



**LUND**  
UNIVERSITY

Faculty of Law

## **JAMR13, Migration Law, 7.5 credits**

*Migration Law, 7,5 högskolepoäng*

Second Cycle / Avancerad nivå

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### **Details of approval**

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2010-09-08 and was last revised on 2015-03-11. The revised syllabus applies from 2015-03-11, spring semester 2015.

### **General Information**

The course Migration Law is an optional course within the Master's Programme in International Human Rights Law at the Faculty of Law. The course is also open to students on the programme leading to a Swedish Professional Law degree and who follow the Master's Programme in International Human Rights Law in their studies at advanced level.

*Language of instruction:* English

Lectures and course material are in English.

*Main field of studies*

Human Rights

*Depth of study relative to the degree requirements*

A1F, Second cycle, has second-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 to display a scientific ethos in working with migration law.

### **Course content**

The course will start off with 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 may conflict with human rights law. The course will include inter alia lectures on topics such as 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 through 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. 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 in-depth engagement with the controversial issues raised within each seminar.

## 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.

### **B - pass**

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.

### **BA - pass with credit**

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 (judgments, books, academic articles, reports etc) is necessary.

### **AB - 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. Students are required to consistently cite relevant authoritative sources (judgments, books, academic articles, reports etc) is necessary.

## Entry requirements

Passed examination in courses corresponding to the first year of the Master's programme equivalent to 52.5 credits.

## **Further information**

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.

## **Literature**

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

## Subcourses in JAMR13, Migration Law

Applies from H10

1001 Migration Law, 7,5 hp  
Grading scale: Fail, Pass, Pass with credit, Pass with distinction