

Conference on Global Migration and the Rule of Law

Friday, April 11, 2025 – Saturday, April 12, 2025.

Pontificia Università Gregoriana

Rome, Italy

SUMMARIES

Opening Remarks:

At the conference, **Dean Michèle Alexandre** opened with a powerful address on the urgency of migration issues. She emphasized the global scale of the phenomenon—over 281 million people living outside their countries of birth—and attributed its rise to economic inequality, climate change, and conflict. While acknowledging the benefits of migration, she underscored its politicization, particularly in the Global North. Dean Alexandre called for a human-centered approach, urging attendees to reflect on the historical and present causes of migration and to rethink the role of the rule of law. Citing Pope Francis, she stressed that a just legal system is measured by how it treats the poor and marginalized. She concluded with a call for truth and dignity to guide all efforts.

Father Arturo Sosa, S.J., Superior General of the Society of Jesus, delivered a compelling keynote on the dignity and rights of migrants. He recounted the searing words of a detained migrant to a Jesuit lawyer: “*No somos animales, Padre*” (“We are not animals, Father”), exposing the dehumanizing conditions many face. He highlighted the Jesuit commitment to accompaniment through initiatives such as the **Jesuit Refugee Service**, active in over 40 countries. Father Sosa called for a comprehensive approach that merges direct service with academic research to address root causes and promote policies grounded in compassion and justice. His remarks, later published in *America Magazine*, echoed the call to uphold human dignity for all, regardless of migratory status.

In her speech, **Jaya Ramji-Nogales**, Associate Dean at Temple University School of Law, sharply criticized the existing international migration legal regime, describing it as fragmented, incoherent, and ineffective in protecting migrants. Invoking the metaphor of cholera as both disease and rage, she called for a fundamental reconceptualization of migration law as a force of love and liberation, rather than exclusion and structural violence. Migration, she argued, is a basic human reality driven by conflict, hardship, family ties, and love—not a crisis to be contained. Ramji-Nogales dissected the inadequacies of the Law of the Sea, international labor law, and trade law in addressing migrants’ rights and responsibilities. She proposed a new legal framework—*Global Migration Law*—that centers migrant perspectives, responds to labor and familial realities, and prioritizes voices from the Global South.

She further criticized international refugee and migration law for failing to address mass movements, often framing them as national security threats rather than humanitarian concerns. Narrow definitions of protection, the lack of provisions for safe transit, and fragmented legal responses have left many vulnerable individuals without lawful migration options, forcing them into perilous, unauthorized routes. This legal vacuum favors receiving states through restrictive visa regimes, carrier sanctions, and border walls—tools that increase migrant deaths without reducing migration. These shortcomings fuel xenophobia and fear. In response, she advocated for

legal reform that enables safe, lawful, and equitable mobility and balances state interests with the rights of migrants.

The broader discussion emphasized reimagining migration law by placing human dignity and autonomy at the center. Migration should be a genuine choice, not a forced or dangerous act. The conversation criticized broken integration systems, such as the abrupt relocation of migrants in the U.S., and called for sustainable structures that empower migrants to thrive in host societies. It moved beyond the limits of traditional refugee law, urging broader inclusion of regional frameworks—like Mercosur and ECOWAS—that offer simplified, rights-based models. Speakers questioned rigid notions of border sovereignty when they perpetuated migrant suffering and instead championed a human rights-centered legal approach rooted in dignity and choice—whether to move or to remain. Finally, the conversation urged a decolonized vision of migration law, emphasizing the vital role of migrant-led advocacy and scholarship from the Global South. The overarching goal: to use law as a tool of care, solidarity, and shared humanity, fostering safe, just, and lawful migration for all.

