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United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

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❖ Select UNHCR Resources on Interpretation &
Application of the Refugee Definition

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UNHCR's RefWorld

RefWorld, found at <http://www.refworld.org>, contains a vast collection of reports relating to situations in countries of origin, policy documents and positions, and documents relating to international and national legal frameworks. The information has been selected and compiled from UNHCR's global network of field offices, Governments, international, regional and non-governmental organizations, academic institutions and judicial bodies. It includes UNHCR positions, including legal and country-specific positions and amicus briefs; recommendations; guidelines; and related papers.

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UNHCR Handbook

The legal weight and authority of the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status* in interpreting and applying the refugee definition and the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol has been recognized by courts and other adjudicative bodies throughout the world, including the United States Supreme Court beginning with its leading decision on U.S. asylum law, *INS. v. Cardoza-Fonseca*, 480 U.S. 421 (1987).

UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status* (1979, Re-edited 1992), <http://www.unhcr.org/3d58e13b4.html>.

Guidelines on International Protection

UNHCR issues Guidelines on International Protection pursuant to its mandate, as contained in the *Statute of the Office of the United Nations High Commissioner for Refugees*, in conjunction with Article 35 of the 1951 Convention relating to the Status of Refugees and Article II of its 1967 Protocol. These Guidelines complement UNHCR's *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees* (1979, re-edited, Geneva, January 1992). These Guidelines are intended to provide legal interpretative guidance for governments, legal practitioners, decision-makers and the judiciary, as well as UNHCR staff carrying out refugee status determination in the field.

1. UNHCR, *Guidelines on International Protection: Child Asylum Claims under Articles II(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, available at: <http://www.unhcr.org/refworld/docid/4b2f4f6d2.html>.
2. 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; <http://www.unhcr.org/publ/PUBL/443b626b2.pdf>.



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3. UNHCR, *Guidelines on International Protection: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004; <http://www.unhcr.org/publ/PUBL/40d8427a4.pdf>.
4. UNHCR, *Guidelines on International Protection: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, HCR/GIP/03/05, 4 September 2003; <http://www.unhcr.org/publ/PUBL/3f7d48514.pdf>.
5. UNHCR, *Guidelines on International Protection: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the “Ceased Circumstances” Clauses)*, HCR/GIP/03/03, 10 February 2003; <http://www.unhcr.org/publ/PUBL/3e637a202.pdf>.
6. UNHCR, *Guidelines on International Protection: “Internal Flight or Relocation Alternative” within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003; <http://www.unhcr.org/publ/PUBL/3f28d5cd4.pdf>.
7. UNHCR, *Guidelines on International Protection: “Membership of 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*, HCR/GIP/02/02, 7 May 2002; <http://www.unhcr.org/publ/PUBL/3d58de2da.pdf>.
8. UNHCR, *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*. HCR/GIP/02/01, 7 May 2002; <http://www.unhcr.org/publ/PUBL/3d58ddef4.pdf>.

Guidance Notes

UNHCR Guidance Notes on thematic legal or procedural matters are issued by UNHCR pursuant to its mandate as stated in the 1950 *Statute of the Office of the United Nations High Commissioner for Refugees* and to the responsibilities defined in Article 35 of the 1951 *Convention relating to the Status of Refugees* and Article II of the 1967 *Protocol to the Convention*. These Notes are prepared in response to emerging legal or operational refugee issues and are intended to provide guidance on the interpretation or application of the law and legal standards being addressed. Guidance Notes should be read in conjunction with the relevant Guidelines on International Protection as they provide important complementary information.

1. UNHCR, *Guidance Note on Refugee Claims Relating to Victims of Organized Gangs*, 31 March 2010, available at: <http://www.unhcr.org/refworld/docid/4bb21fa02.html>.
2. UNHCR, *Guidance Note on Refugee Claims relating to Female Genital Mutilation*, May 2009, <http://www.unhcr.org/refworld/docid/4a0c28492.html>.
3. UNHCR, *Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity*, 21 November 2008, <http://www.unhcr.org/refworld/docid/48abd5660.html>.



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Country-Specific Protection Assessment Guidelines, selected recent examples

1. UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*, 5 July 2010, <http://www.unhcr.org/refworld/pdfid/4c31a5b82.pdf>.
2. UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, 5 May 2010, <http://www.unhcr.org/refworld/pdfid/4be3b9142.pdf>
3. UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, 20 July 2009, <http://www.unhcr.org/refworld/docid/4a6477ef2.html>.
4. UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April 2009, <http://www.unhcr.org/refworld/pdfid/49f569cf2.pdf>.

Notes on Establishing Eligibility for Protection, selected example

1. UNHCR, *Note on Burden and Standard of Proof in Refugee Claims*, 16 December 1998, <http://www.unhcr.org/refworld/docid/3ae6b3338.html>.

General Resource on Comparative International Jurisprudence

UNHCR, *Compilation of Case Law on Refugee Protection in International Law*, March 2008
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=47dfc8e32>.

Selected Amicus Briefs Submitted to U.S. Courts

1. UNHCR, *Mejilla-Romero v. Holder. Brief Amicus Curiae of the United Nations High Commissioner for Refugees in Support of Petitioner's Petition for Rehearing en Banc*, 18 June 2010, <http://www.unhcr.org/refworld/pdfid/4c2325212.pdf>.
1. UNHCR, *Valdiviezo-Galdamez v. Holder, Attorney General. Brief of the United Nations High Commissioner for Refugees as Amicus Curiae in Support of the Petitioner*, 14 April 2009, <http://www.unhcr.org/refworld/docid/49ef25102.html>.
2. UNHCR, *Daniel Girmai Negusie v. Mukasey. Brief of the United Nations High Commissioner for Refugees as Amicus Curiae in Support of the Petitioner*, 23 June 2008, http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/07-499_PetitionerAmCuUNHCR.pdf.
3. UNHCR, *Ahmed Ali v. Deborah Achim, Michael Chertoff, Secretary of the Department of Homeland Security, and Michael Mukasey, United States Attorney General. Brief of the Office of the United Nations High Commissioner for Refugees as Amicus Curiae in Support of Petitioner*, November 2007, No. 06-1346, <http://www.unhcr.org/refworld/docid/47503a952.html>.

Selected Topical Power Point Presentations

Application of the Refugee Definition to Gang-related Asylum Claims, July 2010 (not available on-line)



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The Relevance of International Law in U.S. Asylum Adjudication, 2010 (not available on-line)