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International Conference

Constitutional Foundations of EU Migration Law

University of Konstanz, 18/19 June 2019

It is trite to say that the asylum policy crisis revealed serious shortcomings in the design and implementation of the Common European Asylum System (CEAS). As a result, both the supranational institutions and many academics have focused their activities on the ongoing reform efforts and the multiple challenges of everyday practice in recent years. Such inspection tends to consider legal questions in isolation, including judgments of the ECJ and the ECHR. The international conference organised by the University of Konstanz accepts the added value of such problem-specific analyses and suggests, nonetheless, to step back and to approach the state of EU migration law from a more general point of view.

The summer of 2019 is a perfect moment for such a constitutional reflection: the sense of urgency gradually gives way to the search for lasting solutions; the European elections mean that legislative reform efforts will be suspended for several months; and academia has started developing generic ideas about the achievements and pitfalls of the EU's activities. Our conference aims at fostering this move towards a holistic approach.

To do so is beneficial for a number of reasons. EU migration law is defined by a patchwork of various directives and regulations, which are complemented by international agreements and diverse administrative practices. Most legislation and corresponding court judgments are highly complex and not always well coordinated. As a result, it remains a formidable challenge to put the pieces together, thereby ideally seeing all the proverbial forest for the trees. That is why the conference moves beyond the problem-oriented debate towards a structural analysis to discuss the conceptual integrity of supranational migration law.

It is inherent in a 'constitutional' analysis not to discuss the specificities of individual legislative acts, which often raise formidable questions of great practical importance. We will concentrate, instead, on overarching themes by discussing the role of the Court of Justice, the impact of fundamental rights, the interaction with international refugee law, questions of administrative implementation and the legal limits of international cooperation. This conference will conclude with a more generic debate about the role of academia. We invite contributors to combine specific examples with more generic considerations about the state of EU migration law and emerging trends. Non-legal perspectives are welcome.

We do not intend to publish another edited volume with conference proceedings. Instead, contributors will have 15 minutes each to present their ideas, each panel will conclude with a five minute commentary by the chairperson. On that basis, we will embark on a lively plenary debate among all participants for which we have reserved ample time. In order to allow everyone to prepare for the conference, we invite speakers to send us previous publications on related themes. They will be made available to all participants beforehand. In case you plan to write a new paper, the conference will be a perfect format to test your working hypotheses and to develop them further. I am sure that many journals will be grateful for submissions on the more abstract topics our debate will concentrate on. All in all, the lasting impact of the conference may ideally be a better understanding of the potential and limits of EU migration law and policy. We are optimistic that the summery atmosphere at Lake Constance will support an intense and productive debate on the constitutional foundations of EU migration law.

PROGRAMME

Tuesday, 18 June 2019

Location: Senate Chamber, Room V1001, University of Konstanz

Taxi pick up from the hotel or you may take a taxi directly from the train station

13.00

Get-together with sandwiches and coffee

Terrace overlooking Lake Constance and the Alps

13.50

Welcome

Prof. Dr. Daniel Thym, University of Konstanz, Germany.

14.00: The Court of Justice and Its Institutional Context

The Court of Justice between Textualism and Dynamism

Assistant Prof. Dr. Maarten den Heijer, University of Amsterdam.

The Limits of Dynamic Jurisprudence on Salient Issues

Prof. Dr. Daniel Thym, University of Konstanz, Germany.

The Role of Supranational Institutions in Responding to Violations of EU Migration and Asylum Law in the Member States

Prof. Dr. Iris Goldner Lang, University of Zagreb.

Discussant and Chair

Ass. Prof. Francesco Maiani, Université de Lausanne, Switzerland.

14.50 – 15.50

Discussion

15.50 – 16.20

Coffee Break

16.20: Charter of Fundamental Rights

Towards a Coherent Jurisprudence?

Prof. Dr. Anna Lübbe, Fulda University of Applied Sciences, Germany.

Autonomous Guarantees beyond the ECHR

Prof. Jean-Yves Carlier, Université catholique de Louvain, Belgium.

Interaction between the ECJ and the ECtHR

Ass. Prof. Francesco Maiani, Université de Lausanne, Switzerland.

Discussant and Chair

Prof. Dr. Dr. h.c. Kay Hailbronner, University of Konstanz, Germany.

17.10 – 18.10

Discussion

18.10 – 19.00

Informal Reception

(or return to the hotel)

19.30

Dinner

Location to be confirmed (for speakers only).

Wednesday, 19 June 2019

Location: Senate Chamber, Room V1001, University of Konstanz

8.30

Taxi Pickup at the Hotels

Meeting point: lobby

9.00

Welcome Coffee

9.20: Autonomy of EU Law and International Refugee Law

The Achievements and Limits of the ECJ Practice

Dr. Roland Bank, Protection Unit of the Representation of UNHCR, Berlin, Germany.

Towards the Hyper-Autonomy of the Common European Asylum System?

Dr. Violeta Moreno-Lax, Queen Mary University of London, UK.

Irregular Migration as a System and the Interpretation of the 1951 Refugee Convention

Prof. Dr. Achilles Skordas, University of Bristol, United Kingdom & Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany.

Discussant and Chair

Ass. Prof. Dr. Cathryn Costello, University of Oxford, UK.

10.10 – 11.10

Discussion

11.10 – 11.40

Coffee Break

11.40: Administrative Implementation and its Deficits

The Evolving Role of EU Agencies in the Administrative Governance of the EU Asylum Policy

Dr. Evangelia (Lilian) Tsourdi, LL.M., University of Oxford, UK.

The Ambivalent Meaning of Discretion in EU Migration Law

Prof. Dr. Mattias Wendel, University of Bielefeld, Germany.

Discussant and Chair

Ass. Prof. Dr. Jorrit Rijmpa, Leiden University, the Netherlands.

12.15 – 13.00

Discussion

13.00 – 14.20

Lunch Break with Coffee

14.20: Legal Limits in the Cooperation with Third States

Constitutional Limits for the Spread of Informal Practices?

Prof. Dr. Paula García Andrade, Comillas Universidad Pontificia, Madrid.

The International Activities of Frontex and EASO

Ass. Prof. Dr. Jorrit Rijmpa, Leiden University, the Netherlands.

Externalisation and the Dynamic Interpretation of Human Rights

Ass. Prof. Dr. Ulrike Brandl, University of Salzburg, Austria.

Discussant and Chair

Dr. Evangelia (Lilian) Tsourdi, LL.M., University of Oxford, UK.

15.10 – 16.10

Discussion

16.10 – 16.40

Coffee Break

16.40: Panel Debate: The Role of Academia

Academia between Stocktaking and Proposals for Dynamic Evolution – Legal and Linguistic Pluralism between the Member States – Interaction with Practitioners and Politics.

Prof. Jean-Yves Carlier, Université catholique de Louvain, Belgium.

Ass. Prof. Dr. Cathryn Costello, University of Oxford, UK.

Prof. Dr. Paula García Andrade, Comillas Universidad Pontificia, Madrid.

Prof. Dr. Dr. h.c. Kay Hailbronner, University of Konstanz, Germany.

Chair

Prof. Dr. Daniel Thym, University of Konstanz, Germany.

19.30

Dinner

Location to be confirmed (for speakers only).