

Immigration And Refuge Law And Policy

Refugee Law and Policy Immigration and Refugee Law and Policy Refugee Law and Policy Refugees, Democracy and the Law The Law of Refugee Status International Refugee Law and Socio-Economic Rights Refugees, Asylum Seekers and the Rule of Law The Law of Asylum in the United States Refugee Law Human Rights and The Revision of Refugee Law Refugee Law Sanctuary in Ireland, Perspectives on Asylum Law and Policy Law and Asylum The Land Beyond Refugee Law in Context Gender in Refugee Law Landmark Cases in International Refugee Protection Conflict Displacement and Legal Protection Karen Musalo Stephen H. Legomsky Karen Musalo Karen Musalo Ved Nanda Dana Schmalz James C. Hathaway Michelle Foster Susan Kneebone Deborah E. Anker Martin David Jones Romit Bhandari Colin Yeo Ursula Fraser Simon Behrman Atle Grahl-Madsen Isaac Kfir Efrat Arbel Kirsten McConnachie Charlotte Lülfi

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incorporating the sweeping changes that have followed the terrorist attacks of september 11 2001 the updated immigration law and policy mixes theory policy and politics with practice oriented materials to provide an overview of immigration law and the constitution topics covered include inadmissible aliens admission procedures deportation refugees undocumented aliens relief for deportable aliens and citizenship adopted at more than 140 u s law schools since its initial publication the book focuses on policy questions fact problems and simulation

exercises the new edition also contains a revised chapter on immigration and national security and new information on the immigration debate which discusses issues such as history moral philosophy race culture language economics population and the environment politics and the concept of home the book offers a new simulation exercise in which the student plays the role of an attorney interviewing a prospective asylum claimant it also provides detailed coverage of topics such as the recent supreme court decisions in *rasul v bush* *hamdi v rumsfeld* *clark v martinez* and *leocal v ashcroft* the bush guest worker proposal caps on h 1b temporary workers changes to the visa waiver program domestic violence and the u s canada safe third country agreement

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

the book provides an in depth discussion of democratic theory questions in relation to refugee law the work introduces readers to the evolution of refugee law and its core issues today as well as central lines in the debate about democracy and migration bringing together these fields the book links theoretical considerations and legal analysis based on its specific

understanding of the refugee concept it offers a reconstruction of refugee law as constantly confronted with the question of how to secure rights to those who have no voice in the democratic process in this reconstruction the book highlights on the one hand the need to look beyond the legal regulations for understanding the challenges and gaps in refugee protection it is also the structural lack of political voice the book argues which shapes the refugee's situation on the other hand the book opposes a view of law as mere expression of power and points out the dynamics within the law which reflect endeavors towards mitigating exclusion the book will be essential reading for academics and researchers working in the areas of migration and refugee law legal theory and political theory

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

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

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

this book provides a detailed guide to the substantive and procedural law of asylum and refugee protection in the united states in approaching this task it combines detailed discussions of actual doctrine and case law with explanations of the important details of this law's administrative practice after defining what is meant by the term asylum the author examines the legal framework which exists for the protection of refugees or asylum seekers given that this framework is derived from sources of both international and domestic law the

author devotes separate sections to international law international refugee law and domestic law the author then clarifies which individuals are entitled to apply for asylum and the withholding of deportation before attempting a when where and how appraisal of the application procedure itself the book presents a comprehensive assessment of the applicant s rights and examines the criteria which must be fulfilled in theory for an application to be successful i e for a persecution claim to be proved finally the book has some interesting features in its lengthy appendices a list of lawyers who have had experience in representing asylum claimants from different countries contact addresses testify to the book s function as a practical guide a human rights documentation resource list and the reproduction in detail of both case summaries and the full texts of several decisions of the board of immigration appeals

a succinct guide to canadian refugee law policy and procedure this resource describes the statutory and regulatory bases of the law as it applies to convention refugees as well as other categories of individuals who are in need of protection the books organization represents the arc of a refugee claim application assessment determination of status and the consequences of a grant or refusal of refugee protection

