



FACULTY OF LEGAL STUDIES
SOUTH ASIAN UNIVERSITY

SYLLABUS
INTERNATIONAL REFUGEE LAW
IRL 2024
OPTIONAL PAPER
LL.M PROGRAMME-IV SEMESTER
WINTER SEMESTER-2024
[W.E.F. January 11, 2024 TO May 25, 2024]

PART:-I- COURSE MODULE PRELIMINARIES

Course Title:	INTERNATIONAL REFUGEE LAW [IRL]
Course Code:	LW016
Course Credit:	4 (MSE-40, ESE-40, TPW-15, TPP-05)
Course Objectives:	Part-II (Below)
Prerequisites:	Nil
Course Structure:	Week-Wise (Twelve Weeks)
Course Precursors:	Nil
Course Duration:	Winter Semester
Equivalent Courses:	N/A
Medium of Instruction:	English
Course Instructor:	Dr Nafees Ahmad, Associate Professor drnafeesahmad@sau.ac.in (Institutional)
Previous Editions:	Jan. 2012, Jan. 2013, Jan. 2014, Jan. 2015, 2016, Jan. 2017, Jan. 2018, Jan. 2019, Jan. 2020, Jan. 2021, Jan. 2022, Jan. 2023,
Edition:	January, 2024

PART:-II	COURSE OBJECTIVES
PART:-III	COURSE STRUCTURE
PART:-IV	MODULE INTENDED LEARNING OUTCOMES (MILO)
PART:-V	COURSE MODULE DESCRIPTION
PART:-VI	MODULE PEDAGOGY
PART:-VII	NOTE ON ASSIGNMENTS
PART:-VIII	NOTE ON CLASS PARTICIPATION
PART:-IX	TALKING TEACHING TERRITORY (t3)
PART:-X	INSTRUCTOR AVAILABILITY

PART-XI:-BRIEF MODULE CONTENTS

1. WEEK-1-INTRODUCTION TO INTERNATIONAL REFUGEE LAW
2. WEEK-2-SOURCES OF INTERNATIONAL REFUGEE LAW AND FORCED MIGRATION STUDIES, THE ROLE OF THE UNHCR AND LEGO-INSTITUTIONAL AND TREATY FRAMEWORK RESPONSES
3. WEEK-3-UNDERSTANDING REFUGEE DEFINITION, PERSECUTION PARADIGMS AND CHALLENGES IN IRL AND REFUGEE PROTECTION POLICY
4. WEEK-4-THE INSTITUTION OF ASYLUM, *NON-REFOULEMENT*, POSSIBILITY OF THE EXPANSIONIZATION OF THE GROUNDS OF ASYLUM BEYOND DURABLE SOLUTIONS UNDER INTERNATIONAL REFUGEE PROTECTION REGIME
5. WEEK-5-REFUGEE STATUS DETERMINATION DYNAMICS, PROCEDURES, THE RISE OF RESTRICTIONISM AND STATE OBLIGATIONS BEYOND 1951 UNCSR
6. WEEK-6-INTERNAL DISPLACEMENT, STATELESSNESS, FORCED MIGRATION, AND CLIMATE REFUGEES
7. WEEK-7-THE PRINCIPLES OF REFUGEE AND MIGRANTS PROTECTION UNDER THE GLOBAL COMPACTS, IHRL, IHL, ICL AND THE ROLE OF INTERNATIONAL INSTITUTIONS
8. WEEK-8-REGIONAL REFUGEE PROTECTION AND FORCED MIGRATION FRAMEWORKS
9. WEEK-9-REFUGEE PROTECTION IN SAARC REGION AND TWAILERS' AND REFUGEES IN THE GLOBAL SOUTH AND ASIAN APPROACH TO INTERNATIONAL REFUGEE LAW
10. WEEK-10-TEMPORARY, COMPLEMENTARY, SUBSIDIARY AND OTHER FORMS OF REFUGEE PROTECTION AND THE FUTURE OF INTERNATIONAL PROTECTION FOR REFUGEES AND FORCED MIGRANTS IN INTERNATIONAL REFUGEE LAW
11. WEEK-11-THE CONTEMPORARY ISSUES IN IRL, NEW DEVELOPMENTS, CHALLENGES TO THE PROTECTION OF REFUGEES AND FORCED MIGRANTS AND PERSPECTIVES ON THE FUTURE
12. WEEK-12-THE CRITIQUE OF IRL AND TERM PAPER PRESENTATION AND FEEDBACK

DETAILED MODULE CONTENTS

WEEK-1:- INTRODUCTION TO INTERNATIONAL REFUGEE LAW

- TERMS & TERMINOLOGIES OF INTERNATIONAL REFUGEE LAW & FORCED MIGRATION STUDIES. IRL COURSE LOGISTICS, THE PURPOSE OF IRL AND EXPECTATIONS.
- INTERNATIONAL MIGRATION [Why, Where, and Why?]. GLOBAL POPULATION MOVEMENTS & FORCED MIGRATIONS IN HISTORICAL RETROSPECT [Concepts, Theories, Migrants, Immigrants, Causes, The State and the Forced Migrants and Responses]. ORIGINS OF INTERNATIONAL PROTECTION [International Protection System, Legal Framework and Actors]. THE MAGNITUDE OF FORCED MIGRATION & DISPLACEMENT [Probing Categories, Defining Forced Migration; Indigenous Forced Migration, Refugees, and Conflict]. POST-COLONIAL APPROACHES [Anthropological, Political, and Legal] TO FORCED MIGRATION. DISCOURSE AND DEBATES ON FORCED MIGRATION IN SOUTH ASIA, COLONIAL MOBILITIES & GLOBAL INEQUALITY [Why South Asian Settlers ought not to be regarded as Migrants?] THE DEVELOPMENT OF INTERNATIONAL REFUGEE LAW [*Comparative Refugee Law*, and Forced Migration Studies; Legal and Institutional Framework for Refugee Protection and its Expansion via the 1967 Additional Protocol, the Rights, and Responsibilities of Refugees and the Evolution of Refugee Status in International Law]. THE REFUGEE REGIME AND THE MULTIDISCIPLINARY INTERPLAY [Inter-Relationship between National, Regional, and International Refugee Protection] AND SUMMATION.

REFUGEE (AUTO) BIOGRAPHIES & PERSONAL MIGRATION HISTORIES:

- ⇒ Students are advised, encouraged and motivated to prepare and discuss their own family's history of migration, whether within their own country or regional (South Asia) or international---if any.

- ⇒ Such (auto) biographies have to be short written summaries (250–1000 words) that will be due in class subject to students' voluntariness.
- ⇒ The Role of Media on Reporting Refugees and their Issues.
- ⇒ The Public Attitudes on Migration: Rethinking and Reimagining Perceptions and Opinions

GLOBAL REFUGEE CRISES & CORE CASE STUDIES:

1. Africa [Burundian Refugees [342,867 Refugees July 2019, Nigerian Refugee Crisis-6TH Year in 2019, South Sudanese Refugees, Central African Republic (CAR) Refugee Crisis]
2. America [Latin America and the Caribbean, Mexican Refugees, Venezuela Refugee Crisis, Displacement in Central America]
3. Arab World [Iraq Situation, Syrian Refugee Crisis, Yemen Crisis]
4. Europe [Alpine Refugees, Kosovo, Crimean Tatars]
5. *Modern Middle East Refugee Crisis [Palestinian Refugee Crisis or Refugee Crisis in OPT--- Forced Migration, Dispossession and Displacement in the Modern Middle East]*
6. South Asia [Rohingya Refugees in Bangladesh, Afghan Refugees Situation, Refugees in Pakistan]
7. South-East Asia [Myanmar]

QUESTIONS IN FOCUS:

- ⇒ According to Arendt, the right to asylum, despite its “long and sacred history”, was considered to be in conflict with “the international rights of the [nation] state”. Why? And why do states commit to protecting foreigners today?
- ⇒ “States constitute the primary nexus when it comes to security for individuals and groups”; at the same time “the principal threats to ...human security... are transnational in nature”. Is the opposite true for refugees and asylum seekers? With transnational globalization expanding, are states still the “primary nexus” of security for individuals?
- ⇒ What difference does border crossing make to the international community's humanitarian obligations? Why?
- ⇒ “Refugee status is a privileged category *vis-a-vis* other classes of coerced migrants.” What other classes are there and do they require international protection?
- ⇒ The importance of Terms & Terminologies of International Refugee Law
- ⇒ Why study International Refugee Law & Forced Migration?
- ⇒ Why do people move? Where do they go and why? Why and where did people move?
- ⇒ What were the major migrations and what were their effects?
- ⇒ How do migrants affect the culture of the receiving state?
- ⇒ How do natives react to migrants' different culture? How does this affect politics?
- ⇒ Why do states allow people to leave? Under what conditions do states allow people to leave?
- ⇒ When do states force people to stay? When does it help the state to allow people to leave and when does it hurt the state?
- ⇒ What are important definitions of and differences in key notions of migration (statistical vs. other definitions (migrant, diaspora, mobility, refugee, IDP))?
- ⇒ What are major flows and stocks of international forced migration?
- ⇒ What are the key questions, analytical categories, and disciplinary tools of international refugee law and forced migration studies?
- ⇒ Is it justified to differentiate between the two areas of study? If yes, when and why? What are key disciplinary perspectives on migration and forced migration?
- ⇒ How do refugees contribute to conflict? Do migrants foster or prevent war back home?
- ⇒ What are dominant representations of “the refugee” in media and by advocates?
- ⇒ What narratives and underlying emotions are connected to these representations? Are mainstream representations ‘accurate’ or what are their shortcomings? How do certain representations and

narratives related to the public opinion about displacement, immigration, security and connected issues?

- ⇒ The meaning of Asylum and Refugee Law?
- ⇒ What causes Refugee flows? What types of conflicts lead to refugees?
- ⇒ What are the differences between IDPs and international refugees?
- ⇒ Where are there major refugee flows?
- ⇒ Can international law defend an individual? (And a state?)
- ⇒ Who creates the norms of international law and in what form?
- ⇒ How to find a refugee law norm?

DOCUMENTARIES, FILMS, MOVIES, OTTs, VIDEOS:

1. <https://www.youtube.com/watch?v=A51kP2EjuG0> [Three Songs for Benazir | Netflix, Jan 19, 2022]
2. <https://www.youtube.com/watch?v=Pmp8-LUAO8U> [A Film in Three Minutes-Flee, Feb. 15, 2022]
3. https://www.youtube.com/watch?v=42liP_YODI4 [Captains of Za'atari, July 7, 2022]
4. <https://www.youtube.com/watch?v=mTa9lfNne2I> [Encanto-Disney Animation Movie, Oct. 15, 2022]
5. <https://www.youtube.com/watch?v=ObN4krVV20Y> [The Swimmers | Netflix, Nov 1, 2022]
6. <https://www.youtube.com/watch?v=QqGYNvUgty8> [Simple As Water | HBO, Nov. 1, 2021]
7. <https://www.youtube.com/watch?v=II2GbD4mrrk> [Generation Hate Part 1 | Al Jazeera Investigations]
8. <https://www.youtube.com/watch?v=kEgufjqlio> [Generation Hate Part 2 | Al Jazeera Investigations]
9. <https://www.youtube.com/watch?v=FxZaDNOH5no> [What is a Refugee? World Refugee Day-2019]
10. <https://www.youtube.com/watch?v=BZhGwokWAU0> [World Refugee Day-2019 (World Bank Live)]
11. <https://www.youtube.com/user/unhcr> [United Nations High Commissioner for Refugees (UNHCR)]
12. <https://www.youtube.com/user/unhcr/featured> [UNHCR]
13. <https://vimeo.com/74987092> [Introduction to the International Refugee Regime]
14. <https://www.youtube.com/watch?v=F3TZGDAM6O4> [How Do We Tackle The Root Causes of Displacement?]
15. <https://www.youtube.com/watch?v=LpwqK3B2ac8> [To Be A Refugee (UNHCR)]
16. <https://www.youtube.com/watch?v=dIWkHeIiO7k> [UNHCR Excom 2015: A World in Crisis]
17. <https://www.youtube.com/watch?v=s5aLyr4YvEY> [Refugees: Looking For Safe Shores]
18. <https://www.youtube.com/watch?v=fMJUJ64RPPM> [UNHCR Executive Committee 2015: Opening Remarks by António Guterres]
19. <https://www.youtube.com/watch?v=b3mg-sCNXdE> [UNHCR Executive Committee on the Afghan refugee situation with Pakistan]
20. <https://www.youtube.com/watch?v=lvVcXmnA3DA#t=10> [High Commissioner Guterres Remarks on the Resettlement of Refugees from Bhutan in Nepal]
21. http://www.unhcr.org/cgi-bin/texis/vtx/home/do_inline_video_yt.html?comid=567a9fdf6 [2015 HC Dialogue Debate on Protection Prevention]
22. <http://youtu.be/SA-Im1o2uEI> [Refugees are Scum---Social Experiment]
23. <http://youtu.be/JFoyeTUU7WE> [Destination Europe: Syria's War Refugees]
24. <http://www.telegraph.co.uk/news/worldnews/europe/italy/11549216/The-EU-migrant-crisis-explained-in-90-seconds.html> [EU Migrant Crisis]
25. <http://youtu.be/RBQ-IOHfimQ> [Most Shocking Second a Day Video]
26. <http://save.tc/QHhy6> [This is What War does to Children]
27. http://youtu.be/Vc_VNvD9B3c [What if Manhattan...]
28. <http://youtu.be/L9O8j9QPZc8> [Would you give your jacket to Johannes?]
29. http://youtu.be/E0vd-8pAl_g [So You Think You Can Stay Reality Show]
30. <https://www.youtube.com/watch?v=c00zfk4gdg> [The Refugee Boat Hero who Saved a Child and Stirred a Continent---Melissa Fleming and TEDxThessaloniki]
31. <https://www.youtube.com/watch?v=a2nTq67So3U#t=10> [How Climate Change Impacts Human Displacement]
32. <https://www.youtube.com/watch?v=JBtYYMPe3yA> [Greece: Drone Footage From Lesbos]

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DISCUSSED

PRIMARY TEXTS:

- 1948 Universal Declaration on Human Rights (UDHR)
- 1949 Draft Declaration on Rights and Duties of States
- 1949 Migration for Employment Convention (Revised), 1949 (No. 97) (ILO)
- 1951 UN Convention Relating to the Status of Refugees (UNCSR)
- 1966 UN Covenant on Civil and Political Rights
- 1966 UN Covenant on Social, Economic and Cultural Rights
- 1967 UN Declaration on Territorial Asylum New York, 14 December 1967
- 1967 Additional Protocol to 1951 Convention Relating to the Status of Refugees
- 1969 American Convention on Human Rights, 22 November 1969
- 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa
- 1975 Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (ILO)
- 1981 African (Banjul) Charter on Human and Peoples' Rights
- 1984 Cartagena Declaration on Refugees
- 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 1985 Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live of 13 December 1985
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 18 December 1990
- 1998 Guiding Principles on Internal Displacement
- 2000 The Charter of Fundamental Rights of the European Union (CFR), 7 December 2000
- 2007 International Convention for the Protection of All Persons from Enforced Disappearance
- 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)
- 2016 International Migration Report 2015: Highlights. New York: United Nations.
- 2016 New York Declaration for Refugees and Migrants
- 2016 United Nations Department of Economic and Social Affairs, Population Division.
- 2017 Baku Declaration, The Heart of Asia, Istanbul Process 7th Ministerial Conference “Security & Economic Connectivity towards a Strengthened Heart of Asia Region”, 01 December 2017
- 2018 The Global Compact on Refugees Agreement A/73/12 (Part II), UNGA 17 December 2018 (A/RES/73/151)
- 2018 The Global Compact for Safe, Orderly and Regular Migration (GCM) Agreement, 10–11 December 2018, signed by 164 Nations on 19 December 2018 at Marrakesh, Morocco.
- 2022 Los Angeles Declaration on Migration and Protection in the Americas

UNHCR GLOBAL REPORTS, TRENDS, APPEALS

- 2016 UNHCR, Global Trends 2015 (pp. 1-21).
- 2018 UNHCR Global Trends: Forced Displacement in 2017, pp. 1-15
- 2019 Global Report on Internal Displacement-2019-IDMC-GRID
- 2020 UN-IOM World Migration Report
- 2020 Global Trends Report-Forced Displacement in 2018
- 2020 UNHCR Global Appeal 2018-2019
- 2021 UNHCR Global Report
- 2021 UNHCR Global Trends
- 2021 UNHCR Global Appeal
- 2021 Global Report on Internal Displacement-IDMC-GRID
- 2022 Global Report on Internal Displacement-IDMC-GRID
- 2022 UNHCR Global Report
- 2022 UNHCR Global Trends

- 2022 UNHCR Global Appeal

RECOMMENDED READINGS:

1. Chimni, B.S. *International Refugee Law: A Reader*, New Delhi: Sage Publications, 2000
2. Chimni, B.S. *The Birth of a Discipline: From Refugee to Forced Migration Studies*, (2009) *Journal of Refugee Studies* 22 (1), pp. 11-29.
3. Goodwin-Gill, Guy S., McAdam, Jane, *The Refugee in International Law*, Third Revised Edition, Oxford University Press, 2007
4. James C. Hathaway (1990), *A Reconsideration of the Underlying Premise of Refugee Law*, *Harvard International Law Journal*, 31, pp. 129-83.
5. M. Rafiqul Islam, Md. Jahid Hossain Bhuiyan, *An Introduction to International Refugee Law*, Martinus Nijhoff Publishers, April 2013, ISBN: 9004226168, 9789004226166

OPTIONAL READINGS:

1. A. Suhrke, *Global Refugee Movements and Strategies of Response* in Aleinikoff and Martin, *Immigration Process and Policy*, 3rd Edition
2. Castles, Stephen, Hein de Haas, Mark J. Miller, *The Age of Migration* (5th Edition), Palgrave (Introduction) 2014.
3. Chetail, Vincent: *Sources of International Migration Law*. in: Opeskin, Brian, Perruchoud, Richard and Redpath-Cross, Jillyanne (eds): *Foundations of International Migration Law*, Cambridge University Press (CUP), Cambridge, 2012, pp. 56-92
4. Feller, Erica, Türk, Volker and Nicholson, Frances (Edited), *Refugee Protection in International Law*.
5. Hannah Arendt (1948), *The Origins of Totalitarianism*, Chapter 9.
6. Hannah Arendt (1999), *We Refugees*, in Mark M. Anderson (ed.), *Hitler's Exiles: Personal Stories of the Flight from Nazi Germany to America*, NY: The New Press, pp. 253-62.
7. Hathaway James C., *The Rights of Refugees under International Law*, Cambridge University Press, Cambridge, 2005
8. Hathaway, J. (2007), *Forced Migration Studies: Could We Agree Just to 'Date'?* *Journal of Refugee Studies* 20(3)
9. Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, 4th edition, Guilford Press, 2008

ADVANCED READINGS:

1. Bakewell, Oliver. 2011. Conceptualizing Displacement and Migration: Processes, Conditions, and Categories. Chapter 2 in: Kalid Koser and Susan Martin (eds.), *The Migration-Displacement Nexus: Patterns, Processes, and Policies*, Oxford: Berghahn Books.
2. Hugo, Graeme, Abbasi-Shavazi, Mohammad Jalal, Kraly, Ellen Percy (Eds.), *Demography of Refugee and Forced Migration*, 2018, Springer
3. James C. Simeon, *Critical Issues in International Refugee Law: Strategies Toward Interpretative Harmony*, Cambridge University Press 2010, ISBN 978-0-521-19952-0
4. Loescher, Gil, *Beyond Charity: International Co-operation and the Global Refugee Crisis*, OUP, 1993, Chapter 2: The Origins of the International Refugee Regime, pp. 32–54
5. Responses to Hathaway by Adelman and McGrath and Cohen, also in *Journal of Refugee Studies* 20 (3).
6. Stefano Allievi, *Immigration, Religious Diversity and Recognition of Differences: The Italian Way to Multiculturalism in Identities: Global Studies in Culture and Power*, 2014, Vol. 21, No. 6, 724–737

7. Turton, David. 2003. *Conceptualizing Forced Migration*, RSC Working Paper No. 12, Refugee Studies Centre, University of Oxford.
8. Zetter, R. (1991) *Labelling Refugees: Forming and Transforming a Bureaucratic Identity*, Journal of Refugee Studies 4(1).

