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MIGRATION AND REFUGEE LAW



PRINCIPLES AND PRACTICE IN AUSTRALIA

John Vrachnas
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Migration And Refugee Law Principles And Practice In Australia

Mirko Bagaric, John Vrachnas



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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 have 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

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

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The Legal Protection of Rights in Australia Matthew Groves, Janina Boughey, Dan Meagher, 2019-11-14 How do you protect rights without a Bill of Rights Australia does not have a national bill or charter of rights and looks further away than ever from adopting one But it does have a range of individual elements sourced from common law statute and the Constitution which though unsystematic do provide Australians with some meaningful rights protection This book outlines and explains the unique human rights journey of Australia It moves beyond the criticisms long made of the Australian position that its formalism legalism and exceptionalism compromise its capacity for rights protection to consider how the

many elements of its novel legal structure operate This book analyses the interlocking legal framework for the protection of rights in Australia A key theme of the book is that the many different elements of a fragmented scheme can add up to something significant albeit with significant gaps and flaws like any other legal rights protection framework It shows how the jumbled influences of a common law heritage a written constitution differing paths taken by jurisdictions within a single federal state statutory and common law innovations and a strong dose of comparative legal influences have led to the unique patchwork of rights protection in Australia It will provide valuable reading for all those researching in human rights constitutional and comparative law The Legacy of Nuremberg David A. Blumenthal, Timothy L. H. McCormack, 2008 In

this new collection of essays the editors assess the legacy of the Nuremberg Trial asking whether the Trial really did have a civilising influence or if it constituted little more than institutionalised vengeance Three essays focus particularly on the historical context and involve rich analysis of for example the atmospherics of the Trial itself and the attitudes of German society at the time to the conduct of the Trial The majority of the essays deal with the contemporary legacies of the Nuremberg Trial and attempt to assess the ongoing relevance of the Judgment itself and of the principles encapsulated in it Some essays consider the importance of the principle of individual criminal responsibility under international law and argue that the international community has to some extent failed to fulfil the promise of Nuremberg in the decades since the Trial Other essays focus on contemporary application of aspects of the substantive law of Nuremberg particularly the international crime of aggression the law of military occupation and the use of the crime of conspiracy as an alternative basis of criminal responsibility The collection also includes essays analysing the nature and operation of a number of international criminal tribunals since Nuremberg including the permanent International Criminal Court The final grouping of essays focus on the impact of the Nuremberg Trial on Australia examining in particular Australia's post World War Two war crimes trials of Japanese defendants Australia's extensive national case law on Article 1 F of the Refugee Convention and Australia's national implementing legislation for the Rome Statute **Persecution, International Refugee Law and Refugees** Mathilde

Crépin, 2020-07-28 This book explores the ambit of the notion of persecution in international law and its relevance in the current geopolitical context more specifically for refugee women The work analyses different models for interpreting the notion of persecution in international refugee law through a comparative lens In particular a feminist approach to refugee law is adopted to determine to what extent the notion of persecution can apply to gender related forms of violence and what are the challenges in doing so It proposes an interpretive model that would encourage decision makers to interpret the notion of persecution in a manner that is sufficiently protective and relevant to the profiles of refugees in the 21st century most particularly to refugee women The book will be of interest to academics and students in the field of public international law international human rights law international humanitarian law immigration law European law and refugee law as well as those working in the areas of international relations **The International Law of Migrant Smuggling** Anne T.

Gallagher, Fiona David, 2014-07-21 Whether forced into relocation by fear of persecution civil war or humanitarian crisis or pulled toward the prospect of better economic opportunities more people are on the move than ever before Opportunities for lawful entry into preferred destinations are decreasing rapidly creating demand that is increasingly being met by migrant smugglers This companion volume to the award winning *The International Law of Human Trafficking* presents the first ever comprehensive in depth analysis into the subject The authors call on their experience of working with the UN to chart the development of new international laws and to link these specialist rules to other relevant areas of international law including law of the sea human rights law and international refugee law Through this analysis the authors explain the major legal obligations of States with respect to migrant smuggling including those related to criminalization interdiction and rescue at sea protection prevention detention and return *The Rights of Refugees under International Law* James C.

