

UNESCO Chair on Free Movement of People, Migration
and Inter-Cultural Dialogue

Jean Monnet Centre of Excellence “EU Global
Leadership in the Rule of Law”

FACULTY OF LAW – UNIVERSITY OF ZAGREB

3RD UNESCO CONFERENCE

“MIGRATION AND THE RULE OF LAW”

JANUARY 17, 2020

TRG REPUBLIKE HRVATSKE 14

COUNCIL ROOM (VIJEĆNICA, 2ND FLOOR)



www.pravo.unizg.hr/EJP/rule_of_law_and_migration



United Nations
Educational, Scientific and
Cultural Organization

- UNESCO Chair on Free Movement of People,
Migration and Inter-Cultural Dialogue
- The University of Zagreb



CONFERENCE PROGRAM

08:30 – 09:00

Arrival and registration

09:00 – 09:20

Welcome speeches and presentation of the UNESCO Chair, the Jean Monnet Centre of Excellence, and the Croatian Yearbook of European Law and Policy (CYELP)

Iris Goldner Lang, University of Zagreb

Tamara Čapeta, University of Zagreb

Igor Gliha, Dean of the Faculty of Law, University of Zagreb

Damir Boras, Rector of the University of Zagreb

09:20 – 11:00

Panel 1

Moderator: *Tamara Čapeta, University of Zagreb*

Structural Deficits of the Supranational Integration Method in the Context of EU Migration Law

Daniel Thym, University of Konstanz

No Solidarity without Loyalty: Why Do Member States Violate EU Migration Law and What Can Be Done?

Iris Goldner Lang, University of Zagreb

Asylum, National Interest and the Rule of Law: The Implementation Gap in EU Asylum Law

Francesco Maiani, University of Lausanne

Arbitrary Deprivation of Liberty as a Migration Management Tool: Control Standards and Judicial Interaction in Europe

Lilian Tsourdi, Maastricht University

11:00 – 11:30

Coffee break



United Nations
Educational, Scientific and
Cultural Organization



UNESCO Chair on Free Movement of People,
Migration and Inter-Cultural Dialogue
The University of Zagreb



11:30 – 13:00 **Panel 2**

Moderator: *Goranka Lalić Novak*, University of Zagreb

The UN Global Compact for Safe, Orderly and Regular Migration: A New Turn for the Rule of Law and Migration Governance?

Vincent Chetail, The Graduate Institute of International and Development Studies, Geneva

Management of "Worlds in Motion": Scrutinizing Global Compacts on Migration and Refugees

Drago Župarić-Illić, University of Zagreb

The Role of the European Court of Human Rights in Protecting Refugees and Securing the Rule of Law

Ksenija Turković, European Court of Human Rights

13:00 – 14:00 **Catered lunch**

14:00 – 15:30 **Panel 3**

Moderator: *Nika Bačić Selanec*, University of Zagreb

Non-Refoulement Under the Trump Administration

Jaya Ramji-Nogales, Temple University

Fast-track Removals from the US and the Need for Additional Safeguards

Sabrineh Ardalan, Harvard Law School

Refugees, Mobility and Rights

Moria Paz, Stanford Law School, Georgetown Center on National Security and the Law

15:30 – 15:40 **Short break**



UNESCO Chair on Free Movement of People,
Migration and Inter-Cultural Dialogue
The University of Zagreb



15:40 – 16:30

Concluding session

The New Migration Law and Its Implications for the Role of Law and the Rule of Law

Hiroshi Motomura, UCLA School of Law

Closing remarks

* * *

The conference will be **held in English** without translation.

