

I. SUBJECT DETAILS

Data on the subject	
Subject	Immigration and Refugee Policy
Degree	<i>Doble Grado en Derecho y en Ciencias Políticas y de la Administración (E-5)</i>
Year	5 th year
Semester	2 nd semester / Mandatory course
ECTS Credits	3
Department	Public Law
Area	Public International Law and International Relations
Professor/s	Prof. Dr. Pablo Biderbost Moyano

Teaching staff	
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Contribution of the course to the professional profile	
<p>This course aims to provide students with the essential concepts that help to understand and interpret a complex and dynamic international issue such as immigration and asylum.</p> <p>Students will be able to identify policy options within current debates on immigration and asylum and will acquire the necessary tools to evaluate institutional choices behind existing legislation, formulate well-argued criticism and make proposals of <i>lege ferenda</i> at international and European level.</p>	

II. COMPETENCES TO BE IMPROVED

General Competences
Instrumental
<p>To improve oral and written communication skills in a second language.</p> <p>The acquisition of this competence includes the ability to work in a foreign language – English - to the extent that such skill is considered essential for the exercise of the profession in an international and globalized environment.</p> <p>Learning outcomes.</p> <ol style="list-style-type: none">1. To improve ability on comprehensive reading in a foreign language.2. To increase written skills, including grammar and syntax.3. To develop abilities in oral expression and the use of the suitable vocabulary in oral presentations.
Specific Competences
Conceptual (Knowledge)
<p>To acquire knowledge on immigration and asylum law and policy.</p> <p>Learning outcomes:</p> <ol style="list-style-type: none">1. To acquire a comprehensive understanding of the international and European legal framework regarding immigration and refugee status (or other forms of international protection), including knowledge of relevant case-law on these fields.2. To tackle the most recent developments and understand the most relevant political challenges on immigration and asylum at international and European level.3. To acquire tools to evaluate political choices behind existing legislation, formulate well-argued criticism and make proposals of <i>lege ferenda</i> on immigration and asylum at international and European level.
Professional (Know-how)
<p>Discursive and argumentative skill.</p> <p>Learning outcomes.</p> <ol style="list-style-type: none">1. Writing skills: fluent, clear and organized structuring of ideas; command of specific vocabulary.2. Oral skills: ability to speak fluently and confidently; organized structuring of ideas; persuasion in the presentation of arguments; using the appropriate register and specific terminology.

III. CONTENT

First Module : International immigration and asylum law and policy
Lesson 1. Introduction: main differences between immigration and refugee policy
Lesson 2. International immigration law
2.1. Introduction: powers and responsibilities of States with regard to aliens 2.2. Return of persons to States of origin and Third States 2.3. Fight against migrant smuggling and trafficking of human beings 2.4. Rules on admission and status of migrants 2.5. Human rights implications for immigration
Lesson 3. International refugee law
3.1. Main concepts on refugee protection 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>
Second Module : EU immigration and asylum law and policy
Lesson 4. The institutional framework of EU immigration and asylum policy
4.1. Evolution of the institutional framework: from its origins to the present 4.2. Objectives and competences 4.3. Decision-making and judicial control 4.4. Territorial scope
Lesson 5. The EU immigration law and policy
5.1. External border controls and Visa policy 5.2. Prevention and fight against irregular immigration and return of third-country nationals 5.3. Admission, status 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.
- CHETAÏL, 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.
- GOODWIN-GILL, S. and McADAM, J., *The Refugee in International Law*, Third edition, New York: Oxford University Press, 2007.
- GARCÍA ANDRADE, P., *La acción exterior de la Unión Europea en materia migratoria: un problema de reparto de competencias*, Tirant lo Blanch, Valencia, 2015.
- 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., FOBLETS, 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.

Other materials

- Course Documentation Pack with main international and EU legislation (available at the bookshop or 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

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

- Previous knowledge on Public international law and EU law is required to follow this course.
- Students shall read and work on the papers previously assigned to each lecture and shall 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 (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 at the final 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: 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"> • To improve written communication skills • To acquire knowledge on 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"> • To improve oral communication skills • To acquire knowledge on Immigration and Asylum law and policy • Discursive and argumentative skill (oral language) 	60%
Class participation and debate	<ul style="list-style-type: none"> • To improve oral and written communication skills • 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.