

International Law

Academic year 2019-2020

International Migration Law

DI035 - Autumn - 6 ECTS

Course Description

This seminar is aimed at mapping the growing field of international migration law, with a focus on the new UN Global Compact for Safe, Orderly and Regular Migration. The seminar is composed of two main parts. The first one provides an overview of the main international legal norms governing migration, through a systemic and critical analysis of the sources of international migration law.

The second part focuses on the UN Global Compact for Migration by discussing its content, limits and potential. Adopted in December 2018 after an intense two-year process of intergovernmental negotiation, the Global Compact is the most comprehensive intergovernmental instrument which addresses the multifaceted dimensions of migration.

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Objectives

The course aims at analysing the multiple facets of international migration law by presenting its major themes and trends from a systemic and critical perspective.

At the end of the course, students will be expected to:

- gain specialisation in international migration law;
- develop analytical and critical skills on the potential and challenges of the UN Global Compact for Migration.

Supports and Readings

Before each session, students are required to read the relevant compulsory readings in order to participate actively in class discussions.

For further (non-compulsory) readings, students are invited to consult the doctrinal sources identified in the selective bibliography at the end of this syllabus. Books preceded by a star in the selective bibliography are reserved at the library.

Evaluation

Evaluation of students consists of:

1) Oral presentation and participation (15%):

Each student is required to do an oral presentation discussing one particular objective of the Global Compact for Migration. After the presentation, active participation of all students is required.

2) Research paper (85%):

Students must write a research paper on the same topic chosen for their oral presentation (15-20 pages maximum, 1.5 space, times new roman, size 12, footnotes size 10). Papers are due by the 20th of December.

Course Outline

I. The Sources and Fundamental Principles of International Migration Law

Sessions 1 (23 September): Migration and Customary International Law: Departure

Readings

V. Chetail, "[The Architecture of International Migration Law: A Deconstructivist Design of Complexity and Contradiction](#)", *American Journal of International Law* (unbound), 111, 2017, pp. 18-23.

V. Chetail, *International Migration Law*, OUP, 2019, pp. 77-92.

Sessions 2 (30 September): Migration and Customary International Law: Admission

Readings

V. Chetail, *International Migration Law*, OUP, 2019, pp. 92-103 & pp. 132-144.

Session 3 (7 October): Migration and Treaty Law Regimes

Readings

V. Chetail, *International Migration Law*, OUP, 2019, pp. 166-176, pp. 200-202 & pp. 219-234.

Session 4 (14 October): Soft Law and the Global Compact for Migration (Part I)

Readings

V. Chetail, *International Migration Law*, OUP, 2019, pp. 280-300.

[UN General Assembly, New York Declaration for Refugees and Migrants](#), A/RES/71,13 October 2016.

[The Global Compact for Safe, Orderly and Regular Migration \(GCM\)](#), 13 July 2018.

Session 5 (21 October 2018): Soft Law and the Global Compact for Migration (Part II)

Readings

V. Chetail, *International Migration Law*, OUP, 2019, pp. 322-325, pp. 328-339, & pp. 398-403

Session 6 (28 October): Tutorial on Legal Research and Writing in International Migration Law

II. The UN Global Compact for Safe, Orderly and Regular Migration

Session 7 (4 November): Data, Drivers and the Migration-Development Nexus

Presentations

Objective 1: Collect and utilize accurate and disaggregated data as a basis for evidence-based policies

Objective 2: Minimize the adverse drivers and structural factors that compel people to leave their country of origin

Objective 19: Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries

Objective 20: Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants

Readings

V. Chetail, *International Migration Law*, OUP, 2019, pp. 310-322.

[GCM Commentary: Objective 1](#)

[GCM Indicators: Objective 1](#)

[GCM Commentary: Objective 2](#)

[GCM Indicators: Objective 2](#)

[GCM Commentary: Objective 19](#)

[GCM Indicators: Objective 19](#)

[GCM Commentary: Objective 20](#)

[GCM Indicators: Objective 20](#)

Session 8 (11 November): Human Trafficking, Migrant Smuggling and Missing Migrants

Presentations

Objective 8: Save lives and establish coordinated international efforts on missing migrants

Objective 9: Strengthen the transnational response to smuggling of migrants

Objective 10: Prevent and combat trafficking in persons in the context of international Migration

