

UK PRACTICE TOOLKIT

Climate, Disasters & Protection Claims



REFUGEE LAW
INITIATIVE

SCHOOL OF
ADVANCED STUDY
UNIVERSITY
OF LONDON

QORE
LEGAL



Contents

Introduction	6
Glossary of Terms	12
1 Reframing how we look at protection claims in the UK	18
2 Applying international protection law in climate and disaster contexts	22
Applying the Refugee Convention	23
Well-founded fear of persecution	25
Nexus with a Convention ground	25
State protection	26
Internal relocation	26
Non-refoulement	27
Article 3 case law	28
Which test applies to disaster-related harm?	33
Article 8 ECHR	35
3 Issue Spotting and Evidence	36
Triaging questions for client interviews	38
Country Profiles	41
Building a climate or disaster-related protection claim	46
Approaching client interviews	47
Practice Direction	48
Country evidence	48
Working with counsel and the Tribunal	49
Working with experts	50
Preparing to instruct an expert	50

Gathering relevant materials	51
Country Policy and Information Notes (CPINs)	51
The IPCC reports	51
Other authoritative sources	52
Data gaps	53
US sources	54
Priming the country expert	54
Drafting the expert report	56
Special instructions	57
Internal relocation	57
For specific disasters	58
Conflicts over land	58
Gender	59
Health	59
Mental Health	60
Trafficking and modern slavery	61
Useful sources for experts	62

4 Case studies: Worked examples

Philippines	65
The facts	65
Identifying the legal issue	66
Litigation strategy	67
Expert evidence	67
Outcome	68
Sudan	71
The facts	71
Witness statement	72
Framing country expert instructions	72
Refining the instructions	73

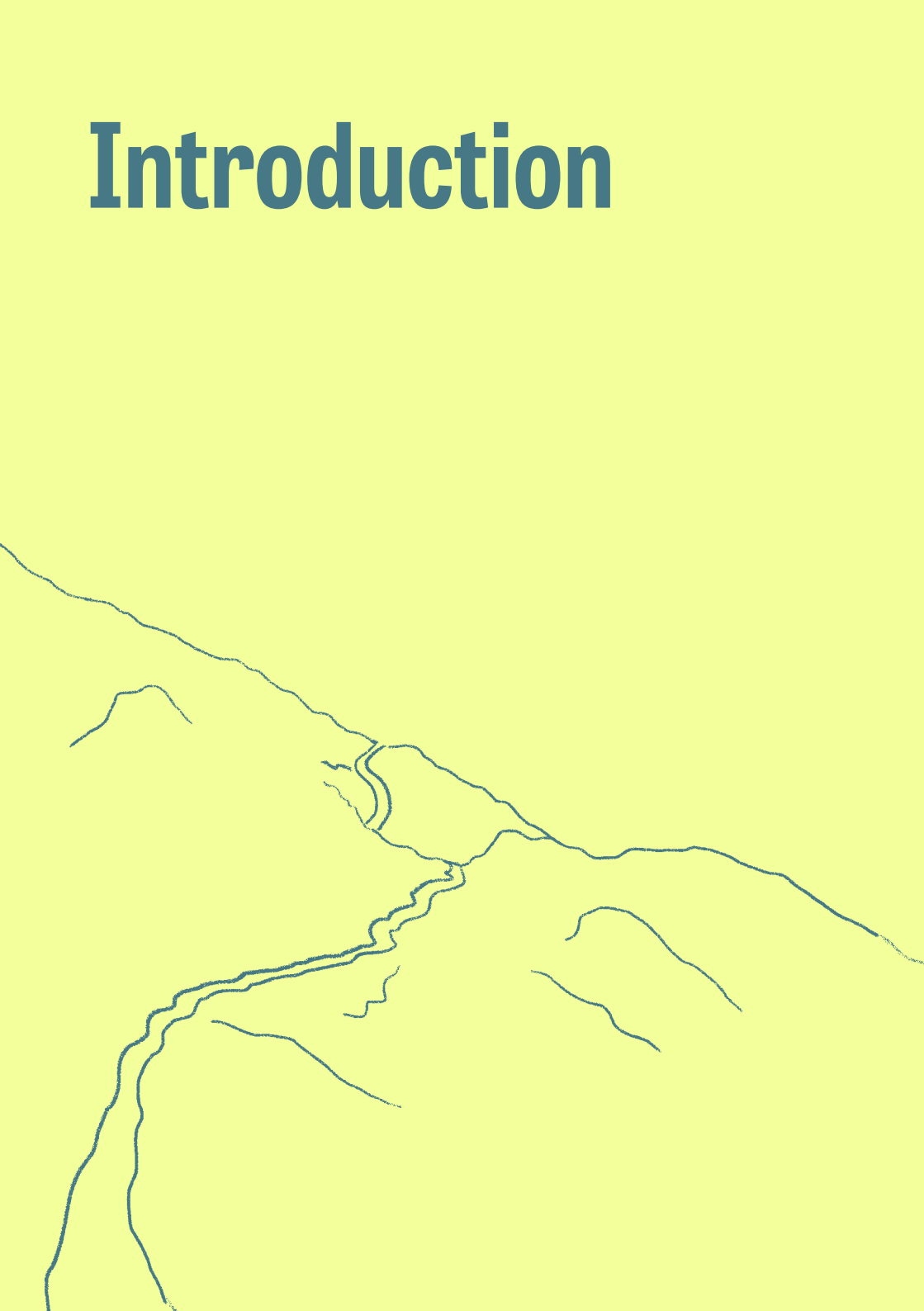
5 Funding

Mixed asylum, human rights and Article 8 claims	77
Managing audit risk	78
Controlled Legal Representation	78
File and time-recording discipline	79
Case preparation	79
Climate or disaster expert reports	79
Early planning	80
A note on sources	80

6 Looking to the future

Potential future pathways in UK law	83
Article 3 and the source of disaster- and climate-related harm	84
The location of human agency	85
Climate responsibility and Article 8 proportionality	85
Could climate jurisprudence inform the assessment of State protection?	86
Climate science and the Refugee Convention	88
At the outer limits: place of residence as a particular social group?	90
Looking ahead	91
Next steps for the Toolkit	92

Introduction



This Toolkit has been drafted as a practical guide to assist UK practitioners in identifying and running climate-related disaster displacement claims. References to UK law are to UK immigration law and to the European Convention on Human Rights (ECHR), as given effect in domestic law by the Human Rights Act 1998.

This Toolkit builds on two leading pieces of international guidance: the Refugee Law Initiative's (June 2024) [Declaration on International Protection in the Context of Disasters and Climate Change \(RLI Declaration\)](#) and [accompanying analytical paper](#), and the [Practical Toolkit on International Protection for People Displaced across Borders in the Context of Climate Change and Disasters \(the Practical Toolkit\)](#) produced by the Kaldor Centre for International Refugee Law, the Center for Gender & Refugee Studies and the Essex Human Rights Centre (February 2025). Both have provided invaluable guidance for considering climate-related disaster displacement claims within the existing international law framework. The present Toolkit represents a domestic response, addressing how those principles apply within the specific context of UK immigration and human rights law.

International protection in the context of climate change and disasters is a new and emerging area of law. International, regional and domestic jurisprudence remains limited, and authoritative guidance is still developing. The mechanics of these claims also mean that it will still be rare for even an experienced immigration practitioner to encounter a client who self-identifies as having a 'climate' case.

International, regional and domestic jurisprudence nevertheless continues to evolve. For practitioners in the UK, developments at the European level are of particular importance. Most notably, in *Verein KlimaSeniorinnen Schweiz and Others v Switzerland* (2024) 79 EHRR 1, the European Court of Human Rights confirmed that the scope of Article 8 ECHR extends to the harmful effects and risks caused by climate change. This important development, together

with emerging domestic case law discussed later in this Toolkit, demonstrates the growing recognition of climate change within existing human rights and protection frameworks.

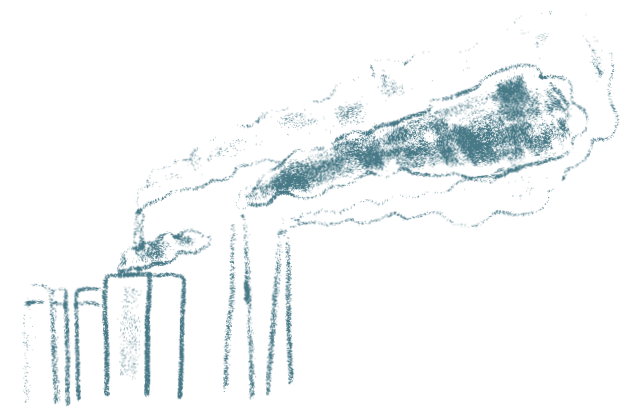
Climate change typically operates as a risk multiplier, intensifying persecution, conflict, gendered harm, health impacts and barriers to internal relocation, all of which a client may articulate in more familiar terms. Identifying and framing the climate dimension accordingly requires skill, careful interviewing, and a developing understanding of how climate factors interact with existing protection frameworks.

Climate change

The growing role of climate change in shaping conditions in countries of origin requires particular attention. Climate change is caused by human activity, as are its adverse effects on human health, welfare and socio-economic systems. It acts as a threat multiplier, increasing the intensity, frequency and unpredictability of climate-related hazards, while reducing the ability of societies to cope with disasters and conflict.

The best available scientific evidence on climate change comes from the Intergovernmental Panel on Climate Change (IPCC), whose conclusions the UK government accepts as 'clear and incontrovertible'. Relying on IPCC reports, the International Court of Justice (ICJ) in its [Advisory Opinion on the Obligations of States in respect of Climate Change](#) (July 2025) confirmed that climate change is unequivocally caused by human activity and noted evidence that major emitting States had long been aware of its potential consequences.

The ICJ described the impacts of climate change as 'severe and far-reaching'. Rising temperatures are causing glaciers and ice sheets to melt, driving sea-level rise and increasing the risk of flooding for coastal communities. Extreme weather events, including hurricanes, droughts and heatwaves, are becoming more frequent and intense, damaging livelihoods, displacing populations and worsening water shortages.



According to the [IPCC's Sixth Assessment Report \(AR6\)](#), around 3.3 to 3.6 billion people are highly vulnerable to climate change. Increasing extreme heat has caused death and illness, while more frequent weather and climate extremes have exposed millions to acute food insecurity and reduced water security. As the ICJ observed, communities that have contributed least to climate change are often those most affected by its consequences.

What this means in practice

The need to look beyond isolated events and consider broader patterns is increasingly reflected in international law. The ICJ in its advisory opinion recognised that States have a wide range of legal obligations in relation to climate change, arising under both treaty law and customary international law. This includes the obligation to ensure that activities within a State's jurisdiction or control do not cause environmental harm to other States, or to areas beyond national jurisdiction. The Court further emphasised that climate harm must be understood cumulatively: conduct that may appear insignificant in isolation can nevertheless contribute to significant environmental harm when considered alongside the actions of other States and private actors.

The challenge in these cases is therefore often conceptual as much as legal. It requires practitioners to recognise climate change not as a separate category of claim, but as a factor that may shape, intensify or underpin risks that are already familiar within existing protection frameworks.

The Toolkit is intended to prompt practitioners to consider, in both existing and new cases, whether there is a climate angle that has not yet been articulated; to support the upskilling of the practitioner community and, in turn, to contribute to the development and improvement of jurisprudence in this area. Alongside the legal principles, it draws on practical examples, including a successful climate-related protection appeal by a Philippine national before the First-tier Tribunal, discussed in Section 4 (**Case Studies**) below. That case illustrates how climate evidence and legal arguments can make a practical difference in UK proceedings, providing practitioners with a concrete example of how these issues arise in practice.

This Toolkit is a starting point only. As such, it will be kept under review and updated as the law, practice and evidence base continue to develop.

This work has been a collaborative effort between the following practitioners and policy experts who have generously given their time and expertise:

- **Gamal Basha** Qore Legal
- **Professor David Cantor** Refugee Law Initiative
- **Olivia Clark** Refugee Legal Support (Editor)
- **Ubah Dirie** Garden Court Chambers
- **Annette Elder** Solicitor and independent consultant
- **Professor Geoff Gilbert** Essex Law School and the Human Rights Centre at the University of Essex
- **Adam Jones** Solicitor and independent consultant
- **Tapiwa Kachika** Joint Council for the Welfare of Immigrants
- **Yumna Kamel** Earth Refuge (Editor)
- **Emily Rowe** Solicitor and independent consultant
- **Ronan Toal** Garden Court Chambers

With thanks to Jameela Joy Reyes and Manal Sanai for their thoughtful input and support in reviewing this work.

The contributors to this Toolkit bring together expertise from legal practice, academia and policy on climate change and international protection. Collectively, they have led or contributed to a range of initiatives in this field, including organising the [UK's first conference on climate displacement and international protection](#); establishing climate-focused legal practice and clinical projects, including [Refugee Legal Support's](#) asylum and climate law clinic, and the Joint Council for the Welfare of Immigrants' [Climate Justice is Migrant Justice](#) project; producing leading academic work on climate displacement, including authoring the Refugee Law Initiative's [Declaration on International Protection in the Context of Disasters and Climate Change](#) and [accompanying analytical paper](#); co-authoring the [Practical Toolkit on International Protection for People Displaced across Borders in the Context of Climate Change and Disasters](#); contributing to the [Climate Mobility Case Database](#); and developing climate-related litigation and advocacy in UK practice. This Toolkit reflects that combined experience of research, litigation, practitioner training and direct client representation.

Design by Alice Haworth-Booth.

Glossary of Terms

Anthropocene / anthropogenic

Anthropocene describes the period in which human activity has become a major influence on the Earth's climate and environment. Anthropogenic means caused or influenced by human activity.

Attribution science

Scientific methods used to assess whether, and to what extent, climate change or other factors contributed to the likelihood or severity of a particular event or observed change.

Climate change

A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is, in addition to natural climate variability, observed over comparable time periods (Article 1(2), United Nations Framework Convention on Climate Change (UNFCCC)).

Climate change adaptation (CCA)

Measures taken to adjust to actual or expected climate change and its effects, to reduce harm or manage its consequences.

Climate factors

Climate-related conditions or processes that may contribute to harm or displacement, such as rising temperatures, changing rainfall, drought, extreme heat and sea-level rise.

Controlled Legal Representation (CLR)

A form of publicly funded legal representation in England and Wales, including for certain proceedings before the immigration tribunals, subject to legal aid rules and eligibility.

Disaster

A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts (*The Sendai Framework Terminology on Disaster Risk Reduction*, United Nations Office for Disaster Risk Reduction (UNDRR)).

Disaster risk management (DRM)

Policies and measures used to prevent new disaster risks, reduce existing risks and manage risks that cannot be avoided, including preparedness, response and recovery.

