



TECHNICAL SHEET OF THE COURSE

Subject data	
Full name	Immigration and Refugee Law
Code	E000002224
Title	Degree in Law
Delivered in	Degree in Law and Degree in International Relations (E-5) [Fifth Course].
Level	Regulated European Grade
Quarter	Half-yearly
Credits	3.0 ECTS
Character	Elective (Grade)
Department / Area	International Private Law Area Area of Public International Law and International Relations Department of Private Law Department of Public Law

Data of the teaching staff	
Professor	
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Department / Area	Department of Public Law
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SUBJECT-SPECIFIC DATA

Contextualization of the subject
Contribution to the professional profile of the qualification
<p>This course, which belongs to the Area of Public International Law and International Relations, focuses on a series of objectives. This course aims to provide students with essential concepts that help them understand and provide an interpretation of a dynamic subject such as immigration and refugee laws and policies.</p> <p>Taking this intellectual framework as a starting point, students will be able to provide a practical and scientific approach to current international issues, identifying the main legal concerns of the immigration and refugee legal framework at international and EU level.</p>

Competences - Objectives
Competences
GENERAL



CGI07	Knowledge of a second language	
	RA1	Ability to express him/herself correctly in that language, using precise and appropriate vocabulary when giving oral presentations or participating in debates.
	RA2	Comprehension of specialised written texts, ability to write a report, fill in a form, write letters or send messages.
SPECIFIC		
CEA05	To know and understand the structural character of contemporary migrations and the need for International Law as well as State systems to "share" the legal regulation of some aspects of these international migrations.	
	RA1	The handling of International Migration Law and the specialties of International Refugee Law in the English language, which is clearly the connecting language on the international stage.
	RA2	the legal treatment accorded to this matter by European Union law.
CEP07	Discursive and argumentative skills	
	RA1	Ability to express him/herself correctly and fluently in writing, handling the ex - position of ideas and arguments (mastery of legal vocabulary; drafting and structuring of legal documents, etc.).
	RA2	Ability to speak in public fluently and safely, ordering ideas and using the appropriate register to the addressee (public expert or layman in the field, etc.).

THEMATIC BLOCKS AND CONTENTS

Contents - Thematic Blocks

Block I: INTERNATIONAL IMMIGRATION AND ASYLUM LAW

LESSON 1. INTRODUCTION: MAIN DIFFERENCES BETWEEN IMMIGRATION AND THE REFUGEE LAW

LESSON 2. INTERNATIONAL IMMIGRATION LAW

- 2.1 Key concepts of international immigration law
- 2.2 The human rights approach and international labour migration
- 2.3 The UN and ILO Conventions on Labour Migration
- 2.4 Combating the smuggling of migrants and trafficking in human beings

LESSON 3. INTERNATIONAL REFUGEE LAW



- 3.1 Key concepts of international refugee law
- 3.2 The 1951 Geneva Convention and refugee status.
- 3.3 Other rules of customary law, with special attention to the principle of non-refoulement

Block II: EU IMMIGRATION AND ASYLUM RIGHT

LESSON 4. THE INSTITUTIONAL FRAMEWORK FOR EU IMMIGRATION AND ASYLUM

LESSON 5. EU IMMIGRATION LAW

- 5.1. Visa policy and external border control
- 5.2. Preventing and combating illegal immigration and the return of third-country nationals
- 5.3. Legal migration and integration of third-country nationals
- 5.4. The external dimension of immigration

LESSON 6. THE COMMON EUROPEAN ASYLUM SYSTEM

- 6.1. The Dublin system: allocation criteria
- 6.2 The Reception Conditions Directive
- 6.3. The Qualification Directive: definition and status of protected persons
- 6.4. The Procedures Directive: procedures for access to the state
- 6.5. The external dimension of asylum

COURSE METHODOLOGY

General methodological aspects of the subject

The master classes include an introduction to each subject area and general explanations of its content, as well as orientation and comments on the documents that the students should have read and worked on before the class. Active student participation and in-depth discussions are expected.

Face-to-face Methodology: Activities

Master Lessons:

They include an introduction to each subject area and general explanations of its content, as well as guidance and comments on documents that students should have read and worked on before class. Active student participation and in-depth discussions are expected.

