

**ANETREC COURSE 6:
THE PROBLEM OF MIGRATION IN THE CONTEXT OF EU POLICY
TOWARDS WESTERN BALKANS (WB 6) WITH EMPHASIS ON
REGIONAL COOPERATION IN THIS FIELD**

Syllabus of the course

Course title:

THE PROBLEM OF MIGRATION IN THE CONTEXT OF EU POLICY TOWARDS WESTERN BALKANS (WB 6) WITH EMPHASIS ON REGIONAL COOPERATION IN THIS FIELD

Lectures delivered by ANETREC professors (hours)	Suggested seminar (hours)	Suggested tutorial (hours)	Suggested individual work (hours)	Suggested ECTS
11	10 hours	30 hours	40 hours	5

Teachers delivering the virtual lectures:

- Prof. Dr Luljeta Ikononi, Faculty of Law, University of Tirana
- Assoc. Prof. Dr Sarina Bakić, Faculty of Political Science, University of Sarajevo
- Assoc. Prof. Dr Mirza Emirhafizović, Faculty of Political Science, University of Sarajevo
- Prof. Dr Vladimir Ortakovski, University "St. Kliment Ohridski", Bitola
- Prof. Dr Ivana Krstić, Faculty of Law, University of Belgrade
- Prof. Dr Matjaž Tratnik, Faculty of Law, University of Maribor and ISCOMET Institute, Maribor
- Prof. Dr Janja Hojnik, Faculty of Law, University of Maribor and ISCOMET Institute, Maribor
- Ass. Prof. Dr Petra Weingerl, Faculty of Law, University of Maribor and ISCOMET Institute, Maribor

List of potential teacher at PCU:

- Prof. Dr Luljeta Ikononi, Faculty of Law, University of Tirana
- Prof. Dr Erlir Puto, Faculty of Law, University of Tirana
- Dr Entela Nikaj, Faculty of Law, University of Tirana
- Prof. Dr Mirza Emirharifizović, Faculty of Political Sciences, University of Sarajevo
- Assoc. Prof. Dr Sarina Bakić, Faculty of Political Science, University of Sarajevo
- Assoc. Prof. Dr Ružica Jakešević, Faculty of Political Science, University of Zagreb
- Assoc. Prof. Dr Robert Mikac, Faculty of Political Science, University of Zagreb
- Prof. Dr Marta Zorko, Faculty of Political Science, University of Zagreb
- Assoc. Prof. Dr Đana Luša, Faculty of Political Science, University of Zagreb
- Prof. Dr Siniša Tatalović, (Faculty of Political Science University of Zagreb
- Dr Avni Puka, Faculty of Law, University of Prishtina
- Ass. Prof. Dr Bashkim Preteni, Faculty of Law, University of Prishtina
- Assoc. Prof. Dr Danijela Vuković-Čalasan, Faculty of Political Science, University of Montenegro
- Ass. Prof. Dr Mehmed Đečević, Faculty of Political Sciences, University of Montenegro
- Ass. Nemanja Stankov, Faculty of Political Sciences, University of Montenegro
- Assoc. Prof. Dr Goran Ilik, Faculty of Law at "St. Kliment Ohridski" University in Bitola
- Assoc. Prof. Dr Elena Tilovska-Kechedji, Faculty of Law at "St. Kliment Ohridski" University in Bitola
- Assoc. Prof. Dr Mladen Karadžovski, Faculty of Law at "St. Kliment Ohridski" University in Bitola
- Prof. Dr Vladimir Ortakovski, University "St. Kliment Ohridski", Bitola

- Prof. Dr Ivana Krstić, Faculty of Law, University of Belgrade
- Prof. Dr Marko Davinić, Faculty of Law, University of Belgrade
- Prof. Dr Bojana Čučković, Faculty of Law, University of Belgrade
- Prof. Dr Matjaž Tratnik, Faculty of Law, University of Maribor and ISCOMET Institute, Maribor
- Ass. Prof. Dr Petra Weingerl, Faculty of Law, University of Maribor and ISCOMET Institute, Maribor
- Prof. Dr Janja Hojnik, Faculty of Law, University of Maribor and ISCOMET Institute, Maribor
- Aljoša Polajžar, Faculty of Law, University of Maribor and ISCOMET Institute, Maribor
- Melanija Lango, Faculty of Law, University of Maribor and ISCOMET Institute, Maribor