Dublin III Regulation

EU rules for determining which participating European State is responsible for examining an application for international protection, using criteria including family links, documentation and entry into the EU.

Environmental factors

Conditions or changes in the natural or physical environment that may affect people's safety, health or livelihoods, such as pollution, water scarcity, land degradation or ecosystem loss. They may, but do not necessarily, result from climate change but may often be intensified by it.

European Convention on Human Rights (ECHR)

A Council of Europe treaty protecting fundamental human rights and freedoms. Several ECHR rights may be relevant to climate- and disaster-related protection claims, including:

- **Article 3, ECHR** — Prohibits torture and inhuman or degrading treatment or punishment. A State must not remove a person where there are substantial grounds for believing they would face a real risk of such treatment.
- **Article 8, ECHR** — Protects the right to respect for private and family life, home and correspondence. Environmental and climate-related conditions may, in some circumstances, affect the enjoyment of these rights.

European Court of Human Rights (ECtHR)

The Strasbourg court responsible for interpreting and applying the European Convention on Human Rights.

EU Reception Conditions Directive

Sets minimum standards for how asylum applicants must be treated while their cases are decided, covering housing, food, healthcare, and access to work after six months. The current Directive, (EU) 2024/1346, replaces the 2013 version and applies from 12 June 2026.

Exceptional Case Funding (ECF), Legal Aid

Legal aid that may be available in England and Wales for cases outside the usual scope of legal aid where funding is necessary to prevent a breach, or risk of breach, of certain protected rights.

Greenhouse gas (GHG) emissions

The release of gases that trap heat in the atmosphere and contribute to climate change, including carbon dioxide, methane and nitrous oxide.

Hazard

An event, process or condition with the potential to cause harm, and which can co-exist and interact with others. Natural hazards include those which

are weather related, such as extreme heat, drought, flooding, wildfire, storms or sea-level rise. Geophysical hazards include earthquakes and volcanic eruptions (**UNDRR**).

Immigration Rules

The UK immigration rules govern how individuals can enter, stay, and settle in the UK, including various visa categories and requirements for permanent residence.

International Court of Justice (ICJ)

The principal judicial organ of the United Nations. It decides disputes between States and gives advisory opinions on questions of international law.

International Covenant on Civil and Political Rights (ICCPR)

A UN human rights treaty protecting rights including the right to life and freedom from torture or cruel, inhuman or degrading treatment. These protections may be relevant to removal in climate- and disaster-related contexts.

Intergovernmental Panel on Climate Change (IPCC)

The UN body that assesses scientific knowledge on climate change, including its causes, impacts, risks, adaptation and mitigation.

- **IPCC Sixth Assessment Report (AR6)** — The IPCC's major assessment of current knowledge on climate change, published between 2021 and 2023. It provides scientific evidence on climate impacts, risks, vulnerability and adaptation relevant to climate-related protection cases.

Legal Aid Agency (LAA)

The public body responsible for administering legal aid in England and Wales, including funding for eligible immigration and asylum matters.

Non-refoulement

The principle that a person must not be sent to a place where they would face specified forms of serious harm. It arises under refugee and human rights law, although the precise legal test differs between protection frameworks.

Practical Toolkit on International Protection for People Displaced across Borders in the Context of Climate Change and Disasters (Practical Toolkit)

A practical resource for legal and protection practitioners on how existing refugee law, human rights law and related protection frameworks may apply to cross-border displacement in the context of climate change and disasters.

Rapid- or sudden-onset event

A hazardous event that develops or occurs quickly, often leaving limited time to prepare or respond. Examples include floods, cyclones, wildfires and landslides.

Refugee Convention

The 1951 Convention relating to the Status of Refugees, together with its 1967 Protocol. It defines who is a refugee and sets out refugees' rights and States' obligations towards them.

- **Convention ground** — One of the five reasons for being persecuted required by the Refugee Convention definition of a refugee: race, religion, nationality, membership of a particular social group, or political opinion. Climate change or disaster is not itself a Convention ground, but related persecution may engage the Convention where the required link to one of these grounds exists.
- **Exposure to harm** — The extent to which a person would encounter or be affected by feared harm if returned, taking account of matters such as their location, living conditions and individual circumstances. It is an analytical concept rather than a separate Refugee Convention test.

Refugee Law Initiative's Declaration on International Protection in the Context of Disasters and Climate Change (RLI Declaration)

A 2024 declaration setting out legal analysis and principles on the application of international protection law to people displaced in the context of disasters and climate change.

Risk of harm

The likelihood and seriousness of harm a person may face. In protection cases, the relevant legal test depends on the protection framework being applied.

Slow-onset event

A process or change that develops gradually, such as sea-level rise, desertification, salinisation, rising average temperatures or long-term changes in rainfall.

Office of the United Nations High Commissioner for Refugees (UNHCR)

A United Nations agency mandated to protect and promote the rights of refugees and displaced people, including in the context of disasters and climate change, producing [Legal Considerations regarding Claims for International Protection made in the context of the Adverse Effects of Climate Change and Disasters](#) in 2020, a related 2023 [paper on its mandate](#) and a 2024 Review of State Practice in this area (**UNHCR Guidance**).

Vulnerability of population to harm

Characteristics and circumstances that make people more susceptible to harm or less able to cope with it, such as age, disability, poverty, discrimination, insecure housing or limited access to resources and support.

SECTION 1

Reframing how we look at protection claims in the UK

This section draws upon and summarises elements of the Refugee Law Initiative's [Declaration on International Protection in the Context of Disasters and Climate Change](#) (June 2024), and [accompanying analytical paper](#), led by Professor David Cantor. Readers looking for a more detailed discussion of the issues covered here should refer to the Declaration in full.

Disasters do not appear as a ground in the Refugee Convention definition, nor in the human rights rules applicable to the removal of non-citizens. What matters for both asylum and humanitarian protection is the risk of harm faced by the claimant — whether in the form of persecution or of human rights violations — not the particular factual context in which that risk arises, whether that is war, peace, or disaster.

The harms arising from disaster contexts are often overlooked in the presentation and assessment of claims for international protection in the United Kingdom (UK). When assisting a claimant to present their case, practitioners should consider with care whether and how any disaster-related risks in the country of origin impact the claim. As with any other case, the task is to engage properly with all of the facts relevant to the claim.

The principal challenge for practitioners lies in identifying how a disaster gives rise to a risk of harm. This may be difficult because the way that risk manifests in disaster contexts can differ from the more traditional refugee settings that practitioners are familiar with. The most obvious risks are natural hazards, such as a storm, volcanic eruption or earthquake, together with the disaster conditions that they trigger. In many countries, risk derives not from a single hazard but from several. Many hazards recur, and climate hazards may be seasonal. Hazardous events may occur simultaneously, cascade into one another, or accumulate over time (slow-onset) and their interrelated effects must be taken into account.

This typically gives rise to three conceptual hurdles:

The first is the apparent 'natural' character of the harm. Many hazards do have a natural origin, whether climate-related (storms, flooding, heat extremes) or geophysical (earthquakes, volcanic eruptions). Others are human-made (such as nuclear or other technological accidents) or carry a strong human footprint

(land degradation, climate change). Importantly, the intensity, frequency and unpredictability of the hazardous event is not the only factor driving the risk of harm. Risk also depends on the exposure and vulnerability of the affected population, and how much resilience it has to the hazard's effects. These factors are primarily **social** rather than natural in character. While governmental and societal measures may provide protection and mitigate the risk of harm, the vulnerability of particular groups may also be a symptom of wider discrimination against them.

The second hurdle concerns the temporality of certain hazards. Some hazards are **sudden-onset**, manifesting rapidly within a short space of time like storms and earthquakes. Others are **slow-onset**, reducing the habitability of a location over time, such as desertification or sea-level rise. Both types may generate a risk of harm, and they may even interact; for instance, where storm damage accelerates desertification. In slow-onset cases, particular attention must be paid to both the evidence supporting the claim and when the risk is likely to materialise.

The third hurdle is a tendency to look only at the immediate impacts of disasters, rather than the wider range of harms that can arise in disaster settings. The risks of harm arising in disaster contexts often overlap with risks deriving from other social issues, including armed conflict, inter-communal tensions and discrimination against particular groups. As such, a holistic approach is required to take into account the full spectrum of risks to which the claimant may be exposed and an assessment of disaster-related risks alongside those deriving from other sources. This calls for careful engagement with the evidence provided by the claimant and with the relevant country of origin information, both of which are discussed at length in Sections 3 and 4 below.

Some common factual scenarios where a broader range of disaster-related issues in the country of origin can generate a risk of harm to claimants include:

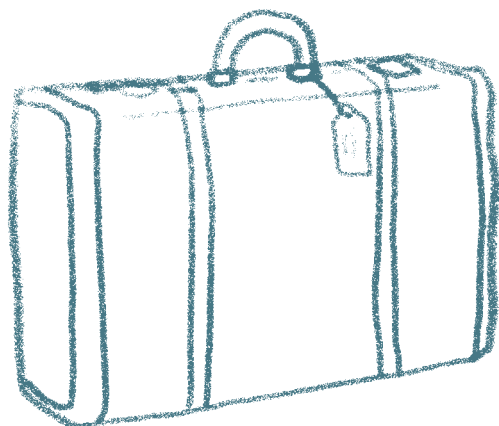
- (i) where disputes or controversies around disasters, climate change or related environmental issues place inhabitants at risk of harm at the hands of other people.
- (ii) where disasters contribute to a breakdown in public order or aggravate dynamics of conflict, violence or exploitation, thereby producing or exacerbating for inhabitants a risk of harm at the hands of other people.
- (iii) where State or non-State actors induce a disaster by severely degrading the natural environment, whether deliberately or as an accidental consequence of other dangerous activities, placing inhabitants at risk of harm.
- (iv) where the nature of the response by the State or other authorities to disasters, or their disaster risk management (**DRM**) and/or climate change adaptation (**CCA**) action, produces or exacerbates the risk of harm for inhabitants.

Claims arising in disaster contexts, including where climate change may be relevant, require UK practitioners to think more broadly about the sources of harm in countries of origin, and to engage with a wider range of evidence. The evidence, and the claim as a whole, is still assessed under the existing legal frameworks for international protection in the UK.

No new legal rules, and no new methods for the weighing of evidence, are required. There is no need to determine whether the situation meets a formal definition of a 'disaster', nor whether the authorities in the country of origin have officially declared one. What matters is whether a risk of harm exists, how serious that risk is, whether it is reduced by other factors, and — for protection claims — why it arises.

SECTION 2

Applying international protection law in climate and disaster contexts



This section summarises the approach to claims arising in the context of climate change and disasters set out in the four key pieces of international guidance: the RLI's Declaration (and accompanying analytical paper); the Practical Toolkit; and UNHCR's [Legal Considerations regarding Claims for International Protection made in the Context of the Adverse Effects of Climate Change and Disasters](#) (October 2020), as well as the 2023 update: [Climate change impacts and cross-border displacement: International refugee law and UNHCR's mandate](#).

Applying the Refugee Convention

As explained in Section 1, claims arising in the context of climate change and disasters do not require a separate legal framework. This section considers how the existing Refugee Convention and human rights frameworks apply to such claims.

People fleeing in the context of the adverse effects of climate change and disasters may have valid claims for [international protection]. No special rules exist for determining ... claims made in this context. Like any other claim, one made in the context of climate change or a disaster must show that the claimant meets the [relevant] criteria

UNHCR, *Legal Considerations* (2020), paragraph 6.

A protection claim made in the context of climate change and disasters should be approached in the same way as other protection claims: through the application of the relevant legal criteria to the established facts of the claim. As a practitioner, it is important to remember that the terms 'climate refugee' or 'disaster refugee' carry no legal weight.

As a starting point, it is worth noting that the Refugee Convention is likely to apply only in a relatively limited range of claims arising in the context of climate change and disasters.

Human agency is ordinarily required to establish persecution for the purposes of the Convention. It is not necessary to establish that human action caused the hazard itself. Rather, human action or omission must play the requisite role in creating the risk of persecution in the context of environmental harm, disaster and/or climate change. In practice, it may take any of the following forms:

- (i) an act by a State or a non-State actor, or
- (ii) an omission, including a failure to warn, evacuate or provide relief, or
- (iii) a discriminatory practice directed at an applicant or at a group.

The limited applicability of international protection law in these circumstances reflects the difficulty of bringing the impacts of climate change or hazards that form an element of disasters within the full Convention definition. In particular, broad-ranging and often untargeted impacts may be difficult to characterise as ‘persecution’ attributable to a relevant actor, and to establish as occurring for reason of one or more of the five Convention grounds: race, religion, nationality, membership of a particular social group, or political opinion. For further discussion of these challenges, see McAdam and Gilbert, [Après le déluge: Evolving approaches to international protection in the context of climate change and disasters](#).

At the time of writing, UK courts and tribunals have only grappled to a limited extent with the effects of climate change as possible elements of protection and human rights cases. One successful UK case in which climate change formed part of the factual context is **FA**, a First-tier Tribunal decision discussed in detail in Section 4 (**Case Studies**) below. The protection claim was not pursued at the hearing; instead, the claim succeeded under Article

8 ECHR. Climate evidence formed an important part of the cumulative assessment of the very significant obstacles the claimant would face in reintegrating in the Philippines, particularly in light of his mental health.

Depending on the factual matrix, this may mean that a claim advanced on human rights grounds may be more likely to succeed than under the Refugee Convention.

Practitioners should nonetheless work through the Convention criteria in every case. As discussed in Section 1, disaster-related risks may overlap with discrimination, conflict and other sources of harm, which should be considered cumulatively when applying the Convention criteria.

Well-founded fear of persecution

The well-foundedness of the fear also requires a forward-looking assessment of risk over time, taking into account all relevant facts and circumstances of the case. In the UK, this is now a two-stage test: an assessment of the subjective nature of the fear on the balance of probabilities, followed by an assessment of the objective evidence of risk on the standard of reasonable likelihood.

Although environmental hazards may affect large sections of the population, their effects may be experienced differently by particular groups. This may be relevant both to the assessment of persecution and, as discussed below, to the required nexus with a Convention ground.

Nexus with a Convention ground

A person’s well-founded fear must be causally linked with a Convention ground. It is sufficient if the Convention ground is an effective reason for the harm feared; it does not have to be the only or even primary reason. It is not necessary to establish any particular motivation on the part of the persecutor, because the law is concerned with the reasons for the persecution and not the motives of the persecutor.

Examples include members of a particular social group (such as women, children or minority groups) who are excluded from disaster preparedness or relief efforts, or environmental or climate activists targeted for their reporting or advocacy on account of their political opinion.

State protection

Where the feared persecution is by a non-State actor, practitioners should consider whether the authorities in the country of origin are willing and able to provide the claimant with effective protection. In climate and disaster contexts, this requires attention not simply to the existence of formal protection mechanisms, but to whether protection is practically accessible and effective in the claimant's particular circumstances.

Relevant evidence may include the State's capacity and willingness to prevent or respond to the harm, including through disaster preparedness, warnings, evacuation, emergency assistance and access to essential services. Particular attention should be paid to evidence that protection or assistance is withheld from, inaccessible to, or inadequate for particular groups, including where existing discrimination or marginalisation is exacerbated by the effects of climate change or disasters. The assessment should consider the cumulative effect of these factors and the claimant's individual circumstances.

Internal relocation

Practitioners should consider both the sudden and slow-onset impacts of climate change and disasters, and whether relocation is reasonable.

In assessing internal relocation, practitioners should consider whether the proposed place of relocation is itself exposed to relevant hazards, including cumulative and slow-onset impacts, and whether the claimant's individual circumstances affect their ability to establish themselves there. Present conditions should not be considered in isolation where the evidence indicates a reasonably foreseeable deterioration over time.

Non-refoulement

The principle of non-refoulement in human rights law under Article 3 ECHR may provide a complementary form of protection for those displaced in the context of climate change and disasters. This may protect people being returned to a country where they face a real risk of being subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

There is not, as yet, established case law on the application of Article 3 to removal cases involving disaster-related or climate-related risks. However, the threshold for an Article 3 removal claim remains exceptionally high. Under existing Article 3 case law, a breach depends on what causes the harm and whether it results from the acts or omissions of State or non-State actors, as outlined by the summary of relevant cases below.

Article 3 ECHR provides that:

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 3 is an absolute right. In the removal context, it prohibits the UK from removing a person where substantial grounds have been shown for believing that they would face a real risk of treatment contrary to Article 3 in the country of return.

The nature and source of the feared harm are important, particularly where the feared harm arises from a hazard or disaster. The role (if any) of anthropogenic climate change may need to be established separately, as it may affect the threshold that the claimant must meet, as discussed below.

Article 3 case law

N v The United Kingdom (2008) 47 EHRR 39

In *N*, the European Court of Human Rights (**ECtHR**) considered the removal of an HIV-infected applicant to Uganda, where the lack of adequate treatment would significantly reduce her life expectancy. The Court held that removal would not violate Article 3.

The Court distinguished cases in which the feared harm results from the intentional acts or omissions of public authorities or non-State actors from those in which it results from a naturally occurring illness and the lack of sufficient resources to deal with it in the receiving country. In the latter circumstance, removal would breach Article 3 only in very exceptional cases, where the humanitarian grounds against removal were compelling.

The significance of *N* for claims involving disaster-related or environmental harm lies in the characterisation of the source of the harm. Where the feared harm is characterised as naturally occurring, rather than attributable to the acts or omissions of State or non-State actors, the exceptionally high *N* threshold may apply.



MSS v Belgium and Greece (2011) 53 EHRR 2

In *MSS*, the ECtHR considered the conditions faced by an asylum seeker who had been returned by Belgium to Greece under the then-Dublin asylum transfer system. In Greece, the applicant experienced extreme material deprivation, including periods of homelessness, with limited access to basic necessities.

The Court found a violation of Article 3. In reaching this conclusion, it had regard to the applicant's particular vulnerability as an asylum seeker and his prolonged exposure to conditions in which he was unable to meet his most basic needs, including food, hygiene and shelter, together with the absence of any likelihood that his situation would improve. It also had regard to the fact that the applicant's predicament was a consequence of the State's failure to discharge its obligations to support and accommodate him under the EU Reception Conditions Directive.

The significance of *MSS* for claims involving severe material deprivation in disaster or environmental contexts lies in the approach taken to severe material deprivation, which could be attributable to a State's failure to comply with a relevant legal obligation. Unlike the exceptionally high threshold applied in *N*, the Court assessed the actual living conditions the applicant would face, including his ability to meet his basic needs and his particular vulnerability. This approach subsequently became important in *Sufi and Elmi*, where the Court considered which of the two approaches should apply to humanitarian conditions in Somalia.



Sufi and Elmi v The United Kingdom (2012) 54 EHRR 9

In *Sufi and Elmi*, the ECtHR considered whether the removal of two applicants to Somalia would breach Article 3 in light of the humanitarian crisis there, which included drought.

The Court held that the exceptionally high threshold in *N* did not apply. Although drought had contributed to the crisis, the crisis was predominantly due to the direct and indirect actions of the parties to the conflict, who had employed indiscriminate methods of warfare which had resulted in mass displacement and the breakdown of social, political and economic infrastructures.

The Court therefore applied the approach in *MSS*, having regard to the applicant's ability to meet his most basic needs, including food, hygiene and shelter, vulnerability to ill treatment, and the prospect of his situation improving within a reasonable timeframe.

The significance of *Sufi and Elmi* for claims involving disaster-related humanitarian conditions is that the presence of a hazard does not, by itself, determine the applicable Article 3 threshold. Where human conduct is sufficiently implicated in creating or exacerbating the humanitarian conditions feared on return, the higher threshold associated with *N* may not apply.

AMM and others (conflict; humanitarian crisis; returnees; FGM) Somalia CG (2011) UKUT 00445 (IAC)

In *AMM*, the Upper Tribunal considered whether the humanitarian conditions in Somalia, including famine and severe food insecurity, were sufficiently attributable to the actions of the parties to the conflict to engage the approach applied in *MSS*, rather than the exceptionally high threshold in *N*.

The Tribunal concluded that the famine and humanitarian crisis were caused not by the actions of the parties to the conflict but by what it described as "the worst drought there has been for 60 years" (paragraph 159).

The Tribunal accordingly applied the *N* test. On the evidence, however, it found that the conditions were sufficiently exceptional to satisfy that threshold.

The significance of *AMM* for claims involving disaster-related humanitarian conditions lies in the importance attached to the characterisation and predominant cause of the feared harm. It also demonstrates that harm characterised as predominantly natural is not excluded from the scope of Article 3, although the applicable threshold may be particularly high.

Paposhvili v Belgium (2017) Imm AR 867 (Grand Chamber)

In *Paposhvili*, the ECtHR reconsidered the threshold applicable under Article 3 in the context of removal where an applicant faced serious deterioration in health because appropriate treatment would be unavailable or inaccessible in the receiving country.

The Court set out the approach in *N*. Article 3 may be engaged where substantial grounds have been shown for believing that, although the person is not at imminent risk of dying, they would face a real risk of a serious, rapid and irreversible decline in their state of health resulting in intense suffering,

or a significant reduction in life expectancy, because appropriate treatment is absent or inaccessible in the receiving country.

The UK Supreme Court subsequently endorsed this approach in *AM (Zimbabwe) v Secretary of State for the Home Department* (2020) UKSC 17.

The significance of *Paposhvili* is that the Article 3 threshold applicable to cases falling within the *N* line of authority is no longer confined to circumstances involving imminent death. As *Ainte* subsequently confirmed in the UK context, its relevance may also extend beyond medical cases.

Ainte (material deprivation — Art 3) (material deprivation — Art 3 — AM (Zimbabwe)) (2021) UKUT 203 (IAC)

In *Ainte*, the Upper Tribunal considered the application of Article 3 to a person facing material deprivation on return to Somalia.

The Tribunal held that the approach in *Paposhvili* was not confined to cases involving illness. It could also apply where material deprivation would so fundamentally undermine the dignity of the individual as to engage Article 3. The Tribunal explained that the *N* threshold had been modified by *Paposhvili* and *AM (Zimbabwe)*: the question was no longer whether the person faced imminent death, but whether the conditions on return would result in intense suffering or a significant reduction in life expectancy such that the humanitarian case against removal was compelling.

The significance of *Ainte* for disaster-related humanitarian cases is that the modified *N* threshold may apply to severe material deprivation, rather than only to medical cases. This may be relevant where the effects of disasters or environmental hazards, including where climate change is shown to have contributed to their likelihood or severity, are said to expose a claimant to extreme conditions affecting access to essentials such as food, water, shelter or other basic necessities.

Which test applies to disaster-related harm?

The test depends on the source of the harm relied on.

Where the harm arises from human conduct in the country of return, such as conflict over scarce resources, withholding of relief, exclusion from evacuation, or the State's own response to a disaster, the applicable test is that laid down in *MSS v Belgium*. The tribunal will have regard to the applicant's ability to cater for basic needs such as food, hygiene and shelter, vulnerability to ill treatment, and the prospect of the situation improving within a reasonable timeframe.

Where the harm arises "not from the intentional acts or omissions of public authorities or non-State bodies" (paragraph 43, *N v United Kingdom*), the position is currently different. This is because courts have traditionally characterised climate change as naturally occurring, and not as a result of acts or omissions from State or non-State bodies. In this situation, the test (as modified by *Paposhvili* and *Ainte*) is now whether the person will be exposed to conditions resulting in intense suffering or a significant reduction in life expectancy such that the humanitarian case for granting leave is compelling.

Practice point: Where human conduct can be shown to contribute to the feared harm, practitioners should identify precisely the relevant acts or omissions — such as discriminatory withholding of aid, State-caused environmental degradation, or conflict to demonstrate their contribution to the claimant's circumstances. Evidence should therefore focus on the conduct of the State or non-State actors involved, not only on the severity of the hazard itself.

Moving the needle: UK courts have not yet determined whether the anthropogenic character of climate change affects which Article 3 test should apply. [Toal argues that:](#)

- (i) *N* applies only where the harm “would emanate not from the intentional acts or omissions of public authorities or non-State bodies, but instead from a naturally occurring illness and the lack of sufficient resources to deal with it” (*N v United Kingdom*, paragraph 43)
- (ii) Climate change is by definition caused by human activity (as per the IPCC’s AR6), and its adverse effects therefore emanate from acts and omissions: emitting greenhouse gases, permitting emissions, failing to prevent transboundary harm, and failing to take adaptation measures.
- (iii) The condition for applying *N* is therefore not satisfied where the harm is caused by climate change.
- (iv) Therefore, the test that should apply is the test in *MSS v Belgium* (lower threshold).

The key issue for practitioners is therefore not whether a claim can be labelled a climate or disaster claim, but how the feared harm arises, the extent to which human acts or omissions contribute to it, and how those facts engage the relevant Refugee Convention or human rights test.



Article 8 ECHR

Article 8 ECHR protects the right to respect for private and family life, home and correspondence. Unlike Article 3, Article 8 is a qualified right: interference may be justified where it is lawful, pursues a legitimate aim and is necessary and proportionate.

In the removal context, Article 8 claims can broadly be divided into two categories. Domestic cases concern the effect that removal would have on private or family life established in the UK, whether that of the claimant or another person. Foreign cases concern circumstances in the country of return and whether removal would expose the claimant to conditions affecting their enjoyment of Article 8 rights there.

The Immigration Rules ([Appendix Private Life](#)) have sought to codify what is required to establish an Article 8 private life claim. They include establishing that “there would be very significant obstacles to the applicant’s integration into the country where they would have to live if required to leave the UK”.

Climate and disaster-related evidence may be relevant to an Article 8 claim even where it does not provide a freestanding basis for protection. In particular, environmental conditions in the country of return may form part of the cumulative assessment of the obstacles a claimant would face on return. Section 4 (**Case Studies**) below discusses *FA*, in which climate evidence contributed to the assessment of whether the claimant would face very significant obstacles to integration under the Immigration Rules.

Looking further ahead, Section 6 explores developing arguments about how Article 8 might be applied in cases involving climate and disaster-related evidence, including the potential relevance of emerging climate jurisprudence and States’ responsibilities for climate-related harm.

SECTION 3

Issue Spotting and Evidence

Claims involving disaster-related or environmental harm will rarely be referred to practitioners in those terms, and any climate change dimension may not be immediately apparent. Practitioners will need to be aware of climate and displacement issues and ready to explore them with clients, as appropriate.

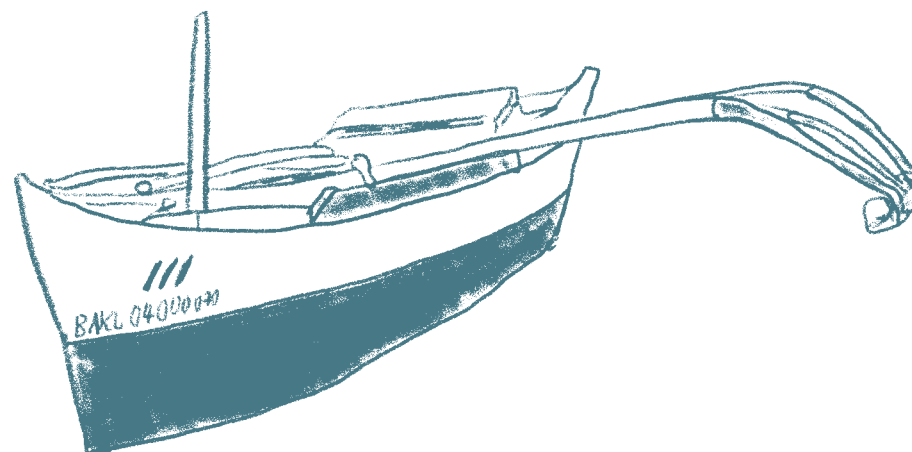
The climate dimension, where present, is usually embedded within accounts of persecution, gender-based violence, conflict, trafficking or hardship, and can be missed without deliberate questioning.

In the UK, climate-related protection claims remain relatively unfamiliar, and practitioners may have limited experience of how climate impacts are reflected in witness evidence. In this developing area, experts by experience can provide an important source of insight into the lived realities of environmental change, disasters and displacement, helping practitioners to understand how environmental change is experienced, articulated and evidenced by those directly affected. Alongside expert reports and country evidence, first-hand testimony can deepen understanding of the ways in which environmental change and disasters — including impacts attributable

to climate change — intersect with persecution, conflict, poverty and other drivers of displacement. A number of organisations have developed platforms bringing together such testimony and other practical resources, some of which are signposted below.

To explore further the words of those who are affected, see: the [Faces testimonials hub of Earth Refuge](#), [Living Climate Change – six unheard stories](#), [Moving Stories: Pakistan. The voices of people who moved during flooding](#), [Video statements | OHCHR](#), [Archives: Stories — Witness Stand](#), [Voices from the Climate Frontline | Environmental Migration Portal](#), [Voices from the Frontlines — Africa Climate Mobility Initiative](#), [Climate Migration Collaborative's Story Collection by Advocates, Activists and Artists](#), and the original perspectives gleaned by [Climate Refugees: Voices of Climate Collapse](#).

The questions below are prompts, not a script, and should be tailored to the client's country and profile; questions should be asked openly before narrowing and paired with country of origin (COI) evidence regarding specific locations, years, events and infrastructure.



