### DEPARTMENT
Giurisprudenza

### ACADEMIC YEAR
2021/2022

### SECOND CYCLE (7TH LEVEL) COURSE
MIGRATIONS, RIGHTS, INTEGRATION

### SUBJECT
CONSTITUTIONAL LAW AND MIGRATIONS

### TYPE OF EDUCATIONAL ACTIVITY
B

### AMBIT
50645-giuridico

### CODE
20912

### SCIENTIFIC SECTOR(S)
IUS/08

### HEAD PROFESSOR(S)
CAVASINO ELISA
Professore Associato
Univ. di PALERMO

### OTHER PROFESSOR(S)

### CREDITS
6

### INDIVIDUAL STUDY (Hrs)
114

### COURSE ACTIVITY (Hrs)
36

### PROPAEDEUTICAL SUBJECTS

### MUTUALIZATION

### YEAR
1

### TERM (SEMESTER)
1° semester

### ATTENDANCE
Not mandatory

### EVALUATION
Out of 30

### TEACHER OFFICE HOURS

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>Location</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday</td>
<td>09:00</td>
<td>Dipartimento di giurisprudenza, Via Maqueda, 172 - Il pianocorridoio destra salendo dalle scale.</td>
<td>Si prega di prenotare il ricevimento attraverso il portale studenti o inviando una e-mail ad <a href="mailto:elisa.cavasino@unipa.it">elisa.cavasino@unipa.it</a></td>
</tr>
<tr>
<td>Friday</td>
<td>13:00</td>
<td>Durante le lezioni presso il Polo Territoriale di Trapani, sala lettura biblioteca D. Rubino.</td>
<td>Si prega di prenotare il ricevimento attraverso il portale studenti o inviando una e-mail ad <a href="mailto:elisa.cavasino@unipa.it">elisa.cavasino@unipa.it</a></td>
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<tr>
<td>Saturday</td>
<td>13:00</td>
<td>Durante le lezioni presso il Polo Territoriale di Trapani, sala lettura biblioteca D. Rubino.</td>
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</tr>
</tbody>
</table>
### PREREQUISITES

Adequate knowledge of the general notions of modern and contemporary history and of the main concepts of constitutional history, constitutional law and of general public law and Italian constitutional law.

### LEARNING OUTCOMES

<table>
<thead>
<tr>
<th>• Knowledge of and comprehension skills</th>
<th>Ability to carry out an analysis of migration issues through the categories of constitutional law by demonstrating knowledge and understanding skills that extend and strengthen basic ones.</th>
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<tbody>
<tr>
<td></td>
<td>Ability to develop and apply original ideas, in a practical and research context on jus migrandi and the constitutional legal order.</td>
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<td></td>
<td>To deepen the knowledge and the ability to understand the structure and the evolutionary dynamics of the Italian constitutional order with respect to ius migrandi.</td>
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<td></td>
<td>Ability to grasp the implications of the European integration process and the constitutional clauses on the relationship with international legal order with regard to the structure and evolution of the constitutional law of migration.</td>
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<tr>
<td></td>
<td>Acquisition of the notions necessary to define the structure and guarantees of the jus migrandi in the constitutional legal order and the relationship between the type of state, attributions and constitutional powers and competences with respect to the migratory phenomenon.</td>
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<tr>
<td>• Ability to use knowledge and comprehension</td>
<td>Ability to use and apply acquired knowledge to solve open problems in the identification of lines of intervention of public authorities in constitutional systems with reference to migration and relations between migrants and political community.</td>
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<tr>
<td>• Autonomy of judgement</td>
<td>Ability to integrate knowledge and manage complexity, and to make judgements also on the basis of limited or incomplete information, including reflection on social and ethical responsibilities related to the application of acquired knowledge.</td>
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<td></td>
<td>Seminars, exercises and other activities will be carried out to this end.</td>
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<td>Students will face, within this specific target:</td>
<td>a) the resolution of pending cases (critical analysis of pronouncements, especially by the Constitutional Court, the Council of State, the Court of Cassation of the European Court of Human Rights and the Court of Justice of the European Union);</td>
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<td></td>
<td>b) the analysis of legal texts;</td>
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<td></td>
<td>c) the analysis of proposals and draft laws or other relevant legislation;</td>
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<td></td>
<td>d) the analysis of political and public debates on migration issues in which it relies on a certain interpretation of the Constitution or of other sources of law.</td>
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<tr>
<td>• Communicative skills</td>
<td>To communicate the conclusions independently reached with regard to legal-constitutional problems related to migration and the knowledge acquired to interlocutor of different kind various qualification (specialists and not specialists).</td>
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<tr>
<td>• Ability to learn</td>
<td>Acquiring adequate capacity to develop new skills and to update existing skills, in relation to the evolution and variability of the regulatory framework, using logical tools, and guidelines of doctrine and jurisprudence. Acquisition of capacity to deepen legal-social issues, also in view of a possible postgraduate training course.</td>
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### ASSESSMENT METHODS

The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialised language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue and possible solutions.

