

Immigration And Refuge Law And Policy

Refugee Law and Practice in Japan Refugee Law and Durability of Protection International Refugee Law and the Protection of Stateless Persons Sanctuary in Ireland, Perspectives on Asylum Law and Policy The Rights of Refugees under International Law Refugee Law and Policy Asylum Law in the European Union The Land Beyond Immigration and Refugee Law in Australia Refugees and Gender Conflict Displacement and Legal Protection The Law of Refugee Status International Refugee Law Refugees and the Law The Refugee in International Law Refugees Access to Asylum Refugees and the Law in Challenging Times - A Law and Economics Approach An Introduction to International Refugee Law Refugees, Democracy and the Law Osamu Arakaki Maria O'Sullivan Michelle Foster Ursula Fraser James C. Hathaway Karen Musalo Francesco Cherubini Atle Grahl-Madsen Mary Crock Heaven Crawley Charlotte Lülfi James C. Hathaway H?ne Lambert Ragini Trakroo Guy S. Goodwin-Gill Thomas Gammeltoft-Hansen Denard Veshi M. Rafiqul Islam Dana Schmalz Refugee Law and Practice in Japan Refugee Law and Durability of Protection International Refugee Law and the Protection of Stateless Persons Sanctuary in Ireland, Perspectives on Asylum Law and Policy The Rights of Refugees under International Law Refugee Law and Policy Asylum Law in the European Union The Land Beyond Immigration and Refugee Law in Australia Refugees and Gender Conflict Displacement and Legal Protection The Law of Refugee Status International Refugee Law Refugees and the Law The Refugee in International Law Refugees Access to Asylum Refugees and the Law in Challenging Times - A Law and Economics Approach An Introduction to International Refugee Law Refugees, Democracy and the Law *Osamu Arakaki Maria O'Sullivan Michelle Foster Ursula Fraser James C. Hathaway Karen Musalo Francesco Cherubini Atle Grahl-Madsen Mary Crock Heaven Crawley Charlotte Lülfi James C. Hathaway H?ne Lambert Ragini Trakroo Guy S. Goodwin-Gill Thomas Gammeltoft-Hansen Denard Veshi M. Rafiqul Islam Dana Schmalz*

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

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

international refugee law and the protection of stateless persons examines the extent to which the 1951 convention relating to the status of refugees protects de jure stateless persons while de jure stateless persons are clearly protected by the 1954 convention relating to the status of stateless persons this book seeks to explore the extent to which such persons are also entitled to refugee status the questions addressed include the following when is a person without a nationality for the purpose of the 1951 refugee convention what constitutes one's country of former habitual residence as a proxy to one's country of nationality when does being stateless give rise to a well founded fear of persecution for reasons specified in the 1951 refugee convention and or unhcr mandate what are the circumstances under which statelessness constitutes persecution or inhuman or degrading treatment how are courts assessing individual risk or threat to stateless persons the book draws on historical and contemporary interpretation of international law based on the travaux préparatoires to the 1951 refugee convention and its antecedents academic writing unhcr policy and legal documents un human rights council resolutions un human rights committee general comments un secretary general reports and un general assembly resolutions it is also based on original comparative analysis of existing jurisprudence worldwide relating to claims to refugee status based on or around statelessness by examining statelessness through the prism of international refugee law this book fills a critical gap in existing scholarship

the only comprehensive analysis of international refugee rights anchored in the hard facts of refugee life around the world

this book examines the rules governing the right to asylum in the european union drawing on the 1951 united nations convention relating to the status of refugees and the 1967 protocol francesco cherubini asks how asylum obligations under international refugee law have been incorporated into the european union the book draws from international law eu law and the case law of the european court of human rights and focuses on the prohibition of refoulement the main obligation the eu law must confront cherubini explores the dual nature of this principle examining both the obligation to provide a fair procedure that determines the conditions of risk in the

country of origin or destination and the obligation to respond to a possible expulsion through this study the book sheds light on eu competence in asylum when regarding the different positions of member states the book will be of great use and interest to researchers and students of asylum and immigration law eu law and public international law

future

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 and tribunal 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