Triaging questions for client interviews

Extreme weather events and physical environment

- ☐ Are floods, storms, droughts or other extreme weather events regular in the area you come from? Has frequency or severity changed in recent years?
- ☐ Were you or your family ever displaced by a weather event? Where did you go, for how long, and was the journey safe?
- ☐ Were you able to return? What living conditions did you return to? Were your home, land or belongings damaged or destroyed?

Food, water and basic needs

- ☐ Did your family have enough food at home? Has this changed, and what caused the change — weather, prices, lost crops or livestock, etc?
- ☐ Has access to clean water changed? How far do people travel for it? Has water access caused tensions in the community?
- ☐ After a disaster, how far did people travel to meet basic needs? Were any groups affected differently (worse or better)?

Livelihoods and land

- ☐ What did you and your family do for a living? Did it depend on land, farming, fishing, herding, natural resources?
- ☐ Has anything changed about your land — what it produces, flooding, drought, soil quality? When did the changes begin?
- ☐ Did you or household members take on alternative work or debt, or migrate for income? Were women more likely to migrate? Were children withdrawn from school?
- ☐ If you returned home today, could you support yourself and your family?

Household stress, domestic violence and family fragmentation

Poverty and livelihood loss associated with climate-related and environmental pressures can [contribute to domestic violence](#): as livelihoods collapse, household tension intensifies, coping mechanisms break down, and women, children and dependants bear a disproportionate share of the resulting harm. For many clients, the protection issue at the centre of the account is not the environmental event, but the violence and coercion that follows.

- ☐ Is there conflict in the wider area? Does it worsen during or after floods, droughts or disasters? Are there tensions between groups over land, water or other resources?
- ☐ Did economic pressure from these environmental changes create stress or conflict within your household? Did household dynamics change after a particular event or loss of income?
- ☐ Have you or anyone in your household experienced violence, threats or controlling behaviour at home? Did this begin or worsen during environmental or economic stress?

Government response and State accountability

- ☐ Does the government help communities affected by floods, droughts, storms or other environmental hazards and disasters? If so, what kind of help is provided, and how quickly?
- ☐ Is your community treated differently from others?

Health

- ☐ Do you or your family have physical or mental health conditions caused or worsened by the conditions where you lived — air quality, water contamination, heat, food insecurity, etc?
- ☐ Have you been unable to access care because of distance, cost, displacement, destroyed health infrastructure, or because of the community your family belongs to?

Trafficking, exploitation and modern slavery

Climate change and modern slavery operate in a vicious circle. Disasters, environmental degradation and resource scarcity can drive people into poverty and forced migration in search of work, food or safety, leaving many exposed to trafficking, forced labour and child slavery. Climate change may increase the likelihood or severity of some of these pressures.

- ☐ During the journey, were you held, prevented from leaving, separated from documents, or made to work to repay a debt? If so, by whom?
- ☐ On arrival at the destination, what work did you do? Were you paid? Could you leave, keep your documents, establish contact with family or loved ones?
- ☐ Were family members pressured into work or marriage to manage household debt or to support those who had left?
- ☐ Has anyone followed up with you, your family or community to demand repayment, return or further work?

Future risk on return

- ☐ If you returned tomorrow, where would you go? Is your home, land or community still intact? Are family or community members still there?
- ☐ Are the conditions that caused you to leave continuing or worsening?
- ☐ Is there anywhere else in the country you could safely and reasonably live? What conditions would you face there?

Country Profiles

This table is a quick reference only, designed to help lawyers orient themselves to the key climate and environmental factors affecting clients from these countries. The five countries have been selected as a mix of those most climate-vulnerable globally and those most represented in UK asylum claims. In any individual case, consult up-to-date country of origin information, particularly from the UK Visas and Immigration [Country Policy and Information Notes \(CPINs\)](#). See the 'Gathering relevant materials' section below for more.

Afghanistan Key climate and environmental hazards



Among the ten countries most affected by climate change globally ([IOM, February 2025](#)). Entering its fifth consecutive year of drought in 2025 – with 25 of 34 provinces in severe or catastrophic drought conditions ([IOM, December 2025](#)). In 2024 Afghanistan recorded the highest number of disaster-induced internal displacements worldwide (approximately 1.3 million people).



Climate change, environmental degradation and growing water scarcity are eroding agricultural livelihoods, deepening food insecurity and poverty (nearly 80% of Afghanistan's population is dependent on agriculture). The impacts fall disproportionately on women: Taliban restrictions curtail their mobility, earning capacity and access to humanitarian assistance, sharpening their exposure to climate harm ([NUPI, April 2026](#)).



The effects of climate change place mounting pressure on natural resources, at times escalating disputes over water and land ([NUPI, April 2026](#)).

Bangladesh Key climate and environmental hazards



Ranked ninth on the 2024 World Risk Index of countries most exposed to extreme weather ([World Risk Index, December 2024](#)).



Recent major events include Cyclone Amphan (2020), Cyclone Remal (2024), and the October 2024 monsoon floods, which UNICEF reported affected up to 18.4 million people, including 7 million children ([UNICEF, September 2024](#)).



Other recurrent hazards include monsoon flooding (which routinely submerges around one-fifth of the country); salinisation of farmland and drinking water in coastal districts; riverbank erosion along the major delta systems; loss of the Sundarbans mangrove buffer; storm surges; and increasingly severe heatwaves, including in 2024 ([COI Report, August 2025](#)).



An assessment by the World Bank found that women in the Sundarbans face increased GBV risks due to climate change stressors ([World Bank, June 2024](#)).



There is also evidence to show that the incidence of child marriage increases in the aftermath of disasters and climate-related hazards ([World Bank, June 2024](#)).

Pakistan Key climate and environmental hazards



Ranked 10th on the 2024 World Risk Index of countries most exposed to extreme weather ([World Risk Report, December 2024](#)).



The IDMC's Global Report on Internal Displacement 2024 found that Pakistan is the second country (after Afghanistan) with the largest number of people displaced due to disasters ([IDMC Report, 2024](#)).



Major hazards include extreme monsoon and riverine flooding; glacial melt from glaciers across the Hindu Kush–Karakoram–Himalaya; record-breaking heatwaves (pre-monsoon temperatures exceeding 50°C in Sindh and southern Punjab); drought, particularly in Balochistan and the Tharparkar desert region of Sindh; and rising sea levels and salinity intrusion in the Indus Delta ([Jinnah Institute, 2025](#); [Yale Environment 360, September 2025](#); [Climate Reach, November 2025](#)).

Philippines Key climate and environmental hazards



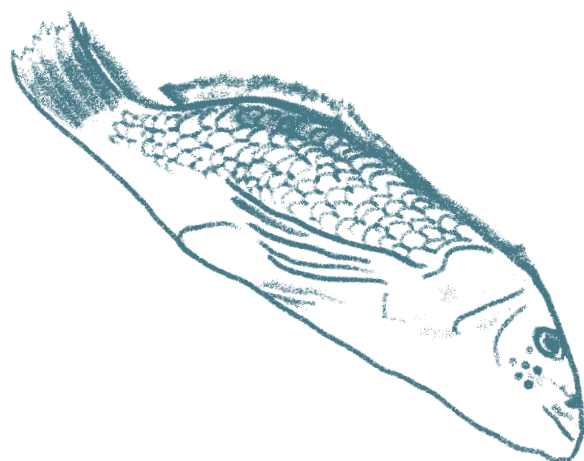
Considered to be one of the world's [most disaster-prone](#) countries.



Hazards include sea-level rise, storm surges, landslides (including the January 2024 Mindanao landslides) ([ACAPS, February 2024](#)), drought and record heatwaves (April 2024 temperatures exceeded 40°C), coastal erosion, and ocean acidification affecting fisheries ([World Bank, 2021](#); [ACT Alliance, 2024](#)).



Sudden-onset displacement is often repeated, with communities being displaced multiple times within a single season.



Somalia Key climate and environmental hazards



Endured the worst drought in over 40 years between 2021 and 2023, following five consecutive failed rainy seasons; this was followed by once-in-a-century El Niño flooding in late 2023 ([ICG, December 2024](#)).



Faces chronic and compounding environmental stressors, including droughts, floods and crop and livestock diseases ([MMC, April 2026](#)).



In April 2026, IOM reported that nearly 62 000 people had been displaced by drought across five districts in Somalia since the beginning of the year. Drought now accounts for three out of every four new displacements — a 22% increase from 2025 ([IOM, April 2026](#)).



A 2026 report by the Mixed Migration Centre found that loss of crops, livestock and livelihoods associated with drought, flooding and other environmental pressures are the primary drivers of cross border movement ([MMC, April 2026](#)).

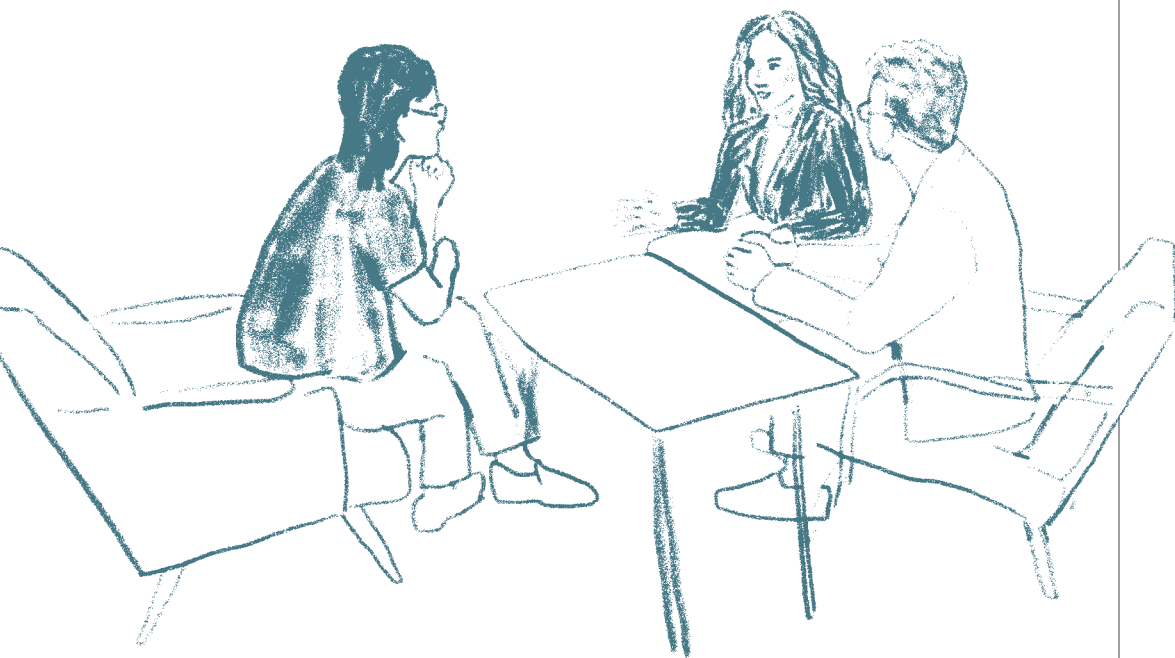


Climate stressors are inseparable from the conflict with Al-Shabaab and from inter-clan violence over diminishing land and water resources ([ICG, December 2024](#)).

Building a climate or disaster-related protection claim

The above section set out the issue-spotting and screening prompts that assist at intake and triage. This section turns to the next stage: building the evidential foundation of the claim.

From the outset, practitioners should identify the legal tests that are likely to apply and keep the relevant standard of proof firmly in mind. Evidence should not be assessed in isolation, but by reference to the elements that must ultimately be established: whether a well-founded fear of persecution, a real risk of harm under Article 3 ECHR, very significant obstacles to integration, or another applicable threshold. The process of gathering, assessing and presenting evidence should be guided by those requirements throughout.



Approaching client interviews

Practitioners should recognise from the outset that building a climate or disaster claim is not a quick process. Eliciting the full picture may require several meetings and interviews.

Rapport

Rapport-building is vital. Practitioners should approach these clients in much the same way as a potential victim of trafficking, with a view to understanding all aspects of the client's life and circumstances that may have rendered them vulnerable. Transparency is important: clients should be told at the outset that they will be asked questions about matters they may consider irrelevant, or may prefer not to discuss — for example, family history, characteristics of the home area, and longstanding patterns of community life.

The wider story

The client's account is the foundation of the evidence, and the springboard for identifying further grounds and lines of research. Conferences should focus on the wider story rather than on a particular act of persecution or harm. Clients may be inclined to steer the conversation back to a single most-pressing event; practitioners should gently broaden the focus to the surrounding social, environmental and political context.

Recognising invisible patterns

Longstanding discrimination against a particular ethnic or religious group may be so deeply embedded in a client's society that the client does not perceive it as discrimination or persecution — they may regard it simply as the way things have always been. Practitioners should be alert to this and prepared to elicit such patterns through targeted questioning.

Practice Direction

The [First-tier Tribunal \(Immigration and Asylum Chamber\) Practice Direction](#) (November 2024) reinforces the need for an issues-based approach and procedural discipline. Paragraph 9 addresses expert evidence, while paragraph 10 concerns country information evidence. Both reflect a clear emphasis on relevance and brevity. The practice of filing extensive country bundles is no longer appropriate; instead, country evidence should be carefully targeted at the issues in dispute. Practitioners should also keep country evidence under review throughout the life of an appeal, particularly where there are significant delays before a hearing. As demonstrated in the Philippine case study discussed below, monitoring changes in country circumstances, especially climate-related events, and updating the bundle where necessary can be an important factor in ensuring that the Tribunal has the most current and relevant evidence before it.

Country evidence

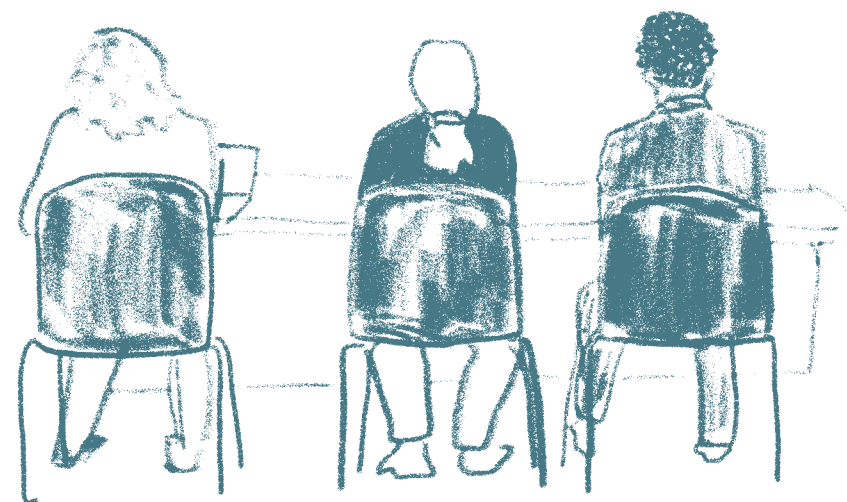
Country evidence is discussed in more detail below. At this stage, it is important to note that a country expert will not always be necessary. Where the relevant issues are adequately addressed in publicly available sources, practitioners should be confident in reviewing and analysing the objective evidence themselves. Doing so will also help identify any genuine gaps that may require expert evidence.

Where expert evidence is required, practitioners should seek to obtain and serve it as early as possible. In *HA (expert evidence; mental health) Sri Lanka* (2022) UKUT 111 (IAC), the Upper Tribunal emphasised that early service enables the respondent to consider the evidence and indicate whether it is challenged or whether oral evidence is required. Challenges can often be addressed through a supplementary report, but practitioners should be prepared for the possibility that the expert will need to give oral evidence and should plan accordingly from the outset.

Working with counsel and the Tribunal

A collaborative approach between those instructing the case (such as caseworkers or solicitors) and counsel is essential. Advice should be sought at an early stage so that the case strategy, evidence and legal arguments can be developed together.

Climate-related arguments may still be unfamiliar to the Tribunal and the respondent. Practitioners should not be deterred by this. Where climate change or disaster-related evidence will form part of the claim, it should, wherever possible, be identified and advanced from the earliest stages of the asylum process, including before the initial decision. This helps establish the basis of the claim from the outset, reducing the risk of adverse credibility findings and avoiding the possibility that climate- or disaster-related issues raised only after refusal will be treated as a new matter requiring the consent of the Secretary of State under section 85(6) of the *Nationality, Immigration and Asylum Act 2002*. Climate-related issues should also be raised at the case management review hearing so that all parties and the Tribunal are on notice of the issues to be determined.





Working with experts

Preparing to instruct an expert

Before instructing an expert, practitioners should familiarise themselves with relevant materials on climate change and disasters. Adequate preliminary research enables practitioners to frame focused instructions and to equip the expert with key facts and sources.

Reusable reports

Climate change and disaster issues frequently recur across cases. Where appropriate, practitioners may consider obtaining an issue-based report capable of being referred to in subsequent cases without further authorisation. Funding such a report may present challenges, but the [Legal Aid Agency](#) may agree where the issue arises in several publicly funded cases (see [EIN Best Practice Guide, paragraph 24.7](#)). See *Section 5: Funding* below for further information.

Gathering relevant materials

Climate and disaster claims require a shift in focus when gathering country information and technical material. Relevant materials should be expressly drawn to the expert's attention; a country expert may not previously have been asked to address climate change and disasters.

Country Policy and Information Notes (CPINs)

These should not be discounted. They now contain limited but useful material, including recognition of climate change as a 'significant risk multiplier' in relation to internal displacement and the unreasonableness of relocation. Where the Home Office relies on such sources, it cannot subsequently contend that they are unreliable (See, e.g., [CPIN: Internal Relocation, Brazil \(November 2025\)](#); [CPIN: Humanitarian Situation, Afghanistan \(August 2024\)](#)).

The IPCC reports

These remain the principal authority and an essential starting point; the [Summary for Policymakers](#) is approved line by line by 195 member governments, including the UK. Practitioners should consult the [IPCC glossary](#) and the explainers published by [Carbon Brief](#) and [The Conversation](#), and be aware of three limitations. First, a five- to seven-year assessment cycle means the IPCC's AR6 [Synthesis Report \(2023\)](#) relies on data only until 2021, with AR7 not expected until 2029. Second, the requirement of intergovernmental approval can dilute summary wording, so the full reports should be consulted. Third, the focus on global and large-scale regional trends, combined with reliance on unpaid contributors, may produce gaps in local data and sideline diverse knowledge systems, including Indigenous perspectives.

Other authoritative sources

These include [ReliefWeb](#), PreventionWeb's [Hazard Information Profiles](#), [IPC](#) (Integrated Food Security Phase Classification) and [EM-DAT](#).

Climate-specific content is increasingly available from established human rights bodies, including:

- [Human Rights Watch](#)
- [Amnesty International UK](#)
- [Red Cross and Red Crescent Climate Centre](#)
- [Anti-Slavery International's Climate Change and Modern Slavery Hub](#)
- UNHCR's ["No Escape"](#) report.

Attribution science examines the extent to which human-induced climate change has influenced particular hazards and their impacts. Using climate models, observational data and statistical methods, scientists can compare the world as it is today with a counterfactual world without human-induced climate change, allowing them to assess whether, and by how much, climate change has altered the likelihood or intensity of particular extreme weather events. Attribution science is an established and increasingly sophisticated field and can provide important evidence connecting global climate change to the particular hazards and risks faced by a claimant. For a useful introduction to the methodology and its applications, see the [Union of Concerned Scientists' explainer on attribution science](#).

For up-to-date attribution and risk data, see:

- [World Weather Attribution](#)
- [Imperial College Grantham Institute](#)
- [Carbon Brief's attribution mapping](#)
- [Climate Shift Index](#) (Climate Central)
- [Climate Risk Index 2026](#) (Germanwatch)
- [Climate Change Tracker](#)

Data gaps

Scientific uncertainty should not be equated with an absence of risk. Attribution science may be limited in some countries or for some hazards by gaps in historical observations, monitoring and research capacity. More generally, uncertainty is an inherent feature of scientific assessment and does not, by itself, prevent decisions from being made about risk.

The [precautionary principle](#) provides a useful framework for thinking about such uncertainty: in environmental decision-making, the existence of scientific uncertainty does not necessarily justify waiting for complete or conclusive evidence before taking a potential risk of serious harm into account. Practitioners should therefore be alert to the distinction between evidence that a risk does not exist and limitations in the available evidence or scientific capacity to quantify that risk.

Practitioners should be alert to gaps in the available evidence: absence of evidence is not evidence of absence. As Dr Friederike Otto observes in [Climate Injustice](#), EM-DAT records only eight heatwaves in Africa since 1900, reflecting limited local data collection, the bias of Western research

institutions and the uneven distribution of research capacity. However, country experts may have access to their own sources.

US sources

The provenance and date of US-sourced material should be verified. The current Trump administration has been documented as both [suppressing scientific evidence of climate change](#) and amending [the content of US State Department human rights reports](#).

Priming the country expert

The relationship between climate change and persecution may not be immediately apparent to clients, practitioners or country experts, as this remains a developing area of legal argument within existing protection frameworks. Practitioners should therefore undertake preliminary research before instructing an expert and provide clear instructions asking the expert to consider whether climate change is said to be a direct cause of the harm, or a factor that aggravates existing conditions. It will be helpful to support any such argument with evidence to be used alongside the expert's own sources, framed carefully to avoid oversimplifying the causes of persecution.

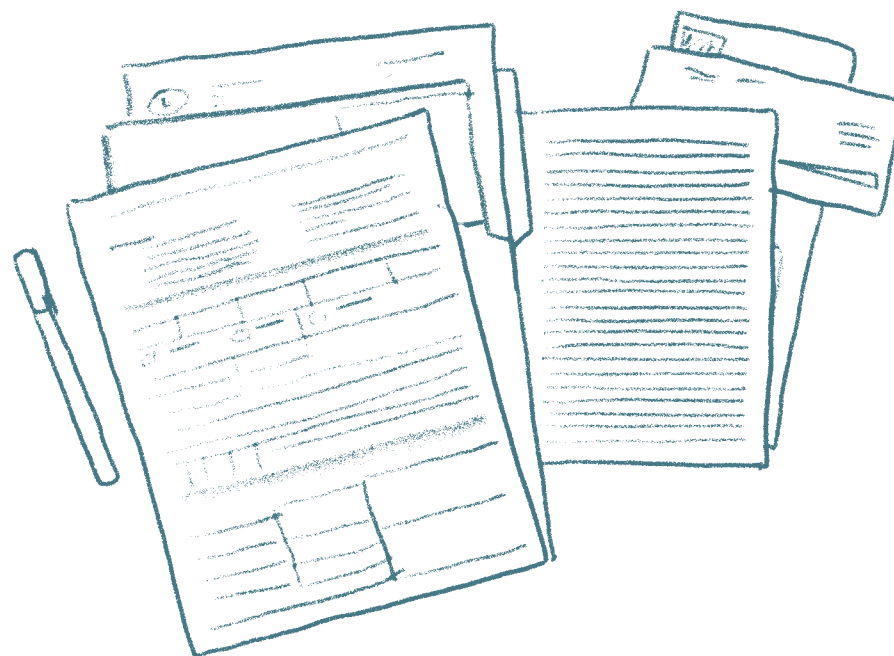
The concepts discussed in the Introduction and Section 1 of this Toolkit should be drawn to the expert's attention where relevant. In particular, practitioners should ensure that the expert addresses:

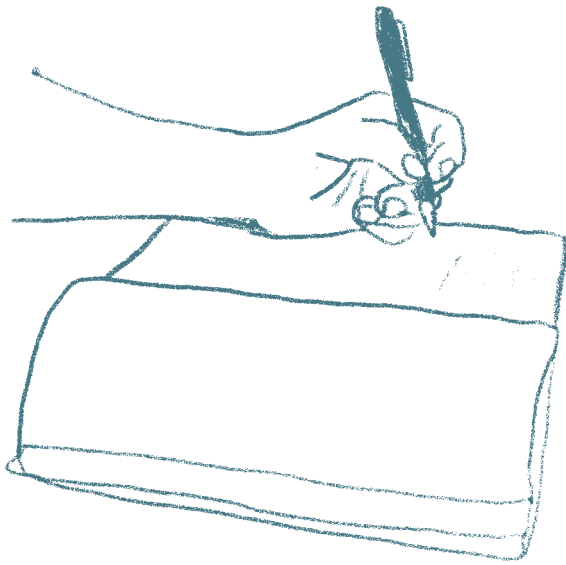
- the interaction between hazards, exposure, vulnerability and resilience, rather than treating disasters as purely 'natural' events;
- the role of climate change as a risk multiplier, including its effects on conflict, displacement, discrimination, livelihoods, health and internal relocation; and

- the differential impacts of climate change and disasters on particular groups, including those affected by existing patterns of marginalisation or inequality.

Experts should be asked to analyse how these factors operate in the claimant's particular circumstances and country context.

Where the expert has climate or disaster expertise but is unfamiliar with the Immigration and Asylum Chamber of the First-tier Tribunal, practitioners should provide background on the asylum process. Useful supplements include the [Right to Remain Toolkit](#), Free Movement's '[Asylum Process in the UK \(Introductory\)](#)' course, and the Refugee Law Initiative's [Expert Witness Training](#).





Drafting the expert report

As case law and training in this area remain limited, climate and disaster evidence may be unfamiliar to decision-makers. It is therefore likely to receive closer scrutiny and be more susceptible to misunderstanding.

Particular care should be taken to ensure that reports are clear and accessible to readers without specialist knowledge; that technical terms are explained; that sources properly support the propositions relied upon; that the expert's CV clearly identifies relevant climate or disaster expertise and spells out any initials or acronyms; and that emotive language is avoided. Where a report exceeds 20 pages, practitioners should seek permission under [Practice Direction 9.2](#) to file a longer report, as the number and complexity of issues will often justify this.

Practitioners should also anticipate closer engagement with the report by the respondent, including the possibility of misunderstanding or challenge. Experts should therefore be alerted to these issues at an early stage and given time to respond to any points raised. The Tribunal may also wish to test the evidence, making it more likely than usual that the expert will be required to give oral evidence.

Special instructions

When instructing the expert, practitioners should consider which of the following issues are material to the claim and ask the expert to address them where relevant.

The topics identified in the *Triaging Questions for Client Interviews* section above should inform the instruction of any country, medical or other expert. The purpose of expert evidence is not to repeat the client's account, but to provide objective evidence and analysis of the conditions, risks and vulnerabilities identified during the interview process.

Practitioners should identify the issues material to the claim and ask the expert to address them where relevant. In particular, experts may be asked to explain the relationship between climate change, disasters and the risks identified by the client; the role of State action or inaction; the position of any relevant social group; and the extent to which climate change operates as a risk multiplier in the claimant's particular circumstances.

Internal relocation

Internal relocation is often the most accessible route for incorporating a climate dimension into a claim. The Court of Appeal's recent decision in *ASJ (Somalia) v Secretary of State for the Home Department* (2025) EWCA Civ 282 reaffirmed the applicability of the test in *Januzi v Secretary of State for the Home Department* (2006) UKHL 5, which requires decision-makers to consider 'all relevant circumstances' relating to both the appellant and the country of origin when assessing whether relocation would be reasonable or unduly harsh. As the Court observed in *AH (Sudan) v Secretary of State for the Home Department* (2007) UKHL 49, the assessment must focus on the circumstances of the particular applicant, including factors such as age, gender, experience, health, skills and family ties.

A relevant consideration may be whether the effects of the climate crisis — for example, mass displacement to urban areas following prolonged drought or other disaster events — would make internal relocation unreasonable because of a lack of basic resources, services or support.

For specific disasters

- State responsibility for disaster risk reduction, preparedness and response.
- Whether climate change has affected the frequency, intensity or predictability of relevant hazards.
- The interaction between hazard, exposure, vulnerability and adaptive capacity.
- The position of the claimant's social group and any evidence of discrimination.
- Whether climate-related factors aggravate risks of destitution, persecution or serious harm.

Conflicts over land

- A summary, including historical roots, of the land conflict in [the country of nationality]
- An overview of the risk, if any, of desertification in [the country of nationality]
- Has the desertification of arable land in [the country of nationality] meant a heightening of conflict over land?
- [If the client is from a particular tribe / community] What role, if any, does the [the tribe / community] have in the current land conflict, both in the present and historically?
- Has the government played a role in the conflict over land between different groups? Has it supported one side over the other?

Gender

It is important to make clear the ways in which climate change can affect women and other groups differently. Climate change often exacerbates existing inequalities, meaning that women may face greater risks during and after disasters, including higher levels of violence, economic insecurity and barriers to recovery, as recognised by the [IPCC's AR6](#). Practitioners should consider whether expert evidence addresses these gendered and intersectional impacts where they are relevant to the claim.

- Are women or girls disproportionately affected by relevant hazards in the country concerned?
- How do gender roles, caring responsibilities, mobility, employment and access to resources affect vulnerability?
- Are there heightened risks of gender-based violence, child marriage or exploitation in displacement, evacuation or camp settings?

