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Europe and extraterritorial asylum

Heijer, M. den

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According to the traditional concept of asylum, a state grants protection to a refugee by admitting him to its territory and abstaining from expulsion to the country from which the refugee fled. Contemporary developments indicate that this concept is ready for fundamental review. In an attempt to counter undocumented migration and to lower the pressure on domestic protection capacities, European and other Western states have recently been developing policies which aim to control migration outside their borders and to enhance asylum protection capacities in third countries. This trend includes the introduction of carrier sanctions, the interception of migrants at sea, the posting of immigration officers in foreign countries and the external processing of asylum-seekers.

The book focuses on the legal implications of these external mechanisms of migration control for the protection of refugees and irregular migrants. It defends the thesis that when European states endeavor to control the movement of migrants outside their territories, they remain responsible under international law for upholding the rights of refugees and more general human rights.

The book explores how refugee and human rights law responds to a phenomenon whereby states engage in external activity and seek cooperation with other actors in the context of migration control; how EU law governs and constrains the various types of pre-border migration enforcement employed by the Member States of the European Union; and examines the conformity with international law of current and unfolding practices of external migration control.

This is a volume in the series of the Graduate School of Legal Studies of Leiden University. This study is part of the Law Schools' research programme on Securing the rule of law in a world of multilevel jurisdiction.

Europe and Extraterritorial Asylum

M. DEN HEIJER