

Selected Issues: European and International Asylum and Migration Law and Policy (B001532)

Course size (nominal values; actual values may depend on programme)
Credits 4.0 Study time 120 h Contact hrs 45.0 h

Course offerings and teaching methods in academic year 2018-2019

Offering	Language	Teaching Method	Hours
A (semester 2)	English	excursion	5.0 h
		guided self-study	7.5 h
		group work	10.0 h
		microteaching	22.5 h

Lecturers in academic year 2018-2019

Desmet, Ellen RE22 lecturer-in-charge

Offered in the following programmes in 2018-2019

Programme	crdts	offering
Master of Science in Criminological Sciences	4	A
Exchange Programme in Law	4	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, a theme is analyzed as to its policy ramifications, legal translations and societal impacts. Attention is paid to the relevance of insights from other disciplines (e.g. sociology, anthropology, criminology) for policy- and law-making on asylum and migration

Cluster 1: Borders and security

- 1 Borders and visa: the concept of borders (arguments pro/against closed/open borders), the Schengen system (including the temporary reintroduction of internal border controls), the reform of the Visa Code;
- 2 External border control: policy and legal approaches to external border control (European Border and Coast Guard; cooperation between Member States etc.).
- 3 Migration, crime and security: relation between migration and security, crimmigration, security-driven policy and legal responses to migration, privacy issues.

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), externalization of migration and refugee policies (e.g. agreements with third states).
- 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: divergence in procedural approaches across Member States (Procedures Directive and proposed Regulation); impact of credibility in asylum procedures; reception conditions (Reception Conditions Directive and proposed reform)

Cluster 3: Migration

- 1 Labour migration : International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; 1949 ILO Convention concerning Migration for Employment (Revised) (No. 97); 1975 ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143); EU Directives on 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: Concepts of 'illegality', 'semi-legality' and 'irregular stay'; forced and voluntary return; the Return Directive; immigration detention.

Initial competences

Basic knowledge of European and international policy and institutional frameworks; capacity to read, write 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 Analyze a complex case on asylum and migration law
- 5 Have advanced analytical, writing, presentation and debating skills
- 6 Have an increased awareness of the relevance of insights from other disciplines for policy and law making on asylum and migration
- 7 Een diversiteitsgevoelige houding aannemen in discussies rond asiel en migratie

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

Guided self-study, excursion, group work, microteaching

Extra information on the teaching methods

A flipped classroom principle is adopted. Students thoroughly prepare the sessions through reading the materials in advance. For each session, a particular group of students prepares in addition position paper, which they present during the session, as well as questions for discussion. Another group of students writes minutes of the debate. In this way, students do not only acquire thorough substantial knowledge, but also strengthen skills (presenting, debating, writing minutes) that may be useful later on in a professional context.

Provisional feedback on the position paper is provided by the lecturer. The final paper and the minutes are also checked, before they are put available on Minerva for the other students. Sessions may count with the participation of external experts and practitioners.

During an excursion, institutions and actors active in the field of European and international asylum and migration law and policy are visited (bv. the European institutions).

Learning materials and price

A reader will be made available on Minerva, containing a selection of EU and international legislation on asylum and migration, policy documents as well as

academic publications.
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.
- 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.
- 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

Evaluation methods

end-of-term evaluation and continuous assessment

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

Oral examination

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

Oral examination

Examination methods in case of permanent evaluation

Participation, assignment, report

Possibilities of retake in case of permanent evaluation

not applicable

Extra information on the examination methods

- **Periodic evaluation:** oral examination with open questions, to assess student's ability to analytically and critically engage with major features and challenges of European and international asylum and migration law and policy
- **Permanent evaluation:** active participation in the sessions; in depth preparation of one session, including a paper, oral presentation and moderation of the debate (group work); minutes of the debate in another session (group work)
- **Retake permanent evaluation:** substitute assignment.

Calculation of the examination mark

End-of-term evaluation (40%) – Permanent evaluation (60%)

The student is obliged to participate in all evaluations (both non-periodic and periodic); otherwise, he/she cannot pass the entire course unit.