

# Refugee Rights in International Law



# Refugee Protection In International Law

**Cristiano d'Orsi**



## **Refugee Protection 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

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

**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 ne 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

**The Grounds of Refugee Protection in the Context of International Human Rights and Humanitarian Law** Mark R. von Sternberg, 2021-10-25 This volume examines the ways in which human rights and humanitarian law have influenced the development of the refugee definition as interpreted in the United States and Canada Analysis focuses on how these two significant jurisdictions have addressed refugee protection in a modern context The problem areas discussed include persecution during periods of upheaval resistance to the State in times of civil war opposition to coercive family planning programs and the diverse issues raised by gender based asylum claims The view is advanced that the grounds of refugee protection are not fixed but parallel discriminatory social and political attitudes towards defined groups The study also advocates that human rights and humanitarian law principles should continue to shape the evolution of refugee jurisprudence so as to achieve more effectively the Convention's goals This work will be of great interest to academics practitioners and policy makers in the refugee field as well as to scholars of international human rights and humanitarian law

*The Refugee Definition in International Law* Hugo Storey, 2023-09-21 In international law the refugee definition enshrined in Article 1A 2 of the Refugee Convention and its 1967 Protocol is central Yet seven decades on the meaning of its key terms are widely seen as unclear *The Refugee Definition in International Law* asks whether we must continue to accept this or whether a systematic legal analysis can shed new light on this important term The volume addresses several framework questions concerning approaches to definition interpretation ordering and the interrelationship between the definition's different elements Each element is then analysed in turn applying Vienna Convention of the Law of Treaties rules in systematic fashion Each chapter evaluates the main disputes that have arisen and seeks to distil basic propositions that are widely agreed as well as certain suggested propositions for resolving ongoing debates In the final chapter the basic propositions are assembled to demonstrate that in fact there is now more clarity about the definition than many think and that considerable progress has been made toward achieving a working definition

*The Regional Law of Refugee Protection in Africa* Marina Sharpe, 2018-07-18 This book analyses the legal framework for refugee protection in Africa including both refugee and human rights law as well as treaty and institutional elements The regime is addressed in two parts Part One analyses the relevant treaties the 1951 Convention relating to the Status of Refugees the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1981 African Charter on Human and Peoples Rights The latter two regional instruments are examined in depth This includes the first fulsome account of the African Refugee Conventions drafting an interpretation of its unique refugee definition and original

analysis of the relationships between the three treaties Significant attention is devoted to the systemic relationship between the international and the regional refugee treaties and to the discrete relationships of conflict and complementary relationships between the two refugee instruments as well as to the relationships between the African Refugee Convention and African Charter Part Two focuses on the institutional architecture supporting the treaty framework The Organization of African Unity is addressed in a historical sense and the contemporary roles of the African Union the African Commission on Human and Peoples Rights and the current and contemplated African human rights courts are examined This book is the first devoted to the legal framework for refugee protection in Africa *Advancing Refugee Protection in South Africa* Jeff Handmaker, Lee Anne De la Hunt, Jonathan Klaaren, 2008 Divided into three thematic parts to guide the reader this important volume documents the development and implementation of refugee policy in South Africa over a 10 year period from 1996 until 2006 In doing so it addresses issues of detention gender children and health as well as welfare policies for refugees The contributions all written by academics and practitioners of refugee protection vividly illustrate the tangible shifts and concerns of a process that is not only aimed at establishing policies and legislation but also practices concerning refugees

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 **The Readmission of Asylum Seekers under International Law** Mariagiulia Giuffr , 2020-02-20 This monograph could not be more timely as discourses relating to refugees access to territory rescue at sea push back and push back by proxy dominate political debate Looking at the questions which lie at the junction of migration control and refugee law standards it explores the extent to which readmission can hamper refugees access to protection Though it draws mainly on European law notably the European Convention on Human Rights it also examines other international frameworks including those employed by the United Nations and instruments such as the Refugee Convention Therefore this book is of importance to readers of international law refugee law human rights and migration studies at the global level It offers an analysis of both the legal and policy questions at play and engages fully with widely disputed cases concerning readmission agreements deportation with assurances and interception at sea By so doing this book seeks to clarify a complex field which has at times suffered from partiality in both its terminology and substance

**Asylum-Seeker and Refugee Protection in Sub-Saharan Africa** Cristiano d'Orsi, 2015-08-11 It is not often acknowledged that the great majority of African refugee movement happens within Africa rather than from Africa to the West This book examines the specific characteristics and challenges of the refugee situation in Sub Saharan Africa offering a new and critical vision on the situation of asylum seekers and refugees in the African continent Cristiano d Orsi considers the international regional and domestic legal and institutional frameworks linked to refugee protection in Sub Saharan Africa and explores the contributions African refugee protection has brought to the cause on a global scale Key issues covered in the book include the theory and the practice of non refoulement an analysis of the phenomenon of mass influx the concept of burden sharing and the role of freedom fighters The book goes on to examine the expulsions of refugees and the historical role played by UNHCR in Sub Saharan Africa As a work which follows the persecution and legal challenges of those in search of a safe haven this book will be of great interest and use to researchers and students of immigration and asylum law international law human rights and African studies

