



Exchange programme Vrije Universiteit Amsterdam

Vrije Universiteit Amsterdam - Exchange programme Vrije Universiteit Amsterdam - 2024-2025

Exchange

Vrije Universiteit Amsterdam offers many English-taught courses in a variety of subjects, ranging from arts & culture and social sciences, neurosciences and computer science, to economics and business administration.

The International Office is responsible for course approval and course registration for exchange students. For details about course registration, requirements, credits, semesters and so on, please [visit the exchange programmes webpages](#).

Migration and Legal Remedies

Course Code	R_MLR
Credits	6
Period	P4
Course Level	400
Language Of Tuition	English
Faculty	Faculty of Law
Course Coordinator	prof. mr. C.H. Slingenberg
Examiner	prof. mr. C.H. Slingenberg
Teaching Staff	prof. mr. C.H. Slingenberg, mr. drs. J.F. Dez, prof. mr. H. Battjes
Teaching method(s)	Seminar, Study Group

Course Objective

After this course, the student will be able to:

- Map out the most important national, EU and international actors playing a role in decision-making and legal protection in migration law and describe their role.
- Establish which (inter)national legal remedy is (or should be) available and is most effective in a particular migration law case taking into account the relevant factors such as nationality and residence status of the migrant concerned, rights at stake, actors involved etc.
- Apply the procedural rules (admissibility requirements, time-limits etc.) specific to an international court (ECtHR or CJEU) or UN body.
- Apply the right to an effective remedy and other procedural requirements following from international and EU law to a complex migration law case.
- Analyse how national law, EU law and international law in the field of legal remedies interact.
- Write a well-structured and argued legal argument, using different legal sources and literature.
- Orally present a legal argument in a clear and convincing way.

Course Content

This course is about procedural law and access to an effective legal remedy. Procedural law is sometimes regarded as formal and technical, and thus rather neutral, and as an accessory to substantive law. In this course we will discuss, however, how procedural law plays a vital role in migration law. Not only because it is central to the proper functioning of the legal system, but also because it can affect procedural justice, dignity and freedom. Procedural rules have a high impact on the outcome of cases. In practice, the outcome of cases is more likely to be affected by procedural rules than by substantive law. In addition, also in how parties experience the result of cases, procedure might have more influence than substantive provisions or the actual outcome.

The focus of this course is on court procedures. However, we will also pay attention to the decision-making procedure at the administrative level, especially as regards asylum procedures, as the only administrative migration procedure that is highly regulated in supranational legislation.

Legal protection should normally be offered by the national courts of a State. National law and practices with regard to the availability of and access to remedies for migrants should, however, comply with requirements of international law and in case of EU Member State, EU law. Supranational courts, such as the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR), and UN supervising bodies play an important (subsidiary) role in the legal protection of migrants.

The first part of the course provides an overview of the main procedural elements in migration law. It addresses the importance and development of legal remedies for migrants, the right to an effective remedy, the system and accessibility of legal remedies at the national, EU and international level and the interaction between the European courts and proceedings before international courts and UN supervising bodies. The second part of the course will focus on a number of specific procedures in migration law: such as asylum procedures and detention procedures. In the last part of the course, students participate in moot courts, applying the doctrines and principles of procedural

law discussed in the first two parts of the course.

Additional Information Teaching Methods

Interactive lectures and moot court sessions. During the moot court sessions teams of students will present a case as migration lawyers, representatives of the State or other relevant parties. The moot court sessions will be held before different courts and bodies (such as the European Court of Human Rights and the Court of Justice of the European Union). Students are required to attend the moot court sessions.

Method of Assessment

A written exam which counts for 60%.

An oral presentation during the moot court session which counts for 40%.

Students pass the course if their final grade is above 5,5.

The resit may have the form of an oral exam.

Entry Requirements

Participants need to comply with the admission requirements of the master track International Migration and Refugee Law.

Literature

Literature will be announced on Canvas.

Additional Information Target Audience

Students of the master specialisation International Migration and Refugee Law

Students of the master specialisation Conflicthandling, rechtspraak en mediation.

All other master, exchange and contract students who meet the admission requirements of the master track International Migration and Refugee Law.

Courses from a master at the faculty can only be taken as a secondary course if you have a diploma that gives access to the relevant master/specialization.

Additional Information

The student that has completed this course is able to work and think at an academic level; and

- a. Has in-depth and specialized knowledge and understanding of international, and regional, including European, and national migration and refugee law, including its theoretical foundations;
- b. has an understanding of the connection between international and regional, including European, and national migration and refugee law, as well as of related subfields of law such as human rights and procedural law.

Recommended background knowledge

Students who are not familiar with European Migration Law are advised to read the book P. Boeles, M. den Heijer, G. Lodder and K. Wouters, European Migration Law (2nd edition, Intersentia, 2014) and watch the web lectures placed on Canvas.