

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 th Course
Semester	1 st Semester / Optional course
ECTS Credits	3
Department	Public Law
Area	Public International Law and International Relations
Professor/s	Dr. Cristina Gortázar Rotaeché.

Teaching staff	
Professor	Dr. Cristina Gortázar Rotaeché
Group	International Student Group
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 on 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 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
CGI 07 - Knowledge of a Second Language. Learning outcomes: Ability to communicate in this second language, using the correct vocabulary and undertaking oral presentations in this language.
Specific Competences
Conceptual (Knowledge)
CEA 05 - To acquire knowledge on international immigration and asylum law Learning outcomes: <ol style="list-style-type: none">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)
CEP 07 - Discursive and argumentative skill. The acquisition of this competence involves knowledge and command 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: <ol style="list-style-type: none">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

First Module : International immigration and asylum law
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 *non-refoulement*

Second Module : EU immigration and asylum law

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.
- CHETAİL, 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

- 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..

- 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)
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>

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
<ul style="list-style-type: none"> ▪ 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 prepared 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 <i>Turnitin</i> exercise. ▪ Students shall also prepare an oral presentation of their Essay that will take place the day of the 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"> • Knowledge of a Second Language. • To acquire knowledge on International Immigration and Asylum law and policy • Discursive and argumentative skill (written language) 	30%
Oral Exam (includes oral presentation of the Essay)	<ul style="list-style-type: none"> • Knowledge of a Second Language. • To acquire knowledge on International Immigration and Asylum law and policy • Discursive and argumentative skill (oral language) 	60%
Class participation and debate	<ul style="list-style-type: none"> • Knowledge of a Second Language. • To acquire knowledge on Immigration and Asylum law and policy • Discursive and argumentative skill (oral language) 	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.