The limits of transnational law refugee law policy harmonization and judicial dialogue in the European Union

This book provides an overview of the development and substance of existing international refugee law with a view to reveal its gaps, caveats, and inadequacies that militate against the establishment of an effective legal regime to address mounting global refugee crises. The book pursues a reformist agenda towards affording legal coverage to all refugees generated by any genuinely involuntary grounds. The essays selected and reproduced in this volume explore how international refugee law has developed into a set of principles, customary rules, and values that are now firmly embedded in the human rights framework and are applicable to a far broader range of refugees in addition. International refugee law has been affected by international humanitarian law and international criminal law, and vice versa. Thus, there is a reinforcing dynamic in the development of these complementary areas of law. At the same time, in recent decades, states have shown a renewed interest in managing migration, thereby raising issues of how to reconcile such interests with refugee protection principles. In addition, the emergence of concepts of participation and responsibility to protect promises to have an impact on international refugee law in an age of ethnic nationalism and anti-immigrant rhetoric. The study of refugees can help develop a new outlook on social justice just as the post-war international order ends the global financial crisis. The rise of populist leaders like Trump, Putin, and Erdogan not to mention the arrival of anti-EU parties raises the need to interrogate the refugee migrant citizen stateless legal and illegal as concepts. This insightful research handbook is a timely contribution to that debate. Millions of people are today forced to flee their homes as a result of conflict, systematic discrimination, or other forms of persecution. The core instruments on which they must rely to secure international protection are the 1951 Convention on the Status of Refugees and its 1967 Protocol. This book includes a detailed examination of the role of the UNHCR and the Palestinian situation and an assessment of the protection possibilities or lack of them in the European Convention on Human Rights. The new edition has been expanded with coverage of forced migration and displacement as a result of disasters and climate change. It is once again an unmissable reference work for practitioners and students in the field. This edited volume focuses on current challenges in refugee law and global displacement. It is based on cutting edge research on a series of legal and quasi-legal issues in the field of forced migration at the national, regional, and international level. The Oxford Handbook of International Refugee Law is a comprehensive critical work which analyses the state of research across the refugee law regime as a whole. Drawing together leading and emerging scholars, the handbook provides both doctrinal and theoretical analyses of international refugee law and practice. It critiques existing law from a variety of normative positions with several chapters identifying foundational flaws that open up space for radical rethinking. Many authors work directly in the field and their contributions demonstrate how scholarship and practice can mutually inform each other. Contributions assess a wide range of international legal instruments relevant to refugee protection. Including from international human rights law, international humanitarian law, international migration law, the law of the sea, and international and transnational criminal law. Geographically, contributors examine regional and domestic laws and practices from around the world. With 10 chapters focused on specific regions, this handbook provides an account as well as a critique of the status quo and in so doing it sets the agenda for future academic research in international refugee law.
humanitarian concerns over the plight of others, securitization, exclusion, and the internal relocation of genuine refugees are now the favoured policies yet while central idioms of protection, persecution, and non-refoulement have changed, there are also new demands on refugee law. The contributors to this book ask whether there are new spheres of protection emerging for which refugee law must find a clear space such as the protection of child refugees, trafficked persons, gender-related asylum, and conscientious objectors to military service. This timely and valuable book shows that in these uncertain times, refugee law still has an exciting and challenging future ahead. Contemporary issues in refugee law will appeal to academics, researchers, students, and practitioners.

Millions of people today are forced to flee their homes as a result of conflict, systemic discrimination, persecution, and other violations of human rights. The core instruments on which they must rely to secure international protection are the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, now complemented by international and regional human rights treaties. This book charts the significant evolution that has occurred in the organization's role throughout the last sixty years, looking at both the formal means by which UNHCR's mandate may be modified and the techniques UNHCR has used to facilitate the changes in its role, thereby revealing a significant evolution in the international legal framework. The situation of refugees is one of the most pressing and urgent problems facing the international community, and refugee law has grown in recent years to a subject of global importance. In this long-awaited third edition, each chapter has been thoroughly revised and updated, and new has received fresh analysis and complementary or human rights-based protection is given special attention. Features include analysis and assessment of developments in interpreting the refugee definition, with particular reference to social group exclusion procedures, and the impact of European Union harmonization initiatives. This book reviews the situation of refugee women and children, the plight of Palestinian refugees, the protection of internally displaced persons, developments in interpreting the refugee definition with particular reference to social group exclusion procedures, and the impact of European Union harmonization initiatives. It also examines the protection of child refugees, trafficked persons, gender-related asylum, and conscientious objectors to military service. This timely and valuable book shows that in these uncertain times, refugee law still has an exciting and challenging future ahead. Contemporary issues in refugee law will appeal to academics, researchers, students, and practitioners.

