

Immigration And Refuge Law And Policy

Since entry into force of the Treaty of Amsterdam on 1 May 1999, the EU has considered, and in many cases adopted, many proposals for legislation or measures implementing legislation in the area of immigration and asylum law. These measures run the gamut from highly technical operational matters to broad measures covering basic aspects of immigration and asylum law. Between them, the proposed or adopted measures cover virtually every possible issue in relation to immigration or asylum. This book contains the text of and commentary upon a large number of these measures proposed or adopted up until 1 January 2006, including all of the most important ones. It also includes the text of the key measures concerning asylum, legal migration and irregular migration. A full list of the measures with references to their legislative history is provided. The authors of each commentary are experts in the field of EU immigration and asylum law, and the areas covered include visa and border controls, asylum, legal migration and integration, and irregular migration.

Adopted at 185 U.S. law schools since its inception, this casebook mixes theory, policy, and politics with legal doctrine, planning, and problem-solving. The book incorporates key current issues and events, and is rich in policy analysis, fact problems, and simulation exercises. The new edition incorporates the sweeping developments of the past five years. Highlights include: Prosecutorial discretion, "zero-tolerance" and

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immigration-related criminal charges, and sanctuary cities Updates on DACA and DAPA Detention and Jennings v. Rodriguez The Travel Ban and Trump v. Hawaii A rewritten section on children, the family separation policy, and SIJ status Attacks on the independence of the immigration courts Revamped section on asylum, with full coverage of A-B-, other gender-related and gang-related asylum cases, non-state actors, and new credible fear guidance Major restructuring of materials on the immigration consequences of crime, including the categorical and modified categorical approaches, incorporating major court decisions Terminations of temporary protected status Dramatic cuts to the overseas refugee program Pereira v. Sessions and immigration court jurisdiction Kerry v. Din and judicial review of consular visa denials Sessions v. Morales-Santana and gender distinctions in citizenship acquisition Expanded coverage of VAWA and T & U-visas Material support for terrorism and Matter of A-C-M- Proposed new rules on public charge

Europe 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

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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.

EU Asylum and Immigration Law examines in detail the EU legislation and case law on the issues of immigration, asylum, visas and border controls, discussing the impact and ongoing development of EU law in these complex and controversial areas. The updated edition particularly covers new EU legislation, case law, and operational developments since 2010 on: internal border checks; external border controls; visa lists; litigation to obtain a visa; the Schengen Information System; the Visa Information System; family reunion; non-EU students; long-term residents; all aspects of refugee law (including the definition of 'refugee' and subsidiarity protection, the rights of asylum-seekers, and Member States' responsibility for asylum-seekers); and irregular migrants' rights. It also covers the institutional framework for these issues, the related human rights aspects, and the connections with other areas of EU law, like the free movement of EU citizens. Steve Peers' seminal text on the justice and home affairs law of the European Union appears in its fourth edition and is now available in two separate volumes covering asylum and immigration law, and criminal law, policing, and civil law, and as a two-volume set. It provides a detailed examination of EU legislation and case law on the issues of immigration, asylum, visas, border controls, and police and criminal law

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cooperation, discussing the impact and ongoing development of EU law. This edition is the definitive guide to these intricate, contentious, and fast-developing areas of EU law, and will be invaluable to scholars, practitioners, and students in the field.

Praise for the First Edition: "This book is an optimal tool for instructors and students of graduate classes in social work and related disciplines." óJournal of Immigrant and Minority Health "This book is a major contribution to social workers and their clients as it addresses advocacy on behalf of immigrants and refugees during a social, economic, and political period that restricts immigrants' rights and service access." óDr. Diane Drachman, Associate Professor University of Connecticut School of Social Work "This text is a great tool toward raising awareness of the many issues immigrants face, and helping them find solutions." óFrank Sharry, Executive Director, America's Voice The leading textbook on social work with immigrants and refugees, this is the only book to address the intersection of legal, policy, and advocacy issues, in addition to the clinical skills needed to help these populations. This second edition has been updated to reflect key policy changes at the state and federal levels affecting social work with immigrants and refugees. The authors have expanded their coverage of transnationalism, microaggressions, and public health and community issues, and each chapter features updated case studies on the most critical issues immigrants face today: legal processes, physical and mental health issues, employment difficulties, family conflicts, and more. Key Features: Completely updated to reflect the latest developments in

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immigration law and policy Includes updated case studies, discussion questions, and abundant reference material Provides the multidisciplinary perspective of lawyers, social workers, clinicians, administrators, and academics A valuable asset for students and practitioners working in mental health, health care, education, and community settings All-new appendix features sample questions asked at naturalization interviews This book, first published in 2007, assesses the ability of the Refugee Convention to encompass socio-economic based claims.

