



International REFUGEE Law



The contemporary global refugee regime is the result of one hundred years of law, organisation, and practice. Without understanding the larger global context of its origin, evolution and application, it is impossible to comprehend the refugee law of the present times. The system was built on some fundamental and enduring principles, even though it is still in need of improvement and faces challenges that have never entirely been foreseen.



The Refugee In International Law

Ademola Abass



The Refugee In International Law:

The Refugee in International Law Guy S. Goodwin-Gill, Jane McAdam, Emma Dunlop, 2021 Millions of people are today forced to flee their homes as a result of conflict systematic discrimination or other forms of persecution The core instruments on which they must rely to secure international protection are the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol This book the leading text in the field examines key challenges to the Convention such as the status of refugees applications for asylum and the international and domestic standards of protection The situation of refugees is one of the most pressing and urgent problems facing the international community and refugee law has grown in recent years to a subject of global importance In this long awaited fourth edition each chapter has been thoroughly revised and updated and every issue old and new has received fresh analysis The books includes analysis of internally displaced persons so called preventive protection access to refugees safety of refugees and relief personnel the situation of refugee women and children a detailed examination of the role of the UNHCR and the Palestinian situation and an assessment of the protection possibilities or lack of them in the European Convention on Human Rights This new edition has been expanded with coverage of forced migration and displacement as a result of disasters and climate change It is once again an unmissable reference work for practitioners and students in the field

The Refugee in International Law Guy S. Goodwin-Gill, Jane McAdam, 2007-03-22 Millions of people today are forced to flee their homes as a result of conflict systemic discrimination persecution and other violations of their human rights The core instruments on which they must rely to secure international protection are the 1951 Convention relating to the Status of Refugees and its 1967 Protocol now complemented by international and regional human rights treaties This book the leading text in a field where refugee law is now a subject of global importance examines key challenges to system of international protection including those arising from within the asylum process increased controls over the movements of people and the new concern with security The situation of refugees is one of the most pressing and urgent problems facing the international community and refugee law has grown in recent years to a subject of global importance In this long awaited third edition each chapter has been thoroughly revised and updated every issue old and new has received fresh analysis and complementary or human rights based protection is given special attention Features include analysis and assessment of developments in interpreting the refugee definition with particular reference to social group exclusion procedures and the impact of European Union harmonization initiatives In addition this book reviews the situation of refugee women and children the plight of Palestinian refugees the protection of internally displaced persons the role and responsibilities of the UNHCR including in the administration of camps and settlements the current status in general international law of the fundamental principles of non refoulement asylum and the right to seek asylum and the extent of protection possibilities in human rights treaties particularly the European Convention on Human Rights

The Concept of the Refugee in International Law Paul Weis, 1961

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

Palestinian Refugees in International Law Francesca P. Albanese, Lex Takkenberg, 2020-05-21 The Palestinian refugee question resulting from the events surrounding the birth of the state of Israel seventy years ago remains one of the largest and most protracted refugee crises of the post WWII era Numbering over six million in the Middle East alone Palestinian refugees status varies considerably according to the state or territory hosting them the UN agency assisting them and political circumstances surrounding the Israeli Palestinian conflict these refugees are naturally associated with Despite being foundational to both the experience of the Palestinian refugees and the resolution of their plight international law is often side lined in political discussions concerning their fate This compelling new book building on the seminal contribution of the first edition 1998 offers a clear and comprehensive analysis of various areas of international law including refugee law human rights law humanitarian law the law relating to stateless persons principles related to internally displaced persons as well as notions of international criminal law and probes their relevance to the provision of international protection for Palestinian refugees and their quest for durable solutions

The Refugee in International Law Guy S. Goodwin-Gill, Jane McAdam, 2021 Millions of people are forced to flee their homes as a result of various forms of persecution The instruments to secure international protection are the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol This book examines challenges to the Convention

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

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

International Law's Objects Jessie Hohmann, Daniel Joyce, 2018 International law s rich existence in the world can be illuminated by its objects International law is often developed conveyed and authorized through its objects and or their representation From the symbolic the regalia of the head of state and the symbols of sovereignty to the mundane a can of dolphin safe tuna certified as complying with international trade standards international legal authority can be found in the objects around us Similarly the practice of international law often relies on material objects or their image both as evidence satellite images bones of the victims of mass atrocities and to found authority for instance maps and charts This volume considers these questions firstly what might the study of international law through objects reveal What might objects rather than texts tell us about sources recognition of states construction of territory law of the sea or international human rights law Secondly what might this scholarly undertaking reveal about the objects as aims or projects of international law How do objects reveal or perhaps mask these aims and what does this tell us about the reasons some physical or material objects are foregrounded and others hidden or ignored Thirdly what objects icons and symbols preoccupy the profession and academy The personal selection of these objects by leading and emerging scholars worldwide will illuminate the contemporary and historical fascinations of international lawyers By considering international law in the context of its material culture the authors offer a new and exciting theoretical perspective on the subject With an image of each object reproduced in full colour the book will make an engaging and interesting read for scholars practitioners and students alike