WEEK-2:- SOURCES OF INTERNATIONAL REFUGEE LAW AND FORCED MIGRATION STUDIES, THE ROLE OF THE UNHCR AND LEGO-INSTITUTIONAL AND TREATY FRAMEWORK RESPONSES

- THE GLOBAL STANDARDS OF HUMAN RIGHTS, 1951 UN CONVENTION RELATING TO THE STATUS OF REFUGEES (UNCSR) WITH ITS 1967 ADDITIONAL PROTOCOL (1967-AP) [The Main Features of the UNCSR, the Statute of the UNHCR; Key Provisions and Implementation]. UNIVERSAL AND REGIONAL SOURCES OF IRL [The Relationship with IHRL, IHL, and CIL]. THE INSTITUTIONAL PILLAR [UNHCR's Foundations and its International Refugee Law Role; UNHCR's Mandate and Activities; UNHCR's Statutory Role and Work Related to Refugee Law; Flexibility in UNHCR's International Law Role; Applying Lessons from the Past to Enhance the Role of the UNHCR in the Future]. THE NORMATIVE PILLAR [The UNCSR and its 1967-AP; UNHCR's Approaches to Address the Weaknesses in the Treaty Framework; UNHCR's Approaches to Improve the Effectiveness of IRL Framework]. THE CRISIS IN REFUGEE PROTECTION AND HUMANITARIAN RESPONSES TO REFUGEES [Institutions and Obligations] AND SUMMATION.

QUESTIONS IN FOCUS:

- ⇒ What are the Global Standards of Human Rights?
- ⇒ What are the Linkages between IRL, IHRL and IHL?
- ⇒ Does IRL have sources outside international law?
- ⇒ How did IRL evolve?
- ⇒ UNHCR Statute as source of IRL
- ⇒ What is UNHCR's "core" function? What additional duties has UNHCR assumed, beyond the core protection function? Do they impinge on UNHCR's capacity---as the "qualified representative of international public order"---to assert claims on behalf of refugees?
- ⇒ What restrictions does the "non-political" character of UNHCR realistically impose on its operations? How do you assess the different perspectives of Ogata, De Waal and Harrell-Bond et al?
- ⇒ The end of bipolarism has led to increased interventionism by UN agencies (and NGOs). How does this affect the agencies' neutrality and what mechanisms for accountability exist? To whom should the agencies be held accountable?
- ⇒ Is UNHCR's emphasis on refugee camps and on repatriation realistic, appropriate, suspect? Are there alternatives?
- ⇒ Who are the Major Actors/agencies (Displaced Persons, Governments, Intergovernmental Organizations, NGOs) (Focus on UNHCR)?
- ⇒ How do humanitarian agencies attempt to respond to the needs of displaced populations? Are current institutional responses sufficient?
- ⇒ Organizational mandates: Is UNHCR really a non-political organization? Is it possible (and desirable) for a humanitarian agency to be neutral?

PRIMARY TEXTS:

- Core Human Rights Treaties [Relevant Provisions]
- Core IHL Treaties [Relevant Provisions]

VIDEOS:

1. <http://dannyfisher.org/2009/02/27/the-new-york-times-nicholas-kristof-and-george-clooney-visit-eastern-chad/> (4'23'')

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DISCUSSED

1. *Peoples' Union For Civil Liberties [PUCL] v. Union Of India and Another*, AIR 1997 SC 568
2. *D.K Basu v. State Of West Bengal*, AIR 1997 SC 610
3. *Prem Shankar Shukla v. Delhi Administration*, 1980 SCC 526
4. *Citizens for Democracy v. State of Assam*, 1995 SCC 743

RECOMMENDED READINGS:

2. Bertrand G. Ramcharan, *The Fundamentals of International Human Rights Treaty Law*, Martinus Nijhoff, 2011, ISBN: 900417608X, 9789004176089
3. Forsythe, D. (2001), *UNHCR's Mandate: the Politics of Being Non-political*, UNHCR New Issues in Refugee Research 33. See <http://www.unhcr.org/research/RESEARCH/3ae6a0d08.pdf>.
4. Hyndman, J., *A Refugee Camp Conundrum: Geopolitics, Liberal Democracy, and Protracted Refugee Situations*, 28(2) *Refugee* (2011), pp. 7-15.
5. Jean-Daniel Tauxe, *We Should Have Humanitarian Access to Displaced Civilians*, *International Herald Tribune* (1 March 2000), p. 10.
6. Loescher, G. (2001), *The UNHCR and World Politics: State Interests versus Institutional Autonomy*, *International Migration Review* 35(1).
7. Makau Mutua, *Standard Setting in Human Rights: Critique and Prognosis*, *Human Rights Quarterly* 29.3 (2007), pp. 547-84
8. Martin S., et al. (2005) *The Uprooted: Improving Humanitarian Responses to Forced Migration*, Chapter 3: Evolving Institutional Responses.
9. Patrick Taran, *Human Rights of Migrants: Challenges of the New Decade*, Vol. 38 *International Migration* pp. 7 -51
10. Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (University of Pennsylvania Press, 2nd ed., 2003), Chapter-1

OPTIONAL READINGS:

1. Chetail, V., 'Are Refugee Rights Human Rights? An Unorthodox Questioning on the Relations between International Refugee Law and International Human Rights Law', in RUBIO-MARIN, R. (ed.), *Human Rights and Immigration*, Collected Courses of the Academy of European Law, Oxford University Press, Oxford, 2014, pp. 19-72; available on SSRN at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2147763 (only read pp. 1-9 & 9-17)
2. Chetail, V., *Armed Conflict and Forced Migration: A Systematic Approach to International Humanitarian Law, Refugee Law and Human Rights Law*, in Clapham, A. & Gaeta, P. (eds.) *The Oxford Handbook of International Law in Armed Conflict*, Oxford, Oxford University Press, 2014, pp. 700-734; available on SSRN at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2308857
3. Chetail, V., *Is There Any Blood on My Hands? Deportation as a Crime of International Law*, *Leiden Journal of International Law*, Vol. 29, 2016, pp. 917-943; available on SSRN at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2828182
4. Chetail, V., *The Common European Asylum System: bric-à-brac or system?* in Chetail, V., De Bruycker, P. & Maiani, F. (eds.) *Reforming the Common European Asylum System: The New European Refugee Law*, Martinus Nijhoff, 2016; available on SSRN at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2564990

5. Chimni, B. S. (2000) "Globalization, Humanitarianism, and the Erosion of Refugee Protection". *Journal of Refugee Studies* 13(3).
6. Erika Feller, Volker Turk and Frances Nicholson, *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection*, Cambridge University Press, 2003, ISBN 0 521 82574 1
7. Forced Migration Review 29 on Humanitarian Reform: Fulfilling its Promise?
8. Guy S. Goodwin-Gill (2008), *The Politics of Refugee Protection*, *Refugee Survey Quarterly*, 27, pp. 8-23.
9. Harrell-Bond, B. (1986) *Imposing Aid: Emergency Assistance to Refugees*.
10. Hyndman, J. (2000) *Managing Displacement: Refugees and the Politics of Humanitarianism*.
11. Joan Fitzpatrick (1996), 'Revitalizing the 1951 Refugee Convention', *Harvard Human Rights Journal*, 9, pp. 229-53.
12. Joanne Bauer, *The Challenge to International Human Rights in Constructing Human Rights in the Age of Globalization*, Published by M.E. Sharpe (April 2003).
13. Loescher, G. (2014) "UNHCR and Forced Migration." In Fiddian-Qismeyeh, E., Loescher, G., Long, K. and Sigona, N. (eds.) *The Oxford Handbook of Refugee and Forced Migration Studies*.
14. Philip Alston, Ryan Goodman and Henry Steiner, *International Human Rights In Context: Law Politics Morals* (Oxford Univ. Press, 3rd Ed. 2008), pp.517-568
15. Rieff, D. (2002) *A Bed for the Night: Humanitarianism in Crisis*.
16. Roberta Cohen, *The Guiding Principles on Internal Displacement: An Innovation in International Standard Setting*, *Global Governance*, Vol. 10 (2004), p. 466
17. Rosemary Rogers and Emily Copeland, "The Evolution of International Refugee Regime," Ch. 6.2 (202-15) in MR.

ADVANCED READINGS:

1. Akram, S. (2014) "UNRWA and Forced Migration." In Fiddian-Qismeyeh, E., Loescher, G., Long, K. and Sigona, N. (eds.) *The Oxford Handbook of Refugee and Forced Migration Studies*.
2. Arboleda, E., *Refugee Definition in Africa and Latin America: The Lessons of Pragmatism*, *International Journal of Refugee Law*, Vol. 3, No. 2, 1991, pp. 185-207; available online at <https://academic.oup.com/ijrl/article/3/2/185/1602063/Refugee-Definition-in-Africa-and-Latin-America-The>
3. Ashutosh, I. And Mountz, A. (2009) "Managing Migration for the Benefit of Whom? Interrogating the Work of the IOM." *Citizenship Studies* 15(1).
4. Charles B. Keely, "The International Refugee Regimes: The End of the Cold War Matters," *International Migration Review*, vol. 35, no. 1 (Spring 2001): 303–14.
5. Forsythe, D. (2003) "Refugees and the Red Cross: An Underdeveloped Dimension of Protection". UNCHR New Issues in Refugee Research 76. See www.unhcr.org/research/RESEARCH/3e422b564.pdf.
6. Goodwin-Gill, G. S., 'Article 31 of the 1951 Convention Relating to the Status of Refugees: non-penalization, detention, and protection', in FELLER, E., TÜRK, V. & NICHOLSON, F. (eds.), *Refugee Protection in International Law, UNHCR Global- Page 4 -Consultations on International Protection*, Cambridge University Press, Cambridge, 2003, pp. 185-252; available online at <http://www.unhcr.org/419c778d4.html>
7. Lauterpacht, S. E. & Bethlehem, D., 'The Scope and Content of the Principle of Non-refoulement', in FELLER, E., TÜRK, V. & NICHOLSON, F. (eds.), *Refugee Protection in International Law, UNHCR Global Consultations on International Protection*, Cambridge University Press, Cambridge, 2003, pp. 87-177; available online at <http://www.unhcr.org/419c75ce4.html>
8. Loescher, G. (2001) *The UNHCR and World Politics: A Perilous Path*.
9. Loescher, G., Betts, A. and Milner, J. (2008) *UNHCR: The Politics and Practice of Refugee Protection into the 21st Century*.

10. Mohamed Y. Mattar, Article 43 of the Arab Charter on Human Rights: Reconciling National, Regional and International Standards, Harvard Human Rights Journal, Vol. 26, 2013
11. Okoth-Obbo, G., Thirty Years On: A Legal Review of the 1969 OUA Refugee Convention Governing the Specific Aspects of Refugee Problems in Africa, Refugee Survey Quarterly, Vol. 20, No. 1, 2001, pp. 79-138; available online at <https://academic.oup.com/rsq/article-lookup/doi/10.1093/rsq/20.1.79>
12. Slim, H. (2000), *Dissolving the Difference between Relief and Development: The Making of a Rights-Based Solution*, Development in Practice 10(3/4).

WEEK-3:-UNDERSTANDING REFUGEE DEFINITION, PERSECUTION PARADIGMS AND CHALLENGES IN IRL AND REFUGEE PROTECTION POLICY

- CONCEPTUALIZING REFUGEES AND THE DEFINITION OF A REFUGEE [Admission Clauses under the UNCSR, the Distinction between Refugees and Other Migrants]. GENDER [Sexual Identity and Age in the Refugee Context]. UNHCR VIEWPOINT [Refugee or Migrant - Which is right? Alienage, Outside the Country of Nationality, Owing to Fear or Is Unable or Unwilling to Avail, Self of Protection of Country of Nationality, Dual or Multiple Nationality and Stateless]. THE CENTRAL CONCEPTS IN REFUGEE DEFINITION [Well-founded Fear of Persecution; *Subjective v. Objective* Criteria of Fear; International Convergence on the Standard of Proof]. THE PERSECUTION [Meaning, Acts of Persecution, Agents of Persecution]. FIVE GROUNDS OF PERSECUTION [Race, Religion, Nationality, Social Group, Political Opinion]. REFUGEE GROUPS WITH SPECIAL NEEDS [Women, Children, Elderly. Specific Cases of Granting Refugee Status (Age and Gender Dimensions in International Refugee Law: Gender Related Persecution, Child Specific Forms of Persecution, Persecution in Civil War Situations, Draft Deserters and Evaders)]. DISCRIMINATION, INEQUALITY AND FAIRNESS IN REFUGEE PROTECTION [Challenges & Questions] AND SUMMATION.

QUESTIONS IN FOCUS:

- ⇒ According to Arendt, the right to asylum, despite its “long and sacred history”, was considered to be in conflict with “the international rights of the [nation] state”. Why? And why do states commit to protecting foreigners today?
- ⇒ “States constitute the primary nexus when it comes to security for individuals and groups”; at the same time “the principal threats to ...human security... are transnational in nature”. Is the opposite true for refugees and asylum seekers? With transnational globalization expanding, are states still the “primary nexus” of security for individuals?
- ⇒ What difference does border crossing make to the international community's humanitarian obligations? Why?
- ⇒ “Refugee status is a privileged category vis-a-vis other classes of coerced migrants.” What other classes are there and do they require international protection?
- ⇒ Who is a refugee? Legal, political and theoretical definitions and frameworks. What definitions can be said to be ethical? What are the international and domestic legal definitions and standards for being recognized as refugees?
- ⇒ Is the 1951 Convention definition a refugee outmoded in the post-Cold War era? Is the concept of a refugee outmoded in the post-Cold War era?
- ⇒ What are the Political and scholarly consequences of refugee definitions? How do Shacknove, Surkhe and Martin’s suggested definitions differ?
- ⇒ Is being individually targeted for persecution required for refugee protection under international law, or is it sufficient to be a member of a targeted group?
- ⇒ Does economic destitution compromise eligibility for refugee protection? Can economic harms amount to persecution?

- ⇒ What differences exist and what are the underlying values? Specifically, what are the challenges of recognizing persons fleeing non-state persecution and gender-based violence?
- ⇒ Do refugees have a stronger claim to protection and assistance than other groups, such as internally displaced persons (IDPs), Climatically Displaced Persons (CDPs), and Economic Displaced Persons (EDPs) and Distress Displaced Migrants (DDMs) in the SAARC region?
- ⇒ What criteria-cause of or need for flight, or others - should determine access to international protection? How have states sought to narrow the convention definition? Is immediate, life-threatening violence too stringent a requirement?
- ⇒ Is the requirement that an asylum applicant be targeted for persecution coherent? How should the credible fear standard be understood and applied?
- ⇒ When if at all can forced compliance with the law of a country amount to persecution? If so does any concept of state sovereignty survive?
- ⇒ Is neutrality a political opinion? What special problems arise in applying refugee standards in civil war situations?
- ⇒ Terrorist v. Criminal: How should one distinguish between legitimate criminal prosecution and government persecution? When is a government unable to control a non-state persecuting group?
- ⇒ Is the applicant in *In re R-A* the only member of her “particular social group”? If yes, does this constitute a problem in gaining refugee protection? If not, why not?
- ⇒ Can a parent claim asylum on the basis of possible future persecution of his or her accompanying minor child?
- ⇒ What are the main forms of inequality faced by refugees today and historically? To what extent are they specific to the situation of refugees and/or connected to broader issues of injustice in global/national/local society? What does the pursuit of fair or equal treatment for refugees imply philosophically or sociologically?
- ⇒ How do law and policy at the national and international levels redress inequalities experienced by refugees in their enjoyment of civil and political rights? How about in the economic, social and cultural sphere? To what extent do laws and policies create inequalities rather than resolving them? How could they be made fairer?
- ⇒ How do refugee definitions in the Convention and in regional instruments (or in national law) engage with different kinds of inequality in the country of origin? Do they engage with issues of exclusion and inequality in economic status or climate change exposure, for example, as well as political or civic representation?
- ⇒ Is it fair or even permissible to distinguish between refugees in order to treat them differently? What are the legal, policy and ethical implications of such inequality between refugees? Do they depend on the reasons for unequal treatment, e.g. distinctions on the basis of nationality, mode of entry or other criteria?
- ⇒ How do inequalities between countries at the global, regional or even bilateral level shape their responses to the refugee issue? What does fairness or equality at this level of refugee law and policy sphere really mean, especially in relationship to so-called ‘responsibility-sharing’, given a fundamentally unfair world?
- ⇒ What is (or should be) the role of different institutions in the refugee regime in relation to addressing inequality or promoting fairness? Do these considerations differ across institutions, including federal States, sub-national governments, courts, international agencies, NGOs, refugee and host communities, universities etc.?
- ⇒ How do concepts of equality and fairness relate to debates about the representation of refugees, whether in terms of their inclusion in national society, policy processes at the national, local and international levels, or academic research and teaching? What about the role of host communities and other displacement-affected persons?
- ⇒ What is a social group? What constitutes a “social group” for the purposes of the Refugee Convention? Is “social visibility” a coherent criterion? If not, how does one narrow down social group membership beyond the commonality of being a target for persecution? How can/should one decide what is 'fundamental to someone's identity'?

- ⇒ What are the Age and Gender Dimensions in International Refugee Law? Is the absence of “gender” as a ground of persecution in the Refugee Convention an obstacle to securing protection for women? Are women seeking asylum relatively disadvantaged by their gender (as usually claimed) or advantaged as more plausible “victims”? Would it make a difference if gender were added to the list of persecution grounds? Is asylum an appropriate response to domestic violence, FGM, population policies?

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DICSCUSSED

1. Refugee Definition:

- ↵ Chen v. Holder, 604 F.3d 324 (7th Cir. 2010).
- ↵ R. v. Sec. of State for Home Dept. ex. p. Jeyakumaran (1985). Read 16-20.
- ↵ Salibian v. Minister of Employment and Immigration (1990). Read 65-72.

2. Well-Founded Fear of Being Persecuted:

- ↵ INS V Stevic
- ↵ INS v Cardoza-Fonseca
- ↵ Matter of Mogharrabi
- ↵ R v Sec. of St. for Home Dept ex p Sivakumaran:
- ↵ Matter of Chan
- ↵ Guo v Carroll
- ↵ Kovac v INS
- ↵ Borca v INS

3. Political Opinion:

- ↵ INS v Elias Zacharias
- ↵ Bolanos-Hernandez v INS
- ↵ Matter of Maldonado-Cruz
- ↵ Matter of Izatula
- ↵ Singh v Ilchert
- ↵ Dwomoh v Sava
- ↵ In re S ..P..
- ↵ In re D.V.

4. Social Groups:

- ⇒ St. for Home Dept. v. Savchenkov (UK) - Claims based on Gender.
- ⇒ Morato v Min for Immigration, Local Government and Ethnic Affairs (Australia)
- ⇒ Matter of Acosta, 19 I&N Dec. 211 (BIA 1985),
- ⇒ Matter of CA, 23 I&N 951(BIA 2006)
- ⇒ Benitez Ramos v. Holder, 589 F.3d 426 (7th Cir. 2009),
- ⇒ Islam (A.P.) v. Secretary of State for the Home Department; Regina v. Immigration Tribunal and Another Ex Parte Shah (A.P.), [1999] (H.L.)
- ⇒ A. v. Minister for Immigration & Ethnic Affairs (1997) 142 A.L.R. 331 (Austl.)
- ⇒ *Secretary of State for the Home Department v K; Fornah v Secretary of State for the Home Department* [2006] UKHL 46, 18 October 2006, para. 84.

5. Homosexuality:

- ↵ Golchin v Sec. of State for Home Dept
- ↵ Matter of Toboso-Alfonso
- ↵ In Re Inaudi

6. Gender:

- ↵ Gilani
- ↵ Campos-Guardado v INS
- ↵ Lazo-Majano v INS
- ↵ Fatin v INS
- ↵ Fisher I
- ↵ Fisher II

7. Domestic Violence:

- ↵ Matter of A and Z

8. Female Genital Mutilation:

- ↵ *In Re Fauziya Kasinga*, 21 I&N 357 (BIA 1996)

PRIMARY TEXTS:

- Canada: Women Refugee Claimants Fearing Gender-Related Persecution , by the Immigration and Refugee Board (1993, updated November 1996)
- Convention Relating to the Status of Refugees. Read Art. 1(A) 2; 12-34.
- International Covenant on Civil and Political Rights. Read Arts. 1-27.
- Refugees Magazine No. 122 (2001): Children
- Separated Children in Europe Programme Home Page
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984. Read Arts. 1 – 3.
- UN Convention on Status of Refugees. Read Art. 1(a).
- UNCHR Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (7 May 2002)
- UNHCR Guidelines on International Protection: “Membership in a particular social group” within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (7 May 2002) UNHCR Position on Gender-Related Persecution (January 2000)
- UNHCR Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum (February 1997)
- UNHCR Refugee Children: Guidelines on Protection and Care (1994)
- United States: Considerations for Asylum Officer Adjudicating Asylum Claims from Women (May 26, 1995)
- Universal Declaration of Human Rights. Read all but especially Art. 14.
- US Bureau of Citizenship and Immigration Services, Considerations for Asylum Officers Adjudicating Asylum Claims from Women, 26 May 1995. [optional]

RECOMMENDED READINGS:

1. A. Shacknove, "Who is a Refugee?" [1985] 95 *Ethics* 274 -284
2. B.S. Chimni, *International Refugee Law – A Reader* (Sage Publications, 2003) *who is a Refugee?* pp. 1-81
3. Carlier, Jean Yves, *et al.*, *Who is a Refugee? A Comparative Case Law Study* (Kluwer Law International, The Hague, 1997).
4. G. Goodwin-Gill, Text 1, 34 - 59; 66 -79.
5. G. Goodwin-Gill, Text 1, Ch. 1, "Definition and Description, 3-31.
6. J.C. Hathaway, *Persecution, The Law of Refugee Status* (1991)
7. K. Musalo et al., excerpts re "credible fear standard" and past persecution.
8. Martin, D. A. (1991) "The Refugee Concept: On Definitions, Politics, and the Careful Use of a Scarce Resource". In Adelman, H. (ed.) *Refugee Policy: Canada and the United States*. Toronto: York Lanes Press, pp. 30-51.

OPTIONAL READINGS:

1. A. Helton and A. Nicoll, *Female Genital Mutilation as Ground for Asylum in the US*.
2. C.P. Blum, *License to Kill: Asylum Law and the Principle of Legitimate Government Authority to Investigate its Enemies*.
3. D.A. Martin, Book Review of *The Law of Refugee Status* 87 *Am. J. Intl L* (1993) D.A. Martin, *The Refugee Concept: On Definition, Politics and the Careful Use of a Scarce Resource*, [1991]
4. J. Bhabha, 'Embodied Rights: Gender Persecution, State Sovereignty and Refugees.
5. J-Y Carlier. "The Geneva refugee definition and the 'theory of the three scales, *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge University Press). pp. 37–55.
6. T.A. Aleinikoff, *The Meaning of Persecution in US Asylum Law* 5 - 13.
7. V. Turk. "The Role of UNHCR in the development of International Refugee Law," *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge University Press). pp. 153–174.

ADVANCED READINGS:

1. A. Zolberg, A. Suhke and S. Aguayo, "Escape from Violence" in *Aleinikoff and Martin, Immigration Policy and Process*.
2. European Union *London Resolution on Manifestly Unfounded applications for Asylum* (1992)
3. Goodwin-Gill, Guy. "Refugee Identity and Protection's Fading Prospect," in Frances Nicholson and P. Twomey, *Refugee Rights and Realities: Evolving International Concepts and Regimes*, Cambridge University Press 1998, pp. 220–249.
4. Hyndman, Jennifer and B.V. Nylund. 1998. *UNHCR and the Status of Prima Facie Refugees in Kenya*, *International Journal of Refugee Law* 10(1/2). pp. 21–48.
5. INS Memorandum: 'Considerations for Asylum Officers Adjudicating Asylum Claims from Women', May 26 1995.
6. Lambert, H., "The Conceptualisation of 'Persecution' by the House of Lords: Horvath v. Secretary of State for the Home Department", *International Journal of Refugee Law*, Vol. 13, No. 1, 2001, pp. 16-31; available online at https://academic.oup.com/ijrl/article/13/1_and_2/16/1554010/The-Conceptualisation-of-Persecution-by-the-House.
7. UNHCR, Text 3, 9 - 25.
8. Zetter, R. (2007) "More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization", *Journal of Refugee Studies* 20 (2)

WEEK-4:- THE INSTITUTION OF ASYLUM, NON-REFOULEMENT, POSSIBILITY OF THE EXPANSIONIZATION OF GROUNDS OF ASYLUM BEYOND DURABLE SOLUTIONS UNDER INTERNATIONAL REFUGEE PROTECTION REGIME

- THE NEW DYNAMICS OF INTERNATIONAL REFUGEE LAW AND THE INSTITUTION OF ASYLUM [Concept, Definition, Principles and Practices in Global North & Global South]. THE DEVELOPMENT OF ASYLUM POLICIES [Legality (Dubious), Deterrence and Interdiction Policies]. ACCESS TO ASYLUM PROCEDURE AND EXPLORING THE POSSIBILITY OF EXPANDING THE GROUNDS OF ASYLUM [Examination of Asylum Applications, Human Rights Guarantees Governing Asylum Procedure; Non-discrimination, *Non-refoulement* and its *Jus Cogens* Nature? (A Peremptory Norm of International Law)]. THE ROLE OF INTERNATIONAL AND DOMESTIC COURTS IN REFUGEE PROTECTION [The Re-assertion of the Rights of Refugee Protection by the Courts]. REFUGEES AS CIVIL SOCIETY. THE PRINCIPLE OF FAMILY UNITY AND THE RIGHT TO FAMILY REUNIFICATION [Defending Refugee Rights in Administrative and Judicial Institutions, Durable Solutions and International Cooperation] AND SUMMATION.

QUESTIONS IN FOCUS:

- ⇒ What are the new and emerging dynamics of International Refugee Law? How to identify them?
- ⇒ What are the basic protective principles that are under strain?
- ⇒ Why courts, civil society and refugees reassert rights to protection? What are the new windowsills of the role of international and domestic courts in refugee protection?
- ⇒ How to problematize the practices of asylum in some Global North and Global South countries that are sometimes of dubious legality, which undermine refugee protection in different ways?
- ⇒ What are the various strands that relate to measures to preclude access to asylum; the measures to undermine the reliability of refugee status determination; the measures to seek to clarify the obligations to refugees beyond the 1951 Refugee Convention?
- ⇒ What role has history played in the current conceptualization of refugee protection? Can history enhance or hinder a progressive approach?
- ⇒ What does protection currently mean? Is it rights-based or assistance-based? Does such a distinction matter? Which rights should and could be core to protection? Does protection mean something different for different groups, at different stages of flight and in different spaces? How should such issues be addressed?
- ⇒ What are the moral and practical approaches to protracted refugee situations? What roles should be played by protection, integration or citizenship in this context?
- ⇒ Is it time to drop the term “refugee” for most people seeking safety? Would the adoption of a different term, such as “forced migrant”, “survival migrant” (Betts) or “fleeer of necessity” (Aleinikoff & Zamore), be a truer reflection of current realities? What would be the implications for protection?
- ⇒ What is a refugee? What is an asylee? What is the history of the refugee and asylee regime?
- ⇒ How has the refugee and asylee regime evolved over the last 60-70years?
- ⇒ How are asylum cases determined in different parts of the world? [US, EU, AU etc.]
- ⇒ What are the politics that surround the issue of refugee and asylum policy?
- ⇒ Why have states restricted asylum seeking in the last 20 years?
- ⇒ Do foreign policy considerations of nation-states still affect refugee policy and practice?
- ⇒ What does *Sale v Haitian Centers Council* indicate about the relation between international and domestic law?
- ⇒ “Increasing Restrictionism in Immigration Breeds Asylum Abuse, False Documents and Trafficking Rings.” Is there a way out of this that does not violate international law?
- ⇒ Do children's asylum claims present any special features?
- ⇒ In what circumstances, if any, should a parent be able to prevent a child from making an asylum claim?

- ⇒ Is a family a social group for asylum purposes?
- ⇒ Should different standards for granting refugee protection apply to unaccompanied or separated children? Are there risks?

UN RESOLUTIONS, REPORTS, DOCUMENTS, TRENDS, FOCUS, APPEALS

- ⇒ Report of the International Law Commission on the work of its first session, 12 April to 9 June 1949, *Official Records of the General Assembly, Fourth Session, Supplement No. 10* (A/925 - A/CN.4/13 and Corr. 1-3), reproduced in the *Yearbook of the International Law Commission, 1949, vol. I.*
- ⇒ Report of the International Law Commission on the work of its second session, 5 June to 19 July 1950, *Official Records of the General Assembly, Fifth session, Supplement No.12* (A/1316 - A/CN.4/34), reproduced in the *Yearbook of the International Law Commission, 1950, vol. II.*
- ⇒ United Nations Economic and Social Council, Commission on Human Rights, Thirteenth Session, 1957, Right of Asylum, Memorandum by the Secretary-General (E/CN.4/738).
- ⇒ United Nations Economic and Social Council, Commission on Human Rights, Thirteenth Session, Summary record of the five hundred and sixty-fourth meeting, 12 April 1957 (E/CN.4/SR.564, 572-575)
- ⇒ United Nations Economic and Social Council, Commission on Human Rights, Thirteenth Session, 1957, France: Draft Declaration of the Right of Asylum (E/CN.4/L.454).
- ⇒ *Official Records of the General Assembly, Fourteenth Session, Annexes*, Report of the Sixth Committee (A/4253).
- ⇒ *Official Records of the General Assembly, Fourteenth Session*, Summary Records of the Sixth Committee, 602nd to 612th Meetings (A/C.6/SR.602-612).
- ⇒ General Assembly resolution 1400 (XIV) of 2 November 1959
- ⇒ United Nations Economic and Social Council, Official Records of the Thirtieth Session, 1960, Resolutions, Supplement No. 1 (E/3422)
- ⇒ Economic and Social Council resolution 772 (XXX) of 25 July 1960
- ⇒ General Assembly resolution 1571 (XV) of 18 December 1960
- ⇒ General Assembly resolution 1682 (XVI) of 18 December 1961
- ⇒ United Nations Economic and Social Council, Commission on Human Rights, Report of the Sixteenth Session, 1960 (E/3335 - E/CN.4/804).
- ⇒ Report of the International Law Commission covering the work of its Fourteenth Session, 24 April – 29 June 1962, *Official Records of the General Assembly, Seventeenth Session, Supplement No. 9* (A/5209 – A/CN.4/148), reproduced in the *Yearbook of the International Law Commission, 1962, vol. II.*
- ⇒ *Official Records of the General Assembly, Seventeenth Session*, Third Committee, 1192nd to 1202nd Meetings (A/C.3/SR.1192-1202)
- ⇒ General Assembly resolution 1839 (XVII) of 19 December 1962
- ⇒ General Assembly resolution 2100 (XX) of 20 December 1965
- ⇒ *Official Records of the General Assembly, Twenty-First Session, Annexes*, 1966 (4,5)
- ⇒ *Official Records of the General Assembly, Twenty-First Session*, Summary Records of the Sixth Committee, 919th-923rd, 926th and 953rd Meetings (A/C.6/SR.919-923, 926, 953)
- ⇒ *Official Records of the General Assembly, Twenty-First Session*, Report of the Sixth Committee, Annex - Report of the Working Group (A/6570, Annex)
- ⇒ *Official Records of the General Assembly, Twenty-First Session*, Report of the Sixth Committee (A/6570)
- ⇒ General Assembly resolution 2203 (XXI) of 16 December 1966
- ⇒ *Official Records of the General Assembly, Twenty-Second Session*, Summary Records of the Sixth Committee, 983rd-984th, 986th and 989th Meetings (A/C.6/SR.983, A/C.6/SR.984, A/C.6/SR.986 and A/C.6/SR.988-989)

- ⇒ *Official Records of the General Assembly, Twenty-Second Session, Annexes, Report of the Sixth Committee (A/6912)*
- ⇒ General Assembly resolution 2312 (XXII) of 14 December 1967
- ⇒ Report of the International Law Commission on the work of its twenty-ninth session, 9 May – 29 July 1977, *Official Records of the General Assembly, Thirty-second session, Supplement No. 10 (A/32/10)*, reproduced in the *Yearbook of the International Law Commission, 1977, vol. II, part two.*
- ⇒ General Assembly resolution 3456 (XXX) of 9 December 1975
- ⇒ Report of the International Law Commission on the work of its twenty-ninth session, 9 May – 29 July 1977, *Official Records of the General Assembly, Thirty-second session, Supplement No. 10 (A/32/10)*.