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for the adaptation of its responsibilities and work related to international refugee law the author does suggest however that unhcr needs to continue to extend and
strengthen its role related to international refugee law if unhcr is to ensure a stronger legal framework for the protection of refugees as well as a fuller respect for
refugees rights in practice unhcr and international refugee law should be of particular interest to refugee lawyers as well as academics and students of refugee law
and international law and anyone concerned with the important role that unhcr plays in the protection of refugees today focusing on the 1951 un convention on the
status of refugees this book in intended as an introduction to international refugee law after a comprehensive introduction the reader is divided into eight chapters
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protecting refugees and supervising international refugee law this in depth analysis of the unhcr s supervisory role in the international refugee protection regime
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application of international humanitarian law ihl may usefully advance the legal protection of such persons this generates a range of questions about the respective
protection frameworks established under international refugee law irl and ihl and specifically the potential for interaction between them as the first collection to
deal with the subject the eighteen chapters that make up this unique volume supply a range of perspectives on how the relationship between these two separate
fields of law may be articulated and whether ihl may contribute to providing refuge from the inhumanity of war the only comprehensive analysis of international
refugee rights anchored in the hard facts of refugee life around the world the word refugee is both evocative and contested it means different things to different
people for lawyers the main legal reference point is the un refugee convention of 1951 this concise and engaging book follows the structure of the convention to
explore international refugee law including an introduction to the historical and legal context colin yeo draws on his experience as an immigration barrister to
explain the present day legal framework for global refugee protection chapters consider well founded fear persecution the loss of refugee status and exclusion
the rights of refugees and state responses to refugee claims the book includes studies of key legal cases reviews the successes and failures of the convention and looks
ahead to the future including the impact of climate change and the global compact on refugees communicating important legal concepts in an approachable way
this is an essential guide for students lawyers and non specialists 4 3 the final act this book addresses the relationship between international refugee law and
international human rights law using international refugee law s analytical turn to human rights as its object of inquiry it represents a critical intervention into the
revisionism that has led to conceptual fragmentation and restrictive practices mainstream literature in refugee law reflects a mood of celebration a narrative of
progress which praises the discipline s rescue from obscurity this is commonly ascribed to its repositioning alongside human rights law its veritable rediscovery
as an arm of this far greater edifice by using human rights logic to construct the current legal paradigm and inform us of who qualifies as a refugee this purportedly
lent areas of conceptual uncertainty a set of objective modern criteria and increased enfranchisement to new non traditional claimants the present work challenges
this dominant position by finding the untold limits of its current paradigm it stands alone in this orientation and hereby represents one of the most comprehensive
heterodox and structurally detailed reviews of this connection the exploration of the gap between modern approaches and the unsatisfactory realities of seeking
asylum forms the substance of this book it asserts by contrast the existence of revolution rather than evolution human rights law has erased the founding tenets of
the refugee convention enabling powerful states to contain refugees in their region of origin the book will be essential reading for those interested in refugee law
and human rights studies postcolonial legal studies postmodern critiques and critical legal theory additionally given its relevance for the adjudication of refugees claims it will

