



International Migration Law (IML)
NGO Learning Initiative

Session Three

International Migration Law: Entry, exit and expulsion/deportation

Objective of the session: International law protects the right to leave any country including his/her own country and also recognizes the right to protection against arbitrary deprivation of the right to enter his/her country of nationality ([Article 12 ICCPR](#)). This means that, broadly speaking, the entry of migrants is matter of State discretion. However, a number of exceptions apply under international law, arguably providing an individual right to migrants to enter and even remain in a country of which they are not a national in certain circumstances. The session aims to discuss some of these rights and the relevant principles of international law, the work of NGOs in supporting migrants to uphold these rights, with a particular focus on migrants' access to these rights when in an irregular situation. The regional focus of this session will be on Europe.

⇒ Introduction: organisers (8')

⇒ First speaker: [Ivonne Garza](#) (O'Neill Institute for National and Global Health Law)

Entry and exit under International law (25')

1. State's sovereignty in regulating entry and exit of foreigners and limitations under international law;
2. Non-refoulement under international human rights law and refugee law & other grounds for protection against removal and States' discretion;
3. The right to seek and enjoy asylum and criteria for entitlement;
4. Due process principles, individual status determination and the prohibition against arbitrary or collective expulsion;
5. The right to protection against arbitrary interference to family life and entitlements to family unity/reunification;

⇒ Second speaker: [Michele LeVoy](#) (PICUM)

Entry and exit in the EU: a regional example (20')

1. Entry in the EU;
2. The EU Returns Framework:
 - a. Non-refoulement and other exceptions grounds;
 - b. The ECtHR and CJEU jurisprudence;
3. Case management in the return process;

⇒ Questions and Answers (Q&A) session (30')

⇒ Closing remarks: organisers (8')



Further reading:

- M. Frigo, [Migration and International Human Rights Law, A Practitioner's Guide](#), ICJ, 2014 (chapters 1,2 and 3)
- [The right to leave one own's country under international law](#), Global Commission on International Migration, 2005
- Rosalyn Higgins, [The Right in International Law of an Individual to Enter, Stay in and Leave a Country](#), Oxford Scholarship Online, 2009 (access upon purchase or subscription only)
- Vincent Chetail, [Sovereignty and Migration in the Doctrine of the Law of Nations: An Intellectual History of Hospitality from Vitoria to Vattel](#), European Journal of International Law, 2016, Vol. 27 No. 4, 901–922
- Cathryn Costello, [The Human Rights of Migrants and Refugees in European Law](#), 2015, Oxford Studies in European Law,
- Council of Europe Issue Paper, [The right to leave a country](#), 2013
- Common European Asylum System https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en