

Refugee Rights in International Law



Refugee Protection In International Law

Marina Sharpe



Refugee Protection In International 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 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 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

UNHCR and International Refugee Law Corinne Lewis, 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 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 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 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

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

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

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

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