Health

Climate change can affect health through multiple pathways. Hazards whose frequency or severity may be affected by climate change, including extreme heat, flooding and wildfires can worsen existing physical and mental health conditions, increase the risk of infectious disease and malnutrition, and place particular pressure on those with underlying health conditions. The [World Health Organization](#) describes climate change as one of the greatest threats to human health, with the greatest impacts falling on those who are already vulnerable.

Where a client has a physical or mental health condition that may be directly or indirectly affected by climate or environmental harms, practitioners should consider obtaining a clinical letter or short report from the client's treating secondary care clinician to support the claim. Where both a country expert report and a medico-legal report (**MLR**) are required, it is usually strategic to

obtain the MLR first. A confirmed diagnosis of post-traumatic stress disorder (addressed below) or other identified physical or mental health vulnerabilities can shape the questions put to the country expert, particularly in relation to the availability, accessibility and adequacy of treatment on return, the likely impact of climate- or environment-related harms on the client's condition, and whether those factors would increase the risk of serious harm.

- Are there climate-related risks relevant to the claimant's physical or mental health?
- Would existing conditions be exacerbated by environmental conditions in the country of return?
- Are there overlapping hazards (for example heat, air pollution, drought or flooding) that increase health risks?

Mental health

Instructions may include the impact on the client's mental health; whether there is a diagnosable condition; evidence of a direct causal link (for example, re-experiencing symptoms with identifiable triggers); whether the relevant hazard is increasing in frequency, magnitude or severity due to climate change; other factors heightening mental health impact; and the risk of re-traumatisation and of suicide on return.

- Is there evidence that climate-related events contributed to trauma or psychological harm?
- Would return expose the claimant to re-traumatisation or worsening mental health conditions?

For instance, [post-traumatic stress disorder \(PTSD\)](#) is more commonly considered in the context of detention, torture or modern slavery, but environmental hazards and related disasters fall squarely within recognised diagnostic criteria. Both the [International Classification of Diseases](#) definition ('exposure to an extremely threatening or horrific event') and the [Diagnostic](#)

[and Statistical Manual of Mental Disorders](#) definition ('exposure to one or more traumatic events involving actual or threatened death, serious injury, or sexual violence') can be applied to the context of climate change and disasters.

Trafficking and modern slavery

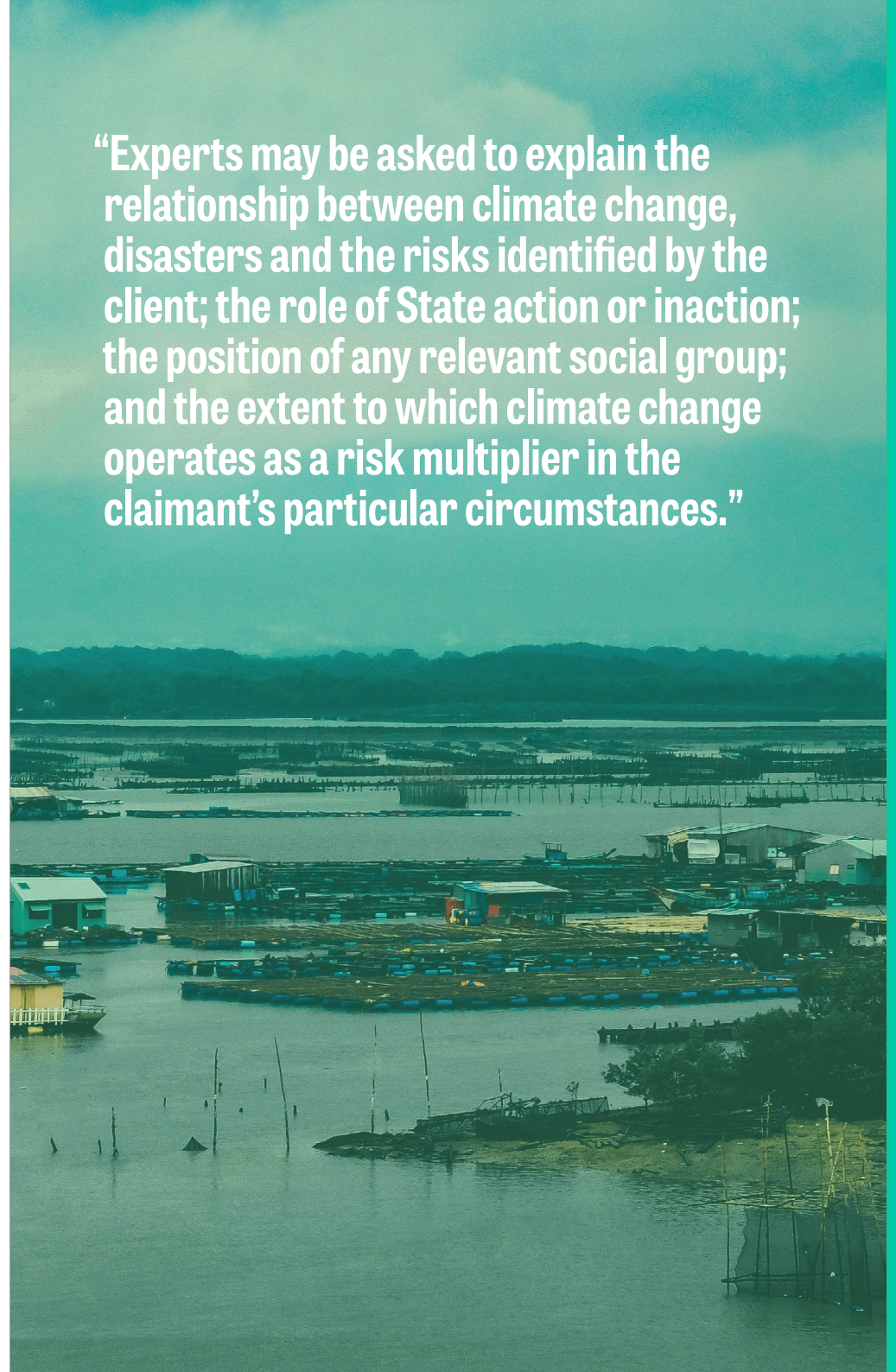
Practitioners should be alert to [how trafficking and modern slavery may intersect](#) with climate and environmental factors in international protection claims. Initial enquiries may explore whether climate-related hazards, environmental degradation or loss of livelihood contributed to displacement, disrupted protective networks or heightened vulnerability to trafficking or exploitation; whether displacement or migration exposed the client to exploitation; and whether these intersecting factors increase the risk of re-trafficking or further harm on return, or affect the availability of effective protection.

- Does disaster-related displacement increase vulnerability to trafficking or exploitation?
- Is there evidence of a risk of re-trafficking on return?

Useful sources for experts

- [IPCC Sixth Assessment Report \(AR6\)](#)
- [IPCC AR6 Working Group II, Chapter 7 \(Health\)](#)
- [Climate Risk Index 2026](#)
- [United Nations Office for Disaster Risk Reduction \(UNDRR\)](#)
- [Platform on Disaster Displacement](#)
- [World Health Organization \(WHO\) resources on climate change and health](#)
- [Lancet Countdown on Health and Climate Change \(2025\)](#)
- [Lancet Countdown country profiles and data sheets, see e.g., Bangladesh](#)
- [Royal College of Psychiatrists, Planetary Health and Sustainability Committee](#)
- [UK Health Alliance on Climate Change](#)
- [London School of Hygiene & Tropical Medicine \(LSHTM\), Centre on Climate Change and Planetary Health](#)

“Experts may be asked to explain the relationship between climate change, disasters and the risks identified by the client; the role of State action or inaction; the position of any relevant social group; and the extent to which climate change operates as a risk multiplier in the claimant’s particular circumstances.”



SECTION 4

Case studies Worked examples



Philippines

This case study illustrates how harm arising from disasters, together with evidence concerning the contribution of climate change, can be incorporated into an Article 8 ECHR claim, even where the Refugee Convention offers no protection. It demonstrates the importance of identifying the cumulative interaction between environmental harm, mental health, governance failures and individual vulnerability, and how careful evidential development can transform a case that initially appears legally weak into a successful human rights appeal.

With thanks to Gamal Basha of Qore Legal and Ronan Toal of Garden Court Chambers.

The facts

FA is a Filipino national who came to the United Kingdom in 2013. Before leaving the Philippines, he worked as a farmer and later as a tuk-tuk driver after leaving school at the age of seventeen. He came from a modest socio-economic background and had built a small family home in Marikina City.

In 2009, the home was destroyed by Typhoon Ondoy (Ketsana), one of the most devastating typhoons in Philippine history. Despite the scale of the disaster, FA received no government assistance. His evidence was that disaster relief was distributed through patronage networks favouring politically connected families, leaving poorer households without support. He was forced to relocate — which had significant and long-lasting implications for his mental health — before eventually leaving for the UK.

The Philippines continued to experience a series of severe typhoons and floods after FA's departure, including Typhoons Maring and Yolanda in 2013 and an exceptional series of typhoons during 2024-2025. During the appeal, fresh evidence showed that his elderly parents' home in Tarlac had again been severely flooded, forcing them to evacuate without electricity or access to essential medication. Evidence also emerged of corruption affecting the government's flagship Anti-Flood Project, raising further concerns about the state's capacity to respond effectively to escalating climate risks.

Identifying the legal issue

At first sight, the case appeared to fall outside the protection afforded by the Refugee Convention. The litigation therefore focused on Article 8 ECHR rather than asylum. The central question became whether the disaster-related and environmental harms facing the appellant, including any risks aggravated by climate change, together with the appellant's personal circumstances, created 'very significant obstacles to integration' for the purposes of paragraph 276ADE(1)(vi) of the Immigration Rules (now reflected in Appendix Private Life) and rendered removal disproportionate.

Rather than presenting climate change as an independent ground of protection, the case examined how it interacted with existing vulnerabilities. The destruction of the appellant's home, repeated exposure to increasingly severe typhoons, the state's ineffective disaster response, and the resulting psychiatric illness formed a cumulative picture of individual hardship.

Climate change was therefore advanced as a material factor within an orthodox Article 8 proportionality assessment, rather than as a substitute for existing human rights principles.

Litigation strategy

Developing the case required identifying the legal significance of facts that initially appeared peripheral.

The appellant's untreated psychological trauma following Typhoon Ondoy, the repeated disruption caused by successive typhoons and floods, and the failure of disaster relief mechanisms were not, individually, sufficient to establish a human rights claim. Taken together with the expert evidence concerning the contribution of climate change to typhoon risk, they demonstrated that climate change had become an important contributor to the appellant's mental illness and to the obstacles he would face upon return.

The strategy therefore shifted the focus away from climate change as an abstract environmental issue and towards its concrete impact on the appellant's private life, mental health and ability to reintegrate into Philippine society.

The case demonstrates that apparently weak claims may reveal significant legal merit once climate-related harms are understood as aggravating existing vulnerabilities rather than creating an entirely new legal category.

Expert evidence

Psychiatric evidence

A consultant psychiatrist diagnosed the appellant with:

- Post-Traumatic Stress Disorder (PTSD) arising directly from the destruction of his home during Typhoon Ondoy;
- a moderate depressive episode;
- heightened suicide risk in the event of removal; and
- long-term psychological vulnerability associated with repeated exposure to typhoons and flooding.

The psychiatrist concluded that the appellant's mental health difficulties were causally connected to the traumatic loss of his home and would be significantly exacerbated by return to the Philippines.

The Tribunal accepted that the relevant disaster events had made a material contribution to the appellant's psychiatric condition.

Country expert evidence

A country expert, an anthropologist and physician with expertise on the Philippines, provided evidence that:

- climate change had increased the severity and frequency of typhoons affecting the Philippines;
- the appellant's account was consistent with country conditions;
- corruption regularly distorted access to disaster relief and reconstruction assistance;
- poorer and socially marginalised communities experienced disproportionately severe impacts from climate disasters; and
- growing evidence linked repeated climate disasters with deteriorating mental health outcomes.

The judge accepted the country expert's evidence in full.

Outcome

The Tribunal accepted that climate change formed part of the factual matrix relevant to the Article 8 ECHR assessment. While confirming that climate change does not constitute a Refugee Convention ground, the Tribunal found that its effects were directly relevant to proportionality under Article 8.

Judge Adio stated:

'Climate Change has contributed to the typhoon that destroyed the Appellant's home, it has contributed to his current mental illness. It has caused massive social and economic dislocation in the Philippines which would compound the Appellant's difficulties in trying to reintegrate there.'

The Tribunal concluded that:

- climate change had materially contributed to the appellant's individual experience of harm;
- return would significantly worsen his psychiatric condition;
- repeated typhoons and flooding, together with the accepted evidence concerning climate change, together with systemic governance failures, created very significant obstacles to reintegration; and
- removal would amount to a disproportionate interference with his right to respect for private life under Article 8 ECHR.

The appeal was therefore allowed on human rights grounds. Although the Tribunal confirmed that climate change does not itself lead to refugee status, the decision illustrates how climate-related harms may become legally significant where they interact with individual vulnerability, mental health and broader structural failures. The case has since been recognised as an important development in UK climate-related protection litigation, demonstrating that existing human rights frameworks are capable of accommodating climate harms without requiring the creation of a new category of 'climate refugee.'

Key lesson

This case demonstrates that climate change need not be pleaded as a novel or free-standing cause of action. Its legal significance lay in the way it intensified recognised Article 8 factors: psychiatric illness, social vulnerability, barriers to reintegration and failures of state protection. Careful evidence gathering, expert instruction and legal framing enabled climate change to become an integral part of the proportionality assessment, illustrating how existing human rights principles can respond to emerging forms of climate-related harm.



Sudan

This case study illustrates the care required when instructing a country expert who has not previously addressed the impact of climate change and disasters in a protection claim. It shows how climate-related drivers may appear in a claimant's account without being explicitly named, and how broadly framed questions can lead an expert to misidentify the role climate change plays in multiplying existing social pressures and vulnerabilities.

With thanks to Tapiwa Kachika of the Joint Council for the Welfare of Immigrants (JCWI).

The facts

AA is a Sudanese national who arrived in the UK as a minor in 2024 and claimed asylum on arrival. He was granted humanitarian protection on the basis of the ongoing conflict in Sudan but was refused asylum. The refusal failed to engage with AA's race or ethnicity, despite no challenge to the fact that he is of the Masalit (non-Arab Darfuri) tribe. AA filed his own appeal unrepresented and subsequently instructed JCWI in 2025.

AA was born in a village near Um Dukhun in Darfur. His family farmed sesame, beans, millet and corn on land approximately four hours' walk from the village. During planting season, nomadic herders repeatedly drove cattle through the family's farm, trampling and grazing the crops, despite the availability of an alternative route. After AA's father confronted the herders and redirected the cattle, he was murdered by one of them the following day. AA witnessed the killing, was himself shot at, and fled.