DOCUMENTARIES, FILMS, MOVIES, OTTs, VIDEOS:

- *Homeland: Immigration in America-Refugees*
- *POV: Well-Founded Fear*

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DICSCUSSED

1. Asylum:

- ↵ Mohammad Sediq v. Union of India (UoI) And Others, August 21, 1998
- ↵ Asylum (Colombia v. Peru), Judgment, I.C.J. Reports 1950.
- ↵ Haya de la Torre (Colombia v. Peru), Judgment, I.C.J. Reports 1951.
- ↵ Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), Judgment, I.C.J. Reports 2012.

2. Child Asylum:

- ↵ Bakhtiyari v. Australia, Communication No. 1069/2002, UN Doc. CCPR/C/79/D/1069/2002, decided 29 October 2003.
- ↵ Castellano-Chacon v. INS, 341 F.3d 533 (6th Cir. 2003). Read Sections I, II, and VII. [Available Online]
- ↵ D and E v. Australia, Communication No. 1050/2002, UN Doc. CCPR/C/87/D/1050/2002, decided 9 August 2006.
- ↵ Gonzalez v. Reno, 212 F.3d 1338 (11th Cir. 2000). Read 1344-1347 (up to A); 1351 (from Para 29-31) to 1354 (up to C).
- ↵ Matter of S-E-G, et al., 24 I & N Dec. 579 (BIA 2008).
- ↵ Nwaokolo v. INS, 314 F.3d 303 (7th Cir. 2002). Read 304-305 (up to A); 307 (from 1) to 311.

3. Non-refoulement:

- ↵ National Human Rights Commission v. State Of Arunachal Pradesh & Another, 1996 AIR 1234, 1996 SCC (1) 742
- ↵ Sale v. Haitian Centers Council, 509 U.S. 155 (1993)
- ↵ State Of Arunachal Pradesh v. Khudiram Chakma, 1994 AIR 1461, 1993 SCR (3) 401
- ↵ U. Myat Kayew and Another v. State of Manipur and another, November 26, 1991
- ↵ Adbi v. Minister of Home Affairs, 734/10 [2011] ZASCA 2 (15 February 2011) (S. Afr.)
- ↵ In ECtHR, Case of M.S.S. v. Belgium and Greece [GC], no. 30696109, ECHR 2011,
- ↵ M70/2011 and m106/2011 v. Minister of Immigration and Citizenship & Another, [2011] HCA 32 (Austl.)

- ↪ Institute for Human Rights and Development in Africa (On behalf of Sierra Leonean Refugees in Guinea) v. Guinea, Communication No. 249/02, 36th Ordinary Session, December 2004,
- ↪ Organization Mondiale contre la torture, Association Internationale des jurist democrats, Commission International des jurist, Union Interafricaine des droits del' Homme v. Rwanda, Communications No. 27/89-46/90-46/91-99/93, 20th Ordinary Session, October 1996
- ↪ Curtis Francis Doebbler v. Sudan, Communication No. 235/00, 46th Ordinary Session, November 2009

PRIMARY TEXTS:

1. 1946 Constitution of the International Refugee Organization of 15 December 1946.
2. 1948 Universal Declaration of Human Rights [Article-14]
3. 1949 Draft Declaration on Rights and Duties of States
4. 1949 Refugees and Stateless Persons, UN GA Resolution 319 A (IV) of 3 December 1949.
5. 1950 Statute of the Office of the United Nations High Commissioner for Refugees of 14 December 1950.
6. 1951 Convention relating to the Status of Refugees of 28 July 1951.
7. 1951 Definitions of “refugee” according to agreements, conventions and protocols mentioned in article 1 A (1) of the Convention relating to the Status of Refugees of 28 July 1951
8. 1957 Agreement relating to Refugee Seamen of 23 November 1957.
9. 1966 UN Covenant on Civil and Political Rights
10. 1967 Protocol relating to the Status of Refugees of 31 January 1967.
11. 1967 United Nations Declaration on Territorial Asylum of 14 December 1967.
12. 1969 American Convention on Human Rights
13. 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa
14. 1973 Protocol relating to Refugee Seamen of 12 June 1973.
15. 1981 African (Banjul) Charter on Human and Peoples’ Rights
16. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations, (CAT) [Article-3]
17. 1985 Convention concerning International Co-operation regarding Administrative Assistance to Refugees of 3 September 1985
18. 2000 Charter of Fundamental Rights of the European Union
19. 2001 Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees of 13 December 2001.
20. 2007 International Convention for the Protection of All Persons from Enforced Disappearance
21. UNHCR Agenda for Protection, October 2003, pp. 68–75.
22. UNHCR Handbook Voluntary Repatriation: International Protection, 1996, pp. 7–40

RECOMMECEDED READINGS:

1. B.S. Chimni, *International Refugee Law – A Reader* (Sage Publications, 2003) Who is a Refugee?, pp. 1-81; Asylum, pp. 82-160; Rights and Duties of a Refugee, pp. 161-209
2. Brian Barbour and Brian Gorlick, *Embracing the ‘Responsibility to Protect’: A Repertoire of Measures Including Asylum for Potential Victims*, *International Journal of Refugee Law*, pp. 237-262.
3. Chetail, V., Are Refugee Rights Human Rights? An Unorthodox Questioning on the Relations between International Refugee Law and International Human Rights Law’, in RUBIO-MARIN, R. (ed.), *Human Rights and Immigration, Collected Courses of the Academy of European Law*, Oxford University Press, Oxford, 2014, pp. 19-72 (only read pp. 28-38).
4. Costello, C. & Hancox, E., ‘The Recast Asylum Procedures Directive 2013/32/EU: Caught between the Stereotypes of the Abusive Asylum Seeker and the Vulnerable Refugee’, in Chetail

- V., De Bruycker P. and Maiani F. (eds.), *Reforming the Common European Asylum System: The New European Refugee Law* (Martinus Nijhoff, 2016), pp. 377-445
5. Garcia-Mora, M. R., *International Law and Asylum as a Human Right*, Washington D. C.: Public Affairs Press, 1956.
 6. Gil-Bazo, M-T., 'The Charter of Fundamental Rights of the European Union and the Right to be Granted Asylum in the Union's Law', (2008) *27/3 Refugee Survey Quarterly* 33.
 7. Goodwin-Gill, G. S. & McAdam, J., *The Refugee in International Law*, Oxford: Oxford University Press, 3rd edn., 2007, Ch. 7.
 8. Grahl-Madsen, A., *Territorial Asylum*, Stockholm: *Almqvist & Wicksell International*, 1980.
 9. *Institut de droit international, Session de Bath – 1950, 'L'asile en droit international (à l'exclusion de l'asile neutre)'*.
 10. Jacqueline Bhaba, *Internationalist Gatekeepers? The Tension Between Asylum Advocacy and Human Rights*, 15 *Harvard Human Rights Journal*, 155 (2002), pp. 154-181
 11. Koziembrodski, L. B., *Le droit d'asile*, Leiden: *Sijthoff*, 1962.
 12. Moreno Lax, V., "Dismantling the Dublin System: MSS v Belgium and Greece", *European Journal of Migration and Law*, Vol. 14, No. 1, 2012, pp.1-31
 13. Morgenstern, F., 'The Right of Asylum', (1949) 26 *British Yearbook of International Law* 327.
 14. Reale, E., 'Le droit d'asile', 63 *Hague Recueil* 89 (1938-I).
 15. Sinha, S. P., *Asylum and International Law*, The Hague: Nijhoff, 1971.
 16. United Nations, A Selected Bibliography on Territorial Asylum, UN doc. ST/GENEVA/LIB.SER.B/Ref.9 (1977).
 17. Weis, P., 'The Draft Convention on Territorial Asylum', (1979) 50 *British Yearbook of International Law* 176.
 18. Weis, P., 'The United Nations Declaration on Territorial Asylum', (1969) 7 *Canadian Yearbook of International Law* 92.

OPTIONAL READINGS:

1. Fleur Johns, 'Data, Detection, And The Redistribution of the Sensible In International Law' (2017) *The American Journal of International Law*, January 2017, Vol. 111, No. 1 pp. 57-103
2. Nafees Ahmad, 'Refugees and Algorithmic Humanitarianism: Applying Artificial Intelligence to RSD Procedures and Immigration Decisions and Making Global Human Rights Obligations Relevant to AI Governance' (2020) *International Journal on Minority and Group Rights* Vol. 1 10.1163/15718115-bja10007 pp. 1-69
3. Eileen Murphy and Mark Maguire, 'Speed, Time and Security: Anthropological Perspectives on Automated Border Control' (2015) *Etnofoor* Vol. 27, No. 2, Security pp. 157-177
4. Andrew E. Shacknove (1985), *Who Is a Refugee?* *Ethics*, 95, pp. 274-84.
5. Guy S. Goodwin-Gill (1986), 'Non-Refoulement and the New Asylum Seekers', *Virginia Journal of International Law*, 26, pp. 897-918.
6. J. Bhabha and M. Crock, *Seeking Asylum Alone: Unaccompanied and Separated Children and Refugee Protection: A Comparative Study of Laws, Policy and Practice in Australia, The United Kingdom and the United States of America* (Sydney: Themis Press, 2007). Read Chs. 2,3,7.
7. Jyothi Kanics, "Realizing the Rights of Undocumented Children in Europe", in ed. Bhabha, *Children without a State : a Global Human Rights Challenge* (Cambridge, Mass.: MIT Press, 2011). Read 131-149.
8. Maryellen Fullerton, *The International and National Protection of Refugees*, in Hurst Hannum, *Guide to International Human Rights Practice* (Transnational Publishers, Lc., 4th ed. 2004), pp.245-265
9. Price, M. E. (2006) "Persecution Complex: Justifying Asylum Law's Preference for Persecuted People". *Harvard International Law Journal* 47(2)

10. T.A. Aleinikoff, D.A. Martin & H. Motomura, *Refugees and Political Asylum* in (Ed.) Aleinikoff, Martin & Motomura, *Immigration and Citizenship: Policy and Process* (4th Ed.) 1003 -1039; 1154-1161.
11. UNCHR, Text 2, Ch.5, *The Asylum Dilemma*, 183-223.

ADVANCED READINGS:

1. Freedman, J., *Gendering the International Asylum and Refugee Debate*, 2015, Palgrave Macmillan, Second Edition
2. Daniel Senovilla Hernández, “Unaccompanied and Separated Children in Spain: A Policy of Institutional Mistreatment”, in ed. Bhabha, *Children without a State: a Global Human Rights Challenge* (2011). Read 151-175.
3. Bhabha and S. Schmidt, *From Kafka to Wilberforce: Is the US Government’s Approach to Child Migrants Improving?* Immigration Briefings, February 2011.
4. Tally Kritzman-Amir and Thomas Spijkerboer, *On the Morality and Legality of Borders: Border Policies and Asylum Seekers*, Harvard Human Rights Journal / Vol. 26, 2013.
5. J. Bhabha, “Minors or Aliens? Inconsistent State Intervention and Separated Child Asylum-Seekers”, (2001) 3 European J. Migration and Law, 283-314.
6. Walter Kälin (1986), 'Troubled Communication: Cross-Cultural Misunderstandings in the Asylum Hearing', *International Migration Review*, 20, pp. 230-41.

WEEK-5:- REFUGEE STATUS DETERMINATION PROCEDURES DYNAMICS, THE RIGHTS OF REFUGEES, THE RISE OF RESTRICTIONISM, STATE OBLIGATIONS BEYOND THE UNCSR AND TECHNOLOGICAL DEVELOPMENTS

- THE REFUGEE STATUS DETERMINATION (RSD) [Procedural Access, the Principle of Confidentiality, Burden and Level of Proof, Establishment of Credibility, the Benefit of the Doubt and IHRL Requirements Related To Asylum Procedures]. RESPONSIBILITY [Safe Third Country, Harmonizing the Definition and the Determination Procedures, Harmonization of the UNCSR Refugee Definition, Minimum Standards for Normal Procedures, Minimum Standards for Specific Procedures, Accelerated and Manifestly Unfounded Procedures, Safe Country of Origin, Minimum Standards for Reception Conditions] REFUGEE STATUS EXCLUSION CLAUSES UNDER ARTICLE 1F [International Crimes, Serious Non-Political Crimes, Acts Contrary to the Purpose and Principles of the United Nations]. LOSS AND DENIAL OF REFUGEE STATUS [Refugee Protection and Measures Against Terrorism, Withdrawal, Cancellation and Revocation of Refugee Status]. REFUGEE STATUS CESSATION CLAUSES [Voluntary Acts of the Refugee and Change of Circumstances in the Country of Origin]. INTERNAL PROTECTION/FLIGHT ALTERNATIVE [Reception, Detention, Recognition as a Refugee, Procedures, Establishing the Facts, Standards of Proof, Credibility, Special Issues]. TECHNOLOGICAL DEVELOPMENTS [Automation & Application of Artificial Intelligence (AI) in RSD Procedures and Impact of Algorithmic Humanitarianism] AND SUMMATION

QUESTIONS IN FOCUS:

- ⇒ What is Refugee Status Determination?
- ⇒ Burden of Proving an Asylum Claim
- ⇒ Credibility, Corroboration
- ⇒ What are the Procedural Standards, Access and Aspects of Refugee Status Determination?
- ⇒ International Human Rights Requirements Related To Asylum Procedures.
- ⇒ What are processes of refugee admission in countries of the ‘Global North’?
- ⇒ Why is it important to focus on processes and procedures?
- ⇒ What objectives can admission policies have? What are current trends in the granting access to asylum seekers and refugees? And why does gender matter?
- ⇒ What is Dublin System?

- ⇒ Harmonization of the 1951 Geneva Convention Refugee Definition.
- ⇒ Minimum Standards for Normal Procedures, Specific Procedures, Accelerated and Manifestly Unfounded Procedures.
- ⇒ What is Safe Country of Origin?
- ⇒ Minimum Standards for Reception Conditions.
- ⇒ What is persecution?
- ⇒ What are the grounds of persecution?
- ⇒ What are the Level of Risk, Role of Past Persecution, and Discretion?
- ⇒ What are the Protected Grounds [Race, Religion, Nationality, Political Opinion particularly Imputed Political Opinion and Neutrality, Social Groups and Asylum Claims Based on Gender]?
- ⇒ What is the distinction between a 'political' and a 'non-political' offence?
- ⇒ Do the victims of 'terrorist' acts make a difference to the nature of the acts?
- ⇒ Can involuntary acts constitute 'assistance in persecution' and should they disqualify applicants from asylum? What is the appropriate standard?

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DICSCUSED

1. *Gonzales v. Thomas*, 126 S.Ct. 1613 (2006)
2. *INS v. Ventura*, 537 U.S. 12 (2002)
3. *INS v. Elias-Zacarias*, 502 US. 478 (1992)
4. *Eshonkulov v. Russia*, ECtHR, Strasbourg, 15 January 2015
5. *S.M.H. v. The Netherlands*, ECtHR, Strasbourg, 15 January 2015
6. *Hirsi Jamaa and Others v. Italy*, ECtHR, Strasbourg, 23 February, 2012

Exclusion:

- ⇒ *Danyal Shafiq v. Australia*, CCPR/C/88/D/1324/2004, UN Human Rights Committee (HRC), 13 November 2006,

Terrorism:

- ⇒ *Matter of McMullen*
- ⇒ *Matter of S-K*, 23 I&N 936 (BIA 2006),
- ⇒ *McMullen v. INS*
- ⇒ *T v. Sec St Home Dept*
- ⇒ *Matter of Pearson*

War Crimes and Crimes Against Humanity:

- ⇒ *Negusie v. Holder*, 555 U.S. 511 (2009)
- ⇒ *Fedorenko v. United States*, 449 U.S. 490 (1981)
- ⇒ *A. B. v. Refugee Appeals Tribunals and Minister for Justice, Equality and Law Reforms*, [2011] I.E.H.C. 198 [2008] 667 Ir. Jur. Rep. (5th May, 2011) (H.Ct.) (Ir.)
- ⇒ *Joined Cases C-57/09 and C-101/09 Bundesrepublik Deutschland v. B and D*, [2010] ECR I-000,

Particularly Serious Crime:

- ⇒ *Matter of Caraballe*, 19 I&N 357 (BIA 1986)
- ⇒ *Ali v. Achim*, 486 F.3d 462 (7th Cir. 2006)
- ⇒ *Conseil d'etat [CE] [Council of State]* April 7, 2010, Rec. Lebon 2010 IX-X, 319840 (Fr.)
- ⇒ *R (On the Application of) ABC (A Minor) (Afghanistan) v. Secretary of State for the Home Dep't* [2011] EWHC 2937 (Admin.) (U.K.)

