





LEGAL PLUMBING: VALVES, TAPS & THE PIPEWORK OF IL/LEGAL MIGRATION

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Introduction

1. Classifying migration
2. Immigration laws
3. Administrative control and co-operation
4. Links between irregular migration, regular migration, and the structure of national economic life
5. The role of fundamental rights protection
6. Article 8 ECHR and migration
7. International protection: the allocation of responsibility
8. Migration and politics

1. Classifying migration

(drivers)

- Citizenship and regional citizen movement
- Forced migration (political, economic, climate-based, etc.)
- Family reunion
- Reception state economic policy

But not (generally):

- Laws: national, EU, and/or international
- Failures in state border control



2. Immigration laws (Europe)

- The laws of sovereign states: constitutions, legislation
- EU law: EU Treaty, TFEU, Regulations, Directives, Charter of Fundamental Rights, etc.
- Council of Europe Conventions (inc. ECHR)
- International treaties (multilateral): e.g., ICCPR, Refugee Convention, Convention on the Law of the Sea
- International treaties (bilateral): e.g. UK-France treaty on the prevention of dangerous journeys



3. Administrative control and cooperation

- National border guards and immigration officers
- EU institutions: Frontex, etc.
- Bilateral administrative co-operation (e.g. re-admission, maritime, etc.)



4. Links between irregular migration, regular migration, and the structure of national economic life

- The structure of employment law: job security, employment law protection, agency workers, part-time work, minimum wages, minimum income, outsourcing and independent contractors (as workers)
- The structure of social policy: residential tenancies (security of tenure), residential mortgage availability, contribution-based social insurance (social security), minimum income/accommodation (dignity protection)

4. Links between irregular migration, regular migration, and the structure of national economic life

- The structure of economic policy: regulatory frameworks, credit supply, monetary policy, fiscal policy, regional investments
- Whose economy?
- Building the good life, work as a economic and social good
- Irregular migration and the free-market

5. The role of fundamental rights protection

- Constitutional protection
- Catalogues of fundamental rights
- General principles of international/EU/national law
- International supervisory systems
- Democratic mandates and limited government: the rule of the law in European states
- The role of judges and the separation of powers



6. Article 8 ECHR and migration

- Right to *respect* for family life and private life
- Balanced with the public interest (prescribed by government or legislature)
- Family reunion with citizens and denizens
- The role of (pre-existing) national rules
- Numerical significance
- Outlier cases

7. International protection: the allocation of responsibility

- The Dublin Regulation (604/2013)
- Relocation schemes: asylum seekers and also Refugees
- Voluntary solidarity mechanisms
- Bilateral treaties
- Off-shore processing?
- Third-country transfers?



8. Migration and politics

- Where is the border?
- The role of regional co-operation
- The Mediterranean: all of it
- Regional human rights protection as buttress to constitutional law
- National economic and social policy
- International protection: development, regional protection, the Refugee Convention



Thank you

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