Presentation abstracts and speakers' biographies are available at the conference website:

www.pravo.unizg.hr/EJP/rule_of_law_and_migration

Please confirm your attendance **by January 14, 2020**, via the following link:

<https://forms.gle/jerRuZsSw9eN8m3e8>

For additional information about the conference, please send an email to:

dpetric@pravo.hr

* * *



United Nations
Educational, Scientific and
Cultural Organization

UNESCO Chair on Free Movement of People,
Migration and Inter-Cultural Dialogue
The University of Zagreb



Speakers' Biographies

Sabrineh Ardalan



Clinical professor of law at Harvard Law School and assistant director of the *Harvard Immigration and Refugee Clinical Program* (HIRC). At HIRC, Ardalan supervises and trains law students working on applications for asylum and other humanitarian protections, as well as appellate litigation and policy advocacy. She has authored amicus briefs submitted to the Board of Immigration Appeals, as well as to the federal district courts, circuit courts of appeal, and the U.S. Supreme Court on cutting edge issues in immigration law. She also oversees and collaborates closely with the clinic's social work staff. She teaches courses on immigration and refugee law, international labor migration, and on trauma, refugees, and the law. Prior to her work with the clinic, Ardalan clerked for Hon. Michael A. Chagares of the Third Circuit Court of Appeals and Hon. Raymond J. Dearie, district judge for the Eastern District of New York. She previously served as the *Equal Justice America* fellow at The Opportunity Agenda, where she worked on advocacy around a right to health care under U.S. and international law and as a litigation associate at Dewey Ballantine LLP. She holds a J.D. from Harvard Law School and a B.A. in history and international studies from Yale College.

Nika Bačić Selanec

Senior Assistant Lecturer at the Department of European Public Law. She graduated law in 2012 at the University of Zagreb, Faculty of Law. She obtained her LL.M. degree at the University of Michigan Law School in 2014 as a Hugo Grotius Fellow, having received a Certificate of Merit Award for success in her studies and a Kouba Prize for Best Paper on European Integration. In 2018, she spent a semester at the same University as Grotius Doctoral Research Fellow. In 2016, she worked as a stagiaire at the Court of Justice of the EU, in the cabinets of Judge Siniša Rodin and Advocate General Eleanor Sharpston. She serves as an Executive Editor of the journal *Croatian Yearbook of European Law and Policy* (CYELP) and a Legal Secretary of the Croatian EU Studies Association. She defended her doctoral dissertation entitled *A Realist Account of EU Citizenship* in March 2019.





UNESCO Chair on Free Movement of People,
Migration and Inter-Cultural Dialogue
The University of Zagreb



Vincent Chetail



Professor of International Law, Director of the Global Migration Centre and Chair of the International Law Department at the Graduate Institute of International Development Studies (Geneva). He has extensively published in the field of migration, including twenty books and over sixty articles, book chapters and reports. His most recent book is: *International Migration Law* (Oxford University Press, 2019). He regularly serves as a consultant to governments, NGOs and international organizations. He has been visiting scholar at Harvard Law School (2013) and King's College London (2017) as well as visiting professor at several universities, such as Paris II Pantheon (2019), Queen Mary University (2018), Queen's University of Belfast (2016), the European University Institute – Florence (2010), the University of Paris XI (2006-2012) and the Université libre de Bruxelles (2008-2012).

Tamara Čapeta

Professor of European Public Law at the University of Zagreb, Faculty of Law, and holder of Jean Monnet Chair. Tamara earned her Ph.D. degree from the University of Zagreb Faculty of Law in 2001, and her LL.M. degree from the College of Europe, Bruges in 1993. She was Fulbright visiting scholar at University of Michigan Law School in 2006. She is author/co-author of 7 books and a number of articles. Before, she was teaching at the Faculty of Economics, University of Zagreb (1997–2002), was research fellow at the Institute for International Relations (1994–1997), and was working in the Ministry for Foreign Affairs (1992–1994). As of the entry of Croatia in the European Union until summer 2014 she worked in the Court of Justice of the European Union as a Head of Unit for translation into Croatian language. After the establishment of the Unit, she has return to the University of Zagreb, where she heads the Department for EU public law. Her current research interests are constitutional aspects of European integration and legitimacy of judges. She is also one of the academic coordinators of the Jean Monnet Centre of Excellence 'EU's Global Leadership in the Rule of Law'.





