



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2021/2022		
SECOND CYCLE (7TH LEVEL) COURSE	MIGRATIONS, RIGHTS, INTEGRATION		
INTEGRATED COURSE	INTERNATIONAL AND COMPARATIVE LAW OF MIGRATIONS - INTEGRATED COURSE		
CODE	20916		
MODULES	Yes		
NUMBER OF MODULES	2		
SCIENTIFIC SECTOR(S)	IUS/13, IUS/02		
HEAD PROFESSOR(S)	STARITA MASSIMO	Professore Ordinario	Univ. di PALERMO
OTHER PROFESSOR(S)	PETRUSO ROSARIO	Ricercatore a tempo determinato	Univ. di PALERMO
	STARITA MASSIMO	Professore Ordinario	Univ. di PALERMO
CREDITS	9		
PROPAEDEUTICAL SUBJECTS			
MUTUALIZATION			
YEAR	1		
TERM (SEMESTER)	2° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	<p>PETRUSO ROSARIO Monday 09:00 11:00 Dipartimento di Giurisprudenza, via Maqueda 172, piano ammezzato, stanza del docente.</p> <p>STARITA MASSIMO Monday 09:00 13:00 Dipartimento di Giurisprudenza - via Maqueda 172, secondo piano, stanza n. 5</p>		

<p>PREREQUISITES</p>	<p>Basic concepts and terminology of public international law and of the European integration process</p>
<p>LEARNING OUTCOMES</p>	<ul style="list-style-type: none"> - Knowledge and understanding: Students will gain a general knowledge of the foundations of international migration law and of the dialectic relationship between the State's right to control immigration and migrant rights under international law. They will also gain knowledge of comparative legal systems, with a specific focus on asian and African legal systems; - Applying knowledge and comprehension: Students will learn to understand law from a different perspective than their domestic law and in a foreign language. They will be able to make their new skills effective, and to widen and increase their knowledge through the analysis of practical cases. To this end, students will acquire the necessary instruments to carry out accurate researches of international legal material and case law. - Making judgements: Students will develop a critical approach about some evolving legal concepts which are central to the international protection of migrant rights. They will learn how to make an independent assessment on legal issues in a comparative perspective. also in a comparative perspective. Thanks to the acquired critical capabilities, students will be able to develop an autonomous reasoning, with regard to both practical cases and scholarly opinions. - Communicating skills: students will gain awareness of the meaning of the words used to communicate ideas, considering the single relevant context. They will be able to use appropriately foreign legal terminologies; to deal with a controversial legal question individuating its key points; to use different communicating skills - either orally or in written - in order to illustrate a legal specific matter, using an adequate legal terminology; to conduct bibliographic researches and to use appropriately web instruments, such as electronic data banks, electronic reviews etc.; - Learning skills: Students will learn to deal with both the study of law in a transnational perspective and the complexity of legal relations in mixed and developing jurisdictions. They will obtain an overall understanding of international law of migrations and an appropriate studying methodology, which will provide them with the capability to undertake activities (such as the consultation of relevant bibliographic, normative and case law material) in order to undertake high specialized studying paths. Students will be able to apply the specific learning methods of international law in order to enhance and update their skills in professional contexts.
<p>ASSESSMENT METHODS</p>	<p>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:</p> <ul style="list-style-type: none"> -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 student 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 knowledge 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. <p>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. N. 1 Midterm oral exam on voluntary basis (mark out of 30)</p>

