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LAW
in AUSTRALIA

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Refugee Law In Australia

**Hélène Lambert, Jane
McAdam, Maryellen Fullerton**

Refugee Law In Australia:

Migration and Refugee Law in Australia Mirko Bagaric, John Vrachnas, 2007 Migration law has been a very controversial area over the past twenty years. The global movement of people and the plight of refugees have led to a series of controls on people entering into and remaining in Australia. The legislation containing the rules has been changed many times and the courts have considered hundreds of cases. In *Migration and Refugee Law in Australia: Cases and Commentary*, the main principles of law are extracted and explained so that the law can be understood. The book analyses the policy and moral considerations underpinning migration law and suggests an overarching framework for developing migration law and critiquing existing policies and practices. Migration and refugee law is also analysed through the lens of Australian and international human rights law and conventions. Immigration is expected to be one of the most important issues facing Australia this century. Informed debate will produce outcomes.

Refugees Jane McAdam, 2014-09-01 If you listen to some politicians and voices in the media you might well believe that asylum seekers are illegal. You might think that they should wait their turn in the so-called queue. You might think that they pose a potential threat to our national security and that the government is right to keep them from our shores. Or you might take a humanitarian stance believing that drastic border protection policies, though harsh in effect, are necessary to deter asylum seekers from endangering their lives on risky boat journeys to Australia. However logical these conclusions might seem, the problem is that they are based on widespread misunderstandings about why and how people seek asylum and what Australia's international legal obligations are. This book rejects spin and panic to provide a straightforward and balanced account of Australia's asylum policies in light of international law. Written for a general audience, it explains who asylum seekers and refugees are, what the law is, and what policies like offshore processing, mandatory detention, and turning back boats mean in practice. Using real-life examples, this book reminds us of the human impact of Australia's policies.

Immigration and Refugee Law in Australia Mary Crock, 1998 This text provides a comprehensive account of the laws and policies governing immigration and refugee law in Australia. Core to the work is its thorough analysis of judge-made laws that supplement and contextualise the laws made by parliament and implemented by the immigration bureaucracy. *Immigration and Refugee Law in Australia* highlights fundamental issues raised by immigration control in this country and the relationship between immigration and Australia's perceived social and economic needs. These issues are the differential treatment of the non-citizen or alien as other in the Australian polity and the complex role played by the judiciary in balancing the national interests with the human rights of the individuals affected by our laws. This goes to the very heart of how we define the Australian nation.

Refugee Law in Australia Roz Germov, Francesco Motta, 2003 In this comprehensive overview and critical analysis of refugee status law in Australia, the authors explain how the United Nations Convention has been applied and set this area of law in its political and historical context.

Refugee Law and Practice in Japan Osamu Arakaki, 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 Oxford Handbook of International Refugee Law Cathryn Costello, Michelle Foster, Jane McAdam, 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

The Global Reach of European Refugee Law Hélène Lambert, Jane McAdam, Maryellen Fullerton, 2013-09-05 Europe has the most advanced regional protection regime in the world The predicted impact of this body of norms including the new Common European Asylum System has been widely identified as one that will have a ripple effect beyond the EU However very few studies have noted the fact that this regime has already influenced the law and practice of states around the world for some time The purpose of this book is to gather evidence that emulation is happening if it is to explore the extent and identify the processes through which it is happening and to examine the implications of these findings A review of seven case studies reveals all but one of these cases provides clear evidence of emulation at some point in time The EU protection regime which has been most influenced by the European Court of Human Rights is naturally evolving transnationally and spreading internationally

Refugee Law and Durability of Protection Maria O'Sullivan, 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

Chinese Refugee Law Guofu Liu, 2019-10-29 Understanding Chinese refugee law is difficult for those outside China or unfamiliar with it due to the complex factors involved Chinese Refugee Law offers a comprehensive up to date and readily accessible reference to Chinese refugee law It focuses first on existing laws and practices relating to refugees in China then offering a scholar s proposal for a law to handle with refugee affairs and implement the Convention Relating to the Status of Refugees The book provides the detail insight and background information needed to understand this complex area of law It examines both existing Chinese statutes and relevant international documents drawing on and comparing Chinese and English language sources It is thus an invaluable resource for both Chinese and non Chinese readers alike

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

An Introduction to International Refugee Law M. Rafiqul Islam, Md. Jahid Hossain Bhuiyan, 2013-05-15 The book is designed to provide an overview of the development meaning and nature of international refugee law The jurisprudence on the status of refugees loss and denial of the refugees status non refoulement asylum problems and challenges of refugee protection the law of return and the right of return critical refugees and immigration law and the role of international organizations in protection of refugees are revisited in the context of contemporary realities The relationship between armed conflict climate change and human right violations induced refugees and the existing international refugee regime emerging will be succinctly highlighted and analysed in the book This lucidly written and timely book will be immensely helpful to anyone grappling with the demonstrated inadequacies of international refugee law in real life situations today and desirous of the reorientation of its meaning and scope to cater for the changing needs and shared expectation of the international community in the 21st century

