

<b>Simpósio S094/ Symposium S094</b>	
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<b>MIGRATION AND SECURITY IN THE EUROPEAN HUMAN RIGHTS SYSTEM: ADVANCES AND SETBACKS</b>	
<b>RESUMO DO SIMPÓSIO / SYMPOSIUM SUMMARY</b>	
<p>The European human rights system, in particular that established through the Council of Europe, has been the target of much criticism due to the latest changes that hinder the access to the European Court of Human Rights (ECtHR). However, the ECtHR has also been an engine for advancing jurisprudence regarding the protection of human rights of nationals of third countries.</p> <p>Even though there is no recognized right to immigration, the ECtHR has fostered and established, through the protection resulting from the application of the principle of jurisdiction, a right to enter and stay based on other rights already enshrined in the European Convention on Human Rights (ECHR). This derived protection may have as a legal basis, by way of illustration: the prohibition of torture and inhuman and degrading treatment; respect for private and family life; the right to freedom and security; or the ban on collective expulsion of foreigners. These situations occurred in cases such as: <i>Hirsi Jamaa and Others v. Italy</i> (2012); <i>D v. United Kingdom</i> (1997); <i>Amuur v. France</i> (1996). However, the entry and permanence of a non-national in the territory of a State may encounter a bigger obstacle, which justifies their refusal at the border, their return and even possible detention for return purposes, as in <i>Nada v. Switzerland</i> (2012) and in <i>Babar Ahmad et al. v. United Kingdom</i> (2012). Such an obstacle may occur when a third-country national is considered a threat to public order, national security and / or public health. In this line, the present symposium aims, on the one hand, to highlight the advances in jurisprudence in the European system for the protection of human rights that guarantee, in a derivative way, a right to immigration; and, on the other hand, to foster a space for debate on the limits of such a side protection, especially with regards to the security of States and their respective citizens. Submissions in the area of Law, or with interdisciplinary perspectives, will be welcomed, as long as they deal with the relationship between Migration and Security in the context of the protection of human rights in the European system</p>	