Prosecution v. Persecution:

- ↪ Bastianpour v. INS
- ↪ Sadeghi v. INS

PRIMARY TEXTS:

1. UNHCR Handbook
2. International Law Commission, Draft Code of Offences against the Peace and Security of Mankind.

RECOMMEDED READINGS:

1. Fitzpatrick, J. & Boboan, R., 'Cessation of Refugee Protection', in Feller, E., Türk, V. & Nicholson, F. (eds.), *Refugee Protection in International Law*, UNHCR Global Consultations on International Protection, Cambridge University Press, Cambridge, 2003, pp. 491-544; available online at <http://www.unhcr.org/419dbce54.html>.
2. Gibney, M.J. (2006), *A Thousand Little Guantánamos: Western States and Measures to Prevent the Arrival of Refugees*. In Tunstall, K. (ed.) *Displacement, Asylum, Migration*. Oxford: Oxford University Press, pp. 137-169.
3. Gilbert, G., *Current Issues in the Application of the Exclusion Clauses*, in Feller, E., Türk, V. & Nicholson, F. (eds.), *Refugee Protection in International Law*, UNHCR Global Consultations on International Protection, Cambridge University Press, Cambridge, 2003, pp. 425-478; available online at <http://www.unhcr.org/419dba514.html>.
4. UNHCR Handbook on *Criteria and Procedures Determining the Status of Refugees*, UNHCR, Geneva, 1979
5. Hansen, R. (2014) 'State Controls: Borders, Refugees and Citizenship' In Fiddian-Qismeyeh, E., Loescher, G., Long, K. and Sigona, N. (eds.) *The Oxford Handbook of Refugee and Forced Migration Studies*.
6. James C. Hathaway, 'Cessation and Exclusion, The Law of Refugee Status
7. James C. Hathaway, *The Rights of Refugees Under International Law*, Cambridge University Press, 2005
8. Michael Alexander, *Refugee Status Determination Conducted by UNHCR*, *International Journal of Refugee Law*, Vol. II No.2, 1999
9. Rehaag, S. (2012), *Judicial Review of Refugee Determinations: The Luck of the Draw?* *Queen's Law Journal* 38: 1. See: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=404046
10. Sandesh Sivakumaran, Exclusion from Refugee Status: The Purposes and Principles of the United Nations and Article 1F(c) of the Refugee Convention, *International Journal of Refugee Law*, Vol. 26, 2014

DATA JUSTICE TECHNOLOGIES, APPLICATION OF ARTIFICIAL INTELLIGENCE (AI) AND AI GOVERNANCE-SPECIFIC READINGS:

1. Eileen Murphy and Mark Maguire, 'Speed, Time and Security: Anthropological Perspectives on Automated Border Control' (2015) *Etnofoor* Vol. 27, No. 2, *Security* (2015), pp. 157-177
2. Eleonore Pauwels, 'Artificial Intelligence and Data Capture Technologies in Violence and Conflict Prevention Opportunities and Challenges for the International Community' (2020) *Global Center on Cooperative Security*
3. Faine Greenwood, 'Data Colonialism, Surveillance Capitalism and Drones' in *Mapping Crisis: Participation, Datafication and Humanitarianism in the Age of Digital Mapping* (2020) edited by Doug Specht, University of London Press, Institute of Commonwealth Studies,, <https://www.jstor.org/stable/j.ctv14rms6g.12>

4. Fleur Johns, 'Data, Detection, and the Redistribution of the Sensible in International Law' (2017) *The American Journal of International Law* Vol. 111 No. 1 pp. 57-103
5. Jonas Haggmann, Hendrik Hegemann and Andrew Neal, 'The Politicisation of Security' *European Review of International Studies* (2018) Vol. 5, No. 3, Special Issue: The Politicisation of Security: Controversy, Mobilisation, Arena Shifting (2018), pp. 3-29
6. Linnet Taylor, 'What Is Data Justice? The Case for Connecting Digital Rights and Freedoms Globally' (2017) *Big Data & Society* 4 (2) DOI: 2053951717736335.
7. Mark Duffield, 'Disaster-Resilience in the Network Age Access-Denial and the Rise of Cyber-Humanitarianism' (2013) *Danish Institute for International Studies* <http://www.jstor.com/stable/resrep13344>
8. Monika Halkort, 'Dying in the technosphere: An Intersectional Analysis of European Migration Maps' in *Mapping Crisis: Participation, Datafication and Humanitarianism in the Age of Digital Mapping* (2020) edited by Doug Specht, University of London Press, Institute of Commonwealth Studies, <https://www.jstor.org/stable/j.ctv14rms6g.14>
9. Nafees Ahmad, 'Refugees and Algorithmic Humanitarianism: Applying Artificial Intelligence to RSD Procedures and Immigration Decisions and Making Global Human Rights Obligations Relevant to AI Governance' (2020) *International Journal on Minority and Group Rights* Brill | Nijhoff Vol. 1 pp. 1-69
10. Payal Arora, 'Politics of Algorithms, Indian Citizenship, and the Colonial Legacy' in *Global Digital Cultures: Perspectives from South Asia* Edited by Aswin Punathambekar and Sriram Mohan, University of Michigan Press, <https://www.jstor.org/stable/j.ctvndv9rb.5>

OPTIONAL READINGS:

1. Alice Edwards, *Refugee Status Determination In Africa*, African Journal of International & Comparative Law, Vol. 14, pp. 204-233, 2006
2. Brian Gorlick, *Improving Decision-Making In Asylum Determination*, Working Paper No. 119 under New Issues In Refugee Research Series, ISSN 1020-7473
3. Canadian Council for Refugees (2008) State of Refugees: An introduction to refugee and immigration issues in Canada. See <http://www.ccrweb.ca/documents/state-of-refugees.pdf>.
4. Gibney, M. (1999), *Kosovo and Beyond: Popular and Unpopular Refugees*. Forced Migration Review 5.
5. Gibney, M. (2004), *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*.
6. Jennifer Bond, Principled Exclusion: A Revised Approach to Article 1(F) (a) of the Refugee Convention, Michigan Journal of International Law, Vol. 35:15, Fall 2013
7. Laviolette, N. (2007) "Gender-related refugee claims: Expanding the scope of the Canadian Guidelines". *International Journal of Refugee Law* 19(2).
8. Matas, D. (2001) "Refugee Determination Complexity". *Refugee* 19(4).
9. Note, 'From Treblinka to the Killing Fields: Excluding Persecutors from the Definition of "Refugee"' [1987] 27 *Virginia Journal of International Law*, 823.
10. *Refugee and Humanitarian Issues: Australia's Response* June 2011, ISBN 978-1-921662-03-4

ADVANCED READINGS:

1. Kagan, M. (2006), *The Beleaguered Gatekeeper: Protection Challenges Posed by UNHCR Refugee Status Determination*, *International Journal of Refugee Law* 18(1).
2. Karina Sarmiento and Jessica Soley, *Refugee Status Determination in Latin America: Regional Challenges & Opportunities*, Asylum Access Ecuador, 2013
3. Singer, P. and Singer, R. (1988) "The Ethics of Refugee Policy". In Gibney, Mark (ed.) *Open Borders, And Closed Societies: The Ethical and Political Issues*.

4. Gibney, M. J. (2003), *The State of Asylum: Democratization, Judicialization and the Evolution of Refugee Policy*. In Kneebone, S. (ed.) *The Refugee Convention 50 Years On: Globalization and International Law*. Aldershot: Ashgate, pp. 19-45.

WEEK-6:- INTERNAL DISPLACEMENT, STATELESSNESS, FORCED MIGRATION, AND CLIMATE REFUGEES

- THE GLOBAL SCENARIO OF INTERNAL DISPLACEMENT (ID), SOUTH ASIAN PICTURE OF ID AND THE CONCEPT OF INTERNAL DISPLACEMENT [Normative and Institutional Arrangements on Internally Displaced Persons (IDPs), Experiencing Internal Displacement, Globalization, Forced Migration, the Causes Linkages and Responses and Finding Durable Solutions]. THE REFUGEE DYNAMICS AND DIMENSIONS [Issues in Developmental, Political, Historical Perspectives, Politics, Culture and Identity]. POLITICAL VIOLENCE AND FORCED MIGRATION [Migrants Fleeing Generalized Violence and IDPs]. INTERNATIONAL AND REGIONAL LAW [1998 UN Guidelines on Internal Displacement (International Principles), 2009 Kampala Convention on IDPs (Regional Standards) and Other Alternatives, Recent Trends in International Refugee Legislation, Gender Question, Litigation and Policy]. ENVISIONING A LEGALLY BINDING INTERNATIONAL TREATY ON IDPs. STATELESSNESS AND THE PROTECTION OF STATELESS PERSONS [Identification, Prevention, Reduction, Protection and Future Scenarios of Deterritorialization & Reterritorialization]. CLIMATE CHANGE MIGRATION [Nansen Initiative (and its successor PDD-Platform on Disaster Displacement), Paris Acknowledgement]. CLIMATE REFUGEES AND NEW CLASS OF REFUGEES [Climatically Displaced People (CDPs), Climatically Displaced Migrants (CDMs), Other Displaced Persons (ODPs), Dynamics of Mobility and Displacement, Women and Child Refugees] AND SUMMATION.

CASE STUDIES:

- Crimean Tatars, etc.
- Kashmiri Pandits, etc.
- The Syrian Refugee Crisis and Policy Responses in the Middle East and Europe, etc.

DOCUMENTARIES, FILMS. MOVIES, OTTs, VIDEOS:

1. Who are IDPs? <https://www.unhcr.org/internally-displaced-people.html>
2. *Climate Change and Migration—Living on the Go*, Climate and Development Knowledge Network (in Bangladesh, June 2014, 20 Min): www.youtube.com/watch?v=-Gz_EnVwRIw
3. ISIS in Afghanistan (2015), <https://www.pbs.org/wgbh/frontline/film/isis-in-afghanistan/>
4. On the Brink of Famine (2016), <https://www.pbs.org/wgbh/frontline/article/go-inside-south-sudans-hunger-crisis-in-360-video/>
5. Children of Syria (2016) <https://www.pbs.org/wgbh/frontline/film/children-of-syria/>
6. Exodus (2016), <https://www.pbs.org/wgbh/frontline/film/exodus/>
7. Exodus: The Journey Continues (2017), <https://www.pbs.org/wgbh/frontline/film/exodus-the-journey-continues/>
8. Myanmar's Killing Fields (2018), <https://www.pbs.org/wgbh/frontline/film/myanmars-killing-fields/>
9. Iraq and Syria: After Islamic State? [Full Documentary] - BBC News (2018), <https://www.youtube.com/watch?v=f0AkGoliFi0>
10. Fleeing Climate Change -The Real Environmental Disaster | DW Documentary (2019) https://www.youtube.com/watch?v=cl4Uv9_7KJE
11. Climate refugees in Bangladesh | DW Documentary (2019), <https://www.youtube.com/watch?v=co5uywe-1Z8>
12. *Shikara: The Untold Story of Kashmiri Pandits* (An Indian Hindi-language historical drama film on Internal Displacement, IDPs & Refugee (like) Situations-2020)

DISCUSSION TOPICS:

- ⇒ What is the concept of the internally displaced person (IDP)?
- ⇒ How the concept of IDP has emerged in the past 20 years and how this has been framed by law and policy?
- ⇒ How are IDPs different from refugees and how are they not? What are the consequences of classifying an individual as IDP instead of a refugee?
- ⇒ What rights, guidelines, and norms exist for IDPs?
- ⇒ What are the rules relating to forcible displacement, transfer and deportation in IHL and human rights law; international criminal law and the criminalization of forced displacement?
- ⇒ How to address and attend on IDPs in conflict contexts before moving on to consider other forms of internal displacement?
- ⇒ How to appreciate and impart a solid critical understanding of a number of topics including their reception under international humanitarian law (IHL); the domestic law and policy on IDPs?
- ⇒ How to extend transitional justice to internal displacement; and persons displaced by disasters and climate change?
- ⇒ What is the context within which the protection of refugees and other displaced persons take place?
- ⇒ What are the legal and empirical understandings of the roles of key protection actors that might be developed through the core models in order to consider how these may best be influenced and build on their skills in the relevant areas?
- ⇒ What are the models on developing a firm appreciation of the factors that influence how protection actors – such as States and UNHCR – behave and the practical strategies through which such behaviour may be influenced?
- ⇒ How to bring out the critical understanding of key theories of norm adherence and normative change in the field of human rights and refugee protection; critical insight into lobbying, media, campaigning and monitoring work in the refugee field; different strategies for managing project cycle, drafting legal and policy interventions and carrying out fundraising?
- ⇒ What is the international law relating to statelessness and stateless persons and its development over the past 60 years?
- ⇒ What are the critical understanding of the concept and implications of nationality in international law; the empirical roots and scope of the problem of statelessness across the world; the definition of stateless person contained in the 1954 Convention relating to the Status of Stateless Persons, and its conceptual connections with the refugee concept; the push towards elimination of statelessness in the framework of the 1961 Convention on the Reduction of Statelessness; regional approaches to statelessness; the role of human rights standards in relation to statelessness; the expanding mandate of UNHCR in respect of stateless persons; and national laws and policies relating to statelessness?
- ⇒ Contrast Shacknove's approach to refugee protection with evolving UNHCR practice in respect of IDPs.
- ⇒ Could/should a single system of international protection address problems of internal displacement and search for asylum?
- ⇒ Are there dangers/benefits for the refugee concept that arise from work with IDPs by refugee protection agencies?
- ⇒ What are the links between climate factors and human mobility?
- ⇒ What are key obstacles for legal and political recognition of the involved phenomena?
- ⇒ What other factors do environmental aspects interact with and with what results?
- ⇒ What policy options exist to prevent and address the negative impact?

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DISCUSSED

PRIMARY TEXTS:

- ⇒ 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, Preamble and Arts. 1-15.
- ⇒ 1984 Cartagena Declaration on Refugees.
- ⇒ 1998 Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 11 February 1998. United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Online, www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html.
- ⇒ 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2011)
- ⇒ 2012 UN General Assembly Resolution: Human rights of internally displaced persons (2012).
- ⇒ 2013 UN General Assembly Resolution: Protection of and Assistance to Internally Displaced Persons (IDPs), (2013).
- ⇒ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and content of the protection granted (OJ L 304, 30 September 2004) (addressing refugee/subsidiary protection definition and content).
- ⇒ Global Protection Cluster (GPC). Handbook for the Protection of Internally Displaced Persons, Geneva, GPC, 2010, pp. 7-17 [Part I.1: “Key concepts and approaches”] and pp. 18-41 [Part I.2: “The legal framework”]
- ⇒ UNHCR & IPU. Nationality and Statelessness (Handbook for Parliamentarians No. 22), Geneva, 2014.
- ⇒ 2020 Global Report on Internal Displacement-IDMC-GRID
- ⇒ 2021 Global Report on Internal Displacement-IDMC-GRID
- ⇒ 2022 Global Report on Internal Displacement-IDMC-GRID

CORE READINGS:

1. Cohen, R. and Deng, F., *Masses in Flight: The Global Crisis of Internal Displacement*. 1998.
2. Erin D. Mooney, The Guiding Principles and the Responsibility to Protect, *Forced Migration Review*, December 2008, pp. 11-13.
3. Foresight: Migration and Global Environmental Change (2011) Final Project Report. The Government Office for Science, London (Executive Summary and Chapter 5).
4. Kälin, W. *Internal Displacement* in Fiddian-Qismeyeh, E., Loescher, G., Long, K. and Sigona, N. (eds.) *The Oxford Handbook of Refugee and Forced Migration Studies*, 2014.
5. M. Rafiqul Islam, “The Sudanese Darfur Crisis and Internally Displaced Persons in International Law: The Least Protection for the Most Vulnerable”, 18(2) *International Journal of Refugee Law* (2006). Read 354-385.
6. Stellina Jolly & Nafees Ahmad, *Climate Refugees in South Asia, Protection Under International Legal Standards and State Practices in South Asia*, ISBN 978-981-13-3136-7, 2019 Springer-Singapore

OPTIONAL READINGS:

1. Darling, K. *Protection of Stateless Persons in International Asylum and Refugee Law*, 21(4) *International Journal of Refugee Law* (2009), pp. 742-767.
2. Fischel de Andrade, J.H. & N. Delaney. *Minority Return to South-Eastern Bosnia and Herzegovina: A Review of the 2000 Return Season*, 14(3) *Journal of Refugee Studies* (2001), pp. 315-330.

3. Money, E.D. *Something Old, Something New, Something Borrowed... Something Blue? The Protection Potential of a Marriage of Concepts between R2P and IDP Protection*, 2 Global Responsibility to Protect (2010), pp. 60-85.
4. Orchard, P. *Implementing a Global Internally Displaced Persons Protection Regime*, in A. Betts & P. Orchard (eds.), *Implementation & World Politics – how international norms change practice*, Oxford, Oxford University Press, 2014, pp. 105-123.
5. Sawyer, C. “Stateless in Europe: legal aspects of de jure and de facto statelessness in the European Union”, in C. Sawyer & B.K. Blitz (eds.), *Statelessness in the European Union – displaced, undocumented, unwanted*, Cambridge, Cambridge University Press, 2011, pp. 69-107.
6. Vliets, C. *Strategic Litigation: An Obligation for Statelessness Determination under the European Convention on Human Rights?* (Discussion Paper 09/14). London, European Network on Statelessness, 2014, p. 27
7. Musalo et al., *Refugee Law and Policy* (2011). Read 1101-1165.
8. Kälin, W. (2014) *Internal Displacement*. In Fiddian-Qismeyeh, E., Loescher, G., Long, K. and Sigona, N. (eds.) *The Oxford Handbook of Refugee and Forced Migration Studies*.
9. Thailand Burma Border Consortium (TBBC), *Protracted Displacement and Chronic Poverty in Eastern Burma/Myanmar*. Read “Internal Displacement in Eastern Burma”, www.tbbc.org/idps/idps.htm, and latest IDP report released in 2010, www.tbbc.org/idps/report-2010-idp-en.zip.

ADVANCED READINGS:

1. Camillo Boana, Roger Zetter and Tim Morris, “Environmentally displaced people: Understanding the linkages between environmental change, livelihoods and forced migration”, *Forced Migration Policy Briefing Paper 1*, Refugee Studies Centre, November 2008.
2. Etienne Piguet, Antoine Pécoud and Paul de Guchteneire, *Migration and Climate Change: an Overview*, Working Paper No. 79, University of Oxford, 2010, www.compas.ox.ac.uk/fileadmin/files/docs/WP1079%20Piguet-Pecoud-de%20Guchteneire_01.pdf

MID SEMESTER EXAMINATION WEEK

WEEK-7:- THE PRINCIPLES OF REFUGEE AND MIGRANTS PROTECTION UNDER THE GLOBAL COMPACTS, IHRL, IHL, ICL AND THE ROLE OF INTERNATIONAL INSTITUTIONS

- THE GLOBAL COMPACT ON REFUGEES AND MIGRANTS (GCR & GCM) [The Principles of Refugee and Migrant Protection under the GCR & GCM, the Humanitarianism v. Development Aid Discourse; Rights v. Assistance Debates, Care and Maintenance; UNCSR/1967-AP Signatory States v. Non-signatory States; Shortcomings in Responsibility-Sharing Framework]. THE ROLE OF INTERNATIONAL INSTITUTIONS [UNHCR, IGOs, IOM and Other IOs and NGOs and Refugee and Migrants’ Rescue at Sea]. IRL AND ITS RELATIONSHIP WITH INTERNATIONAL HUMAN RIGHTS LAW (IHRL), INTERNATIONAL HUMANITARIAN LAW (IHL) AND INTERNATIONAL CRIMINAL LAW (ICL). INTERNATIONAL BILL OF HUMAN RIGHTS (IBHR) OTHER HUMAN RIGHTS INSTRUMENTS [The UN Convention Against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment, The UN Convention on the Rights of the Child (CRC)] THE GENEVA CONVENTIONS AND PROTOCOLS [Minimum Standards in Times of War, Special Forms of Protection (Subsidiary Protection and Humanitarian Status)]. THE RELATIONSHIP BETWEEN STATE RIGHTS AND INDIVIDUAL RIGHTS [The Dynamics of Displacement] AND SUMMATION.