Drawing extensively on international and European law, international and national case law, as well as academic writings, this study offers a comprehensive and critical analysis on the issue of non-state actors in refugee law.

Text providing an account of the laws and policies governing immigration and refugee law in Australia. Examines the sources of immigration and refugee law and looks at the relationship between immigration and Australia's perceived social and economic needs. Discusses topics such as the visa system, the legal status of the refugee in Australia, nature of immigration control, the role of tribunals in reviewing the merits of migration decisions and role of the courts in judicial review of both Departmental and tribunal rulings. Includes a table of cases, a table of statutes, a bibliography and an index. The author is a lecturer in the faculty of law at the University of Sydney.

Questions of gender have strongly influenced the development of international refugee law over the last few decades. This volume assesses the progress toward appropriate

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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 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

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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.

In an age of ever-increasing globalisation and travel, migration and relocation, immigration law affects a growing number of people. The Immigration Act 1987, which has been in force for over 22 years, will be repealed and replaced by the Immigration Act 2009 by Order in Council in 2010. Immigration and Refugee Law will assist legal practitioners and immigration consultants in understanding and implementing the changes that the new Act will bring about and the scope of immigration and refugee law in New Zealand today. The only textbook in New Zealand that discusses both the 2009 and 1987 Acts. Examines the similarities and differences of the two pieces of legislation and the ongoing influence the 1987 Act will have on the 2009 Act. Considers the challenges which will be faced by the bodies implementing the new legislation and attempts to provide some assistance in this process. Written by Doug Tennent, honorary lecturer in law at the University of Waikato and respected author on issues relating to immigration and refugee law

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This book is an in-depth commentary on European immigration law. The EU has usurped essential parts of the national laws of immigration and asylum, and, hence, European Directives and Regulations have become more important for the immigration departments and administrative tribunals. From German courts alone, more than five referrals on the interpretation of Directives - especially in the area of the so-called Qualification-Directive (criteria for the recognition as a refugee) - have been made to the European Court of Justice. The immigration departments, too, are obliged to interpret national law, according to European Directives and Regulations. Accordingly, in most of the European Member States, numerous courts are required to decide on the basis of the European law in the field of immigration and asylum. For example, the following pieces of European legislation have been dealt with in detail: the Directive on the qualification and status of refugees * the Directive on asylum procedure * the Directive on the admission of students * the Directive on the admission of researchers * the family reunion Directive * the Blue Card Directive * the Directive on the return of third-country nationals * the Dublin Regulation, including Dublin Implementation Regulation and Eurodac. The book will be essential reading for practitioners active in the field of immigration and asylum law, human rights law, and European law, as well as those working in immigration departments and administrative tribunals.

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

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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.

Children make up half of the world's refugees and over 40 per cent of the world's asylum seekers. However, children are largely invisible in historical and contemporary refugee law. Furthermore, there has been very limited interaction between the burgeoning children's rights framework, in particular the Convention on the Rights of the Child (CRC), and the 1951 Convention relating to the Status of Refugees (Refugee Convention). This book explores the possibility of a children's rights approach to the interpretation of the Refugee Convention and within that what such an approach might look like. In order to construct a children's rights approach, the conceptualisations of children outside the legal discipline, within international children's rights law and then within refugee law and refugee discourse are analysed. The approach taken is socio-legal and comparative in nature and the suitability of the Refugee Convention as a framework for the interpretation of child claims is examined. The book analyses to what extent the Refugee Convention is capable of dealing with claims from children based on the modern conceptualisation of children, which is underscored by two competing ideologies: the child as a vulnerable object in law to be protected and the child as

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subject with rights and the capacity to exercise their agency. The influence each regime has had on the other is also analysed. The work discusses how a children's rights approach might improve outcomes for child applicants. The book makes an original contribution to child refugee discourse and as such will be an invaluable resource for academics, researchers and policymakers working in the areas of migration and asylum law, children's rights and international human rights law.