be an important resource for solicitors barristers and judges the contributions collected in the present book go beyond refugee law in its traditional sense largely centred on questions of durable asylum and the plight of only a small tranche of the asylum seeking population in situating refugee law within the broader international legal system the refugee problem is thus seen as a prism through which a host of exploding issues confront traditional international law and international relations creation and dissolution of states state responsibility human rights international jurisdiction and the united nations mandate these theoretical problems and their legal incidence on the refugee condition are debated against the background of unhcr field operations in former yugoslavia africa and eastern europe the contributions were originally presented at a colloquium held in may 1994 organised by the graduate institute of international studies in collaboration with the office of the united nations high commissioner for refugees refugee law experts members of the un international law commission and practitioners were brought together in a dialogue between scholars and practitioners on a major and exponentially growing international problem asylum law in the european union is ripe with caveats that allow for rejecting asylum applications due to protection received in the home country or another location yet when is protection strong enough to make denying an application lawful this book examines southeast asia s rejection of international refugee law through extensive archival analysis and argues that this rejection was shaped by the region s response to its largest refugee crisis in the post 1945 era the indochinese refugee crisis from 1975 1996 this book examines the rules governing the right to asylum in the european union drawing on the 1951 united nations convention relating to the status of refugees and the 1967 protocol francesco cherubini asks how asylum obligations under international refugee law have been incorporated into the european union the book draws from international law eu law and the case law of the european court of human rights and focuses on the prohibition of refoulement the main obligation the eu law must confront cherubini explores the dual nature of this principle examining both the obligation to provide a fair procedure that determines the conditions of risk in the country of origin or destination and the obligation to respond to a possible expulsion through this study the book sheds light on eu competence in asylum when regarding the different positions of member states the book will be of great use and interest to researchers and students of asylum and immigration law eu law and public international law international refugee law anticipates state conduct in relation to nationality statelessness and protection refugee status under the convention relating to the status of refugees 1951 and regional and domestic instruments referring to it can be fully understood only against the background of international laws regarding nationality statelessness and the consequences of national status or the lack of it in this significant addition to the literature a leading practitioner in these fields examines in the light of international law key issues regarding refugee status including identification of the country of his nationality concepts of effective nationality and the inclusion within persecution of a range of acts or omissions focused on nationality migration is a complex and multifaceted issue and the current legal framework suffers from considerable ambiguity and lack of cohesive focus this handbook offers a comprehensive take on the intersection of law and migration studies and provides strat questions of gender have strongly influenced the development of international refugee law over the last few decades this volume assesses the progress toward appropriate recognition of gender related persecution in refugee law it documents the advances made following intense advocacy around the world in the 1990s and evaluates the extent to which gender has been successfully integrated into refugee law evaluating the research and advocacy agendas for gender in refugee law ten years beyond the 2002 unhcr gender guidelines the book investigates the current status of gender in refugee law it examines gender related persecution claims of both women and men including those based on sexual orientation and gender identity and explores how the development of an anti refugee agenda in many western states exponentially increases vulnerability for refugees making gendered claims the volume includes contributions from scholars and members of the advocacy community that allow the book to examine conceptual and doctrinal themes arising at the intersection of gender and refugee law and specific case studies across major western refugee receiving nations the book will be of great interest and value to researchers and students of asylum and immigration law international politics and gender studies while the 21st century bears witness to several conflicts leading to mass displacement the conflict in syria has crystallised the need for a solid legal framework and legal certainty this book analyses the relevant legal instruments for the provision of a protection status for persons fleeing to europe from conflict and violence it focuses on the conceptualisation of conflict and violence in the countries of origin and the different approaches taken in the interpretation of them in the 1951 refugee convention the recast qualification directive of the european union and the european convention on human rights it traces the hierarchical order of protection granted starting with refugee protection status to subsidiary protection status and finally with the negative protection from non refoulement recent case law and asylum status determination practices of european countries illustrate the obstacles in the interpretation as well as the divergence in the application of the legal instruments the book fills an important gap in examining the current practices
of key actors including the United Nations high commissioner for refugees and European states tracing changes in national and international policies and revealing discrepancies towards contemporary approaches to conflicts it refines the interaction and cross fertilisation of the different relevant fields of European asylum law, human rights law and the laws of armed conflict in order to further the development of a harmonised protection regime for conflict-induced displacement the internal protection alternative in refugee law addresses the legal conditions under which a refugee claimant may be returned to a safe area within her country of origin examination of the worldwide emulation of key norms of European refugee protection through transnational processes and actors state authority and power have become diffused in an increasingly globalised world characterized by the freer border movement of people objects and ideas as a result some international law scholars believe that a new world order is emerging based on a complex web of transnational networks such a transnational legal order requires sufficient dialogue between national courts this 2010 book explores the prospects for such an order in the context of refugee law in Europe focusing on the use of foreign law in refugee cases judicial practice is critically analysed in nine EU member states with case studies revealing a mix of rational and cultural factors that lead judges to rarely use each others decisions within the EU conclusions are drawn for the prospects of a common European asylum system and for international refugee law this volume of essays examines key cutting edge areas of International refugee law including strategies for interpretative harmony the rights of refugees and the standard of proof in complementary protection each topic is examined from a theoretical and a practical perspective in order to find solutions to the many legal issues and concerns which currently confront this area of law and to seek ways to advance the field as a whole drawing extensively on International and European law International and national case law as well as academic writings this study offers a comprehensive and critical analysis on the issues of non state actors in refugee law forced migration is both as ancient as human life on earth and a relatively new subject of interest for human rights scholars this volume continues the discussion from migrants and rights to focus attention on refugees victims of trafficking and others who cross borders seeking protection from anthropogenic or natural disasters the opening essays provide historical and conceptual overviews of rights to freedom of movement and asylum and links between human rights and refugee law articles on the principle of non refoulement in international law explore the occasional disjunction between the individual s right to protection and the state s rights to protect its national interests the refugee s rights to due process and the substance of entitlements at law are explored in essays that range across administrative processes social and cultural rights including family reunion detention and the right of return there follow four essays that address sexual orientation and refugee rights refugees and disability rights human rights and persons displaced by climate change disasters and the rights of victims of human trafficking the volume concludes with work reflecting on the rights discourse outside of traditional Western theatres these cover Africa, Kenya, India, South America, Brazil and the Asia Pacific Indonesia and Papua New Guinea this volume examines the development of refugee law and policy in Japan the book discusses systemic weaknesses and compares the evolution of law in other states to highlight problems in Japan s refugee determination system ultimately the book calls for Japan to reform failing systems and take innovative action towards refugee protection the long awaited second edition of this seminal text re-conceived as a critical analysis of the world s leading comparative asylum jurisprudence this book examines the link between refugee protection duration of risk and residency rights it focuses on two main issues of importance to current state practice the use of temporary forms of refugee status and residency and the legal criteria for cessation of refugee status under article 1c 5 of the 1951 refugee convention in analysing this issue this book canvasses debates which are pertinent to many other contentious areas of refugee law including the relationship between the refugee definition and complementary protection application of the refugee convention in situations of armed conflict and the role of non state bodies as actors of protection it also illustrates some of the central problems with the way in which the 1951 refugee convention is implemented domestically in key asylum host states the arguments put forward in this book have particular significance for the return of asylum seekers and refugees to situations of ongoing conflict and post conflict situations and is therefore highly pertinent to the future development of international refugee law internationally displaced persons IDPs are persons who have been forced to leave their places of residence as a result of armed conflict violence human rights violations or natural or human made disasters but who have not crossed an international border there are about 55 million IDPs in the world today outnumbering refugees by roughly 2:1 although IDPs and refugees have similar wants needs and fears IDPs have traditionally been seen as a domestic issue and the international legal and institutional framework of IDP protection is still in its relative infancy this book explores to what extent the protection of IDPs complements or conflicts with international refugee law three questions form the core of the book s analysis what is the legal and normative relationship between IDPs and refugees to what extent is an individual s real risk of internal displacement in their country of origin relevant to the qualification and cessation of refugee status and do they have the rights that international law provides for victims of the same wrongs that the law provides for refugees?
extent is the availability of IDP protection measures an alternative to asylum. It argues that the IDP protection framework does not, as a matter of law, undermine refugee protection. The availability of protection within a country of origin cannot be a substitute for granting refugee status unless it constitutes effective protection from persecution and there is no real risk of refoulement. The book concludes by identifying current and future challenges in the relationship between IDPs and refugees, illustrating the overall impact and importance of the findings of the research and setting out questions for future research alongside a panel of experts. The UNHCR examines the interpretation of the 1951 refugee convention.
A summary of the provided text includes:

