
Course: Law

Degree: Bachelor

Branch: Core curriculum

Study plan: Aviso n.º 9088/2019, de 23 de maio

Teaching staff:

Professor in charge of the curricular unit

Prof.ª Doutora Benedita Menezes Queiroz

Other Professors of the curricular unit

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Language of instruction:

English

Functioning:

Intended learning outcomes:

1. **Understanding of Legal Frameworks:** Students will demonstrate a deep understanding of the legal frameworks governing migration and asylum in Europe, including relevant treaties, directives, and case law.
2. **Knowledge of Key Principles:** Students will be able to articulate key principles such as non-refoulement, the principle of solidarity, and the rights of migrants and asylum seekers enshrined in European law.
3. **Analysis of Policy and Practice:** Students will analyze and evaluate current migration and asylum policies and practices in Europe, considering their legal and practical implications.
4. **Application of Legal Concepts:** Students will be able to apply legal concepts and principles to real-world scenarios, including hypothetical case studies and practical exercises.
5. **Critical Thinking:** The seminar will foster critical thinking skills, enabling participants to critically assess the effectiveness and fairness of European migration and asylum laws and policies.
6. **Comparative Understanding:** Students will develop a comparative understanding of European migration and asylum laws in relation to international standards and the legal frameworks of other regions.
7. **Legal Research Skills:** Students will enhance their ability to conduct legal research on European migration and asylum law, including accessing and interpreting relevant legal texts and precedents.

Syllabus:

I – Introduction: Refugee Law in Context

- Basic Concepts of Migration (Migrants, Refugees, Asylum Seekers);
- Myths about the refugee crisis

II - International Refugee Law

- The legal framework: The 1951 Refugee Convention and other instruments

- Definition of refugee: Beyond the classical definition
- Assessment in refugee status determination procedures
- Human Rights and Refugee Protection

III - European Union Asylum System

- The European Union Acquis on asylum: The European framework for refugee protection
- The Qualification Directive
- The Dublin System
- The interaction of the European Convention on Human Rights and the EU Common Asylum System

IV- Contemporary issues in refugee law

- Gender and Asylum

V - EU Migration Law

- Brief considerations on the legal framework of EU migration law
- The status of EU Citizens and third-country nationals
- Free movement & EU citizenship

VI - Irregular Migration in the EU

- Irregular migration in the EU
- The Returns Directive and the analysis of CJEU case – law
- The in between category of non-removable migrants

Evidence of the syllabus coherence with the curricular units intended learning outcomes:

- The syllabus covers basic concepts of migration and asylum seekers, providing a foundational understanding of terminology essential for legal analysis. (LO1)
- International Refugee Law unit delves into the legal framework established by the 1951 Refugee Convention, emphasizing key principles such as non-refoulement and the definition of a refugee. (LO2)
- European Union Asylum System unit provides a detailed examination of the EU legal framework for refugee protection, including directives such as the Qualification Directive and the Dublin System, facilitating analysis of EU asylum policies. (LO3)
- Comparative analysis of the interaction between the European Convention on Human Rights and the EU Common Asylum System encourages critical evaluation of legal harmonization efforts. (LO3)
- Inclusion of assessment in refugee status determination procedures in the International Refugee Law unit enables participants to understand and apply legal criteria for refugee status. (LO4)
- Discussion on the status of EU citizens and third-country nationals in EU Migration Law unit prompts application of legal concepts to different categories of migrants. (LO4)
- Examination of contemporary issues such as gender and asylum encourages critical reflection on the intersection of identity, vulnerability, and legal status in refugee law. (LO5)
- Units on both International Refugee Law and EU Migration Law facilitate comparative understanding by juxtaposing international legal frameworks with the specific legal regime of the European Union. (LO6)

- Syllabus provides opportunities for legal research through analysis of case law, including examination of CJEU case law in the context of irregular migration in the EU. (LO7)
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Recommended prior learning (or curricular units whose prior attendance is recommended):

EU law and International Law

Teaching and assessment methods:

Teaching Methods

- o Socratic Dialogue: The course will facilitate Socratic dialogues where students engage in open-ended discussions to explore philosophical questions related to migration and refugee protection. Students will be invited to critically examine their views.
- o Textual Analysis: Students will be guided in close textual analysis to understand the arguments and theories of the philosophical foundations of international law, global citizenship, and human rights.
- o Case Studies Selection: Students will analyze range of case studies, from different legal systems, representing global mobility challenges. The case studies will be assigned before each class session and critical thinking will be encouraged through preparation of reaction paragraphs and in class debate.
- o Classroom Discussion: Guided discussions, where students share their insights, perspectives, and analyses of the topics and the case studies, will be facilitated. Students will be encouraged to debate and to challenge each other's viewpoints constructively.
- o Simulation: Simulation activities will be organized. These activities will allow students take on the roles of key stakeholders involved in the case studies and provide a hands-on understanding of real-world challenges.

Assessment methods:

- 1) **Participation in class** (20%)
 - 2) **Group presentation** (30 %)
 - 3) **Take home exam** (50%)
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Evidence of the teaching methods and the intended learning outcomes:

Bibliography:

1. Benedita Menezes Queiroz, *Illegally Staying in the EU – An analysis of illegality in EU migration Law* – (Hart 2018);
2. Guy S Goodwin-Gill, [*International Law of Refugee Protection*](#)

3. Dieter Kugelmann, *Refugees*, R Wolfrum (ed), The Max Planck Encyclopedia of Public International Law, Oxford, OUP, 2012
4. Michelle Foster and Jane McAdam, 'Analysis of 'Imminence' in International Protection Claims: Teitiota v New Zealand and Beyond', 71 *International and Comparative Law Quarterly* 975, (2022);
5. Cathryn Costello and Michelle Foster, '(Some) refugees welcome: When is differentiating between refugees unlawful discrimination?', *International Journal of Discrimination and the Law*, Vol. 22(3) 244–280, (2022);
6. Benedita Menezes Queiroz, 'Non-Removable Migrants in Europe: An Atypical Migration Status?', *European Public Law* 24, no. 2 (2018);
7. Nuno Ferreira, 'The Asylum Claim Determination' in C. Danisi, M. Dustin, N. Ferreira and N. Held (eds), *Queering Asylum in Europe* (1st edn Springer, 2021)

Legislation:

International Law Treaties and EU legislation

1. [International Covenant on Civil and Political Rights \(ICCPR\)](#)
2. [Convention and Protocol Relating to the Status of Refugees](#)
3. [European Convention on Human Rights](#)
4. [Dublin III Regulation](#)
5. [Temporary Protection Directive](#)
6. [Returns Directive](#)
7. [Qualification Directive](#)