Since its initial publication in 1992, the book has been adopted at 183 U.S. law schools. It mixes theory, policy, and politics with practice-oriented materials that deal in doctrine, planning, and problem-solving. Legomsky and Rodríguez make heavy use of policy analysis, fact problems, and simulation exercises. The teacher's manual contains detailed analyses of all the policy questions, fact problems, and simulation exercises, as well as synopses of all the cases, sample syllabi, and other teaching suggestions. The new edition incorporates the sweeping changes of the past five years. Highlights include: Discussion of DACA and the dramatic November 2014 executive actions Analysis of the legal limits and policy implications of prosecutorial discretion and other Obama Administration executive actions Discussion of comprehensive legislative immigration reform efforts, including S.744 A new section on vulnerable children, addressing UAC, special immigrant juveniles, child asylum issues, and children's use of T and U visas, with specific discussion of the current Central American UAC issues and 2014 opinion of the Inter-American Court A completely re-written section on same-sex marriages, to reflect Windsor, Zeleniak, and Administration implementation initiatives Entirely rewritten section on asylum claims based on particular social group, to reflect the recent BIA decisions in M-E-V-G- and W-G-R- (concerning the social distinction and

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particularity requirements), the BIA's 2014 landmark domestic violence decision in *A-R-C-G-*, and related developments on gender-based asylum claims A completely rewritten section on crimmigration generally, the crime-related deportability grounds, and the categorical and modified categorical approaches, to reflect the Supreme Court's recent decisions in *Moncrieffe* and *Descamps*, lower court decisions such as *Silva-Trevino*, and the 2014 BIA decision in *Dominguez-Rodriguez* The addition of an extended section on federalism and *Arizona v. United States* in chapter 2 (constitutional foundations), the creation of a new chapter on enforcement that includes discussion of Secure Communities (now PEP), 287(g), non-cooperation laws, and detention, and a reorganization and streamlining of chapter 12 (undocumented immigrants), to accommodate these changes New developments on in-state tuition for undocumented students New developments on drivers' licenses for undocumented residents New material on advance parole, Arrabally, 601A provisional unlawful presence waivers, and parole in place MAVNI renewal and extension to DACA recipients New developments on Padilla New avenues for representation for low-income immigrants and refugees The Supreme Court's *Cuellar de Osorio* decision on the Child Status Protection Act New developments on EB-5, particularly with respect to regional centers Material concerning work permits for H-4 nonimmigrants New material on the Adam Walsh Act Discussion of dramatic increases in credible fear interviews and Administration responses Discussion of the asylum clock litigation and its effect on work authorization Material on FOIA litigation involving asylum officer interview notes Important recent court decisions on temporary protected status New developments on in-country renunciation of U.S. citizenship Discussion of assisted reproductive technology (ART) and its effects on both immigration and citizenship law

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How do immigration and refugee laws work 'in action' in Russia? This book offers a complex, empirical and nuanced understanding.

Since 1999, the EU has adopted legislation harmonizing many areas of immigration law, in particular rules on borders, visas, legal migration, and irregular migration. The much-enlarged and fully updated second edition of this book contains the text of and detailed commentary upon every significant measure in this field proposed or adopted up until 1 September 2011. It includes commentary on the EU visa code, the Schengen Borders Code, the Frontex Regulation, the Returns Directive, the Directives on family reunion, long-term residents and single permits for migrant workers, and many more besides. This volume completes this new edition of EU Immigration and Asylum Law, which consists of a 3-volume set. It is the essential guide for any lawyers, academics, civil servants, NGOs and students interested in this area of law.

This Handbook draws together leading and emerging scholars to provide a comprehensive critical analysis of international refugee law. This book provides an account as well as a critique of the status quo, setting the agenda for future research in the field.

This handbook is aimed at immigration advisors and lawyers, and anyone with an interest in immigration law and practice. It covers European rights of free movement, welfare entitlements and asylum support, advises on how to challenge the use of detention and enforcement powers, and more.

