

## Potential Literature (Difference ‘economic migrant’ – ‘refugee’)

- <sup>1</sup> Ivor Jackson, ‘The 1951 Convention Relating to the Status of Refugees: A Universal Basis for Protection’ (1991) 3 *International Journal of Refugee Law* 403 at 405–6.
- <sup>1</sup> Czaika, Mathias. "The political economy of refugee migration." *Jahrbücher für Nationalökonomie und Statistik* 229.6 (2009): 803-824.
- <sup>1</sup> Aristide R. Zolberg, Astri Suhrke and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York: Oxford University Press, 1989), p. 30. See also Cecilia Menjivar, ‘History, Economy and Politics: Macro and Micro Level Factors in Recent Salvadorean Migration to the US’ (1993) 6 *Journal of Refugee Studies* 350. See also Susan F. Martin, *New Issues in Refugee Research: Global Migration Trends and Asylum* (2001) UNHCR <<http://www.unhcr.org/cgi-bin/texis/vtx/research/opendoc.pdf?tbl1/4RESEARCH&id1/43af66ccc44> at 31 May 2006.
- <sup>1</sup> Patricia Tuitt, *False Images: Law’s Construction of the Refugee* (London: Pluto Press, 1996), p. 70.
- <sup>1</sup> Arthur C. Helton and Eliana Jones, ‘What is Forced Migration?’ (1999) 13 *Georgetown Immigration Law Journal* 521, 526
- <sup>1</sup> <http://www.forcedmigration.org/about/whatisfm/what-is-forced-migration>
- <sup>1</sup> This is the case of displacement arising in Northern Uganda because of the conflict between the government and the Lord’s Resistance Army (LRA). Fiala, Nathan. *The consequences of forced displacement in northern Uganda*. No. 65. Households in Conflict Network, 2009.
- <sup>1</sup> This is the case in the displacement that resulted after Finland ceded a portion of its territory to the Soviet Union following WWII and resettled the population living there Sarvimäki, Matti, Roope Uusitalo, and Markus Jantti. "Long-term effects of forced migration." (2009).
- <sup>1</sup> Schaeffer, Peter. "Refugees: on the economics of political migration." *International Migration* 48.1 (2010): 1-22.
- <sup>1</sup> Farer, Tom J. "How the international system copes with involuntary migration: Norms, institutions and state practice." *Human Rights Quarterly* 17.1 (1995): 72-100; Villiers, Janice D. "Closed Borders, Closed Ports: The Plight of Haitians Seeking Political Asylum in the United States." *Brook. L. Rev.* 60 (1994): 841; *Haitian Legal Center v. Smith*, 676 F.2d 1023 (5th Cir. 1982).
- <sup>1</sup> Diller, Janelle Marie. "In search of asylum: Vietnamese boat people in Hong Kong." *IN SEARCH OF ASYLUM: VIETNAMESE BOAT PEOPLE IN HONG KONG, Indochina Resource Action Center* (1988).
- <sup>1</sup> Lee, Eric Yong-Joong. "National and International Legal Concerns regarding Recent North Korean Escapees." *Int'l J. Refugee L.* 13 (2001): 142.
- <sup>1</sup> Thomas Spijkerboer, *Gender and Refugee Studies* (Aldershot: Ashgate, 2000), p. 76-7
- <sup>1</sup> James C. Hathaway, ‘A Reconsideration of the Underlying Premise of Refugee Law’ (1990) 31 *Harvard International Law Journal* 129.
- <sup>1</sup> Rens, Georg. "The interpretation of the Charter." *The Charter of the United Nations: A Commentary, second edition* (Oxford: Oxford University Press, 2002) (2002) p. 24. Harvey, C. J. "Gender, Refugee law and the Politics of Interpretation." *International Journal of Refugee Law* 12.4 (2000): 680-694. at 686; Lambert, Hélène. "Conceptualisation of Persecution by the House of Lords: Horvath v. Secretary of State for the Home Department, The." *Int'l J. Refugee L.* 13 (2001): 16; Musalo, Karen, and Stephen Knight. "Steps forward

and steps back: Uneven progress in the law of social group and gender-based claims in the United States." *Int'l J. Refugee L.* 13 (2001): 51. **at 61.**

- <sup>1</sup> ICJ Namibia (Legal Consequences) Advisory Opinion (1971) ICJ Rep 31 ('Namibia Case').
- UK: Shah [1998] 4 All ER 30, [1998] 1 WLR 74, [1997] Imm AR 584 at 152. This was approved in Sepet [2003] 3 All ER 304 at **para. [6]**. See also R on the Application of Altin Vallaj v. A Special Adjudicator [2001] INLR 455 at **para. 25**; Suresh v. Canada (Minister of Citizenship and Immigration) 2002 SCCDJ 8052 at **para. 87**; Hoxha [2005] 4 All ER 580 at para. 7 (Lord Hope of Craighead).
- <sup>1</sup> UNHCR Executive Committee, Note on International Protection (1990)
- <sup>1</sup> Pierre Sane, Amnesty International Secretary General, Globalisation: AI and Socio-Economic Rights (2001) Amnesty International; Amnesty International, Change in the Air for AI (2001); Amnesty International, Amnesty International Report 2004 Building an International Human Rights Agenda: Upholding the Rights of Refugees and Migrants (2004); Human Rights Watch, Economic, Social and Cultural Rights
- <sup>1</sup> Commission on Human Rights, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, UN Doc. E/CN.4/2005/48 (2005); Commission on Human Rights, The Right to Food, UN Doc. E/CN.4/RES/2000/10 (2000b). For the latest report, see Commission on Human Rights, The Right to Food: Note by the Secretary-General, GA Res. A/60/350, UN GAOR, 60th sess., Agenda Item 73(b), UN Doc. A/60/350 (2005); Commission on Human Rights, The Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, UN Doc. E/CN.4/RES/2002/31 (2002). For the latest report, see Commission on Human Rights, Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, UN Doc. E/CN.4/2005/51 (2005)
- <sup>1</sup> UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees (1992), para. 51
- <sup>1</sup> UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees (1992), para. 63
- <sup>1</sup> Zolberg, Suhrke and Aguayo, Escape from Violence, p. 31.
- <sup>1</sup> Einfeld, 'Is There a Role for Compassion in Refugee Policy?', at 312; 'Political Legitimacy in the Law of Political Asylum' (1985) 99 Harvard Law Review 450.
- <sup>1</sup> There is a jurisprudence regarding them. While in Belgium they will not be considered as refugee, in New Zealand, they will. This will be explained later. (Conseil du Contentieux des Etrangers, 31 March 2010, *X tegen de Commissaris-generaal voor de vluchtelingen en de staatlozen* and Refugee Status Appeals Authority of New Zealand, decision of 7 July 2004, *Refugee Appeal No. 74665*). It should be noted that some countries have dissimilar rulings regarding this issue. For instance, in UK, in 1991, the status of refugee for homosexual group was not recognized. This was based on the fact that there exists an '*approximation of social group to minority group*' that '*require characteristics of an historical and cultural nature which homosexuals as a class cannot claim.*' (Golchin Immigration Appeal Tribunal (7623) (1991, unreported)). Nevertheless, in 1995, an opposite decision was ruled. (Vraciu Immigration Appeal Tribunal (11559) (1994, unreported)).
- <sup>1</sup> Canada OPK (Re), No. U95-04575 [1996] CRDD No 88, 24 May 1996
- <sup>1</sup> Alston, Philip. "Conjuring up new human rights: A proposal for quality control." *The American Journal of International Law* 78.3 (1984): 607-621. Australia: Chen Shi Hai (2000) 201 Commonwealth Law Reports (Australia) 293. In **contrast**: Canada: Cheung [1993] 2 FC 314; 153 NR 145; 19 Imm LR (2d) 81 (FCA), at 325.

