UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Refugee Law

2122-4-A5810212

Learning objectives

This course examines the international law of refugee protection. The course covers the key legal components of refugee protection, focusing specifically on the 1951 Refugee Convention, the body of rules of general international law, international human rights law and humanitarian law which form the so-called "complementary protection" regime, and other international and regional rules that prescribe the obligations of States to refugees and asylum seekers.

Contents

This course will provide students with an overview and understanding of the international legal protection of refugee and asylum seekers. By the end of the course, students will be able to explain, analyse and apply rules covering the rights of refugees and the protection of internally displaced persons and asylum seekers.

The course will address the international legal framework governing refugee protection, starting from its origins and covering its development over the past 70 years. The analysis will focus specifically on the 1951 Refugee Convention, the main international instrument covering the problem of refugees, but it will also address relevant principles arising out of international human rights law, international humanitarian law and EU law.

During the course a number of selected issues relating to refugee and asylum seekers protection will be addressed. In particular, the course will broach issues arising out of contemporary challenges, such as the problem of migrants and refugees at sea, the question of gender issues in refugee protection, and the problem of migration and externalization of border controls. During the seminars, the students will discuss the most urgent topics regarding refugees, such as access to justice, protection of vulnerable people and modern challenges (like technology and climate crisis).

Through discussions on these topics, students will not only be provided with a broader knowledge on refugee law, but they will also be given the opportunity to think critically about this field of law.

Detailed program

The course will address the following topics: 1) Introduction to refugee law: origins of the concept, historical overview of refugee protection, definitions; 2) The status of refugee in international law; 3) Cessation and exclusion of refugee status; 4) The principle of non-refoulment; 5) complementary protection ; 6) complementary protection in the European Convention of Human Rights system; 7) refugees status and LGBTQI+ issues ; 8) Refugees and the law of the sea; 9) Refugees, the externalisation of borders control and responsibilities of States; 10) Refugees and climate change.

The seminars will focus on: 1) Refugees and justice I: everyday concerns about justice; 2) Refugees and justice II: return, reconciliation and transitional justice; 3) Refugees and justice III: Internally Displaced Persons; 4) Refugee vulnerabilities I: trafficking, gender issues and minors; 5) Refugee vulnerabilities II: right to health and education; 6) Refugee vulnerabilities III: humanitarian, development and peace nexus; 7) Refugees in the 21st century I: impact of technology; 8) Refugees in the 21st century II: climate crisis; 9) Refugees in the 21st century III: criminalization of humanitarian aid; 10) Refugee law: is the current legal framework still relevant?

Prerequisites

Basic knowledge of international law is encouraged.

Teaching methods

The course is taught in English. The first part of the course is primarily carried out through lectures; the second part will be carried out in the form of seminars and will engage students with readings of material and discussions on the different topics covered.

Assessment methods

Oral examination (in English)

Textbooks and Reading Materials

Students attending classes will prepare the exam on their notes and on the readings distributed in class. The engagement in the class debates will be positively evaluated.

Students not attending classes will prepare the exam on: G. Goodwin-Gill, J. McAdam, The Refugee in International Law (OUP 2021) pp- 1-864