



## Bachelor's courses Faculty of Law

VU University Amsterdam - Student- & Onderwijszaken - Exchange programme Vrije Universiteit - 2018-2019



# Migration and Legal Remedies

<b>Course code</b>	R_MLR ()
<b>Period</b>	Period 4
<b>Credits</b>	6.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	mr. dr. A.M. Reneman
<b>Examinator</b>	mr. dr. A.M. Reneman
<b>Teaching staff</b>	mr. dr. A.M. Reneman
<b>Teaching method(s)</b>	Seminar
<b>Level</b>	400

## Course objective

After this course, the student will be able to:

- Map out the most important national, EU and international actors playing a role in decision-making and legal protection in migration law and describe their role.
- Establish which (inter)national legal remedy is (or should be) available and is most effective in a particular migration law case taking into account the relevant factors such as nationality and residence status of the migrant concerned, rights at stake, actors involved etc.
- Apply the procedural rules (admissibility requirements, time-limits etc.) specific to an international court (ECtHR or CJEU) or UN body.
- Apply the right to an effective remedy and other procedural requirements following from international and EU law to a complex migration law case.
- Analyse how national law, EU law and international law in the field of legal remedies interact.
- Write a well-structured and argued legal argument, using different legal sources and literature.
- Orally present a legal argument in a clear and convincing way.

## Course content

In current instruments of EU immigration and asylum law, we see that different legal protection regimes apply to different categories of migrants. The availability and the scope of legal remedies may depend on a number of factors: the (human) rights which are at stake, the nationality or the legal status of the person concerned, the purpose of migration, the actor which has taken a decision or has taken action against the migrant or even the territory in which the person concerned is located. Legal protection should normally be offered by the national courts of a State. National law and practices with regard to the availability of and access to legal protection for migrants should comply with requirements of both EU and international law. At the same time international courts such as the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR) and other supervising bodies play an important (subsidiary) role in the legal protection of migrants. Significant interaction takes place between national courts and these international courts and bodies.

This course addresses the legal protection of migrants. The first part of the course will give an introduction to the topic. It addresses amongst others the importance and development of legal remedies for migrants, the right to an effective remedy, the system and accessibility

of legal remedies on the national, EU and international level and the interaction between the European courts. The second part of the course will focus on the availability and accessibility of legal protection in several particular fields of migration law.

### **Form of tuition**

Lectures, working groups and moot court sessions.

In the first part of this course three interactive lectures will introduce the topic of legal remedies. The second part of the course deals with several specific themes (for example asylum procedures). There will be one interactive lecture on each of these themes. Each lecture will be followed by a moot court session. During these moot court sessions teams of students will present a case as migration lawyers, representatives of the State or other relevant parties. The moot court sessions will be held before different courts and bodies (including the European Court of Human Rights and the Court of Justice of the European Union). Students are required to attend the moot court sessions.

### **Type of assessment**

A written exam which counts for 60%.

An oral presentation during the moot court session which counts for 40%.

### **Course reading**

Literature will be announced on Canvas.

### **Entry requirements**

Participants need to comply with the admission requirements of the master track International Migration and Refugee Law. See:

<http://www.vu.nl/nl/opleidingen/masteropleidingen/opleidingenoverzicht/p>

### **Recommended background knowledge**

Students who are not familiar with European Migration Law are advised to read the book P. Boeles, M. den Heijer, G. Lodder and K. Wouters, European Migration Law (2nd edition, Intersentia, 2014) and watch the web lectures placed on Canvas.

### **Target group**

Students of the master specialisation International Migration and Refugee Law

Students of the master specialisation Conflicthantering, rechtspraak en mediation

All other master, exchange and contract students who meet the admission requirements of the master track International Migration and Refugee Law. See:

<http://masters.vu.nl/en/programmes/international-migration-refugee-law/i>

### **Remarks**

Eindtermen Migration and Legal Remedies - Hoe draagt het vak bij aan de eindtermen van de opleiding?

Een student die het vak Migration and Legal Remedies heeft afgerond:

1. heeft diepgaande en specialistische kennis van en inzicht in minimaal één deelgebied van het recht
2. heeft inzicht in de samenhang tussen verschillende onderdelen van het recht, met inbegrip van het nationale en internationale recht.

De student beschikt verder over de volgende vaardigheden:

5. een probleem vanuit verschillende deelgebieden op een integratieve manier benaderen;
6. literatuur en juridische bronnen diepgaand analyseren en interpreteren en kritisch beschouwen (waar relevant ook in de Engelse taal, waar relevant ook op nieuwe rechtsgebieden);
8. complexe casus diepgaand analyseren en interpreteren en zelfstandig juridische oplossingen aandragen;
9. complexe juridische problemen onderkennen, analyseren en oplossen.
11. schriftelijk presenteren van een wetenschappelijk juridisch betoog
13. met argumenten onderbouwde mening formuleren over een complex juridisch probleem of een nieuwe ontwikkeling