UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto degli Stranieri

2122-1-F8701N008

Learning objectives

A) Knowledge and understanding
Students are expected to know and understand general the principles, the objectives and the most important rules which in Italy regulate the legal status of foreigners and the immigration policies

B) Applying knowledge and understanding

Students will be able to find, interpret and apply the principal legal rules, both Italian and European, on the legal status of foreigners; to orientate among the main regulatory instruments which regulate immigration policies in Italy as well as in Europe; to solve any possible contradictions between applicable provisions. Students will also be able to understand: the main
fundamental rights and duties of foreigners; the typical path followed by foreigners legally residing in Italy; when regularisation is possible; when solving the foreigner's status requires consultation
and planification of public policy or adminstrative or judicial procedures or judicial procedures; the critical issues regarding the current rules on immigration and on legal status of foreigners.

C) Making judgements
Students will acquire independence of judgment about finding and evaluating the possible legal solutions in: solving issues concerning foreigners; public policies to be developed; the legitimacy of
the norms and the administrative acts to be applied and of the actions to be taken in front of public administrations or justicial power.

D) Communication skills
Students will be able to communicate to foreigners, as well as to entities who put in place social measures or run social services or who interact with them, which are the legal problems, the main
regulatory elements of the fundamental rights involved and the public policies or judicial acts that can be undertaken.

E) Learning skills

Students will be able to independently find and evaluate any legal rule; to evaluate the constitutional legitimacy of any State, regional and local regulation, as well as of any public policy
of the past, the present and the future; to evaluate judicial acts; to evaluate the legitimacy of administrative acts issued at any level (national, regional and local) regarding foreigners and immigration.

Contents

Legal status of aliens and stateless persons in Italy.

Regulation of immigration in Italy and of italian citizenship.

Detailed program

1) Foreigners and citizens. The evolution of the rights of aliens, fundamental rights and duties including constitutional, european and international norms.

2) The legal status of foreigners EU citizens: freedom of entry, movement and establishment, admission, residence, residence permit, permanent residence, the different types of removal orders and judicial guarantees, treatment, access to social rights and political rights at municipal level.

3) General regulation of immigration and legal status of non-Eu citizens in Italian and European law, general requirements of entry and stay, entry visas, rejections, border control, issuance, renewal, conversion and type of residence permits, integration agreement, the declaration of stay for stays of less than 3 months for tourism, study and visit, residence permits long-term, the register. The discipline of specific inputs and stay of foreigners for a few reasons: employment, self-employment, family reasons, study. The right to family of non-citizens: family, residence permits for family reasons, the legal status of minors. The rules on expulsion of foreigners outside national territory: expulsions judicial and administrative, criminal and administrative effect, bans deportation, detention and removals, appeals courts. The access of foreigners to the social rights (education, health care and housing). The permits of stay for special cases (the measures of social integration for the victimes of crimes, victimes of domestical or laboral exploitation . The protection against discrimination.

4) The right to asylum in the Italian Constitution and international protection: refugee status, subsidarian protection, procedures and guarantees for examining applications for asylum, temporary protection, special protection, social assistance for asylums seekers, criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, relocations and resettlements.

5) Principal regulation of Italian citizenship and Italian nationality

6) The legal framework of stateless

Prerequisites

Bases of public law.

Teaching methods

Lectures.

Assessment methods

Oral exam, with on line procedure (system Webex)

Textbooks and Reading Materials

A) 1) P. Bonetti, "*Diritti fondamentali degli stranieri in Italia"*, in "*Migrazioni. Dizionario socio-pastorale"*, a cura di G. Battistella, ed. San Paolo, Cinisello Balsamo, (2010), [pp. 403-429], now reworked and updated in: http://www.altrodiritto.unifi.it/frontier/bonetti.htm

2) P. Bonetti, *I diritti dei non cittadini nelle politiche dell'immigrazione e dell'asilo dell'Unione europea*, in *Metamorfosi della cittadinanza e diritti degli stranieri*, a cura di C. Panzera, A. Rauti, C. Salazar, A. Spadaro, Editoriale scientifica, Napoli, ed. 2016, pp. 143-250

3) P. Bonetti, "*Migrazioni e stranieri di fronte alla Costituzione: una introduzione*" in "*Diritto costituzionale*", rivista on line, ed. Franco Angeli, fascicolo 2/2020, pp. 13-79

4) *Immigrazione, asilo e cittadinanza. Discipline e orientamenti giurisprudenziali*, a cura di P. Morozzo Della Rocca, Maggioli ed., V^ ed., 2021

5) *Diritto degli stranieri*, a cura di B. Nascimbene, CEDAM, Padova, (2004), pagg.: XXXI-LIV, 82 - 633, 702-751, 861-908, 973-981, 1014-1020, 1032-1061, 1082-1094;

6) Lo studio delle pagine del volume "Diritto degli stranieri" deve essere aggiornato e integrato con quello delle schede pratiche pubblicate sul sito internet dell'ASGI (Associazione per gli studi giuridici sull'immigrazione) www.asgi.it e dei seguenti articoli pubblicati sui seguenti numeri della rivista Diritto immigrazione e cittadinanza (ed. Franco Angeli per i fascicoli fino al 2016 reperibili anche nella Biblioteca di Ateneo e per i fascicoli dal 2017 pubblicata in https://www.dirittoimmigrazionecittadinanza.it):

a) F. Biondi dal Monte, *Cittadinanza europea, libera circolazione e parità di trattamento. Il diritto all'assistenza sociale dei cittadini dell'Unione*, n. 4/2012, pp. 37-58;

b) F. Nicodemi, *Le vittime della tratta di persone nel contesto della procedura di riconoscimento della protezione*

internazionale. quali misure per un efficace coordinamento tra i sistemi di protezione e di assistenza?, n. 1/2017

c) A. Di Pascale e C. Cuttitta, *La figura del tutore volontario dei minori stranieri non accompagnati nel contesto delle iniziative dell'unione europea e della nuova normativa italiana,* n. 1/2019

d) R. Cherchi, *Respingimento alla frontiera e respingimento differito, presupposti ed effetti*, n. 1/2019

e) A, Di Pascale, Respingimento dello straniero e controlli delle frontiere interne ed esterne nel diritto dell'UE, n. 2/2020

f) F. Scuto, Accesso al diritto di asilo e altri limiti costituzionali al respingimento. Sovranità statale e pericoli di allontanamento dalla Costituzione , n. 2/2020

g) Noris Morandi, Le procedure accelerate per l'esame della domanda di protezione internazionale: analisi dell'art. 28-bis, d.lgs. n. 25/2008, n. 3/2020

h) P. Morozzo della Rocca, *Residenza, dimora, domicilio e condizione alloggiativa nella disciplina del permesso di soggiorno* , n. 1/2019

i) I, papanicolupulu, G. Baj, ***C****ontrollo delle frontiere statali e respingimenti nel diritto internazionale e nel diritto del mare*, n. 1/2020

l) A. Lang, La conservazione dei diritti di soggiorno in tempo di Brexit, n. 1/2020

m) C. Pratesi, *Le domande reiterate di protezione internazionale: brevi considerazioni alla luce delle modifiche normative introdotte dal d.l. 113/18 e dal d.l. n. 130/2020,* n. 3/2020

B) Direct knowledge of the main laws texts (to be analyzed during the lectures) is required and achievable by studying the following collection: G. Correale, L. Di Muro, "*Codice dell'immigrazione"*, La Tribuna, Piacenza, (2021).