The Rights of Refugees under International Law

James C. Hathaway

In this remarkable study on the rights of refugees in international law Professor James C Hathaway provides timely illumination of the neglected and largely unknown territory which lies beyond the refugee definition set by Article 1 of the Convention. As he did in his earlier seminal text, The Law of Refugee Status (1991), Professor Hathaway charts the way forward to a dynamic and purposive interpretation of the Refugee Convention while remaining true to its text, object and purpose. No government official, refugee decision-maker or refugee advocate can conscientiously approach the Refugee Convention without this landmark text on refugee rights.

RODGER HAINES, QC, DEPUTY CHAIR, NEW ZEALAND REFUGEE STATUS APPEALS AUTHORITY
In an era where States are increasingly challenging the logic of simply assimilating refugees to their own citizens, questions are now being raised about whether refugees should be allowed to enjoy freedom of movement, to work, to access public welfare programs, or to be reunited with family members. Doubts have been expressed about the propriety of exempting refugees from visa and other immigration rules, and whether there is a duty to admit refugees at all.

In this long-anticipated treatise, James Hathaway links the standards of the UN Refugee Convention to key norms of international human rights law, and applies his analysis to the world’s most difficult protection challenges.

Hathaway’s first book – *The Law of Refugee Status* (Butterworths, 1991) – was instrumental to the development during the 1990s of a coherent and human rights-based approach to interpretation of the Convention refugee definition. *The Rights of Refugees under International Law* is its logical successor, arriving on the scene just as advocates, judges, and policymakers are increasingly grappling with the question of what rights refugees can claim. This is a pioneering scholarly work, which lays the groundwork for creative and practical solutions to hard problems.

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Professor James Hathaway undoubtedly stands as the intellectual architect of contemporary refugee law. His analysis … has shaped the development of scholarship and the reasoning of judges across national jurisdictions, and at the highest judicial levels, including the House of Lords, the Supreme Court of Canada, and the High Court of Australia, among many others. He is a scholar of unparalleled depth, rigor, clarity and integrity.

DEBORAH ANKER,
HARVARD LAW SCHOOL

Jim Hathaway is indisputably one of the most interesting and provocative scholars working on international refugee law today. Any book he writes in this field is of major importance.

PHILIP ALSTON,
NEW YORK UNIVERSITY, SCHOOL OF LAW

This book is a masterpiece, which meets a critical need. Professor Hathaway shows how each article of the 1951 Refugee Convention should be interpreted to take account of the main requirements of international human rights law. The result is a perfect symbiosis, a delicate and complex integration of two bodies of international law. It is anchored in actual practice, which the author subjects to progressive, but nonetheless clearly legally grounded, critique. The result is a comprehensive presentation of the whole corpus of rights owed to refugees and asylum-seekers at the different stages of their search for protection.

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ABOUT THE AUTHOR
James C. Hathaway is a leading authority on international refugee law, and the author of The Law of Refugee Status (1991) and Reconceiving International Refugee Law (1997). He is currently the James E. and Sarah A. Degan Professor of Law at the University of Michigan, and Senior Visiting Research Associate at Oxford University’s Refugee Studies Centre.

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