**An Introduction to International Refugee Law 2013-04-17**

This book provides an overview of the development and substance of existing international refugee law with a view to reveal its gaps, caveats, and inadequacies that militate against the establishment of an effective legal regime to address mounting global refugee crises. The book pursues a reformist agenda towards affording legal coverage to all refugees generated by any genuinely involuntary grounds.

**International Refugee Law 2017-07-05**

The essays selected and reproduced in this volume explore how international refugee law is dynamic and constantly evolving from an instrument designed to protect mostly those civilians fleeing the worse excesses of World War II to the 1951 Refugee Convention. The Convention has developed into a set of principles, customary rules, and values that are now firmly embedded in the human rights framework and applicable to a far broader range of refugees. In addition, international refugee law has been affected by international humanitarian law and international criminal law, and vice versa. Thus, there is a reinforcing dynamic in the development of these complementary areas of law. At the same time, in recent decades, states have shown a renewed interest in managing migration, thereby raising issues of how to reconcile such interests with refugee protection principles. In addition, the emergence of concepts of participation and responsibility to protect promise to have an impact on international refugee law.

**Research Handbook on International Refugee Law 2019**

In an age of ethnic nationalism and anti-immigrant rhetoric, the study of refugees can help develop a new outlook on social justice. Just as the post-war international order ends the global financial crisis, the rise of populist leaders like Trump, Putin, and Erdogan, not to mention the arrival of anti-EU parties, raises the need to interrogate the refugee migrant citizen stateless legal and illegal as concepts. This insightful research handbook is a timely contribution to that debate.

**The Refugee in International Law 2021**

Millions of people are today forced to flee their homes as a result of conflict, systematic discrimination, or other forms of persecution. The core instruments on which they must rely to secure international protection are the 1951 Convention relating to the status of refugees and its 1967 protocol. This book, the leading text in the field, examines key challenges to the Convention such as the status of refugees, applications for asylum, and the international and domestic standards of protection. The situation of refugees is one of the most pressing and urgent problems facing the international community, and refugee law has grown in recent years to a subject of global importance. This long-awaited fourth edition has been thoroughly revised and updated, and every issue old and new has received fresh analysis. The book includes analysis of internally displaced persons, called preventive protection access to refugees, safety of refugees, and relief personnel the situation of refugee women and children, a detailed examination of the role of the UNHCR, and the Palestinian situation. An assessment of the protection possibilities or lack of them in the European Convention on Human Rights. This new edition has been expanded with coverage of forced migration and displacement as a result of disasters and climate change. It is once again an unmissable reference work for practitioners and students in the field.
Exploring the Boundaries of Refugee Law 2015-04-17

this edited volume focuses on current challenges in refugee law and global displacement it is based on cutting edge research on a series of legal and quasi legal issues in the field of forced migration at the national regional and international level

