

1. Record Nr.	UNINA9910964773203321
Titolo	Are human rights for migrants? : critical reflections on the status of irregular migrants in Europe and the United States / / edited by Marie-Benedicte Dembour and Tobias Kelly
Pubbl/distr/stampa	Milton Park, Abingdon, Oxon ; ; New York : , : Routledge, , 2011
ISBN	1-136-70007-2 1-283-46060-2 9786613460608 1-136-70008-0 0-203-81344-8
Edizione	[1st ed.]
Descrizione fisica	1 online resource (265 p.)
Altri autori (Persone)	DembourMarie-Benedicte <1961-> KellyTobias
Disciplina	323.3/291
Soggetti	Illegal immigration - United States Noncitizens Emigration and immigration law Human rights Emigration and immigration law - United States Emigration and immigration law - Europe Human rights - United States Human rights - Europe Refugees - Legal status, laws, etc Civil rights Foreign workers - Civil rights Noncitizens - Civil rights
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	"A Glass House book."
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Cover; Are Human Rightsfor Migrants?; Copyright; Contents; List of abbreviations; List of contributors; Acknowledgements; 1. Introduction; 1. The problem: why do migrants find it so difficult to access human rights?; 2. What are the human rights we are referring to?; 3. The role

of human rights: the take of this volume's contributors; Part I: Taking it as a given: The affirmation of the optimist; 2. The recognition of migrants' rights within the UN human rights system: The first 60 years; 1. The Universal Declaration of Human Rights: the protection of aliens 2. Transforming the UDHR into human rights treaties3. Rights, sovereignty and non-refoulement; 4. The protection of migrants: 'unclear' and 'inadequate'; 5. Drafting the Migrant Workers' Convention; 6. Developments after 1990; 7. Conclusion; 3. Irregular migration and frontier deaths: Acknowledging a right to identity; 1. Deaths on the 'fault lines' of migration: contexts and numbers; 2. Border control's 'unintended side effects'; 3. The rights of irregular migrants: the legal framework; 4. Irregular migration and loss of identity; 5. Lost identity: the new 'potter's fields' of migration

6. Identifying and accounting for the dead7. A right to identity; 8. Conclusion; Part II: Deliberating: the efforts of those who work out the system; 4. The constitutional status of irregular migrants: Testing the boundaries of human rights protection in Spain and the United States; 1. The human rights- sovereignty compromise; 2. The general framework governing foreigners as fundamental rights holders; 3. Legislative-judicial dialogue on irregular migrants as fundamental rights holders; 4. Conclusion

5. A new articulation of human rights, or the European Court of Human Rights should think beyond Westphalian sovereignty1. Immigration detention and the ECHR; 2. The territorial blind spots of modern constitutionalism; 3. Destabilising territorial sovereignty through human rights; 4. Conclusion; Part III: Protesting: the outrage of the witness; 6. The French Calaisis: Transit zone or dead-end?; 1. From Sangatte to the jungles; 2. Are the Calaisis migrants refugees?; 3. The response of the French authorities; 4. Which role for human rights? 7. 'Not our problem': why the detention of irregular migrants is not considered a human rights issue in Malta1. Treatment of immigrants attracts international criticism of Malta; 2. The position taken by the Maltese Government; 3. The European Union and shifting of responsibility for the human rights of outsiders; 4. The Maltese family: a social mechanism of containment and care, hierarchy-setting and exclusion; 5. Concluding remarks; PART IV Keeping one's distance: the puzzlement of the sceptic; 8. Human rights and immigration detention in the United Kingdom; 1. The human rights framework

2. Immigration detention: the legal and statistical context

---

#### Sommario/riassunto

Human rights seemingly offer universal protection. However, irregular migrants have, at best, only problematic access to human rights. Whether understood as an ethical injunction or legally codified norm, the promised protection of human rights seems to break down when it comes to the lived experience of irregular migrants. This book therefore asks three key questions of great practical and theoretical importance. First, what do we mean when we speak of human rights? Second, is the problematic access of irregular migrants to human rights protection an issue of implementation, or is it due to

---