

Selected Issues: European and International Migration Law and Policy (B001719)

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

Credits 6.0

Study time 180 h

Course offerings and teaching methods in academic year 2023-2024

A (semester 2)

English

Gent

excursion

group work

independent work

peer teaching

lecture

Lecturers in academic year 2023-2024

Desmet, Ellen

RE22

lecturer-in-charge

Offered in the following programmes in 2023-2024

Master of Science in Teaching in Social Sciences(main subject Laws)

6

A

Master of Laws in Laws

6

A

Master of Laws in International and European Law(main subject European Union Law)

6

A

Master of Laws in International and European Law(main subject International Business Law)

6

A

Master of Laws in International and European Law(main subject International and Human Rights Law)

6

A

Master of Laws in International and European Law(main subject International and National Legal Orders)

6

A

Master of Laws in European Union Law

6

A

Master of Laws in International and European Law

6

A

Master of Laws in International Business Law

6

A

Exchange Programme in Law

6

A

Teaching languages

English

Keywords

Asylum; immigration; laws and policies; borders; security; family reunification; labour migration; detention; return; European Union; Council of Europe; United Nations

Position of the course

This course aims to critically reflect on current challenges for and tensions within European and international asylum and migration law and policy. EU Member States have ceded part of their sovereign powers as regards immigration to the European Union, following the removal of internal border controls pursuant to the Schengen Agreement. The jurisprudence of the Court of Justice of the European Union and of the European Court of Human Rights plays an increasingly important role in defining the contours of asylum and migration policies. Also at the international level, legal instruments regarding, for instance, refugees and labour migration have been adopted.

Contents

Introductory sessions on the structure of and key concepts within European and international asylum and migration law; actors at European and international level; legal sources; interactions between multiple levels of policy- and law-making; and tensions between state sovereignty and human rights in migration law.

Nine sessions on a specific theme, divided in three clusters. In each session, the legal framework at European and international level of a specific theme is studied. In addition,

attention is paid to its policy ramifications, societal impacts and the relevance of insights from other disciplines (e.g. sociology, anthropology, criminology) for policy- and law-making processes.

Cluster 1: Borders and security

- 1 Borders I: the concept of borders, the Schengen system (including the temporary reintroduction of internal border controls), the Visa Code; the European Border and Coast Guard (Frontex)
- 2 Borders II: externalization of migration and asylum policies (e.g. agreements with third states).
- 3 Migration, crime and security: relation between migration and security, crimmigration, human trafficking and human smuggling

Cluster 2: Asylum

- 1 Responsibility and solidarity in the reform of Common European Asylum System (CEAS): assignment of responsibilities for assessing asylum applications (the Dublin system),
- 2 Qualifications: definitions of refugee (Refugee Convention) and subsidiary protection status (Qualification Directive and proposed Regulation); new protection needs (e.g. environmentally-induced displacement).
- 3 Procedures and reception conditions: procedural approaches for status determination (Procedures Directive); Reception Conditions Directive

Cluster 3: Migration

- 1 Labour migration: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; EU Directives on Single Permit, Blue Card, seasonal migration, posting of workers.
- 2 Migration and family life: the Free Movement Directive; the Family Reunification Directive and the right to respect for private and family life.
- 3 Irregular stay: forced and voluntary return; the Return Directive; immigration detention.

Initial competences

Basic knowledge of EU law and human rights law, as well as of European and international policy and institutional frameworks; capacity to read, write, present and discuss in English

Final competences

- 1 Have an advanced insight in the current state of European and international asylum and migration law and policy
- 2 Have an advanced insight in the functioning of key actors in European and international asylum and migration law and policy
- 3 Reflect in a grounded, nuanced and critical manner on current challenges and evolutions, specifically as regards the issues of borders and security, international refugee law and the Common European Asylum System, family reunification, labour migration and irregular migration
- 4 Have advanced analytical, writing, presentation and debating skills
- 5 Have an increased awareness of the relevance of insights from other disciplines for policy and law making on asylum and migration
- 6 Adopt a diversity sensitive attitude in discussions on asylum and migration

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

This course unit cannot be taken via an exam contract

Teaching methods

Group work, Excursion, Lecture, Independent work, Peer teaching

Extra information on the teaching methods

Students thoroughly prepare the sessions through reading the materials in advance. For each session, one or two groups of students prepare in addition a position paper, which they present during the session. Another group acts as 'reviewer', and asks questions on the paper.