CGI07, CEP07,
CEA05

Class discussions on the readings papers assigned to each topic

CEA05

Non-attendance Methodology: Activities



- Students will read on and work on a paper previously assigned to each masterclass (available in Moodle) and should be prepared for future class discussion on the topic.
- Students should write an essay (3000 - 4000 words) on a topic related to the course contents, to be agreed with the teacher. A list of topics and writing guidelines will be available on Moodle.
- The Essay must be submitted on the exam date at the latest and an electronic copy will be sent prior to the exam through the Moodle website as a Turnitin exercise.
- Students will also be required to prepare an oral presentation of their essay which will take place on the day of the oral exam.

CGI07, CEP07,
CEA05

SUMMARY OF THE STUDENT'S WORK HOURS

ATTENDANCE HOURS	
Master Classes	
30.00	
NON-ATTENDANCE HOURS	
Autonomous work of the student on theoretical contents	Directed work
30.00	15.00
ECTS CREDITS: 3.0 (75.00 hours)	

EVALUATION AND QUALIFICATION CRITERIA

Evaluation activities	Evaluation criteria	Weight
Written examination and oral (including essay presentations)	<ul style="list-style-type: none"> • Demonstrate Knowledge of a second language. • Demonstrate the acquisition knowledge in the law of Immigration and asylum. • Express oneself orally with precision and concision, using the international legal language appropriate to the subject matter. • Presentation of arguments in a clear and structured way 	60
	<ul style="list-style-type: none"> • To express themselves correctly and fluently in writing, adequately handling the exposition of ideas and arguments (mastery of the legal vocabulary of the legal profession). 	



<p>Written essay (30%)</p> <p>Active participation (10%) student</p>	<p>subject and capacity for writing and structuring legal documents).</p> <ul style="list-style-type: none"> ♦ be expressed with correctness and fluency in English. ♦ Knowledge of immigration and asylum law ♦ Actively participates in the debates assigned to the different themes of the subject, presenting original and solidly based arguments in law. 	<p>40</p>
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Appraisals

Ordinary call:

- Oral exam (60%): the exam will consist of the oral presentation of the written essay prepared by the student, as well as questions related to the content of the course.
- Individual written work or essay (30%): 3000 - 4000 words. The subject of the work will be a subject related to the contents of the course, chosen by the student in agreement with the teacher. A list of topics and writing guidelines will be available on the Moodle website.
- Active participation in class (10%): students are expected to actively participate in each session of the course, after having properly prepared the materials corresponding to each class.

Extraordinary call / Third and subsequent calls:

The oral exam and the written paper will represent 70% and 30%, respectively, of the final evaluation. The approval note obtained in the essay written at the regular session may be maintained for the special session. Students participating in exchange programs abroad (outgoing students): The oral exam and written work will represent 70% and 30%, respectively, of the final evaluation.

*** At any call, the student is required to pass the exam so that the grades obtained in the other activities can be taken into account.**

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography



Recommended Bibliography

- BATTJES, H., *European Asylum Law and International Law*, Leiden/Boston, Martinus Nijhoff Publishers, 2006.
- CHETAIL, V., BAULOZ, C. (ed.), *Research Handbook on International Law and Migration*, Edward Elgar Publishing, 2014.
- CHOLEWINSKI, R., PERRUCHOUD, R. y MACDONALD, E. (eds.), *International Migration Law. Developing Paradigms and Key Challenges*, The Hague, T.M.C. Asser Press, 2007.
- DE BRUYCKER, P. (dir.), *Immigration and Asylum Law of the EU: Current Debates*, Brussels: Bruylant, 2005.
- DÍAZ URBANO DE SOUSA, C. and DE BRUYCKER, P. (dir.), *The Emergence of a European Asylum Policy*, Brussels: Bruylant, 2004.
- GARCÍA ANDRADE, P., *La acción exterior de la Unión Europea en materia migratoria: un problema de reparto de competencias*, Tirant lo Blanch, Valencia, 2015.
- GARCÍA COSO, E. *La regulación de la inmigración irregular, derechos humanos y control de las fronteras exteriores de la Unión Europea*. Pamplona, Aranzadi Thomson Reuters, 2014.
- GOODWIN-GILL, S. and McADAM, J., *The Refugee in International Law*, Third edition, New York: Oxford University Press, 2007.
- GORTÁZAR ROTAECHE, C.J., *Derecho de asilo y 'no rechazo' del refugiado*, Universidad Pontificia Comillas – Dykinson, Madrid, 1997.

