

SUMMARY CONTENTS

Detailed contents vii
Preface xi
List of case studies xiv
List of boxes xv
List of figures xvi
List of maps xvii
List of tables xviii
Notes on contributors xix
Abbreviations xxiii

1 Conceptualising international migration law 1
BRIAN OPESKIN, RICHARD PERRUCHOUD AND JILLYANNE REDPATH-CROSS

2 Contemporary patterns of international migration 17
RICHARD BEDFORD

3 Sources of international migration law 56
VINCENT CHETAIL

4 Nationality and statelessness 93
IVAN SHEARER AND BRIAN OPESKIN

5 State sovereignty and freedom of movement 123
RICHARD PERRUCHOUD

6 International human rights of migrants 152
DAVID WEISSBRODT AND MICHAEL DIVINE

7 Refugees and asylum 177
JAMES C. HATHAWAY

- 8 Women, children and other marginalised migrant groups 205
JACQUELINE BHABHA
 - 9 Human trafficking and smuggling 234
RYSZARD PIOTROWICZ AND JILLYANNE REDPATH-CROSS
 - 10 International migration by sea and air 260
NATALIE KLEIN
 - 11 International labour migration 283
RYSZARD CHOLEWINSKI
 - 12 International trade law and labour mobility 312
SOPHIE NONNENMACHER
 - 13 Global migration institutions and processes 336
IRENA OMELANIUK
 - 14 Regional processes, law and institutional developments on migration 366
KAROLINE POPP
 - 15 Emerging legal issues in international migration 390
GERVAIS APPAVE
- APPENDIX 1 *Cases* 419
- APPENDIX 2 *Treaties and other international instruments* 425
- Glossary* 434
- Index* 450

DETAILED CONTENTS

1 Conceptualising international migration law 1

BRIAN OPESKIN, RICHARD PERRUCHOUD AND
JILLYANNE REDPATH-CROSS

- 1.1. The evolution of international migration law 1
- 1.2. The evolution of international migration institutions 5
- 1.3. International migration law today 6
- 1.4. A search for order 7
- 1.5. Structure of this book 10

2 Contemporary patterns of international migration 17

RICHARD BEDFORD

- 2.1. Introduction 17
- 2.2. What is international migration? 18
- 2.3. Migration and globalisation 22
- 2.4. Migrant stocks, flows and visa categories 24
- 2.5. A global perspective on migrant stocks and flows 26
- 2.6. Regional perspectives on migrant stocks and flows 29
- 2.7. Looking ahead 50

3 Sources of international migration law 56

VINCENT CHETAIL

- 3.1. Treaty law 57
- 3.2. Customary international law 73
- 3.3. Subsidiary sources of international law 82
- 3.4. Soft law 84
- 3.5. Conclusion 90

4 Nationality and statelessness 93

IVAN SHEARER AND BRIAN OPESKIN

- 4.1. Principles of nationality 93
- 4.2. Principles of statelessness 102

- 4.3. Particular issues 114
- 4.4. Relevance of status to international migration 119

5 State sovereignty and freedom of movement 123

RICHARD PERRUCHOUD

- 5.1. State sovereignty and control of external borders 123
- 5.2. Freedom of movement as a human right? 126
- 5.3. Regulating entry 129
- 5.4. Regulating exit 137
- 5.5. Facilitating implementation of free movement 147
- 5.6. Conclusion 150

6 International human rights of migrants 152

DAVID WEISSBRODT AND MICHAEL DIVINE

- 6.1. Introduction 152
- 6.2. Evolution of human rights norms and their relevance to migrants 152
- 6.3. Contemporary rights and their protection 156
- 6.4. Conclusion 175

7 Refugees and asylum 177

JAMES C. HATHAWAY

- 7.1. The evolution of international refugee law 177
- 7.2. Refugee status 182
- 7.3. Refugee rights 190
- 7.4. Challenges facing the refugee regime 200

8 Women, children and other marginalised migrant groups 205

JACQUELINE BHABHA

- 8.1. Introduction 205
- 8.2. Child migrants 209
- 8.3. Women migrants 222
- 8.4. Migrants with disabilities 230
- 8.5. Conclusion 231

9 Human trafficking and smuggling 234

RYSZARD PIOTROWICZ AND JILLYANNE REDPATH-CROSS

- 9.1. Introduction 234
- 9.2. Trafficking of human beings 234
- 9.3. Smuggling of migrants 246
- 9.4. Conclusion 258

10 International migration by sea and air 260

NATALIE KLEIN

- 10.1. Introduction 260
- 10.2. Extraterritorial interception 262
- 10.3. Carrier sanctions 265
- 10.4. Interdiction at sea 267
- 10.5. Stowaways 271
- 10.6. Human smuggling and trafficking by sea 273
- 10.7. Rescue of persons in distress at sea 275
- 10.8. Conclusion 280

11 International labour migration 283

RYSZARD CHOLEWINSKI

- 11.1. Introduction 283
- 11.2. The importance of migrant workers in migrant stocks and flows 285
- 11.3. The role of the International Labour Organization 286
- 11.4. International human rights and the 1990 Convention on Migrant Workers 295
- 11.5. The myth of non-ratification 298
- 11.6. Regional instruments on labour migration 300
- 11.7. The role of 'soft law' and related policy developments 306
- 11.8. Intergovernmental processes on labour migration 308
- 11.9. Conclusion 309

12 International trade law and labour mobility 312

SOPHIE NONNENMACHER

- 12.1. Introduction 312
- 12.2. GATS and the rules relating to the movement of natural persons 314
- 12.3. The immigration and labour dimensions of GATS Mode 4 320
- 12.4. Current state of affairs 324
- 12.5. Conclusion 334

13 Global migration institutions and processes 336

IRENA OMELANIUK

- 13.1. Introduction 336
- 13.2. What is the global governance of migration? 338
- 13.3. Intergovernmental organisations 340
- 13.4. United Nations and its agencies 346
- 13.5. Global and regional fora on migration 357
- 13.6. Conclusion 363

**14 Regional processes, law and institutional developments
on migration 366**

KAROLINE POPP

- 14.1. Introduction 366
- 14.2. Regional institutions and their role in migration law and governance 367
- 14.3. Regional processes for migration cooperation 373
- 14.4. Regional instruments relating to migration 382
- 14.5. Conclusion 387

15 Emerging legal issues in international migration 390

GERVAIS APPAVE

- 15.1. Introduction 390
- 15.2. Internal displacement 392
- 15.3. Migration, climate change and the environment 400
- 15.4. Stranded migrants 409
- 15.5. Consultation, cooperation and governance 414
- 15.6. Conclusion 417