

THE OXFORD HANDBOOK OF

**INTERNATIONAL
REFUGEE LAW**

Edited by
**CATHRYN COSTELLO,
MICHELLE FOSTER,**
and
JANE McADAM

OXFORD
UNIVERSITY PRESS

CONTENTS

<i>List of Abbreviations</i>	xvii
<i>Table of Cases</i>	xix
<i>Table of Instruments</i>	xliii
<i>Contributors</i>	lxxiii

Introducing International Refugee Law as a Scholarly Field	1
CATHRYN COSTELLO, MICHELLE FOSTER, AND JANE McADAM	

PART I INTERNATIONAL REFUGEE LAW— REFLECTIONS ON THE SCHOLARLY FIELD

1. International Refugee Law in the Early Years	23
GUY S GOODWIN-GILL	
2. Race, Refugees, and International Law	43
E TENDAYI ACHIUME	
3. A Feminist Appraisal of International Refugee Law	60
ADRIENNE ANDERSON AND MICHELLE FOSTER	
4. Queering International Refugee Law	78
NUNO FERREIRA AND CARMELO DANISI	
5. The Politics of International Refugee Law and Protection	97
REBECCA HAMLIN	
6. The Ethics of International Refugee Protection	114
SEYLA BENHABIB AND NISHIN NATHWANI	
7. Refugees as Migrants	134
IDIL ATAK AND FRANÇOIS CRÉPEAU	

8. The Intersection of International Refugee Law and International
Statelessness Law 152
LAURA VAN WAAS

PART II SOURCES

9. The Architecture of the UN Refugee Convention and Protocol 171
JAMES C HATHAWAY
10. The Office of the United Nations High Commissioner for Refugees 186
JAMES MILNER AND JAY RAMASUBRAMANYAM
11. Moving Towards an Integrated Approach of Refugee
Law and Human Rights Law 202
VINCENT CHETAU
12. International Humanitarian Law and Refugee Protection 221
REUVEN (RUVI) ZIEGLER
13. Customary Refugee Law 240
HÉLÈNE LAMBERT
14. National Constitutions and Refugee Protection 258
EVE LESTER

PART III REGIONAL REGIMES

15. Regional Refugee Regimes: Africa 279
MARINA SHARPE
16. Regional Refugee Regimes: North America 296
DEBORAH ANKER
17. Regional Refugee Regimes: Latin America 315
JOSÉ H FISCHER DE ANDRADE
18. Regional Refugee Regimes: Middle East 334
MAJA JANMYR AND DALLAL STEVENS
19. Regional Refugee Regimes: Europe 352
EVANGELIA (LILIAN) TSOURDI

-
20. Regional Refugee Regimes: Central Asia 370
KHALIDA AZHIGULOVA
21. Regional Refugee Regimes: East Asia 389
OSAMU ARAKAKI AND LILI SONG
22. Regional Refugee Regimes: South Asia 407
JAY RAMASUBRAMANYAM
23. Regional Refugee Regimes: Southeast Asia 423
VITIT MUNTARBHORN
24. Regional Refugee Regimes: Oceania 441
MICHELLE FOSTER AND ANNA HOOD

PART IV ACCESS TO PROTECTION AND INTERNATIONAL RESPONSIBILITY-SHARING

25. The Sharing of Responsibilities for the International
Protection of Refugees 463
MADELINE GARLICK
26. Protection at Sea and the Denial of Asylum 483
VIOLETA MORENO-LAX
27. Extraterritorial Migration Control and Deterrence 502
THOMAS GAMMELTOFT-HANSEN AND NIKOLAS FEITH TAN
28. The Evolution of Safe Third Country Law and Practice 518
LUISA FELINE FREIER, ELENI KARAGEORGIU, AND KATE OGG
29. Smuggling of Migrants and Refugees 535
ANDREAS SCHLOENHARDT
30. Human Trafficking and Refugees 553
CATHERINE BRIDDICK AND VLADISLAVA STOYANOVA
31. Refugee Status Determination 569
BRUCE BURSON
32. Asylum Procedure 588
ÁLVARO BOTERO AND JENS VEDSTED-HANSEN

33. Credibility, Reliability, and Evidential Assessment 607
GREGOR NOLL

PART V THE SCOPE OF REFUGEE PROTECTION

34. The International and Regional Refugee Definitions Compared 625
TAMARA WOOD
35. UNRWA and Palestine Refugees 643
SUSAN M AKRAM
36. Complementary Protection 661
JANE McADAM
37. Temporary Protection and Temporary Refuge 678
JEAN-FRANÇOIS DURIEUX
38. The Internal Protection Alternative 695
BRÍD NÍ GHRÁINNE
39. Exclusion 711
GEOFF GILBERT AND ANNA MAGDALENA BENTAJOU
40. Women in Refugee Jurisprudence 728
CATHERINE DAUVERGNE
41. Refugee Children 745
JASON POBJOY
42. Sexual Orientation and Gender Identity in Refugee Claims 761
JENNI MILLBANK
43. Protecting Refugees with Disabilities 778
MARY CROCK
44. Stateless Refugees 797
HÉLÈNE LAMBERT
45. Conflict Refugees 815
CORNELIS (KEES) WOUTERS
46. Displacement in the Context of Climate Change and Disasters 832
JANE McADAM

47. Internal Displacement 848
WALTER KÄLIN

PART VI REFUGEE RIGHTS AND REALITIES

48. The Right to Asylum 867
MARÍA-TERESA GIL-BAZO AND ELSPETH GUILD
49. National Constitutions and the Right to Asylum 883
STEPHEN MEILI
50. *Non-refoulement* 899
PENELOPE MATHEW
51. Non-penalization and Non-criminalization 917
CATHRYN COSTELLO AND YULIA IOFFE
52. The Right to Liberty 933
EVE LESTER
53. The Right to Work 952
CATHRYN COSTELLO AND COLM Ó CINNÉIDE
54. The Right to Education 971
SARAH DRYDEN-PETERSON AND HANIA MARIËN
55. The Right to Family Reunification 988
FRANCES NICHOLSON
56. The Digital Transformation of Refugee Governance 1007
KRISTIN BERGTORA SANDVIK

PART VII THE END OF REFUGEEHOOD— CESSATION AND DURABLE SOLUTIONS

57. Cessation 1029
GEORGIA COLE
58. Refugee Naturalization and Integration 1046
FATIMA KHAN AND REUVEN (RUVI) ZIEGLER

59. Reimagining Voluntary Repatriation	1064
MARJOLEINE ZIECK	
60. Resettlement	1080
SUSAN KNEEBONE AND AUDREY MACKLIN	
61. Onward Migration	1099
KATY LONG	

**PART VIII ACCOUNTABILITY FOR
DISPLACEMENT AND REFUGEE RIGHTS
VIOLATIONS**

62. Restitution and Other Remedies for Refugees and Internally Displaced Persons	1119
MEGAN BRADLEY	
63. The Responsibility of Armed Groups Concerning Displacement	1138
BEN SAUL	
64. The Accountability of International Organizations in Refugee and Migration Law	1157
JAN KLABBERS	
65. Border Crimes as Crimes against Humanity	1174
ITAMAR MANN	
<i>Index</i>	1191

**PART VII THE END OF REFUGEEHOOD—
CESSATION AND DURABLE SOLUTIONS**

70. The Cessation	1230
GEORGIA COLE	
71. Refugee Naturalization and Integration	1248
FATIMA KHAN AND RUBEN (RUVI) ZIEGLER	