Syllabus outline:

- 1. Overview of Migration and Refugee Protection** (lecture prepared by Prof. Dr Ivana Krstić, Faculty of Law, University of Belgrade)
 - 1.1. Historic overview of migration
 - 1.2. The causes of migration and general statistics
 - 1.3. Political, security and legal aspects of international migration with special focus on institutions and organisations at different levels
 - 1.4. Refugee definition
 - 1.5. Internally displaced persons
 - 1.6. The right to asylum
 - 1.7. Irregular migrants
 - 1.8. Vulnerable groups of refugees and migrants - victims of human trafficking, victims of gender based violence, LGBTIQ+ population, unaccompanied children

- 2. Migration and Development** (lecture prepared by Assoc. Prof. Dr Mirza Emirhafizović, Faculty of Political Sciences, University of Sarajevo)
 - 2.1. Challenges and opportunities to which migration gives rise and opportunities for recruiting migrant labour
 - 2.2. Migration policy and development
 - 2.3. Migration as a development catalyst in emigration countries: illusion or real potential?
 - 2.3. Practical solutions

- 3. Culture, Language and Religion and Social Interactions in Migration Contexts** (lecture prepared by Assoc. Prof. Dr Sarina Bakić, Faculty of Political Sciences, University of Sarajevo)
 - 3.1. Ways in which various forms of cultural expression contribute to the identity formation of national and diasporic cultures
 - 3.2. Identity politics, including nationalism, active citizenship, liberalism and multiculturalism

- 4. The Major Challenges and Opportunities Involved in Processes of Settlement and Integration of Migrants Into Their New Societies** (lecture prepared by Assoc. Prof. Dr Sarina Bakić and Assoc. Prof. Dr Mirza Emirhafizović, Faculty of Political Sciences, University of Sarajevo)
 - 4.1. Integration policies and legal issues involved in social diversity and migrant-majority

relations in key arenas of transcultural and transnational interaction such as schools, the workplace and residential areas

4.2. Evaluation of significance of issues such as language and interpretation, social inclusion, school performance, workplace integration, (local) community cohesion, migrant labour recruitment, residential segregation and migration-specific aspects of justice and law)

5. Review of UN Instruments in the Area of Migration (lecture prepared by Prof. Dr Luljeta Ikonomi, Faculty of Law, University of Tirana)

5.1. The refugee law - Convention on the Status of Refugees

5.2. UN human rights instruments

5.3. UN soft law instruments

5.4. ILO C 97 and C 143 as the first international migrants' conventions that paved the way to a set of standards regarding migrants' rights

5.5. International Convention on the protection of the rights of migrant workers and their family members

6. Council of Europe and the Protection of Migrants (lecture prepared by Prof. Dr Ivana Krstić, Faculty of Law, University of Belgrade)

6.1. Relevant resolutions of the Parliamentary Assembly and the Committee of Ministers

6.2. European Convention on Human Rights and the jurisprudence of the European Court of Human Rights - the protection from torture, the right to security of a person, the right to family life, the right to effective remedy, prohibition of discrimination, the prohibition of collective expulsion

7. Common European Asylum System (lecture prepared by Prof. Dr Luljeta Ikonomi, Faculty of Law, University of Tirana)

7.1. The historical overview

7.2. Phase one in development of the CEAS

7.3. Chapter of Fundamental Rights of the EU

7.4. The revised Asylum Procedure Directive

7.5. The revised Reception Conditions Directive

7.6. The revised Qualification Directive

7.7. The revised Dublin Regulation

7.8. The revised EURODAC Regulation

8. EU Challenges in the Area of Migration and Refugees (lecture prepared by Prof. Dr Vladimir Ortakovski, University St. Kliment Ohridski, Bitola)