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

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 International Humanitarian Order Michael Barnett, 2009-12-16 One of the genuinely remarkable but relatively unnoticed developments of the last half century is the blossoming of an international humanitarian order a complex of norms informal institutions laws and discourses that legitimate and compel various kinds of interventions by state and nonstate actors with the explicit goal of preserving and protecting human life For those who have sacrificed to build this order and for those who have come to rely on it the international humanitarian represents a towering achievement cause for sobriety What kind of international humanitarian order is being imagined created and practiced To what extent are the international agents of this order deliverers of progress or disappointment Featuring previously published and original essays this collection offers a critical assessment of the practices and politics of global ethical interventions in the context of the post cold war transformation of the international humanitarian order After an introduction that introduces the reader to the concept and the significance of the international humanitarian order Section I explores the braided relationship between international order and the UN while Section II critically examines international ethics in practice The Conclusion reflects on these and other themes asking why the international humanitarian order retains such a loyal following despite its flaws what is the relationship of this order to power and politics how such relationships implicate our understanding of moral progress and how the international humanitarian order challenges both practitioners and scholars to rethink the meaning of their vocations

The Frontier of Loyalty Yossi Shain, 2010-02-22 Paperback edition of the pathbreaking book on the role of exiles in international relations with a new foreword including material on the war in Iraq In a world increasingly shaped by transnational organizations and processes this is a timely and welcome subject and Yossi Shain provides an informative overview Rogers Brubaker Harvard University in The American Journal of Sociology Engrossing International Affairs Mr Shain is at his best stitching together information that hitherto had not been systematically related to analytical themes A major contribution to understanding the patterns and complexities of the politics of those at home abroad International Migration Review The Frontier of Loyalty is

the first comprehensive and theoretically oriented study of exile politics the types of exile activity the relation to both the home and host governments and the difficulties and ambiguities of exile politics particularly the struggle for legitimacy as spokesman for the opposition at home and for recognition from the outside Juan J Linz Yale University An ingenious and sensitive analysis of political exiles as voice from without which contributes to our understanding of the transnational character of contemporary politics Aristide R Zolberg New School for Social Research Drawing upon a wide literature on contemporary political exiles Yossi Shain presents a sophisticated learned and sensible survey of their place in political life today More important his meditation on the role of exiles proves such essential political categories as legitimacy national loyalty and opposition in the modern state One test of any work of scholarship is whether it enhances our understanding of concepts that we have previously taken for granted By this measure Shain s book passes with flying colors Michael R Marrus University of Toronto

The Protection of General Interests in Contemporary International Law Massimo Iovane,Fulvio Maria Palombino,Daniele Amoroso,Giovanni Zarra,2021 This book explores the notions of global public goods global commons and fundamental values as conceptual tools for the protection of the general interests of the international community It explores how states and other actors have used international law to protect general interests and outlines significant challenges still to be addressed

Sustainable Development Principles in the Decisions of International Courts and Tribunals Marie-Claire Cordonier Segger,Judge C.G. Weeramantry,2017-05-08 The 2002 New Delhi Declaration of Principles of International Law relating to Sustainable Development set out seven principles on sustainable development as agreed in treaties and soft law instruments from before the 1992 Rio Earth Summit UNCED to the 2002 Johannesburg World Summit on Sustainable Development to the 2012 Rio UNCSA Recognition of the New Delhi principles is shaping the decisions of dispute settlement bodies with jurisdiction over many subjects the environment human rights trade investment and crime among others This book explores the expanding international jurisprudence incorporating principles of international law on sustainable development Through chapters by respected experts the volume documents the application and interpretation of these principles demonstrating how courts and tribunals are contributing to the world s Sustainable Development Goals by peacefully resolving disputes It charts the evolution of these principles in international law from soft law standards towards recognition as customary law in certain instances assessing key challenges to further judicial consideration of the principles and discussing for instance how their relevance for compliance and disputes related to the 2015 Paris Agreement on climate change The volume provides a unique contribution of great interest to law and policy makers judges academics students civil society and practitioners concerned with sustainable development and the law globally

