

**Select Thematic Bibliography**  
Oxford Human Rights Hub Webinar  
Professor Guy S Goodwin-Gill & Dr Cathryn Costello  
12 November 2015

**Background Sources**

UNHCR, *Global Trends – World at War* 2014

<http://unhcr.org/556725e69.html>

UNHCR Refugees/Migrants Emergency Response - Mediterranean

<http://data.unhcr.org/mediterranean/regional.php>

Asylum in the EU, Eurostat

[http://ec.europa.eu/dgs/home-affairs/e\\_library/docs/infographics/asylum/infographic\\_asylum\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e_library/docs/infographics/asylum/infographic_asylum_en.pdf)

**Access to Asylum**

G Noll, Article 31 (Refugees Unlawfully in the Country of Refuge) in A Zimmermann (ed), *The 1951 Convention Relating to the Status of the Refugees and its 1967 Protocol: A Commentary* (OUP 2011) 1243-1276

<http://opil.ouplaw.com/view/10.1093/actrade/9780199542512.001.0001/actrade-9780199542512-chapter-49?prd=OSAIL>

A Grahl-Madsen 'Identifying the World's Refugees' (1983) *The Annals of the American Academy of Political and Social Science* - The Global Refugee Problem: U. S. and World Response (May, 1983), 11-23.

FRA Focus *Legal entry channels to the EU for persons in need of international protection: a toolbox* (2015)

<http://fra.europa.eu/en/publication/2015/legal-entry-channels-eu-persons-need-international-protection-toolbox>.

K Ogg 'Protection Closer to Home? A Legal Case for Claiming Asylum at Embassies and Consulates' (2014) 33 *Refugee Survey Quarterly* 81.

T Gammeltoft-Hansen, 'International Refugee Law and Refugee Policy: The Case of Deterrence Policies' (2014) 27 *Journal of Refugee Studies* 4

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2487087](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2487087).

T Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and the Globalization of Migration Control* (CUP 2011)

M Den Heijer, *Europe and Extraterritorial Asylum* (Hart 2011)

**Responsibilities at Sea**

G S Goodwin-Gill 'Refugees and Migrants at Sea: Duties of Care and Protection in the Mediterranean and the Need for International Action' (2015) [www.jmcmigrants.eu/category/working-papers/](http://www.jmcmigrants.eu/category/working-papers/)

G S Goodwin-Gill, 'Opinion: The Right to Seek Asylum: Interception at Sea and the Principle of *Non-refoulement*' (2011) 23 *IJRL* 443

<https://www.ilsa.org/jessup/jessup13/GSGG-Interception%20at%20Sea.pdf>

MT Gil-Bazo 'The Practice of Mediterranean States in the context of the European Union's Justice and Home Affairs External Dimension: The Safe Third Country Concept Revisited' (2006) *IJRL* 571

<http://ijrl.oxfordjournals.org/content/18/3-4/571.full>

V Moreno-Lax 'Hirsi v Italy or the Strasbourg Court v Extraterritorial Migration Control?', (2012) 12(3) *HRLRev* 1-25

V Moreno-Lax 'Seeking Asylum in the Mediterranean: Against a Fragmentary Reading of EU Member States' Obligations Accruing at Sea', (2011) 23(2) IJRL 174-220

### **Actions to Suppress Human Smuggling**

*Regina v. Appulonappa*, 2013 BCSC 31, Canada: Supreme Court of British Columbia, 11 January 2013, available at: <http://www.refworld.org/docid/50fe745e2.html> [accessed 11 November 2015]

F Crepeau (2003) "The Fight against Migrant Smuggling: Migration Containment over Refugee Protection", in edited by J van Selm, K Kamanga, J Morrison, A Nadig, S Spoljar-Vrzina and L van Willigen *The Refugee Convention at Fifty: A View from Forced Migration Studies*.

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1607928](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1607928)

### **On UN Security Council action and smuggling as a threat to international peace and security**

<http://www.ejiltalk.org/the-use-of-force-against-people-smugglers-conflicts-with-refugee-law-and-human-rights-law/>

<http://www.ejiltalk.org/the-legal-and-political-feasibility-of-the-eus-planned-war-on-smuggling-in-libya/>

<http://www.ejiltalk.org/protecting-europe-or-irregular-migrants-the-misuse-of-force-in-the-mediterranean/>

### **Conflict Refugees**

V Chetail, 'Armed Conflict and Forced Migration: A Systemic Approach to International Humanitarian Law, Refugee Law and Human Rights Law' in A Clapham & P Gaeta (eds), *The Oxford Handbook of International Law in Armed Conflict*, (OUP, 2014) 700-734

<http://www.oxfordhandbooks.com/view/10.1093/law/9780199559695.001.0001/law-9780199559695-e-28>

UNHCR, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update III*, 27 October 2014, available at: <http://www.refworld.org/docid/544e446d4.html> [accessed 9 November 2015]

CJEU *Elgafaji v Staatssecretaris van Justitie*, Case C-465/07, Judgment of the European Court of Justice (Grand Chamber, 17 February 2009) (<http://www.refworld.org/docid/499aace52.html>).

