

Do the abstracts below manage to sufficiently...

- Explain the **gist of the argument/hypothesis** to be developed in the essay;
- Introduce the **main research question and related sub-questions**;
- Indicate the **“real-world” problem** underpinning the investigation;
- Undertake a very brief **literature review**, so the reader is aware of where/how far the debate has gone hitherto and which gaps remain to be filled/which questions remain to be fully addressed;
- Express the **added value** of the research, making clear why research in the relevant domain is (still) important/necessary;
- Describe the different steps the reasoning will take in the paper, presenting the **overall structure** of the essay, so the reader understands how the research has been arranged.



SAMPLE 1)

Working Title: *Non-State Actors and the Provision of Protection: The Kurdish Regional Government’s Response to the Influx of Syrian Refugees*

Abstract

According to the 1951 Refugee Convention, a ‘refugee’ is defined as an individual with a well-founded fear of persecution who is unwilling or unable to avail him- or herself of the protection of their country of origin. Although it is now recognised under international law that both states and non-state actors can be the perpetrators of persecution, it is less clear whether protection as defined under international refugee law can be provided by both state and non-state actors alike. Given the rise of protracted crises and failed states in recent years, non-state actors have played an increasingly important role in international relations. Consequently, the question of whether non-state actors can provide effective protection to refugee populations has come to the fore. This paper thus seeks to examine whether non-state actors can provide effective protection to refugee populations by analysing the response of the Kurdish Regional Government (KRG) to the influx of Syrian refugees after 2011. In doing so, it considers the implications on refugee status determination and the provision of ‘effective protection’ and ultimately argues that despite some instances of non-state actors being able to provide some form of protection, states should retain responsibility as primary actors of protection under international law.

If non-state actors are to be considered capable of providing effective protection to refugee populations, then a state’s decision to remove a refugee to his/her country of origin will inherently be influenced. For instance, if a non-state actor within a given territory is deemed capable of providing effective protection, an individual attempting to claim refugee status may be unable to prove that he/she cannot return to their country of origin due to a well-founded fear of persecution and lack of protection. Moreover, if an individual is returned to a state where non-state actors are deemed to be providing effective protection, the returning state would ultimately not be in breach of the principle of non-refoulment. As such, the answer to the question of whether non-state actors can provide effective protection to refugee populations and should therefore be considered as actors of protection under international law, has fundamental implications for refugee status determination. These implications merit considerable attention and should be carefully considered.

SAMPLE 2)

Working title: *A Feminist Analysis of the 1951 Refugee Convention: Does Reliance on the 'Particular Social Group' Convention Ground in Cases of Female Genital Mutilation Reveal an Underlying Gendered Politics?*

Abstract

While significant advances have been made towards a gender-sensitive interpretation of the 1951 Refugee Convention, one can still elicit an underlying gendered politics. Thus, this essay aims to explore the ways in which the 1951 Convention is applied in cases of gender-based persecution. Specifically, this essay will focus on the treatment of asylum claims resulting from a fear of female genital mutilation/cutting (FGM/C). This examination will be conducted through the lens of feminist legal theory. The first part of this investigation will introduce the practice of female genital mutilation/cutting. Girls and women seeking asylum due to a fear of persecution on FGM/C grounds can qualify for refugee status under the 1951 Refugee Convention. It will be demonstrated how such claims are brought within the Article 1(A)(2) definition. In part two, key feminist critiques of international law generally, and international refugee law specially, will be considered. In part three, the case law of the United States of America and the United Kingdom will be used to illustrate how national jurisdictions have treated applications for refugee status based on a fear of FGM/C. It will be submitted that women's gender-based persecution claims are most often categorized under the membership of a 'particular social group' Convention ground, at the expense of the 'political opinion' ground. It will be contended that this is problematic, drawing on the feminist critiques expounded in part two, for this fails to recognise women's resistance to gendered oppression as a valid expression of political opinion. Additionally, it will be argued that the international failure to construe the 'particular social group' broadly in FGM/C cases serves to reinforce the gendered stereotype of third-world women as victims.

SAMPLE 3)

Working Title: *The Legality of Borders Fences and 'Passive Refoulement'*

Abstract

In recent years, the erection of physical barriers, such as barbed wire fences, along the borders of states has become increasingly common. States, such as Spain, Hungary, and the United States, have justified the erection of these barriers on the grounds that they are exercising their sovereign right to secure their borders and defend their populace. The recent case of *N.D. and N.T. v. Spain*, currently pending at the European Court of Human Rights, after a referral to the Grand Chamber, in which individuals who had climbed Spain's border fence were automatically returned to Morocco, highlights the tension between a state's right to defend its territory and its legal obligation under international law to respect and uphold the principle of *non-refoulement*. To examine this developing tendency, this paper considers the legality of physical barriers along borders and the 'passive refoulement' of migrants that may occur as a result. In doing so, it will also consider whether there are any exceptions applicable in mass influx situations or states of emergency and what remedies exist for the protection of migrants should access to territory be restricted.

SAMPLE 4)

Working title: *Is the UK National Referral Mechanism (NRM) for Trafficking Determination compatible with the 1951 Refugee Convention?*

Abstract

When applying the recent Court of Appeal case of *MS (Pakistan) in AUJ (Trafficking – no conclusive grounds decision) Bangladesh* the Upper Tribunal found that where the NRM has made a negative conclusive grounds decision, the judge must consider at the start of the hearing whether the decision was perverse or irrational and only if so can they go on to consider subsequent evidence and re-determine the facts. As rightly pointed out by Blind, this may materially hamper a victim of trafficking subsequent appeal on the grounds of human rights or asylum, and this should be of concern. This essay will expand on this interpretation of the recent case law and explore how the NRM process as a whole may hinder an appeal based on the need for asylum. In order to do this, the essay will assess the legal grounds of irrationality for judicial review of an NRM decision, and the legal assistance available to victims of trafficking in the early stages of the process when they are providing evidence. The essay will compare the burden of proof and standard of proof needed for a successful NRM decision against the same for a successful asylum claim. If a rational negative conclusive grounds NRM decision may be made without the evidence necessary for an asylum claim, this may leave victims reluctant to make an NRM referral and may render UK trafficking policy incompatible with the Refugee Convention and 1967 Protocol.

SAMPLE 5)

Working title: *Is the administrative detention of refugees ever justified under the Refugee Convention?*

Abstract

Increased migration flows over the last several years and its related challenges have led to the increased practice of states detaining asylum seekers pending the determination of their application for international protection. Asylum seekers are thereby often subject to administrative detention where decisions are dictated by policy rather than by individual assessment. This practice leads to the restriction and control of movement of asylum seekers and raises substantial international refugee and human rights law issues relating to liberty and security.

This essay will examine how the detention of asylum seekers purely serves administrative convenience and is contrary to principles of international refugee and human rights law. The lawfulness of restrictions on the movements of refugees and asylum seekers and the legal issues related to the practice of detention for administrative convenience such as the grounds for detention, the length of detention, the conditions of detention, and the inclusion of 'vulnerable' applicants will be analysed.

The first part of the essay will consider to what extent the 1951 Refugee Convention and relevant provisions of international human rights law constrain the power of states to detain asylum seekers for administrative purposes. The second part of the essay will analyse the detention of asylum seekers in practice, with a particular focus on the situation in EU Member States and ECtHR jurisprudence. The essay will conclude with an analysis of the UNHCR Alternatives to Detention and assess what other durable/feasible alternative solutions exist to move towards a world where asylum seekers are no longer detained by default to serve administrative convenience.