

# Frank McNamara

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## Education

### **PhD submitted in October 2016 at the European University Institute, Florence**

**Thesis Title:** *Control and Responsibility in European Union Migration Law and Policy – A study of Externalisation and Privatisation*

Grant awarded by Irish Department of Education and Science

Supervisor: Loïc Azoulay, Professor of EU Law, Sciences Po, Paris, France

#### **Brief Synopsis of PhD Research:**

The research project focuses on the legal impact of externalisation and privatisation on the fundamental rights of migrants. Certain migration control and border management procedures, which were previously exclusively performed by the State, are now being implemented by private actors. Similarly, some procedures have been transferred to the territories of third States (non-EU Member States) which were normally implemented inside the State's territory. The legal capacity of a migrant to vindicate their rights has been hindered by this externalisation and privatisation. With externalisation, admissibility to Courts can be affected by extraterritorial jurisdiction. For privatisation, the Courts may consider the State to have been removed from responsibility because the procedures in question are now, *prima facie*, performed by private actors who have thus also taken legal responsibility. This paper sets out to consider, just how much control a State can have over privatised and/or externalised functions without triggering its own responsibility. It leads to conclusions as to whether an EU Member State can effectively *distance* itself from legal responsibility for border management and migration control policy.

*(A more detailed synopsis is available upon request).*

#### **European University Institute 2011 – 2012**

*Master of Law (Comparative, European and International Legal Studies) LL.M (Ungraded)*

#### **University of Edinburgh 2009 – 2010**

*Master of Law (European Law) LL.M (Hons. Grade 2.1)*

#### **National University of Ireland, Galway 2006 – 2007**

*Bachelor of Law LL.B (Hons. Grade 2.1)*

#### **National University of Ireland, Galway 2003 – 2006**

*Bachelor of Arts Degree B.A. (Hons. Grade 2.1)*

## Professional Experience

### **Contract Agent/Intérimaire (Oct 2015 – Jan 2015) – Full-Time**

Unit for Border Management and Schengen Governance, European Commission, Brussels

### **Research Assistant (Sept 2014 – Dec 2014) – Part-Time**

Robert Schuman Centre for Advanced Studies, European University Institute, Florence

### **Trainee/Stagiaire (March 2013 – Aug 2013) – Full-Time**

Unit for Border Management and Schengen Governance, European Commission, Brussels

### **Research Assistant (Sept 2012 – Feb 2013) – Part-Time**

Robert Schuman Centre for Advanced Studies, European University Institute, Florence

### **Project Researcher (Sept 2011 – March 2012) – Part-Time**

Robert Schuman Centre for Advanced Studies, European University Institute, Florence

### **Presenting Officer (Jan 2009 – Sept 2009) – Full-Time**

Refugee Appeals Tribunal, Dublin

### **Legal Intern (May 2008 – Jan 2009) – Full-Time**

Office of the Refugee Applications Commissioners, Dublin

### **Tax Assistant (Nov 2007 – May 2008) – Full-Time**

PricewaterhouseCoopers, Dublin

## Achievements, Publications, Interests

- Awarded grant from European University Institute
- Selected to compete for NUI Galway at European Law Moot Court and achieved the university's best ever result
- Author of blog posts for *Migration Policy Centre Blog* and *EASO Monitor Blog*
- Author: *Do good fences make good neighbours?* This Century's Review, issue 3 (January 2014)
- Author: *Member State Responsibility for Migration Control within Third States – Externalisation Revisited* (2013) European Journal of Migration and Law 15 319–335 (September 2013)
- Author: *European Migration: The Impact of EU Member States' Political and Social Concerns on Migration law and policy*, Electronic Journal of Comparative Law, Vol. 13.3 (September 2009)
- Marathon runner. Enjoy keeping up with current affairs and reading historical fiction.

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### **Languages** (Common European Framework for languages)

English: Mother tongue  
Irish: Advanced (B2)  
French: Higher intermediate (B2)  
Italian: Intermediate (B1)

### **Computer Skills**

MS systems  
Social Media  
Legal databases  
Internet

**Outstanding references available upon request**