



## **Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union**

*Conference with the authors*

This Conference will bring together the contributors of the book *Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union*. The purpose of the Conference is to discuss and debate the draft chapters with the authors and wider audience before their publication with HART in 2018.

This book project is the first large-scale and collective reflection, fed by strong empirical evidence, on the role of the domestic judiciary in the application of the Return Directive. Throughout its chapters, the book will explore the various forms of judicial interactions, and their impact on the different stages of the return proceedings as well as the rights of the returnees. It will also include reflections on the role of the European judiciary (CJEU and ECtHR) and other international and regional judicial and quasi-judicial bodies, that have so far been crucial in the elaboration as well as the correct enforcement of the Return Directive and of relevant fundamental rights (e.g. right to liberty, right to private and family life, right to an effective remedy). The role of national courts and judicial interaction in ensuring the effective implementation of the Return Directive and protecting individual rights in return procedures will be the common denominator of all the contributions, which will address both transversal and national implementation issues.

The conference will take place on **6-7 September 2018**, at the **Faculty of Law, Masaryk University, Brno, Czech Republic (room 109/10)**.

### **Conference Programme Schedule**

#### **Masarykova univerzita, Právnická fakulta**

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## **First day (6th of September 2018)**

- 09:30            *Welcome address by the Dean of the Faculty of Law*
- 09:40            *The evolution of the EU's return policy – Fabian Lutz*
- 10.00            *Introduction of the book **Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union** by editor Madalina Moraru*

### **Session 1**

#### **Scope and stages in the application of the Return Directive: the role of judges in ensuring an effective implementation of the Directive**

*Chair: Dr. Madalina Moraru*

- 10:30            *The obligation of the Member States to issue return decisions: domestic practices – Cristina J. Gortázar Rotaeche*
- 10:50            *Entry bans – Aniel Pahladsingh*
- 11:10            *Risk of absconding as a ground for removal and detention: which objectivity? – Madalina Moraru*
- 11:30            *International human rights law and alternatives to immigration detention: insights from global and regional jurisprudence – Evangelia (Lilian) Tsourdi*
- 11:50            *The Return Directive and the criminal competence of Member States regarding illegal migration – Galina Cornelisse*
- 12.10            *Discussant: Brid A Ni Ghraíne, Lecturer, Sheffield University*

12:40 – 14:00 Lunch (only for speakers and discussants)

## Session 2

### **Shaping immigration detention in the EU: the role of judges**

*Chair: Prof. Galina Cornelisse*

- 14:10 The European dimension (Strasbourg, Luxembourg) of lawfulness in the control of immigration detention – *Sergo Mananashvili*
- 14:30 Scope and intensity of judicial review: which power for judges within the control of immigration detention? – *David Kosar*
- 14:50 The civil judge as administrator of detention: the case of Germany – *Harald Dorig*
- 15:10 The administrative judge as a detention judge: the case of Lithuania – *Irmantas Jarukaitis*
- 15:30 *Discussant: Zdenek Kuhn*
- 16:00 *Coffee break (only for speakers and discussants)*
- 16:30 Can a Justice of Peace be a good detention judge? The case of Italy – *Alessia Di Pascale*
- 16:50 Can the Return Directive contribute to protection for rejected asylum seekers in detention: the case of Greece – *Angeliki Papapanagiotou-Leza*
- 17:10 *Discussant: Villem Lapimaa*

**Second day (7th of September 2018)**

**Session 3**  
**Rights and safeguards in the application of the EU Return policies: the role of judges**

*Chair: Prof. Philippe de Bruycker*

- 09:40            The right to be heard in return proceedings – *Valeria Ilareva*
- 10:00            The right to an effective legal remedy – *Bostjan Zalar*
- 10:20            Safeguards pending removal and access to rights for non-removables –  
*Jean Baptiste Farcy*
- 10:40            (Unaccompanied) children in return procedures and detention – *Nuala Mole* (tbc)
- 11:00            The prohibition of collective expulsion – *Luc Lebouef*
- 11:20            *Discussant: Galina Cornelisse, Associate Professor, VU Amsterdam University and Kevin Fredy Hinterberger*
- 11:50            *Concluding remarks: Philippe de Bruycker, Madalina Moraru, and Galina Cornelisse*
- 12:30            *End of the day (Light buffet only for speakers and discussants)*

**Participants:**

1. **Philippe de Bruycker**, Professor at ULB & Coordinator of the Odysseus Network

2. [Cristina J. Gortázar Rotaeché](#), Professor in Public International Law, International Relations and EU Law at the Faculty of Law at the Comillas Pontifical University (Madrid, Spain)
3. [Aniel Pahladsingh](#), Legal Officer, Dutch Council of State, the Netherlands
4. [Madalina Moraru](#), Postdoctoral Researcher, Masaryk University and Research Fellow, Centre for Judicial Cooperation of the European University Institute, Florence, Italy
5. [Evangelia \(Lilian\) Tsourdi](#), Departmental Lecturer in International Human Rights and Refugee Law, Refugee Studies Centre, University of Oxford, Oxford, UK
6. [Galina Cornelisse](#), Associate Professor in EU law and international public law, Department of Transnational Legal Studies VU University Amsterdam, Faculty of Law
7. **Sergo Mananashvili**, Return Advisor at ICMPD. Before joining ICMPD he worked at different academic and governmental institutions in Georgia, Germany, Italy and France and has published on issues relating to the EU's return and external migration policy. He holds Master's degree in European Law and PhD in international refugee law from Europa-Institut of the Saarland University
8. [David Kosar](#), Assistant Professor, Faculty of Law, Masaryk University
9. **Harald Dorig**, Judge at the German Supreme Administrative Court, Honorary Professor at the University of Jena, Vice-President of the European Chapter of the International Association of Refugee Law Judges (IARLJ-Europe)
10. **Irmantas Jarukaitis**, Judge and Vice-President of the Supreme Administrative Court of Lithuania
11. [Alessia Di Pascale](#), Research Fellow and Adjunct Professor at the University of Milan, Italy
12. [Valeria Ilareva](#), lawyer specialised in European Immigration and Asylum Law and Free movement of European citizens
13. [Bostjan Zalar](#), Professor and Senior High Court Judge, Administrative Court of the Republic of Slovenia, Vice-President of the European Chapter of the International Association of Refugee Law Judges (IARLJ-Europe) Member of the Council of the European Law Institute (ELI), Ad hoc Judge of the ECtHR
14. **Angeliki Papapanagiotou-Leza**, Administrative Court of Appeal of Athens, President of the 5th Independent **Appeal Committee, Greece**
15. **Jean Baptiste Farcy**, Researcher, CeDIE - Centre Charles De Visscher pour le droit international et européen, **EDEM - Equipe droits et migrations**
16. **Nuala Mole**, Lawyer, AIRE (tbc)
17. **Fabian Lutz**, policy officer, European Commission, DG HOME
18. **Luc Leboeuf**, Research Fellow at the Max Planck Institute for Social Anthropology, Department of Law and Anthropology, and Guest Lecturer at the University of Antwerp
19. **Zdenek Kühn**, judge Supreme Administrative Court of the Czech Republic, Justice ad hoc at the European Court of Human Rights, Associate Professor of Jurisprudence at the Charles University Law School
20. **Villem Lapimaa**, Judge at the Court of Appeal of Tallin, Estonia
21. **Brid A Ni Ghraíne**, Lecturer, Sheffield University
22. **Kevin Fredy Hinterberger**, Project Researcher, Doctoral Fellow of the Austrian Academy of Sciences