

IARMJ GLOBAL JUDICIAL ANALYSES (GJAs) PROJECT



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RATIONALE

- Despite widespread recognition of the vital role of judges in interpreting the refugee definition, there has not to date been any global judicial analyses of this definition
- Within Europe, IARMJ has shown that judicial analyses can be valuable tools: see the EASO/EUAA judicial analyses developed by IARMJ as part of the PDS (Professional Development Series for members of courts and tribunals)
- But the European publications only analyse the refugee definition under EU law. They are not global. Whilst they offer a source of inspiration, they cannot fill the current lacuna.



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The PDS

- The EASO/EUAA Professional Development Series for members of courts and tribunals (PDS) has so far published 10 judicial analyses covering core refugee law subjects:
- [see next slide)
- (It has also produced 6 accompanying Judicial Trainers Guidance Notes).



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EASO/EUAA Judicial Analyses to date

- EASO, Article 15(c) Qualification Directive (2011/95/EU) – A Judicial analysis, December 2014.
- EASO, An Introduction to the Common European Asylum System for Courts and Tribunals – A Judicial analysis, August 2016.
- EASO, Qualification for International Protection (Directive 2011/95/EU) – A Judicial analysis, December 2016 (2nd edition expected November 2022).
- EASO, Judicial analysis – Asylum Procedures and the Principle of Non-refoulement, 2018.
- EASO, Judicial analysis – Evidence and Credibility Assessment in the Context of the Common European Asylum System, 2018 (2nd edition expected early 2023)
- EASO, Practical Guide, Qualification for International Protection, April 2018.
- EASO, Detention of Applicants for International Protection in the Context of the Common European Asylum System, 2019.
- EASO, Judicial analysis – Exclusion: Articles 12 and 17 Qualification Directive, 2nd edition, 2020.
- EASO, Judicial analysis: Reception of Applicants for International Protection (Receptions Conditions Directive 2013/33/EU), 2020.
- EASO, Judicial analysis: Vulnerability in the Context of Applications for International Protection, 2021



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KEY COMPONENTS OF GJAs PROJECT

- 'By judges, for judges'
- IARMJ identity (they would be endorsed by IARMJ as IARMJ publications)
- IARMJ ownership (they would be developed in consultation with the regional chapters and developed under a methodology approved by the Executive/Management Board)
- Expertise (the aim being to produce analyses that will be seen to have authority, the project will have a methodology that ensures the judges involved in the drafting and editing (and those assisting them) have expertise in refugee law)
- Incremental approach (to avoid undue burdening, the project will aim to proceed incrementally, taking on no more than one or two topics at a time)
- A pilot with 4 drafters, one from each chapter, plus 9 case law contributors (3 from each chapter)
- Would also cover international norms governing migration



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QUESTIONNAIRE

- The Questionnaire ask you to:
 - provide feedback on the basic idea of the project
 - Provide feedback on the topic for a proposed pilot to run from January 2023-April 2023
 - Make suggestions to the Chapter executive as to who should be the Chapter's choice of drafter and three case law contributors for the pilot topic chosen