The Oxford Handbook of International Refugee Law 2021-06-02

the oxford handbook of international refugee law is a comprehensive critical work which analyses the state of research across the refugee law regime as a whole drawing together leading and emerging scholars the handbook provides both doctrinal and theoretical analyses of international refugee law and practice it critiques existing law from a variety of normative positions with several chapters identifying foundational flaws that open up space for radical rethinking many authors work directly in the field and their contributions demonstrate how scholarship and practice can mutually inform each other contributions assess a wide range of international legal instruments relevant to refugee protection including from international human rights law international humanitarian law international migration law the law of the sea and international and transnational criminal law geographically contributors examine regional and domestic laws and practices from around the world with 10 chapters focused on specific regions this handbook provides an account as well as a critique of the status quo and in so doing it sets the agenda for future academic research in international refugee law

Contemporary Issues in Refugee Law 2013-01-01

refugee law is going through momentous times as dictatorships tumble revolutions simmer and the arab awakening gives way to the spread of terror from syria to the sahel in africa this compilation of topical chapters by some of the leading scholars in the field covers major themes of rights security the unhcr international humanitarianism and state interests and sets out to map new contours the concerns over our security are replacing humanitarian concerns over the plight of others securitization exclusion and the internal relocation of genuine refugees are now the favoured polices yet while central idioms of protection persecution and non refoulement have changed there are also new demands on refugee law the contributors to this book ask whether there are new spheres of protection emerging for which refugee law must find a clear space such as the protection of child refugees trafficked persons gender related asylum and conscientious objectors to military service this timely and valuable book shows that in these uncertain times refugee law still has an exciting and challenging future ahead contemporary issues in refugee law will appeal to academics researchers students and practitioners

The Refugee in International Law 2007

millions of people today are forced to flee their homes as a result of conflict systemic discrimination persecution and other violations of their human rights the core instruments on which they must rely to secure international protection are the 1951 convention relating to the status of refugees and its 1967 protocol now complemented by international and regional human rights treaties this book the leading text in a field where refugee law is now a subject of global importance examines key challenges to system of international protection including those arising from within the asylum process increased controls over the movements of people and the new concern with security this book represents an exciting new contribution to the field of refugee law and human rights law it considers the legal obligations which countries have to people who do not meet the 1951 convention 1967 protocol definition of a refugee but who have nonetheless been forcibly displaced from their homes whether due to war generalized violence humanitarian disaster or torture inhuman or degrading treatment or punishment the book analyses international human rights law to discern where legal obligations to provide such complementary protection might arise and considers the legal status
which countries ought to provide to those thereby protected it provides a comprehensive overview of states current responses and offers original and thoughtful suggestions for protecting such refugees within the international legal framework the situation of refugees is one of the most pressing and urgent problems facing the international community and refugee law has grown in recent years to a subject of global importance in this long awaited third edition each chapter has been thoroughly revised and updated every issue old and new has received fresh analysis and complementary or human rights based protection is given special attention features include analysis and assessment of developments in interpreting the refugee definition with particular reference to social group exclusion procedures and the impact of european union harmonization initiatives in addition this book reviews the situation of refugee women and children the plight of palestinian refugees the protection of internally displaced persons the role and responsibilities of the unhcr including in the administration of camps and settlements the current status in general international law of the fundamental principles of non refoulement asylum and the right to seek asylum and the extent of protection possibilities in human rights treaties particularly the european convention on human rights

Reconceiving International Refugee Law 1997-09-17

2 2 the refugee family

Human Rights and the Refugee Definition 2016-02-18

in human rights and the refugee definition burson and cantor bring together over a dozen contributions that add a fine grained comparative perspective to the debate on whether or how interpretation of the refugee definition should take account of human rights law

International Refugee Law and the Protection of Stateless Persons 2019-04-04

international refugee law and the protection of stateless persons examines the extent to which the 1951 convention relating to the status of refugees protects de jure stateless persons while de jure stateless persons are clearly protected by the 1954 convention relating to the status of stateless persons this book seeks to explore the extent to which such persons are also entitled to refugee status the questions addressed include the following when is a person without a nationality for the purpose of the 1951 refugee convention what constitutes one s country of former habitual residence as a proxy to one s country of nationality when does being stateless give rise to a well founded fear of persecution for reasons specified in the 1951 refugee convention and or unhcr mandate what are the circumstances under which statelessness constitutes persecution or inhuman or degrading treatment how are courts assessing individual risk or threat to stateless persons the book draws on historical and contemporary interpretation of international law based on the travaux préparatoires to the 1951 refugee convention and its antecedents academic writing unhcr policy and legal documents un human rights council resolutions un human rights committee general comments un secretary general reports and un general assembly resolutions it is also based on original comparative analysis of existing jurisprudence worldwide relating to claims to refugee status based on or around statelessness by examining statelessness through the prism of international refugee law this book fills a critical gap in existing scholarship

