



ESIL Interest Group on Migration and Refugee Law

Report on the activities of the ESIL Interest Group on Migration and Refugee Law

(1 September 2017 – 30 September 2018)

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1. Introduction

The Interest Group on Migration and Refugee Law (IG MigRefLaw) is one of the 16 interest groups of the European Society of International Law (ESIL/SEDI). The Interest Group 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. The IG MigRefLaw aims to provide a forum for discussion on the (international) 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 international migration and refugee law.

The IG MigRefLaw has been in existence for more than five years now and presently has about 300 members. Our IG membership is highly diverse: both young PhD students and more experienced/ senior academics, alongside with practitioners, judges and staff from international organisations and EU bodies follow the IG and contribute to its newsletter, blogs and various other activities.

With this report, we would like to present an overview of the IG activities over the last year (covering the period of September 2017 – September 2018), highlight some of its achievements and give a glimpse of what is to come.

The IG MigRefLaw Coordinating Committee,

Daniela Vitiello

Kristof Gombeer

Tamás Molnár

Tom Syring

2. Activities of the Interest Group

2.1 Activities in the past year

1. On 6 September 2017, the IG organised a [pre-conference workshop](#) titled '**The Future of International Migration Law**' in Naples in the framework of the ESIL 13th Annual Conference. The workshop was hosted by the Italian National Research Council. With about 20-25 participants and a lively panel debates our first pre-conference event was a success. The workshop focused on the realisation of the global public good and fundamental value of international protection of forcibly displaced individuals and the benefits of safe, regular and orderly migration to all actors involved. The panels approached this topic from mainly two angles. Panel 1 discussed whether – and if so, how – a multi-layered and fragmented landscape of actors and legal regimes affects international protection: does a fragmentation of legal tools and policies lead to differences in the level of protection and hence threaten the provision of this public good? Or can legal regimes complement each other and enhance protection? Panel 2 provided a platform for the presenters to focus on what they signal as peculiarities and new challenges in the ongoing responses to the emergency and in what one could call an emerging body of international migration law.



IG workshop in Naples, 6 September 2017

2. The IG was also involved in organising a [roundtable](#) on 6 June 2018 in Ferrara (Italy) in the context of the XXIII Annual Conference of the Italian Society of International and EU Law. Titled ‘Human Rights in Turkey: Which Role for International and EU Law?’ the discussion dealt with the role of international and EU law in the promotion and protection of fundamental rights in Turkey, inter alia addressing the expulsion of aliens.

3. On 13 September 2018, the IG organised a [pre-conference workshop](#) titled ‘***The Shaping Up of the UN Global Compacts on Migration and Refugees: Progression towards or retreat from a universal agenda?***’ in Manchester in the framework of the ESIL 14th Annual Conference. The workshop intended to contribute to the academic debate on the universal and regional impact of the New York Declaration and the Global Compacts in the making, including their legal transformative power. About 15 people attended and discussed papers, with the help of discussants (A. Spagnolo and N. Kazzerini) on available pathways for migration (G.C. Bruno), a governance analysis of the draft UN Compacts (M. Panizzon), burden and responsibility sharing of countries of origin (C. Yi), and virtue ethics and ethical leadership (M. Varaki). Discussions were introduced and moderated by IG conveners Tom Syring and Tamas Molnar.



IG workshop in Manchester, 13 September 2018.

More info on past events can be found here: <https://migreflaw.wordpress.com/past-events/>

2.2 Future activities

1. The Interest Group, together with three other ESIL Interest Groups (IG Law of the Sea; IG EU as a Global Actor; and IG IHRL), has been involved in organising [the conference 'The EU as a Global Actor in Maritime Security: Competences – Obligations – Accountability'](#) hosted by the Leiden Law School on 25 and 26 October 2018. Featuring in the conference programme is the issue of maritime migration towards Europe and how the different relevant legal regimes interact with each other in this context.
2. In light of the upcoming formal adoption of the UN Global Compacts on Migration and Refugees and given our discussing at our workshop in Manchester, the IG is collaborating with the editors of *EJIL:Talk!* (blog of the European Journal of International Law) to have an **online blog symposium** covering inter-sectional issues concerning the UN Global Compacts. A call for expressions of interest was launched on 12 October 2018 (due on 7 November) and the IG aims at publishing three to four blogs on EJIL Talk! in winter 2018-2019, i.e. around the time of the adoption of the two UN Compacts.
3. The next ESIL Research Forum will take place in Göttingen on 3-4 April 2019. The Interest Group is setting up an [event](#) on 3 April concerning '**Migration and the Rule of Law**', which will provide an opportunity for early career scholars to present their work. The call for papers has already been published (the deadline for submitting abstracts is 10 December 2018).

3. Website

In accordance with paragraphs 5, 9 and 10 of the ESIL Interest Groups Policy Guidance, each Interest Group is required to set up a website which includes information about the group's activities, the names of the members of the Coordinating Committee members (including their contact details), the Group's past and future activities and information about how to become an ESIL member. The IG MigRefLaw has a WordPress website which includes the requisite information at <http://migreflaw.wordpress.com/>. As of the writing of this report, the website has had 195 posts, 31,166 views and 16,451 visitors since it was launched.

