

Ministry of Education and Science of Ukraine

Yaroslav Mudryi National Law University

European Union Law Department

SYLLABUS

of academic discipline

«EU Migration Law»

Level of higher education – the second (master's) level

Degree of higher education – Master

Field of Knowledge – 29 «International Relations»

Speciality – 293 «International Law»

Discipline status – optional

Year of enrollment – 2022

Kharkiv – 2022

Syllabus of the academic discipline «EU Migration Law» for the students of the second (master's) level of higher education in the field of knowledge 29 «International Relations» of the speciality 293 «International Law». Kharkiv: Yaroslav Mudryi National Law University of Ukraine, 2022. 23 p.

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The head of the department – Yakovyuk Ivan Vasyliovych, doctor of legal sciences, professor, professor

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The head of the department – Komarova Tatyana Vyacheslavovna, doctor of legal sciences, professor, professor

Information about the lecturer

Title of the course	EU Migration Law
Status of the course	Optional
Lecturer	Tetiana Anakina, Associated Professor of the EU Law Chair, PhD
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Tutorials	According to the schedule of personal tutorials
On-line tutorials	https://us06web.zoom.us/j/2260100873?pwd=WnJ6bFhJUW52SzlQZUxKTHZ4QXdOZz09

Course Overview

The essence of EU migration law is revealed as a complex branch of European Union law, the purpose of which is to legally regulate the processes of crossing the borders of EU member states, the conditions of legal staying in the territory of member states, provide international and temporary protection, countermeasures and combat illegal migration within the EU, as well as cooperation with third countries. Relevant basic categories are considered. The peculiarities of the legal regulation of migration processes within the framework of the Schengen migration area are studied. The legal basis of the Common EU visa policy, the Common EU policy in the field of asylum, as well as the provision of a temporary measure are considered. Special attention is devoted to the stages of formation and modern legal regulation of cooperation between Ukraine and the EU in the field of migration, as well as the approximation of Ukrainian legislation to the EU acquis in the context of gaining membership in the European Union.

The aim and tasks of the academic discipline.

The aim of the academic discipline is to provide a system of scientific knowledge in the field of legal regulation of migration relations in the law of the European Union, development of basic abilities and skills regarding the interpretation of the norms of EU migration law, activation of analytical activities of higher education students, conducting research work in the field of legal

regulation of migration relations in the European Union.

Tasks:

- to acquire theoretical knowledge developed by the doctrine of EU law in the field of migration law of the European Union;
- to master the normative material that is the result of the cooperation of EU member states, as well as third countries that cooperate with the European Union;
- to determine the current problems in the development of legal regulation of migration relations and directions of modern scientific research in this field;
- to be familiar with the legal positions of the EU Court of Justice and decisions of the General Court of the EU in the field of EU migration law;
- to develop skills and abilities to be able to interpret and apply the norms of EU law in practical activities, covering also the challenges of the development of integration processes within the framework of the EU and Ukraine's acquisition of membership in the European Union.

The place of the discipline in the structure of the educational-professional program

Prerequisites: Law of the European Union and its system, Legal regulation of the Internal Market of the EU, International Public Law and International protection of human rights.

Co-requisites: Judicial protection in the European Union, protection in the European Court of Human Rights.

Expected learning outcomes

As a result of mastering the study discipline, the student of higher education must demonstrate the following learning outcomes:

LO 1. To demonstrate knowledge of key concepts, principles, theories and doctrines of EU migration law, determine the place of EU migration law as a complex field in the legal system of the European Union.

LO 2. To reveal knowledge of the main stages of the evolution of EU migration law, its main institutions, to characterize the current state and directions of further development of cooperation between EU member states in the context of the European integration.

LO 3. To demonstrate knowledge of the specifics of the subject, special principles, sources of EU migration law, and its systemic and structural structure.

LO 4. To carry out a critical analysis of the practice of EU courts in cases related to migration and legal issues regarding the interpretation and application of EU law within the framework of the EU Area of Freedom, Security and Justice.

LO 5. To determine the limits of the powers of the EU and member states in the field of migration legal relations, in particular those that are members of the "Schengen zone".

LO 6. To identify problems of legal regulation within individual institutions of EU migration law, to propose ways to overcome them in accordance with the principles of EU migration law, fundamental principles of international law, general principles of law, practice of international organizations and modern doctrinal developments on the relevant issues.

LO 7. To reveal the peculiarities of the legal regulation of the EU Common Visa Policy, the EU Common Asylum Policy and the EU temporary protection mechanism.

LO 8. To characterize the specificity of the organizational and legal mechanism of the EU in the field of migration.

LO 9. To reveal the peculiarities of the legal regulation of crossing the external border of the Schengen area, the legal regime of the internal borders of the EU member states, as well as staying on the territory of the member states.

LO 10. To provide professional advice on the essence and methods of legal protection of the rights and interests of individuals on issues covered by EU migration law.

LO11. To determine the peculiarities of the legal regulation of the current policy of the EU in the field of countering and fighting against illegal migration and cooperation with third countries.

LO 12. To carry out an analysis of the legislation of Ukraine for compliance with the norms of the EU migration law, formulate proposals for the approximation of national legal acts to the corresponding legal acquis.

STRUCTURE OF THE DISCIPLINE

for full-time students

№	Practical (contact) lessons seminars		Individual work (in hours)
	Topics of lectures	Topics of practical classes	
1	Historical and legal foundations of the formation and development of EU migration law.	Historical and legal foundations of the formation and development of EU migration law.	10
2	Concepts, sources and principles of EU migration law.	Concepts, sources and principles of EU migration law.	10
3	Institutional and legal mechanism for ensuring EU migration law.	Institutional and legal mechanism for ensuring EU migration law.	10

4	Migration rights of EU citizens and their family members.	Migration rights of EU citizens and their family members.	7
5	Legal regulation of border crossing in EU law.	Legal regulation of border crossing in EU law.	7
6	Common visa policy of the EU.	Common visa policy of the EU.	7
7	Common asylum policy of the EU.	Common asylum policy of the EU.	7
8	Temporary protection in EU law.	Temporary protection in EU law.	7
9	Preventing and combating illegal migration in EU law.	Preventing and combating illegal migration in EU law.	7
10	Cooperation between Ukraine and the EU in the field of migration.	Cooperation between Ukraine and the EU in the field of migration.	10

for part-time student

№	Topics of lectures	Topics of seminars	Individual work (in hours)
1	Historical and legal foundations of the formation and development of EU migration law.	Institutional and legal mechanism for ensuring EU migration law.	110
2	Temporary protection in EU law.	Legal regulation of border crossing in EU law.	
3	Cooperation between Ukraine and the EU in the field of migration.	-	

Individual work of students

Individual work of students is carried out in the following forms:

- written homework;
- mastery of theoretical material on the topics of practical classes;
- revision of lecture materials;

- work in information networks;
- development of additional literature;
- development of cases;
- essay on highly specialized issues;
- creation of a training course portfolio and its presentation;
- writing abstracts, reports and their presentation;
- preparation and publication of scientific articles, theses of scientific reports;
- participation in student scientific and practical conferences;
- compiling a bibliography on the relevant topic;
- generalization of court practice;
- commenting on sources of international law, as well as national law of Ukraine and foreign countries;
- other forms.

Tasks and methodical recommendations for independent work are given in Methodical materials for the academic discipline "EU Migration Law" for students of the second (master's) level of higher education in the field of knowledge 29 "International Relations", speciality 293 "International Law".

***Educational, methodological and information support
of the academic discipline***

Legal acts and international agreements

Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders. URL: https://www.cvce.eu/en/unit-content/-/unit/b9fe3d6d-e79c-495e-856d-9729144d2cbd/61d7e6da-a03b-4e9a-b20e-c96fc7d5abde/Resources#7543db22-53d1-428b-8b21-ad0a3fb59ed6_en&overlay

Charter of Fundamental Right of the European Union of 07.12.2000. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016P/TXT&from=EN>.

Commission Regulation (EC) No 635/2006 of 25 April 2006 repealing Regulation (EEC) No 1251/70 on the right of workers to remain in the territory of a Member State after having been employed in that State. URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32006R0635>

Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders of 19.06.1990. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A42000A0922%2802%29>

Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. URL: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001L0055>

Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32003L0109>

Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights. URL: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32007R0168>.

Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0038>

Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for

returning illegally staying third-country nationals. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008L0115>

Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. URL: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009L0052>

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>

Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast). URL; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>

Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. URL: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32011L0098>

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast). URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32013L0032>

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>

Lisbon Treaty of 13.12.2007. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2007:306:TOC>.

Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008R0767>.

Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009R0810>.

Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R2219>

Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02016R0399-20170407>.

Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0794>

Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R2226>

Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1240>

Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust). URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1727>

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Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1806>.

Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1860>

Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard. URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32019R1896>

Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum. URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32021R2303>

Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union. URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32011R0492>

Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes. URL: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32013R0603>

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. URL: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013R0604>

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Official site of the EU Asylum Agency - <https://euaa.europa.eu/>

Official site of the Fundamental Rights Agency - <https://fra.europa.eu/en>

Official site of Frontex - <https://frontex.europa.eu/>

Official site of the European Parliament - <https://www.europarl.europa.eu/>

Official site of the European Commission – <https://ec.europa.eu/>

Official site of the Europol - <https://www.europol.europa.eu/>

Official site of the Eurojust - <https://www.eurojust.europa.eu/>

Official site of the European Police College (CEPOL) - <https://www.cepol.europa.eu/>

SEEMC

Standardized electronic educational and methodological complex of the Department of Law of the European Union. URL: [http://http://library.nlu.edu.ua/index.php?option=com_k2&view=itemlist&task=category&id=605:](http://http://library.nlu.edu.ua/index.php?option=com_k2&view=itemlist&task=category&id=605)

Lecturer's requirements

Students *are obliged to*: regularly attend lectures and seminars; systematically and actively work during them; fully and convincingly present arguments in solving problems; thoroughly complete written practical tasks, tests and independent work, etc. Seminars can be missed for valid reasons after prior agreement with the teacher.

Applicants of higher education *are recommended to*: participate in scientific conferences, competitions of scientific works, the work of the scientific circle of the department, moot courts, prepare abstracts of scientific reports, etc.

Mandatory requirement - Students must comply with the "Code of Academic Integrity of the Yaroslav Mudryi National Law University": https://nlu.edu.ua/wp-content/uploads/2022/01/kodeks_akademichnoi%CC%88_dobrochesnosti-1.pdf

During classes, it is allowed to use gadgets only for educational purposes (for example, to view lecture presentations). It is allowed to use laptops and tablets for keeping lecture notes and tracking the necessary information.

Control measures of learning outcomes

The assessment of results of studying the discipline "EU Migration Law" involves the ongoing monitoring and final control and is based on the cumulative scoring and rating system.

Current assessment of knowledge includes:

- quality control of the student's mastery of the program material of the educational discipline in seminars using the following means: oral, written or express survey, solving practical tasks or problems, participating in the development of a case, defending an essay or essay on the initiative of the student. Current assessment aims to check the level of preparation of the student in studying the current material. During the seminars the student can be assessed on a six-point scale (0, 2, 3, 4, 6);

- quality control of the student's mastery of the program material of the educational discipline, which is conducted at the end of the modules in the form of colloquiums.

During the semester, students perform tasks for independent work (preparation of a presentation, essay, report, etc.). The maximum number of points for independent work is 20 points.

The form of final assessment of the knowledge of higher education students in the academic discipline is the assessment in the form of credit. The minimum number of points to receive credit is 60.

Scale of final pedagogic control

Grade according to ECTS	Description	Grade under national system of assessment	Grade under 100-grades scale of the YMNLU
A	Excellent - Excellent execution, with only a small number of errors	passed	90 – 100
B	Very good - above average with a few errors		80 – 89
C	Good - generally correct work with a number of minor errors		75 – 79
D	Satisfactory - not bad, but with a significant number of shortcomings		70 – 74
E	Sufficient – performance meets minimum criteria		60 – 69
FX	Unsatisfactory - work needs to be done before rewriting	failed	35 – 59
F	Unsatisfactory - serious further work is required, a mandatory repeat course		0 – 34