The International Law of Migrant Smuggling

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Available at: https://works.bepress.com/anne_gallagher/30/
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Whether forced into relocation by fear of persecution, civil war, or humanitarian crisis, or pulled toward the prospect of better economic opportunities, more people are on the move than ever before. Opportunities for lawful entry into preferred destinations are decreasing rapidly, creating demand that is increasingly being met by migrant smugglers. This companion volume to the award-winning The International Law of Human Trafficking, presents the first-ever comprehensive, in-depth analysis into the subject. The authors call on their experience of working with the UN to chart the development of new international laws and to link these specialist rules to other relevant areas of international law, including law of the sea, human rights law, and international refugee law. Through this analysis, the authors explain the major legal obligations of States with respect to migrant smuggling, including those related to criminalization, interdiction and rescue at sea, protection, prevention, detention, and return.

Advance praise:
“In her award-winning book, The International Law of Human Trafficking, Anne Gallagher created an invaluable reference for policy makers, practitioners, and all those working to end impunity for traffickers and secure justice for victims. This volume, The International Law of Migrant Smuggling, is a fitting and timely successor. With precision, clarity, and compassion, Gallagher and her coauthor untangle the complex and often misunderstood web of rights, obligations, and responsibilities that govern the facilitated movement of irregular migrants across borders. In so doing they make abundantly clear what States must, may, and may not do when responding to migrant smuggling. Looking ahead, there can be little doubt that migrant smuggling will continue to present a great challenge to the international community. I am confident that this book will make a substantial contribution to advancing constructive dialogue on this difficult, controversial issue.” – William L. Swing, Director General of the International Organization for Migration

“Written from extensive experience and a deep understanding of not only the harshness and dangers of migrant smuggling but also of its moral and legal complexity, this book aims to explain ‘what States must do, what they may do, and what they are prevented from doing in relation to migrant smuggling.’ The authors have achieved this, in a fine work that combines thoughtful and precise analysis with great practical utility.” – Vaughan Lowe QC, Emeritus Chichele Professor of Public International Law, University of Oxford

August 2014 228 x 152 mm 760pp 1 b/w illus. 8 tables

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<td></td>
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<td>US$120.00</td>
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Cambridge University Press, The Edinburgh Building, Cambridge CB2 8RU, UK