8.1. EU response to the Refugee crisis 2015

8.2. Political disagreements

8.3. Critical assessment of different migration policies

8.4. The problem of irregular migration

8.5. EU Legal Framework on irregular migrants

8.6. The rights of irregular migrants during return, including detention

8.7. Misuse of certain institutes such as the "safe third country" concept

8.8. Fundamental rights of refugees

- 8.9. Application for refugee status, Fear of persecution, Exceptions to refugee status
- 8.10. Early identification and protection of vulnerable groups of migrants - victims of gender based violence, unaccompanied minors, LGBTI asylum seekers, etc.
- 8.11. Key dilemmas in the registration of migrants, the asylum procedures, distribution of migrants, protection of the EU foreign borders, organising the reception centres outside the EU and developing cooperation with the African countries that are the main source of migration
- 8.12. Does the New Legal Framework of the EU adequately address the issue of Human Rights of irregular migrants and refugees?

9. EU Challenges in the Area of Migration and Refugees - Between Nationalism, Solidarity and Human Rights (lecture prepared by Prof. Dr Janja Hojnik, Faculty of Law University of Maribor and ISCOMET Institute, Maribor)

- 9.1. European migrant/refugee crisis 2015-2019
- 9.2. International and EU law on asylum
- 9.3. Dublin Regulation
- 9.4. Role of the Court of Justice of the EU
- 9.5. The right to return to a safe country
- 9.6. Burden sharing among the MSs
- 9.7 New Pact on Migration and Asylum (2020)

10. Naturalisation Law and Practice in Certain EU Member States (lecture prepared by Prof. Dr Matjaž Tratnik, Faculty of Law University of Maribor and ISCOMET Institute, Maribor)

- 10.1. Introduction
- 10.2. Citizenship of the EU
- 10.3. National Autonomy in matters of nationality
- 10.4. Limitations of national autonomy in EU law
 - 10.4.1. The principle of proportionality
 - 10.4.2. The principle of sincere cooperation
 - 10.4.3. Conclusion
- 10.5. Naturalization requirements in selected Member States
 - 10.5.1. Croatia
 - 10.5.2. Slovenia
 - 10.5.3. Italy
 - 10.5.4. Austria
 - 10.5.5. Germany
 - 10.5.6. Assessment
 - 10.5.6.1. General remarks
 - 10.5.6.2. Renunciation of the existing nationality
- 10.6. Conclusion

11. Position of Third Country Nationals in the EU (lecture prepared by Ass. Prof. Dr Petra Weingerl, Faculty of Law University of Maribor and ISCOMET Institute, Maribor)

- 11.1. Introduction: Nationals vs. Foreigners in the EU

- 11.2. EU Immigration Acquis: Legal and Illegal Migration
- 11.3. Third country nationals
- 11.4. Objectives of the EU Immigration Acquis
- 11.5. Legal Framework for EU Asylum Policy
- 11.6. EU Anti-trafficking Policy
- 11.7. Labour Mobility: TCN Workers
- 11.8. Conclusions / Recommendations

Readings:

Mandatory readings:

- Cherubini, F. (2015) *Asylum Law in the European Union*, Routledge Research in Asylum, Migration and Refugee Law, 2015.
- Guy S. Goodwin – Gill (2014) *The Dynamic of International Refugee Law*, International Journal of Refugee Law.
- Guy S. Goodwin – Gill (2007) *The Refugee in International Law*, Oxford University Press.
- Krstic I. (2018), *(Handbook for the Protection of Migrants)*, IOM, Belgrade.
- Sokolska, I. *Common European Asylum System: achievements during the legislative term 2014-2019*.
- Hans V. Oort, H., Battjes H. and Brouwer, E. (2018) *Baseline study on access to protection, reception and distribution of asylum seekers and the determination of asylum claims in the EU*.

