

Immigration And Refuge Law And Policy

Refugee Law and Practice in Japan International Refugee Law and Socio-Economic Rights Refugee Law and Durability of Protection Legitimising Rejection Refugees, Asylum Seekers and the Rule of Law International Refugee Law and Socio-Economic Rights: Refuge from Deprivation. Cambridge Studies in International and Comparative Law. International Refugee Law and Socio-Economic Rights Elgar Concise Encyclopedia of Migration and Asylum Law Refuge from Inhumanity? War Refugees and International Humanitarian Law The Refugee in International Law The Land Beyond Refugee Law and Policy Temporary Protection in Law and Practice 'Protection' in European Union Asylum Law Access to Asylum The Global Reach of European Refugee Law The Protection of Refugees in Southeast Asia The Law of Asylum in Israel Historically and Critically Examined Human Rights and The Revision of Refugee Law Refugee Law and Policy Osamu Arakaki Michelle Foster Maria O'Sullivan Sara E. Davies Susan Kneebone Michelle Foster Michelle Foster Vincent Chetail David Cantor Guy S. Goodwin-Gill Atle Grahl-Madsen Karen Musalo Meltem Ineli-Ciger Julian Lehmann Thomas Gammeltoft-Hansen Hélène Lambert Sébastien Moretti Allen Page Bissell Romit Bhandari Ved Nanda

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Examined Human Rights and The Revision of Refugee Law Refugee Law and Policy Osamu Arakaki Michelle Foster Maria O'Sullivan Sara E. Davies Susan Kneebone Michelle Foster Michelle Foster Vincent Chetail David Cantor Guy S. Goodwin-Gill Atle Grahl-Madsen Karen Musalo Meltem Ineli-Ciger Julian Lehmann Thomas Gammeltoft-Hansen Hélène Lambert Sébastien Moretti Allen Page Bissell Romit Bhandari Ved Nanda

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

a range of emerging refugee claims is beginning to challenge the boundaries of the refugee convention regime and question traditional distinctions between economic migrants and political refugees this book first published in 2007 identifies the conceptual and analytical challenges presented by claims based on socio economic deprivation and undertakes an assessment of the extent to which these challenges may be overcome by a creative interpretation of the refugee convention consistent with correct principles of international treaty interpretation the central argument is that notwithstanding the dichotomy between economic migrants and political refugees the refugee convention is capable of accommodating a more complex analysis which recognizes that many claims based on socio economic deprivation are indeed properly considered within the purview of the refugee convention this the first book to consider these issues will be of great interest to refugee law scholars advocates decision makers and non governmental organizations

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

the 1951 convention relating to the status of refugees and the 1967 protocol relating to the status of refugees are the two primary international legal instruments that states use to process asylum seekers claim to refugee status however in southeast asia only two states have acceded to these instruments this is seemingly paradoxical for a region that has been host to a large number of asylum seekers who as a result are forced to live as illegal migrants this book examines the region s continued rejection of international refugee law through extensive archival analysis and argues that this rejection was shaped by the region s response to its largest refugee crisis in the post 1945 era the indochinese refugee crisis from 1975 to 1996 the result is a seminal study into southeast asian s relationship with international refugee law and the impact that this has had on states surrounding the region the unhcr and the asylum seekers themselves

an assessment of the impact of asylum on the integrity of the rule of law in five common law jurisdictions

this book assesses the ability of the refugee convention to encompass socio economic based claims

publisher description

this concise encyclopedia provides a comprehensive overview of the rapidly developing field of migration and asylum law it brings clarity on key terms and critical notions while challenging misconceptions in this highly politicized sphere

this book contributes to a long standing but ever topical debate about whether persons fleeing war to seek asylum in another country war refugees are protected by international law it seeks to add to this debate by bringing together a detailed set of

analyses examining the extent to which the application of international humanitarian law ihl may usefully advance the legal protection of such persons this generates a range of questions about the respective protection frameworks established under international refugee law and ihl and specifically the potential for interaction between them as the first collection to deal with the subject the eighteen chapters that make up this unique volume supply a range of perspectives on how the relationship between these two separate fields of law may be articulated and whether ihl may contribute to providing refuge from the inhumanity of war

