

# EU Migration and Asylum Law

## Lecturer

Philippe DE BRUYCKER (Coordinator)

## Course mnemonic

DROI-0616

## ECTS credits

5 credits

## Language(s) of instruction

English

## Course period

Second term

## Campus

Solbosch

## Course content

- Analysis of the institutional, legal and policy framework of the visas and external borders policies, of the immigration policy (admission for different purposes and status of immigrants, integration policy, fight against illegal migration and return) and of the asylum policy (rules of content and of procedures) as well as of the external dimension of those policies.
- For each issue, the main legal instruments (including the case law of the Courts of Luxembourg and Strasbourg) and policy documents (conclusions of the (European) Council, communications from the Commission,...) are put at the disposal of the students on the virtual university.
- The course is up-to-date and the very latest legal and policy developments are covered, including pending proposals for legislation.

## Objectives (and/or specific learning outcomes)

- **Understanding of the general content, main orientations, and trends** of the European migration (including visas and external borders) and Asylum policies in the framework of the distribution of competences between the EU and its Member States, including the policy methods used by the EU (approximation of legislation, mutual recognition, open coordination, etc).

## Pre-requisites and co-requisites

### Required knowledge and skills

- **General capacity to make and follow a legal reasoning.** Normally not a problem for students in law but a reasonable challenge for other students who will have to do an effort

to understand and write texts with an extremely precise and logical line of argument based on the legal and factual elements available. Failure at exams is often linked to the incapacity of students to make a legal reasoning independently of the details of course.

- **GENERAL (not in-depth) knowledge AND understanding of EU institutional law (NOT of detailed EU policies) and EU legal order.** Basics will not be explained during the courses. If you did not follow such course, you will have to learn by yourself these elements in the book of Marianne DONY (see below) at the beginning of the courses.

## Teaching method and learning activities

- Oral courses based on the presentation and analysis of legal and policy documents. There is no other written support for the course.
- **Presence during the courses is indispensable to understand the issues and learn progressively the content.** Simply read the notes taken by somebody else will generally lead to a failure at the exam. **There is NO need to read the documents made available on the virtual university before the course.**
- **Students should check carefully their personal understanding of the subject AFTER each of the lectures on the basis of their notes taken during the classes and the documents from the virtual university. This personal work is absolutely indispensable for presenting successfully the exam!**

## Contribution to the teaching profile

- **Analyse and interpret EU legislation and case law of the CJEU**
- Communicate and argue in a critical way about legal issues

## References, bibliography and recommended reading

- The companion book for the course is the Research handbook on EU migration and asylum law published by Tsourdi & De Bruycker by Elgar in 2022: <https://www.e-elgar.com/shop/gbp/research-handbook-on-eu-migration-and-asylum-law-9781786439628.html> The structure of the course follows more or less the one of the book. Students can buy it at the price of 50 Euros by asking me to order it.
- The Odyssey blog where I publish regularly a post from colleagues or myself: <http://eumigrationlawblog.eu>
- DE BRUYCKER P., The emergence of a European Immigration Policy / L'émergence d'une politique européenne d'immigration, Bruxelles, Bruylant, 2003: a good (of course!) book to understand the foundations of the European migration policy from its beginning
- EDSTROM, O., LABAYLE, H. et LAFERRIERE, F.-J., Bilan critique de la politique européenne d'immigration et d'asile cinq années après Amsterdam / The European Immigration and Asylum Policy: A Critical Assessment five years after Amsterdam, Bruxelles, Bruylant, 2004: a solid critical analysis published more than a decade ago but still relevant

- > DE BRUYCKER, P. et alia, Reforming The Common European Asylum System: the New European Refugee Law, Brill – Nijhoff, 2016 (co-edited with V.Chetail et F. Maiani): a recent book to understand the latest developments of the European Asylum Policy before the crisis of 2015
- > European Journal of Migration and Law: the only periodical accessible on line especially devoted to EU migration and asylum law!
- > DONY, M. Droit de l'Union européenne, Bruxelles, PUB, 2015 (pay attention to take the most recent edition). This book has the merit of being complete, short, up-to-date and...cheap!
- > CORTEN, O., Méthodologie du droit international public, Bruxelles, PUB, 2009 (an excellent short and simple book on legal methodology)

## Course notes

Université virtuelle

## Other information

### Place(s) of teaching

Solbosch

### Contact(s)

- > Philippe De Bruycker is normally available during 30 minutes after each of his courses **without appointment**.
- > **All information are available on the virtual university that students should consult regularly, in particular just before each course.** Philippe DE BRUYCKER will post news and sometimes send an email to all students through the virtual university (for instance if a course has exceptionnaly to be cancelled). Students not registered on the virtual university should take care of this: <https://uv.ulb.ac.be/login2/index.php>

## Evaluation method(s)

written examination

### written examination

Open question with short answer

Open book examination

## Main language(s) of evaluation

English

## Other language(s) of evaluation, if applicable

French

## Programmes

### Programmes proposing this course at the institute of European studies

MS-EURI | Specialized Master in EU Interdisciplinary Studies | unit U

### Programmes proposing this course at the faculty of Philosophy and Social Sciences

MA-SOCO | Master in Sociology | finalité Migration and Cultural Diversity/unit 1 and finalité Migration and Cultural Diversity/unit 2

### Programmes proposing this course at the faculty of Law and Criminology

MA-DROI | Master in Law | finalité Public and International law/unit 2, finalité Economic and Labour law/unit 2 and finalité Civil and Penal law/unit 2, MS-DINT | Specialized Master in International Law | unit U, MS-DREU | Specialized Master in European Law | unit U and MS-DSOC | Specialized Master in Labour Law | unit U

