Course Syllabus LAW 202G

LEGAL ASPECTS OF MIGRATION

Number of ECTS credits: 6

Time and Place: Tuesdays 13:30-16:30

Contact Details for Professor Anthony Valcke
Tel: 02 614 81 70
E-mail: avalcke@vub.ac.be
Office hours: by appointment after class

Table of Contents

Course Description 2
Course Prerequisites 2
Specific Learning Objectives 3
Link to Departmental Learning Objectives 4
Course Schedule 8
Main Course Materials:
Course Textbook 9
Additional reading 9
Journals 9
Useful Websites 11
Work Load Calculation for this Course: 16
Course Assessment 16
Policy on late submission of papers 17
Attendance and participation 17
Grading Scale of Vesalius College 18
Grading Criteria 18
Additional Course Policies 19
Academic Honesty Statement 19
Indicative course outline 19
Annex I: Case study presentation grading criteria 25
Annex II: Research proposal paper grading criteria 29
Annex III - Research paper grading criteria 33
**Course Description**

Human migration is a timeless issue but in today’s world it has become a politically controversial issue that is capable of arousing strong passions. Whatever the views that one may hold on the subject of human migration, it is undeniable that this is one of the most complex areas of the law given the multiplicity of legal sources.

This course is intended to provide a detailed introduction to the international and European legal frameworks relating to migration. The main focus will be the study of the nature and implications of the progressive establishment of a common European legislative and policy framework covering the status, rights and mobility of persons in the European Union. The course will address the ways in which the nation state’s powers over the regulation of flows of persons and the status of mobile nationals and non-nationals has been affected by these transnational legal developments and the case law of supranational courts.

The course aims to provide students with a good understanding of the different legal frameworks that govern the phenomenon of human migration and an appreciation of how these legal frameworks are applied in practice within the European Union.

The following topics will be covered in the module:

- Legal sources of immigration, asylum and refugee law: European Union, Council of Europe, international, and comparative sources drawing on national sources of EU Member States.
- Historical evolution of the government and regulation of immigration, asylum and refugee subjects.
- Selected aspects of free movement of persons: EU rules on free movement with reference to their implementation by the Member States
- Selected aspects of migration law: EU common policy on immigration, with reference to its implementation by the Member States and applicable ECHR standards
- Selected aspects of asylum and refugee law: international, ECHR and EU standards on asylum and refugee protection, with reference to their implementation by the Member States.
- Key contemporary problems in each of the fields of immigration, asylum and refugee law (to be examined as case studies).

**Course Prerequisites**

Students who wish to take this course must have successfully completed the following course (students who have not completed this course need to obtain permission from the professor):

- LAW 101G Introduction to International and EU law
• LAW 102G Introduction to Legal Principles and Theories
• LAW 271G Methods: Legal Analysis, Research and Writing

It is highly recommended but not indispensable to have previously taken the following courses:
• LAW 221G European Organisations or
• LAW 222G European Union Constitutional Law or
• POL 231G European Union Politics: Introduction to the European Union

Students may also consider undertaking the following complementary course:
• POL 227G Security, Migration and Cultural Diversity in Europe

**Specific Learning Objectives**

After successful completion of this course, you should be able to:

• Acquire knowledge of the terminology and legal concepts used in international and European migration law;
• Gain an understanding of the international and European legal frameworks governing migration and the different roles that the EU institutions, Member States and individuals even companies play in these frameworks;
• Develop the ability for independent analysis of the interplay between international instruments and European law governing migration;
• Identify the main legal instruments that regulate migration as they apply within the European Union and understand their respective scope of application and the different situations which they govern; and
• Identify the key judgments of the EU Court of Justice that explain the legal concepts and issues that are used in EU migration law.

In terms of skills, the course will enable every student to:

• Develop the ability to transpose the analysis of international and European rules and current events relating to migration into a scientifically sound and feasible research project;
• Enhance the student’s ability to use the appropriate research methods and tools in the framework of independent research projects;
• Provide students with the knowledge of and practice with electronic and paper-based information sources on international and European law;
• Develop the ability to communicate in an effective way the acquired knowledge and the outcome of research projects in written form; and
• Develop the ability to engage in group work.

In terms of learning attitudes, the course will enable every student to:

• Further develop skills in intercultural communication;
- develop English language skills, both written and oral;
- Engage in discussions concerning topical issues relating to migration;
- Develop a capacity for critically examining topical issues relating to migration within their legal context; and
- Follow the development of topical issues that relate to migration through the targeted reading of newspaper reports and other media available on the internet and identify the legal framework which applies.

The course will combine lectures, group discussions and individual/team work. Maximum use will be made of audio-visual sources and other media to encourage active discussion. Each three-hour class will consist in an informal lecture allowing for plenty of discussion followed by a group discussion or individual/team work facilitated by the professor.

### Link to Departmental Learning Objectives

Number of assignments used in this course: 3  
Number of Feedback occasions in this course (either written or oral): 3 written  
Number and Types of Teaching Methods: weekly class, PPT slides, lectures, case studies followed by discussion, quiz (unmarked), visit to ULB law library  
Does your course require graded student oral presentations? Yes, x1

<table>
<thead>
<tr>
<th>Major Learning Objectives</th>
<th>Course Learning objectives addressing the Major Objectives</th>
<th>Methods used to Teach Course Objectives</th>
<th>Methods (and numbers/types of assignments) used to test these learning objectives</th>
<th>Type, Timing and Numbers of Feedback given to Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>inject multidisciplinary talent into the legal profession by allowing students to explore extra-disciplinary subjects within the liberal arts curriculum</td>
<td>develop a capacity for critically examining topical issues relating to migration within their legal context</td>
<td>lecture + PPT (reference to legal but also political and social science literature) class discussion following case study</td>
<td>oral presentation on group work by students (case study) research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>expose students to a wide spectrum of disciplinary approaches to legal studies</td>
<td>develop a capacity for critically examining topical issues relating to migration within their legal context</td>
<td>lecture + PPT (reference to legal but also political and social science literature) class discussion following case study</td>
<td>oral presentation on group work by students (case study) research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>acquire knowledge of terminology and concepts of international and European Law</td>
<td>acquire knowledge of the terminology and legal concepts used in international and European migration law</td>
<td>lecture + PPT class discussion following case study</td>
<td>oral presentation on group work by students (case study) research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>gain an understanding of the</td>
<td>gain an understanding of the international and</td>
<td>lecture + PPT</td>
<td>oral presentation on group work by</td>
<td>written feedback for</td>
</tr>
</tbody>
</table>