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

future

temporary protection is a flexible tool of international protection which offers sanctuary to those fleeing humanitarian crises and currently affects the lives and legal status of millions of forced migrants however the content boundaries and legal foundation of temporary protection remain largely undefined or unsettled there are only a few instruments that provide guidance to states on how to respond to mass influx situations and how to implement temporary protection regimes in temporary protection in law and practice meltem ineli ciger takes a step towards clarifying those undefined aspects of temporary protection by examining temporary protection's legal foundation in international law and its relationship with the refugee convention the book also reviews temporary protection policies in europe southeast asia turkey and the united states with a view to identifying elements that enhance and compromise the legality and viability of temporary protection regimes building on this analysis and legal limitations to the freedom of states to conceptualize different aspects of temporary protection this book provides guidance to states on how to introduce and implement a viable temporary protection regime which operates within the boundaries of international law and international human rights law

asylum law in the european union is ripe with caveats that allow authorities to reject asylum applications due to protection received in the home country or another location but what does protection mean in this context and when is it strong enough to make denying an application lawful departing from the notion that refugee status is a surrogate for lacking protection at home julian m lehmann investigates the interplay of international law and european union law on protection against harm by non state actors the internal protection alternative concept and asylum in third countries en route to the european union lehmann demonstrates how conflating these concepts risks equating international protection with mere safety which stands in contrast to the very purpose of refugee law

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 gammelftoft 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

europa 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

this book offers a comprehensive and detailed analysis of refugee protection in southeast asia from an international law perspective it examines both the legal and policy frameworks pertaining to the protection of refugees in the region as well as the countries response to refugee movements from the indochinese refugee crisis in the mid 1970s to the most recent developments it covers important aspects of refugee protection such as access to territory non refoulement the treatment of refugees the concept of refugee as applied in the region burden sharing and durable solutions to the plight of refugees the analysis focuses specifically on the main countries of asylum within the association of southeast asian nations that are not parties to the 1951 refugee convention namely thailand malaysia and indonesia using an international law perspective based on the doctrine of the two elements practice and opinio juris the author argues that these states have long recognized that people fleeing persecution armed conflict and generalized violence namely refugees should be protected this in turn demonstrates that they recognize the existence and relevance of the international refugee regime despite their refusal to

accede to the refugee convention offering a different perspective on the links between international refugee law and refugee protection in southeast asia this book will be of interest to researchers and practitioners in the fields of international relations international refugee law international human rights law migration governance and southeast asian studies

this book addresses the relationship between international refugee law and international human rights law using international refugee law's analytical turn to human rights as its object of inquiry it represents a critical intervention into the revisionism that has led to conceptual fragmentation and restrictive practices mainstream literature in refugee law reflects a mood of celebration a narrative of progress which praises the discipline's rescue from obsolescence this is commonly ascribed to its repositioning alongside human rights law its veritable rediscovery as an arm of this far greater edifice by using human rights logic to construct the current legal paradigm and inform us of who qualifies as a refugee this purportedly lent areas of conceptual uncertainty a set of objective modern criteria and increased enfranchisement to new non traditional claimants the present work challenges this dominant position by finding the untold limits of its current paradigm it stands alone in this orientation and hereby represents one of the most comprehensive heterodox and structurally detailed reviews of this connection the exploration of the gap between modern approaches and the unsatisfactory realities of seeking asylum forms the substance of this book it asserts by contrast the existence of revolution rather than evolution human rights law has erased the founding tenets of the refugee convention enabling powerful states to contain refugees in their region of origin the book will be essential reading for those interested in refugee law refugee studies postcolonial legal studies postmodern critiques and critical legal theory additionally given its relevance for the adjudication of refugee claims it will be an important resource for solicitors barristers and judges

written by a distinguished group of social scientists the essays address critical aspects of the global refugee situation the contributors analyze the current problem from the perspectives of law ethics and social science paying particular attention to the linkages and conflicts between international and national refugee issues and concerns arguing that a serious gap exists between the obligations undertaken by government delegations to the various refugee conventions and what is actually

required to meet the needs of the displaced the contributors issue a call for concerted international action to address the refugee challenge explore alternatives to existing policies and suggest choices consistent with the goal of human dignity for all following an introductory chapter on the nature of the refugee problem the volume is divided into four parts the contributors first explore international responses to the refugee problem examining such issues as the rights of refugees under international law the problem of accountability and conflicting trends in western european refugee policies in a section devoted to the united states response topics covered include u s refugee policy in africa central american refugees the role of congress and the courts and trends in u s immigration law and policy the following chapters address the response of citizens and church affiliated groups while the concluding section examines ways in which countries can act both to avert the flow of refugees and provide more effective protection for those that need it an excellent set of readings for courses in international relations and international law this volume is an important step towards the solution of the international refugee crisis

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