Panel 1: The Origins of the Migration Crisis

Moderator: Prof. James Gathii

Panelists:

- Prof. Negar Katirai
- Prof. Obiora Okafor
- Michele Pifferi
- Prof. Michele Pifferi

Professor Pier Giuseppe Pifferi opened the panel by tracing the historical evolution of migration law, particularly during the late 19th and early 20th centuries. He highlighted how early laws—such as the U.S. Chinese Exclusion Act of 1882 and Canada’s Chinese Immigration Act of 1923—institutionalized a system of categorizing migrants as “desirable” or “undesirable” without consistent legal criteria. These policies, he explained, granted broad discretionary power to immigration officers, effectively allowing them to act outside constitutional safeguards. Pifferi remarked, “*Administrative law is basically a way of justifying a kind of exceptional nature of migration,*” suggesting that migration governance has long operated in a legal grey area, where constitutional norms are weakened or suspended.

Turning to the gendered dynamics of migration, **Professor Aziza Katirai** analyzed the historical role of enslaved women in the transatlantic slave trade, noting that they were not only exploited as laborers but also as “reproducers of labor.” She pointed to the legal doctrine—established in U.S. slave law—that a child’s legal status followed that of the mother. This principle, she explained, transformed biological reproduction into an economic tool of enslavement. Drawing a parallel to the present day, Katirai argued that modern immigration systems continue to disproportionately assign domestic and caregiving labor to migrant women, especially women of color, under exploitative legal and economic conditions in destination countries.

Professor Obiora Okafor shifted focus to the global governance of migration, arguing that the real crisis lies not in the number of migrants but in the failure of international solidarity. Citing the UN Draft Declaration on the Right to International Solidarity, he stated: “*International solidarity is an expression of unity... to secure human rights.*” Okafor criticized the current fragmented legal framework under international law, where states often act unilaterally, manipulate refugee definitions, and avoid shared responsibilities. “*The crisis of migration... is actually a crisis of solidarity and not necessarily a crisis of numbers,*” he emphasized, urging for legal reforms that prioritize collective responsibility and human dignity.

In a follow-up, **Professor Pifferi** provided additional historical context on how racial ideologies shaped immigration law in various jurisdictions. In the United States, he referred to early 20th-century fears of “race suicide,” exemplified by a 1899 political cartoon showing *Uncle Sam being overwhelmed by foreign hordes*. In Europe, he cited the 1885 expulsion of Poles from Russia, and in Argentina, laws that targeted Italian immigrants as “anarchists” based on pseudo-scientific criminological profiling. These examples, Pifferi explained, demonstrate how racial and nationalist anxieties have been codified into law and continue to influence modern immigration systems.

Professor Katirai expanded her earlier comments by analyzing the economic root causes of migration. She argued that migration is often misunderstood as a voluntary search for better opportunities, when in fact, it is frequently a forced response to systemic global inequalities. These inequalities, she noted, are not accidental but are deeply embedded in global economic structures. Citing institutions such as the International Monetary Fund (IMF) and the World Bank, she critiqued the conditions attached to foreign investment and loans—such as austerity measures and cuts to public services—which weaken labor protections and destabilize communities in migrant-sending countries. “*People are not just moving because they want better jobs,*” she said, “*but because they cannot survive where they are. And that’s not just by chance.*”

She also emphasized the paradox of migration: while destination countries benefit from migrant labor, their immigration laws often exclude migrants from full legal protections, forcing them into precarious and exploitative work conditions. As Professor Daniela Ramos noted earlier in the conference, these laws are not incidental but are designed to create a legally and economically marginalized workforce. Katirai concluded by underscoring the need to recognize and value the contributions of migrants, not merely as economic actors, but as individuals whose rights and dignity must be upheld throughout the entire migration process.

Panel 2: Climate Change and Human Displacement

Moderator: Prof. Carmen Gonzalez

Panelists:

- Carmen Gonzalez
- Dr. Sumudu Atapattu
- Dr. Simon Behrman

Professor Carmen G. Gonzalez opened the session by framing climate change not simply as an environmental or humanitarian issue, but as a matter of global injustice. Drawing on data and

critical scholarship, she argued that wealthier nations, particularly those in the Global North, are disproportionately responsible for greenhouse gas emissions, while vulnerable communities in the Global South bear the most severe consequences. She emphasized that climate change is often a “threat multiplier”—it exacerbates existing drivers of migration such as poverty, political instability, and conflict, rather than being the sole cause of displacement.

