

Migration Law (B001702)

Due to Covid 19, the education and assessment methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

Course size *(nominal values; actual values may depend on programme)*

Credits 6.0

Study time 180 h

Contact hrs

45.0h

Course offerings and teaching methods in academic year 2021-2022

A (semester 1)

Dutch

Gent

seminar: coached exercises

5.0h

lecture: response lecture

35.0h

excursion

5.0h

Lecturers in academic year 2021-2022

Desmet, Ellen

RE22

lecturer-in-charge

Offered in the following programmes in 2021-2022

[Master of Science in Teaching in Social Sciences\(main subject Laws\)](#)

crdts

offering

6

A

[Master of Laws in Laws](#)

6

A

Teaching languages

Dutch

Keywords

Migration; nationality and statelessness; access to the territory; residence rights; international protection (refugee status / subsidiary protection status); national protection statuses; family reunification; detention; return

Position of the course

Migration is a multidimensional and complex phenomenon of all times, which in recent years is increasingly dominating societal and legal debates. Migration law regulates the movement of persons across national borders, as well as the legal status of migrants within the host country.

This course aims to provide students with a thorough understanding of national migration law, paying particular attention to the influence of European and international law, human rights implications, as well as practical relevance. In addition, it aims to enhance students' critical reflection about the role of migration law in society, among others through the discussion of topical issues in class.

Contents

This course examines the sources, structure and rules of Belgian migration law, with particular attention for the influence of European and international law. An introductory part deals with various key concepts within migration law, situates migration law both historically and societally, and discusses the institutional framework.

Thereinafter, the following themes are addressed:

- Nationality and statelessness
- Access to the territory (visa provisions and border controls)
- Residence rights, both in general and as regards categories of persons for whom particular rules apply (EU citizens; labour migrants; students; family reunification; international protection (refugee status and subsidiary protection status); humanitarian regularisation; medical regularisation etc.)
- Expulsion and security measures (detention)
- Remedies

Transversally, attention is paid to the rights of persons who find themselves in a vulnerable situation and to the protection of fundamental rights in general.

Initial competences

- Bachelor in Law.
- Administrative Law; European Law; Human Rights; International Public Law
- Passive knowledge of English and French

Final competences

- 1 Understanding thoroughly the sources and rules of migration law at the national, European and international level
- 2 To analyse a case in the field of migration law in an independent, grounded and context sensitive manner
- 3 Ability to reflect in a thorough and critical way about the challenges and fields of tension within migration law
- 4 Paying attention to topical evolutions within migration law
- 5 Having a diversity sensitive attitude in scientific research and legal work

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

Access to this course unit via an exam contract is unrestricted

Teaching methods

Excursion, Lecture: response lecture, Seminar: coached exercises

Extra information on the teaching methods

Excursion: visit to relevant institutions/actors within Belgian migration law, e.g. Council for Alien Law Litigation, closed centre... (estimated cost 15 euro (train ticket)).

Learning materials and price

Available at **VRG course service**:

- Legal sourcebook ('Bronnenboek Migratierecht') (estimated price: 44 euro)

Available on **Ufora**:

- Reader
- Slides per class

References

- Azoulay, L., & de Vries, K. (Eds.). (2014). *EU Migration Law. Legal Complexities and Political Rationales*. Oxford: Oxford University Press.
- Bouckaert, S., Baeyens, P., & Vanderscheuren, N. (2016). *Handboek Verblijfsrecht*. Mechelen: Wolters Kluwer.
- Boeles, P., den Heijer, M., Lodder, G., & Wouters, K. (2014). *European Migration Law*. Cambridge - Antwerp - Portland: Intersentia.
- Carlier, J.-Y., & Saroléa, S. (2016). *Droit des Étrangers*. Bruxelles: Larcier.
- Chetail, V., & Bauloz, C. (Eds.). (2014). *Research Handbook on International Law and Migration*. Cheltenham, UK; Northampton, USA: Edward Elgar Publishing.
- Dembour, M.-B. (2015). *When Humans become Migrants. Study of the European Court of Human Rights with an Inter-American Counterpoint*. Oxford: Oxford University Press.
- Denys, L. (2019). *Overzicht van het Vreemdelingenrecht*. Heule: INNI publishers.
- Foblets, M.-C., Hubeau, B., Vanheule, D., & Verschueren, H. (Eds.). (1995-...). *Migratie- en Migrantenrecht: recente ontwikkelingen*. Brugge: Die Keure.
- Hathaway, J. C., & Foster, M. (2014). *The Law of Refugee Status*. Cambridge: Cambridge University Press.
- Peers, S. (2016). *EU Justice and Home Affairs Law. EU Immigration and Asylum Law*. Oxford: Oxford University Press.
- *Tijdschrift voor Vreemdelingenrecht*. Brugge: Die Keure.
- *Revue du droit des étrangers*. Brussel: L'Association pour le droit des étrangers.

Course content-related study coaching

- Questions can be asked before or after each class, by e-mail (ellen.desmet@ugent.be) or upon appointment.
- From a week before the exam period until after the exam, no content-related questions will be answered ('faculty curfew')

Assessment moments

end-of-term assessment

Examination methods in case of periodic assessment during the first examination period

Written examination with open questions

Examination methods in case of periodic assessment during the second examination period

Written examination with open questions

Examination methods in case of permanent assessment

Possibilities of retake in case of permanent assessment

not applicable

Extra information on the examination methods

Written exam with open questions (reflective questions and cases)

Calculation of the examination mark