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Refugee Law

Colin Yeo

Bristol University Press, 2022

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286pp, £28.99 paperback

This book review has been co-created with students studying a final year immigration and asylum law elective module at the University of Sheffield. Each student author has contributed to the evaluation and text in this review. Colin Yeo's *Refugee Law* is marketed as 'an essential guide for students' and its success or failure as a work must therefore be predicated on Yeo's ability to communicate with a novice audience. Based on the student's review below, it more than meets its objectives.

Yeo's *Refugee Law* offers a comprehensive and accessible insight into international issues surrounding asylum law to students, early-stage lawyers, and scholars alike. Those learning about the complexities of, and changes to, refugee law can appreciate that Yeo's book is written in a manner which readers with varying levels of expertise could understand. Seeking to primarily address the law within the United Kingdom, the work remains relevant to other common law jurisdictions and both the Global North and Global South.

The main focus is on explaining the 1951 Refugee Convention, its definition of the refugee, and the rights afforded to them. Chapter 1 illustrates the development that the Convention has undergone alongside international human rights law since its creation, and the key principle of non-refoulement. Further chapters are thematic. Chapters 2 and 3 cover well-founded fear and persecution. Chapter 4 covers state protection and internal relocation. The loss of refugee status is discussed in chapter 5, cessation and exclusion in chapter 6, and the rights of refugees in chapter 7. Chapter 8 discusses refugee status determination.

The author develops his arguments throughout, using various UK based case studies, often demonstrating that the system is flawed. It is made clear that it is important to keep the law relevant to the continuously increasing number of refugees. Most notably, the reader reaches his conclusion with little difficulty. Yeo concludes with a nuanced standpoint on the current responses towards refugees, stating criticisms of the success of the system, but recognising that the Convention is promising when its international commitments are complied with by states.

Language and Structure

Throughout the text Yeo keeps his language clear and simple, especially when compared to other texts in the area. It makes this text substantially more comprehensible for students who often need to digest large amounts of new information in a relatively short period of time. However, this is a double-edged sword as this simplicity may compromise the profundity of the legal analysis for more advanced readers.

This notion of student-friendliness is reinforced through the use of clear and well-placed headings. The headings are all succinct and to the point, making it straightforward for a reader to locate the area of the text that they require. This is a big plus of the book as it minimises confusion when dealing with an area of the law which can be both intricate and complex, allowing for the readers to focus on the content of the book instead of getting to terms with its structure. Furthermore, the clarity and comprehensiveness are strengthened by the headings breaking the content down into manageable chunks which follow on clearly from the previous section. This allows for notes to be made on the basis of the book, due to its signposting and layout, which prevent any potential unnecessary confusion. The book is also beneficial for further research as it contains many further reading resources which are scattered throughout, especially in the areas of densest interest.

Yeo has pushed to create an accessible book which, whilst remaining technical, can be easily followed by most readers. The structure of the book lends itself to this in a plethora of ways most notably by following a similar pattern to the Refugee Convention, allowing for the main features of the Convention to be followed in a structured manner. This allows the reader to understand the layers involved within the refugee determination process and carefully follows each step in a succinct and clear manner. Whilst Yeo develops each point carefully, there is also an understanding of not overloading the reader with too much information at once.

An improvement that the book would benefit from is a clearer introduction to each section, by adopting a separate summary giving a more detailed overview of what the chapter holds or even the headings it will structure its analysis throughout. The use of abstracts or summaries in addition to the inclusion of key words, similarly to other textbooks, would further support the reader in the navigation of the chapter ahead.

Another component which Yeo may look to include in future editions would be a reflective element at the ending of each chapter, to allow for the reader to reflect both on the law and its' moral aspects. By incorporating some reflective questions into the ending of each chapter in the book, it means the reader can interact with the topics explored and thus have more retention of the work.

On the whole it is an informative and engaging book which is beneficial to both those well versed in refugee law and beginners. The structure of the book helps to create an accessible way into understanding refugee law and can be used efficiently as a base of knowledge for refugee law.

An international comparative assessment

Refugee Law provides an international comparative assessment of refugee law. Amongst other jurisdictions he focuses on, Africa and Latin America are highlighted which allows for a shift away from a solely westernised perspective of refugee law, taking into account a variety of approaches adopted across the globe. The assessment of African refugee law, specifically the ‘African Refugee Convention’ (the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa) is of particular utility as it allows for criticism of the UNHCR adopted definition of refugee status under the 1951 Refugee Convention. His assessment highlights the limited applicability of the Refugee Convention definition to post-colonial Africa, as evidenced by issues such as a lack of provision protecting anti-colonial freedom fighters.