**Syllabus:** LAW 202G Legal Aspects of Migration  
**Spring 2019**
<table>
<thead>
<tr>
<th>Major Learning Objectives</th>
<th>Course Learning objectives addressing the Major Objectives</th>
<th>Methods used to Teach Course Objectives</th>
<th>Methods (and numbers/types of assignments) used to test these learning objectives</th>
<th>Type, Timing and Numbers of Feedback given to Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>international system and the European integration process</td>
<td>European legal frameworks governing migration and the different roles that the EU institutions, Member States and individuals and even companies play in these frameworks</td>
<td>class discussion following case study</td>
<td>students (case study) research paper proposal final research paper</td>
<td>each assignment</td>
</tr>
<tr>
<td>develop a working knowledge of international law-making by means of treaties, state practice and decisions of international organizations and conferences</td>
<td>identify the main legal instruments that regulate migration as they apply within the European Union and understand their respective scope of application and the different situations which they govern identify the key judgments of the EU Court of Justice that explain the legal concepts and issues that are used in EU migration law</td>
<td>lecture + PPT class discussion following case study</td>
<td>oral presentation on group work by students (case study) research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>become familiar with the European institutions and the decision-making processes</td>
<td>gain an understanding of the international and European legal frameworks governing migration and the different roles that the EU institutions, Member States and individuals and even companies play in these frameworks</td>
<td>lecture + PPT</td>
<td>oral presentation on group work by students (case study) research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>develop the ability for independent analysis of the interplay between international and European Law</td>
<td>develop the ability for independent analysis of the interplay between international instruments and European law governing migration</td>
<td>lecture + PPT class discussion following case study</td>
<td>oral presentation on group work by students (case study) research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>develop the ability to transpose the analysis of rules and events into a scientifically sound and feasible research project</td>
<td>develop the ability to transpose the analysis of international and European rules and current events relating to migration into a scientifically sound and feasible research project</td>
<td>lecture + PPT</td>
<td>research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>enhance the student’s ability to use the appropriate research methods and tools in the framework of independent</td>
<td>enhance the student’s ability to use the appropriate research methods and tools in the framework of independent research projects</td>
<td>lecture + PPT</td>
<td>research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>Major Learning Objectives</td>
<td>Course Learning objectives addressing the Major Objectives</td>
<td>Methods used to Teach Course Objectives</td>
<td>Methods (and numbers/types of assignments) used to test these learning objectives</td>
<td>Type, Timing and Numbers of Feedback given to Student</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------------------------------------------</td>
<td>----------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>research projects</td>
<td>provide students with the knowledge of and practice with electronic information sources on international and European law</td>
<td>lecture + PPT</td>
<td>research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>provide students with the knowledge of and practice with electronic information sources on international and European law</td>
<td>develop the ability to communicate in an effective way the acquired knowledge and the outcome of research projects, both in written and oral form</td>
<td>lecture + PPT</td>
<td>research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>develop the ability to communicate in an effective way the acquired knowledge and the outcome of research projects, both in written and oral form</td>
<td>develop the ability to engage in group work as incorporated into the structure of in-class presentations and case studies</td>
<td>lecture + PPT class discussion following case study</td>
<td>oral presentation on group work by students (case study)</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>develop the ability for group work as incorporated into the structure of in-class presentations and case studies</td>
<td>further develop skills in intercultural communication</td>
<td>lecture + PPT class discussion following case study</td>
<td>oral presentation on group work by students (case study)</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>further develop skills in intercultural communication</td>
<td>further develop skills in intercultural communication</td>
<td>lecture + PPT class discussion following case study</td>
<td>oral presentation on group work by students (case study)</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>develop English language skills, both written and oral</td>
<td>develop English language skills, both written and oral</td>
<td>lecture + PPT class discussion following case study</td>
<td>oral presentation on group work by students (case study) research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>develop English language skills, both written and oral</td>
<td>develop a capacity for critically examining topical issues relating to migration within their legal context</td>
<td>lecture + PPT reference to legal but also political and social science literature class discussion following case study</td>
<td>final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>stimulate critical attitudes, which are necessary for “life-long learning” and sensitivity to the importance of legal and ethical considerations and the ability to confront dominant, popular opinions with constructive criticism</td>
<td>follow the development of topical issues that relate to migration through the targeted reading of newspaper reports and other media available on the internet and identify the legal framework which</td>
<td>lecture + PPT class discussion following case study</td>
<td>oral presentation on group work by students (case study) research paper proposal final research paper</td>
<td>written feedback for each assignment</td>
</tr>
<tr>
<td>Major Learning Objectives</td>
<td>Course Learning objectives addressing the Major Objectives</td>
<td>Methods used to Teach Course Objectives</td>
<td>Methods (and numbers/types of assignments) used to test these learning objectives</td>
<td>Type, Timing and Numbers of Feedback given to Student</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------------------------------------------</td>
<td>----------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>operational problems and dilemmas</td>
<td>applies</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Course Schedule**  
*(See further Indicative course outline below)*

<table>
<thead>
<tr>
<th>Legal Aspects of Migration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Week 1</strong></td>
</tr>
<tr>
<td><strong>Week 2</strong></td>
</tr>
<tr>
<td><strong>Week 3</strong></td>
</tr>
<tr>
<td><strong>Week 4</strong></td>
</tr>
<tr>
<td><strong>Week 5</strong></td>
</tr>
<tr>
<td><strong>Week 6</strong></td>
</tr>
<tr>
<td><strong>Week 7</strong></td>
</tr>
<tr>
<td><strong>Week 8</strong></td>
</tr>
<tr>
<td><strong>Week 9</strong></td>
</tr>
<tr>
<td><strong>Week 10</strong></td>
</tr>
<tr>
<td><strong>Week 11</strong></td>
</tr>
<tr>
<td><em>Spring recess</em></td>
</tr>
<tr>
<td><strong>Week 12</strong></td>
</tr>
<tr>
<td><strong>Week 13</strong></td>
</tr>
<tr>
<td><strong>Week 14</strong></td>
</tr>
<tr>
<td><strong>Week 15</strong></td>
</tr>
</tbody>
</table>
Main Course Materials:

The course material consists of powerpoint presentations, lecture notes and readings from the textbook. Powerpoint presentations will be made available after the respective classes have taken place. A week-by-week overview of the course readings can be found in the section below.

The syllabus, powerpoint presentations and important messages will be uploaded to the Vesalius portal ‘Canvas’. Students are expected to visit this site regularly to keep abreast of course evolutions. The professor is expected to upload relevant material in a timely manner.

Course material marked as ‘suggested readings’ and ‘additional sources’ is helpful for research and to gain an increased understanding, but is not mandatory. This material can be found online or will be made available upon individual request.

Course Textbook


Each week, students will be required to read materials from the course textbook.

Additional reading

In addition to the textbook, students will be required to read the additional materials identified in the weekly lesson plan (posted on Canvas).

Additional reading materials will be drawn from a variety of periodicals and other sources.

There is a full list of suggested further reading list with extensive additional reading materials (posted on Canvas).

