
Beyond limbo: theorizing, analyzing and realizing human rights protection of non-removable migrants

A Data Management Plan created using DMPonline.be

Creator: Eva Sevrin

Affiliation: KU Leuven (KUL)

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Project abstract:

Non-removable migrants are caught in a legal limbo: they cannot stay, but they cannot be returned either. This new type of migrant often faces long-term situations of legal uncertainty, while living in deplorable conditions. It currently remains unclear how domestic law should address this group in a human rights-compliant manner. This PhD project, which is situated at the intersection of human rights law and migration law, aims to contribute to both the budding international scholarship on non-removable migrants and the current understanding of Belgian migration law. The overarching research objective is to theorize, analyse and realize the human rights protection of non-removable migrants, specifically in the Belgian legal system. First, an in-depth understanding of the group of non-removable migrants will be obtained through a detailed categorization exercise. Secondly, the protection offered by human rights (both in theory and in current law) will be delineated in a comprehensive human rights model. Thirdly, Belgian migration law will be evaluated in light of this human rights model, in order to identify gaps in the current legal framework. Finally, recommendations will be formulated based, among others, on an analysis of alternative approaches and comparative research into the German Duldungsstatut and the Buitenschuldvergunning in the Netherlands.

Last modified: 24-04-2024

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DPIA

DPIA

Have you performed a DPIA for the personal data processing activities for this project?

Question not answered.

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GDPR

GDPR

Have you registered personal data processing activities for this project?

Question not answered.

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Application DMP

Questionnaire

Describe the datatypes (surveys, sequences, manuscripts, objects ...) the research will collect and/or generate and /or (re)use. (use up to 700 characters)

Question not answered.

Specify in which way the following provisions are in place in order to preserve the data during and at least 5 years after the end of the research? Motivate your answer. (use up to 700 characters)

Question not answered.

What's the reason why you wish to deviate from the principle of preservation of data and of the minimum preservation term of 5 years? (max. 700 characters)

Question not answered.

Are there issues concerning research data indicated in the ethics questionnaire of this application form? Which specific security measures do those data require? (use up to 700 characters)

Question not answered.

Which other issues related to the data management are relevant to mention? (use up to 700 characters)

Question not answered.

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FWO DMP (Flemish Standard DMP)

1. Research Data Summary

List and describe all datasets or research materials that you plan to generate/collect or reuse during your research project. For each dataset or data type (observational, experimental etc.), provide a short name & description (sufficient for yourself to know what data it is about), indicate whether the data are newly generated/collected or reused, digital or physical, also indicate the type of the data (the kind of content), its technical format (file extension), and an estimate of the upper limit of the volume of the data.

				Only for digital data	Only for digital data	Only for digital data	Only for physical data
Dataset Name	Description	New or reused	Digital or Physical	Digital Data Type	Digital Data format	Digital data volume (MB/GB/TB)	Physical volume
		<i>Please choose from the following options:</i> <ul style="list-style-type: none"> • Generate new data • Reuse existing data 	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> • Digital • Physical 	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> • Observational • Experimental • Compiled/aggregated data • Simulation data • Software • Other • NA 	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> • .por, .xml, .tab, .csv, .pdf, .txt, .rtf, .dwg, .gml, ... • NA 	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> • <100MB • <1GB • <100GB • <1TB • <5TB • <10TB • <50TB • >50TB • NA 	
Legislation and case law	Legislation and case law sourced from public as well as commercial databases (access to the latter is provided by KU Leuven's Law Library). Insofar as this data will indeed be saved, rather than just consulted on the web, this will be in .pdf documents. It is expected that between 100 and 1000 documents will be saved this way, which should correspond to a size of max. 1 GB.	Reuse existing data	Digital	Textual	.pdf	<1 GB	

Legal doctrine	Articles and books (legal scholarship)	Reuse existing data	Digital Physical	Textual	.pdf I collect doctrine with a reference manager, who automatically saves these sources (PDF) Of some articles, I have a print-out that I keep in my office.	<100 GB	Physical prints are stored in my office. Physical books or journals can be consulted in the library and returned.
Legislation	Council of Europe, International human rights treaties, EU and national migration law provisions	Reuse existing data	Digital	textual	.pdg Of some treaties, I have a print-out that I keep in my office	< 100 GB	Physical prints are stored in my office.

If you reuse existing data, please specify the source, preferably by using a persistent identifier (e.g. DOI, Handle, URL etc.) per dataset or data type:

All data described above is online available (sometimes it is publicly accessible, sometimes only after a log-in with KU Leuven subscriptions). The data are thus available in URL, but of legal doctrine, policy documents and reports and important case law, I save copies in PDF format. I store these copies on my KU Leuven OneDrive account.

<https://hudoc.echr.coe.int/>

<https://curia.europa.eu/juris/recherche.jsf?language=en>

<https://competition-cases.ec.europa.eu/search>

<https://eur-lex.europa.eu/homepage.html?locale=en>

Are there any ethical issues concerning the creation and/or use of the data (e.g. experiments on humans or animals, dual use)? Describe these issues in the comment section. Please refer to specific datasets or data types when appropriate.