Grades are on a scale between 18 and 30 cum laude, according to the following evaluation grid:
- Excellent 30 -30 cum laude: the student shows excellent knowledge of the topics, excellent property language, excellent capacity of analysis; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives.
- Very good 26-29: the student shows good knowledge of the topics, good properties of language, good capacity analytical; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed.
- Good 24-25: the student shows basic knowledge of the main topics, good
property of language, the student shows limited ability to apply theoretical
to real cases which are proposed to be analysed.

- Satisfactory 21-23: the student does not show that complete command of the
main teaching topics, although showing to know the basic knowledges; he/she
shows satisfactory property of language albeit with a poor ability to adequately
apply theoretical knowledge to real cases which are proposed to be analysed.

- Sufficient 18-20: the student shows minimal knowledge of the main teaching
and technical language issues, limited or no capacity to adequately apply
theoretical knowledge to real cases which are proposed to be analysed.
The outcome of the exam is insufficient if the student does not have an
acceptable knowledge of
the contents of the various topics on the agenda.

**EDUCATIONAL OBJECTIVES**

1. To know of the origin and evolution of the general categories of public law
relevant in migration law
2. To know the positive dimension of powers and competences in migration
policies within the interplay between Constitutional, international and EU legal
order (what is the legal role played by the Constitution
of the EU Charter of Fundamental rights and of relevant international Treaties
on Human Rights - especially of the ECHR);
3. To analyze legislation on migration and its critical aspects (i.e. legislation by
law-decree on "security”);
4. To examine and to solve "cases" and "open legal question" on migration and
legal status of migrant persons.

**TEACHING METHODS**

Lectures, workshop

**SUGGESTED BIBLIOGRAPHY**

Per i contenuti della parte 1 e 2 del corso (si veda infra il programma dettagliato)
To approach part 1 and 2 (see infra detailed program)
on line link: https://www.oxfordscholarship.com/view/10.1093/acprof:oso/
9780199585014.001.0001/acprof-9780199585014), chapters 3, 5, 9, 10

Per avvicinarsi ai contenuti delle parti 3 e 4 (si veda infra il programma
dettagliato del corso)
To approach part 3 and 4 (see infra detailed program)
Christian Joppke, Why Liberal States Accept Unwanted Immigration, in World
Politics, Vol. 50, No. 2 (Jan., 1998), pp. 266-293
Stable URL: http://www.jstor.org/stable/25054038

Ulteriore materiale verrà consigliato a lezione e reso accessibile attraverso la
pagina web del corso (portale "Unipa")
Further material on part III and IV will be distributed during exercises and will be
available through the page of the course ("Unipa" web portal)

**SYLLABUS**

<table>
<thead>
<tr>
<th>Hrs</th>
<th>Frontal teaching</th>
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<tr>
<td>18</td>
<td>1. Origin and evolution of general categories of public law relevant in migration law: the distinction between &quot;citizen&quot; and &quot;non citizen&quot;; the concept of &quot;border&quot; and &quot;frontier&quot;; the &quot;fragmentation&quot; of the legal status of migrant person: the &quot;socio-political&quot; categories of economic and non economic migrants and of &quot;economically active&quot; and &quot;economically non-active&quot; migrants; the impact of the socio-political classifications of migrants on the legal status of migrants, migration law between the dimension of &quot;freedom&quot; and of &quot;security&quot;; migration law between &quot;inclusion&quot;, &quot;assimilation&quot;, &quot;multiculturalism&quot;; the &quot;division&quot; of powers: the role of legislator, judges, public administration, constitutional adjudication; EU, State, regions and migration</td>
</tr>
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<th>Hrs</th>
<th>Practice</th>
</tr>
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<tbody>
<tr>
<td>5</td>
<td>3. Legislation on migration and analysys of its critical aspects (i.e. legislation by law decree on security and migration)</td>
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<tr>
<td>5</td>
<td>4. Legal cases and open questions on migration and legal status of migrant persons: the right to asylum and other protection regimes.</td>
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