Interest Group on Migration and Refugee Law



— Call for papers! Interest Group side-event at the ESIL Conference, Naples (6 September 2017) — Upcoming Interest Group activity, workshop (Naples): The Future of International Migration Law —

The Interest Group on Migration and Refugee Law (MigRefLaw) is one of the interest groups of the European Society of International Law.

Publication by IG member: 'Migrant ill-treatment in Greek Law Enforcement'

Posted on 22/06/2017 by kristof.gombear

Interest Group member Nikolaos Sitaropoulos' work appeared in the *European Journal of Migration and Law* (Vol. 19, (2)) titled: "Migrant Ill-Treatment in Greek Law Enforcement – Are the Strasbourg Court Judgments the Tip of the Iceberg?". Numerous instances of migrant ill-treatment, including torture, in Greek law enforcement have been recorded over a long period of time by international human rights monitoring organisations. The frequent reporting of such incidents though was not accompanied by any major judgments by the Strasbourg Court until *Alsayed Allaham* and *Zontul* in 2007 and 2012 respectively. The article provides an analysis of these first major judgments which usefully shed light on the underlying, long-standing systemic failures of the Greek law, as well as of the law enforcement and judicial authorities' practice. It is argued that the above judgments are in fact only the tip of the iceberg. For this, the author looks into the process of supervision of these judgments' execution by Greece, which is pending before the Council of Europe Committee of Ministers, as well as into alarming reports issued notably by the European Committee for the Prevention of Torture and the Greek Ombudsman. The article also highlights the question of racial violence that has not been tackled in the aforementioned judgments. However, the national Racist Violence Recording Network and the Greek Ombudsman have recorded numerous cases of racist violence by law enforcement officials targeting migrants and the ineffective response by the administrative and judicial authorities. The article concludes

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- Call for papers! Interest Group side-event at the ESIL Conference, Naples (6 September 2017)

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Links

- American Immigration Lawyers Association
- Amnesty International
- Canadian Association of Refugees

Snapshot from the IG home page

The website contains info the IG's activities (past and future events), the members of the Coordinating Committee and on how to become a member. In addition to our newsletters (*infra*), the website contains descriptions of new publications by IG members, blog entries written by members of the Interest Group, relevant calls for papers and vacancies.

Since September 2018, the Interest Group also has a Twitter-account 'ESIL MigRefLaw Group' (@ig_migreflaw) in order to promote its activities and to share information relevant to the field of migration and refugee law. The Twitter account is managed by the members of the Coordinating Committee.

4. Newsletter

The Interest Group also prepares a quarterly Newsletter which reaches our subscribing IG members via e-mail (in future, sent out by the ESIL Secretariat) and which can also be found on our website: <https://migreflaw.wordpress.com/newsletter/>. The Newsletter updates our members on the activities of the IG and contains further info on upcoming events and conferences, calls for papers, new publications, vacancies, etc. In addition, they provide a useful e-platform to introduce new members.

5. Elections

In accordance with paragraphs 4 and 6 of the ESIL Interest Groups Policy Guidance and its Annex 1, each Interest Group elects a Coordinating Committee, of at least three members, to conduct its business. Elections are to be held at intervals of no longer than two years and must allow for effective participation by all members of the group. The Coordinating Committee elects one or more of its members as Chairperson(s). Further practicalities are set forth in the Guidelines for the Elections of ESIL Interest Group Conveners.

Given that the Interest Group had earlier held elections in October 2013, new elections were needed in the beginning of 2016. The Interest Group thus held new elections for a Coordinating Committee in January 2016. On 31 January 2016, in silent procedure, a new coordinating committee was elected amongst the members of the IG. Since spring 2016, it consists of Kristof Gombeer (VU Brussel/ Leiden University), Tamás Molnár (Corvinus University Budapest/ EU Fundamental Rights Agency) and Tom Syring (Human Rights Research League, Oslo). Daniela Vitiello (University of Florence) joined the team of the Coordinating Committee in spring 2018. This Coordinating Committee was preceded by founding members Evelien Van Roemburg, Lisa-Marie Komp and Isabelle Swerissen. They functioned as the Coordinating Committee by virtue of paragraph 3 of the ESIL Interest Groups Policy Guidance.

New elections for the IG Coordinating Committee will be held in January 2020. Aside from being a member of the IG and thus the ESIL for at least one year and timely payment of membership fees, candidates must include evidence of prior involvement in IG activities in their self-description. The call for candidates will allow for at least two weeks for IG members to put forward their candidature. More info on the elections will appear in our 2019 autumn Newsletter and on our website and Twitter-page.

6. Contact

If you have any questions regarding the Interest Group or want to contribute to our website or events, please contact us at our functional e-mail address migreflaw@gmail.com or at:

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