

# CONTENT

About the Reader and Its Use	13
About the Reader	13
Accessing Source Material	16
Adapting the Reader to Specific Course Needs	17
Technical Advise	18
Acknowledgments	19
Reader Feedback	21

## Section I

### Introduction to International Refugee Law:

Background and Context	22
1. History of Population Movements: Migrants, Immigrants, Internally Displaced Persons, and Refugees	22
a. The Concepts	22
b. The Theories	23
c. The Actual Movements	24
2. The Legal and Institutional Framework for Refugee Protection	25
a. The Evolution of the International Refugee Regime	25
b. The Universal Standard: the Geneva Convention Refugee Definition and the Statute of the UNHCR	26
c. Contemporary Alternative Refugee Definitions	27
i. Africa	27
ii. Latin America	27
iii. Europe	27
d. Institutions and Actors in International Law Relevant to Refugee Protection	28

3. Overview of National Legal Framework, Institutions, and Actors	28
a. The Interface Between International Law and National Law	28
b. Comparing National Systems	28

## Section II

International Framework for Refugee Protection	29
1. Principles and Concepts of Refugee Law	29
a. Asylum	30
b. Protection	31
c. Non-refoulement	32
d. Non-discrimination	33
e. Family Unity	33
f. Durable Solutions	35
g. International Cooperation	35
2. The 1951 Refugee Convention	36
a. Historical Context	36
i. Prior Definitions: Group Specific; Geographically and Temporally Limited	36
ii. 1951 Convention: Universal Applicability; Optional Geographical and Temporal Limits	37
iii. Expansion via the 1967 Protocol	37
b. Definition	37
i. Alienage	38
(a) Outside the Country of Nationality	39
(b) Owing to Fear Is Unable or Unwilling to Avail Self of Protection of Country of Nationality	39
(c) Dual or Multiple Nationality	40
(d) Stateless	40

ii. Well-founded Fear	40
iii. Persecution	41
(a) Acts of Persecution	42
(b) Agents of Persecution	43
(c) Five Grounds: Race, Religion, Nationality, Social Group, Political Opinion	44
c. Internal Protection Alternative	49
d. Vulnerable Groups	50
i. Women	51
ii. Children	52
iii. Elderly	53
e. Reception	53
f. Detention	53
g. Recognition as a Refugee	54
i. Procedures	54
ii. Establishing the Facts	55
(a) Standards of Proof	55
(b) Credibility	56
(c) Special Issues	56
h. Rights and Obligations of Refugees	57
i. Cessation of Refugee Status	57
j. Exclusion from Convention Refugee Status	58
3. Other Forms and Instruments of Protection	60
a. Universal Human Rights Instruments	60
i. Universal Declaration of Human Rights; The UN International Covenant for Civil and Political Rights	61
ii. The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	62

iii. The UN Convention on the Rights of the Child	64
iv. The Geneva Conventions and Protocols: Minimum Standards in Times of War	65
b. Special Forms of Protection: Subsidiary Protection and Humanitarian Status	66
c. Temporary Protection	68

## Section III

European Framework for Refugee Protection	70
1. The Council of Europe and Refugee Protection	70
a. Legal and Policy Framework for Refugee Protection	70
b. The European Convention on Human Rights and Fundamental Freedoms	73
2. The European Union	76
a. The Evolving EU Acquis on Asylum	76
i. European Integration and Asylum	76
ii. The Institutional and Legal Framework for European Refugee Protection	77
b. European Refugee Protection: Practices and Policies	79
i. Access to Territory	79
(a) International and Regional Legal Framework	79
(b) Visas	80
(c) Carrier Sanctions	82
(d) Stowaways	83
(e) Extraterritorial Immigration Control	83
ii. Refugee Status Determination Procedures	84
(a) Access to Procedures	84
i. Responsibility: The Dublin Convention and EUROTAC	84

ii. Safe Third Country	88
(b) Harmonizing the Definition and the Determination Procedures	90
i. Harmonization of the 1951 Convention Refugee Definition	90
ii. Minimum Standards for Normal Procedures	92
iii. Minimum Standards for Specific Procedures	93
a. Accelerated and Manifestly Unfounded Procedures	93
b. Safe Country of Origin	95
iii. Minimum Standards for Reception Conditions	95
iv. Other Forms of Protection	96
v. Leaving Territory	98
(a) Return Policies	98
(b) Readmission Agreements	99
vi. Co-operation and Responsibility/Burden-Sharing	100
(a) European Refugee Fund	101

## **Section IV**

UNHCR and Other Actors Relevant to International Asylum Law	102
1. UNHCR	103
2. Other Agencies and Their Interaction	104

Notes on the Editors	106
----------------------	-----

Editorial Staff	110
-----------------	-----