GORTÁZAR ROTAECHE, C.J. *Inmigración irregular, derechos fundamentales y límites jurídicos a la soberanía del Estado (La denominada Crisis migratoria de 2015 en la Unión Europea y seis dudas razonables desde la legalidad vigente)*, Madrid, 2016 (en prensa).

- GORTÁZAR ROTAECHE, C.J. *La Crisis de los refugiados: La hora de Europa*. http://www.realinstitutoelcano.org/wps/portal/web/rielcano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/demografia+y+poblacion/ari5-2016-gortazar-la-crisis-de-los-refugiados-la-hora-de-europa
- GORTÁZAR, C., PARRA, M.C., SEGAERT, B., TIMMERMAN, C. (ed.), *European Migration and Asylum Policies: Coherence or Contradiction? An Interdisciplinary Evaluation of the EU Programmes of Tampere (1999), The Hague (2004), Stockholm (2009)*, Bruylant, 2012.
- HAILBRONNER, K. (ed.), *EU Immigration and Asylum Law – Commentary*, Beck – Hart Publishing, 2011.
- HATHAWAY, J. C., *The Law of Refugee Status*, Toronto: Butterworths, 1991.
- HATHAWAY, J.C., *The rights of refugees under international law*, Cambridge University Press, 2005.
- MAES, M., FOLETS, M.-C., VANHEULE, D., WOUTERS, J., SMITH, N., DE BRUYCKER, P. (eds.), *External Dimension of European Migration and Asylum Law and Policy*, Bruylant, Bruxelles, 2011.
- MARTENCZUK, B., VAN THIEL, S. (eds.), *Justice, Liberty and Security. New challenges for EU External Relations*, VUB Press, Brussels, 2008.
- MARTÍN Y PÉREZ DE NANCLARES, J., *La inmigración y el asilo en la Unión Europea. Hacia un nuevo espacio de libertad, seguridad y justicia*, Colex, Madrid, 2002.
- PASCOUAU, Y., *La politique migratoire de l'Union Européenne. De Schengen à Lisbonne*, L.G.D.J., Paris, 2010.
- PEERS, S., *EU Justice and Home Affairs Law*, 3rd ed., Oxford University Press, Oxford, 2011.



- PEERS, S., GUILD, E., TOMKIN, J. (ed.), *EU immigration and asylum law: text and commentary*, vol. 1 – Visas and border controls, vol. 2 – EU immigration law, Martinus Nijhoff Publishers, Leiden, 2012.

Other materials

- Papers for discussion in class (available on Moodle).

Websites

- UNHCR

<http://www.unhcr.org>

- International Organization for Migration (IOM)

<http://www.iom.int/cms/home>

- EMN (European Migration Network)

<http://emn.intrasoft-intl.com/html/index.html>

- Migration Policy Centre, EUI

<http://www.migrationpolicycentre.eu/publications/policy-briefs/>

- Migration Policy Institute (MPI)

<http://www.migrationpolicy.org/>

- IMISCOE Research Network

http://www.imiscoe.org/index.php?option=com_content&view=article&id=31..

- DG Home – European Commission

http://ec.europa.eu/dgs/home-affairs/index_en.htm

- LIBE Committee – European Parliament

<http://www.europarl.europa.eu/committees/en/libe/home.html>

- Ministry of Interior (Spain) – "Extranjería"

<http://www.interior.gob.es/extranjeria-28>

- Ministry of Employment and Social Security (Spain) - Secretaría General de Inmigración y Emigración

<http://extranjeros.empleo.gob.es/es/index.html>

- EURLEX

<http://eur-lex.europa.eu/en/index.htm>

- Court of Justice of the European Union (ECJ)



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http://curia.europa.eu/jcms/jcms/j_6/

- European Court of Human Rights (ECtHR)

http://www.echr.coe.int/echr/homepage_EN

- EDAL European Database on Asylum

<http://www.asylumlawdatabase.eu/fr>

Note: This is an unofficial translation of the Course Guide (Guía Docente) for the students' exclusive use.

In compliance with current legislation on the protection of personal data, we inform and remind you that you can consult the aspects relating to privacy and data protection that you have accepted in your registration by entering this website and clicking "download".

<https://servicios.upcomillas.es/sedelectronica/inicio.aspx?csv=02E4557CAA66F4A81663AD10CED66792>