Responsibility Sharing in International Refugee Law Elizabeth Mavropoulou, 2025-09-25 Achieving a more fair and equitable sharing of refugee protection responsibilities between states has been a perennial challenge of the global refugee regime The Refugee Convention did not codify a legal obligation of responsibility sharing and as a result any assistance to refugee host states remains voluntary This responsibility sharing gap has in turn negatively impacted on the quality of refugee protection and on interstate relations by exacerbating existing inequalities undermining the fairness of the international refugee law regime This book offers a pragmatic yet principled solution to the responsibility sharing gap It puts down a detailed proposal for the long resisted UN Protocol on Responsibility Sharing which would codify a light package of responsibility sharing obligations by requiring states to contribute to refugee protection and solutions under a framework of common but differentiated

responsibilities based on capabilities Building on the Global Compact on Refugees and drawing inspiration from international climate change law the book makes a compelling case for further multilateral law making *Research Handbook on EU Migration and Asylum Law* Evangelia Tsourdi,Philippe De Bruycker,2022-12-08 This important Research Handbook provides a holistic analysis of the development of the European Union s migration and asylum policies It comprehensively examines facets of each policy including insights from cutting edge research and an in depth analysis of their development whilst also identifying future policy orientation

Seeking Asylum Alone Mary Crock,2006 Unaccompanied and separated children continue to be caught up in programs to deflect unauthorised Australian boat arrivals to offshore processing centres If such children do make it to Australia the processes for identifying children travelling alone are inadequate with too much reliance placed on the self identification of such children No child victim of trafficking has been identified in Australia since 1994 Australia s refugee status determination system was established with adult asylum seekers as the norm Children face obvious disadvantage in both articulating their story and in being heard At the crucial first point of contact with authorities children are required to articulate their need for protection without either an advisor or an effective guardian Case studies of children within the asylum process also suggest that immigration officials and officials at appellate level have been poorly trained and have lacked the skills to deal with child asylum seekers with appropriate sensitivity Another barrier faced by these children is legal questions remain as to how well the international definition of refugee has been read to accommodate the particular experiences of children It is hoped that this report will encourage Australian officials to think seriously about children as refugees in their own right most particularly when the children are travelling alone This Report was funded by the MacArthur Foundation Chicago the Australian Research Council and the Myer Foundation Also available *Seeking Asylum Alone A Comparative Study Unaccompanied and Separated Children and Refugee Protection in Australia the UK and the US* by Jacqueline Bhabha and Mary Crock

The Child in International Refugee Law Jason M. Pobjoy,2017-04-27 The first comprehensive study of the challenges faced by children in establishing entitlement to refugee protection This book which draws extensively on national case law from the United States the United Kingdom Canada New Zealand and Australia will be an invaluable resource for any academic decision maker or practitioner working in the area

Migration and Refugee Law John Vrachnas,Mirko Bagaric,Penny Dimopoulos,Athula Pathinayake,2011-09-30 *Migration and Refugee Law Principles and Practice in Australia* is a comprehensive overview of the legal principles governing the entry of people into Australia This fully revised third edition provides an accessible analysis of the theory and practice of this complex and controversial area of the law It considers the social and political context of migration and refugee law in devising innovative policies aimed at creating an equitable and rational immigration system *Migration and Refugee Law Principles and Practice in Australia* combines an astute consideration of theory with the creation of practical policy solutions and is therefore an essential resource for migration lawyers and agents government employees students judicial officers and policymakers

Comparative Regional Protection Frameworks for Refugees , *Exploring the Boundaries of Refugee Law*

Jean-Pierre Gauci, Mariagiulia Giuffré, Evangelia (Lilian) Tsourdi, 2015-04-14 Protection challenges around the globe require innovative legal policy and practical responses Drawing primarily from a new generation of researchers in the field of refugee law this volume explores the boundaries of refugee law On the one hand it ascertains the scope of the legal provisions by highlighting new trends in State practice and analysing the jurisprudence of international human rights bodies as well as national and international Courts On the other hand it marks the boundaries of refugee law as legal frontiers whilst exploring new approaches and new frameworks that are necessary in order to address the emerging protection challenges

Refugee Act of 1979 United States. Congress. House. Committee on the Judiciary. Subcommittee on Immigration, Refugees, and International Law, 1979 **The UNHCR and the Supervision of International Refugee Law** James C. Simeon, 2013-08-15 Analyses UNHCR's supervision of international refugee law and compliance with international standards in helping to ensure and advance refugee rights

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