



LUND
UNIVERSITY

Faculty of Law

JUFN20, Migration Law, 7.5 credits

Migration Law, 7,5 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Educational Committee of the Law Faculty Board on 2014-01-16 and was last revised on 2014-12-15 by Faculty of Law Board of education at undergraduate and postgraduate levels. The revised syllabus applies from 2015-01-19, spring semester 2015.

General Information

The course Migration Law is an optional course open to students on the programme leading to a Swedish Professional Law degree. It is also open to students participating in international exchange programmes with the Faculty of Law.

The course is scheduled to require five weeks of full-time studies.

Language of instruction: English

Lectures and course material are in English.

Main field of studies

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Depth of study relative to the degree requirements

A1N, Second cycle, has only first-cycle course/s as entry requirements

Learning outcomes

Knowledge and understanding

To pass examination the student shall show

- understanding of the field of migration law and its position in international law
- ability to identify the forces affecting the legal regulation of migration.

Competence and skills

To pass examination the student shall show

- mastery of tools allowing for the comparison of the body of migration law
- capability to assess legal issues arising from the application of migration law
- skill in analysing the ideological presuppositions of standard arguments in migration law.

Judgement and approach

To pass examination the student shall display scholarly ethos in working with migration law.

Course content

The course will start off with an introduction into regimes in international law and offer an overall comparison of the trade and migration regimes against the backdrop of economic and human rights parameters. The interest of the states to regulate migration is taken as a vantage point. A central issue running through the course is how the state sovereign entitlement to control immigration could come into conflict with human rights law. The course will include inter alia lectures on the 1951 Convention Relating to the Status of Refugees, The Common European Asylum System, The Dublin System, Protection from Refoulement under Article 3 of the European Convention on Human Rights, Evidentiary Assessment in Asylum Cases, Children as Asylum-seekers.

Another building block of the course will cover protection of migrant workers who are vulnerable to abusive practices. Lectures belonging to this block will address Trafficking in Human Beings, The Migrant Workers Convention, The Positive Human Rights Obligations under the European Convention on Human Rights, The ILO and the Protection of Migrant Workers. The course will include seminars where students will be required to actively participate. That participation will be essential for the exam preparation. The exam will be in the format of a take home exam, which will include one essay question and three focus questions.

To pass the exam students will be required to demonstrate their skills of developing formal legal argumentation. Students are required to analyze case law with regard to the legal questions, the legal arguments and solutions proposed and to show strong analytical skills. In addition, students should demonstrate their understanding of the migration law regime as a whole and to identify the forces affecting the legal regulation of migration.

Course design

The students obtain knowledge and competences as above by individual studies of course literature and other course material, and by taking an active part in lectures and seminars. The students will analyse case law with regard to the legal questions, the legal arguments and solutions proposed, to strengthen their legal analytical skills.

The course will combine lectures, seminars and group work.

Assessment

Examination is in the form of a take-home exam (some 90 percent of the final grade) and active oral participation in seminars as designated by responsible staff (some 10 percent of the final grade).

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

In order to receive AB (pass with distinction) students are required to demonstrate very high ability to evaluate the applicable legal norms and to submit convincing arguments. Clarity in structure and content of the answers submitted for the essay question and the focus questions are essential for receiving AB. In addition to clarity, the rationale behind the structure has to be communicated. Students are required to show a high degree of competence to apply the conceptual apparatus related to migration law, human rights law, EU law and international law, which has been covered during the course. Students are required to compare legal norms emerging from different legal instruments. They should be able to demonstrate excellent understanding of the material scope and the personal scope of the relevant norms. Correct references to authoritative sources (judgments, books, academic articles, reports etc) is necessary. Consistency in the citation of the sources is also of importance.

In order to receive BA (pass with credit) students are required to demonstrate very good ability to evaluate the applicable legal norms and to submit convincing arguments. The structure in which they present their answers is also of importance. Students are required to show very good degree of competence to apply the conceptual apparatus related to migration law, human rights law and international law, which has been covered during the course. Students are required to demonstrate very good understanding of the material scope and the personal scope of the relevant norms. Students are required to consistently cite relevant authoritative sources.

In order to receive B (pass), students are required to demonstrate an ability to evaluate the applicable legal norms and to submit convincing arguments. Students are required to show good degree of competence to apply the conceptual apparatus related to migration law, human rights law and international law, which has been covered during the course. Students are required to demonstrate good understanding of the material scope and the personal scope of the relevant norms. Students are required to consistently cite relevant authoritative sources.

For each seminar, students are required to prepare in advance within the group to which they are assigned. Participation in the seminars does not require submission of papers. It requires oral presentation of arguments. Students are required to show genuine engagement with the controversial issues raised within each seminar.

Entry requirements

For participation in the course the student studying for the professional Degree Master of Laws must have obtained an approved examination in courses on semester 1, 2, 3 and 4 as well as at least 30 credits from courses in semester 5 and 6.

Prerequisites for international exchange students: relevant undergraduate studies corresponding to three years at a university level.

Further information

Literature

Detailed instructions including the compulsory and recommended readings for each lecture will be published on the course web site.

Plagiarism

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Subcourses in JUFN20, Migration Law

Applies from V14

1401 Migration Law, 7,5 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction