

## I. SUBJECT DETAILS

Data on the subject	
Subject	Immigration and Refugee Law
Degree	<i>Grado en Derecho y Diploma en International Legal Studies (E-1 INT)</i>
Year	4 <sup>th</sup> Course
Semester	2 <sup>nd</sup> semester
ECTS Credits	3
Department	Public Law
Area	International Law and International Relations
Professor/s	Dr. Cristina Gortázar Rotaeché.

Teaching staff	
Professor	Dr. Cristina Gortázar Rotaeché
Group	E-1Int
E-mail	cgortazar@icade.comillas-edu
Office	ED- 224

Contribution of the course to the professional profile
<p>This course, which belongs to the Area of Public International Law and International Relations, is focused in a number of goals. This course aims to provide students with the essential concepts that help to understand and provide an interpretation to a dynamic issue as the immigration and refugee law and policies.</p> <p>Taking this intellectual framework as starting point, students will be able to provide a practical and scientific approach to international current issues, identifying the main legal concerns of the immigration and refugee legal framework at international level and EU level.</p>

## II. COMPETENCES TO BE IMPROVED

### General Competences

#### Instrumental

##### **To improve oral and written communication skills in a second language.**

The acquisition of this competence includes the ability to work in a foreign language – English - to the extent that such skill is considered to be essential for the exercise of the legal profession in an international and globalized environment.

Learning outcomes. With the achievement of this competence, the student proves:

1. To improve ability on comprehensive reading in foreign languages.
2. To increase written skills.
3. To develop abilities in oral expression and the use of the suitable vocabulary in oral presentations.

### Specific Competences

#### Conceptual (Knowledge)

##### **To acquire knowledge on international immigration and asylum law**

With the achievement of this competence, the student proves, as a result of learning:

1. To become skilled in the knowledge of the main rules and practical implementation of public international law and European law regarding immigration and refugee status (or other forms of international protection).
2. To become familiar with international and European case-law on immigration and asylum with special attention to the case-law of ECtHR and the ECJ.

#### Professional (Know-how)

##### **Discursive and argumentative skill.**

The acquisition of this competence involves knowledge and mastery of the techniques of legal oratory, indispensable for the exercise of the profession: in written language; fluency, clear and orderly structuring of ideas; knowledge of legal terminology; spoken language; accuracy, conciseness and persuasion in the presentation of arguments.

Learning outcomes. With the achievement of this competence, the student proves:

1. Ability to express him/herself correctly and fluently in writing, properly managing presentation of ideas and arguments (command of legal vocabulary, drafting and structuring of legal documents...).
2. Ability to speak fluently and confidently, ordering ideas and using the appropriate register to the recipient (public expert or layman ...)

### III. CONTENT

<b>First Module : International immigration and asylum law</b>
Lesson 1. Introduction: Main differences between immigration and refugee law
Lesson 2. International immigration law
2.1 Main concepts on International Immigration law 2.2 The Human rights approach and international labour migrations 2.3 The UN and the ILO Conventions on labour migrations 2.4 Fight against migrant smuggling and trafficking of human beings
Lesson 3. International refugee law
3.1 Main concepts on International Refugee law 3.2 The 1951 Geneva Convention and the refugee status. 3.3 Other rules of customary law, with special attention to the principle of <i>non-refoulement</i>
<b>Second Module : EU immigration and asylum law</b>
Lesson 4. The institutional framework of EU immigration and asylum
Lesson 5. The EU immigration law
5.1. Visa policy and external border control 5.2. Prevention and fight against irregular immigration and 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 of access to the status 6.5. The external dimension of asylum

## IV. 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 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, 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., FOGLETS, 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.
- PASCOUAT, 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.
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- Other materials
- Course Documentation Pack with main international and EU legislation (available at the bookshop and on Moodle).
- 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..](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](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)  
[http://curia.europa.eu/jcms/jcms/j\\_6/](http://curia.europa.eu/jcms/jcms/j_6/)
- European Court of Human Rights (ECtHR)  
[http://www.echr.coe.int/echr/homepage\\_EN](http://www.echr.coe.int/echr/homepage_EN)

## V. METHODOLOGY

### Classroom activities or face-to-face methodology

Lectures include introduction to each thematic area and general explanations about their content, as well as guidance and comments on the papers that students should have read and worked before the class. Active participation of students and in-depth discussions are expected.

### Independent study methodology

- Knowledge of Public International Law and European Union Law are required to follow the Course.
- Students shall read and work on the papers previously assigned to each lecture (available on Moodle) and shall be prepare for the future discussion to be held in class about the topic.
- Students shall write an Essay (3000 – 4000 words) on a topic related to the contents of the course, to be agreed with the professor. A list of topics and drafting guidelines will be available on Moodle.
- The Essay must be handed in on the date of the exam at the latest and an electronic copy shall be sent before the exam through the Moodle website as a *Turnitin* exercise.
- Students shall also prepare an oral presentation of their Essay that will take place the day of the written and oral Exam.

## VI. STUDENT WORKING HOURS

STUDENT WORKING HOURS			
Activities	Number of classroom hours	Number of non-classroom hours	Total
Classes	28	20	48
Paper explanations	2		2
Paper preparation		15	15
Paper presentation			
Evaluation: written & oral Exam		10	10

Evaluation: review			
ECTS Credits:	30	45	75

## VII. EVALUATION CRITERIA

Evaluation criteria	General and specific competences	Evaluation percentage
Written paper	<ul style="list-style-type: none"> <li>• <b>To improve written communication skills</b></li> <li>• <b>To acquire knowledge on International Immigration and Asylum law and policy</b></li> <li>• <b>Discursive and argumentative skill</b> (written language)</li> </ul>	30%
Written and oral Exam (includes oral presentation of the Essay)	<ul style="list-style-type: none"> <li>• <b>To improve written and oral communication skills</b></li> <li>• <b>To acquire knowledge on International Immigration and Asylum law and policy</b></li> <li>• <b>Discursive and argumentative skill</b> (oral language)</li> </ul>	60%
Class participation and debate	<ul style="list-style-type: none"> <li>• <b>To improve oral and written communication skills</b></li> <li>• <b>To acquire knowledge on Immigration and Asylum law and policy</b></li> <li>• <b>Discursive and argumentative skill</b> (oral language)</li> </ul>	10%

### EVALUATION

#### Ordinary session:

- 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 contents of the course.



- Written paper or essay (30%): 3000 – 4000 words. The subject of the paper will be a topic related to the contents of the course, chosen by the student in agreement with the professor. A list of topics and drafting guidelines will be available on the Moodle website.
- Active participation in class (10%): Students are expected to actively intervene in each session of the course, after having duly prepared the materials corresponding to each lecture.

**Extraordinary session / Third session and onwards:**

The oral exam and the written paper will represent 70% and 30%, respectively, of the final evaluation. The pass mark obtained at the written essay in the ordinary session can be maintained for the extraordinary session.

**Students participating in exchange programs abroad (out-going students):**

The oral exam and the written paper will represent 70% and 30%, respectively, of the final evaluation.

\*In any session, the student is required to pass the exam so that the marks obtained in the other activities can be taken into account.