Importantly, she highlighted that most climate-displaced people remain within their own countries or migrate to neighboring states, with only a small fraction reaching the Global North. She drew attention to “trapped populations”—people unable to migrate due to lack of resources, and those who remain by choice due to cultural, spiritual, or ancestral ties. Gonzalez emphasized that for small island states, climate-induced displacement results not only in material loss but also in the erosion of sovereignty and self-determination. Citing Jason Hickel’s research, she noted that the Global North is responsible for between 68–90% of cumulative historical emissions, depending on measurement criteria. Gonzalez concluded by advocating for a self-determination-based approach to climate mobility, one that guarantees individuals the legal and material ability to either remain or relocate—supported by legal responsibility and reparations from high-emitting countries.

Dr. Sumudu Atapattu provided a deep legal dive into the principle of Common But Differentiated Responsibilities (CBDR), a foundational norm in international environmental law. She explained that while traditional international law treats all sovereign states as legally equal, CBDR recognizes that states differ in their historical contributions to environmental degradation and in their capacity to address it. She illustrated how CBDR has been operationalized in treaties like the Rio Declaration (1992) and the United Nations Framework Convention on Climate Change (UNFCCC), which classify countries into Annex I (industrialized) and non-Annex I (developing) groups, assigning differentiated obligations.

This has led to mechanisms such as grace periods, technology transfers, and international climate finance. However, Dr. Atapattu criticized the lack of enforcement and accountability under current state responsibility regimes, which remain primarily bilateral and ill-equipped to address collective harm like climate change. She noted an emerging shift, pointing to recent jurisprudence by human rights bodies such as the Committee on the Rights of the Child, which have begun integrating CBDR principles in their reasoning. This development, she suggested, may pave the way for stronger, more enforceable legal duties for climate justice in the future.

Dr. Simon Behrman addressed the protection gap within international refugee law and human rights law concerning people displaced by climate change. He focused on the *Teitiota v. New Zealand* case, in which a family from Kiribati, facing existential threat from rising sea levels, sought asylum in New Zealand. Despite acknowledging the seriousness of the environmental risks, the New Zealand court—and later the UN Human Rights Committee—did not grant protection under current legal definitions, particularly the 1951 Refugee Convention, which requires a well-founded fear of persecution on specific grounds.

Behrman argued that such frameworks are fundamentally inadequate for addressing climate-induced displacement, as they were not designed to account for non-persecutory or environmental causes of flight. He concluded with a call for evolution in international law—one that recognizes

climate displacement as a distinct legal category and establishes new norms and protections. Without this legal shift, he warned, millions of people at risk from climate change will continue to fall through the cracks of existing protection.

Panel 3: An Unholy Alliance — The Intersection Between Human Trafficking and Migration.

Moderator: Professor Katherine Kaufka Walts

Panelists:

- Professor Emilce Cuda
- Professor Silvia Scarpa
- Dr. Stefano Volpicelli

Professor Katherine Kaufka Walts opened the session by introducing the panelists and setting the stage with a definition of *human trafficking* under both the UN Palermo Protocol (an international legal instrument adopted by the UN Convention against Transnational Organized Crime) and domestic U.S. law, which similarly characterizes trafficking as a crime against the person. She emphasized that trafficking frequently intersects with civil and labor law violations and is increasingly understood through the lens of gender-based violence. Drawing on her review of the panelists' work, she highlighted the need to move beyond narrow legal framing and explore alternative interdisciplinary frameworks for understanding and addressing trafficking.