Witness statement

AA's witness statement did not refer to climate change in those terms. It described, however, the timing and pattern of herder movements during planting season, the deliberate routing of cattle through the family's land, and the resulting damage to crops and food supply.

This illustrates how environmental or resource pressures that may have a climate dimension can appear in client accounts: not as direct references to environmental change, but embedded in descriptions of altered seasonal patterns, livestock migration and resource pressure.

Framing country expert instructions

The following instructions were sent to the country expert:

1. Please provide a general opinion on how the worsening effects of climate change are affecting Sudan.
2. What link, if at all, is there between worsening climate change and the current conflict in Sudan?
3. How are tribes, such as the Masalit, affected by the worsening effects of climate change?

The expert's first draft of the report focused on the long-standing persecution of the Masalit by the Janjaweed and the Rapid Support Forces (RSF). The expert cautioned against characterising the Darfur conflict as either a response to climate change or a simple struggle over resources, emphasising that the Janjaweed and RSF have acted with impunity because they have been politically supported and materially armed. The report identified the unequal power relationship between non-Arab farming communities and nomadic Arab herding groups (who were favoured and armed under the former Bashir regime and by external actors) as the principal driver of the violence.

The expert therefore initially concluded that the persecution suffered by AA's family would have occurred irrespective of climate change.

Refining the instructions

The practitioner challenged the expert's conclusion that the persecution would have occurred irrespective of climate change. That formulation applied the wrong test, as it depended on a counterfactual question: what would have happened in the absence of climate change, for which no evidence exists, or could realistically be produced.

The discussion revealed a misunderstanding about the role climate change played in the claim. The argument was not that climate change caused the violence or motivated the Janjaweed.

Rather, it was that climate change intensified the harms arising from pre-existing persecution, resource pressures and structural inequalities.

To clarify that distinction, the practitioner provided the expert with observations based on the climate–conflict nexus in Sudan, including material on the closure of traditional seasonal migration routes and changing pastoralist movement patterns.

For example, in the factsheet [How Does Climate Exacerbate Root Causes of Conflict in Sudan?](#), published by the Climate Security Pathways Analysis, the authors explain that climate change is increasing competition over scarce land and water and exacerbating disputes over livestock migration routes. In Sudan, pastoral livelihoods depend on seasonal movement between northern and southern regions. As desertification advances and access to grazing land and water declines, pastoralists are being forced to move further south and earlier in the dry season, increasing pressure on already scarce resources.

Similar conclusions are drawn in [The Environment, Conflict and Peace in Sudan: From Response to Recovery](#) (October 2025), published by the Conflict and Environment Observatory. The report emphasises that climate change is heightening food insecurity and poverty, often beyond communities' ability to adapt. At the same time, it cautions that climate should not be viewed in isolation from the socio-economic and governance factors that underpin conflict. As one interviewee observed, describing violence solely as a 'climate conflict' risks obscuring the central role of governance failures and other structural drivers.

Key lesson

Following clarification of how climate change was said to aggravate existing harms, the expert concluded:

It is fair to say climate change is aggravating what I would emphasise is pre-existing malice. [...] Sometimes in the past, the nomads' situation has been made worse by the closure of traditional seasonal migration routes across major agricultural schemes. Nomads' herds traditionally move along these routes following the pattern of the rains across pasture lands [...] It is true that climate change is making farming more difficult over time, presenting challenges to farmers as well as to animal herders.

This was the first instruction in which this expert had considered climate change in a Darfuri context. Initial hesitation is understandable: where established causes and aggravating factors fit comfortably within existing protection frameworks, the introduction of climate factors can appear to displace rather than supplement them. Targeted research and precise instructions are essential to demonstrate that climate change can operate alongside — not in place of — conventional drivers of persecution.

Useful links

- [How climate change can make people more likely to get into violent conflict](#)
- [Causes and impacts of farmer-herder conflicts through a political economy and food production lens – Case study in Gadarif State, Sudan](#)
- [Sudan: Ongoing conflict puts farming sector under immense stress](#)
- [Climate and conflict sensitivity: Improving aid's interaction with climate, the environment and conflict in Sudan](#)
- [In Sudan, 'climate wars' are useful scapegoats for bad leaders](#)
- [Resource Conflict as a Factor in the Darfur Crisis in Sudan](#)
- [Are policy makers aware of the climate security nexus? Mapping climate security policy narratives in Sudan](#)

SECTION 5

Funding

Funding is a key consideration in cases involving climate and disaster-related evidence, though it is important to recognise that not all asylum applicants will have access to publicly funded representation. Practitioners should therefore consider funding issues at the outset of every case, including eligibility for legal aid, the potential need for Exceptional Case Funding (ECF), and alternative arrangements where legal aid is unavailable.

This section provides practical guidance on legal aid funding structures relevant to asylum and related immigration work, including the scope of *Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)*, the treatment of ancillary immigration work within asylum matters, audit considerations, and the management of mixed claims involving protection, human rights and Article 8 ECHR arguments. Early consideration of funding can help ensure that necessary evidence is obtained in good time and that the case is prepared effectively within the available resources.

Mixed asylum, human rights and Article 8 claims

Cases involving climate and disaster-related evidence often raise a funding issue where the same factual matrix gives rise to both a protection claim (which is in scope for legal aid) and an immigration claim (which is generally out of scope).

Following LASPO 2012, legal aid remains available for immigration work that is genuinely connected to, or ancillary to, an in-scope asylum matter. Where that connection cannot be established, the out-of-scope work will require an ECF application. The Legal Aid Agency (**LAA**) takes a restrictive approach and audits these cases closely. Practitioners should therefore ensure that files clearly record the protection relevance or human rights nexus of each piece of work. Where the connection is genuine, there is no need to open a separate matter for the related immigration issues.

This issue commonly arises where practitioners are preparing:

- Article 8 ECHR submissions within an asylum claim (for example, arguments relating to physical and moral integrity or very significant obstacles to integration);
- parallel human rights submissions; or
- mixed protection and immigration claims arising from the same factual circumstances.

Managing audit risk

In mixed matters, the principal risk is that work cannot be clearly linked to an in-scope asylum or protection claim. Files should demonstrate that:

- the work relates directly to the asylum or protection claim; and
- any Article 8 ECHR work is either ancillary to that claim or necessary to advance human rights arguments that are themselves in scope.

Controlled Legal Representation

Controlled Legal Representation (**CLR**) covers appeal work before the First-tier Tribunal. Where a decision refuses both protection and immigration grounds, the appeal is a single matter and CLR will fund the appeal in its entirety, including elements that would be out-of-scope if pursued independently. There is therefore no need to obtain ECF to cover Article 8 ECHR or other immigration aspects of the appeal.

Practitioners should, however, remain alert to situations in which:

- the Article 8 issues become freestanding and are no longer necessary to advance the in-scope matter; or
- the immigration issues become the dominant feature of the case.

Once this occurs, an ECF application may be required. This shift can occur during the life of a case. A matter that begins as mixed asylum and immigration work may become predominantly, or entirely, immigration work following the Secretary of State's decision on the initial application.

File and time-recording discipline

To minimise audit risk, practitioners should:

- record asylum and purely immigration work separately where possible;
- record the protection relevance or human rights nexus of individual pieces of work;
- consider separate files where genuinely distinct asylum and immigration strands exist;
- maintain attendance notes explaining the purpose of each task;
- keep case strategy notes showing how immigration work relates to the asylum claim; and
- ensure that instructions to counsel clearly demonstrate the integration of issues.

Case preparation

Additional research time can ordinarily be justified, as evidence of the human impacts of climate change and disaster and of related human rights violations may go to well-foundedness of fear, future risk and credibility.

Climate or disaster expert reports

The Legal Aid Agency has confirmed¹ that the usual rules of relevance apply. Practitioners should set out the request more fully than for routine disbursements, as LAA caseworkers, like other stakeholders, are still developing experience of these issues.

1. In an email from a LAA funding decision maker to the authors regarding funding for a second expert report in climate-related protection claims, February 2026.

Consideration should also be given to additional time for one expert to comment upon the report of another — typically the country or climate expert commenting on the medical report — where the experts' opinions need to engage with one another (for example, vulnerability arising from the client's health conditions in the particular country conditions).

Early planning

Climate-related cases often require multiple experts, including country, climate and medical experts. Practitioners should engage with potential experts at an early stage to discuss availability, timescales and likely fees, particularly where public funding will be required.

Funding for expert evidence should be considered proactively. Where there is uncertainty about whether a disbursement or piece of work will be funded, practitioners should identify this at an early stage, make any necessary applications promptly, and consider contingency plans if funding is limited or refused.

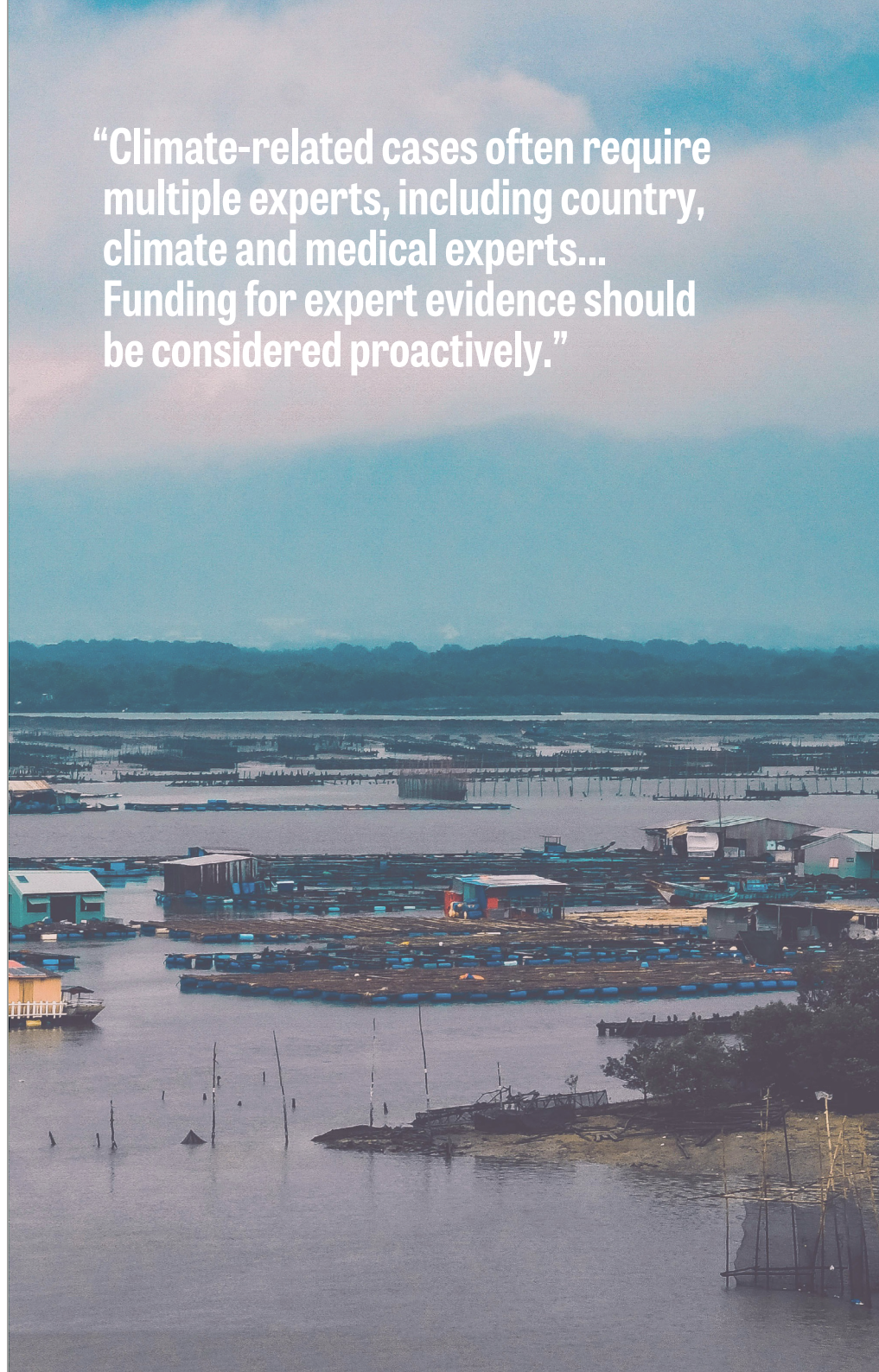
Early communication between representatives, counsel and experts can help to align case strategy, identify evidential gaps, refine the issues to be addressed by each expert, and avoid duplication of work well in advance of the hearing.

A note on sources

There is currently no LAA guidance dealing specifically with mixed asylum and immigration matters. The approach outlined above is derived from:

- matter type definitions;
- legal aid scope provisions;
- principles governing ancillary work; and
- reasonable necessity tests.

“Climate-related cases often require multiple experts, including country, climate and medical experts... Funding for expert evidence should be considered proactively.”



SECTION 6

Looking to the future



Potential future pathways in UK law

This section draws on and adapts Ronan Toal's advice '[In the matter of protection and human rights claims made in reliance on the adverse effects of climate change](#)'. We gratefully acknowledge his permission to use and adapt it.

Strategic litigation can be a powerful means of advancing the law, but should be pursued cautiously, with the client's informed consent and interests paramount, careful assessment of the facts and wider context, and readiness to pursue the case through the highest courts if necessary.

This section is deliberately forward-looking. It explores arguments about how established principles of refugee and human rights law might develop in response to climate-related disaster displacement. Some of the arguments below have not been tested by UK courts and tribunals. They are presented not as statements of settled law, but as possible avenues for argument and future legal development.

The preceding sections have considered how established principles of refugee and human rights law apply in disaster and climate contexts. This section asks a narrower question: does the anthropogenic character of climate change challenge some of the assumptions on which those established principles have been applied? In particular, it considers whether developments in climate science and climate jurisprudence may affect how concepts such as human agency, causation, State protection and proportionality are understood.

Article 3 and the source of disaster- and climate-related harm

As discussed in Section 2, the Article 3 case law has attached considerable significance to the source of humanitarian conditions, particularly whether they result predominantly from natural phenomena or from human acts and omissions. Developments in climate science may complicate this distinction where the likelihood or severity of an apparently 'natural' hazard, such as drought or flooding, has been materially affected by anthropogenic climate change.

The difficulty is that climate change does not fit neatly within a binary distinction between natural and human-caused harm. While the immediate hazard may take a natural form, its likelihood or severity may be influenced by anthropogenic warming. Attribution science can increasingly identify and quantify that contribution.

