UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Refugee Law

2627-4-A5810212

Learning objectives

This course analyzes the international legal framework concerning refugees and international protection, providing students with the tools necessary to interpret the phenomenon of migration from a legal perspective. It also addresses some of the most pressing and current issues related to migration, asylum, and refugee law, with particular attention to international and European legal instruments.

By the end of the course students will be able to:

a) Knowledge and understanding: Demonstrate a solid understanding of the international legal norms governing refugee status, asylum, and international protection, as well as the main international and European legal instruments applicable to migration.

b) Applying knowledge and understanding: Identify and interpret the relevant legal regimes regulating migration and international protection, and apply these rules to practical and hypothetical cases.

c) Making judgments: Critically analyze the case law of international, European, and domestic courts on asylum, refugee status, and migration, assessing the legal, political, and social implications of judicial decisions.

d) Communication skills: Clearly and coherently communicate complex legal concepts, both orally and in writing, using appropriate terminology within the field of international and migration law.

e) Learning skills: Develop an autonomous and critical approach to legal study, enabling continuous learning and the ability to stay updated with the evolution of legal norms and case law, also in preparation for further academic or professional training.

Contents

The course is divided into three main parts. The first part of the course will be devoted to the analysis of the international legal framework concerning refugees, which is regulated by the 1951 Convention on the status of refugee. The second part expands the scope of the analysis and focuses on the international legal rules beyond the Refugee Convention which offer protection to asylum seekers, those seeking refuge for humanitarian reasons and, more generally, everyone who wishes to enter the territory of a State different from the State of nationality or habitual residence. This part will also address and critically analyse some of the most pressing issues concerning the current phenomenon of migration, including the issue of "externalization of border controls" and the question of refugees and migrants "by sea".
Finally, the third part will focus on specific groups of refugees, such as women, children, climate refugees, whose legal status may entail particular forms of protection.

Detailed program

- historical origins of refugee law
- definition and application of the refugee status
- Exclusion and cessation of the refugee status
- the principle of non-refoulement
- complementary protection in international customary law
- complementary protection in international treaty law
- the EU legal framework
- the phenomenon of "externalization" of border controls
- women refugees
- lgbtqi+ refugees
- childre refugees
- refugees by sea
- climate refugees
- the politics of refugee law

Prerequisites

None. Basic knowledge of international law is advised.

Teaching methods

- 16 classes of 2 hours divided in lectures (modalità erogativa) and interactive seminars (modalità interattiva). Students will be given readings in advance and will be asked to come prepared to class. After a first part of the class carried out in form of "lecture", students will be asked to participate to the debate and discuss the readings assigned.
- 5 classes of 2 hours carried out in seminar form. In the third part of the course, students will be divided into groups and each group will be assigned a topic (e.g. children refugee) Each group will be given a list of readings to prepare on (the list will depend on the number of students forming each group). The group will present the readings in class and debate with the rest of the students will be encouraged. The convenor of the course will support the group during its presentation and will ask questions to the group and the class.

of the 16 inizial classes, 14 will be in person and 2 in remote
all the 5 classes of the third part will be in person

Assessment methods

The final mark will be calculated as follows:
30% assesses active participation to the debates in class and the group presentation;
In order to be considered as "active participants" to the course, it is clearly not expected that the student will answer correctly to the questions posed by the convenor of the course. Students are only required to provide thei point of view and their analysis based on the readings done in advance. As for the group presentation, the following elements will be taken into accout: the ability to convey concepts in a clear manner in front of the class; the anaysis of the material given by the convenor; the ability to critically analyse and reflect on the questions posed by the convenor

70% consists of a written exam. Students will be asked to write an essay where they will critically discuss a finctional case. The essay should be based on the material provided during the course, including journal articles, relevant caselaw and the debated carried out in class. Therefore, what is important is not only to provide an exhaustive answer to a fictional problem, but also to be able to critically elaborate on the issues surrounding the case.

Textbooks and Reading Materials

- journal articles uploaded on e-learning at the beginning and during the course, (mandatory)
- caselaw of domestic and international courts uploaded on e-learning at the beginning and during the course (mandatory)
- notes taken in class
- Optional but useful as additional support: Guy Goodwin-Gill, The refugee in international law (OUP 2021).

Sustainable Development Goals

GENDER EQUALITY | DECENT WORK AND ECONOMIC GROWTH | REDUCED INEQUALITIES | CLIMATE ACTION | PEACE, JUSTICE AND STRONG INSTITUTIONS