



## PUBLIC MIGRATION LAW

*Prof Elisa Olivito*

### SYLLABUS

2023-2024

#### Course Details

Faculty: Law

Undergraduate course: EUROPEAN STUDIES LM-90

Attendance: Not mandatory

Student credits (CFU): 6

Teaching hours: 48

Semester: II (Spring term)

Start date: February 12<sup>th</sup>

End date: April 10<sup>th</sup> (lessons to be make up excluded)

#### Course Description

The aim of the course is the acquisition of the knowledge necessary to critically examine the legal issues concerning the constitutional status of foreigners, fundamental rights and duties of migrants, as well as migration and asylum laws. They will be analysed in order to highlight the peculiar legal problems related to the intertwining between constitutional principles, national legislation and legal constraints arising from European Union law, international law, and from the European Convention on Human Rights.

The course will focus on the study of the following issues:

- The constitutional status of foreigners
- The evolution of Italian migration/asylum law and the legal status of migrants/asylum seekers
- The constitutional rights of migrants: recognition and national/supranational guarantees
- The intertwining of national migration and asylum law with EU policy and legislation: legal basis, objectives, division of competences
- Freedom of movement, irregular migration, migration detention
- Migration law, internal and external border controls, hard law and soft law instruments

#### Required Textbooks (all included)

Textbooks required for the final assessment are **all** of the following:

1. C. DE TONA, G. INCE-BEQO, S. SAMUK, *The Asylum System in Italy: A Review of the Changing Flows, Fragmented Policy Frameworks and the Key Role of Civil Society Organisations*, in A. Vila-Freyer, I. Sirkeci (eds) *Global Atlas of Refugees and Asylum Seekers*, Transnational Press London, 2024, 137-154 (available online);
2. W. CHIAROMONTE, V. FEDERICO, *The Labour Market Needs Them, But We Don't Want Them to Stay for Good: The Conundrum of Migrants, Refugees and Asylum Seekers' Integration in Italy*, in V. Federico, S. Baglioni (eds), *Migrants, Refugees and Asylum Seekers' Integration in European Labour Markets. A Comparative Approach on Legal Barriers and Enablers*, Springer, 2021, 193-211 (available online);

3. A. PIJNENBURG, K. VAN DER PAS, *Strategic Litigation against European Migration Control Policies: The Legal Battleground of the Central Mediterranean Migration Route*, in *European Journal of Migration and Law*, 2022, 401-429 (available online);

4. D. THYM, K. HAILBRONNER (eds), *EU Immigration and Asylum Law. Article-by-Article Commentary*, Beck, 2022, XXIX-XXXV, 47-81, 383-403, 432-474, 692-693, 703-738, 750-800, 1129-1176, 1229-1248, 1429-1435, 1507-1519, 1540-1541, 1562-1589, 1639-1657, 1666-1697;

5. E. ROMAN, *The “Burden” of Being “Safe” – How Do Informal EU Migration Agreements Affect International Responsibility Sharing?*, in E. Kassoti, N. Idriz (eds), *The Informalisation of the EU’s External Action in the Field of Migration and Asylum*, Springer, 2022, 317-346;

6. E. KÜÇÜK, *Temporary Protection Directive: Testing New Frontiers?*, in *European Journal of Migration and Law*, 2023, 1-30 (available online).

Starting from March 2024 the texts will be available for consultation through the library of “Sezione di Diritto pubblico” (first floor).

Attendee students will find judgments and other reading materials on the website (<http://elearning2.uniroma1.it/>). The teacher will give further details during the course.

### **Requirements**

At the beginning of the course and for the final examination students must have already acquired the knowledge of the fundamental notions of Italian public law and EU law.

### **Assessment**

Oral final examination on the basis of the syllabus as resulting from all the textbooks indicated.

For the purposes of the final assessment, the following elements will be taken into consideration: knowledge of the subject, presentation and critical reasoning skills, legal language skills.

### **Assignment of thesis title**

Students interested in the thesis supervising must submit the relevant application well in advance and in any case only after taking the exam.

Applications will be assessed on the basis of the following preferential conditions:

- a) participation in the course and in study groups for attendee students;
- b) the exam grade not less than 27/30 (and in any case higher than the overall average of the student’s grades).

The formal assignment of the thesis will take place only after an individual interview (not online), in which the student, on the basis of the first readings provided by the teacher and the bibliographic research carried out, will have to illustrate the structure of the work.

Students who, having obtained the assignment, do not present themselves at the subsequent meetings with the teacher for a period of more than six months, will lose the thesis’ assignment.

### **Classroom Rules**

1. Recording of the lesson is not allowed.
2. Laptops and similar devices may be used in class, but not for Internet surfing, text messaging, or comparably distracting extracurricular activities.

### **Office Hours**

Tuesday, Sezione di Diritto pubblico, by sending a request of appointment by the previous Sunday.