Somalia illustrates this connection. The country is facing [increasingly severe cycles of floods and droughts](#), made worse by climate change. The drought that began after 2020 — the worst in forty years — would not have occurred without the 1.2°C of global warming caused by human greenhouse gas emissions. Climate change has made droughts of this kind [at least 100 times more likely](#). The country is facing increasingly severe cycles of floods and droughts, exacerbated by climate change. Attribution studies have found that anthropogenic warming has [substantially increased the likelihood of severe drought](#) in the region. Evidence of this kind complicates the characterisation of such hazards as purely 'natural', by identifying the contribution of human-induced climate change to their likelihood or severity.

This raises an unresolved question about the application of the *N* line of authority discussed in Section 2. Where the immediate source of the feared harm is drought, flooding or another physical hazard, but attribution evidence demonstrates that anthropogenic climate change has materially contributed to its likelihood or severity, the rationale for treating that harm as 'naturally

occurring' may require reconsideration. The same issue may arise where climate change contributes to scarcity of essential resources such as water, alongside other forms of human conduct.

The location of human agency

A related difficulty concerns the location of the human conduct contributing to the feared harm. Climate change is inherently transboundary: the emissions contributing to a particular climate-related hazard may originate far beyond the State in which its effects are experienced. This raises a further question about the extent to which protection law can take account of human acts and omissions occurring outside the country of return when assessing the source and character of the harm feared there.

Climate responsibility and Article 8 proportionality

As discussed in Section 2, Article 8 requires a proportionality assessment in relevant removal cases. Where the circumstances motivating a person's migration, or the conditions to which they would be returned, have been materially affected by climate change, a novel question arises: could the removing State's own contribution to climate change be relevant to that assessment?

When interpreting the ECHR, courts must take into account other relevant rules and principles of international law. Several are important for interpreting Article 8(2). For instance, one possible route to this argument lies in the principle that the ECHR should, so far as possible, be interpreted consistently with relevant rules and principles of international law. International environmental and climate law increasingly recognises obligations on States to prevent and respond to climate-related harm, including through mitigation and adaptation. Under the [United Nations Framework Convention on Climate Change \(UNFCCC\)](#), for example, States are required to develop and implement programmes containing measures to facilitate adequate adaptation to climate change.

Against that background, it might be argued that a State's contribution to anthropogenic climate change is capable of forming part of the Article 8 proportionality assessment where removal would expose an individual to climate-related harm. This question may be particularly pertinent in the UK, given its [substantial historical contribution](#) to cumulative greenhouse gas (**GHG**) emissions. [No UK authority has yet established](#) that historical responsibility for climate change is a relevant factor in an Article 8 removal decision, but the issue raises a broader question about whether a State's contribution to the conditions faced on return can properly be excluded from the proportionality assessment.

There is some support by analogy for taking account of a State's own conduct. In *Secretary of State for the Home Department v R (S)* (2007) EWCA Civ 546 and *Entry Clearance Officer, Mumbai v NH (India)* (2007) EWCA Civ 1330, the Court of Appeal recognised that previous State wrongdoing may be relevant to immigration decision-making and Article 8 proportionality. Whether that principle could extend to a State's responsibility for climate-related harm is a separate, and as yet untested question.

Similar arguments might also be relevant to the assessment of climate-related conditions under the Article 8 provisions of the Immigration Rules, including the assessment of very significant obstacles to integration. Section 4 discusses *FA* as an example of climate evidence operating within that existing framework.

Could climate jurisprudence inform the assessment of State protection?

In *Verein KlimaSeniorinnen Schweiz and Others v Switzerland* (2024) 79 EHRR 1, the ECtHR held that Article 8 covers adverse effects on health, well-being, and quality of life caused by climate-related environmental harm, and that it includes a right to effective protection by State authorities. *KlimaSeniorinnen* was not an immigration or removal case and does not establish the test applicable to a climate-related displacement claim. It is nevertheless

potentially significant because it develops the content of States' positive obligations to protect individuals against serious climate-related harm under Article 8. The same question may have implications for the Refugee Convention assessment of sufficiency of protection: whether developing climate jurisprudence can inform what effective State protection against serious climate-related harm requires.

Effective protection requires mitigation measures to reduce emissions towards net zero, adaptation measures to address severe or imminent impacts with attention to those most vulnerable, and procedural safeguards enabling affected persons to participate in decision-making. The same principles apply under Articles 2 and 3.

These developments raise the possibility that climate jurisprudence may inform how the adequacy of State protection is assessed in a removal context, particularly where the destination State lacks the capacity to protect an individual against serious climate-related harm.

There is, however, an important doctrinal obstacle. In these 'foreign' cases, as provided in *EM (Lebanon) v Secretary of State for the Home Department* (2008) UKHL 64 and *R (Ullah) v Special Adjudicator* (2004) UKHL 26, violation requires a 'flagrant', 'gross', or 'complete' denial of the right; serious or discriminatory interference is insufficient. This higher threshold reflects the fact that the ECtHR cannot balance wider public interests in the destination State, and that State cannot defend its legal system before the ECtHR.

Climate- and disaster-related displacement may nevertheless test some of the assumptions underlying this distinction. The destination State may be unable, rather than unwilling, to provide effective protection, while the causes of the climate-related harm may extend beyond its territory and potentially include contributions from the removing State itself.

Climate science and the Refugee Convention

Section 2 sets out the significant obstacles to establishing a Refugee Convention claim in the context of climate change and disasters. The narrower question considered here is whether developments in climate science and climate jurisprudence may affect the application of some of those existing requirements, particularly human agency, State protection and nexus with a Convention ground.

Human agency and persecution

Attribution science may provide evidence of human contribution to climate-related harm even where the immediate hazard takes a natural form. If sufficiently serious climate-related harm is capable of constituting persecution, this raises a further question about whether the relevant human contribution must originate within the claimant's country of nationality or habitual residence.

The State failure covered by the Convention must be that of the refugee's country of nationality or habitual residence. However, there is nothing in the Refugee Convention to indicate that the serious harm must result from conduct that occurred within that country. If the effects of climate change are capable of constituting persecution, it may be argued that the fact that contributing conduct occurred [outside the country of origin](#) does not, by itself, preclude the harm from constituting persecution.

Additionally, UK law does not focus on why the persecutor acts. The refugee definition uses the phrase 'being persecuted,' which emphasises the person's exposure to harm rather than the persecutor's motives. In other words, what matters is the actual or threatened harm suffered, not the persecutor's intention. Requiring persecutory intent is [at odds with the Convention's object and purpose](#), which is to ensure the protection of victims of persecution, not to investigate the motives of alleged persecutors.

Climate vulnerability and Convention nexus

The relevant question is whether a Convention ground explains why the applicant is at risk of being persecuted; persecutory motive is not necessarily required.

Membership of a particular social group may be particularly relevant to some climate-related disaster displacement claims. In the UK, the now-statutory definition stipulated in section 33 of the *Nationality and Borders Act 2022* requires the fulfilment of two conditions. First, members of the group must share an innate characteristic, a common background that cannot be changed, or a characteristic or belief so fundamental to identity or conscience that a person should not be forced to renounce it. Second, the group must have a distinct identity in the relevant country because it is perceived as different by the surrounding society.

The [IPCC identifies](#) various characteristics and backgrounds shared by groups of people that make them particularly vulnerable to the effects of climate change. Evidence of this kind may help explain why particular individuals or groups face a heightened risk of harm. They include: gender; ethnicity; low income; Indigenous Peoples; economically and socially marginalised urban residents (e.g. in informal settlements); people dependent on climate-sensitive livelihoods (e.g. smallholder farmers, pastoralists, fishing communities); inhabitants of Small Island States; those displaced by extreme weather and climate events; and 'regions and people with considerable development constraints.'

Characteristics such as gender, ethnicity, and Indigeneity may readily engage established particular social group analysis. More difficult questions arise where heightened climate vulnerability is associated with low income, residence in informal settlements or reliance on climate-sensitive livelihoods. However, the possibility of change must be ['viewed realistically rather than theoretically.'](#) If giving up a livelihood would lead to destitution, it is not something that can realistically be changed. It might also be argued,

depending on the facts, that a livelihood is sufficiently central to a person's identity and way of life that expecting them to abandon it cannot be treated as a purely theoretical possibility.

At the outer limits: place of residence as a particular social group?

The impacts of climate change are unevenly distributed and may manifest through different hazards: for example, parts of the Horn of Africa face severe drought risk, and Small Island States face a particularly serious risk of coastal flooding. A more ambitious argument is whether, in some circumstances, a shared place of residence might contribute to the identification of a particular social group, particularly where that place is exceptionally exposed to climate-related harm.

Article 12(1) of the *International Covenant on Civil and Political Rights (ICCPR)* protects the right to liberty of movement and freedom to choose one's residence, described as 'an indispensable condition for the free development of a person.' Residence in a particular place may be so central to a person's identity that they should not be expected to give it up. If shared residence can amount to membership of a particular social group, taken to its furthest extent, this reasoning raises the possibility of a proposed group encompassing a very substantial proportion, or even the whole population, of a climate-vulnerable State. Such an argument would face obvious difficulties under the requirement that the group have a distinct identity within the relevant society. One possible response is to question whether, in the particular context of a global phenomenon such as climate change, the relevant surrounding society must necessarily be confined within national borders. *Duarte Agostinho v Portugal (2024)* 78 EHRR SE9 recognised the global character of climate change and the role of individual States in addressing it. Extending that reasoning to the statutory social-distinction test would, however, represent a significant development of existing refugee law.

Looking ahead

The arguments explored in this section remain largely untested in the UK. Their significance lies not in creating a new category of 'climate refugee,' but in considering whether familiar legal concepts — including causation, human agency, persecution, State protection, Convention nexus and proportionality — may need to be applied in new ways as climate science and climate jurisprudence develop.

Attribution science increasingly enables the human contribution to apparently 'natural' hazards to be identified and quantified, while climate litigation is developing the understanding of States' obligations to protect people against climate-related harm. How far those developments will influence the interpretation and application of refugee and human rights law in displacement cases remains an open question.

Next steps for the Toolkit

This Toolkit is not intended to be the end of the conversation; it is a catalyst and a starting point.

As climate-related displacement issues continue to emerge across UK asylum, protection and human rights practice, we hope this resource supports practitioners to begin identifying, exploring and advancing these arguments with greater confidence.

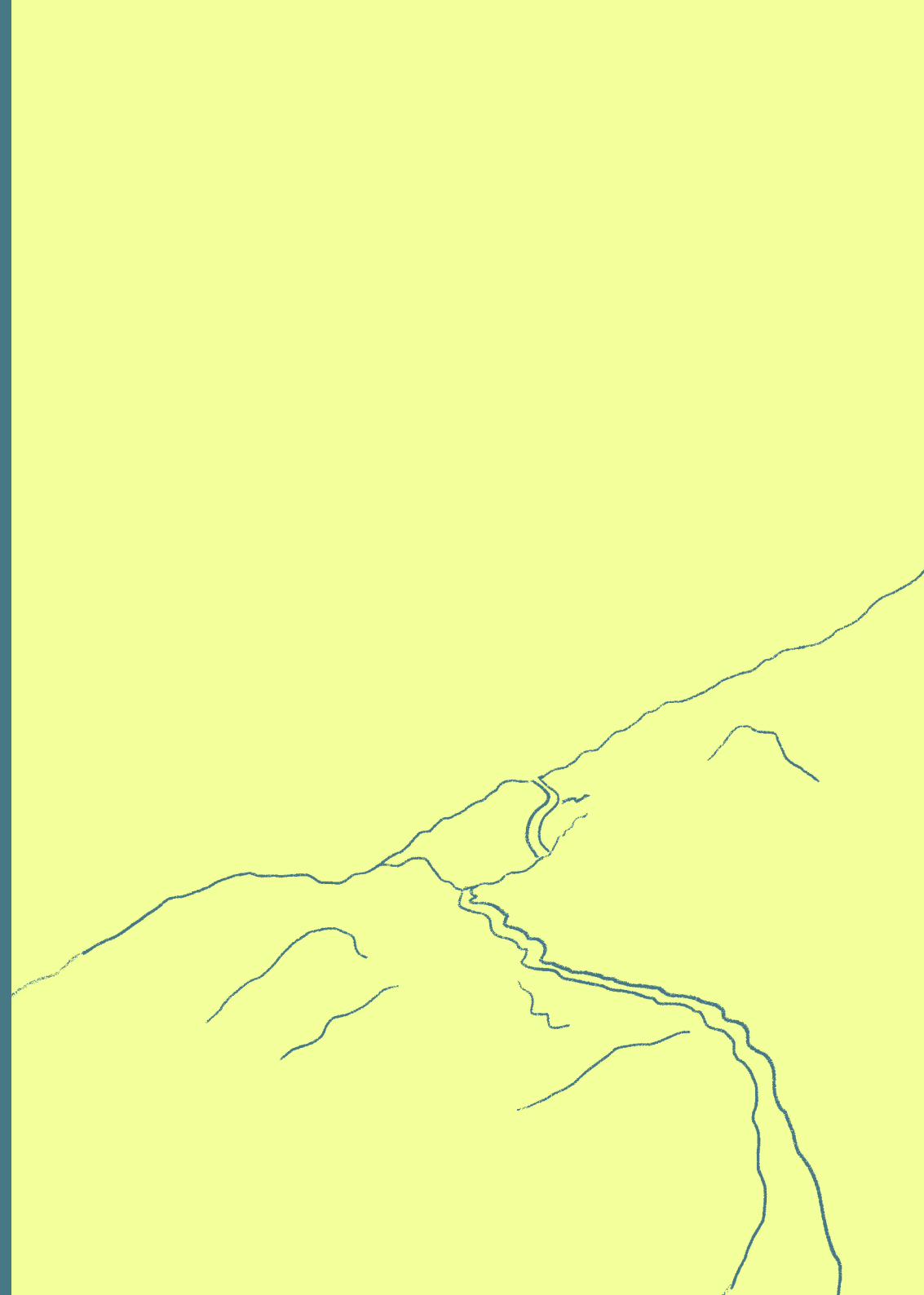
We will continue to develop UK-specific **trainings** based on the contents of this Toolkit, including practical guidance on identifying climate dimensions within cases, evidencing claims and building legal arguments. If your organisation, firm or team would benefit from a training session, we encourage you to get in touch.

This Toolkit is also intended to be a living resource; the first iteration of many. As more practitioners begin taking on and recognising climate-linked displacement cases, shared learning and experience will be essential. We would welcome hearing from you about the cases you are seeing, the challenges arising in practice, and any resources or guidance that would be useful going forward.

If you have questions, feedback or requests, please contact

Olivia Clark (olivia.clark@refugeelegalsupport.org)

Yumna Kamel (yumna@earthrefuge.org).



The photo on p. 70 of Typhoon Rammasun (Glenda) passing through the Laguna province of the Philippines in July 2014 is by the [Asian Development Bank](#) under [CC BY-NC-ND 2.0](#).