Professor Emilce Cuda, referencing her work with the Pontifical Commission for Latin America, described human trafficking as a defining tragedy of the 21st century. She emphasized the alarming number of women who go missing daily in Latin American countries like Mexico, framing this crisis as a symptom of structural injustice. Cuda identified the lack of decent work—particularly in the Global South—as a root cause of trafficking, aligning her analysis with International Labor Organization (ILO) standards and Catholic social teaching, particularly the writings of Pope Francis. She stressed that access to dignified and sustainable employment, rather than temporary aid, is essential to combatting trafficking and restoring human dignity.

Professor Silvia Scarpa, a legal scholar based in Italy, analyzed the complex legal frameworks governing human trafficking, particularly under international law (including the Palermo Protocol and various regional instruments like the EU Anti-Trafficking Directive). She noted that although legal definitions cover multiple forms of exploitation—including labor, organ trafficking, and servitude—public and policy discourse in Europe and beyond tends to disproportionately emphasize sexual exploitation. This, she argued, creates fragmented and inconsistent enforcement across jurisdictions and weakens broader protection efforts. She called for a holistic and balanced interpretation of trafficking laws to guide both international and national policies.

Dr. Stefano Volpicelli approached the issue from a philosophical and ethical lens, challenging the audience to reconsider how societies assign value to human lives. He critiqued the tendency of legal and humanitarian systems to differentiate between “worthy” and “unworthy” victims, often based on nationality, gender, or migration status. This selective empathy, he argued, reinforces discrimination and dehumanization. Volpicelli advocated for a universalist ethic that affirms the equal dignity of all people—whether or not they meet traditional categories of victimhood.

Later in the discussion, **Professor Kaufka Walts** prompted the panel to reflect on how interdisciplinary collaboration—across law, economics, faith-based advocacy, and social services—could better protect and restore the dignity of trafficking survivors. Professor Cuda reiterated that economic inclusion is vital, arguing that while assistance programs are important, they are not sustainable unless they address systemic unemployment. She controversially raised the potential use of private prison industries to offer job opportunities, while clarifying that her central point was about expanding legal and dignified employment pathways for at-risk populations.

In response to a final question on survivor-led insights, **Dr. Volpicelli** warned against what he called the "motivation trap" in public discourse—the framing of migrants or trafficking victims as deserving of rights only when they can prove economic desperation or fear for their lives. While these motivations are real, he argued that legal protection should not be conditional. He called for a reconceptualization of human mobility as a right, not one that needs justification, emphasizing that affirming the inherent dignity and autonomy of all people—regardless of their reasons for migrating—is central to reshaping trafficking and migration frameworks rooted in justice.

Panel 4: Suffer the Children: The Disproportionate Impact of Migration Policies on Children and Young People.

Moderator: Professor Sarah Diaz

Panelists:

- Professor Jason Hart
- Professor Lauren Heidbrink
- Angela Vigil

Professor Sara Diaz opened the session by introducing herself and sharing her professional background. She emphasized the urgency and relevance of the discussion, noting that this is a critical and necessary conversation in today's global context.

Citing recent data from the United Nations High Commissioner for Refugees (UNHCR), Professor Diaz highlighted that there are an estimated 117.3 million displaced persons worldwide, with 40% being children. Furthermore, children account for 40% of the 46 million refugees and asylum seekers, underscoring the disproportionate impact of displacement on young populations. Setting the tone for the session, Professor Diaz stated that the primary goal of the panel was to challenge and move beyond reductive frameworks that often oversimplify the experiences and capacities of children affected by displacement. She called for a more nuanced and inclusive approach to understanding children's roles, resilience, and rights in the context of migration and asylum. She concluded her opening remarks by introducing the panelists who would contribute to the discussion, each bringing unique perspectives to the intersection of childhood, displacement, and humanitarian response.