United Nations
Educational, Scientific and
Cultural Organization

UNESCO Chair on Free Movement of People,
Migration and Inter-Cultural Dialogue
The University of Zagreb



Iris Goldner Lang



Jean Monnet professor of EU law and holder of the UNESCO Chair on Free Movement of People, Migration and Inter-Cultural Dialogue at the University of Zagreb. She works at the Department of European Public Law, which she chaired from 2013 until 2015. She was a John Harvey Gregory Visiting Professor of Law and World Organization and a Fulbright Visiting Researcher at Harvard Law School in 2015/2016. Professor Goldner Lang was a Visiting Researcher at UCL (summer 2017) and Harvard Law School (summer 2018), where she held a series of lectures at Harvard Immigration and Refugee Clinic. She was also an invited lecturer at the Court of Justice of the EU, European Parliament, LSE, University of Stockholm, University of Vienna, University of Lisbon, Vrije Universiteit Brussels, Alpbach Forum Summer School, Boston University, Temple University, etc. She is one of the academic coordinators of the Jean Monnet Centre of Excellence 'EU's Global Leadership in the Rule of Law'. She has been the leader of two Jean Monnet Modules on 'EU Migration Law and Policy' and 'EU Internal Market Law'. She is the president of the Croatian Society for European Law (FIDE branch) and the Croatian representative in the Odysseus Academic Network for Legal Studies on Immigration and Asylum in Europe. She is editor-in-chief of the *Croatian Yearbook of European Law and Policy*.

Goranka Lalić Novak

Associate Professor of Administrative Science at the University of Zagreb, Faculty of Law. She authored several books and many articles in the field of public administration and governance of migration, asylum and integration. Her recent books include *Migrations, Diversity, Integration, and Public Governance in Europe and Beyond*, eds. I. Koprić, G. Lalić Novak, T. Vukojičić Tomić (Institute of Public Administration 2019), and *Legal and Institutional Aspect of Asylum* (University of Zagreb, Faculty of Law 2016, in Croatian). As an expert, she participated in several scientific and professional projects aimed at the development of system of asylum, migration and integration of migrants in Croatia. Lalić Novak obtained her BA degree from the Faculty of Law, University of Zagreb; MA degree from the Faculty of Political Science, University of Zagreb; and PhD degree from the Faculty of Law, University of Zagreb. Previously, she worked as Director of asylum and migration program of the Croatian Law Center, and as Executive Director of the Croatian Helsinki Committee for Human Rights. She participates in the work of the Law Clinic of the Faculty of Law in Zagreb as academic mentor of the Group for providing legal aid to asylum seekers and foreigners.





• UNESCO Chair on Free Movement of People,
• Migration and Inter-Cultural Dialogue
• The University of Zagreb



Francesco Maiani



Associate Professor of European Law at the University of Lausanne. His research interests include the Law of European Integration, International Human Rights and Refugee Law, as well as EU Migration Law and Policies. He teaches EU Law and is regularly invited to teach subjects of Migration Law. Born in Rome in 1974, he is the holder of a Degree in Law (University of Rome La Sapienza), of an LL.M. in European and International Economic Law (Universities of Geneva and Lausanne), and of a PhD in Law (Universities of Lausanne and Milano Statale). He is a former Max Weber Fellow at the European University Institute of Florence (EUI, 2007-2008), a Visiting Fellow at the Migration Policy Centre of the EUI (2015-2016) and a member of the ODYSSEUS Academic Network for Legal Studies on Immigration and Asylum in Europe.

