

**IRISH CENTRE FOR HUMAN RIGHTS  
SCHOOL OF LAW, UNIVERSITY OF GALWAY**

**LW 5105 (2024-25)**

**Contemporary Issues in International Migration Law**

(10 ECTS: Semester 1)

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**Office hours:** by appointment (usually Thursdays 12-1pm, Semester 1)

## **Aim**

To equip students with the knowledge and critical skills to analyse and evaluate the legal, political, and policy questions relevant to contemporary developments in international migration law and practice.

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## **Learning Objectives**

- Analyse and assess the emerging international legal framework on international migration and the emergence of global migration law
- Explore contemporary debates in international migration law, including climate migration and internal displacement
- Analyse and evaluate contemporary human rights law relating to trafficking in human beings
- Analyse and critically evaluate international and regional human rights laws relating to protection of the rights of migrant workers and their families, including the gender and 'race' dimensions of legal frameworks
- Explore the legal consequences and concept of stateless, the right to nationality, and models of access to citizenship and the emerging international right to citizenship
- Analyse the human rights of migrant families, family unity and reunification
- Develop knowledge of migration law enforcement procedures, including deportation, detention and the human rights law issues arising
- Examine and analyse Migration and Protection at Sea

# Course Outline

Please note that weekly seminar handouts, reading lists and course materials, are posted online via CANVAS a week in advance. It is essential that readings are completed before the seminar.

Topics to be covered include:

- ✚ International Migration Law: Contemporary Debates – the Global Compact on Migration, and Migration and Decolonisation
- ✚ Climate migration and displacement
- ✚ Trafficking in persons: international and regional legal and policy frameworks
- ✚ Trafficking in persons in conflict situations and crisis settings
- ✚ Rights of Migrant Workers (Case studies: Domestic workers, Seasonal workers, Fisheries)
- ✚ Forced Labour, Trafficking for the purpose of Labour Exploitation, in the context of International Migration
- ✚ Statelessness, Citizenship (and Deprivation of Citizenship) and Nationality Law (Case Studies, Rohingya communities in Bangladesh and India; African Union, Syria)
- ✚ Enforcement: Deportation, Removal and Non-Refoulement
- ✚ Immigration related Detention
- ✚ Migration and Rights at Sea

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## Teaching methods

Teaching is by means of seminar discussion and advanced readings, and assigned case-studies. Case-studies and readings will be assigned in advance of each class, and discussed in an interactive seminar format on a weekly basis. Guest speakers from civil society, legal practice and international organisations are frequently invited to present and to engage with students on a range of topics relating to contemporary migration. Further details are available at the start of the semester, and online via our virtual learning platform, CANVAS.

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## **Background readings:**

**These readings inform the preparation for the module and for further research in the field. Readings will be assigned on a weekly basis.**

Mbembe A 'The idea of a borderless world' (2018), <https://africasacountry.com/2018/11/the-idea-of-a-borderless-world>

July 12, 2023, "From Farmakonisi to Pylos at the ECtHR", by Hannah Katz and Itamar Mann, available at: <https://www.ejiltalk.org/from-farmakonisi-to-pylos-at-the-ecthr/>

Nergis Canefe, (ed.) Toronto *Transitional Justice and Forced Migration: Critical Perspectives from the Global South* (Cambridge University Press: 2019)

Achieme T "Migration as Decolonization," (2019) 71 Stanford Law Review 1509

Achieme T "Re-Imagining International Law for Global Migration: Migration as Decolonization?", 111 *American Journal of International Law Unbound* 142 (2017). Available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3006324](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3006324)

Gökariksel, Banu. "The Body Politics of Trump's "Muslim Ban"." *Journal of Middle East Women's Studies*, vol. 13 no. 3, 2017, p. 469-471. Project MUSE [muse.jhu.edu/article/677746](https://muse.jhu.edu/article/677746).