The seventh edition of Textbook on Immigration and Asylum Law continues to provide students with expert coverage of case law and legislation, along with dynamic analysis

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of the political context and social impact of the law, and a strong focus on human rights. Including key case summaries, chapter questions and further reading, the book deftly guides the reader through this fascinating and constantly developing area of law, using clear and accessible language throughout. An ideal guide for all students of the subject. This book is accompanied by an Online Resource Centre, which contains the following resources designed to support the book: - Updates providing easy access to changes and developments in the law - Problem questions to test knowledge and develop analytical skill - Guidance on how to answer the end-of-chapter questions - A selection of web links to support additional research

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

International refugee law anticipates state conduct in relation to nationality, statelessness, and protection. Refugee status under the Convention relating to the Status of Refugees 1951 and regional and domestic instruments referring to it can be fully understood only against the background of international laws regarding nationality, statelessness, and the consequences of national status or the lack of it. In this significant addition to the literature a leading practitioner in these fields examines, in the light of international law, key issues regarding refugee status including identification of 'the country of his nationality', concepts of 'effective nationality', and the inclusion within 'persecution' of a range of acts or omissions focused on nationality.

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"This ambitious text explores the current state of Canada's evolving immigration system, surveyed in historic, social, and comparative contexts. Insightful commentary on racial, gender, and class dimensions contributes to a thorough and multi-faceted analysis.by publisher."--

The 2007 Supplement covers the vital developments in immigration and refugee law and policy since the publication of the Fourth Edition's new cases, legislative action, regulations, scholarly advances, and political debate. Among the highlights: Developments on material support for terrorist organizations The Supreme Court's decision in *Lopez v. Gonzales* on drug crimes as aggravated felonies Judicial criticisms of the removal process, immigration judges, and the BIA Developments on judicial review of removal orders New requirements for establishing social group asylum claims Recent developments on asylum claims based on coercive population controls 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

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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.

Community asylum law is becoming ever more essential to asylum law in Europe. But many intricate questions about this new body of law remain to be resolved. Do the Community rules weaken or improve the position of asylum seekers? Would a future Community asylum law have to observe international norms? What role should the Court of Justice play in asylum matters? And does the communautarisation of asylum law affect the possibilities of asylum seekers to approach domestic courts, or the European Court of Human Rights? These and other questions are addressed in this book. It offers, besides an in-depth study of the relation between European and international asylum law, a practical manual for European asylum law. It discusses the

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content and meaning of all Community regulations and directives on asylum, as well as their possible use (and reliability) in domestic proceedings.

The states of the Southern African Development Community (SADC) have committed themselves to increased regional cooperation and integration. This study collates information on national immigration legislation into a single region-wide publication. It is divided thematically into chapters surveying citizenship and registration laws in the SADC, migration and immigration legislation and policies, and refugee protection and immigration controls. The report identifies points of similarity and difference in national immigration law between SADC member states, and investigates the possibilities for harmonisation of national immigration.

Germany will spend around \$6.6 billion to cope with an estimated 800,000 refugees expected to have entered the country in the year 2016; this reality indeed extending further into 2017. Despite this overwhelming number of people entering the country, Chancellor Angela Merkel stated that there is "no legal limit to the number of asylum seekers Germany will take in in the coming years." The announcement by Merkel's coalition government arrived following Germany and Austria opening their borders to the large numbers of refugees making their way north and west from the Middle East, Africa and elsewhere. In particular, this statement came after the Syrian refugee crisis created the biggest refugee crisis the world has seen since the Second World War. Germany is seen as the immigration hub of Europe. It also happens to be the second

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most popular destination for immigrants after the United States of America. Germany is also the country in Europe with the highest numbers of foreign nationals to date. Germany established a new immigration law in 2005 was born out of a realization that it was coming to terms with a demographic crisis stemming from an ageing population and further complimented by a sharp decline national birth rates. In foresight, and within this unfortunate context, migration was seen by much of the German political class as an economic necessity, and the answer to the German economic and demographic time bomb. Between the years 2009 and 2014, annual net migration in Germany rose from 100,000 to 580,000 individuals. Moreover, the inflow of foreign nationals increased from 266,000 to 790,000 individuals. As of January 2015, approximately 10% of residents in Germany were foreign nationals, with around 12% born outside the country. Naturally, these figures have all risen significantly following Merkel's decision to allow what has reached one million refugees and migrants into Germany across 2016 and moving into 2017. Moving from this reality, the research will f

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

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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.

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.

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