

Jean Monnet – IDEAL

Basic elements of European legislation

Monica Spatti

- Economic migrants
- Migrants for family reasons
- Migrants who search protection

Economic migrants

- International law:

- [ILO - Migration for Employment Convention \(1949\)](#)

- [ILO – Migrants Workers Convention \(1975\)](#)

- [International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families \(1990\)](#)
- [status of ratifications](#)

- EU law:

- [visas; admission and stay; irregular migration](#)

Migrants for family reasons

- No international rules
- EU law:
 - [Directive 2003/86/EC](#)

Refugees

- [Convention relating to the Status of Refugees \(1951\)](#)
- [Directive 2011/95/EU, Art. 2.d](#)
- Definition of the term “refugee” (art. 1)
«the term "refugee" shall apply to any person who (...) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country»

Subsidiary Protection – EU Law

- Definition of Subsidiary protection, Art. 2.f, directive 2011/95/EU:

«"person eligible for subsidiary protection" means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country»

Temporary Protection – EU Law

- [Directive 2001/55/EC](#), Art. 2.a:

«"temporary protection" means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection»

The principle of non-*refoulement*

- Convention relating to the Status of Refugees, Art. 33:
 - «1. No Contracting State shall expel or return (" *refouler* ") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country».