

Critical Issues in International Refugee Law

Strategies Toward Interpretative Harmony



Edited by
JAMES C. SIMEON

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Critical Issues In International Refugee Law Strategies Toward Interpretative Harmony

James C. Simeon



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Critical Issues in International Refugee Law James C. Simeon, 2010 This volume of essays examines key cutting edge areas of international refugee law including strategies for interpretative harmony the rights of refugees and the standard of proof in complementary protection Each topic is examined from a theoretical and a practical perspective in order to find solutions to the many legal issues and concerns which currently confront this area of law and to seek ways to advance the field as a whole

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Statelessness William Conklin, 2014-12-01 Statelessness is a legal status denoting lack of any nationality a status whereby the otherwise normal link between an individual and a state is absent The increasingly widespread problem of statelessness has profound legal social economic and psychological consequences but also gives rise to the paradox of an international community that claims universal standards for all natural persons while allowing its member states to allow statelessness to occur In this powerfully argued book Conklin critically evaluates traditional efforts to recognize and reduce statelessness The problem he argues rests in the obligatory nature of law domestic or international By closely analysing a broad spectrum of court and tribunal judgments from many jurisdictions Conklin explains how confusion has arisen between two discourses the one discourse inside the other as to the nature of the international community One discourse a surface discourse describes a community in which international law justifies a state's freedom to confer withdraw or withhold nationality This international community incorporates state freedom over nationality matters bringing about the de jure and effective stateless condition The other discourse an inner discourse highlights a legal bond of socially experienced relationships Such a bond judicially referred to as effective nationality is binding upon all states and where such a bond exists harm to a stateless person represents harm to the international community as a whole

Refuge from Inhumanity? War Refugees and International Humanitarian Law David Cantor, Jean-François Durieux, 2014-07-10 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 UNHCR and the Supervision of International Refugee Law** James C. Simeon, 2013-08-15 Analyses UNHCR's supervision of international refugee law and compliance with international standards in helping to ensure and advance refugee rights **'Protection' in European Union Asylum Law** Julian Lehmann, 2020-09-25 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 The Refugee Definition in International Law Hugo Storey, 2023-09-21 In international law the refugee definition enshrined in Article 1A 2 of the Refugee Convention and its 1967 Protocol is central Yet seven decades on the meaning of its key terms are widely seen as unclear The Refugee Definition in International Law asks whether we must continue to accept this or whether a systematic legal analysis can shed new light on this important term The volume addresses several framework questions concerning approaches to definition interpretation ordering and the interrelationship between the definition's different elements Each element is then analysed in turn applying Vienna Convention of the Law of Treaties rules in systematic fashion Each chapter evaluates the main disputes that have arisen and seeks to distil basic propositions that are widely agreed as well as certain suggested propositions for resolving ongoing debates In the final chapter the basic propositions are assembled to demonstrate that in fact there is now more clarity about the definition than many think and that considerable progress has been made toward achieving a working definition **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 Refugee in International Law** Guy S. Goodwin-Gill, Jane McAdam, 2021-09-09 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 Refugees and Rights Mary Crock, 2017-05-15 This collection focuses on refugees victims of trafficking and others who cross borders seeking protection from anthropogenic or natural disasters Essays cover a broad range of topics from the refugee s rights to due process and the substance of entitlements at law to refugee rights in relation to disability and sexual orientation and across fields such as administrative processes social and cultural rights family reunion detention and the right of return Articles also cover the rights discourse outside traditional Western theatres This volume is a companion to Mary Crock s volume Migrants and Rights

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