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Universidade de Lisboa, Intensive Course, 11-15 November 2024

ASYLUM AND IMMIGRATION LAW AND POLICY OF THE EUROPEAN UNION

16h00-18h00 with the exception of Friday 15 November: 15h00-18h00

Lectures
Monday 11 November: The Migration problem and European Union cooperation
<ul style="list-style-type: none"> - Migration, a multi-dimensional problem - The 'Crisis' of 2015-2016 - The War in Ukraine - New Pact on Migration and Asylum - Cooperation with third countries - The need for a 'comprehensive' approach
<ul style="list-style-type: none"> - European Union cooperation <ul style="list-style-type: none"> a. International organisation with supranational characteristics b. History, objectives, competences and institutions c. Decision making procedures d. Legal instruments e. Achievements - Two treaties: TEU and TFEU
<ul style="list-style-type: none"> - Legal context <ul style="list-style-type: none"> a. EU Treaties and Secondary law b. Charter of Fundamental Rights of the EU c. European Convention for the Protection of Human Rights and Fundamental Freedoms d. UN Convention of Geneva of 1951 and Protocol of 1967
Tuesday 12 November: Movement of Persons/Schengen/Borders and Visa
<ul style="list-style-type: none"> - Area of Freedom, Security and Justice
<ul style="list-style-type: none"> - Internal Market cooperation <ul style="list-style-type: none"> a. Article 26 and Part III Title I TEU b. Directive 2004/38: Free movement of Persons

<ul style="list-style-type: none"> c. European Citizenship d. Internal Market and Third Country Nationals
<ul style="list-style-type: none"> - Schengen cooperation <ul style="list-style-type: none"> a. Internal borders b. External borders
<ul style="list-style-type: none"> - European Border and Coast Guard (Frontex) in Warsaw (Poland)
<ul style="list-style-type: none"> - EU Visa Law and Policy
<p>Wednesday 13 November: EU Asylum Law and Policy</p>
<ul style="list-style-type: none"> - Legal instruments/Policy areas <ul style="list-style-type: none"> a. International protection: qualification and definitions b. Responsible Member State c. Procedures d. Reception e. Temporary Protection f. Eurodac data basis
<ul style="list-style-type: none"> - Principles of 'Solidarity' and 'Burden Sharing'
<ul style="list-style-type: none"> - European Union Agency for Asylum (EUAA) in Valetta (Malta)
<ul style="list-style-type: none"> - External relations <ul style="list-style-type: none"> a. Cooperation with countries b. Cooperation with International Organisations: UNHCR and IOM
<p>Thursday 14 November: Immigration Law and Policy</p>
<ul style="list-style-type: none"> - Legal migration: instruments <ul style="list-style-type: none"> a. Long term residents b. Family reunification c. Single Permit d. Work: Blue Card, Seasonal Workers, Intra-corporate Transfers, Study and Research
<ul style="list-style-type: none"> - Combat of Illegal immigration <ul style="list-style-type: none"> a. Sanctions and measures against employers of illegal migrants b. Standards and procedures for returning illegal migrants c. Cooperation with third countries <ul style="list-style-type: none"> o Return and Readmission agreements d. Cooperation with international organisations: UNHCR and IOM
<ul style="list-style-type: none"> - Integration
<p>Friday 15 November: Pact on Asylum and Migration</p>
<ul style="list-style-type: none"> - Formal decision making by the European Parliament and the Council of 14 May 2024, publications in the EU Official Journal (L series) of 22

May 2024. Full application of all instruments generally speaking as from 12 June 2026:

- Directive 2024/1346: Standards for reception
- Regulation 2024/1347: Qualification as beneficiaries of international protection
- Regulation 2024/1348: A common procedure
- Regulation 2024/1349: Return border procedure
- Regulation 2024/1350: A Union Resettlement and Humanitarian Admission Framework
- Regulation 2024/1351: Asylum and Migration Management
- Regulation 2024/1352: Screening at the external borders
- Regulation 2024/1356: Screening at the external borders
- Regulation 2024/1358: Eurodac
- Regulation 2024/1359: Situations of crisis and force majeure

- Implementation Plans: Common Plan (12 June 2024) and National Plans (12 December 2024)

DISCUSSION

- The control of the external borders
 - a. The effectiveness of the screening and border procedure
- The 'Member State of First Entry' principle
- The implementation of the 'Flexible Solidarity' principle
- The option of 'Externalisation' of the asylum procedures
- The return of migrants not having the right to stay in the EU
 - a. Cooperation with third countries (origin and transit)
- The role of the EU Agencies (EBCG and EUAA) and the one of the EU Solidarity/Return Coordinator
- The need for an EU Immigration and Asylum Office
- How to assess the reintroduction of internal border controls
- The option of 'legal pathways' as alternative for the deportation of illegal migrants.
 - a. The search for skills, talent and labour forces from third countries

Q&A: Questions and Answers