- No

Will you process personal data? If so, briefly describe the kind of personal data you will use in the comment section. Please refer to specific datasets or data types when appropriate.

- No

Does your work have potential for commercial valorization (e.g. tech transfer, for example spin-offs, commercial exploitation, ...)? If so, please comment per dataset or data type where appropriate.

- No

Do existing 3rd party agreements restrict exploitation or dissemination of the data you (re)use (e.g. Material/Data transfer agreements/ research

collaboration agreements)? If so, please explain in the comment section to what data they relate and what restrictions are in place.

- Yes

Documents sourced from commercial databases can only be shared with others who have access to these databases (in this case, all KU Leuven students and staff).

Are there any other legal issues, such as intellectual property rights and ownership, to be managed related to the data you (re)use? If so, please explain in the comment section to what data they relate and which restrictions will be asserted.

- No

2. Documentation and Metadata

Clearly describe what approach will be followed to capture the accompanying information necessary to keep data understandable and usable, for yourself and others, now and in the future (e.g., in terms of documentation levels and types required, procedures used, Electronic Lab Notebooks, README.txt files, Codebook.tsv etc. where this information is recorded).

- I have separate folders on my KU Leuven OneDrive account for the different data types. Filenames will contain essential features of the underlying documents such as the name of the judgement or legal act and the year it was decided or enacted.
- I have a Word document in which I discuss my most important findings and remarks about legal doctrine (articles and books) and case law (CJEU judgments)
- I use a reference manager (Zotero), which gives a clear and fast overview of all the data I have gathered
- Physical print-outs are categorized thematically, with maps corresponding to specific chapters

Will a metadata standard be used to make it easier to find and reuse the data? If so, please specify (where appropriate per dataset or data type) which metadata standard will be used. If not, please specify (where appropriate per dataset or data type) which metadata will be created to make the data easier to find and reuse.

- No

To my knowledge, there is no such standard or practice in doctrinal legal research.

3. Data storage & back-up during the research project

Where will the data be stored?

- Shared network drive (J-drive)
- Personal network drive (I-drive)
- OneDrive (KU Leuven)

How will the data be backed up?

Standard back-up provided by KU Leuven ICTS for my storage solution

Is there currently sufficient storage & backup capacity during the project? If yes, specify concisely.
If no or insufficient storage or backup capacities are available, then explain how this will be taken care of.

- Yes

KU Leuven provides ample disk and cloud space for this limited data collection.

How will you ensure that the data are securely stored and not accessed or modified by unauthorized persons?

- For the security and integrity of the data I store online, I rely on the KU Leuven online security systems. The data will be stored on my KU Leuven personal network drive (both I:drive and Onedrive). The Onedrive-support is automatically backed up. I also use multiple (and distinct) passwords to protect device and cloud access.
- Physical storage: the articles I have printed out are kept in my office, for which only I and a colleague hold a key
- No personal data is used

What are the expected costs for data storage and backup during the research project? How will these costs be covered?

I rely on the KU Leuven OneDrive system and the back-ups I make personally do not have an additional cost, so there are no extra costs for data storage. This can be covered by bench fee if necessary.

4. Data preservation after the end of the research project

Which data will be retained for at least five years (or longer, in agreement with other retention policies that are applicable) after the end of the project? In case some data cannot be preserved, clearly state the reasons for this (e.g. legal or contractual restrictions, storage/budget issues, institutional policies...).

All data will be preserved for 10 years according to KU Leuven RDM policy

Where will these data be archived (stored and curated for the long-term)?

- KU Leuven RDR
- Shared network drive (J-drive)

What are the expected costs for data preservation during the expected retention period? How will these costs be covered?

Negligible; covered by bench fee if necessary.

5. Data sharing and reuse

Will the data (or part of the data) be made available for reuse after/during the project? In the comment section please explain per dataset or data type which data will be made available.

- Other, please specify:

None, in principle, as documents are either publicly available or tied to commercial databases (see above).

If access is restricted, please specify who will be able to access the data and under what conditions.

Not applicable

Are there any factors that restrict or prevent the sharing of (some of) the data (e.g. as defined in an agreement with a 3rd party, legal restrictions)? Please explain in the comment section per dataset or data type where appropriate.

- Yes, Other

documents sourced from commercial databases can only be shared with others who have access to these databases (in this case, all KU Leuven students and staff).

Where will the data be made available? If already known, please provide a repository per dataset or data type.

KU Leuven RDR

When will the data be made available?

Not applicable.

Which data usage licenses are you going to provide? If none, please explain why.

Not applicable.

Do you intend to add a PID/DOI/accession number to your dataset(s)? If already available, you have the option to provide it in the comment section.

- No

What are the expected costs for data sharing? How will these costs be covered?

Not applicable.

6. Responsibilities

Who will manage data documentation and metadata during the research project?

The researcher.

Who will manage data storage and backup during the research project?

The researcher as well as the KU Leuven ICT service

Who will manage data preservation and sharing?

The researcher

Who will update and implement this DMP?

The researcher