Professor Jason Hart highlighted the systemic failures in how humanitarian and asylum systems conceptualize displaced children. Using the case of Maria, a teenage girl who fled violence and assumed responsibility for her younger niece, he illustrated how rigid notions of childhood led to

her being disbelieved, detained with adults, and denied protection. Hart argued that officials often fail to recognize the capacity of displaced children, especially when those capacities exceed Eurocentric expectations of childhood. He contrasted global perceptions of child agency—such as Palestinian children protesting with parental support versus UK children being dismissed for political protests—to show how cultural biases shape assumptions. Hart critiqued the dominant framing of displaced children as inherently vulnerable, urging a shift toward recognizing them as active agents shaped by their environments. He warned that the blanket use of "vulnerability" often silences children's voices and obscures their coping strategies. The presentation called for more dialogic, respectful engagement with displaced children and a reassessment of entrenched assumptions around age, agency, and trauma. In closing, Hart emphasized that rethinking these frameworks is essential for building more just humanitarian and asylum practices, especially in a time of deep crisis in global refugee policy.

Professor Lauren presented a critical analysis of the U.S. immigration detention system for unaccompanied children, tracing its roots to the 1980s and the Flores Settlement. Despite reforms, facilities continue to resemble carceral spaces, often prioritizing control over child welfare. Drawing on interviews and national studies, she highlighted how children experience detention as traumatic and restrictive. She argued that current practices contradict child-centered care and called for abolitionist approaches, emphasizing community-based alternatives, policy reform, and structural transformation. Her vision challenges what is deemed possible, urging systemic shifts toward justice, dignity, and true care for displaced and immigrant youth.

Angela Vigil emphasized the urgent need to center children's rights and dignity in immigration systems, drawing from her legal experience with young clients globally. She highlighted systemic failures—courtrooms not built for children, insufficient legal representation, and a lack of trauma-informed advocacy. Vigil argued that children must have equal rights to counsel and self-determination, despite the legal and emotional challenges. She stressed that systems must be designed *with* youth, not just *for* them, echoing the growing movement of “nothing about us without us.” Her call: reimagine justice through child-centred, rights-based, and participatory frameworks, especially amid rising threats to pro bono legal aid.

Panel 5: Responding to the Human Displacement Crisis

Moderator: Professor Karen Shaw.

Panelists:

- Dr. Angelo Pittaluga
- Professor Joseph Saba
- Margaux Bia.

Professor Karen Shaw opened the session by affirming the intrinsic connection between migration and human dignity, as enshrined in the *Universal Declaration of Human Rights (UDHR)*, the *International Covenant on Civil and Political Rights (ICCPR)*, and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*. She emphasized the heightened vulnerability of migrants upon arrival in host countries, particularly with respect to accessing basic

human needs such as food, housing, healthcare, and education. These gaps, she argued, highlight the urgent need to ground migration governance in fundamental human rights.

Professor Saba, Board Chair of PANURA, which provides refugee aid in Gaza, the West Bank, Lebanon, and Jordan, described the legal landscape of displacement as deeply fragmented. He noted that legal frameworks governing displaced people are often determined unilaterally by sending and receiving states, leading to inconsistent protections. His remarks focused on the centrality of identity and dignity, citing examples from Lebanon where displaced persons without legal identity documents are effectively denied essential rights—including access to health care, education, services, and even the ability to cross borders. He expressed concern about the chronic underfunding of legal identity initiatives under the *Global Compact for Migration* and the *UN Legal Identity Agenda*, stressing that these are essential tools for safeguarding human dignity. He concluded by calling on NGOs and financial actors to invest in legal frameworks that uphold the rule of law and enable displaced people to access basic services and protection.

Dr. Angelo Pittaluga of the Jesuit Refugee Service (JRS) reflected on the global responsibility to protect vulnerable migrants and refugees. He highlighted JRS's mission, established in 1980, which now spans over 50 countries, offering access to education, mental health and psychosocial support, and economic inclusion. He noted that JRS is currently prioritizing life-saving interventions—such as food, water, and shelter—while also advocating for longer-term inclusion of refugees in national systems. Citing Article 6 of the *ICCPR* (right to life), he stressed that the right to life must be interpreted beyond mere survival, encompassing access to dignified work, education, and full participation in society. He concluded that refugees should not be seen merely as aid recipients but as agents of change whose voices and agency must be recognized in national governance systems.