UNHCR and International Refugee Law 2012-06-25

this book considers the united nations high commissioner for refugees contribution to international refugee law since the establishment of unhcr by the united nations general assembly in 1951 the book explores the historical and statutory foundations that create an indelible link between unhcr and international refugee
law this book charts the significant evolution that has occurred in the organisation s role throughout the last sixty years looking at both the formal means by which unhcr s mandate may be modified and the techniques unhcr has used to facilitate the changes in its role thereby revealing a significant evolution in the organisation s role since the onset of the crisis in refugee protection in the 1980 s unhcr itself has demonstrated its organizational autonomy as the primary agent for the adaptation of its responsibilities and work related to international refugee law the author does suggest however that unhcr needs to continue to extend and strengthen its role related to international refugee law if unhcr is to ensure a stronger legal framework for the protection of refugees as well as a fuller respect for refugees rights in practice unhcr and international refugee law should be of particular interest to refugee lawyers as well as academics and students of refugee law and international law and anyone concerned with the important role that unhcr plays in the protection of refugees today

**International Refugee Law 2000-07-27**

focusing on the 1951 un convention on the status of refugees this book in intended as an introduction to international refugee law after a comprehensive introduction the reader is divided into eight chapters each chapter begins with a short introduction which identifies the key issues and themes it deals with and the particular readings which address them as also draws attention to the on going debates in a bid to encourage critical thinking

**Evaluating the Effectiveness of International Refugee Law 2006**

this book is an evaluation of the international response to a major protracted humanitarian situation as such it is the first comprehensive account and assessment of the effectiveness of international law in dealing with iraqi refugees during the regime of saddam hussein

**Chinese Refugee Law 2019-10-29**

chinese refugee law offers a comprehensive up to date and readily accessible reference to chinese refugee law and focuses on legal theories practical issues and law making it provides the necessary detail insight and background information for a thorough understanding of this complex system

**The UNHCR and the Supervision of International Refugee Law 2013-08-15**

the 1951 convention relating to the status of refugees and its 1967 protocol and many other important international instruments recognize the unique role the unhcr plays in protecting refugees and supervising international refugee law this in depth analysis of the unhcr s supervisory role in the international refugee protection regime examines the part played by key institutions organizations and actors in the supervision of international refugee law it provides suggestions and recommendations on how the unhcr s supervisory role can be strengthened to ensure greater state parties compliance to their obligations under these international refugee rights treaties and contributes to enhancing the international protection of refugees and to the promotion of a democratic global governance of the international refugee protection regime

**Refuge from Inhumanity? War Refugees and International Humanitarian Law 2014-07-13**

this book contributes to a long standing but ever topical debate about whether persons fleeing war to seek asylum in another country war refugees are protected by
international law it seeks to add to this debate by bringing together a detailed set of analyses examining the extent to which the application of international humanitarian law may usefully advance the legal protection of such persons this generates a range of questions about the respective protection frameworks established under international refugee law and specifically the potential for interaction between them as the first collection to deal with the subject the eighteen chapters that make up this unique volume supply a range of perspectives on how the relationship between these two separate fields of law may be articulated and whether ihl may contribute to providing refuge from the inhumanity of war

The Rights of Refugees under International Law 2021-04-22

the only comprehensive analysis of international refugee rights anchored in the hard facts of refugee life around the world

Refugee Law 2022-04-26

the word refugee is both evocative and contested it means different things to different people for lawyers the main legal reference point is the un refugee convention of 1951 this concise and engaging book follows the structure of the convention to explore international refugee law including an introduction to the historical and legal context colin yeo draws on his experience as an immigration barrister to explain the present day legal framework for global refugee protection chapters consider well founded fear persecution the loss of refugee status and exclusion the rights of refugees and state responses to refugee claims the book includes studies of key legal cases reviews the successes and failures of the convention and looks ahead to the future including the impact of climate change and the global compact on refugees communicating important legal concepts in an approachable way this is an essential guide for students lawyers and non specialists

Mass Refugee Influx and the Limits of Public International Law 2002-01-01

4 3 the final act

Human Rights and The Revision of Refugee Law 2020-09-02

this book addresses the relationship between international refugee law and international human rights law using international refugee law s analytical turn to human rights as its object of inquiry it represents a critical intervention into the revisionism that has led to conceptual fragmentation and restrictive practices mainstream literature in refugee law reflects a mood of celebration a narrative of progress which praises the discipline s rescue from obsolescence this is commonly ascribed to its repositioning alongside human rights law its veritable rediscovery as an arm of this far greater edifice by using human rights logic to construct the current legal paradigm and inform us of who qualifies as a refugee this purportedly lent areas of conceptual uncertainty a set of objective modern criteria and increased enfranchisement to new non traditional claimants the present work challenges this dominant position by finding the untold limits of its current paradigm it stands alone in this orientation and hereby represents one of the most comprehensive heterodox and structurally detailed reviews of this connection the exploration of the gap between modern approaches and the unsatisfactory realities of seeking asylum forms the substance of this book it asserts by contrast the existence of revolution rather than evolution human rights law has erased the founding tenets of the refugee convention enabling powerful states to contain refugees in their region of origin the book will be essential reading for those interested in refugee law refugee studies postcolonial legal studies postmodern critiques and critical legal theory additionally given its relevance for the adjudication of refugee claims it will be an important resource for solicitors barristers and judges

