

COURSE TECHNICAL SHEET

Subject data	
Full name	Immigration and Refugee Law
Code	E000008986
Title	Degree in Law
Delivered in	Degree in Business Administration and Management and Degree in Law (E-3 16) [Fifth Year]. Degree in Law and Degree in International Relations (E-5) [Fifth Year] Degree in Law (E-1) [Fourth Year] Degree in Law (E-1 (French) [Fourth Year]
Level	Regulated European Degree
Quarter	Half-yearly
Credits	3.0 ECTS
Character	Elective (Grade)
Department / Area	Area of Public International Law and International Relations Department of Public Law

Teaching staff data	
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 degree
This course, which belongs to the Area of Public International Law and International Relations, 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. By starting with this intellectual framework, students are expected to offer a practical and scientific approach to current international issues, identifying the main legal concerns of the immigration and refugee legal framework at the global and EU levels.
Prerequisite
Given that this subject is taught in English, sufficient knowledge of this language is required to follow it properly.

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.).

COURSE CONTENT

Thematic Blocks

Block I: INTERNATIONAL IMMIGRATION AND ASYLUM LAW

LESSON 1. INTRODUCTION: BASIC CONCEPTS ON HUMAN MOBILITY

LESSON 2. INTERNATIONAL IMMIGRATION LAW

- 2.1. Main concepts of international migration law
- 2.2. The human rights approach and international labour migration
- 2.3. UN and ILO Conventions on labour migration
- 2.4. Combating Smuggling of Migrants and Trafficking of Human Beings
- 2.5. The Global Compact for Safe, Orderly and Regular Migration

LESSON 3. INTERNATIONAL LAW ON REFUGEES AND OTHER FORCED MIGRANTS

- 3.1. Main 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
- 3.4. The Global Compact on Refugees
- 3.5. Stateless persons
- 3.6. Internally displaced persons

Block II: EU MIGRATION AND ASYLUM LAW

LESSON 4. THE INSTITUTIONAL FRAMEWORK FOR EU IMMIGRATION AND ASYLUM

LESSON 5. EU LAW ON MIGRATION AND ASYLUM

- 5.1. Visa policy and external border control
- 5.2. Regular and irregular immigration, its magnitude and socio-political and economic relevance
- 5.3. Pact on Migration and Asylum
 - 5.3.1. Regulation on asylum and migration management
 - 5.3.2. Regulation on asylum procedure
 - 5.3.3. Regulation on the Return Border Procedure
 - 5.3.4. Regulation on crisis situations and force majeure
 - 5.3.5. Eurodac Regulation
 - 5.3.6. Control Regulation
 - 5.3.7. Regulation on recognition
 - 5.3.8. Reception Conditions Directive
 - 5.3.9. Regulation on the Union's Framework for Resettlement and Humanitarian Admission

LESSON 6. MIGRATION AND ASYLUM LAW IN PRACTICE: CASE STUDIES

- 6.1. Regularisation procedures for irregular migrants
- 6.2. Asylum procedure
- 6.3. Protection of unaccompanied minor migrants
- 6.4. Protection of migrant victims of trafficking and smuggling
- 6.5. Statelessness procedure
- 6.6. Schengen visa application procedure

COURSE METHODOLOGY

General methodological aspects of the subject

Face-to-face activities

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

Class discussions on the readings and work assigned to each topic.

Oral presentations by the different teams of students.

Non-attendance activities

Students will read and work on the pre-assigned assignments for each lecture (available on Moodle) and should be prepared for further class discussion.

Students will prepare the writing of the analysis or commentary on the topic assigned by the teacher for teamwork.

Writing guidelines will be available on Moodle.

Students will work in teams to prepare the oral presentation of the topic assigned by the teacher.

SUMMARY OF THE STUDENT WORKING 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 & GRADING CRITERIA

Evaluation activities	Evaluation criteria	Weight
Written exam	• Demonstrate knowledge of a second language. • Demonstrate the acquisition of knowledge in immigration and asylum law. • Express yourself accurately and concisely, using legal language appropriate to the subject. • Present arguments in a clear and well-structured way.	60%
Written essay (20%) Oral presentation (20%)	• Express oneself correctly and fluently in writing and orally, presenting ideas and arguments supported by law. • Knowledge of immigration and asylum law basics.	40%

Grading

Ordinary exam call:

The mark for the written exam represents 60% of the course's global grade.

The continuous assessment activities account for 40% of the final mark, and the written analysis or commentary (short essay) accounts for 20%.

Extraordinary examination / Third and subsequent exam calls:

The exam will be worth 100% for those students who have not passed the continuous assessment tests. For those students who have passed the continuous assessment tests, the teacher will apply the most favourable from the following two options:

a) to award the exam 100% of the final grade;

b) to award the exam 60% of the final grade, considering the continuous assessment grades obtained during the course.

***Please note that in any call, students must pass the exam for grades obtained in other activities to be considered.**

BIBLIOGRAPHY AND RESOURCES

Basic bibliography

Recommended bibliography

- ABEBE, A. M., The emerging law of forced displacement in Africa, London, Routledge, 2018.
- BATTJES, H., European Asylum Law and International Law, Leiden/Boston, Martinus Nijhoff Publishers, 2006.
- CHETAIL, V., International Migration Law, Oxford, Oxford University Press, 2019.
- 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, Bruylant, 2005.
- DÍAZ URBANO DE SOUSA, C. and DE BRUYCKER, P. (dir.), The Emergence of a European Asylum Policy, Brussels: Bruylant, 2004.
- DOS SANTOS SOARES, A., Migrantes forzosos. Contextos y desafíos de "Responsabilidad de Proteger" en el siglo XXI, Madrid, U.P. Comillas, 2015.
- FIDDIAN-QASMIYEH, E., LOESCHER, G., LONG, K. & SIGONA, N. (eds.), The Oxford Handbook of Refugee & Forced Migration Studies, Oxford, Oxford University Press, 2014.
- GARCÍA ANDRADE, P., La acción exterior de la Unión Europea en materia migratoria: un problema de reparto de competencias, Tirant lo Blanch.
- GARCÍA COSO, E., La regulación de la inmigración irregular, derechos humanos y control de las fronteras exteriores de la Unión Europea, Pamplona, Euzko Lehenberritarren Argitaletxea, 2007.
- 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 del Estado), Madrid, U.P. Comillas, 2015.
- 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., SEGHAERT, B., TIMMERMAN, C. (ed.), European Migration and Asylum Policies: Coherence or Contradiction? An International Law Perspective, Berlin, Springer, 2011.
- HAILBRONNER, K. (ed.), EU Immigration and Asylum Law – Commentary, Beck – Hart Publishing, 2011.
- HATHAWAY, J. C., FOSTER, M., The Law of Refugee Status, Toronto: Butterworths, 2014.
- MAES, M., FOULETS, M.-C., VANHEULE, D., WOUTERS, J., SMITH, N., DE BRUYCKER, P. (eds.), External Dimension of European Migration 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.
- PASCOU, 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.

Web resources

- IDP Law and Policy, Protection and Solutions - <https://www.unhcr.org/internally-displaced-people.html>
- Handbook on Protection of Stateless Persons - <https://www.unhcr.org/protection/statelessness/53b698ab9/handbook-protection-stateless-persons.html>
- A guide to international refugee protection and building state asylum systems - <https://www.unhcr.org/3d4aba564.pdf>
- The Global Compact for Safe, Orderly and Regular Migration (GCM) - <https://www.iom.int/global-compact-migration>
- Global Compact on Refugees - <https://www.unhcr.org/global-compact-refugees.html>

<https://www.unhcr.org/the-global-compact-on-refugees.html>

EU Pact on Migration and Asylum - https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en

Note: This is an unofficial translation of the Course Guide (*Gula Docente*) for 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/sedeelectronica/inicio.aspx?csv=02E4557CAA66F4A81663AD10CED66792>