Margaux Bia, representing Daily Fiber, an international private firm, emphasized the role of the business community in bridging gaps in access to legal services for displaced populations. She underscored the importance of collaboration across sectors to support communities in accessing legal aid, representation, and protection. She acknowledged that the causes of forced migration are interconnected, and the legal frameworks governing migrant protection are both complex to navigate and challenging to enforce. Bia called for stronger adherence to protections under the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)* and the *ICCPR*, spanning the entire migration journey—from departure and transit to destination. She concluded by advocating for the use of technological innovation to improve access to justice and services for forcibly displaced people.

Panel 6: The future of Global Migration

Moderator: Prof. Juliet Sorensen.

Panelists:

- Prof. Hajer Gueldich,
- Alexandra Tarzikhan,
- Halyna Kokhan (PhD)

Professor Sorensen opened the panel by framing the discussion as the "intersection between need and opportunity," and introduced the panelists, underscoring the importance of legal frameworks in shaping migration governance.

Professor Hajer led with a powerful intervention on the topic, "*Africa at the Crossroads of Migration, Legal Instruments, and Institutional Innovation.*" She argued that Africa must be recognized as a key actor in shaping global migration governance. Citing the AU Free Movement Protocol (2018) and Article 43 of the Abuja Treaty, she emphasized the continent's potential to lead in creating legal and institutional frameworks for borderless mobility. She highlighted regional instruments like the Kampala Convention on IDPs, which she noted is more expansive than the 1951 Refugee Convention, and Article 12 of the African Charter on Human and Peoples' Rights, which protects exiles and prohibits mass expulsion.

She also asserted that migration is a human right, rooted in the Universal Declaration of Human Rights, and that the rule of law is central not just to migrants' lives but to our collective humanity. She challenged dominant narratives of African migration by citing data: over 40 million Africans live outside their countries of birth, yet 18% of African migration remains within the continent. She argued that portraying African migration as a crisis for the Global North is misleading and oversimplified. While acknowledging the tragedy of lives lost in the Mediterranean, she called for Africa to be more fully integrated into global migration frameworks, noting that the continent offers innovative, rights-based models of intra-regional migration.

Dr. Halyna Kokhan presented a detailed legal and historical analysis of the forced displacement of Ukrainian civilians and children during the Russian invasion. As of early 2023, estimates suggest that between 2.8 and 4.7 million Ukrainian civilians were forcibly transferred to Russia, including between 260,000 and 700,000 children, with some U.S. estimates reaching 1.6 million. She outlined gross violations of international law—ranging from filtration camps and forced adoptions to denial of return—arguing that these acts may amount to crimes against humanity, war crimes, or even genocide under the Geneva Conventions, Rome Statute, and the Convention on the Rights of the Child. She addressed the limitations of current international enforcement mechanisms, including documentation gaps and political inertia. Dr. Kokhan highlighted the significance of the International Criminal Court's arrest warrants for senior Russian officials, including President Vladimir Putin, and stressed the urgent need for coordinated legal action to ensure accountability and support safe return and reintegration, particularly for displaced children.

Alexandra Tarzikhan closed the panel with a critical reflection on recent decisions by some EU member states to suspend asylum for Syrian nationals and resume forced returns. She argued these moves violate the principle of non-refoulement, a core tenet of the 1951 Refugee Convention and the European Convention on Human Rights. Despite political claims of safety in Syria, she cited evidence of ongoing persecution, detention, conscription, and humanitarian collapse. Tarzikhan warned that such policies erode the rule of law and damage EU legal credibility. She urged the EU to return to evidence-based policymaking, reinforce judicial oversight, and work with the UNHCR and civil society to provide resettlement and integration pathways. She concluded with a powerful reminder: political shifts and anti-immigration sentiment must not override the EU's legal and moral obligations.

