

**Presentation:** PhD research project

**PhD candidate:** Annalisa Morticelli, Faculty of Law, Hamburg University

**Date:** October 1st, 2015

### **Title of PhD research project**

*Human Rights of Irregular Migrants in Europe: Implementation of European Policy and Legislation for the Effective Protection of these Rights*

**Keywords:** EU Law, Irregular Migration, Human Rights

### **Content of presentation**

#### **Origin of the project**

The research project arises from the observation of the mixed migration flows towards European Union which are increased in the last years also due the current unstable situation of Africa and Middle East countries. Various categories of migrants arrive as irregular into EU, in particular through the Mediterranean sea, with different protection needs and different motivations. A current critical issue related to this irregular flow is the protection of human rights of the irregular migrants during the phases of entrance, welcoming and return to their countries of origin. The stigmatization of the irregular migrants seems to be among the causes of a security-oriented approach adopted by EU which is predominant also with respect to the implementation of the human rights of these migrants.

#### **Aim of the project**

Despite the relevance of human rights which should be guaranteed to each individual, regardless of its status, and several efforts by the European Union to work out a more organic and systematic legal framework on the topic, the current European migration policy seems still vague and ineffective. The main aim of the research project is to clarify which are the obstacles which do not allow a proper implementation of these rights to contribute to develop more effective legal instruments for their protection.

#### **Themes of the project**

To reach this goal, the project will be structured in four sections: the first one is mainly dedicated to address the terminological analysis referred to the category of irregular immigrants to better understand who are these migrants; the second one is dedicated to the study of the European Union policy on the topic of protection of human rights of irregular migrants and the consequent current European Union legal framework during the entrance, welcoming and return phases; the third one provides a comparative analysis of the regulation of human rights protection in Italy and Germany in the same phases above mentioned; finally, in the fourth section will be conducted a comparison between the regulation in European Union and US. The choice of US is determined by the long knowledge of US of the phenomenon of irregular migrants, thus the comparison between the two systems could give a strong contribution to reach the goal of the project above mentioned, taking into account the differences which can characterize the irregular immigration in the two countries.

The presentation will be focus on the first two sections on which is conducting the current research.