Readings

V. Chetail, *International Migration Law*, OUP, 2019, pp. 251-277.

[GCM Commentary: Objective 8](#)
[GCM Indicators: Objective 8](#)
[GCM Commentary: Objective 9](#)
[GCM Indicators: Objective 9](#)
[GCM Commentary: Objective 10](#)

Session 9 (18 November): Integrated Border Management (Part 1)

Presentations

Objective 11: Manage borders in an integrated, secure and coordinated manner
Objective 5: Enhance availability and flexibility of pathways for regular migration
Objective 12: Strengthen certainty and predictability in migration procedures

Readings

V. Chetail, International Migration Law, OUP, 2019, pp. 124-132, pp. 138-144, pp. 202-208 & pp. 227-234.

[GCM Commentary: Objective 11](#)
[GCM Indicators: Objective 11](#)
[GCM Commentary: Objective 5](#)
[GCM Indicators: Objective 5](#)
[GCM Commentary: Objective 12](#)

Session 10 (25 November): Integrated Border Management (Part 2)

Presentations

Objective 3: Provide adequate and timely information at all stages of migration
Objective 4: Provide all migrants with proof of legal identity, proper identification and documentation
Objective 13: Use migration detention only as a measure of last resort and work towards alternatives
Objective 14: Enhance consular protection, assistance and cooperation

Readings

V. Chetail, International Migration Law, OUP, 2019, pp. 133-138

[GCM Commentary: Objective 3](#)
[GCM Commentary: Objective 4](#)

[GCM Indicators: Objective 4](#)
[GCM Commentary: Objective 13](#)
[GCM Indicators: Objective 13](#)
[GCM Commentary: Objective 14](#)
[GCM Indicators: Objective 14](#)

Session 11 (2 December): Human Rights of Migrants (Part 1)

Presentations

Objective 7: Address and reduce vulnerabilities in migration

Objective 15: Provide access to basic services for migrants

Objective 17: Eliminate all forms of discrimination and promote fact-based public discourse to shape perceptions of migration

Readings

V. Chetail, *International Migration Law*, OUP, 2019, pp. 144-163.

[GCM Commentary: Objective 7](#)
[GCM Indicators: Objective 7](#)
[GCM Commentary: Objective 15](#)
[GCM Indicators: Objective 15](#)
[GCM Commentary: Objective 17](#)
[GCM Indicators: Objective 17](#)

Session 12 (9 December 2018): Human Rights of Migrants (Part 2)

Presentations

Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work

Objective 18: Invest in skills development and facilitate recognition of skills, qualifications and competences

Objective 22: Establish mechanisms for the portability of social security entitlements and earned benefits

Objective 16: Empower migrants and societies to realize full inclusion and social cohesion

Readings

[GCM Commentary: Objective 6](#)
[GCM Indicators: Objective 6](#)
[GCM Commentary: Objective 18](#)
[GCM Indicators: Objective 18](#)

[GCM Commentary: Objective 22](#)

[GCM Indicators: Objective 22](#)

[GCM Commentary: Objective 16](#)

[GCM Indicators: Objective 16](#)

Session 13 (16 December): Strengthening international cooperation and global partnerships

Presentations

Objective 21: Cooperate in facilitating dignified and sustainable return, readmission and reintegration

Objective 23: Strengthen international cooperation and global partnerships for safe, orderly and regular migration

Implementation and follow up of the Global Compact for Migration (paras. 40-54)

Readings

V. Chetail, International Migration Law, OUP, 2019, pp. 138-144; pp. 269-271 & pp. 340-348.

[GCM Commentary: Objective 21](#)

[GCM Indicators: Objective 21](#)

[GCM Commentary: Objective 23](#)

[GCM Indicators: Objective 23](#)

[GCM Commentary: Implementation, Follow Up and Review](#)

[GCM Indicators: Implementation, Follow Up and Review](#)

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IV. Useful Websites

- [Official UN website for the Global Compact for Migration;](#)
- [For an outline of the intergovernmental negotiations;](#)
- [IOM & the Global Compact for Migration;](#)
- [OHCHR & the Global Compact for Migration;](#)
- [Platform on Disaster Displacement;](#)
- [The Deaths at the Borders Database for the Southern EU.](#)