After an in-depth analysis of the African legal framework and its very open interpretation of a refugee, Yeo draws a close analysis of the comparisons between the African and Latin American refugee frameworks. This includes the exploration of the definition of refugee, closely derived from the Refugee Convention, which is internationally recognised but not always integrated into domestic law. The inclusion of ‘events seriously disturbing public order’ in the African framework definition of a refugee is very broad. Further, Yeo credibly explains how this wider interpretation of a refugee could apply to those fleeing climate-related disasters, which would aid many people looking to survive such atrocities. This is also seen in the Latin American framework as highlighted by Yeo. However, in state practice, this interpretation of the definition applying to climate-related disasters is not well founded. This is a very informative comparison, but this could have also been related back to UK laws pertaining to the refugee definition explicitly to further inform the reader on the extent of the differences globally.

Yeo effectively assesses and analyses international jurisdictions’ application of refugee law. He provides both an analysis of the theoretical implications that refugee legislation beyond the UK has on refugee law and their practical application. This allows for a critical analysis of the various jurisdictions’ refugee legislation and in turn permits an effective comparison to UK legislation. This is apparent when Yeo explains EU legislation regarding refugee law,

specifically the Dublin agreement. He then analyses said legislation demonstrating its limitations in application (e.g. through the practical collapse of the Dublin system). Another interesting point of assessment which he analyses is the lack of uniformity and collaboration between Latin American nations in refugee law, with huge disparity in their responses to the Venezuelan refugee crisis. This exemplifies how Yeo provides a thorough assessment of the international legislation which can be utilised as a point of comparison to current and future UK refugee law.

Choosing a module text: the lecturer's dilemma

Yeo's *Refugee Law* was set as alternative essential reading alongside Clayton and Firth, *Immigration and Asylum Law* (9th ed, OUP, 2019), as in, it was suggested that students select one or the other as their introductory text. The student's review validates this choice.

Yeo's book is narratively satisfying. It explains the 'story' of refugee protection and could be read as a book from front to back, whereas Clayton and Firth's textbook follows a more traditional textbook form. This is no criticism. Some students will desire a reference work where specific legal principles and ideas are clearly highlighted, whereas reading Yeo as a reference text normally requires jumping back further in the book from the index page in order to pick up the narrative thread.

The choice (if one has to be made) between recommending one over the other is therefore likely to come down to the kind of approach and assessment method adopted by a specific module. Yeo's more narrative work is better suited to discursive, law and policy framed modules. It is not as heavily populated with case law, and that might limit its usefulness in the study of law and practice modules and/or those assessed by problem questions: it would at least need heavily supplementing with a case list or extracts from a practitioner text such as *Macdonald's Immigration Law and Practice* (10th ed, 2021, LexisNexis).

This was picked up by the student reviewers who commented that Yeo's careful selection of key information allows for the book to be read more similarly to an article than a traditional textbook. This helps the reader to interact with the source material and makes this more accessible for readers who have not previously interacted with refugee law to get a base understanding of the subject.

Although this review references throughout the positives of Yeo creating a less information heavy structure, there are also some drawbacks of this method in comparison to some other textbooks. The most notable of these would be the lack of importance drawn to key cases, whereas this is often highlighted in other subject textbooks. Through the inclusion of

textboxes specifically designed to reflect a particular case, it allows the reader to not only understand the general application of the law but also is key in reflecting the climate of refugee law. Whilst there are some examples throughout the text of cases being highlighted, it would be beneficial to the reader to share more of these in order to increase understanding. This may also be used in linking with the key *obiter* from judges which is included in the text, as although this is separated throughout the book, it may also be beneficial to include the case law behind the *obiter*.

There is also a distinct difference in choice of analytical lens. Marie-Bénédicte Dembour reminds us that teaching subjects rooted in human rights law can suffer from 'the footnote 10 phenomenon' whereby critical perspectives (e.g. feminist or post-colonial critiques) are relegated to the margins or excluded entirely.¹ Neither book suffer from this phenomenon. However, *Refugee Law* (as highlighted above) takes an international comparative approach, including reference to the application of the Convention in the Global South, whereas Clayton and Firth has a focus on the application of the Convention in UK law and the different ways in which gender is both recognised and marginalised by the Convention and case law. These differences may also influence the recommendation of one over the other.

Finally, *Refugee Law* does not incorporate the changes brought by the Nationality and Borders Act 2022, although the Bill is referenced throughout. Hopefully a second edition is on the way.

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¹ Marie-Bénédicte Dembour, 'Critiques' in Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris (eds), *International Human Rights Law* (4th ed, 2022, OUP)