

Interest Group on Migration and Refugee Law



Newsletter No. 15 (July 2019)

CONTENT

- Interest Group pre-conference event, Athens
- IG activities related to Migration and the Rule of Law
- ESIL Migreflaw IG Symposium for ADiM Blog
- *EJIL:Talk!* Symposium
- News from around the world
- Events and call for papers
- IG business meeting, Athens

INTEREST GROUP WORKSHOP ON CHILDREN IN THE CONTEXT OF MIGRATION AND ASYLUM, ATHENS (12 September 2019)

On the margins of the 15th ESIL Annual Conference in Athens (12-14 September 2019), the Interest Group on Migration and Refugee Law (IG MigRefLaw) organizes a workshop on the first day of the conference entitled '**Children in the context of migration and asylum: a further layer of legal standards limiting state sovereignty?**'. The presentations and discussion will be based on five short papers, with session one covering aspects of the interaction of international refugee law with the Convention on the rights of the Child ('CRC') (Eric Fripp), the CRC' child's best interests principle in the context of asylum determinations and deportation (Kristie Bluett), and the international obligations of States to prevent trafficking in migrant children (Rosana

Gardiandia). Session two will address the detention of migrant children in the context of asylum (Nikolett Takács) and potential shortcomings in the protection of migrant children in Africa (Christiano d'Orsi).

Full programme details are available [here](#).

INTEREST GROUP ACTIVITIES RELATED TO MIGRATION AND THE RULE OF LAW

The beautiful German city of Göttingen was the place to be in April for early career EU and international legal scholars to exchange their views on the rule of law in the

framework of the [ESIL Research Forum](#). The IG MigRefLaw picked up the topic by organising a **workshop on the meaning and function of the rule of law in the context of migration**. On 3 April, no less than ten speakers presented a wide range of approaches to the topic.

In the first session titled ‘Migration and Asylum, the Rule of Law and Universal Values: A Multi-Dimensional Analysis’, the presenters each highlighted the role multiple levels of governance and type of actors play: while Sebastian Meyer and Danielle Annoni addressed the rule of law in the European Union and Inter-American regimes respectively, Pierfrancesco Rossi focused on the contribution of national courts to the solidification of international rule of law through the lens of the Italian case law concerning migrant rescue at sea. Eleonora Frasca pointed out the challenges for the rule of law in the context of private sponsorship programmes. The second panel further zoomed in on the rule of law and migration in the context of Europe and its so-called migration and refugee crisis. Marguerite Guiresse addressed the concept of mutual trust in the CEAS. Emmanuelle Rigaud looked at EU agencies’ role concerning the upholding of rule of law, while Monica Parodi explored the EU’s role in ensuring the rule of law in the EU Member States’ asylum legislation. Themistoklis Tzimas, Giorgia Lo Tauro and Giuliana Quatrocchi subsequently focused on the European periphery, with an analysis of the Greek hotspots and Bosnia and Herzegovina in the context of the crisis.

More info can be found [here](#).



ESIL MigRefLaw Interest Group members at the ESIL Research Forum, Göttingen, Germany

ESIL MIGREFLAW IG SYMPOSIUM FOR ADIM BLOG

Drawing on the presentations from the Göttingen workshop participants, the MigRefLaw Interest Group teamed up with the Academy of Law and Migration ([ADiM](#)) located at the Tuscia University of Viterbo to publish a ***Blog Symposium on 'The Rule of Law within and beyond the European Migration and Refugee Crisis'***. The structure of the blog symposium follows three threads:

- The challenges to the EU rule of law, deriving or connected to the management of large flows of migrants and refugees.
- The nature and impact of crisis-management and operational tools, adopted by the Union to tackle the migratory upstream, on the EU rule of law.
- The structural mechanisms and normative tools of the EU legal system, capable of resisting and (possibly) reversing the crisis of the EU rule of law.

[Here](#) you can find the contributions from Eleonora Frasca, Margueritte Guiresse, Sebastian Meyer, Monica Parodi, Emmanuelle Rigaud, Themis Tzimas, Gorgia Lo Tauro and Giuliana Quattrochi.

EJIL TALK! BLOG SYMPOSIUM ON THE UN GLOBAL COMPACTS

Earlier this year, the Interest Group had already been active on the blogging scene. As a result of the IG MigRefLaw workshop in Manchester last September and in response to the adoption of the two UN Global Compacts on Migration and Refugees at the end of 2018, four contributions appeared on ***EJIL: Talk!*** blog under the ***series 'the UN Global Compacts on Migration and Refugees: The Twin Peaks?'***.

