



LUND
UNIVERSITY

Faculty of Law

JUFN32, Migration Law: Thematic Approaches, 7.5 credits

Migration Law: Thematic Approaches, 7,5 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2018-12-14 to be valid from 2019-01-21, spring semester 2019.

General Information

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

Language of instruction: English

Learning outcomes

The students are expected to deepen their knowledge in the area of migration law as related to the field of international public law, human rights law and EU law. The students are also expected to grasp the interpretation of legal norms regulating movement of people as advanced by international and national courts.

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
- assess legal issues arising from the application of migration law
- skill in analysing the ideological presuppositions of standard arguments in migration law
- ability to contextualize migration law within other areas of international law, like international human rights law, EU law, maritime law, family law
- understanding of the specific norms that regulate the issue of migration
- knowledge and understanding as to how these norms have been interpreted by international courts (e.g. the European Court of Human Rights and the EU Court of Justice) and national courts and other bodies (e.g. United Nations High Commissioner for Refugees)

Judgement and approach

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

Course content

The course will be built upon Migration Law JUFN20 and for this reason, it is a prerequisite that all participants have taken JUFN20 and successfully passed the examination. In the light of the paramount importance of the issue of migration in the contemporary world, the rationale behind this course is to dig deeper into some critical themes within migration law. 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's sovereign entitlement to control immigration could come into conflict with the interests of migrants. This conflict will be explored in the following critical thematic areas: the law of the sea and the obligation to rescue people at distress, including those who might be asylum seekers, the best interest of the child in asylum determination procedures (with focus on the Convention on the Rights of the Child), responsibility of the European Union in relation to its migration control policies (with a focus on the externalization of border controls), detention of asylum seekers and migrants, the right to family life of migrants, exclusion of refugee status (for those that are considered dangerous) and cessation of refugee status (for those whose countries of origin are considered safe), migration emergencies and crisis (with focus on Europe) and refugee protection in Africa (this is crucial since the current EU policy is to build capacities of third states to provide protection).

Course design

The students are expected to obtain knowledge and competences in the above indicated areas by individual studies of course literature and other course materials (judgments by national and international courts), and by taking an active part in the lectures and seminars. The students will analyze case law with regard to the legal questions, the legal arguments and solutions proposed, to strengthen their legal analytical skills.

In addition to lectures and group work, the course will include a number of seminars. Participation in the seminars will form part of the final grade and participation will be also crucial for the exam preparation.

The exam will be in the format of a take home exam, which will include one essay question and/or focus questions.

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).

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.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

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.

B – Pass

In order to receive B students are required to demonstrate an ability to evaluate the applicable legal norms and to submit 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. Students are required to show genuine engagement with the controversial issues raised within each seminar.

BA – Pass with credit

In order to receive BA 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.

AB – Pass with distinction

In order to receive AB 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 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.

Entry requirements

For participation in the course, the students 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.

As mentioned above, students are also required to take Migration Law JUFN20.

Further information

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

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 JUFN32, Migration Law: Thematic Approaches

Applies from V19

1901 Migration Law: Thematic Approaches, 7,5 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction