added that the state that offered asylum could punish the criminal or surrender him to the state where he committed the crime.

In conclusion, Grotius believes that *expulsi* must be given permanent

residence as long as the expulsi must submit to the state's regulations while asylum-seekers should be given temporary refuge with certain conditions whereby the asylee does not commit any crime against other people and the state before granting them the right to asylum.

JOHN RAWLS

Accordingly, the sustained focus on asylum is absent in the John Rawls theory. However, there seem to be a few remarks on these topics dispersed throughout his works. Through analyzing the works that he has done; it was proven that he ignores the movement of peoples across borders and the transnational justice concerns because of his flawed interpretation of "peoples". Rawls defines 'peoples' as "actors in the Society of Peoples, just as citizens are actors in domestic society." He also used the phrases within the framework of a state, society, or institution. Within the confines of a state suggests that his theory has only been applied to closed societies or certain countries, communities, and places. It makes no mention of international or cross-societal interactions. He asserted in his work 'Political Liberalism' that "[A] democratic society, like any political society, is to be considered as a complete and closed social system... It is also closed... in that it can only be entered by birth and exited by death."

In addition, he believes that justice is the most essential virtue and way of life that supports a society in terms of the bubble of society that he mentioned. According to Rawls' "The Theory of Justice," justice consists of two main concepts: the right and the good. The definition and relationship of these two notions form the basis of the philosophy of justice. Rawls prioritises the right over the good, which is fundamental to liberalism (Rawls, 2005). So, according to his theory, and applying it to the case of asylum, it was clear that asylum is granted in favor of states rather than the seeker. With his theory of justice, he expected that the state-centric model of territorially defined nations with

reasonably tight and well-guarded boundaries would continue to control our thinking.

However, in giving the right to asylum the state can easily follow the sequence of ideal theory before non-ideal theory. First, the states need to assume that all actors (citizens or societies) are generally willing to comply with whatever principles are chosen. Second, the ideal theory assumes reasonably favorable social conditions, wherein citizens and societies can abide by principles of political cooperation. Completing ideal theory first, according to Rawls, results in a systematic grasp of how to reform our non-ideal world and establishes a vision (stated above) of what is the best that may be hoped for. Once an ideal theory has been accomplished, a non-ideal theory can be established by referring to the ideal. Non-compliance and unfavorable circumstances are two components of non-ideal theory. The element of non-compliance can be seen as there are asylum-seekers due to social and political conditions that might be less favorable to them. Rawls then added that asylum either temporary or permanent, is under-supplied.

Fine (2020) then relates Rawls' 'non-ideal theory' to the current situation whereby we must come up with a solution to ensure we can create a situation where no one will need the right to asylum again. Secondly, the under-supply of asylum is caused by the non-compliance and unwillingness of the states that are 'nominal participants in the international refugee protection regime'. Fine (2020) further explains that there are states that agree to comply with the refugee protection principle but are not willing to comply when the principles do not suit or

benefit them. These actions cause an under-supply of asylum right now.

DAVID MILLER AND MICHAEL DUMMETT'S OPINION

David Miller's opinion on the right to asylum is there is a link between basic needs and the moral right to asylum. He added that the right of asylum is a right for the protection of basic needs in other countries and the citizens of other countries are obliged to protect these persons as his or her basic human rights have been violated in their own country. Furthermore, when an asylee applies to enter a state that is guaranteed to give her basic human rights compared to his or her own state, the state in question has the obligation to let the asylee in (Miller, 2007).

Similar to Miller, Michael Dummett stated that the right of asylum can only be given to the person who has a well-founded fear of persecution in his or her own state. He added that a person can seek refuge in another state when his or her right to live a decent human life is denied (Dummett, 2001).

According to Kuosmanen (2012), both David Miller and Michael Dummett's opinion has the same basis that when a person's basic human rights cannot be guaranteed in their own state, the person immediately has the right to asylum. One of the examples that are related to this situation is the citizens in the island states of Kiribati and Tuvalu. The citizens' basic human rights in these states are threatened as the states are facing rising sea levels caused by climate change. Because of this situation, their right to adequate housing is threatened and the state could not guarantee their right to necessities. The right of asylum might become a remedy for the citizens in Kiribati and Tuvalu to ensure their basic human rights are protected.

ONORA O'NEILL

To understand Onora O'Neill's opinion on the right of asylum, perfect and imperfect duties must be studied first. John Stuart Mill defines perfect and imperfect duties as '*duties of*

perfect obligation are those duties in virtue of which a correlative right resides in some person or persons while duties of imperfect obligation are those moral obligations which do not give birth to any right' (Mill, 1867).

There are two characteristics of perfect duties which are specific performance and specified recipient. The characteristic of specific performance refers to an action of forbearance that must be done by a person to successfully discharge the duty. An example given by Kuosmanen (2012) is the duty not to interfere with others' physical integrity. This duty required a specific performance required from each duty-bearer to forbid themselves from interfering with others' physical integrity. Another example is keeping a promise whereby the act of promising constitutes a special relationship between specified agents (Igneski, 2006).

Secondly, the characteristic of specified recipients refers to the agents that the duty-bearers are obligated to discharge their duties. For example, for the duty not to interfere with others' physical integrity, every single person is identified as the specified recipient of the duty. Similarly, in the duty to keep a promise, the particular person related to the content of the promise is the specified recipient of the duty.

Imperfect duties as stated by Mill (1867) are moral obligation that is not formed by any right. The failure to perform imperfect duties will bring moral condemnation from society. Immanuel Kant believes that imperfect duties are a duty of self-improvement of and beneficence towards others (Hill, 1971).

Onora O'Neill's opinion on the right of asylum is that the right of asylum must be determined first

whether the right of asylum is a genuine right or not. To answer the question, we have to determine whether the right of asylum falls under ‘universal welfare rights’ or ‘universal liberty rights’. According to O’Neill (1996), universal welfare rights are rights to assistance while universal liberty rights are rights that require only omission from duty-bearers.

The element of claimable is used to determine the genuineness of a right. There are two conditions on claimability which are it is possible to identify the responsible duty-bearers when a right is violated or is not fulfilled and the second condition is the right must constitute a claim for a particular determinate performance. The right in question is considered not claimable if these two conditions are not fulfilled. In this case, only universal liberty rights have satisfied the element of claimable thus making it a genuine right.

O’Neill added that universal liberty rights can be considered perfect duties while universal welfare rights can be considered imperfect duties (O’Neill, 1996). O’Neill stated that *‘it may be possible to state what ought to be provided or delivered, but it will be impossible to state who ought to do the providing or delivering [...] unless there are established institutions and well-defined special relationships’* (O’Neill, 2000).

In other words, the duty related to universal welfare rights can only be considered imperfect duties unless there are institutions in place that form special relationships between right-bearers and duty-bearers. Universal welfare rights can be changed into perfect duties if the institutions in question exist.

Based on Onora O’Neill’s method to determine the genuineness of a right, the right of asylum is considered as not a genuine right as it does not satisfy the element of claimable. The right to asylum is a universal welfare right and an imperfect duty unless there are institutions that are dedicated to the protection of persons who are fleeing their home countries.

Onora O’Neill’s opinion has sparked a debate on the genuineness of the right to asylum. According to Kuosmanen (2012), there are two arguments for Onora O’Neill’s opinion. The first argument that rejects Onora O’Neill’s opinion is that there is a difference between ‘having’ a right and ‘enjoying secure access’ to the substance of a right. Onora O’Neill’s opinion does not concern the duty of the duty-bearer to ensure the asylee has secure access to enjoy his or her rights sufficiently. Jeremy Waldron (1993) also supports this argument as he states that we should focus on the protection of rights. He added that:

Each right regardless of its form might be best thought of not correlative to one particular duty [...] but as generating waves of duties, some of them duties of omission, some of them duties of commission, some of them too complicated to fit easily under either heading.

The second argument that rejects Onora O’Neill’s opinion is the right to asylum can be claimable regardless of the absence of global mediating institutions. According to Kuosmanen (2012), a state constitutes a territorial institutional unit that is capable of protecting the right to asylum. The asylee can claim the right of asylum by entering the territory of a state. Secondly, a state uses the system of taxation to perfect an imperfect duty by functioning as a ‘clearing house’. The state will use the system to distribute the resources to the needy, therefore forming a special relationship between the duty-bearers and the recipients. Stemplowska (2009) argues that we should allow universal welfare rights to generate imperfect duties to claim assistance from anyone *‘who has not taken*

reasonable steps to fulfil her or his duty (to whomever and in whatever reasonable way she or he might choose).'

CONCLUSION

In conclusion, jurists opined to grant the seeker the right to asylum. The right to asylum has existed since the past when an individual who was threatened with punishment, whether guilty or innocent of the crimes, would be offered temporary refuge in churches or holy places as no one could be detained in those places.

The right to asylum is a right to protection of basic needs in other nations, and citizens of other countries are obligated to protect these people since their basic human rights have been infringed in their own country. Asylees should be granted at least the same fundamental rights and support as any other foreign legal resident including freedom of thought and movement, as well as freedom from torture and degrading treatment.

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