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

the word refugee is both evocative and contested it means different things to different people for lawyers the main legal reference point is the un refugee convention of 1951 this concise and engaging book follows the structure of the convention to explore international refugee law including an introduction to the historical and legal context colin yeo draws on his experience as an immigration barrister to explain the present day legal framework for global refugee protection chapters consider well founded fear persecution the loss of refugee status and exclusion the rights of refugees and state responses to refugee claims the book includes studies of key legal cases reviews the successes and failures of the convention and looks ahead to the future including the impact of climate change and the global compact on refugees communicating important legal concepts in an approachable way this is an essential guide for students lawyers and non specialists

in contrast to the claim that refugee law has been a key in guaranteeing a space of protection for refugees this book argues that law has been instrumental in eliminating spaces of protection not just from one s persecutors but also from the grasp of sovereign power by uncovering certain fundamental aspects of asylum as practised in the past and in present day social movements namely its concern with defining space rather than people and its role as a space of resistance or otherness to sovereign law this book demonstrates that asylum has historically been antagonistic to law and vice versa in contrast twentieth century refugee law was constructed precisely to ensure the effective management and control over the movements of forced migrants to illustrate the complex ways in which these two paradigms asylum and refugee law interact with one another this book examines their historical development and concludes with in depth studies of the sanctuary movement in the united states and the sans papiers of france the book will appeal to researchers and students of refugee law and refugee studies legal and political philosophy ancient medieval and modern legal history and sociology of political movements

future

the contemporary refugee system was product of a desire to provide protection and assistance

to those who have a well founded fear of persecution a somewhat sophistic term in the twenty first century which may explain why the system is cumbersome incoherent and divisive one explanation for the tension within the refugee regime is the fact that the refugee system is controlled by nation states mainly western states leading to conflicting views and interpretation as to their obligations toward those seeking and claiming refuge as these states seek to reduce refugee applications while seeking to adhere and uphold their international obligations another however is to suggest that it is the legal traditions natural law and legal positivism that lie within international refugee law that have led to a crisis when it comes to international refugee law that is it is the tension between the two traditions that weakens the system because they undermine the development of a clear legal taxonomy the paper begins by looking at how natural law and positive law have shaped international refugee law the second section reviews the refugee convention which seems to amalgamate the two traditions the section highlights how over time and especially in the post cold war era the regime became so fragmented as refugeeship and the conditions that led to refugeeship changed the paper concludes by calling on refugee law scholars to engage in a phenomenological and epistemological discussion of the refugee regime as a way to challenge those who abuse the system

questions of gender have strongly influenced the development of international refugee law over the last few decades this volume assesses the progress toward appropriate recognition of gender related persecution in refugee law it documents the advances made following intense advocacy around the world in the 1990s and evaluates the extent to which gender has been successfully integrated into refugee law evaluating the research and advocacy agendas for gender in refugee law ten years beyond the 2002 unhcr gender guidelines the book investigates the current status of gender in refugee law it examines gender related persecution claims of both women and men including those based on sexual orientation and gender identity and explores how the development of an anti refugee agenda in many western states exponentially increases vulnerability for refugees making gendered claims the volume includes contributions from scholars and members of the advocacy community that allow the book to examine conceptual and doctrinal themes arising at the intersection of gender and refugee law and specific case studies across major western refugee receiving nations the book will be of great interest and value to researchers and students of asylum and immigration law international politics and gender studies

this volume examines judicial decisions that have shaped the law of asylum and refugee protection each chapter analyses a single judicial decision and locates it in a wider legal political and policy context tracing its subsequent impact on refugee law and policy some of the decisions analysed in this collection were foundational in establishing the reach of refugee law particularly in defining the scope of the refugee definition others engage with key areas of refugee rights in contexts which indicate a critical turning point in state refugee policy such as interdiction of boats at sea encampment and extraterritorial asylum processing mechanisms the contributions demonstrate how refugee protection is shaped by the intersection of different fields of law including refugee law human rights law and domestic constitutional provisions reflecting this complexity the collection explores decisions from the uk canada usa kenya australia and papua new guinea as well as regional courts including the european court of human rights inter american court of human rights the court of justice of the european union and decisions of the united nations human rights treaty bodies authors include leading academics and practitioners in refugee and human rights law from a range of jurisdictions this book offers compelling insights for anyone with an interest in international refugee protection human rights and the development of international refugee law

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

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