TEACHING METHODS

The course will be articulated in lectures and practical activities

MODULE
MIGRATIONS AND INTERNATIONAL LAW

Prof. MASSIMO STARITA

SUGGESTED BIBLIOGRAPHY

- 1) V. Chetail, *International Law of Migrations*, Oxford, 2019, Part I, Chapter 2 (pp.75-95; 119-164); Part II, Chapter 3; 4; 5 (pp. 166-278); Part III, Chapter 7.3 (pp. 360-397)
- 2) ECtHR, *Guide on the Case-law of the European Convention on Human Rights – Prohibition of Slavery and Forced Labour*, updated on 31 December 2020 (https://www.echr.coe.int/Documents/Guide_Art_4_ENG.pdf)
- 3) ECtHR, *Guide on the Case-law of the European Convention on Human Rights – Immigration*, updated on 31 December 2020, Part II (pp.10-16); Part III.A.1-3 (pp. 16-20) (https://www.echr.coe.int/Documents/Guide_Immigration_ENG.pdf)

AMBIT

50645-giuridico

INDIVIDUAL STUDY (Hrs)

114

COURSE ACTIVITY (Hrs)

36

EDUCATIONAL OBJECTIVES OF THE MODULE

The main goal of the course is to provide students with specific knowledge and skills, which are necessary to understand the complex relationship between the sovereign right of States to control their own borders and to address security concerns, on the one hand, and the rights of migrants under international and European law, especially in the field of refugee law, on the other. To this end the course will focus on some legal concepts and questions which are at the centre of this complex relationship (who is a refugee? What does non-refoulement mean? How can the fear of persecution be assessed? What is a safe third Country?). Particular relevance will also be given to the acquisition of specific knowledge on the relationships between refugee law and other international legal regimes, such as human rights law, international law of the sea, protection of aliens, with the aim to identify the principles guiding the interactions between them.

SYLLABUS

Hrs	Frontal teaching
4	What is international law of migrations - Sources of international migration law: migrations and international customary law
4	Human rights of migrants under international treaty law - scarcity of international conventions specifically addressing migrants' rights - exceptions - Migrants' rights under human rights treaties
4	Migrants' rights and the migrants' voyage - the human right to leave and return in international law - the right to life and the duty to rescue at sea
6	Migrants' rights to entry into a host State's territory under Treaty Law - the principle of non-refoulement of refugees - the principle of non-refoulement under human rights treaties
4	Who is a refugee? - Refugees and forced migrants - The United Nations High Commissioner for Refugees and the International Organization for Migrations
4	The prohibition of mass expulsion of aliens under human rights treaties - The principle of family reunification - Other treaties setting out obligations to admit aliens
4	Migrants' rights in the host State's territory - Migrants' right to liberty
2	Migrants' rights in the host State's territory – The right not to be subjected to slavery, servitude and forced labour
Hrs	Practice
2	The principle of non-refoulement
2	Migrants' right to liberty

**MODULE
MIGRATIONS AND COMPARATIVE LAW**

Prof. ROSARIO PETRUSO

SUGGESTED BIBLIOGRAPHY

Patrick Glenn, *Legal Traditions of the World*, Oxford University Press, 5° ed., 2015.

Chapters:

5: A civil law tradition: the centrality of the person;

6: An islamic legal tradition: the law of the later revelation;

7: A common law tradition: the ethic of adjudication;

9: A confucian legal tradition: make it new (with Marx?).

AMBIT	21047-Attività formative affini o integrative
INDIVIDUAL STUDY (Hrs)	57
COURSE ACTIVITY (Hrs)	18

EDUCATIONAL OBJECTIVES OF THE MODULE

Classes will initially deal with the fundamental notions of the given legal systems of the world, in order to define the various "families" of law and to establish their positive identities. The course will proceed with the analysis of the main features of some contemporary models. In particular, this course introduces students to the study of the traditional and modern legal systems of Asian and African countries. The aim is putting the students in a condition to be able to manage Customary and Religious Law so as to operate as a professional in the field of reception and integration of migrants.

SYLLABUS

Hrs	Frontal teaching
2	Legal systems in comparative law. Introduction
4	Customary and Religious Law
2	The Common Law and Civil Law Traditions
3	Legal and judicial pluralism in contemporary Africa
3	Legal and judicial pluralism in contemporary Asia
Hrs	Practice
4	A case study analysis