Recommended literature:

- Clayton G. (2010) *Textbook on Immigration and Asylum Law*, Oxford University Press, (4th ed.).
- Braithwaite, B. (ed.) (2019), *Handbook on international and European standards in the area of asylum and migration - a closer examination of specific issues*, IOM.
- Stoyanova, V., Karageorgiou, E (2018) *The New Asylum and Transit Countries in Europe, During and in Aftermath of the 2015/2016 Crisis*, International Refugee Law Series, Brill Nijhoff, Leiden/Boston.
- Krstic I., (2017), *Response of Western Balkan Countries to Migration Crisis*, ZeuS, Asyl und Migration in Europe - rechtliche Herausforderungen und perspektiven, Nomos, Europa Institut.
- Krstic I., Cuckovic B. (2016) *The Practice of the European Court of Human Rights in relation to the application of Dublin regulation*, Pravni zivot, no. 12/2016.
- McAdam, J. (2018) *The Global Compact on Refugees and Migration: A New Era for International Protection?*, International Journal of Refugee Law.
- Costello, C. (2018) *Refugees and (Other) Migrants: Will the Global Compacts Ensure Safe Flight and Onwards Mobility for Refugees?*, International Journal of Refugee Law.
- Cantor, D. J. (2018) *The IDP in International Law? Developments, Debates, Prospects*, International Journal of Refugee Law.
- Battjes, H. (2006) *European Asylum Law and International Law*, Martinus Nijhoff Publishers, Leiden.
- Gill, A. R. (2016) *Collective Expulsions in Times of Migratory Crisis: Comments on the Khlaifia case of the ECHR*, EU Immigration and Asylum Law and Policy.

- Council of Europe (2020) Collective expulsion of Aliens, Press Unit.
- Raoul Wieland, Prohibiting collective expulsion in Melilla: What Should We Expect from the Upcoming Grand Chamber Decisions?, Strasbourg Observers.
- Sokolska, I. (2020) Common European Asylum System: achievements during the legislative term 2014-2019, European Parliament.

Objectives of the course:

The main objectives of the course are to provide an overview of the causes, effects and dynamics of different types of contemporary inter-national and transnational mobility situation with special regard on Europe and on WB 6, to present relevant international, European and national legal framework and protection mechanisms, as well as to underline the importance of human rights respect of each migrant and the protection of their dignity and well-being.

Expected teaching results:

The following results are expected:

- to produce students with in-depth understanding of the diverse nature of human mobility;
- to allow them to understand complexities of modern migration, which are mixed by their nature;
- to develop their analytical abilities and practical skills to address the challenges and possibilities arising from migration and diversity;
- to develop their interdisciplinary analytic competences in order to address opportunities and challenges of migration and integration in institutions and organisations in the welfare state and international society in general;
- to critically reflect and transfer theories and methods to a wide range of contexts in order to develop independent solutions to migration-related dilemmas or conflicts;
- to identify their own roles and job opportunities in both private and public sectors that require comprehensive knowledge of academic methodologies designed to meet the challenges posed by ongoing migration processes and their cultural, historical, social, political, economic, legal and organisational consequences;
- to understand the causes and consequences of migration in the WB 6 region, to develop an independent view on different problems related to migration and on all of the needed improvement of policies and practical legal and organisation approaches to these issues in line with the endeavours in the EU.

In which working posts (areas of professional activities) would / could the graduated students use the knowledge acquired in the course?

Students can work in different areas of professional activities:

- UNHCR, IOM, UNICEF and other international organisations with offices in WB countries which in their portfolio deal with migration issues
- Different governmental bodies that deal with migration (relevant ministries, agencies for refugees and migrants), bodies dealing with asylum cases, police offices, etc.
- Academia and research institutes
- NGO sector

Learning and teaching methods:

- *Lectures with active participation of students and in-class discussions*

To increase the students' input during the lectures, teaching/learning will be conducted principally through questions and answers – the so-called Socratic method. This will also include a 'think-pair-share' strategy combined with PowerPoint presentations which will allow the lecturer to formatively assess the learning outcomes. This implies that whenever the lecturer will pose a question that is not trivial and requires some thinking and deployment of analytical and synthetic skills as well as legal imagination on the part of the students, the lecturer will pose the question, explain it and then give the students five minutes to talk to their neighbours. This approach allows for time to think, pair/group deliberation, answer, and later, discussion from other pairs/groups and the instructor. Talking with others about ideas is fundamental to classroom learning. Classroom discussion that promotes and sustains learning should be accountable to other learners, use accurate and appropriate knowledge, and adhere to rigor in thinking. Accountable talk responds to and further develops what others have said through relevant observations, ideas, opinions, or more information. Accountable talk draws on evidence appropriate to the content. It is expected that such a proactive teaching/learning with an exchange of views and the students' articulate presentations will result in much higher satisfaction, higher thinking skills and enhanced motivation of the students.