UNHCR, *Safe at Last? Law and Practice in Selected EU Member States with Respect to Asylum-Seekers Fleeing Indiscriminate Violence*, 27 July 2011, available at: <http://www.refworld.org/docid/4e2ee0022.html> [accessed 12 November 2015]

For an overview of commentary on Article 15(c), see J McAdam, *Examining Flight from Generalized Violence in Situations of Conflict: An Annotated Bibliography on Article 15(c) of the EU Qualification Directive (2012)* ([http://www.gtcentre.unsw.edu.au/sites/gtcentre.unsw.edu.au/files/ihl\\_cp\\_bibliog.pdf](http://www.gtcentre.unsw.edu.au/sites/gtcentre.unsw.edu.au/files/ihl_cp_bibliog.pdf)).

ECtHR, *Sufi and Elmi v. the United Kingdom*, 28 June 2011 [www.unhcr.org/refworld/docid/4e09d29d2.html](http://www.unhcr.org/refworld/docid/4e09d29d2.html)

### **International Responsibility Sharing: Hungary (1956) and Indochina (1976-1996)**

M Zieck 'The 1956 Hungarian Refugee Emergency, an Early and Instructive Case of Resettlement' (2013) *Amsterdam Law Forum* 45 <http://amsterdamlawforum.org/article/viewFile/314/487>

R Colville 'The Hungarian Refugees – 50 Years On' (2006) *Refugees* <http://www.unhcr.org/4523cb392.pdf>

UNHCR's *State of the World's Refugees*, Chapter 4 – Flight from Indochina (2000)

<http://www.unhcr.org/3ebf9bad0.html>

WC Robinson, *Terms of Refuge: The Indochinese Exodus and the International Response*, (Zed Books, 1998)

A Betts, *Comprehensive Plans of Action: Insights from CIREFCA and the Indochinese CPA*, (2006 New Issues Working Paper) at: <http://www.refworld.org/docid/4ff163c82.html>

### **EU Temporary Protection Directive**

Adrian Berry:

<http://nationality-migration-blog.tumblr.com/post/128365191852/temporary-protection-for-refugees-a-european>

Meltem Ineli-Ciger

<http://eulawanalysis.blogspot.co.uk/2015/07/the-missing-piece-in-european-agenda-on.html>

### **The EU Dublin System & Alternatives Thereto**

V Moreno-Lax 'Dismantling the Dublin System: M.S.S. v Belgium and Greece', (2012) 14(1) *European Journal of Migration and Law* 1-31

C Costello & M Mouzarakis 'Reflections on Reading *Tarakhel*' (2014) *Asiel&Migrantenrecht* Nr 10 404-411. Available at SSRN: <http://ssrn.com/abstract=2548542>

*Study on Enhancing the Common European Asylum System and Alternatives to Dublin*, commissioned by the European Parliament's LIBE Committee. Authors - Prof. Elspeth Guild, Dr Cathryn Costello, Ms Madeline Garlick and Dr Violeta Moreno-Lax, under the coordination of the Centre for European Policy Studies (CEPS) (EP, PE 519.234, July 2015)

[http://www.europarl.europa.eu/RegData/etudes/STUD/2015/519234/IPOL\\_STU%282015%29519234\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/519234/IPOL_STU%282015%29519234_EN.pdf)

*Study on New Approaches, Alternative Avenues and Means of Access to Asylum Procedures for Persons Seeking International Protection*, commissioned by the European Parliament's LIBE Committee – Authors - with Prof. Elspeth Guild, Dr Cathryn Costello, Ms Madeline Garlick and Dr Violeta Moreno-Lax) under the coordination of the Centre for European Policy Studies (CEPS) (EP, December 2014)

[http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL\\_STU\(2014\)509989](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2014)509989)

### **Further Reading**

Note: In response to the refugee crisis in Europe, Oxford University Press has made more than 30 book chapters, journal articles, and pieces of content from online resources freely accessible to assist those working with refugees on the ground, as well as anyone who would like to know more about the framework of rights and obligations concerning refugees. The materials are structured around four key questions: who is a refugee, what rights do they have, what are transit states' obligations, and what are the duties of the state where a refugee applies for asylum.

<http://opil.ouplaw.com/page/refugee-law>