Woldermariam, Samuel Berhanu; Maguire, Amy; von Meding, Jason "Forced Human Displacement, the Third World and International Law: A TWAIL Perspective" (2019) 20(1) *Melbourne Journal of International Law* 248  
Available at: <http://classic.austlii.edu.au/au/journals/MelbJIL/2019/10.html>

Achieme, Tendayi, 'Race, Refugees and International Law'. In *The Oxford Handbook of International Refugee Law* (edited by Costello, McAdam and Foster, Oxford University Press, 2021 Forthcoming), UCLA School of Law, Public Law Research Paper No. 20-20, Available at SSRN: <https://ssrn.com/abstract=3636518>

Itamar Maan *Humanity at Sea* (Cambridge UP: 2018)

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance UN Doc. A/HRC/38/52 (25 April 2018) *Racial discrimination in the context of in the context of laws, policies and practices concerning citizenship, nationality and immigration* available at: <https://www.ohchr.org/EN/Issues/Racism/SRRacism/Pages/ReportsHRC.aspx>

Chetail V *International Migration Law* (2016: Oxford UP)

Gallagher A *The Law Relating to Human Trafficking* (2010: Oxford UP)

Carens J *The Ethics of Immigration* (2014: Oxford UP)

Chetail V (ed.) *International Law and Migration* (Edward Elgar Press: 2016)

Gallagher A *International Law of Migrant Smuggling* (Oxford UP: 2014)

Schachar A *The Birthright Lottery* (Harvard University Press: 2009)

Benhabib S *The Rights of Others* (Cambridge UP: 2004)

Report of the Special Rapporteur on the human rights of migrants *The impact of migration on migrant women and girls: a gender perspective* (2019) UN Doc A/HRC/41/38 (15 April 2019) available at: <https://undocs.org/en/A/HRC/41/38>

Kotiswaran P (ed.) *Revisiting the Law and Governance of Trafficking, Forced Labor and Modern Slavery* (Cambridge UP: 2017)

Ana Aliverti, Mary Bosworth 'Criminal Justice Adjudication in an Age of Migration' *New Criminal Law Review: An International and Interdisciplinary Journal*, Vol. 20 No. 1, Winter 2017; (pp. 1-11)

M Bosworth and Kellezi, Blerina, 'Doing research in immigration removal centres: ethics, emotions and impact.' (2017) 17 *Criminology & Criminal Justice* 121

Mullally S and Murphy C (eds) *Care, Migration and Gender: Law and Practice* (Routledge, 2016)

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## Online resources

Border Criminologies: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies>

UN Special Rapporteur on Human Rights of Migrants  
<https://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/SRMigrantsIndex.aspx>

Institute for Security Studies: <https://issafrica.org/>  
(Search: Migration)

Migration Policy Institute  
<https://www.migrationpolicy.org/>

Peter McMullin Centre on Statelessness <https://law.unimelb.edu.au/centres/statelessness>

Migration Policy Centre, EUI  
<https://migrationpolicycentre.eu/>

Centre for Human Rights, University of Pretoria:

<https://www.chr.up.ac.za/campaigns/africanmigrantsmatter>

International Justice Resource Centre

<https://ijrcenter.org/thematic-research-guides/immigration-migrants-rights/>

UN SR on Trafficking in Persons, especially women and children

<https://www.ohchr.org/en/issues/trafficking/pages/traffickingindex.aspx>

Asia Pacific Migration Network

<http://apmigration.ilo.org/>

Climate crisis, migration and refugees

<https://www.brookings.edu/research/the-climate-crisis-migration-and-refugees/>

Refugee Law Project (Uganda)

<https://www.refugeelawproject.org/>

UN Special Rapporteur on the human rights of migrants

<https://www.ohchr.org/en/special-procedures/sr-migrants>

UN Special Rapporteur on trafficking in persons, especially women and children

<https://www.ohchr.org/en/special-procedures/sr-trafficking-in-persons>

## **Assessment**

The course will be examined by way of a research paper of not more than 5,000 words (excluding footnotes and bibliography). Topics for assessment will be distributed in Week 10. Submission deadlines are noted in the Guidelines for LLM students.

See: <https://www.universityofgalway.ie/irish-centre-human-rights/currentstudentinformation/generalinformation/>

Please note University guidelines on academic integrity:

<https://www.universityofgalway.ie/centre-excellence-learning-teaching/teachinglearning/academicintegrity/>