Journals

This is a selected list of key journals in the field of EU migration law and policy, most of which are accessible either in paper format at the libraries of the Université Libre de Bruxelles or the Vrij Universiteit Brussel or electronically through the VUB’s offering of electronic databases:

- Migration-specific journals
  
  *European Journal of Migration and Law (EJML)*
International Journal of Refugee Law (IJRL)
International Migration (IM)
International Migration Review (IMR)
Journal of Immigration, Asylum and Nationality Law (JIANL) (available via Westlaw UK)
Journal of Immigrant & Refugee Studies (JIRS)
Journal of Refugee Studies (JRS)
Refugee Survey Quarterly (RSQ)
Journal of Ethnic and Migration Studies (JEMS)

- European law and policy journals
  Cahiers de Droit Européen (CDE)
  Cambridge Yearbook of European Legal Studies (CYELS)
  Columbia Journal of European Law (CJEL)
  Common Market Law Review (CMLRev)
  Europarecht (EuR)
  European Business Law Review (EBLRev)
  European Constitutional Law Review (ECLRev) (available via Westlaw UK)
  European Journal of Legal Studies (EJLS)
  European Law Journal (ELJ) (available via Wiley Online Library)
  European Law Review (ELRev) (available via Westlaw UK)
  European Public Law (EPL)
  International and Comparative Law Quarterly (ICLQ)
  Journal of Common Market Studies (JCMS) (available via Wiley Online Library)
  Journal of European Public Policy (JEPP)
  Legal Issues of Economic Integration (LIEI)
  Maastricht Journal of European and International Law (Maas. JEIL)
  Maastricht Journal of European and Comparative Law (MJ)
  Modern Law Review (MLRev)
  Revue du Marché Commun (RMC)
  Revue Trimestrielle de Droit Européen (RTDE)

- Other journals
  Citizenship Studies
  International Journal of Human Rights (IJHR)
Useful Websites

This list of websites is not exhaustive by any means but should give you up-to-date information and data on EU rules that apply to migration. Several of these sites have analysis of EU migration law and cases, while others contain information for you to analyse yourself. It is suggested that you take a look at them early in the semester to see what information they contain. Always be aware of the quality and political orientation of websites: just because something is stated on a website does not always make the statement true or objective!

The Europa portal, the official website of the EU institutions: ec.europa.eu/

European Commission – Directorate General for Justice
ec.europa.eu/justice/

European Commission – DG for Home Affairs
ec.europa.eu/home-affairs/

The EU immigration Portal
useful for researching how the EU immigration rules for non-EU citizens are applied in the Member States (it does not cover free movement of EU citizens)
ec.europa.eu/immigration/

European website on integration
useful for information and good practices relating to the integration of migrants
ec.europa.eu/migrant-integration/

list of national ministries and agencies dealing with migration:

European Commission – DG Employment and Social Affairs
ec.europa.eu/social/
subjects: social security – healthcare - employment law

EU Migration Network
useful for data and studies on how EU rules are applied:
EMN Belgium
Most EMN studies are published on their website
http://www.emnbelgium.be/

Other EMN national contact points
ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/authorities/index_en.htm

EU law database
EUR-LEX portal for access to official sources of legislation and case law
eur-lex.europa.eu/
Browse all EU legislation on migration by theme:

Summaries of EU legislation by theme
europa.eu/legislation_summaries/index_en.htm

EU Court of Justice
curia.europa.eu
EU Court of Justice press releases (useful for case summaries)
https://curia.europa.eu/jcms/jcms/Jo2_16799

European Parliament
europarl.europa.eu
Search for studies and reports undertaken for or by European Parliament
Search for studies and reports undertaken for or by European Parliament (search by committee, publication type or PE number)
Factsheets on Citizens’ Europe:
Factsheets on migration, border and asylum policies (see 5.12 An area of freedom, security and justice)

EU Fundamental Rights Agency
http://fra.europa.eu/
Thematic pages on asylum, migration and borders
Useful databases specific to migration law (linking legislation and caselaw)
European Database of Asylum Law (EDAL)
http://www.asylumlawdatabase.eu/en
EU Migration Law
http://europeanmigrationlaw.eu/
Refugee Law Reader
http://refugeelawreader.org/en/
Radboud Centre for Migration Law
http://www.ru.nl/law/cmr/
Radboud Centre for Migration Law Newsletter
(CJEU Overview of judgments and pending cases, published quarterly)
http://www.ru.nl/law/cmr/documentation/cmr-newsletters/cjeu-overview/

Useful blogs discussing EU immigration case law
EU Law Analysis blog (excellent blog)
http://eulawanalysis.blogspot.be/
EU Immigration and Asylum Law and Policy blog
http://eumigrationlawblog.eu/
Free movement blog (UK-focused but up-to-date discussion of EU free movement rules)
www.freemovement.org.uk/

Other blogs discussing migration issues from around the world
The Migrationist
https://themigrationist.net/
Migrants at sea
https://migrantsatsea.org/
UK Immigration Law Blog
https://asadakhan.wordpress.com/
UK Immigration Justice Watch
https://ukimmigrationjusticewatch.com/

Useful blogs discussing EU case law (not solely focused on immigration)
Court of Justice blog
http://courtofjustice.eu/
Eutopia law
http://eutopialaw.com/
European law blog
http://europeanlawblog.eu/
EU law blog
http://eulaw.typepad.com/
Other useful pan-European websites
EUDO project – EU Citizenship case law (this contains useful summaries of most cases we will cover in class on citizenship)
http://eudo-citizenship.eu/databases/citizenship-case-law/
European citizenship (not up to date)
projecteu.info/home/
European University Institute publications on European Law
http://cadmus.eui.eu/handle/1814/1925

Migration research centres (research and publications)
Radboud Centre for Migration Law
http://www.ru.nl/law/cmr/
COMPAS, Oxford university
http://www.compas.ox.ac.uk/
CREAM, University College London
http://www.cream-migration.org/
CEDEM, Université de Liège
http://labos ulg.ac.be/cedem/
IMISCOE (International Migration, Integration and Social Cohesion in Europe: Europe's largest interdisciplinary research network in the field of migration, integration and diversity studies.
https://www.imiscoe.org/

European think-tanks (research and publications)
Migration Policy Group
http://www.migpolgroup.com
Centre for European Policy Studies
http://www.ceps.be/
Migration Policy Institute
http://www.migrationpolicy.org/europe/
Migration Observatory (Oxford University)
http://www.migrationobservatory.ox.ac.uk/
Open Europe
http://open europe.org/uk/intelligence/category/immigration-and-justice/
Centre for European Reform
http://www.cer.eu/
Jacques Delors Institute
http://www.delorsinstitute.eu/
Bruegel Institute
http://bruegel.org/

Other Non-governmental organisations
European Centre for Refugees and Exiles
https://www.ecre.org/
ECRE's asylum in Europe database
http://www.asylumineurope.org/
European Citizen Action Service
http://ecas.org/
AIRE Centre (Advice on Individual Rights in Europe)
http://www.airecentre.org/
Coordination et Initiatives pour Réfugiés et Etrangers (Belgium)
https://www.cire.be/
Association du Droit des Etrangers (Belgium)
http://www.adde.be/
Vluchtelingenwerk Vlaanderen
https://www.vluchtelingenwerk.be/
The UN Refugee Agency (UNHCR)
http://www.unhcr.org/
Amnesty International
https://www.amnesty.org/en/
Amnesty European institutions office
http://www.amnesty.eu/
Human Rights Watch
https://www.hrw.org/
Objectif (works on Belgian citizenship)
http://www.allrights.be/