- *Individual research work and seminars*

Every student will have to write a 5000-6000 word (10-12 pages) research paper on the specific topic agreed upon with the lecturer and hand it in two weeks before their oral presentation to the class. The research papers have to be adequately referenced. Students will receive the lecturer's feedback on the paper's content, structure, organisation, clarity and coherence, one week before their presentation. They will have one week to consider the lecturer's comments and incorporate them in their presentation. Students will give a 20-minute presentation to the rest of the class in which they will present the topic of their paper. Students will receive feedback forms from their peers, as well as from the lecturer. As for the assessment of the research paper, both the written piece and its presentation will be evaluated. The completed feedback forms will also be taken into consideration when assessing the student's performance. By using this approach students will learn both how to produce a well-organised and coherent essay-long text on a particular issue and how to clearly and effectively present their written work to others.

- *Dealing with concrete problems, topical issues, relevant cases*

Analysis of cases will form the basis for applying the concepts and international legal norms to real world situations, thereby promoting curiosity, exploration, problem solving and understanding. Students will be expected to have read and analysed the cases thoroughly prior to class. The students will be formatively assessed based on how well they are able to analyse the central problem of the case, use different ways of representing knowledge and present their oral argument. Occasionally, content material taken from current news and information will be discussed during the lectures to add relevance to a lesson topic or content.

Suggested assessment of the knowledge:

- Regular and active participation in lectures and tutorials	Weight 10%
- Group presentations	15%
- Mid-term exam	20%
- Preparation and oral presentation to the class of an essay on the topic agreed upon with the lecturer/teacher	30%
- Final exam	25%

Interrelation with other courses which are already taught at the PCU:

Faculty of Law, University of Tirana

The Faculty offers two courses that overlap with the ANETREC 6 course. Migration Law is an elective course for the second-year students at bachelor degree. It addresses most of the topics covered by the project course, with exception of topic 3 (culture, language, and social interaction). Issues related to settlement (topic 4) are not taught as a separate topic but are mentioned in two topics on the rights and challenges faced by regular and irregular migrants to settle in host societies. The other course on Refugee and Migration Law, at Scientific Master is very comprehensive, and covers already 80-90 % of the proposed course, and it is a matter of accommodation of the social determinants under topic 3.

The Faculty of Political Sciences, University of Sarajevo

The Faculty offers a course Demography and Diaspora and Migration, as well as Migration and security, but these course covers different aspects than this course.

Faculty of Political Science, University of Zagreb, Croatia

The Faculty already offers the undergraduate course on Migration and Security. However, the course offers different aspects of migration, such as political and security process that cause migration, push and pull factors, causes of forced migration, the role of states and international organisations. Also, some topics covered by the syllabus are taught within the first year Human Rights course, and at fourth year International Humanitarian Law course.

Faculty of Law, University of Pristina, Kosovo

The Faculty does not offer a specialized course on migration law, but International Law on Human Rights as a compulsory undergraduate course covers the protection of refugees. However, on a master level, the course European and International Migration Law is offered, covering some significant parts as the ANETREC 6 course.

Faculty of Political Science, University of Montenegro, Montenegro

There is no similar course taught at the Faculty of Political Science in Podgorica.

Faculty of Law and Faculty of Security, University St. Kliment Ohridski, Bitola, North Macedonia

There is no similar course taught at Faculty of Law and Faculty of Security in Bitola.

The Faculty of Law, University of Belgrade

The Faculty offers Legal Clinic on Asylum and Refugee Law to students of a fourth year. Although students have the opportunity to learn about this issue one semester, their knowledge mainly specializes in the Convention on the Status of Refugees, and does not relate to other aspects of migration. However, the EU Integration master course offers a specialized course on European Immigration and Asylum Law, is concentrated on the refugee law and rights of asylum seekers, and also covers some specific aspects of migration such as torture, and detention, which are not covered by this course in the same manner.

University of Maribor, Slovenia

The course is related to the courses “Law and Institutions of the EU” and Citizenship and protection of fundamental rights in the EU.”