QUESTIONS IN FOCUS:

- ⇒ What is the role of IOs and NGOs in refugee protection and how have they transformed the understanding and application of protection?
- ⇒ Is a successful refugee protection regime reliant on responsibility-sharing by states? If so, how is responsibility-sharing and state accountability to be improved or achieved?
- ⇒ What are basic human rights? What are the basic human rights of refugees outside RC?
- ⇒ How can the rights of refugees be protected under IHRL?
- ⇒ What is refugee status a solution to?
- ⇒ Where the line between state sovereignty and individual protection should be drawn?
- ⇒ Is the notion of a refugee dependent on and defined by the existence of sovereign nation states?

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DICSCUSED

1. A. A. C. v. Sweden, CAT/C/37/D/227/2003, UN Committee Against Torture (CAT), 14 December 2006,
2. Harminder Singh Khalsa et al. v. Switzerland, CAT/C/46/D/336/2008, UN Committee Against Torture (CAT), 7 July 2011,
3. Kashif Ahmad v. Denmark, CERD/C/56/D/16/1999, UN Committee on the Elimination of Racial Discrimination (CERD), 8 May 2000
4. M.F. v. Sweden, CAT/C/41/D/326/2007, UN Committee Against Torture (CAT), 26 November 2008,
5. Mondal v. Sweden, CAT/C/46/D/338/2008, UN Committee Against Torture (CAT), 7 July 2011,
6. Nadeem Ahmad Dar v. Norway, CAT/C/38/D/249/2004, UN Committee Against Torture (CAT), 16 May 2007,
7. Nirmal Singh v. Canada, CAT/C/46/D/319/2007, UN Committee Against Torture (CAT), 8 July 2011,
8. Z.Z. v. Canada, CAT/C/26/D/123/1998, UN Committee Against Torture (CAT), 16 May 2001,
9. L. Yama and N. Khalid v. Slovakia, CCPR/C/76/D/876/1999, UN Human Rights Committee (HRC), 12 November 2002,
10. Danyal Shafiq v. Australia, CCPR/C/88/D/1324/2004, UN Human Rights Committee (HRC), 13 November 2006,

PRIMARY TEXTS:

1. 1948 Universal Declaration of Human Rights of 10 December 1948
2. 1966 International Covenant on Economic, Social and Cultural Rights of 16 December 1966
3. 1966 International Covenant on Civil and Political Rights of 16 December 1966
4. 1966 Optional Protocol to the International Covenant on Civil and Political Rights of 16 December 1966
5. 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights (Aiming at the Abolition of the Death Penalty) of 15 December 1989

RECOMMEDED READINGS:

1. D. A. Martin, "The New Asylum Seekers" in *The New Asylum Seekers: Refugee Law in the 1980s* (1988)
2. Deborah E. Anker (2002), *Refugee Law, Gender, and the Human Rights Paradigm*, Harvard Human Rights Journal, 15, pp. 133-54.
3. Jane McAdam (2004), 'Seeking Asylum under the Convention on the Rights of the Child: A Case for Complementary Protection', International Journal of Children's Rights, 14, pp. 251-74.

OPTIONAL READINGS:

1. Françoise Hampson, *An Overview of the Reform of the UN Human Rights Machinery*, Human Rights Law Review, Vol. 7(1), 2007, pp. 7-27.
2. UNHCR, Text 2, Preface, Forward, Introduction and Ch. 1, *Safeguarding Human Security*, ix - 49 Steiner, Alston and Goodman, pp. 735-843
3. Mary Ann Glendon, "Propter Honoris Respectum. *Knowing the Universal Declaration of Human Rights*," *Notre Dame Law Review*, 73(5), pp. 1153-1181
4. H. Arendt, *The Origins of Totalitarianism*, [1951], 268-298.

ADVANCED READINGS:

1. Emma Larking (2014), *Refugees and the Myth of Human Rights: Life Outside the Pale of the Law*, Routledge
2. Stéphane Jaquemet (2001), *The Cross-Fertilization of International Humanitarian Law and International Refugee Law*, *International Review of the Red Cross*, 83, pp. 651-73.
3. Paul Gordon Lauren, *To Preserve and Build on its Achievements and to Redress its Shortcomings: The Journey from the Commission on Human Rights to the Human Rights Council*, *Human Rights Quarterly*, 29 (2007), pp. 307-345

WEEK-8:- REGIONAL REFUGEE PROTECTION AND FORCED MIGRATION FRAMEWORKS

- EU DIMENSION OF REFUGEE LAW. THE COUNCIL OF EUROPE [Legal and Policy Framework for Refugee Protection and Forced Migration, The European Convention on Human Right and Fundamental Freedoms, The European Union, The Evolving EU *Acquis* on Asylum, European Integration and Asylum]. EUROPEAN REFUGEE PROTECTION [The Dublin System, Practices and Policies; Access to Territory, Visas, Carrier Sanctions, Interception and Rescue at Sea, Extraterritorial Immigration Control]. REGIONAL MODELS FOR REFUGEE PROTECTION IN THE GLOBAL SOUTH [The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the 1984 Cartagena Declaration in Latin America and Bangkok Principles and Contemporary Alternative Refugee Definitions Thereunder]. COMPARATIVE AND TRANSNATIONAL REFUGEE LAW AND POLICY IN EUROPE, AFRICA, ARAB AND SUMMATION.

QUESTIONS IN FOCUS:

- ⇒ Both the US and EU states face a filtering challenge at their borders, resulting from the conflict between facilitating trade and controlling unwanted migration. Do they offer the bona fide asylum seeker equal chances of effective protection? What are the most significant differences?
- ⇒ As European integration proceeds, which aspects of border control have been "de-coupled" from individual states? Which aspects have been jealously guarded by states? Is free movement within the EU compatible with current EU refugee policy? What are the differences between refugees and asylees in US policy? What procedures apply to each group? Do foreign policy considerations still affect U.S. refugee policy and practice?
- ⇒ Do states have responsibility for asylum seekers who never reach their territory? Identify the principal similarities between the U.S. and European Asylum Systems.
- ⇒ Do the U.S. and European Asylum Systems offer the bona fide asylum seeker equal chances of effective protection?
- ⇒ What are the most significant differences between the U.S. and European Asylum Systems?
- ⇒ On current trends does it appear as if the U.S. is following the European lead or vice versa?
- ⇒ What does 'integration' of migrants and refugees mean and what specific measures have been enacted to facilitate their integration?
- ⇒ What public policies have been put into place to 'govern' refugees and migrants, their social welfare, and integration? What challenges exist?

- ⇒ What are the gains and losses of the two different approaches? Has the idealism of the OAU Convention been implemented in current practice?
- ⇒ How has the legal scope of refugee protection expanded since the 1951 Convention?
- ⇒ Examine the working definition of internally displaced persons. Compare it to the Refugee Convention, OAU and Cartagena declaration definitions. Which groups are included that fall outside other forms of international protection? How are internally displaced persons protected under international law, if at all?
- ⇒ Sovereignty as responsibility: when does international responsibility displace state sovereignty?
- ⇒ What are the principle differences between the 1951 Convention and the OAU Convention?
- ⇒ Has the idealism of the OAU Convention been implemented in current practice?
- ⇒ How should a (relatively) prosperous state like South Africa approach the question of group eligibility for asylum given the scale of African problems?

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DICSCUSED

1. *Canadian Council of Refugees et al v. Her Majesty the Queen*, Federal Court of Canada, November 29, 2007, IMM 7818-05
2. *Husayn (Abu Zubaydah) v. Poland*, ECtHR, Strasbourg, 24 July 2014
3. *Karlsson v. Sweden*, (1988)
4. *MSS. v. Belgium and Greece*, ECtHR, Strasbourg, 21 January, 2011
5. *Nasseri v. Secretary of State for the Home Department*, UK High Court, Queens Bench Division, July 2, 2007, [2007] EWHC 1548 (Admin).
6. *Obst v. Germany*, ECtHR, Strasbourg, 23 September 2010
7. *Shuth v. Germany*, ECtHR, Strasbourg, 23 September 2010
8. *Siebenhaar v. Germany*, ECtHR, Strasbourg, 20 June 2011
9. *Tarakhel v. Switzerland*, ECtHR, Strasbourg, 04 November 2014
10. *Vögt v. Germany* (App. No. 17851/91)
11. *Williamson v. UK* (1995)
12. *X. v. Denmark* (1976)

PRIMARY TEXTS:

1. UNHCR, Text 2, Ch.2, *Defending Refugee Rights*, 51-97.

AFRICA

1. 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969
2. 1981 African Charter on Human and Peoples' Rights of 26 June 1981 (Banjul Charter)
3. 1990 African Charter on the Rights and Welfare of the Child of 11 July 1990
4. 1994 Addis Ababa Document on Refugees and Forced Population Displacements in Africa of 10 September 1994
5. 1998 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights of 10 June 1998
6. 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 11 July 2003
7. 2004 Cotonou Declaration and Programme of Action of 3 June 2004
8. 2006 African Youth Charter of 2 July 2006

AMERICA

1. 1928 Convention on Asylum of 20 February 1928

2. 1933 Convention on Political Asylum of 26 December 1933
3. 1939 Treaty on Political Asylum and Refuge of 4 August 1939
4. 1954 Convention on Diplomatic Asylum of 28 March 1954
5. 1954 Convention on Territorial Asylum of 28 March 1954
6. 1984 Cartagena Declaration on Refugees of 19-22 November 1984
7. 1989 Principles and Criteria for the Protection of and Assistance to Central American Refugees, Returnees and Displaced Persons in Latin America (1989)
8. 1991 International Conference on Central American Refugees, UN GA Resolution 46/107 of 16 December 1991
9. 1992 International Conference on Central American Refugees, UN GA Resolution 47/103 of 16 December 1992
10. 1994 San José Declaration on Refugees and Displaced Persons of 7 December 1994
11. 2000 Recommendation of the Inter-American Commission on Human Rights on asylum and international crimes of 20 October 2000
12. 2000 Rio de Janeiro Declaration on the Institution of Refuge of 10 November 2000
13. 2004 Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America of 16 November 2004
14. 2022 Los Angeles Declaration on Migration and Protection in the Americas

ARAB

1. 1949 Assistance to Palestine Refugees, UN GA Resolution 302 (IV) of 8 December 1949
2. 1965 Protocol on the Treatment of Palestinian Refugees of 11 September 1965 (Casablanca Protocol)
3. 1981 Universal Islamic Declaration of Human Rights of 19 September 1981
4. 1983 Riyadh Arab Agreement for Judicial Co-operation of 6 April 1983 (Excerpts)
5. 1984 First Seminar of Arab Experts on Asylum and Refugee Law of 16-19 January 1984
6. 1989 Second Seminar of Arab Experts on Asylum and Refugee Law of 15-18 May 1989
7. 1990 Cairo Declaration on Human Rights in Islam of 31 July-9 August 1990
8. 1991 Third Seminar of Arab Experts on Asylum and Refugee Law of 2-4 November 1991
9. 1992 Fourth Seminar of Arab Experts on Asylum and Refugee Law of 16-19 November 1992
10. 1994 Arab Charter on Human Rights of 15 September 1994
11. 1994 Arab Convention on Regulating Status of Refugees in the Arab Countries (1994)
12. 2005 Covenant on the Rights of the Child in Islam of June 2005

ASIA-AFRICA

1. 2001 Final Text of the Revised AALCO 1966 Bangkok Principles on Status and Treatment of Refugees (as adopted on 24 June 2001 at the AALCO's 40th Session, New Delhi)
2. 2006 AALCO Resolution on "Legal Identity and Statelessness" of 8 April 2006

EUROPE

2. 1990 Convention on the Application of the Schengen Agreement (Extracts), Text 1, 464-470.
3. 1990 Dublin Convention Determining the State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Communities, Text 1, 454-463.
4. EU Conclusion on Countries in which there is generally no serious risk of persecution.
5. EU London Resolution on Harmonized Approach to Questions Concerning Host Third Countries.

RECOMMENDED READINGS:

1. Alexander Betts, "Towards a Mediterranean Solution?", *International Journal of Refugee Law* (2006). Read 655-676.
2. Arboleda, E. "Refugee Definition in Africa and Latin America: the lessons of pragmatism", 3(2) *International Journal of Refugee Law* (1991), pp. 185-207.
3. Bank, R. "Forced Migration in Europe", in E. Fiddian-Qasmiyeh et al. (eds.), *The Oxford Handbook of Refugee and Forced Migration Studies*, Oxford, Oxford University Press, 2014, pp. 690-702.
4. Caroline Moorehead, *Human Cargo: A Journey among Refugees* (Henry Holt Co., 2005). Read 3-23; 158-185.
5. Eispeth Guild (2006), 'The Europeanization of Europe's Asylum Policy', *International Journal of Refugee Law*, 18, pp. 630-51.
6. Fischel de Andrade, J.H. "Forced Migration in South America", in E. Fiddian-Qasmiyeh et al. (eds.), *The Oxford Handbook of Refugee and Forced Migration Studies*, Oxford, Oxford University Press, 2014, pp. 677-689.
7. G. Goodwin-Gill, Text 1, Ch.8 (part) and Ch.9 (part), *Treaty Standards and Protection in Municipal Law*, 311 - 348.
8. Geoff Gilbert (2004), 'Is Europe Living Up to Its Obligations to Refugees?' *European Journal of International Law*, 15, pp. 963-87.
9. Helene Lambert (2009), 'Transnational Judicial Dialogue, Harmonization and the Common European Asylum System', *International and Comparative Law Quarterly*, 58, pp. 519-43.
10. Rachel Murray, *Human Rights in Africa: From the OAU to the African Union*, pp. 1-115
11. Rankin, M.B. *Extending the Limits or Narrowing the Scope? Deconstructing the OAU Refugee Definition Thirty Years On* (New Issues in Refugee Research: Working Paper No. 113). Geneva, UNHCR, 2005, 29p.
12. Reed-Hurtado, M. *The Cartagena Declaration on Refugees and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in Latin America* (PPLA/2013/03). Geneva, UNHCR, 2013, p. 33

OPTIONAL READINGS:

1. Andrew Moravcsik, *The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe*, *International Organization*, Vol. 54 (2000), pp. 217-252
2. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ 2001 L 212/12), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF>.
3. Council Regulation 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the European Union (OJ L 349, 25.11.2004), www.frontex.europa.eu/gfx/frontex/files/frontex_regulation_en.pdf. Daniel Thomas, pp. 27-256
4. Dinah Shelton, *The Boundaries of Human Rights Jurisdiction in Europe*, *Duke Journal of Comparative & International Law*, Vol. 13(1), (Winter 2003), pp. 95-152.
5. El-Enany, N. & Thielemann, E.R. "The Impact of the EU on National Asylum Policies", in S. Wolff et al. (eds.), *The Area of Freedom, Security and Justice: myth or reality? Taking stock of the Lisbon Treaty and the Stockholm Programme*, The Hague, Asser, 2011, pp. 97-116.
6. Gregory Flynn and Henry Farrell, "Piecing Together the Democratic Peace: The CSCE, Norms, and the "Construction" of Security in Post-Cold War Europe," *International Organization*, Vol. 53(3), Summer 1999, pp. 505-535.

7. Guild, E. "The European Geography of Refugee Protection: exclusions, limitations and exceptions from the 1967 Protocol to the present", 4 *European Human Rights Law Review* (2012), pp. 413-426.
8. Hathaway, J.C. "Harmonizing for Whom? The Devaluation of Refugee Protection in the Era of European Economic Integration", 26(3) *Cornell International Law Journal* (1993), pp. 719-735.
9. James C. Hathaway, *E.U. Accountability to International Law: The Case of Asylum*, Michigan Journal of International Law, Vol. 33:1, Fall 2011
10. Jo M. Pasqualucci, *The Evolution of International Indigenous Rights in the Inter-American Human Rights System*, *Human Rights Law Review*, vol. 6(2), 2006, pp. 281-322.
11. Laurens Lavrysen, *European Asylum Law and the ECHR: An Uneasy Coexistence*, *Goettingen Journal of International Law* 4 (2012) 1, 217-262

ADVANCED READINGS:

1. Tom Farer, *The Rise of the Inter-American Human Rights Regime: No Longer a Unicorn, Not Yet an Ox*, *Human Rights Quarterly*, vol. 19(3), 1997, pp. 510-546
2. Obiora Chinedu Okafor, *The African System on Human and Peoples' Rights, Quasi-Constructivism, and the Possibility of Peace-building within African States*, *International Journal of Human Rights*, vol. 8(4), 2004, pp. 413-450.
3. Rachel Brett, "Human Rights and the OSCE," *Human Rights Quarterly*, vol. 18(3), 1996, pp. 668-693
4. Steiner, Alston and Goodman, pp. 1020-1062; pp. 786-867; 1062-1083
5. Lawyers Committee for Human Rights, *African Exodus - Refugee Crisis*, *Human Rights and the 1969 OAU Convention* (1995).
6. Minority Rights Group International, *Refugees in Europe: The Hostile New Agenda* (1997)
7. T. Maluwa, *The Refugee Problem and the Quest for Peace and Security in Southern Africa*.
8. Timothy J Hatton, *Asylum Policy in the EU: The Case for Deeper Integration*, Project on Temporary Migration, Integration and the Role of Policies (TEMPO), NORFACE Research Programme on Migration in Europe-Social, Economic, Cultural and Policy Dynamics, 2012
9. Rosemary Byrne, Gregor Noll and Jens Vedsted-Hansen (2004), 'Understanding Refugee Law in an Enlarged European Union', *European Journal of International Law*, 15, pp.355-79.
10. The 1969 OAU Convention on the Specific Aspects of Refugee Problems in Africa. Text 1, 429-434.