**National immigration websites (a selected few)**

UK Border Agency
ukba.homeoffice.gov.uk/
Irish Naturalisation & Immigration Service
www.inis.gov.ie/
Belgian Immigration Office
dofi.ibz.be/
Norwegian Directorate of Immigration (UDI)
www.udi.no/norwegian-directorate-of-immigration/
Swedish Migrantionsverket
www.migrationsverket.se/info/start_en.html
Dutch Immigration & Naturalisation Service (IND)
https://ind.nl/en

**National case law**

British and Irish case law
http://www.bailii.org/
UK Upper Tribunal (Immigration and Asylum Chamber) case database
https://tribunalsdecisions.service.gov.uk/utiac
Belgian Immigration Tribunal database (FR / NL only)
http://www.rvv-cce.be/fr/arr
Work Load Calculation for this Course:

This course counts for 6 ECTS, which translates into 150 – 180 hours for the entire semester for this course. This means that you are expected to spend roughly 10 hours per week on this course. This includes 3 hours of lectures or seminars per week and 7 hours ‘out of class’ time spent on preparatory readings and time spent on preparing your assignments. Please see below the estimated breakdown of your work-load for this course.

Time spent in class: 3 hours per week / 45 hours per semester  
Time allocated for course readings: 4 hours per week / 60 hours per semester  
Time allocated for preparing case study: 20 hours per semester  
Time allocated for preparing research paper proposal: 20 hours per semester  
Time allocated for writing final research paper: 35 hours per semester

Total hours for this course: 180 hours

Course Assessment

The students will be evaluated on the basis of their performance as follows:

- Case study presentation: 30%  
- Paper proposal (500-word abstract due week 9): 30%  
- Final Paper (3,000-word essay due week 13): 40%  
- TOTAL: 100%

Working in groups of two or three, students will research prepare a presentation of an answer to a case study allocated by the professor in week 2. The answer involves a group of students making a presentation in class on a case study (30%). Students must use powerpoint slides for their presentation and electronic a copy must be provided by email to the professor before class. See Annex I for “case study grading criteria”; see also separate “case study instructions” for each case study on Canvas.

The paper proposal comprises a 500-word abstract, which needs to be submitted Week 9 (6pm on Wednesday 20 March) with an indicative bibliography listing primary legislation, case law, news reports, official think tank reports and at least 5 peer-reviewed journal articles. See Annex II for “research paper proposal grading criteria”; see also separate “paper proposal instructions” on Canvas. Paper proposals should be submitted in Word or odt format to the professor by email.

The final paper will involve a 3,000-word written assignment on a topic relating to migration law in the EU. The topic is to be chosen from a list of topics or can be
chosen by the student, but in all cases it needs to be approved by your professor. The final paper needs to be submitted electronically in week 13 (6pm on Wednesday 1 May). See Annex III for “research paper grading criteria”; see also separate “paper grading criteria and writing instructions” on Canvas. Final research papers should be submitted in Word or .odt format to the professor by email and on Turnitin.

**Policy on late submission of papers**

The failure to submit a paper proposal or final research paper by the deadline will result in the student being awarded an F (0%). The late submission of a paper proposal or final paper will only be accepted in exceptional circumstances, namely a medical emergency or other force majeure event which will need to be documented by the student. Internet problems or computer breakdown or other IT issues do not qualify. The professor expects to be informed of late submission as soon as feasibly possible after the student becomes aware that the deadline will be missed.

**Attendance and participation**

Attendance is compulsory. Each student will be expected to take an active part in class discussions and an attendance list will be taken. Student are reminded to adhere to Vesalius College’s attendance policy.
Grading Scale of Vesalius College

Vesalius College’s grading policy, in line with the Flemish Educational norms, is as follows:

<table>
<thead>
<tr>
<th>Letter grade</th>
<th>Scale of 20</th>
<th>Scale of 100</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>17.0-20.0</td>
<td>85-100</td>
</tr>
<tr>
<td>A-</td>
<td>16.1-16.9</td>
<td>81-84</td>
</tr>
<tr>
<td>B+</td>
<td>15.3-16.0</td>
<td>77-80</td>
</tr>
<tr>
<td>B</td>
<td>14.5-15.2</td>
<td>73-76</td>
</tr>
<tr>
<td>B-</td>
<td>13.7-14.4</td>
<td>69-72</td>
</tr>
<tr>
<td>C+</td>
<td>13.1-13.6</td>
<td>66-68</td>
</tr>
<tr>
<td>C</td>
<td>12.3-13.0</td>
<td>62-65</td>
</tr>
<tr>
<td>C-</td>
<td>11.5-12.2</td>
<td>58-61</td>
</tr>
<tr>
<td>D+</td>
<td>10.7-11.4</td>
<td>54-57</td>
</tr>
<tr>
<td>D</td>
<td>10.0-10.6</td>
<td>50-53</td>
</tr>
<tr>
<td>F</td>
<td>0-9.9</td>
<td>0-49</td>
</tr>
</tbody>
</table>

Grading Criteria
The following criteria will be applied in assessing your written work:

- Evidence of understanding of the concepts, theories and ideas developed in the course.
- Correct use of legal terms and expressions.
- Evidence of independent research and critical thinking in the research paper.
- Correct reference to legal sources such as treaties, case law, domestic law, and scholarly publications in line with OSCOLA method of citation (see further “OSCOLA citation handbook” on Canvas).

See Annex I for “case study presentation grading criteria”.
See Annex II for “research paper proposal grading criteria”.
See Annex III for “research paper grading criteria”; see also separate “paper grading criteria and writing instructions” on Canvas.
**Additional Course Policies**

Attendance of all classes is mandatory. An attendance list may be taken.

In case you are unable to attend the class, please inform your professor ahead of time. You may be asked to provide documentary justification for your absence.

**Academic Honesty Statement**

Academic dishonesty is **NOT** tolerated in this course.

Academic honesty is not only an ethical issue but also the foundation of scholarship. Cheating and plagiarism are therefore serious breaches of academic integrity.

Following the College policy, cheating and plagiarism cases will be communicated in writing to the Associate Dean for Students and submitted to the Student Conduct Committee for disciplinary action.

If you refer to someone else’s work, appropriate references and citations must be provided. Grammar, spelling and punctuation count, so use the tools necessary to correct before handing in assignments.

All papers have to be submitted via Turnititin, an anti-plagiarism software tool.

Note that you are not permitted to bring any electronic device to exams.

**Indicative course outline**

*For detailed lesson plans, please refer to separate Weekly Lesson Plans available on Canvas.*

<table>
<thead>
<tr>
<th>Week</th>
<th>Introduction and Historical Overview</th>
<th>Nationals, Citizens, Foreigners, Migrants and Expats</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>This seminar will provide an introduction to the topic, class expectations before giving a historical overview of the development of migration law and the respective roles and competences of international and European organisations in the field of migration. <em>Reading: Committee of the Regions, ‘Factsheet on Free Movement and Migration’ (2015)</em> <a href="http://ec.europa.eu/en/welcome/Documents/Update/20150620Free%20movement%20and%20migration.pdf">http://ec.europa.eu/en/welcome/Documents/Update/20150620Free%20movement%20and%20migration.pdf</a></td>
<td>The aim of this session is to understand who is (and who is not) a subject of EU migration law, as this is crucial to be able to discern the respective scope of application of the various instruments of EU migration law. We will therefore examine the concept and limits of EU citizenship, the rights that flow from it and its relationship with the nationality of the Member States. We will also explore who is considered a Third Country National and its effects as</td>
</tr>
<tr>
<td>2</td>
<td>Questions to consider</td>
<td>-what is the purpose of migration law? -has migration law always existed? -what is the justification for migration law? -what is the role of the EU in migration?</td>
</tr>
<tr>
<td>Week 3</td>
<td><strong>EU institutional actors and Concepts of EU law I: Supremacy and direct effect</strong></td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>--------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>This seminar will provide a general introduction to the principles that underlie the legal framework of Europe's free movement and immigration policies.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Supremacy and direct effect regulate the relationship between EU law and national law. Such principles apply when Member States implement a Directive into national law in accordance with Article 288 TFEU. This requires Member States to achieve the objectives laid down in a Directive but leaves Member States the freedom to choose how to achieve these objectives.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Questions to consider</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>-What does supremacy refer to?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>-What does direct effect refer to?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>-What happens if a Member State fails to transpose or incorrectly transposes a Directive on migration law into national law?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>-What margin of discretion do Member States enjoy when transposing a Directive on migration law into national law?</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Week 4</th>
<th><strong>Concepts of EU law II: Equality of treatment and proportionality</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This seminar will continue to examine the principles that underlie the legal framework of Europe's free movement and immigration policies.</td>
</tr>
<tr>
<td></td>
<td>Equality of treatment is a principle that finds further expression in the provisions of the EU treaties on freedom of movement underlies the operation of the single market. With the EU gaining competences in the field of migration, so too has the principle of equality been given further expression by legal instruments on migration albeit to a more limited extent. Equality of treatment is about ensuring that persons in similar circumstances are treated in the same, regardless of their nationality. However, in some cases discrimination on grounds of nationality may be permissible if it is capable of justification. However, any such measures must be proportionate and must not go beyond what is necessary to achieve a legitimate aim.</td>
</tr>
<tr>
<td></td>
<td><strong>Reading:</strong> Paul Craig, <em>EU Administrative Law</em> (Oxford University Press, 2012), Chapter 17: Equality &amp; Chapter 20: Proportionality II – Member States (download from Canvas)</td>
</tr>
<tr>
<td></td>
<td><strong>Questions to consider</strong></td>
</tr>
<tr>
<td></td>
<td>-what is the difference between direct and indirect discrimination?</td>
</tr>
<tr>
<td></td>
<td>-what is reverse discrimination?</td>
</tr>
<tr>
<td></td>
<td>-what does the test of proportionality entail?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Week 5</th>
<th><strong>Researching EU law</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In this session, we will spend a session exploring on how to search for EU law materials on the internet. The purpose is to equip you with skills for writing your research papers.</td>
</tr>
</tbody>
</table>
### Reading:


Citations must follow the Oxford University Standard for Citation of Legal Authorities (OSCOLA, 4th edition): https://www.law.ox.ac.uk/research-subject-groups/publications/oscola

The citation method is explained in this useful guide here: https://ilrb.cf.ac.uk/citingreferences/oscola/tutorial/

Please bring your laptop!

You should by now have started thinking about what topic you would like to cover in your research paper.

<table>
<thead>
<tr>
<th>Week 6</th>
<th><strong>Border controls</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>This seminar will examine (1) the conditions under which EU citizens and their family members may travel to another EU country under Directive 2004/38 and other sources and (2) the conditions governing the entry of non-EU citizens under the Schengen Visa Code Regulation 810/2009 and the Schengen Borders Code Regulation 399/2016. We will also briefly examine the difference between customs controls and border controls.</td>
<td></td>
</tr>
</tbody>
</table>

*Reading:* Boeles et al, *EU Migration Law* (Intersentia 2014): Chapter 1, section 1.6, The System of Entry etc. pp 37-41; Chapter 2, sections 2.2 The Citizens Directive, pp 51-55; Chapter 9, External Border Controls, Visa and Expulsion Measures - Section 9.1 Introduction, Section 9.2 Border Controls & Section 9.3 Visas, pp 375-385

*Questions to consider*
- what conditions must third country nationals fulfil when seeking entry to the Schengen area?
- what conditions must third country nationals fulfil when moving within the Schengen area?
- what conditions must EU citizens fulfil when seeking entry to an Member State other than their country of citizenship?

<table>
<thead>
<tr>
<th>Week 7</th>
<th>No class</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mid-term exam week</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Week 8</th>
<th><strong>Forced migration: asylum and refuge</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>This session will examine the EU rules relating to forced migration. We will examine the international rules on refugees and how they are incorporated into EU law. We will also discuss the Dublin Regulation that determines which country is responsible to determine applications for international protection. We will also examine the refugee relocation scheme.</td>
<td></td>
</tr>
</tbody>
</table>


*Questions to consider*
- in what circumstances can a person claim refugee status in another country?
- what is the difference between refugee status and subsidiary protection?
- what is the hierarchy of criteria that applies when determining which country is responsible to determine a claim for international protection under the Dublin Regulation?
Week 9 | Residence and family reunification of third country nationals
---|---
In this seminar, we will study various EU instruments on immigration that provide common (minimum) rules covering family reunification, the status of third country nationals who are long-term residents, researchers and students, the EU Blue Card for highly-skilled workers, seasonal employment and intra-corporate transfers. These Directives confer EU rights and common administrative guarantees to third-country nationals who migrate to the EU. This will include an analysis of the increasing role which the CJEU has played in the interpretation of some of these instruments.

*Reading*: Boeles et al., *EU Migration Law* (Intersentia 2014): Chapter 4, Movement and Residence Rights of Third-Country Nationals, pp 127-198; Chapter 5, Family Reunification and Protection of Settled Migrants under Article 8 ECHR pp 199-240

*Questions to consider*
- what are the different legal statuses of third country nationals?
- what different rights do TCNs benefit from under the different directives on migration? what are aspects of migration are not covered by the above Directives?
- what do you understand by the term integration? what do we mean by integration when discussed from a legal point of view?

Week 10 | Residence and family reunification of EEA and Swiss nationals
---|---
This seminar will examine the conditions governing residence and family reunion of EU citizens. The legal basis for free movement are Articles 20 and 21 TFEU which lay down the right of free movement of EU citizens and free movement. These provisions are given further expression by Directive 2004/38, which lays down the detailed conditions for the residence in Member States of EU citizens and their family members. While Directive 2004/38 applies to EU citizens and their family members moving to a country other than the EU citizen's home country, the Court of Justice has also ruled that EU citizens and their family members also benefit from EU rules in Case C-370/90 *Surinder Singh* and Case C-456/12 *O & B*. This is an exception to the concept of "reverse discrimination" whereby EU law does not prohibit Member States from treating their own nationals less favourably than EU citizens. As a result, EU citizens who are able to bypass the rules on family reunification that apply under their own country's immigration rules.


*Questions to consider*
- what different categories of residence rights exist under Directive 2004/38 for EU citizens and their family members?
- how do the EU rules on free movement enable EU citizens to overcome "reverse discrimination" in their own country?

**REMINDER:** Deadline for submission of paper proposal is Wednesday 21 March (6pm)

Week 11 | Removal, detention and regularization of third-country nationals
---|---
In this session we will examine the EU rules relating to the EU's return policies on the return of TCNs who are not authorised to stay or reside in the EU. We will examine the various EU instruments that relate to detention, return and regularisation of TCNs.


Syllabus: LAW 202G Legal Aspects of Migration

Spring 2019
<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
<th>Details</th>
</tr>
</thead>
</table>
| 12   | Expulsion of EEA and Swiss nationals | In this session we will examine the EU rules relating to the expulsion of EU citizens and their family members and associated rules relating to detention, removal and re-entry bans.  
*Questions to consider:*  
- in what circumstances can EU citizens and their family members be refused entry to a Member State?  
- in what circumstances can EU citizens and their family members be expelled from a Member State?  
- in what circumstances can EU citizens and their family members be subject to a re-entry ban by a Member State? |
| 13   | Residence and the Welfare State | This seminar will examine the conditions under which EU citizens may claim access to social assistance when living in another EU Member State. We will discuss the issue of benefits tourism and examine the legal limitations which allow Member States to protect their public finances. In particular, we will examine what categories of EU citizens may claim social assistance and under what conditions. We will also chart changes in the Court of Justice’s case law starting from the EEC Treaty through to the creation of EU citizenship and ending by examining the situation as it stands today following enactment of Directive 2004/38.  
*Questions to consider:*  
- to what extent has the Court of Justice overturned its previous case law on equality of treatment of EU citizens in accessing welfare benefits?  
- what factors could account for this change in the judicial direction of case law on EU citizenship?  

**REMINDER:** Deadline for submission of your final research paper is Wednesday 2 May (6pm)**
| 14   | Fraud and abuse; procedural safeguards and appeal rights | This seminar will examine the concepts of abuse of rights and fraud under EU law as applied in the context of migration. We will also examine procedural safeguards and appeal rights in EU migration law, as well as alternatives to judicial redress.  
| Week 15 | No class | Final exam week |


Questions to consider (fraud and abuse)
- what is abuse of rights and how does it differ from fraud?
- what action can Member States take to combat marriages of convenience?

Questions to consider (procedural safeguards and appeal rights)
- what are the procedural safeguards that EU citizens and their family members benefit from under Directive 2004/38?
- what are the procedural safeguards that third country nationals benefit from under Directive 2003/86 on family reunification and 2003/109 on long-term residence?
- what are the procedural safeguards that applicants for international protection benefit from under Directive 2013/32 on asylum procedures?
## Annex I: Case study presentation grading criteria

<table>
<thead>
<tr>
<th>Grade</th>
<th>Scale (20)</th>
<th>Scale (100)</th>
<th>Identification of facts issues</th>
<th>Law relating to issues</th>
<th>Practical application</th>
<th>Conclusion</th>
<th>Preparation</th>
<th>Delivery</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>17.0-20.0</td>
<td>85-100</td>
<td>Facts correctly, clearly and succinctly presented, without being a mere recitation of facts in case study question. All core issues and all marginal issues were correctly, clearly and succinctly identified. No irrelevant or incorrect issues identified.</td>
<td>Clear, succinct and correct explanation of legal principles, legislation and case law, which demonstrates knowledge that goes beyond the main legal authorities covered in class or contained in the textbook.</td>
<td>Excellent ability to apply the law to the facts in an accurate, succinct and clear fashion. Where relevant, the answer provides a full and accurate analysis of appropriate means of redress and suggests other appropriate practical action.</td>
<td>Excellent conclusion presented correctly, clearly and succinctly, without being a mere recitation of previous sections (issues, law and application).</td>
<td>The student demonstrates exemplary preparation and has clearly practised or rehearsed.</td>
<td>The student captures the audience’s attention. The student makes creative or memorable use of relevant visual aids.</td>
</tr>
<tr>
<td>A-</td>
<td>16.1-16.9</td>
<td>81-84</td>
<td>Facts correctly, clearly and succinctly presented, without being a mere recitation of facts in case study question. All core issues and nearly all marginal issues were correctly, clearly and succinctly identified. No irrelevant or incorrect issues identified.</td>
<td>Clear, succinct and correct explanation of legal principles, legislation and case law, which demonstrates knowledge that covers all the main authorities covered in class or contained in the textbook.</td>
<td>Very good analysis and application of the law to the facts. Where relevant, the answer provides an accurate analysis of appropriate means of redress and suggests some appropriate practical action.</td>
<td>Very good conclusion presented correctly, clearly and succinctly, without being a mere recitation of previous sections (issues, law and application).</td>
<td>The student demonstrates satisfactory preparation.</td>
<td>The student engages the audience. The student makes effective use of relevant visual aids.</td>
</tr>
<tr>
<td>B+</td>
<td>15.3-16.0</td>
<td>77-80</td>
<td>Facts accurately, clearly and succinctly presented.</td>
<td>Correct explanation of legal principles, legislation and Good analysis and application of the law to the facts in an accurate,</td>
<td>Conclusion is accurately clearly and succinctly presented,</td>
<td>The student demonstrates satisfactory preparation.</td>
<td>The student engages the audience.</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>14.5-15.2</td>
<td>73-76</td>
<td>Facts accurately, clearly and succinctly presented.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A B+ will have exceeded the required standard in one or two of the criteria needed to obtain a B.
<table>
<thead>
<tr>
<th>Grade</th>
<th>Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-</td>
<td>13.7-14.4</td>
<td>69-72</td>
</tr>
<tr>
<td>C+</td>
<td>13.1-13.6</td>
<td>66-68</td>
</tr>
<tr>
<td>C</td>
<td>12.3-13.0</td>
<td>62-65</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Syllabus:** LAW 202G Legal Aspects of Migration