Hiroshi Motomura

Hiroshi Motomura is the Susan Westerberg Prager Distinguished Professor of Law at the University of California, Los Angeles (UCLA) and an influential scholar and teacher of United States immigration and citizenship. He has written two general audience books: *Americans in Waiting* (2006) and *Immigration Outside the Law* (2014). Both won the PROSE Award from the Association of American Publishers as that year's best book in Law and Legal Studies, and the U.S. Department of State chose *Americans in Waiting* for its Suggested Reading List for Foreign Service Officers. Hiroshi is also a co-author of two law school casebooks: *Immigration and Citizenship: Process and Policy* (8th ed. 2016) and *Forced Migration: Law and Policy* (2nd ed. 2013). His scholarship has shaped the development of immigration law and policy in several key areas, including the adoption of Deferred Action for Childhood Arrivals (DACA) and the setting of limits on immigration detention. The recipient of many teaching honors, including the UCLA Distinguished Teaching Award in 2014, and one of 26 law professors nationwide profiled in *What the Best Law Teachers Do* (2013), he is now at work on a new book, *The New Migration Law*, with the support of a Guggenheim Fellowship.





• UNESCO Chair on Free Movement of People,
• Migration and Inter-Cultural Dialogue
• The University of Zagreb



Moria Paz



Legal researcher focusing on international law, human rights, refugee and migrant rights, and security. She is a Fellow at Stanford Law School and the Center on National Security and the Law at Georgetown. Her books include *The Failed Promise of Language Rights* (Éditions Universitaires Européennes, 2017), and *The Law of Strangers: Jewish Lawyers and International Law in the Twentieth Century* (CUP, 2019). She is now completing a third manuscript, *Network or State? International Law and the History of Jewish Self-Determination* (OUP, 2020 forthcoming). Her work has been recognized through the *Sakıp Sabancı International Research Awards* (2019); the *Law & Humanities Interdisciplinary Writing Competition* (2014); *New Voices for the American Society of International Law* (2013); and the *Laylin Prize for Best Paper in International Law* (2007). Her paper, *Between the Kingdom and the Desert Sun: Human Rights, Immigration, and Border Walls*, was listed as one of the best works of recent scholarship relating to immigration law. Paz received her S.J.D. doctoral degree from Harvard Law School. While at Harvard, she was awarded a number of fellowships, including at the Hauser Center for Non-Profit Organizations, The European Law Research Center, and the Weatherhead Center for International Affairs. Before Harvard, she attended The University of London, School of Oriental and African Studies (SOAS) and Beijing Normal University.

Jaya Ramji-Nogales

Associate Dean for Academic Affairs and the I. Herman Stern Research Professor at Temple University's Beasley School of Law. She is the co-author, with Profs. Andrew I. Schoenholtz and Philip G. Schrag, of *Refugee Roulette: Disparities in Asylum Adjudication and Proposals for Reform*, an empirical study of adjudication at all four levels of the US asylum system, and *Lives in the Balance: Asylum Adjudication by the Department of Homeland Security*, a quantitative and qualitative study of asylum adjudication before the Department of Homeland Security's Asylum Offices. Her current work seeks to generate conversations around the concept of global migration law, including a symposium in the *American Journal of International Law Unbound*. Prof. Ramji-Nogales' current works examine refugee law under the Trump administration, the first a comparative look, with co-author Tally Kritzman-Amir, at nationality bans in Israel and the United States, and the second an evaluation of refugee rhetoric in the United States since the Refugee Act of 1980. Her recent publications uncover the role of international law in constructing migration emergencies and critique human rights law as insufficiently attentive to the interests of undocumented migrants. Prof. Ramji-Nogales has also authored articles on the situation of forced migrants under international criminal law and international humanitarian law, as well as on regional migration law in Southeast Asia.





UNESCO Chair on Free Movement of People,
Migration and Inter-Cultural Dialogue
The University of Zagreb



Daniel Thym



Holds the Jean Monnet Chair of European, International and Public Law at the University of Konstanz and is a managing director of the Research Centre 'Immigration & Asylum Law' at the same university. Previously he worked for the Walter Hallstein Institute for European Constitutional Law at the Humboldt-University in Berlin. He serves as an editor of the European Law Journal and is a principal investigator of the Cluster of Excellence 'Cultural Foundations of Social Integration' at the University of Konstanz. Daniel Thym regularly appears as an expert witness in the home affairs committee of the German Bundestag, contributes to the pan-European 'Odysseus Academic Network' of legal experts in immigration and asylum law, and has published widely on diverse issues of European law, with a special focus on immigration, citizenship, asylum, constitutional affairs and external relations.