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The Problem of Refugees in the Light of Contemporary International Law Issues 2024-01-22

The contributions collected in the present book go beyond refugee law in its traditional sense largely centred on questions of durable asylum and the plight of only a small tranche of the asylum seeking population in situating refugee law within the broader international legal system the refugee problem is thus seen as a prism through which a host of exploding issues confront traditional international law and international relations creation and dissolution of states state responsibility human rights international jurisdiction and the united nations mandate these theoretical problems and their legal incidence on the refugee condition are debated against the background of unhcr field operations in former yugoslavia africa and eastern europe the contributions were originally presented at a colloquium held in may 1994 organised by the graduate institute of international studies in collaboration with the office of the united nations high commissioner for refugees refugee law experts members of the un international law commission and practitioners were brought together in a dialogue between scholars and practitioners on a major and exponentially growing international problem

‘Protection’ in European Union Asylum Law 2020-09-25

asylum law in the european union is ripe with caveats that allow for rejecting asylum applications due to protection received in the home country or another location yet when is protection strong enough to make denying an application lawful

Legitimising Rejection 2008

this book examines southeast asia’s rejection of international refugee law through extensive archival analysis and argues that this rejection was shaped by the region’s response to its largest refugee crisis in the post 1945 era the indochinese refugee crisis from 1975 1996

Asylum Law in the European Union 2014-11-13

this book examines the rules governing the right to asylum in the european union drawing on the 1951 united nations convention relating to the status of refugees and the 1967 protocol francesco cherubini asks how asylum obligations under international refugee law have been incorporated into the european union the book draws from international law eu law and the case law of the european court of human rights and focuses on the prohibition of refoulement the main obligation the eu law must confront cherubini explores the dual nature of this principle examining both the obligation to provide a fair procedure that determines the conditions of risk in the country of origin or destination and the obligation to respond to a possible expulsion through this study the book sheds light on eu competence in asylum when regarding the different positions of member states the book will be of great use and interest to researchers and students of asylum and immigration law eu law and public international law

Nationality and Statelessness in the International Law of Refugee Status 2016-09-22

international refugee law anticipates state conduct in relation to nationality statelessness and protection refugee status under the convention relating to the status of refugees 1951 and regional and domestic instruments referring to it can be fully understood only against the background of international laws regarding nationality statelessness and the consequences of national status or the lack of it in this significant addition to the literature a leading practitioner in these fields
The limits of transnational law refugee law policy harmonization and judicial dialogue in the European Union examines in the light of international law key issues regarding refugee status, including identification of the country of nationality, concepts of effective nationality, and the inclusion within persecution of a range of acts or omissions focused on nationality.

**Research Handbook on International Law and Migration 2014-03-28**

Migration is a complex and multifaceted issue, and the current legal framework suffers from considerable ambiguity and lack of cohesive focus. This handbook offers a comprehensive take on the intersection of law and migration studies and provides strategies.

**Gender in Refugee Law 2014-04-16**

Questions of gender have strongly influenced the development of international refugee law over the last few decades. This volume assesses the progress toward appropriate recognition of gender-related persecution in refugee law. It documents the advances made following intense advocacy around the world in the 1990s and evaluates the extent to which gender has been successfully integrated into refugee law. It evaluates the research and advocacy agendas for gender in refugee law, ten years beyond the 2002 UNHCR Guidelines. The book investigates the current status of gender-related persecution claims of both women and men, including those based on sexual orientation and gender identity. It explores how the development of an anti-refugee agenda in many Western states exponentially increases vulnerability for refugees, making gendered claims. The volume includes contributions from scholars and members of the advocacy community that allow the book to examine conceptual and doctrinal themes arising at the intersection of gender and refugee law, and specific case studies across major Western refugee receiving nations.

**Conflict Displacement and Legal Protection 2019-02-05**

While the 21st century bears witness to several conflicts leading to mass displacement, the conflict in Syria has crystallized the need for a solid legal framework and legal certainty. This book analyses the relevant legal instruments for the provision of a protection status for persons fleeing Europe from conflict and violence. It focuses on the conceptualization of conflict and violence in the countries of origin and the different approaches taken in the interpretation of them under the 1951 Refugee Convention, the recast qualification directive of the European Union, and the European Convention on Human Rights. It traces the hierarchical order of protection granted starting with refugee protection status, subsidiary protection status, and finally with the negative protection from non-refoulement. Recent case law and asylum status determination practices of European countries illustrate the obstacles in the interpretation as well as the divergence in the application of the legal instruments. The book fills an important gap in examining the current practices of key actors, including the United Nations High Commissioner for Refugees and European states, tracing changes in national and international policies and revealing discrepancies towards contemporary approaches to conflicts. It refines the interaction and cross-fertilisation of the different relevant fields of European asylum law, human rights law, and the laws of armed conflict in order to further the development of a harmonised protection regime for conflict-induced displacement.