- <sup>1</sup> Canada: PYM (Re), No. U98-01933 [1999] Convention Refugee Determination Division (Canada) (CRDD) No. 163, 3 June 1999, at para. 24; HDO (Re), T98-17677 [1999] CRDD No. 116, 26 May 1999, at para. 24; and NWX (Re), T99-01434 [1999] CRDD No. 183, 25 August 1999.
- <sup>1</sup>New Zealand: Refugee Appeal No. 71193/98, RSAA, 9 September 1999.
- <sup>1</sup>Czaika, Mathias. "The political economy of refugee migration." *Jahrbücher für Nationalökonomie und Statistik* 229.6 (2009): 803-824. It should take into consideration that according to Thielemann there is no association with economic growth rate. Thielemann, Eiko R. "Does policy matter? On governments' attempts to control unwanted migration." (2003).
- <sup>1</sup>Massey, Douglas S., et al. "Theories of international migration: A review and appraisal." *Population and development review* (1993): 431-466; Borjas, George J. "The economics of immigration." *Journal of economic literature* 32.4 (1994): 1667-1717; Thielemann, Eiko R. "Does policy matter? On governments' attempts to control unwanted migration." (2003).
- <sup>1</sup>Neumayer, Eric. "Asylum Destination Choice What Makes Some West European Countries More Attractive Than Others?." *European Union Politics* 5.2 (2004): 155-180; Holzer, Thomas, Gerald Schneider, and Thomas Widmer. "The impact of legislative deterrence measures on the number of asylum applications in Switzerland (1986-1995)." *International Migration Review* (2000): 1182-1216; Williamson, Jeffrey G., and Timothy J. Hatton. *Refugees, Asylum Seekers and Policy in Europe*. National Bureau of Economic Research, 2004; Thielemann, Eiko R. "Does policy matter? On governments' attempts to control unwanted migration." (2003); Neumayer, Eric. "Asylum Recognition Rates in Western Europe Their Determinants, Variation, and Lack of Convergence." *Journal of conflict resolution* 49.1 (2005): 43-66.
- <sup>1</sup> Anthony H. Richmond, 'Reactive Migration: Sociological Perspectives on Refugee Movements' (1993) 6 *Journal of Refugee Studies* 7 p. 19-21. He has established 25 types of different refugee motives.
- <sup>1</sup> Aristide R. Zolberg, Astri Suhrke and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York: Oxford University Press, 1989), p. 31.
- <sup>1</sup> Goodwin-Gill, *The Refugee in International Law* (Oxford: Clarendon Press, 1996), p. 2.
- <sup>1</sup> Jeremy Harding, *The Uninvited: Refugees at the Rich Man's Gate* (London: Profile Books, 2000), p. 122. Economic migrants are persons fleeing economic degradation and are not entitled to the same protection given to refugees. Human Rights Watch, International Catholic Migration Committee and the World Council of Churches, *NGO Background Chapter on the Refugee and Migration Interface* (chapter presented to the UNHCR Global Consultations on International Protection, Geneva, 28-29 June 2001). The UNHCR has stated that civil and political rights of refugees have been denied. This is considered a 'violation' and they are entitled to international protection. On the contrary, in case of economic migrants, their economic and social rights have been rejected. This is generally viewed as an 'injustice'. As a result, they are not entitled to international protection. However, this position has received many critiques. For instance, in case that a national government poisons the water or destroys crops in order to oblige certain groups of the society to accept their policies. Susanne Schmeidl, 'Conflict and Forced Migration: A Quantitative Review, 1964-1995', in Aristide R. Zolberg and Peter M. Benda (eds.), *Global Migrants, Global Refugees: Problems and Solutions* (New York: Berghahn Books, 2001), pp. 82-3; David Marcus, 'Famine Crimes in International Law' (2003) 97 *American Journal of International Law* 245.