WEEK-9:- REFUGEE PROTECTION IN SAARC REGION AND TWAILERS' AND REFUGEES IN THE GLOBAL SOUTH AND SOUTH ASIAN APPROACH TO INTERNATIONAL REFUGEE LAW

- REFUGEE POPULATIONS AND FORCED MIGRATION IN SOUTH ASIA, THE REFUGEE VOICES IN SOUTH ASIA, INTERNATIONAL REFUGEE LAW, POWER AND REFUGEE IDENTITIES [South Asian State Practices]. TWAIL APPROACH TO IRL. APPROPRIATENESS OF THE 1951 UN REFUGEE REGIME IN THE SAARC CONTEXT [Geo-Strategic Manipulation of Refugees in South Asia, Feasibility of Regionalization of the 1951 UNCSR, the SAARC Response to Existing International Refugee Regime in Addressing the Refugee Issues in the SAARC Region]. ASIAN APPROACHES TO THE PRESENT REFUGEE REGIME. REFUGEES IN THE GLOBAL SOUTH [Encampment and Life in Refugee Camps and Protracted Situations and Durable Solutions]. REFUGEE NARRATIVE AS TESTING THE BOUNDARIES OF THE WESTPHALIAN ORDER IN SAARC [Child Refugees & Children of Refugees, Concerns & Responses of Refugees, Future of Refugees (Cessation Clause), Pathology of IRL and Progressive Development]. CODIFICATION OF IRL UNDER THE SAARC [The SAARC Model Refugee Law and Refugee Constitutionalism Jurisprudence Developed by the SAARC Domestic Courts] AND SUMMATION.

QUESTIONS IN FOCUS:

- ⇒ Is there any South Asian Discourse or Approach to the contemporary refugee regime?
- ⇒ Why South Asian countries (except Afghanistan) have not signed 1951 UN Convention?
- ⇒ What are the arguments for and against encampment of refugees and what actors favor which arguments?
- ⇒ How do we assess life in refugee camps from the perspectives of human security and capabilities?
- ⇒ What are specific needs and vulnerabilities of women and children?
- ⇒ What are protracted situations and what are their root causes?
- ⇒ What durable solutions are discussed and how do you assess these solutions from normative and practical perspectives?
- ⇒ Testing the Boundaries of the Westphalian Order of IRL?
- ⇒ Does existing IRL address refugee issues in South Asian Region?
- ⇒ Should regionalization of the 1951 UN Convention be explored?
- ⇒ Identifying the bottlenecks in formulating a SAARC Refugee Law?
- ⇒ The refugee protection under the South Asian constitutional orders?
- ⇒ Adequacy of refugee jurisprudence developed by the SAARC municipal legal jurisdictions?
- ⇒ Feasibility of Progressive Development and Codification of IRL under the SAARC Mechanism?
- ⇒ Appreciation of the benefits of the uniform refugee law in SAARC region?

VIDEOS:

- ⇒ Three video stories of your choice from www.dadaabstories.org (tab: camp life; explore camp life).

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DICSCUSSED

1. National Legal Services Authority v. Union of India and others, Writ Petition (Civil) No. 400 of 2012, India: Supreme Court, 15 April 2014,
2. Suresh Kumar Koushal and another v. NAZ Foundation and others, Civil Appeal No.10972 of 2013, India: Supreme Court, 11 December 2013,
3. Servai v. State of Tamil Nadu, Criminal Appeal No. 958 of 2011, India: Supreme Court, 19 April 2011
4. Sarbananda Sonowal v. Union of India, Writ Petition (civil) 117 of 2006, India: Supreme Court, 5 December 2006
5. National Human Rights Commission v. State of Arunachal Pradesh and Another, 1996 SCC (1) 742; Writ Petition (C) No. 720 of 1995, India: Supreme Court, 9 January 1996
6. State of Arunachal Pradesh v. Khudiram Chakma; Khudiram Chakma v. State of Arunachal Pradesh and Others, 1994 Sup (1) Supreme Court Cases 615; Civil Appeal Nos. 2182 and 2181 of 1993,, India: Supreme Court, 27 April 1993,
7. Nilabati Behera (alias Lalita Behera) v. State of Orissa and Others, (1993) 2 Supreme Court Cases 746; Writ Petition (Civil) No. 488 of 1988, India: Supreme Court, 24 March 1993,
8. Malavika Karlekar v. Union of India and Another, Writ Petition (Criminal No) 583 of 1992, India: Supreme Court, 25 September 1992
9. Louis De Raedt v. Union of India and Others; B.E. Getter v. Union of India and Others; S.G. Getter v. Union of India, (1991) 3 Supreme Court Cases 554; Writ petition (Civil) Nos. 1410 and 1372 of 1987 and Writ Petition (criminal) No. 528 of 1987, India: Supreme Court, 24 July 1991
10. Gulbahar v. The Union of Burma, B. L. R. (C.C.) 811, Myanmar: Supreme Court, 1965
11. Peer Mohamed v. Union of Burma, L. R. (C.C.) 51, Myanmar: Supreme Court, 1965,
12. In the matter of a petition under Article 121 of the Constitution - A Bill titled "Provincial of the Teaching Sisters of the Holy Cross of the Third Order of Saint Francis in Menzingen of Sri Lanka

(Incorporation).", S.C. Special Determination No. 19/2003, Sri Lanka: Supreme Court, 25 July 2003,

PRIMARY TEXT:

- 1967 UN Declaration on Territorial Asylum
- 1984 UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [Extracts]
- 2004 The South Asia Declaration On Refugees

RECOMMEDED READINGS:

1. Balakrishnan Rajagopal, *International Law from Below. Development, Social Movements and Third World Resistance*. Cambridge University Press, 2003
2. Nour Mohammad, *Protection of International Refugee under the Constitution of Bangladesh*, Bangladesh Refugee Watch, 39, June 2012
3. Omprakash Mishra (ed.), *Forced Migration in South Asia – Displacement, Human Rights, and Conflict Resolution* New Delhi: Manak Publications
4. UNHCR Handbook for the Protection of Internally Displaced Persons
5. Susan Kneebone, Dallal Stevens, Loretta Baldassar, *Refugee Protection and the Role of Law: Conflicting Identities*, 2015, Routledge

OPTIONAL READINGS:

1. A. Shacknove, *From Asylum to Containment*, [1993] 5 International Journal Refugee Law, 516 - 533.
2. Amnesty International, *Playing Human Pinball* (1995).
3. B. Frelick, Assistance without Protection, *World Refugee Survey* 1997, 24-33.
4. Dennis McNamara, *Refugees in Their Own Lands: Internally Displaced are Among the World's Most Vulnerable: The G8 Must Not Ignore Them Again*, The Guardian (28 June 2005), p. 24.
5. Erin Mooney and Balkees Jarrah, *The Voting Rights of Internally Displaced Persons: The OSCE Region* (Washington, D.C.: Brookings Institution, November 2004).
6. Erin Mooney and Colleen French, *Barriers and Bridges: Access to Education for Internally Displaced Children* (Washington, D.C.: Brookings Institution, 2005).
7. Erin Mooney, *Bringing the End into Sight for Internally Displaced Persons*, Forced Migration Review, Issue 17 (2003), pp. 4-7
8. Erin Mooney, *The Concept Of Internal Displacement and the Case For Internally Displaced Persons As A Category Of Concern*, Refugee Survey Quarterly, Vol. 24, Issue 3, UNHCR 2005
9. Françoise Krill, *The ICRC's Policy on Refugee and Internally Displaced Civilians*, International Review of the Red Cross, Vol. 83, No. 843 (September 2001).
10. James C. Hathaway, *A Reconsideration of the Underlying Premise of Refugee Law* [1990] 31 Harvard International Law Journal, 166-183.
11. James C. Simeon, *The UNHCR and The Supervision of International Refugee Law*, Cambridge University Press 2013, ISBN 978-1-107-02285-0
12. James. C. Hathaway, *Can International Refugee Law Be Made Relevant Again?* World Refugee Survey, 1996.
13. Niraj Nathwani, *Refugees and Human Rights: Rethinking Refugee Law*, Martinus Nijhoff Publishers and Kluwer Law International 2003, ISBN 90-411-2002-5

ADVANCED READINGS:

1. J. Fitzpatrick, *Revitalizing the 1951 Convention* [1996] 9 Harvard Human Rights Journal 228-253.
2. Peter Salama, Paul Spiegel and Richard Brennan, *No Less Vulnerable: The Internally Displaced in Humanitarian Emergencies*, The Lancet, Vol. 357, No. 9266 (5 May 2001).
3. Sarah Collinson, *Lessons Learned from Specific Emergency Situations: A Synthesis*, in Castles et al., *Developing DFID's Policy Approach to Refugees and Internally Displaced Persons*, Volume II: Commissioned Papers, p. 26.
4. Simon Bagshaw and Diane Paul, *Protect or Neglect: Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons* (Washington, D.C.: Brookings-SAIS Project on Internal Displacement and the UN Office for the Coordination of Humanitarian Affairs Inter-Agency Internal Displacement Division, 2004).
5. Steven B. Holtzman and Taies Nezam, *Living in Limbo: Conflict-Induced Displacement in Europe and Central Asia* (Washington, D.C.: The World Bank, 2004), pp. 135-136.
6. U.N. Office for the Coordination of Humanitarian Affairs *Guiding Principles on Internal Displacement*
7. U.S. Committee for Refugees, *World Refugee Survey 1997* (1997) 2-19. \
8. UNHCR, *The State of the World's Refugee- The Challenge of Protection* [1993], UNHCR, 1-29.
9. Vincent, M. and B. Refslund Sorenson, (Eds.) *Caught Between Borders: Response Strategies of the Internally Displaced*, Pluto Press, 2001.
10. Wayne Sandholtz and Kendall Stiles, *International Norms and Cycles of Change*. Oxford University Press, 2009.

WEEK-10:-TEMPORARY, COMPLEMENTARY, SUBSIDIARY AND OTHER FORMS OF REFUGEE PROTECTION AND THE FUTURE OF INTERNATIONAL PROTECTION FOR REFUGEES AND FORCED MIGRANTS IN INTERNATIONAL REFUGEE LAW

- THE CONCEPT OF TEMPORARY PROTECTION [Refugee Protection in Mass Influx Situations, *Prima facie* Status, Temporary Asylum, Grounds for Temporary Protection in International Law and State Practice, Relationship Between Temporary Protection, Subsidiary Protection, Problems Related to Granting of Temporary Protection and the Adoption of a Temporary Protection Framework in Turkey]. LEAVING TERRITORY, RETURN POLICIES, READMISSION AGREEMENTS, CO-OPERATION, BORDER CONTROL AND RESPONSIBILITY/BURDEN-SHARING. ARMED CONFLICT AND THE STANDARD OF ROOF IN COMPLEMENTARY PROTECTION CLAIMS. RUNNING SCARED SINCE 9/11 [Refugees, UNHCR and the Purposive Approach to Treaty Interpretation, European Refugee Fund, Other Agencies and Their Interaction]. THE FUTURE OF INTERNATIONAL PROTECTION FOR FORCED MIGRANTS AND SUMMATION.

QUESTIONS IN FOCUS:

- ⇒ How powerful is international law in the field of refugee protection?
- ⇒ What are the grounds for Temporary Protection in International Refugee Law and State Practice?
- ⇒ How to appreciate the Relationship between Temporary Protection, Subsidiary Protection and Refugee Status?
- ⇒ Identify the main strengths and weaknesses of the current international regime in ensuring implementation.
- ⇒ Are the concepts of 'temporary protection' and 'safe haven' a supplement or a substitute for refugee protection as traditionally conceived?
- ⇒ What is the future of refugee protection? "Can we think of humanitarian law, refugee law and human rights law as three overlapping circles of international protection for victims of conflict,

persecution and oppression? What are the significant differences or potential tensions between the three frameworks and how might they complement or reinforce one another?”

- ⇒ Protection or deterrence: what other options exist? Are the concepts of “temporary protection” and “safe haven” a supplement or a substitute for refugee protection?
- ⇒ What new global problems impinge on current models and frameworks of refugee protection?
- ⇒ “The results of a freer 'market' in asylum seeking can only be guessed at”. What other alternatives are there? Are environmentally displaced persons refugees? Are they legally entitled to international protection?
- ⇒ Is Turkish temporary protection or the Jordanian humanitarian-development model a template for protection for future large-scale flight?

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DISCUSSED

- ⇒ *Tahir Hussain Khan v Canada*, November 18, 1994 [Committee Against Torture]
- ⇒ *Chahal v UK* [extracts European Court of Human Rights]

PRIMARY TEXTS:

1. UN Guidelines on Temporary Protection or Stay Arrangements
2. 1967 UN Declaration on *Territorial Asylum*
3. 1984 UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [Extracts]
4. Amnesty International, *Playing Human Pinball (1995)*.
5. U.N. Office for the Coordination of Humanitarian Affairs Guiding Principles on Internal Displacement
6. UNHCR Handbook for the Protection of Internally Displaced Persons

RECOMMENDED READINGS:

1. Erin Mooney, *The Concept Of Internal Displacement and the Case For Internally Displaced Persons As A Category Of Concern*, Refugee Survey Quarterly, Vol. 24, Issue 3, UNHCR 2005
2. Dennis McNamara, ‘Refugees in Their Own Lands: Internally Displaced are Among the World’s Most Vulnerable. The G8 Must Not Ignore Them Again’, *The Guardian* (28 June 2005), p. 24.
3. B. Frelick, *Assistance without Protection*, *World Refugee Survey 1997*, 24-33. J. Hathaway, *A Reconsideration of the Underlying Premise of Refugee Law* [1990] 31 *Harvard International Law Journal*, 166-183.

OPTIONAL READINGS:

1. A. Shacknove, *From Asylum to Containment*, [1993] 5 *International Journal Refugee Law*, 516 - 533.
2. Erin Mooney and Balkees Jarrah, *The Voting Rights of Internally Displaced Persons: The OSCE Region* (Washington, D.C.: Brookings Institution, November 2004).
3. Erin Mooney, ‘Bringing the End into Sight for Internally Displaced Persons’, *Forced Migration Review*, Issue 17 (2003), pp. 4-7
4. J. Fitzpatrick, *Revitalizing the 1951 Convention* [1996] 9 *Harvard Human Rights Journal* 228-253.
5. J.C. Hathaway, *Can International Refugee Law Be Made Relevant Again?* *World Refugee Survey*, 1996.
6. Sarah Collinson, ‘Lessons Learned from Specific Emergency Situations: A Synthesis’, in Castles et al., *Developing DFID’s Policy Approach to Refugees and Internally Displaced Persons, Volume II: Commissioned Papers*, p. 26.

7. Simon Bagshaw and Diane Paul, *Protect or Neglect: Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons* (Washington, D.C.: Brookings-SAIS Project on Internal Displacement and the UN Office for the Coordination of Humanitarian Affairs Inter-Agency Internal Displacement Division, 2004).
8. Steven B. Holtzman and Taies Nezam, *Living in Limbo: Conflict-Induced Displacement in Europe and Central Asia* (Washington, D.C.: The World Bank, 2004), pp. 135-136.
9. U.S. Committee for Refugees, *World Refugee Survey 1997* (1997) 2-19.

ADVANCED READINGS:

1. UNHCR, *The State of the World's Refugee- The Challenge of Protection* [1993], UNHCR, 1-29.
2. Vincent, M. and B. Refslund Sorenson, (Eds.) *Caught Between Borders: Response Strategies of the Internally Displaced*, Pluto Press, 2001.
3. Erin Mooney and Colleen French, *Barriers and Bridges: Access to Education for Internally Displaced Children* (Washington, D.C.: Brookings Institution, 2005).
4. Peter Salama, Paul Spiegel and Richard Brennan, 'No Less Vulnerable: The Internally Displaced in Humanitarian Emergencies,' *The Lancet*, Vol. 357, No. 9266 (5 May 2001).
5. Françoise Krill, 'The ICRC's Policy on Refugee and Internally Displaced Civilians,' *International Review of the Red Cross*, Vol. 83, No. 843 (September 2001).