Evangelia (Lilian) Tsourdi

Assistant Professor and Dutch Research Council grantee at the Law Faculty of Maastricht University, as well as a visiting professor at Sciences Po Paris. She is a member of the coordination team of the Academic Network for Legal Studies on Immigration and Asylum in Europe, the 'Odysseus Network'. Lilian was previously a Departmental Lecturer in International Human Rights and Refugee Law at the Refugee Studies Centre of the University of Oxford; a Max Weber Fellow at the Law Faculty of the European University Institute (EUI) in Florence; a researcher at the Migration Policy Centre of the EUI, the Institute for European Studies of the Université libre de Bruxelles (ULB), and the Centre Charles De Visscher for International and European Law of UC Louvain; as well as an advisor for a Member of the European Parliament. She obtained her PhD from the Law Faculty and the Institute for European Studies of the ULB. She has published her research widely in important publishing houses and journals (e.g. Human Rights Law Review, Common Market Law Review). Her monograph on the constitutional foundations and administrative governance of the EU asylum policy is forthcoming in Oxford University Press.





• UNESCO Chair on Free Movement of People,
• Migration and Inter-Cultural Dialogue
• The University of Zagreb



Ksenija Turković

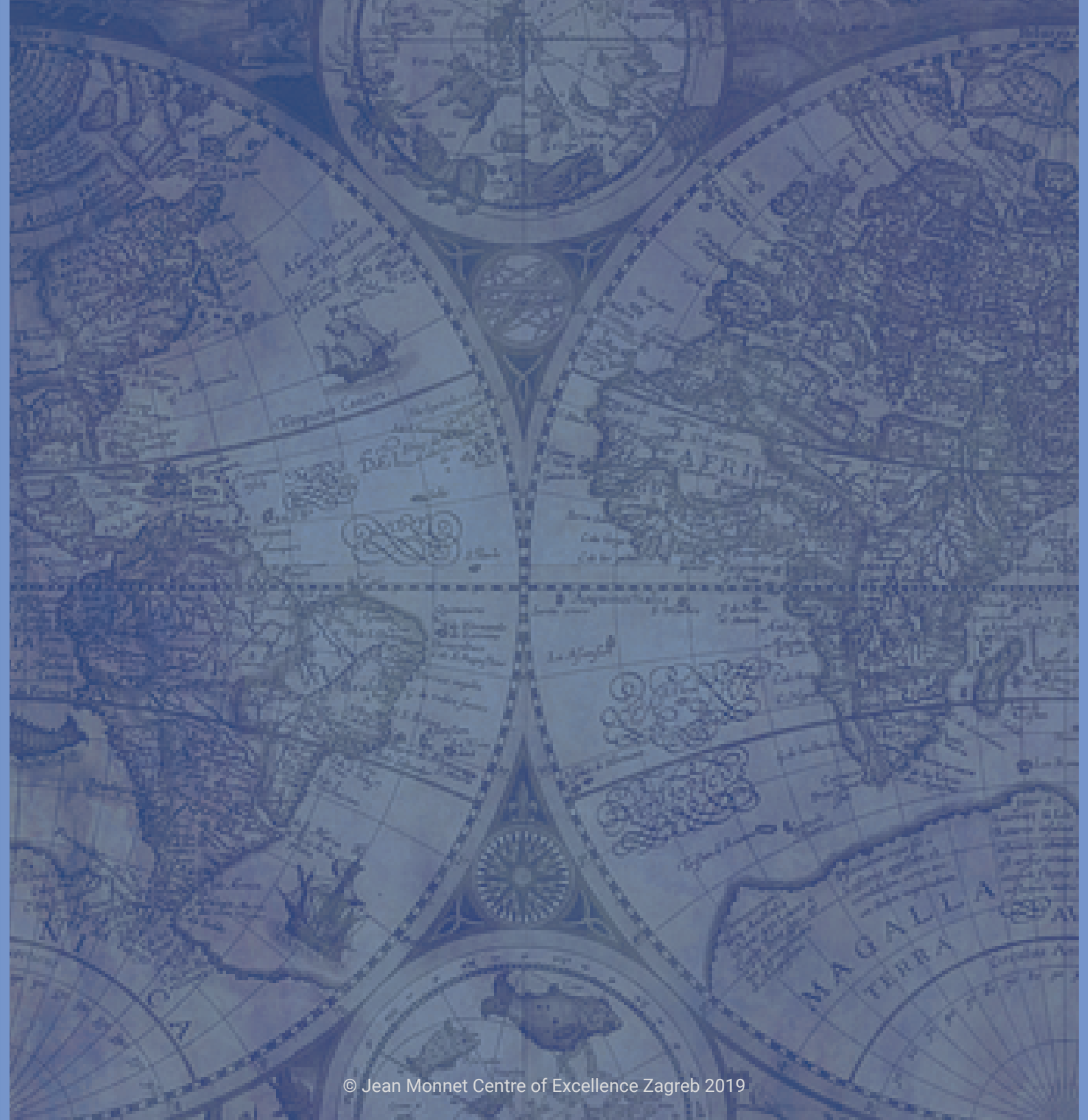


Croatian Judge at the European Court of Human Rights since 2013; President of Section since 2019. Obtained dipl. jur. degree from the Faculty of Law, University of Zagreb; Master of Laws (LL.M.) degree and Doctor of Juristic Science (J.S.D.) degree from the Yale Law School. Admitted to the New York State Bar in 1996. Worked as an Associate in General Corporate Practice, Sullivan & Cromwell (New York), and as a Legal Counsel for Hunton & Williams (New York) in a case before the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. Visiting Scholar at the Yale Law School (2002-2003). Full Professor of Criminal Law at the Faculty of Law, University of Zagreb, where