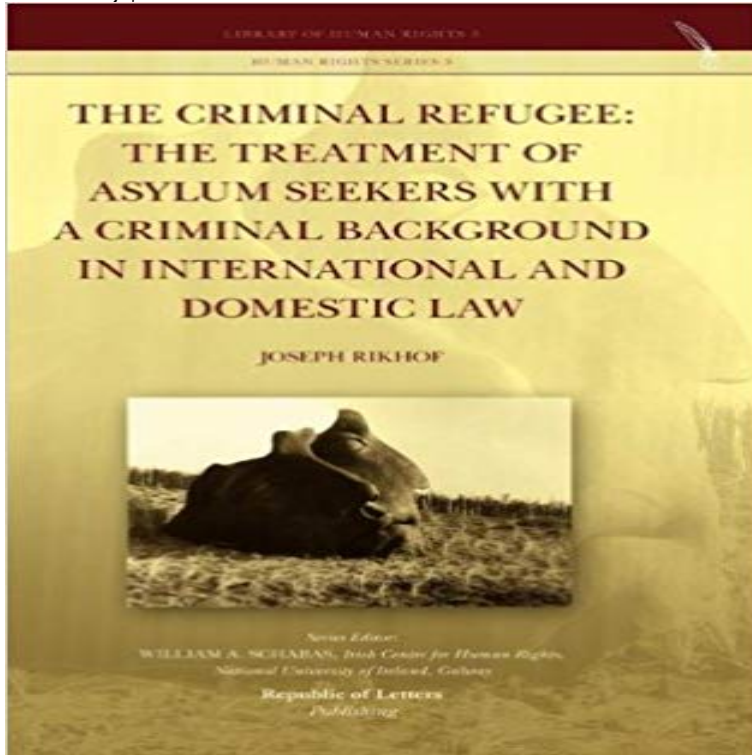


# The Criminal Refugee: the Treatment of Asylum Seekers with a Criminal Background in International and Domestic Law



Human Rights Series, 3 (Library of Human Rights, 3) After the Second World War human rights law became entrenched in legal discourse as witnessed by a proliferation of human rights treaties. While the right of asylum was recognized as an fundamental right in the Universal Declaration of Human Rights, it has never been an absolute right but always restricted in various ways, the most important ones being that asylum should not be conferred on criminals and that refugees with a criminal background could be removed from the country of refuge. This book examines the extensive jurisprudence at the international and domestic level, which has attempted to balance the right of asylum for an individual versus the right of the state of refuge to restrict this right in situations of criminality. TABLE OF CONTENTS Chapter 1: Introduction Chapter 2: History Chapter 3: Exclusion Chapter 4: Refoulement Chapter 5: Alternatives to Refoulement Chapter 6: Conclusion Appendix: Geographical Listing of Court/Tribunal Decisions regarding Nefarious Organizations Jurisprudence Literature and Official Documents Index ABOUT THE AUTHOR Joseph Rikhof has received a BCL from the University of Nijmegen in The Netherlands; a LL.B degree from McGill University in Canada; a Diploma in Air and Space Law, also from McGill University and a PhD from the Irish Center for Human Rights. He teaches the course International Criminal Law at the University of Ottawa. He is Senior Counsel, Manager of the Law with the Crimes against Humanity and War Crimes Section of the Department of Justice, Canada. He was a visiting professional with the International Criminal Court in 2005 while also serving as Special Counsel and Policy Advisor to the Modern War Crimes Section of the Department of Citizenship and Immigration between 1998

and 2002. His area of expertise lies with the law related to organized crime, terrorism, genocide, war crimes and crimes against humanity, especially in the context of immigration and refugee law. He has written over 30 articles as well his PhD thesis exploring these research interests and has lectured on the same topics in North and South America, Europe, Africa, the Middle East, Australia and New Zealand.

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