WEEK-11:-THE CONTEMPORARY ISSUES IN IRL, NEW DEVELOPMENTS, CHALLENGES TO THE PROTECTION OF REFUGEES AND FORCED MIGRANTS AND PERSPECTIVES ON THE FUTURE

- THE ROLE OF REFUGEE VOICES IN THE DECISION-MAKING FOR THEIR FUTURE. THE EMERGENCE AND THE ROLE OF AI IN REFUGEE PROTECTION. IRL AND STRATEGIES TOWARDS INTERPRETATIVE HARMONY AND INDIVIDUAL RISK, THE JUDICIALIZATION OF REFUGEE PROTECTION [Fair Trial Guarantee in Refugee Litigation, Refugee Constitutionalism Windowsill]. GLOBAL ETHICAL DILEMMAS IN REFUGEE AFFAIRS [Open/Closed Borders, Refugee Health Issues, Refugee Crimes, Social Justice, Religiously-Forced Migration (RFM or ReForM), Xenophobia]. The Growth of Radical Nationalism [The Role of States in Generating Statelessness, Decitizenization and Denationalization Discourse]. FORCED MIGRANT AND REFUGEE INTEGRATION IN THE GLOBAL NORTH AND REFUGEE HOSTING IN GLOBAL SOUTH. AN ASYMMETRICAL SOVEREIGNTY AND THE REFUGEE [Diplomatic Assurances, the Failure of Due Process, Economic Harm as a Basis for Refugee Status and the Application of IHRL to the Interpretation of Economic Persecution]. THE FRAGMENTED NATURE OF THE INTERNATIONAL REFUGEE REGIME AND ITS CONSEQUENCES [A Comparative Analysis of the Applications of the UNCSR, Reforming the International Refugee Regime, Forced Migration, Refugee Trafficking and the Securitization of Migration in a Post-9/11 World]. TERRORISM [Excluding Freedom Fighters (Refugees) and Terrorism Suspects (Refugees)]. TREATING PTSD AND OTHER SURVIVAL STRATEGIES [Transitional Refugee Justice (Resolution, Reconciliation, and Rehabilitation)] AND SUMMATION (*Any one issue shall be discussed*).

QUESTIONS IN FOCUS:

- ⇒ What are the contemporary critical issues in International Refugee Law?
- ⇒ What are the strategies towards an interpretative harmony for IRL?
- ⇒ Application of Human Rights Law to the Interpretation of Economic Persecution.
- ⇒ The fragmented Nature of the International Refugee Regime and its Consequences.
- ⇒ Comparative Analysis of the Applications of the 1951 Convention.
- ⇒ Refugee Issues: Dynamic of Mobility and Displacement, Women and Children Refugees.
- ⇒ Who are the climate refugees?
- ⇒ *Non-Refoulement*: A Peremptory Norm of International Law.

- ⇒ Loss and Denial of Refugee Status: Article 1F of the 1951 Refugee Convention.
- ⇒ What are the policy responses to the refugee crisis and their limitations in the neighboring countries (especially Jordan, Lebanon, and Turkey) and in Europe?
- ⇒ Why is Europe struggling to cope with the refugee crisis?
- ⇒ What does this mean for longer-term development and refugee governance in the region, the EU, and globally? [Given the current nature of this topic, the reading list may be updated closer to the date of the class.]
- ⇒ What are the key moral arguments made to admit refugees and other migrants?
- ⇒ What are the underlying assumptions and who is defining the rights in access to space?
- ⇒ To what extent are normative perspectives addressed in research and policy discussions on (forced) migration?
- ⇒ What real developments, activities, and time-related factors are viewed as being significant from an ethical perspective and why?
- ⇒ What are the differences between moral rights to access a geo-political space and moral claims after being admitted?
- ⇒ When do we speak of ‘securitization’ of an issue? To what extent are migration issues viewed as threats to security and what actors promote such perspectives?
- ⇒ What approaches exist to de-securitize forced migration topics?
- ⇒ The majority of refugees in Europe (and many in the US) have been smuggled or trafficked. Why?
- ⇒ What is the difference between “smuggling” and “trafficking?” Can the difference be characterized effectively by one or two variables?
- ⇒ “Increasing Restrictionism in immigration breeds asylum abuse, false documents and trafficking rings.” Is there a way out of this that does not violate international law?
- ⇒ What are the advantages and disadvantages of the US State Department approach to trafficking as set out in the TIP report?
- ⇒ Do victims of trafficking have access to international protection? Should they and if so how this should be implemented?
- ⇒ Are victims of trafficking refugees and therefore eligible for international protection under the refugee convention?
- ⇒ What are the causes of trafficking? What are states responsibilities? What are the most promising strategies for protecting trafficked persons and preventing recruitment?
- ⇒ Is US law in conformity with the exclusion clauses of the Refugee Convention?
- ⇒ What are the relevant factors for making the distinction between a “political” and a “non-political” offence? Consider Aguirre-Aguirre in particular.
- ⇒ What is the relationship between Article-1(F) and Article- 33 (2) of the 1951 Convention? What different dangers/prohibited conducts do they address? What are the minimum standards of procedural fairness required by international law? How do they compare with current US practice?
- ⇒ Why should those who have been convicted of serious non-political crimes be excluded from refugee protection? What if a state, as the US recently, enlarges the category of “serious crime” to include behavior punished by a one year jail sentence?
- ⇒ Consider the application of the definition of “terrorist” and the use of the “material support” bar in current US immigration law; do they provide a clear guide to exclusion? Do they conform to international guidelines?

JURISPRUDENCE: CORE CASES-ONLY ONE LEADING CASE SHALL BE DICSCUSSED

- ⇒ *Agiza v. Sweden*
- ⇒ *Alzery v. Sweden Elspeth Guild*
- ⇒ *Negusie v. Holder*, 129 S. Ct. 1159 (2009).
- ⇒ *Kreshpja v. Gonzales*, 420 F. 3d 551 (6th Cir. 2005).

↳ *Rantsev v. Cyprus & Russia*, App. No. 25965/04 (Eur. Ct. H.R. Jan. 7, 2010).

PRIMARY TEXTS:

- ⇒ Protocol Against the Smuggling of Migrants by Land, Sea, and Air, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, www.unhcr.org/refworld/docid/479dee062.html.
- ⇒ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 11 December 2000, <http://www2.ohchr.org/english/law/protocoltraff.htm>
- ⇒ The US Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000) Read 103; 107
- ⇒ UNHCR, *Guidelines on International Protection: The application of Article 1A (2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked*, HCR/GIP/06/07, 7 April 2006.
- ⇒ UNICEF, *Guidelines on the Protection of Child Victims of Trafficking* (2006)

RECOMMENDED READINGS:

1. Alexander Betts, "Towards a Soft Law Framework for the Protection of Vulnerable Migrants", Issues in Refugee Research, Working Paper No. 162, 1 July 2008 (Geneva: UNHCR), www.unhcr.org/refworld/topic,459d17822,466032142,4c23256b0,0.html
2. Alice Edwards (2009), 'Human Security and the Rights of Refugees: Transcending Territorial and Disciplinary Borders', Michigan Journal of International Law, 30, pp. 763-807.
3. Buzan, Barry, Ole Wæver, and Jaap de Wilde. 1998. Security: A New Framework for Analysis. Boulder: Lynne Rienner Publishers (Chapter 2).
4. Chimni, B.S. (2001), 'Reforming the International Refugee Regime: A Dialogic Model', Journal of Refugee Studies, 14, pp. 151-68.
5. Debbas, Gowlland Vera, *The Problem of the Refugees in the Light of Contemporary International Law Issues* (Martinus Nijhof, London, 1995).
6. Hammerstad, Anne. 2014. The Securitisation of Forced Migration. Chapter 21 in: Elena Fiddian-
7. Huysmans, Jef. 2006. The Politics of Insecurity: Fear, Migration and Asylum in the EU. London: Routledge (Chapters 1 and 2).
8. James C. Hathaway, *Can International Refugee Law Be Made Relevant Again?* World Refugee Survey, 1996.
9. James C. Simeon, *Critical Issues in International Refugee Law: Strategies toward Interpretative Harmony*, Cambridge University Press 2010, ISBN 978-0-521-19952-0
10. Jane McAdam, *Climate Change Displacement and International Law: Complementary Protection Standards*, LEGAL AND PROTECTION POLICY RESEARCH SERIES, DIVISION OF INTERNATIONAL PROTECTION, UNHCR, May 2011 CP2500, 1211 Geneva 2 Switzerland.
11. Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona (eds), *The Oxford Handbook of Refugee and Forced Migration Studies*, pp. 265-277.
12. Satvinder S. Juss (2004), 'Free Movement and the World Order', International Journal of Refugee Law, 16, pp. 289-335.

OPTIONAL READINGS:

1. Alexis A. Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Westport, Conn.: Praeger, 2010). Read 23-76.
2. Anne T. Gallagher, *The International Law on Human Trafficking* (Cambridge, UK: Cambridge University Press, 2010). Read 12-53; 197-209.

3. Bruce Burson (Edited) *Climate Change and Migration: South Pacific Perspectives*, Institute of Policy Studies, ISBN 978-1-877347-40-5, IPS/Pub/169, Wellington, 2010.
4. Deborah Sontag, "In a Homeland Far from Home" *New York Times Magazine*, 16 November 2003.
5. European Commission, Report of the Experts Group on Trafficking in Human Beings, Brussels, December 2004. Read Ch. 3 ("Guiding Principles and Cross-Cutting Themes") 59-70, http://europa.eu.int/comm/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf.
6. Friedrich Soltau, *Fairness in International Climate Law and Policy*, ISBN-13 978-0-511-63495-6 Cambridge University Press, 2009.
7. Glenn R. Randall and Ellen L. Lutz, *Serving Survivors of Torture* (American Association for the Advancement of Science, 1991). Read 97-116.
8. Inger Agger and Soren Buus Jensen, *Trauma and Healing under State Terrorism* (London, UK: Zed Books. 1996). Read 90 -116.
9. Jacqueline Bhabha and Christina Alfiev, "The Identification and Referral of Victims of Trafficking to Procedures for Determining International Protection Needs", October 2009 (Geneva: UNHCR). Read 7-21 (end para. 43); 31-37 [online materials section of class page].
10. Jacqueline Bhabha, "Trafficking, Smuggling and Human Rights", Migration Information Source, Migration Policy Initiative, 2005, www.migrationinformation.org/feature/display.cfm?ID=294.
11. Jacqueline Bhabha, *Moving Children* (Princeton, NJ: Princeton University Press, forthcoming). Read Ch. 4.
12. Jean Améry, *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities* (Bloomington, IN: Indiana University Press. 1980). Read 21-40.
13. Kaethe Weingarten, "Witnessing the Effects of Political Violence in Families: Mechanisms of Intergenerational Transmission and Clinical Intervention", 30 (1) *Journal of Marital and Family Therapy* (2004) 45-59.
14. Lilian Yamamoto & Miguel Esteban, *Atoll Island States and International Law- Climate Change Displacement and Sovereignty*, ISBN: 978-3-642-38185-0, Springer-Verlag Berlin Heidelberg 2014.
15. Louise Shelley, *Human Trafficking: A Global Perspective* (New York: Cambridge University Press, 2010). Read 1-58.
16. Marc Galanter, "Righting old wrongs", in ed. Rosenblum, *Breaking the Cycles of Hatred* (2002). Read 107-131.
17. Musalo et al., *Refugee Law and Policy* (2011). Read 821-900.
18. Roda Verheyen, *Climate Change Damage and International Law Prevention Duties and State Responsibility*, ISBN 90 04 14650 4, MARTINUS NIJHOFF PUBLISHERS, 2005 LEIDEN/BOSTON.
19. Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009). Read 200-219.
20. Xing-Yin Ni, *A Nation Going Under: Legal Protection for "Climate Change Refugees"*, 38 *B.C. Int'l & Comp. L. Rev.* 329 (2015), <http://lawdigitalcommons.bc.edu/iclr/vol38/iss2/7>

ADVANCED READINGS:

1. Nafees Ahmad, *Contemporary Challenges for International Refugee Law*, (2015) SPS Policy Paper, 2/2015, www.spsindia.in
2. Nancy L. Rosenblum, "Justice and the Experience of Injustice", in ed. Rosenblum, *Breaking the Cycles of Hatred: Memory, Law, and Repair* (Princeton: Princeton University Press, 2002). Read 77-106.
3. Ottavio Quirico, Mouloud Boumghar, *Climate Change and Human Rights: An International and Comparative Law Perspective*, Routledge Research in International Environmental Law, Routledge 2015, ISBN: 1138783218, 9781138783218

4. Peter Showler, *Refugee Sandwich: Stories of Exile and Asylum* (Montreal and Kingston, Canada: McGill-Queen's University Press, 2006). Read 8-39.
5. Richard F. Mollica, *Healing Invisible Wounds: Paths to Hope and Recovery in a Violent World* (Orlando, FL: Harcourt Books. 2006). Read 88-133; 157 – 187.
6. Stephen Farrall Tawhida Ahmed and Duncan French, *Criminological and Legal Consequences of Climate Change*, ISBN: 978-1-84946-186-3, IISL 2012, Hart Publishing Ltd, Oxford.
7. US Department of State, *The Trafficking in Persons Report*, 2010. Read 1-45, <http://www.state.gov/documents/organization/164452.pdf>.

WEEK-12:- THE CRITIQUE OF IRL AND TERM PAPER PRESENTATION AND FEEDBACK

- A CRITIQUE OF IRL, PRESENTATION OF THE TERM PAPERS AND ONLINE FEEDBACK.

QUESTIONS IN FOCUS:

PART-X:-WEBSITES GUIDANCE AND DIGITAL DISSEMINATION OF CONTEXTUAL INFORMATION FOR THE STUDENTS' ACHIEVEMENT:

A. Websites Guidance:

- Brookings Institution Project on Internal Displacement: www.brookings.edu/projects/idp.aspx
- Canadian Council for Refugees: www.ccrweb.ca
- Forced Migration On-line: www.forcedmigration.org
- Forced Migration Review: www.fmreview.org
- Human Rights Watch: www.hrw.org
- Immigration and Refugee Board of Canada: www.irb-cisr.gc.ca
- Internal Displacement Monitoring Centre: www.idmc.org
- International Centre for Migration Policy Development: <https://www.icmpd.org/>
- International Committee for the Red Cross: www.icrc.org
- International Crisis Group: www.crisisweb.org
- MSF Virtual Refugee Camp: www.refugeecamp.org
- Norwegian Refugee Council: www.nrc.no
- Observatory of Public Attitudes to Migration: <http://www.migrationpolicycentre.eu/opam>
- Refugees International: www.refintl.org
- Relief Web: www.reliefweb.int
- UNHCR: www.unhcr.org
- University of Oxford Refugee Studies Centre: www.rsc.ox.ac.uk
- Women's Commission for Refugee Women and Children: www.womenscommission.org

B. Contextual International Journals

- Forced Migration Review
- International Journal of Refugee Law
- International Migration
- International Migration Review
- Journal of Refugee Studies

C. Forced Migration

- Forced Migration Online – www.forcedmigration.org
- Forced Migration Review – www.fmreview.org/mags1.htm

D. Refugees and Asylum

- AsylumLaw.org – www.asylumlaw.org

- Canadian Immigration and Refugee Board – www.irb-cisr.gc.ca
- European Council on Refugees and Exiles – www.ecre.org/
- International Committee of the Red Cross – www.icrc.org
- International Organization for Migration (IOM) – www.iom.int
- Refugee Law Reader – www.refugeelawreader.org
- Refugee Media Project – www.refugemediaproject.org
- Southern Refugee Law Center – www.srlc.org
- UN Office of the High Commissioner for Refugees (UNHCR) – www.unhcr.org
- UN Global Migration Group – www.globalmigrationgroup.org
- UN World Refugee Day – www.un.org/en/events/refugeeday/
- University of California, Hastings College of the Law, Center for Gender and Refugee Studies – <http://cgrs.uchastings.edu>
- University of Michigan Law School, Refugee Caselaw Site – www.refugeecaselaw.org
- US Refugee Committee – www.refugees.org; US Refugee Committee, World Refugee Survey 2009 (especially “Statistics”) – www.refugees.org/resources/refugee-warehousing/archived-world-refugee-surveys/2009-world-refugee-survey.html

E. Human Rights

- Amnesty International – www.amnesty.org
- Human Rights Watch – www.hrw.org
- UN Office of the High Commissioner for Human Rights (OHCHR) – www.ohchr.org
- OHCHR Universal Periodic Review (country reports) – www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx
- US Department of State Country Reports on Human Rights Practices – www.state.gov/g/drl/rls/hrrpt

F. Internal Displacement

- Brookings Institute-London School of Economics Project on Internally Displacement - www.brookings.edu/projects/idp.aspx
- Internal Displacement Monitoring Centre – www.internal-displacement.org

G. Human Trafficking

- UN Office on Drugs and Crime (UNODC), Human Trafficking and Migrant Smuggling - www.unodc.org/unodc/en/human-trafficking/index.html
- UN Global Initiative to Fight Human Trafficking (GIFT) - www.ungift.org/knowledgehub

H. Torture

- International Rehabilitation Council for Torture Victims – www.ircrt.org
- Resources for Torture Survivors and Asylum Seekers – <http://kspope.com/torvic/torture.php>

I. News, Analysis and Research

- Center for Immigration Studies – www.cis.org
- IRIN Humanitarian News and Analysis - www.irinnews.org/Theme.aspx?theme=REF
- Migration Policy Institute – www.migrationpolicy.org
- Researching Forced Migration: a Guide to Reference and Information Sources – <http://forcedmigrationguide.pbwiki.com>
- UNHCR RefWorld – www.unhcr.org/refworld

PART-XI:-GRADING SYSTEM FOR THE STUDENTS’ ACHIEVEMENT:

Standard (A+, A, A-...F) Grading is based on students’ overall performance in the assessment tasks/activities/assignments/term papers etc.

To pass this course, students must obtain an aggregate mark of 50% and a minimum of 50% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

- A. Note-1: Course Instructor/Professor will discuss new and sudden developments germane to the IRL during the Winter Semester or otherwise with prior consultation with the students.
- B. Note-2: The IRL-LLM-Syllabus is periodically and daily updated by inclusion and exclusion. The students are encouraged to keep a tab on the new developments and the challenges in the field.

(UPDATED TILL JANUARY 10, 2024)

[Instant 2024-IRL Syllabus is under Perennial Progress, Dynamic Development, Improvement, and Current Correction daily, and the same shall be encapsulated and reflected in the class. Any omission, gap or oversight or anything incidental thereto or connected therewith shall be attended and addressed in the classroom.]