**Spring 2019**
<table>
<thead>
<tr>
<th>Grade</th>
<th>Score Range</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-</td>
<td>11.5-12.2</td>
<td>An C- will have failed to achieve the required standard in one or more of the criteria needed to obtain a C.</td>
</tr>
<tr>
<td>D+</td>
<td>10.7-11.4</td>
<td>Factual background is presented as mere recitation of facts as presented in the case study question. Some relevant issues are correctly identified. The issues are not clearly and succinctly identified. There are minor incorrect and irrelevant issues identified. Limited coverage and understanding of relevant legal principles. Limited use of main case law and/or legislation. This answer is likely to contain significant omissions or irrelevant material or errors of law. Issue analysis is all (or nearly all) descriptive, with no (or hardly any) application of legal principles, cases or legislation to the facts. There may be a major inaccuracy or gap in the analysis or major flaws in succinctness and/or clarity. Where relevant, there is no mention of means of redress or appropriate practical action. Conclusion is presented as mere repetition of previous sections (issues, law and application). The student is not adequately prepared for the presentation.</td>
</tr>
<tr>
<td>D</td>
<td>10.0-10.6</td>
<td>Factual background is presented almost verbatim from the case study question. Very few issues are correctly identified. The issues are not clearly and succinctly identified. There are significant incorrect and irrelevant issues identified. Presentation of the law is incoherent. No reference to any case law. Application of the law to the facts is muddled because it is inaccurate, it not succinct and lacks clarity. Conclusion is not accurate, clear or succinct, or it does not adequately answer the problem question. The student has clearly not prepared or there was delay in starting the presentation.</td>
</tr>
<tr>
<td>F</td>
<td>0-9.9</td>
<td>Factual background incorrectly or incoherently presented. Virtually no issues are Lack of coherency in presentation of the law. Major inaccuracies and gaps of coverage. Failure to demonstrate the ability to apply the law to the facts. Conclusion is incorrect, incoherent or confusing and fails to adequately answer the problem. The student has failed to make any preparation or failed to complete the presentation.</td>
</tr>
</tbody>
</table>

Syllabus: LAW 202G Legal Aspects of Migration Spring 2019
correctly identified. | problem question. | The student failed to submit his/her part of the powerpoint presentation within the specified deadline and failed to cure this default before 11am on the day of the presentation. | of any visuals.
### Annex II: Research proposal paper grading criteria

<table>
<thead>
<tr>
<th>Grade</th>
<th>Scale (20)</th>
<th>Scale (100)</th>
<th>Title</th>
<th>Reading</th>
<th>Clarity and focus of abstract</th>
<th>Tentative Argument</th>
<th>Organisation &amp; Presentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>17.0-20.0</td>
<td>85-100</td>
<td>The title gains the reader’s interest and provides a clear and enticing clue to the contents of the abstract.</td>
<td>Bibliography references all applicable legislative instruments and case law, over 5 relevant peer-reviewed articles and refers other relevant materials that represent state of the art.</td>
<td>The abstract is outstanding and draws the reader’s attention in wanting to learn more. The proposal is focused, providing a clear and interesting overview of the topic and an exemplary explanation of its importance.</td>
<td>Clear evidence of independent and original thought. The abstract provides a compelling summary of the proposed scope of enquiry.</td>
<td>Excellent arrangement and development of material. Excellent English. Meticulous presentation. Immaculate citations and extensive bibliography complying with OSCOLA. Correct word count.</td>
</tr>
<tr>
<td>A-</td>
<td>16.1-16.9</td>
<td>81-84</td>
<td>The title is original. The title clearly describes the contents of the abstract.</td>
<td>Bibliography references all applicable legislative instruments and most relevant case law, 5 relevant peer-reviewed articles and refers other relevant materials.</td>
<td>The abstract is well written. The proposal is focused, providing a clear overview of the topic and a clear explanation of its importance.</td>
<td>Clear evidence of independent Thought. The abstract provides a clear summary of the proposed scope of enquiry.</td>
<td>Careful thought given to arrangement and development of material. Excellent English with few errors. Very good presentation. Appropriate footnotes and comprehensive bibliography mostly complying with OSCOLA. Correct word count.</td>
</tr>
<tr>
<td>B+</td>
<td>15.3-16.0</td>
<td>77-80</td>
<td>A B+ will have exceeded the required standard in one or more of the criteria needed to obtain a B.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>14.5-15.2</td>
<td>73-76</td>
<td>The title clearly describes the contents of the abstract. The title would benefit from minor adjustments</td>
<td>Bibliography references most applicable legislative instruments and some relevant case law, 4</td>
<td>The abstract is clearly written. The proposal is mostly focused, providing a satisfactory overview of the topic and its importance, it but</td>
<td>Adequate evidence of independent thought. The abstract provides an adequate summary of</td>
<td>Adequate arrangement and development of material. Good English with minor typographical and</td>
</tr>
</tbody>
</table>

**Syllabus:** LAW 202G Legal Aspects of Migration  
**Spring 2019**
<table>
<thead>
<tr>
<th>Grade</th>
<th>Range</th>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-</td>
<td>13.7-14.4</td>
<td>69-72</td>
<td>An B- will have failed to achieve the required standard in one or two of the criteria needed to obtain a B.</td>
</tr>
<tr>
<td>C+</td>
<td>13.1-13.6</td>
<td>66-68</td>
<td>A C+ will have exceeded the required standard in one or two of the criteria needed to obtain a C.</td>
</tr>
<tr>
<td>C</td>
<td>12.3-13.0</td>
<td>62-65</td>
<td>The title adequately describes the contents of the abstract. The paper would benefit from additional wording to ensure the title fully corresponds to the contents of the abstract. Bibliography references some applicable legislative instruments and some relevant case law, 3 relevant peer-reviewed articles and refers to some other relevant materials, while also containing some irrelevant material. The abstract is adequately written. The proposal is understandable, but requires a clearer and more concise overview of the topic as well as a better explanation of its importance. Some evidence of an attempt at independent thought. The abstract requires a clearer summary of the proposed scope of enquiry. Indicates an effort to organise the material. Adequate English with some typographical and grammatical errors. Adequate presentation. Reasonable footnoting and bibliography demonstrating an attempt to comply with OSCOLA. Correct word count.</td>
</tr>
<tr>
<td>C-</td>
<td>11.5-12.2</td>
<td>58-61</td>
<td>An C- will have failed to achieve the required standard in one or more of the criteria needed to obtain a C.</td>
</tr>
<tr>
<td>D+</td>
<td>10.7-11.4</td>
<td>54-57</td>
<td>The title bears little connection to the contents of the abstract. The title would require major adjustments to ensure the title fully corresponds to the contents of the abstract. Bibliography references fail to identify most relevant legislative instruments or case law, contains only 2 relevant peer-reviewed articles, while also The abstract needs work on sentence structure. The proposal lacks focus, and/or an explanation of its importance is lacking. Limited evidence of an attempt at independent thought. The proposed scope of enquiry lacks clarity. Limited effort to organise material. Satisfactory English with some typographical and grammatical errors. Presentation is passable. Limited footnoting and bibliography</td>
</tr>
</tbody>
</table>