Refugee Manipulation Stephen John Stedman,Dr. Fred Tanner,2004-05-13 Since World War II refugee organizations have faced a recurrent challenge the manipulation of refugees by warring parties to further their own aims Some armies in civil wars facing military defeat use refugees as assets to establish the international legitimacy of their cause

treat refugee camps as sanctuaries and recruitment pools and limit access to refugees to ensure that they will not repatriate. Focusing on the geopolitical security environment surrounding militarized camps and the response of humanitarian agencies, the contributors to this volume examine the ways armed groups manipulate refugees and how and why international actors assist their manipulation. They then offer suggestions for reducing the ability of such groups to use the suffering of refugees to their own advantage. The contributors examine three cases: Cambodian refugees along the Thai border in the 1970s and 1980s; Afghan refugees in Pakistan in the 1980s and 1990s; and Rwandan refugees in Eastern Zaire from 1994-96. They argue that refugee manipulation occurs because warring parties gain resources in their fight for power and other actors, often the host government and regional and major powers, encourage and support it. Manipulation is allowed to occur because the international refugee regime and major states have not identified a consistent approach to stopping it. In the post-Cold War era, the United Nations and its members have chosen to treat the issue as a humanitarian problem instead of a security problem. As the contributors make clear, however, manipulation of refugees has important ramifications for international security, turning some civil wars into larger protracted regional wars. They argue that the geopolitics of refugee manipulation leads to sanguine conclusions about stopping it. Solutions must change the moral, political, and strategic calculations of states that are implicated in the manipulation. As long as the problem is not deemed a security threat.

Protecting the Internally Displaced Phil Orchard, 2018-11-01. Today there are over 40 million conflict-induced internally displaced persons (IDPs) globally, almost double the number of refugees. Yet IDPs are protected only by the soft law Guiding Principles on Internal Displacement at the global level. Instead of a dedicated international organization, IDPs receive protection and assistance only through the UN's cluster approach. Orchard argues that while an international IDP protection regime exists, many aspects of it are informal, with IDP issues bound up in a humanitarian regime complex that divides the mandates of key organizations and even the question of IDP status itself. While the Guiding Principles mark an important step forward, implementation of laws and policies based on them at the domestic level remains haphazard. Action at the international level similarly reflects an all too often ad hoc approach to IDP issues. Through an in-depth examination of IDP efforts at the international level and across the forty states which have adopted IDP laws and policies, Orchard argues that while progress has been made, new and greater monitoring and accountability mechanisms at both the domestic and international levels are critical. This work will be valuable to scholars, students, and practitioners of forced migration, international relations theory, and the Responsibility to Protect doctrine.

Regional Approaches to the Protection of Asylum Seekers Ademola Abass, 2016-04-08. This book presents a comprehensive assessment of regional responses to the crisis in the asylum refugee system and critically examines how different regions tackle the problem. The chapters consider the fundamental challenges which undermine an effective asylum process as well as regional difficulties with the various circumstances surrounding asylum seekers. With contributions on Africa, Europe, Latin America, South Asia, and the Middle East and the Pacific, the collection strives to

appreciate what informs each region's approach to the asylum process and asks if there are issues common to every region and if regions can learn from one another. The book seeks an understanding of the existing legal regime for the protection of asylum seekers and how regional institutions such as human rights commissions and regional courts enforce and adjudicate the law. The volume will be valuable to those interested in international law, migration and human rights. Asylum and International Law S. Prakash Sinha, 2013-12-01 *United States Migrant Interdiction and the Detention of Refugees in Guantánamo Bay* Azadeh Dastyari, 2015-07-20. This book provides a thorough legal analysis of the United States Migrant Interdiction Program, examining the United States' compliance with its obligations under municipal and international law as it interdicts individuals at sea, conducts status determinations, and returns those interdicted to their home countries. This book also examines the rights of the small number of refugees and individuals at risk of torture detained in Guantánamo Bay, Cuba, awaiting resettlement in third countries. Policy makers, students, and scholars will benefit from this book's clarification of the legal obligations of nations engaged in extraterritorial status determination and detention, as well as its blueprint for compliance with international human rights and refugee law. As the first book of its kind devoted to the United States interdiction program, this work represents an important contribution to scholarship in refugee law and policy, US constitutional law, international maritime law, and international human rights law.

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Table of Contents The Refugee In International Law

1. Understanding the eBook The Refugee In International Law
 - The Rise of Digital Reading The Refugee In International Law
 - Advantages of eBooks Over Traditional Books
2. Identifying The Refugee In International Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an The Refugee In International Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from The Refugee In International Law
 - Personalized Recommendations
 - The Refugee In International Law User Reviews and Ratings
 - The Refugee In International Law and Bestseller Lists
5. Accessing The Refugee In International Law Free and Paid eBooks

- The Refugee In International Law Public Domain eBooks
- The Refugee In International Law eBook Subscription Services
- The Refugee In International Law Budget-Friendly Options
- 6. Navigating The Refugee In International Law eBook Formats
 - ePub, PDF, MOBI, and More
 - The Refugee In International Law Compatibility with Devices
 - The Refugee In International Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of The Refugee In International Law
 - Highlighting and Note-Taking The Refugee In International Law
 - Interactive Elements The Refugee In International Law
- 8. Staying Engaged with The Refugee In International Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers The Refugee In International Law
- 9. Balancing eBooks and Physical Books The Refugee In International Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection The Refugee In International Law
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine The Refugee In International Law
 - Setting Reading Goals The Refugee In International Law
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of The Refugee In International Law
 - Fact-Checking eBook Content of The Refugee In International Law
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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