**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

**States, the Law and Access to Refugee Protection** Maria O'Sullivan, Dallah Stevens, 2017-03-23 This timely volume seeks to examine two of the most pertinent current challenges faced by asylum seekers in gaining access to international refugee protection first the obstacles to physical access to territory and second the barriers to accessing a quality asylum procedure which the editors have termed access to justice To address these aims the book brings together leading commentators from a range of backgrounds including law sociology and political science It also includes contributions from NGO practitioners This allows the collection to offer interdisciplinary analysis and to incorporate both theoretical and practical perspectives on questions of immense contemporary significance While the examination offers a strong focus on European legal and policy developments the book also addresses the issues in different regions Europe North America the Middle East Africa and Australia Given the currency of the questions under debate this book will be essential reading for all scholars in the field of asylum law

*The Protection of General Interests in Contemporary International Law* Massimo Iovane, Fulvio M. Palombino, Daniele Amoroso, Giovanni Zarra, 2021-08-04 This book analyses three key concepts

global public goods global commons and fundamental values as tools geared towards the protection of the general interests of the international community After providing an overview of these concepts the book examines how international law has responded to them in a wide range of fields and investigates how global governance has improved or worsened this response Contributions from a group of experts explore the legal foundations of general interests and discuss which interests have or have not been deemed to deserve the protection of international law Other chapters focus on whether and to what extent it is appropriate that international law intervenes to regulate such interests considering the interplay between multiple actors including states international and regional organisations and non state actors The book explores how states and other actors have used international law to protect general interests what lessons can be learned from these efforts and what significant challenges still need to be addressed

**Refugee Protection in Brazil and Latin America - Selected Essays** Liliana Lyra Jubilut, 2018-05-05 Refugees and their protection have started to be a part of daily conversation in recent years New flows from Africa to Europe new crisis in Asia and in the Americas and record numbers since the Second World War for instance have paved the way for news reports in the media political discourses on the topic and debates on how to actually protect these persons In a world scenario of increasingly i closed borders ii association of migration to security issues iii lack of political will to ascertain human rights and iv disregard for migration as a right in se the challenges on and for refugees protection have been progressing as have the need for international protection of persons fleeing well founded fear of persecution due to their race religion nationality political opinion or membership to a social group i e refugees Regional approaches and national practices gain relevance especially if they can be seen as good practices even if not without flaws What are the main challenges and opportunities regarding Refugee Protection in Latin America and in Brazil The book offers a very convincing response The essays by Liliana Jubilut reflect rigorous academic research and years of practical experience on supporting asylum seekers and refugees The author is certainly one of the most influential scholars in Brazil working in the Forced Migration field and the essays provide a comprehensive view of Refugee Protection in Brazil and Latin America Gabriel Gualano de Godoy PhD UNHCR Chief of Mission in the Dominican Republic and former Head of UNHCR Protection Unit in Brazil This book shed clear lights on the development of refugee protection in Latin America for the years to come Liliana Jubilut is already a leading scholar on refugee protection in Latin America and her articles reflect a long myriad of issues related to refugee protection since status determination resettlement local integration and the remarkable humanitarian visas for the Syrian refugees She shows the developments and setbacks and recover the most important developments since the Cartagena Declaration with a sharp eye and historical perspective This book will soon become an essential bibliography for anyone trying to understand the particular and innovative refugee protection initiatives in this troubled but generous region Wellington Pereira Carneiro PhD UNHCR Senior Official having worked in Brazil and Colombia for UNHCR and in Panama prior to joining the UN

Refugee Protection in Southeast Asia Susan Kneebone, Reyvi

Mariñas, Antje Missbach, Max Walden, 2024-12-01 Despite being long term hosts to refugee populations Indonesia Thailand and Malaysia are not yet part of the 1951 Refugee Convention In all three states refugees are regulated as discretionary humanitarian exceptions to immigration legislation With contributions from scholars within and outside the region this book promotes new thinking on protection of refugees and on resolving tensions between states actors and institutions in the region It evaluates the key concepts of sovereignty security and humanitarianism in this context the different bases of protection by state and non state actors and the meaning of responsibility and regionalism in Southeast Asia **Refugee Protection in Europe** Joanne van Selm-Thorburn, 2023-08-21 This book addresses the issue of refugee protection in Europe drawing on the approaches taken to the crisis in former Yugoslavia to find lessons for future comprehensive policies Suitable for academics students and policy makers this book gives a comprehensive overview of the twentieth century history of refugee protection the relationship between protection and human rights and European integration in the asylum and immigration policy area The focus of the book is the development of comprehensive approaches to forced migration and particularly the emergence of temporary protection mechanisms in the European context Four specific national measures are analyzed and a model for future EU policy is advanced This model satisfies specified practical and theoretical requirements governing the role of protection in international relations and relations between individuals and states The Evolution of Humanitarian Protection in European Law and Practice Liv Feijen, 2021-04 Humanitarian protection has evolved from an act of charity into a legal obligation not to remove certain categories of non nationals *Problems of Protection* Niklaus Steiner, Mark Gibney, Gil Loescher, 2003 First Published in 2003 Routledge is an imprint of Taylor Francis an informa company The Problem of Refugees in the Light of Contemporary International Law Issues Vera Gowlland Debbas, 1996 H vell Latin America and Refugee Protection Liliana Lyra Jubilut, Marcia Vera Espinoza, Gabriela Mezzanotti, 2021-08-13 Looking at refugee protection in Latin America this landmark edited collection assesses what the region has achieved in recent years It analyses Latin America s main documents in refugee protection evaluates the particular aspects of different regimes and reviews their emergence development and effect to develop understanding of refugee protection in the region Drawing from multidisciplinary texts from both leading academics and practitioners this comprehensive innovative and highly topical book adopts an analytical framework to understand and improve Latin America s protection of refugees



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