Hathaway, 2021-04-22 The only comprehensive analysis of international refugee rights anchored in the hard facts of refugee life around the world *A History of Displaced Knowledge: Austrian Refugees from National Socialism in Australia* Philipp

Strobl, 2025-04-07 This book follows ideas and knowledge that migrated in the cultural baggage of Austrian refugees who fled to Australia in 1938 and 1939 because of National Socialism By telling and comparing the stories of twenty six different lives it highlights the processes of acquisition transportation translation and adaption of ideas knowledge and cultural capital This provides a unique and colourful insight into the impact of a group of refugees on their host society over several decades As the book shows there were many different ways in which displaced people relied upon their social and cultural capital to first escape their oppressive homeland and then build new lives Once they had arrived in Australia they used very different approaches to negotiate and promote their knowledge and to exercise agency *Law and Democracy* Glenn Patmore, Kim

Rubenstein, 2014-12-24 *Law and Democracy Contemporary Questions* provides a fresh understanding of law s regulation of Australian democracy The book enriches public law scholarship deepening and challenging the current conceptions of law s regulation of popular participation and legal representation The book raises and addresses a number of contemporary questions about legal institutions principles and practices How should the meaning of the people in the Australian Constitution be defined by the High Court of Australia How do developing judicial conceptions of democracy define citizenship What is the legal right to participate in the political community Should political advisors to Ministers be subject to legal accountability mechanisms What challenges do applied law schemes pose to notions of responsible government and how can they be best addressed How can the study of the ritual of electoral politics in Australia and other common law countries supplement the standard account of democracy How might the ritual of the pledge of Australian citizenship limit or enhance democratic participation What is the conflict between legal restrictions of freedom of expression and democracy and the role of social media Examining the regulation of democracy this book scrutinises the assumptions and scope of constitutional democracy and enhances our understanding of the frontiers of accountability and responsible government In

addition key issues of law culture and democracy are revealed in their socio legal context The book brings together emerging and established scholars and practitioners with expertise in public law It will be of interest to those studying law politics cultural studies and contemporary history Comparative Constitutional Law Tom Ginsburg, Rosalind Dixon, 2011-01-01 This landmark volume of specially commissioned original contributions by top international scholars organizes the issues and controversies of the rich and rapidly maturing field of comparative constitutional law Divided into sections on constitutional design and redesign identity structure individual rights and state duties courts and constitutional interpretation this comprehensive volume covers over 100 countries as well as a range of approaches to the boundaries of constitutional law While some chapters reference the text of legal instruments expressly labeled constitutional others focus on the idea of entrenchment or take a more functional approach Challenging the current boundaries of the field the contributors offer diverse perspectives cultural historical and institutional as well as suggestions for future research A unique and enlightening volume *Comparative Constitutional Law* is an essential resource for students and scholars of the subject *Asylum and Extraction in the Republic of Nauru* Julia Caroline Morris, 2023-02-15 *Asylum and Extraction in the Republic of Nauru* provides an extraordinary glimpse into the remote and difficult to access island of Nauru exploring the realities of Nauru s offshore asylum arrangement and its impact on islanders workforces and migrant populations Drawing on extensive fieldwork in Nauru Australia and Geneva as well as a deep dive into the British Phosphate Commission archives Julia Caroline Morris charts the island s colonial connection to phosphate through to a new industrial sector in asylum She explores how this extractive industry is peopled by an ever shifting cast of refugee lawyers social workers clinicians policy makers and academics globally and how the very structures of Nauru s colonial phosphate industry and the legacy of the phosphate era made it easy for a new human extractive sector to take root on the island By detailing the making of and social life of Nauru s asylum system Morris shows the institutional fabric discourses and rhetoric that inform the governance of migration around the world As similar practices of offshoring and outsourcing asylum have become popular worldwide they are enabled by the mobile labor and expertise of transnational refugee industry workers who carry out the necessary daily operations *Asylum and Extraction in the Republic of Nauru* goes behind the scenes to shed light on the everyday running of the offshore asylum industry in Nauru and uncover what really happens underneath the headlines Morris illuminates how refugee rights activism and RefugeesWelcome style movements are caught up in the hardening of border enforcement operations worldwide calling for freedom of movement that goes beyond adjudicating hierarchies of suffering *Minority Rights in the Pacific Region* Joshua Castellino, David Keane, 2009 Countries in the Pacific face unique challenges of survival and progress in establishing themselves and participating fully in international society Their geographic isolation from the rest of global society is compounded by complex layers of often competing national and indigenous identities among their populations built through wave upon wave of migration This has created rich diversity competing regimes and real challenges in terms of state building

ethnic identity social policy cohesion and development in post colonial settings The issues studied here would be of interest to scholars from a range of different disciplines such as Law Politics Sociology and Anthropology By examining the theory and practice of minority rights law in states such as Fiji and Papua New Guinea alongside their more familiar neighbours Australia and New Zealand this book makes a unique contribution in a region often ignored in the literature Growing Up Canadian Peter Beyer, Rubina Ramji, 2013-06-01 A significant number of Canadian raised children from post 1970s immigrant families have reached adulthood over the past decade As a result the demographics of religious affiliation are changing across Canada Growing Up Canadian is the first comparative study of religion among young adults of Muslim Hindu and Buddhist immigrant families Contributors consider how relating to religion varies significantly depending on which faith is in question how men and women have different views on the role of religion in their lives and how the possibilities of being religiously different are greater in larger urban centres than in surrounding rural communities Interviews with over two hundred individuals aged 18 to 26 reveal that few are drawn to militant politicized religious extremes how almost all second generation young adults take personal responsibility for their religion and want to understand the reasons for their beliefs and practices The first major study of religion among this generation in Canada Growing Up Canadian is an important contribution to understanding religious diversity and multiculturalism in the twenty first century Contributors include Peter Beyer Kathryn Carri re Wendy Martin and Lori Beaman University of Ottawa Rubina Ramji Cape Breton University Nancy Nason Clark and Cathy Holtmann University of New Brunswick Shandip Saha Athabasca University John H Simpson University of Toronto and Marie Paule Martel Reny Concordia University Duty of Care in the Human Services Rosemary Kennedy, 2009-11-12 The human services are established to support the most vulnerable and marginalised people in our society Yet media and other reports frequently highlight a disturbing picture of industry failures malpractice and abuse This book addresses the response of legal and quasi legal bodies to human service failures It outlines those areas of law which are most likely to be activated by human service shortcomings and those aspects of direct human service delivery which are most likely to attract legal attention Essential reading for those studying or working in human services and social work this book is designed to alert people to the legal risks arising as a result of inadequate human service delivery *Human Rights and the Refugee Definition* Bruce Burson, David James Cantor, 2016-02-02 Does human rights law help us to define who qualifies as a refugee If so then how These deceptively simple questions sit at the heart of an intense contemporary debate over whether or how interpretation of the refugee definition in the Refugee Convention should take account of human rights law In *Human Rights and the Refugee Definition* Burson and Cantor bring a fine grained comparative perspective to this debate For the first time they collect together in one edited volume over a dozen new studies by leading scholars and practitioners that explore in detail how these legal dynamics play out in a range of national and international jurisdictions and in relation to particular thematic challenges in refugee law *The Political Philosophy of Refuge* David Miller, Christine

Straehle,2021-05-20 How to assess and deal with the claims of millions of displaced people to find refuge and asylum in safe and prosperous countries is one of the most pressing issues of modern political philosophy In this timely volume fresh insights are offered into the political and moral implications of refugee crises and the treatment of asylum seekers The contributions illustrate the widening of the debate over what is owed to refugees and why it is assumed that national state actors and the international community owe special consideration and protection Among the specific issues discussed are refugees rights and duties refugee selection whether repatriation can be encouraged or required and the ethics of sanctuary policies

The Human Rights of Non-citizens David S. Weissbrodt,2008 Non citizens should by virtue of their essential humanity enjoy all human rights unless exceptional distinctions serve a legitimate state objective and are proportionate This book attempts to understand and respond to the challenges of international human rights law guarantees for non citizens human rights

Shades of Grey - Domestic and Sexual Violence Against Women Anna Carline,Patricia Easteal,2014-09-19 Arguing that law must be looked at holistically this book investigates the hidden gender of the so called neutral or objective legal principles that structure the law addressing violence against women Adopting an explicitly feminist perspective it investigates how legal responses to violence against women presuppose maintain and perpetuate a certain context that may not in fact reflect women s experiences Carline and Easteal draw upon relevant legislation case law and secondary studies from a range of territories including Australia England and Wales the United States Canada and Europe to contextualize and critique different policy responses They go on to examine the potential and limits of law making recommendations for best practice models of policymaking and law reform Aiming to help improve government community and legal responses to women who experience violence *Shades of Grey Domestic and Sexual Violence Against Women* Law Reform and Society will assist law makers academics policymakers and a wider audience in understanding the complexities of violence against women

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