she acted as Associate Dean for Academic and Student Affairs (2005-2007) and Head of Criminal Law Department (2008-2010). Also served as Vice-Rector of the University of Zagreb (2008-2012). Held expert positions in the Council of Europe's Committee of Experts on the Protection of Children against Sexual Exploitation and Abuse (Vice-president, 2006-2007) and Group of Specialists on Child Friendly Justice (Vice-president, 2009-2010); Ministry of Justice's Expert Committee drafting Croatian Criminal Code (President, 2009-2011); Croatian Centre for Human Rights (President of the Board, 2007-2012); and the European Union Agency for Fundamental Rights (Observing Member of the Management Board, 2010-2012).

Drago Župarić-Ilić

Sociologist who works as an Assistant Professor at the Department of Sociology, Faculty of Humanities and Social Sciences, University of Zagreb. He has published a number of articles and chapters dealing with the interdisciplinary fields of forced migration, refugee and asylum, ethnicity, population and environmental studies, focusing on various structural causes and drivers of migration, mobility and post-migration phenomena, with a special interest in the Central and East European region. Previously, he worked as a research associate at the *Institute for Migration and Ethnic Studies* in Zagreb. He obtained BA degree in Sociology and History from the Faculty of Humanities and Social Sciences, University of Zagreb; MA degree in Sociology and Social Anthropology from the Central European University, Budapest; and PhD degree in Sociology at the Faculty of Humanities and Social Sciences, University of Zagreb, where he defended his thesis on the topic of environmental change as a driver of migration.





© Jean Monnet Centre of Excellence Zagreb 2019



United Nations
Educational, Scientific and
Cultural Organization



UNESCO Chair on Free Movement of People,
Migration and Inter-Cultural Dialogue
The University of Zagreb



Co-funded by the
Erasmus+ Programme
of the European Union



Embassy of the United States
Zagreb - Croatia