Syllabus: LAW 202G Legal Aspects of Migration

Spring 2019
<table>
<thead>
<tr>
<th>Grade</th>
<th>Score Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>10.0-10.6</td>
<td>The title fails to describe the contents of the abstract.</td>
</tr>
<tr>
<td></td>
<td>50-53</td>
<td>Bibliography indicates very limited reading, and fails to identify most relevant legislative instruments or case law, contains only 1 peer-reviewed article, while also containing a significant amount of irrelevant materials.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The abstract is confusing and difficult to follow. The proposal lacks focus and any explanation of its importance.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Very limited evidence of any attempt at independent thought. The proposal lacks a coherent indication of the proposed scope of enquiry.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Very little effort at organising material. Significant errors in English with many typographical and grammatical errors. Presentation is flawed. Poor footnoting and bibliography. Incorrect word count.</td>
</tr>
<tr>
<td>F</td>
<td>0-9.9</td>
<td>The choice of title is inappropriate.</td>
</tr>
<tr>
<td></td>
<td>0-49</td>
<td>Very poor level of Reading that simply replicates course reading assignments and/or fails to identify relevant legislative instruments and case law, contains no peer-reviewed articles, while also containing a substantial amount of irrelevant materials.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The abstract is incomprehensible. The proposal lacks any attempt at providing a concise overview of the topic, or an explanation of its importance or the proposed scope of enquiry.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lack of evidence of any attempt at independent thought. The proposal lacks any indication of the scope of enquiry.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lack of organisation of material. Substantial errors in English with typographical and grammatical errors that renders comprehension very difficult. Presentation is incoherent. Very poor/lack of footnoting and bibliography.</td>
</tr>
</tbody>
</table>
Notes on 500-word count for the paper proposal:

The 500-word target does not include any text in the title, bibliography, or footnotes.

The permitted deviation on the word-count is approximately -5% / +10% (475-550 words).

Papers which go beyond the permitted deviation will be considered as “incorrect word count” for the purposes of the criteria on Organisation & Presentation.

Papers which contain a word count that is less than the permitted deviation by more than 20% (less than 400 words) will automatically be marked as a D+ or less depending on the other criteria.
### Annex III - Research paper grading criteria

<table>
<thead>
<tr>
<th>Grade</th>
<th>Scale (20)</th>
<th>Scale (100)</th>
<th>Reading &amp; Knowledge</th>
<th>Understanding &amp; Analysis</th>
<th>Argument</th>
<th>Organisation &amp; Presentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>17.0-20.0</td>
<td>85-100</td>
<td>Extensive reading going significantly beyond prescribed reading for the course. Paper demonstrates comprehensive knowledge.</td>
<td>Full and perceptive awareness of issues, with original critical and analytical assessment of the issues and perceptive understanding of their wider significance.</td>
<td>Clear evidence of independent and original thought, ability to defend a position logically and convincingly, with arguments presented that are sophisticated and challenging.</td>
<td>Excellent arrangement and development of material and argument. Excellent English. Meticulous presentation. Immaculate citations and extensive bibliography complying with OSCOLA. Correct word count.</td>
</tr>
<tr>
<td>A-</td>
<td>16.1-16.9</td>
<td>81-84</td>
<td>Evidence of reading going beyond prescribed reading. Paper demonstrates good knowledge with minor errors or gaps or irrelevant material.</td>
<td>Good awareness of issues and a clear understanding of their wider significance.</td>
<td>Clear evidence of independent thought, ability to defend a position logically and convincingly.</td>
<td>Careful thought given to arrangement and development of material and argument. Excellent English with few errors. Very good presentation. Appropriate footnotes and comprehensive bibliography mostly complying with OSCOLA. Correct word count.</td>
</tr>
<tr>
<td>B+</td>
<td>15.3-16.0</td>
<td>77-80</td>
<td>A B+ will have exceeded the required standard in one or more of the criteria needed to obtain a B.</td>
<td>Adequate evidence of independent thought with a well developed argument.</td>
<td>Adequate arrangement and development of material and argument. Good English with minor typographical and</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>14.5-15.2</td>
<td>73-76</td>
<td>Good range of reading. Paper demonstrates reasonable knowledge with a few errors or gaps or irrelevant material.</td>
<td>Adequate awareness of issues and adequate understanding of their wider significance.</td>
<td>Adequate evidence of independent thought with a well developed argument.</td>
<td>Adequate arrangement and development of material and argument. Good English with minor typographical and</td>
</tr>
</tbody>
</table>
### Syllabus:

**LAW 202G Legal Aspects of Migration**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Range</th>
<th>Score Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-</td>
<td>13.7-14.4</td>
<td>69-72</td>
<td>An B- will have failed to achieve the required standard in one or two of the criteria needed to obtain a B.</td>
</tr>
<tr>
<td>C+</td>
<td>13.1-13.6</td>
<td>66-68</td>
<td>A C+ will have exceeded the required standard in one or two of the criteria needed to obtain a C.</td>
</tr>
<tr>
<td>C</td>
<td>12.3-13.0</td>
<td>62-65</td>
<td>Fair range of reading, with some reading going beyond prescribed reading. Paper demonstrates adequate knowledge. Paper may contain several errors or gaps or irrelevant material.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Some awareness of issues and of their wider significance.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Some evidence of independent thought with a real attempt at argument.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Indicates an effort to organise the material and argument. Adequate English with some typographical and grammatical errors. Adequate presentation. Reasonable footnoting and a bibliography demonstrating an attempt to comply with OSCOLA. Correct word count.</td>
</tr>
<tr>
<td>C-</td>
<td>11.5-12.2</td>
<td>58-61</td>
<td>An C- will have failed to achieve the required standard in one or more of the criteria needed to obtain a C.</td>
</tr>
<tr>
<td>D+</td>
<td>10.7-11.4</td>
<td>54-57</td>
<td>Limited reading that does not go beyond the prescribed reading for the course. Paper demonstrates incomplete knowledge with significant errors or gaps or irrelevant material.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Limited awareness of issues and of their wider significance.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Limited thought and argument.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Limited effort to organise material and argument. Satisfactory English with some typographical and grammatical errors. Presentation is passable. Limited footnoting and</td>
</tr>
</tbody>
</table>

**Good presentation. Appropriate footnotes and bibliography mostly complying with OSCOLA.**
<table>
<thead>
<tr>
<th>Grade</th>
<th>Word Count</th>
<th>Description</th>
<th>Bibliography</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>10.0-10.6</td>
<td>50-53</td>
<td>Very limited reading. Paper demonstrates limited knowledge. Paper contains substantial errors or gaps or mainly irrelevant material.</td>
<td>Not complying with OSCOLA. Correct word count.</td>
</tr>
<tr>
<td></td>
<td>0-9.9</td>
<td>0-49</td>
<td>Very poor level of Reading. Paper fails to demonstrate competent knowledge.</td>
<td></td>
</tr>
</tbody>
</table>

**Notes on 3000-word count for the paper:**

The permitted deviation on the word-count (not including bibliography) is approximately -5% / +10% (2850-3300 words).

Papers which go beyond the permitted deviation will be considered as “incorrect word count” for the purposes of the criteria on Organisation & Presentation.

Papers which contain a word count that is less than the permitted deviation by more than 20% (less than 2400 words) will automatically be marked as a D+ or less depending on the other criteria.