**The Internal Protection Alternative in Refugee Law 2018-12-06**

The internal protection alternative in refugee law addresses the legal conditions under which a refugee claimant may be returned to a safe area within her country of origin.
The Global Reach of European Refugee Law 2013-09-05

examination of the worldwide emulation of key norms of European refugee protection through transnational processes and actors

The Limits of Transnational Law 2010-03-18

state authority and power have become diffused in an increasingly globalized world characterized by the freer transborder movement of people, objects, and ideas. As a result, some international law scholars believe that a new world order is emerging based on a complex web of transnational networks. Such a transnational legal order requires sufficient dialogue between national courts. This 2010 book explores the prospects for such an order in the context of refugee law in Europe focusing on the use of foreign law in refugee cases. Judicial practice is critically analyzed in nine EU member states with case studies revealing a mix of rational and cultural factors that lead judges to rarely use each other’s decisions. Within the EU, conclusions are drawn for the prospects of a common European asylum system and for international refugee law.

Critical Issues in International Refugee Law 2010-08-19

This volume of essays examines key cutting-edge areas of international refugee law, including strategies for interpretative harmony, the rights of refugees, and the standard of proof in complementary protection. Each topic is examined from a theoretical and a practical perspective in order to find solutions to the many legal issues and concerns which currently confront this area of law and to seek ways to advance the field as a whole.

Fragmented State Power and Forced Migration 2012-06-14

Drawing extensively on international and European law, international and national case law, and academic writings, this study offers a comprehensive and critical analysis on the issue of non-state actors in refugee law.

Refugees and Rights 2017-05-15

Forced migration is both ancient as human life on earth and a relatively new subject of interest for human rights scholars. This volume continues the discussion from migrants and rights to focus attention on refugees, victims of trafficking, and others who cross borders seeking protection from anthropogenic or natural disasters. The opening essays provide historical and conceptual overviews of rights to freedom of movement and asylum and links between human rights and refugee law. Articles on the principle of non-refoulement in international law explore the occasional disjuncture between the individual’s right to protection and the state’s rights to protect its national interests. The refugee’s rights to due process and the substance of entitlements at law are explored in essays that range across administrative processes, social and cultural rights, including family reunion detention and the right of return. There follow four essays that address sexual orientation and refugee rights, refugees and disability rights, human rights, and persons displaced by climate change disasters. The rights of victims of human trafficking are examined in essays that range across traditional Western theatres and reflect on the rights discourse outside of traditional Western theatres. These cover Africa, Kenya, India, South America, Brazil, and the Asia Pacific, Indonesia, and Papua New Guinea.
Refugee Law and Practice in Japan 2016-12-05

this volume examines the development of refugee law and policy in japan the book discusses systemic weaknesses and compares the evolution of law in other states to highlight problems in japan s refugee determination system ultimately the book calls for japan to reform failing systems and take innovative action towards refugee protection

The Law of Refugee Status 2014-07-03

the long awaited second edition of this seminal text reconceived as a critical analysis of the world s leading comparative asylum jurisprudence

Refugee Law and Durability of Protection 2019-05-08

this book examines the link between refugee protection duration of risk and residency rights it focuses on two main issues of importance to current state practice the use of temporary forms of refugee status and residency and the legal criteria for cessation of refugee status under article 1c 5 of the 1951 refugee convention in analysing this issue this book canvasses debates which are pertinent to many other contentious areas of refugee law including the relationship between the refugee definition and complementary protection application of the refugee convention in situations of armed conflict and the role of non state bodies as actors of protection it also illustrates some of the central problems with the way in which the 1951 refugee convention is implemented domestically in key asylum host states the arguments put forward in this book have particular significance for the return of asylum seekers and refugees to situations of ongoing conflict and post conflict situations and is therefore highly pertinent to the future development of international refugee law

Internally Displaced Persons and International Refugee Law 2022-03-15

internally displaced persons idps are persons who have been forced to leave their places of residence as a result of armed conflict violence human rights violations or natural or human made disasters but who have not crossed an international border there are about 55 million idps in the world today outnumbering refugees by roughly 2 1 although idps and refugees have similar wants needs and fears idps have traditionally been seen as a domestic issue and the international legal and institutional framework of idp protection is still in its relative infancy this book explores to what extent the protection of idps complements or conflicts with international refugee law three questions form the core of the book s analysis what is the legal and normative relationship between idps and refugees to what extent is an individual s real risk of internal displacement in their country of origin relevant to the qualification and cessation of refugee status and to what extent is the availability of idp protection measures an alternative to asylum it argues that the idp protection framework does not as a matter of law undermine refugee protection the availability of protection within a country of origin cannot be a substitute for granting refugee status unless it constitutes effective protection from persecution and there is no real risk of refoulement the book concludes by identifying current and future challenges in the relationship between idps and refugees illustrating the overall impact and importance of the findings of the research and setting out questions for future research

Refugee Protection in International Law 2003-06-26

alongside a panel of experts the unhcr examines the interpretation of the 1951 refugee convention
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