refugees and gender law and process examines how those representing asylum seekers can ensure that all gender related aspects of an asylum claim are considered and appropriately reflected in the determination process the book aims to provide a comprehensive understanding of the concepts of gender related persecution as well as a gendered framework for the interpretation of the key elements of the 1951 refugee convention detailed information is provided on the implications of gender in asylum law policy and practice in the uk with comparative case law and materials from other countries including canada us and australia refugees and gender law and process provides a theoretical overview an outline of case law and a practical resource which is intended to improve standards of representation and decision making and to increase awareness of the gendered experiences of refugees facing persecution

while the 21st century bears witness to several conflicts leading to mass displacement the conflict in syria has crystallised the need for a solid legal framework and legal certainty this book analyses the relevant legal instruments for the provision of a protection status for persons fleeing to europe from conflict and violence it focuses on the conceptualisation of conflict and violence in the countries of origin and the different approaches taken in the interpretation of them in the 1951 refugee convention the recast qualification directive of the european union and the european convention on human rights it traces the hierarchical order of protection granted starting with refugee protection status to subsidiary protection status and finally with the negative protection from non refoulement recent case law and asylum status determination practices of european countries illustrate the obstacles in the interpretation as well as the divergence

in the application of the legal instruments the book fills an important gap in examining the current practices of key actors including the united nations high commissioner for refugees and european states tracing changes in national and international policies and revealing discrepancies towards contemporary approaches to conflicts it refines the interaction and cross fertilisation of the different relevant fields of european asylum law human rights law and the laws of armed conflict in order to further the development of a harmonised protection regime for conflict induced displacement

the long awaited second edition of this seminal text reconceived as a critical analysis of the world s leading comparative asylum jurisprudence

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

this book goes beyond the confines of traditional refugee law countries of south asia have not signed the 1951 convention nor do they have national legislation on refugees in this context refugees and the law is an attempt to bring out the intricacies of refugee protection in india the building blocks for refugee law and the need for a national legislation are elaborated and emphasized many unreported and reported judgments have been reproduced wherein courts have widened the scope of the existing laws to give justice and concession to refugees while the book mainly focuses on the foundations and frameworks of international refugee law it analyses in some detail the domestic legal framework available to bring this special group within its ambit special emphasis is placed on issues relating to extremely vulnerable groups like children and women the attention of the legal community is also drawn towards the compelling need for a national legislation on refugees setting standards for granting asylum and protection requirements would go a long way in bridging the gap between administrative attitudes and ad hoc policy decisions the aim is to facilitate the efforts of those engaged in advocacy for the rights of refugees and issues relating to their protection

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

is there still a right to seek asylum in a globalised world migration control has increasingly moved to the high seas or the territory of transit and origin countries and is now commonly outsourced to private actors under threat of financial penalties airlines today reject any passenger not in possession of a valid visa and private contractors are used to run detention centres and man border crossings in this volume thomas gammeltoft hansen examines the impact of these new practices for refugees access to asylum a systematic analysis is provided of the reach and limits of international refugee law when migration control is carried out extraterritorially or by non state actors state practice from around the globe and case law from all the major human rights institutions is discussed the arguments are further linked to wider debates in human rights general international law and political science

this book focuses on the economic analysis of refugee law and the protection of refugee rights it offers a law and economics model applied to migration and states the book focuses on the most critical push factors that impact lawmakers in enacting and modifying asylum law furthermore the book examines the economic advantages and disadvantages of a centralized supernational asylum law *acquis communautaire* that could eventually eliminate competition between legal orders in asylum law and do away with the negative externalities caused by asylum shopping the book critically analyses international refugee law pursuing an interdisciplinary approach its principal goal is to explore refugee law through the lenses of the law and economics approach and against the backdrop of a human

rights approach after explaining the evolution of the human rights approach the book elaborates on the legal and economic factors that impact refugees on the one hand and public policy on the other in conclusion a balance that considers the national preferences of destination countries and the protection of refugee rights is proposed

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

the book provides an in depth discussion of democratic theory questions in relation to refugee law it will be essential reading for academics and researchers working in the areas of migration and refugee law legal theory and political theory

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