

Refugee Rights in International Law



Refugee In International Law

James C. Hathaway



Refugee In International Law:

The Refugee in International Law Guy S. Goodwin-Gill, Jane McAdam, 2021-09-09 The status of the refugee in international law and of everyone entitled to protection has ever been precarious not least in times of heightened and heated debate people have always moved in search of safety and they always will In this completely revised and updated edition the authors cast new light on the refugee definition the meaning of persecution including with regard to gender and sexual orientation and the protection due to refugees and those affected by statelessness or disasters They review the fundamental principle of non refoulement as a restraint on the conduct of States even as States themselves seek new ways to prevent the arrival of those in search of refuge Related principles of protection non discrimination due process rescue at sea and solutions are analysed in light of the actual practice of States UNHCR and treaty monitoring bodies The authors closely examine relevant international standards and the role of UNHCR States and civil society in providing protection contributing to the development of international refugee law and promoting solutions New chapters focus on the evolving rules on nationality statelessness and displacement due to disasters and climate change This expanded edition factors in the challenges posed by the movement of people across land and sea in search of refuge and their interception reception and later treatment The overall aim remains the same as in previous editions to provide a sound basis for protection in international law taking full account of State and community interests and recognizing the need to bridge gaps in the regime which now has 100 years of law and practice behind it

The Status of Refugees in International Law: Refugee character
Atle Grahl-Madsen, 1966

Asylum and International Law S. Prakash Sinha, 2013-12-01

The Rights of Refugees under International Law James C. Hathaway, 2005-09-15 This book presents the first comprehensive analysis of the human rights of refugees as set by the UN Refugee Convention In an era where States are increasingly challenging the logic of simply assimilating refugees to their own citizens questions are now being raised about whether refugees should be allowed to enjoy freedom of movement to work to access public welfare programs or to be reunited with family members Doubts have been expressed about the propriety of exempting refugees from visa and other immigration rules and whether there is a duty to admit refugees at all Hathaway links the standards of the UN Refugee Convention to key norms of international human rights law and applies his analysis to the world's most difficult protection challenges This is a critical resource for advocates judges and policymakers It will also be a pioneering scholarly work for graduate students of international and human rights law

Refugee Protection in International Law Erika Feller, Volker Türk, Frances Nicholson, 2003-06-26 Millions of people are forced today to flee persecution The core international legal instrument on which they must rely to find safety is the 1951 Convention Relating to the Status of Refugees This book examines key challenges the Convention faces on the basis of nine papers by eminent international refugee lawyers which were then discussed at an expert roundtable meeting in 2001 as part of UNHCR's Global Consultations on International Protection The papers are published here in one volume together

with the conclusions of the roundtables and other documents

The Oxford Handbook of International Refugee Law Cathryn Costello,Michelle Foster,Jane McAdam,2021 Provides a state of the art comprehensive analysis of the field of international refugee law Global in scope with 10 chapters focusing in detail on specific regions Critiques the status quo and sets the agenda for future academic research Book jacket

International Refugee Law H?ne Lambert,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 the 1951 Refugee Convention 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 promise to have an impact on international refugee law

Research Handbook on International Refugee Law Satvinder Singh Juss,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 1951 Convention Relating to the Status of Refugees and its 1967 Protocol](#) ,2024-01-10 The Convention Relating to the Status of Refugees adopted on 28 July 1951 in Geneva continues to provide the most comprehensive codification of the rights of refugees yet attempted Consolidating previous international instruments relating to refugees the 1951 Convention with its 1967 Protocol marks a cornerstone in the development of international refugee law At present there are 149 States Parties to one or both of these instruments expressing a worldwide consensus on the definition of the term refugee and the fundamental rights to be granted to refugees These facts demonstrate and underline the extraordinary significance of these instruments as the indispensable legal basis of international refugee law This Commentary provides for a systematic and comprehensive analysis of the 1951 Convention and the 1967 Protocol on an article by article basis exposing the interrelationship between the different articles and discussing the latest developments in international refugee law In addition several thematic contributions analyse questions of international refugee law which are of general significance such as regional developments the interrelationship between refugee law and general human rights law as well as the relationship between refugee law and the law of the sea

The Refugee Definition in International Law Hugo Storey,2023 In international law the definition of refugee is widely seen as unclear This book systematically analyses the interpretation ordering and interrelationship of the

definition's components as well as the disputes that have arisen around it. The volume seeks to clarify propositions and demonstrate there is progress toward a working definition.

Refugee Protection and the Role of Law Susan Kneebone, Dallah Stevens, Loretta Baldassar, 2014-06-27 Sixty years on from the signing of the Refugee Convention forced migration and refugee movements continue to raise global concerns for hosting states and regions for countries of origin for humanitarian organisations on the ground and of course for the refugee. This edited volume is framed around two themes which go to the core of contemporary refugeehood: protection and identity. It analyses how the issue of refugee identity is shaped by and responds to the legal regime of refugee protection in contemporary times. The book investigates the premise that there is a narrowing of protection space in many countries and many highly visible incidents of refoulement. It argues that protection, which is a core focus of the Refugee Convention, appears to be under threat as there are many gaps and inconsistencies in practice. Contributors to the volume who include Erika Feller, Elspeth Guild, H. L. Lambert and Roger Zetter look at the relevant issues from the perspective of a number of different disciplines including law, politics, sociology and anthropology. The chapters examine the link between identity and protection as a basis for understanding how the Refugee Convention has been and is being applied in policy and practice. The situation in a number of jurisdictions and regions in Europe, North America, South East Asia, Africa and the Middle East is explored in order to ask the question: does jurisprudence under the Refugee Convention need better coordination and how successful is oversight of the Convention?

Refuge from Inhumanity? War Refugees and International Humanitarian Law David Cantor, Jean-François Durieux, 2014-07-10 This book contributes to a long-standing but ever-topical debate about whether persons fleeing war to seek asylum in another country 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 (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 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.

Refugees, Asylum Seekers and the Rule of Law Susan Kneebone, 2009-03-19 An assessment of the impact of asylum on the integrity of the rule of law in five common law jurisdictions.

The Problem of Refugees in the Light of Contemporary International Law Issues Vera Gowlland-Debbas, 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

Elgar Concise Encyclopedia of Migration and Asylum Law Vincent Chetail, 2025-07-15 This Concise Encyclopedia provides a comprehensive overview of the rapidly developing field of migration and asylum law It brings clarity on key terms and critical notions while challenging misconceptions in this highly politicized sphere

Access to Courts for Asylum Seekers and Refugees Emma Dunlop, 2024-01-24 In *Access to Courts for Asylum Seekers and Refugees* Emma Dunlop focuses on the scope and content of article 16 of the 1951 Refugee Convention Under this article States are obligated to provide asylum seekers and refugees with access to courts This obligation entails a requirement to ensure effective access which may call for accommodations to be made to address individual vulnerabilities where for example a person does not speak the language of the court or lacks easy access to a lawyer It also guarantees additional rights to those who have attained habitual residence in the host country Access to courts is a critical gateway right the denial of which can prevent a person from defending other rights under domestic law Yet until now article 16 has not received extensive scrutiny In the first dedicated monograph on article 16 of the 1951 Convention Dunlop positions the article within the broader context of international human rights law customary international law and general principles of law presenting a comprehensive account of asylum seekers and refugees right of access to courts Taking an evolutionary approach to treaty interpretation the book interrogates the scope and content of the article evaluating the extent of its obligations Despite developments in international human rights law since the article s adoption *Access to Courts for Asylum Seekers and Refugees* argues that it remains a relevant and robust source of protection Offering rigorous and reasoned analysis of this critical provision Dunlop advances a principled approach to interpreting article 16

Refugee Externalisation Policies Azadeh Dastyari, Amy Nethery, Asher Hirsch, 2022-07-22 This book examines the impact and effects of refugee externalisation policies in two regions Australia s border control practices in Southeast Asia and the Pacific and the activities of the European Union and its member states in North Africa The book assesses the underlying motivations processes policy frameworks and human rights violations of refugee externalisation practices Case studies illuminate the funding institutional partnerships geopolitical impacts financial costs and the human price of refugee externalisation It provides the first truly comparative analysis of asylum externalisation and explores maritime interdiction extraterritorial process containment and third country interception and communication campaigns in Southeast Asia and the Middle East North Africa This book will be of key interest to

scholars and students of refugee and asylum studies law politics and the arts legal practitioners non governmental organisations and policymakers grappling with the issues of detention refugee externalisation practices and the growing need to find safety for the world s most vulnerable

The State of the World's Refugees, 2000 Mark Cutts, Office of the United Nations High Commissioner for Refugees, 2000 Includes statistics

Nationality and Statelessness in the International Law of Refugee Status Eric Fripp, 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 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

Reconceiving International Refugee Law James C. Hathaway, 2023-07-24 Violence and other human rights abuses continue to force desperate people to migrate in search of protection Yet because the political and economic reasons that induced an historical openness to the arrival of refugees have largely withered away there is no longer a guarantee that any state will be prepared to receive these involuntary migrants Governments of both North and South are withdrawing from the international legal duty to provide potentially indefinite protection to any and all refugees who arrive at their borders The challenge is to reconceive refugee protection in a way that is reconcilable with the legitimate concerns of modern states yet which does not sacrifice the critical right of at risk people to seek asylum The essays in *Reconceiving International Refugee Law* offer a response to the concerns of many states that refugee protection has become no more than a back door route to permanent immigration and that its costs are not fairly apportioned among states Drawing on the research of leading migration scholars from around the world and vetted through dialogue with senior officials and non governmental experts this volume explores the potential for a shift to a robust and empowering system of temporary asylum supported by a pragmatic system of guarantees to share both the costs and human responsibilities of refugee protection

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