In addition to a short introductory note [by the IG MigRefLaw conveners](#), blog posts appeared at the hands of [Maria Gavouneli](#), [Andrea Spagnolo](#), [Ülkü Sezgi Sözen](#), and [Marion Panizzon and Daniela Vitiello](#).

NEWS FROM AROUND THE WORLD

Europe

A [communication](#) was submitted to the International Criminal Court arguing for initiating investigations against the European Union and EU Member State officials in the context of (mis)managing migration in the Mediterranean, including sending people back to Libya, which, according to the communication, amount to crimes against humanity.

Reminder: IG website

The website of the Interest Group is migreflaw.wordpress.com

If you have interesting content (a call for papers, a blog or publication, an event), or any questions regarding this Newsletter, please send an e-mail to migreflaw@gmail.com

Follow us on Twitter [@ig_migreflaw](https://twitter.com/ig_migreflaw)

The EU Fundamental Rights Agency [published an update](#) on NGO vessels involved in search and rescue in the Mediterranean and related criminal investigations. NGOs have recently defied Italy's refusal to allow disembarkation, entering the latter its territorial waters. Meanwhile, early July, Malta provided a place of safety for 65 rescued migrants of who were rescued earlier by the '*Alan Kurdi*' vessel, with other EU Member States committing to share the responsibility for those rescued.

UNHCR published its [recommendations](#) to the Finnish EU Presidency (July – December 2019), recommending it to focus on two priorities: cooperation and solidarity with refugees and host communities and the issue of responsibility sharing among EU Member States.

In a decision of 23 May 2019, the European Committee on Social Rights held that Greece must take immediate measures to protect the right of migrant children under the European Social Charter. The legal challenge was lodged by the ICJ and ECRE. More info can be found [here](#).

Asia-Pacific

The Peter McMullin Centre on Statelessness at the Melbourne Law School, in cooperation with the Institute of Statelessness and Inclusion, launched a new academic journal called "*Statelessness and Citizenship Review*". It can be accessed [here](#).

Americas

A Federal Judge [blocked the Trump Administration's policy](#) denying asylum seekers in detention the right to request bond hearings, finding the policy unconstitutional in response to a class-action by asylum seekers and advocates.

According to a [report by Human Rights Watch](#) (HRW), the program named the US "Migrant Protection Protocols" (MPP), colloquially known as "Remain in Mexico," has thus far had serious rights consequences for returned asylum seekers. HRW found the returns program is expelling asylum seekers to ill-prepared, dangerous Mexican border cities where they face high if not insurmountable barriers to receiving due process on their asylum claims.

Africa

Renewed violence in the eastern Democratic Republic of the Congo (DRC) region that is struggling to contain the on-going Ebola outbreak, has claimed the lives of at least 160 people and displaced hundreds of thousands of others, further complicating the response to the public health emergency. More info [here](#).

EVENTS AND CALL FOR PAPERS

Conferences

[Highly-skilled migrant women: Challenges and opportunities in knowledge-based labour markets, Final conference of the EUMENTORSTEM project, Bologna, Italy 12-13 September 2019](#)

[Odysseus Academic Network annual conference, co-organised with the European Migration Network Finnish Contact Point and the EPC, titled “From Tampere 2.0 to Tampere 2.0” will be held on 24-25 October 2019 in Helsinki](#)

Call for papers

[Excluding Diversity: At the Intersections of Anti-Immigrant and Anti-Gender Mobilizations \(Deadline for submission of abstracts: 15 September 2019\)](#)

Other events

[Summer School \(16-22 September 2019\) – Rethinking the culture of tolerance. European integration after the Fall of the Berlin Wall. Deadline: 10 July 2019](#)

IG BUSINESS MEETING AND COORDINATING COMMITTEE ELECTIONS 2020

On Thursday 12 September 2019, the Coordinating Committee of the IG MigRefLaw will convene a short business meeting in Athens after our workshop ‘*Children in the context of migration and asylum*’ (see news item above).

The business meeting provides an opportunity to meet other Interest Group members and to discuss current and future IG activities with the Coordinating Committee.

In January 2020, elections will be held to renew a large part of the current Coordinating Committee. The business meeting is a great opportunity for IG members with an interest in joining the Coordinating Committee to get in touch or ask any questions about the functioning of the ESIL Interest Groups, our own Coordinating Committee or the elections system.

The [Interest Group on Migration and Refugee Law](#) (MigRefLaw) is one of the interest groups of the [European Society of International Law](#). The IG focuses on the law and policy of states and international organisations with regard to people who seek entry to their communities. The movement of people across borders is a defining reality of our time. This IG aims to provide a forum for discussion on the legal principles and processes governing the movement of people as well as their reception in host communities. By doing so, the group hopes to build a shared knowledge base among ESIL members interested in migration and refugee law.