

International Migration Law

Session II

Overview of the International Legal Framework Governing Migration

International Law

- Distinction between public and private international law
- Governs legal relations between States
- Governs legal relations between other subjects of international law

Sources of International Law

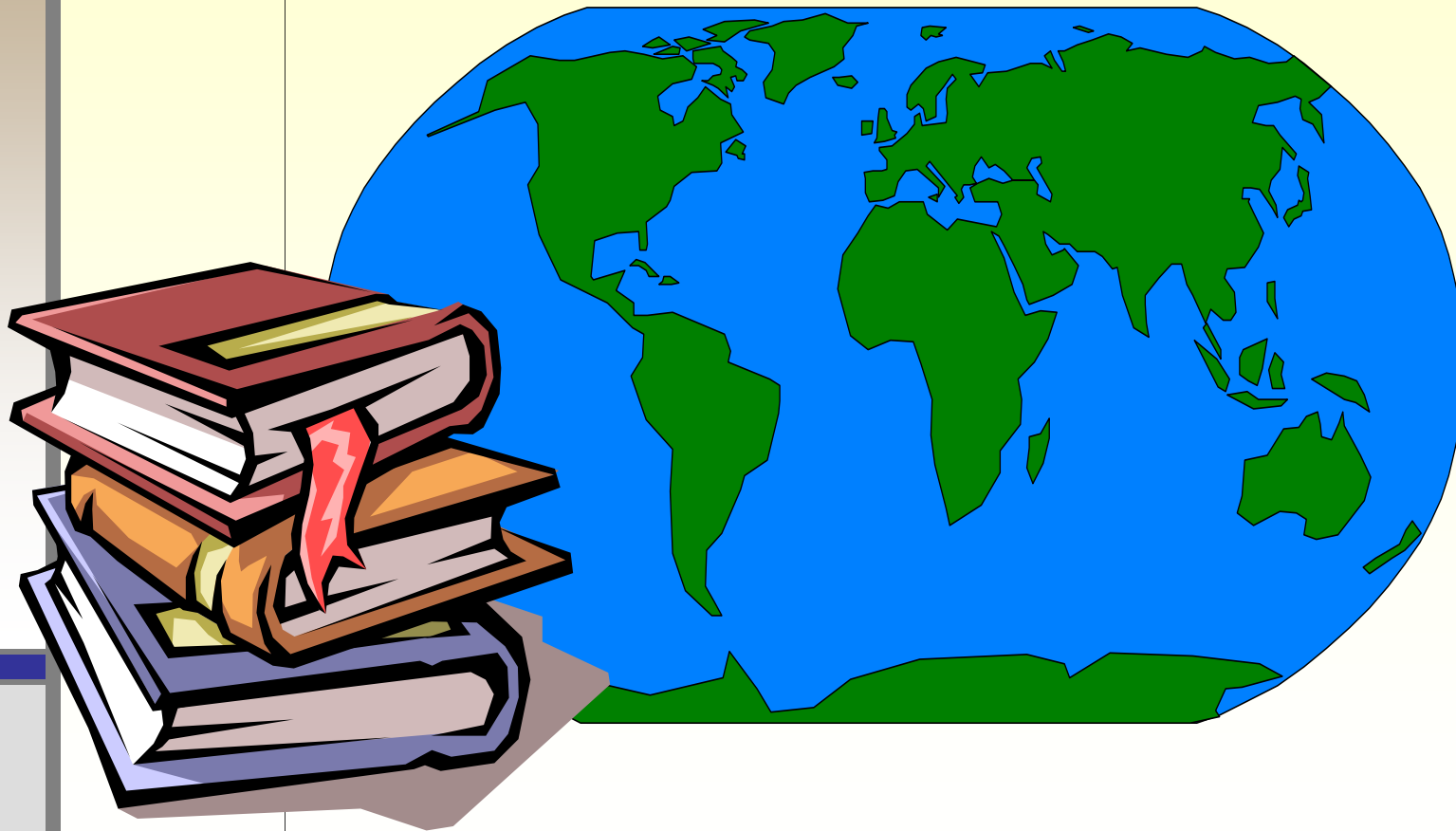
- Treaties
- International Customary Law
- General Principles of Law
- Judicial Decisions and Doctrine

Branches of International Law

- Air Law and Space Law
- Law of the Sea
- International Environmental Law
- Settlement of Disputes
- Recognition of States/State Succession
- International Criminal Law
- Humanitarian Law
- Refugee Law
- Human Rights Law
- International Trade Law
- Intellectual Property Law
- Others ...

International Migration Law

WHAT IS IT?



What is International Migration Law?

- ❑ No «worldwide legislature»
- ❑ Has developed over time
- ❑ Compiled from branches of international law & applied to migration issues
- ❑ Different instruments apply depending upon context
- ❑ Distinction between nationals and aliens

Main Sources of International Migration Law

- Human Rights Law
- Migrant Workers Law
- Humanitarian Law
- Refugee Law
- Nationality Law
- Law of the Sea

Components of IML

- Authority and Responsibility of States
 - Nationality
 - Admission / stay
 - Detention
 - Expulsion
 - Cooperation

- Rights and obligations of migrants

Instruments of International Migration Law

Human Rights

- UDHR
- ICCPR
- ICESCR
- CRC
- ICERD
- CEDAW
- CAT
- ICMW

Criminal Law

- Convention Against Transnational Crime
- Palermo Protocols

Humanitarian Law

- Geneva Conventions

Instruments of International Migration Law

Refugee Law

- 1951 Convention
- 1967 Protocol

Nationality Law

- Convention on the Reduction of Statelessness
- Convention relating to the Status of Stateless Persons

Law of the Sea

- FAL Convention

Issues

- IML as a branch of law
- IML as a self – contained regime
- Reserved domain
- Sovereignty / security
- Control vs. free movement