The lecturer provides detailed provisional feedback on the position paper. The final paper is also reviewed, and put available on Ufora for the other students. Via a self and peer assessment, the students reflect in a constructive way on the group work.

In this way, students do not only acquire thorough substantial knowledge, but also strengthen skills (collaborating, giving feedback, incorporating comments, presenting, debating) which may be useful later on in a professional context.

Sessions may count with the participation of external experts and practitioners. During a panel debate, students engage with institutions and actors active in the field of European and international migration law and policy are visited (bv. the European institutions).

Learning materials and price

- Available at VRG course service:
 - G. Vermeulen en E. Desmet (2023). *Essential Texts on European and International Asylum and Migration Law*, 3rd ed, Gompel&Scavina (estimated price 35 euro)
- Available at Ufora:
 - Reader
 - Slides per class
- Estimated cost of excursion: 15 euro (train ticket)

References

- Azoulai, L., & de Vries, K. (Eds.). (2014). *EU Migration Law. Legal Complexities and Political Rationales*. Oxford: Oxford University Press.
- Boeles, P., den Heijer, M., Lodder, G., & Wouters, K. (2014). *European Migration Law*. Cambridge - Antwerp - Portland: Intersentia.
- Chetail, V. (2017). *International Migration Law*. Oxford: Oxford University Press.
- Chetail, V., & Bauloz, C. (Eds.). (2014). *Research Handbook on International Law and Migration*. Cheltenham, UK; Northampton, USA: Edward Elgar Publishing.
- Costello, C., Foster, M. and McAdam, J. (2021). *The Oxford Handbook of International Refugee Law*. Oxford University Press.
- de Haas, H., Natter, K., & Vezzoli, S. (2016). Growing Restrictiveness or Changing Selection? The Nature and Evolution of Migration Policies. *International Migration Review*, 1-44. doi: 10.1111/imre.12288
- 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.
- Hathaway, J. C., & Foster, M. (2014). *The Law of Refugee Status*. Cambridge: Cambridge University Press.
- Moreno-Lax, V. (2017). *Accessing Asylum in Europe. Extraterritorial Border Controls and Refugee Rights under EU Law*. Oxford: Oxford University Press.
- Peers, S. (2016). *EU Justice and Home Affairs Law. EU Immigration and Asylum Law*. Oxford: Oxford University Press.
- Tsourdi, E. and De Bruycker, P. (2022). *Research Handbook on EU Migration and Asylum Law*. Edward Elgar Publishing.
- van der Woude, M., Barker, V., & van der Leun, J. (2017). Special Issue on Crimmigration in Europe. *European Journal of Criminology*, 14(1).

Course content-related study coaching

Before or after the class; upon appointment; by e-mail

Assessment moments

end-of-term and continuous assessment

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

Oral assessment

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

Oral assessment

Examination methods in case of permanent assessment

Participation, Peer and/or self assessment, Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible in modified form

Extra information on the examination methods

- **Periodic evaluation:** oral examination with questions that assess student's ability to analytically and critically engage with European and international asylum and migration law and policy
- **Permanent evaluation:** in depth preparation of one session, including a paper and an oral presentation (group work); peer assessment; review of one other paper
- **Retake permanent evaluation:** substitute assignment. The score for the dimensions of peer assessment and review is maintained.

Calculation of the examination mark

End-of-term evaluation (50%) – Permanent evaluation (50%)

The peer assessment can determine maximum 20% of the score for the group work.

The lecturer holds the final responsibility to deviate from or decide not to take into account the peer assessment scores when determining the score per student for the group work.

Students who do not participate in all evaluations will be declared as unsuccessful for this course. In concrete terms, this means that if the final score is nevertheless a figure of ten or more out of twenty, the final score will be reduced to a figure of 7/20.

Facilities for Working Students

no