



# UNIVERSITÀ DEGLI STUDI DI PALERMO

|                              |                                                                                                    |                      |                  |
|------------------------------|----------------------------------------------------------------------------------------------------|----------------------|------------------|
| DEPARTMENT                   | Giurisprudenza                                                                                     |                      |                  |
| ACADEMIC YEAR                | 2022/2023                                                                                          |                      |                  |
| MASTER'S DEGREE (MSC)        | MIGRATIONS, RIGHTS, INTEGRATION                                                                    |                      |                  |
| SUBJECT                      | CRIMINAL IMMIGRATION LAW                                                                           |                      |                  |
| TYPE OF EDUCATIONAL ACTIVITY | C                                                                                                  |                      |                  |
| AMBIT                        | 21047-Attività formative affini o integrative                                                      |                      |                  |
| CODE                         | 20892                                                                                              |                      |                  |
| SCIENTIFIC SECTOR(S)         | IUS/17                                                                                             |                      |                  |
| HEAD PROFESSOR(S)            | SIRACUSA LICIA                                                                                     | Professore Associato | Univ. di PALERMO |
| OTHER PROFESSOR(S)           |                                                                                                    |                      |                  |
| CREDITS                      | 6                                                                                                  |                      |                  |
| INDIVIDUAL STUDY (Hrs)       | 114                                                                                                |                      |                  |
| COURSE ACTIVITY (Hrs)        | 36                                                                                                 |                      |                  |
| PROPAEDEUTICAL SUBJECTS      | 20912 - CONSTITUTIONAL LAW AND MIGRATIONS                                                          |                      |                  |
| MUTUALIZATION                |                                                                                                    |                      |                  |
| YEAR                         | 2                                                                                                  |                      |                  |
| TERM (SEMESTER)              | 2° semester                                                                                        |                      |                  |
| ATTENDANCE                   | Not mandatory                                                                                      |                      |                  |
| EVALUATION                   | Out of 30                                                                                          |                      |                  |
| TEACHER OFFICE HOURS         | SIRACUSA LICIA<br>Tuesday 14:00 15:00 Dipartimento di Giurisprudenza Sezione penalistica II° Piano |                      |                  |

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PREREQUISITES</b>          | Knowledge and competence regarding:<br>a) the basic notions of public law;<br>b) the basic notions of constitutional law and international law;<br>c) the basic notions of human rights.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>LEARNING OUTCOMES</b>      | <p>On Dublin descriptors - section 'Didattica' of the website 'Giurisprudenza' - And according on RAD).</p> <p><b>KNOWLEDGE AND UNDERSTANDING:</b></p> <ul style="list-style-type: none"> <li>- Knowledge of the basic notions of migration criminal law and irregular immigration crimes. This knowledge base will be addressed to understand: a) the different position of the migrant in the structure of migration crimes; b) the different relationship between authority and freedom according to whether the migrant is the author or victim of the crime; c) the purposes of the immigration criminal law, also in light of European and International Law.</li> <li>- Knowledge of the transversal notions that connect the criminal law of migration and other areas of law.</li> <li>- Knowledge and understanding of the relationship between domestic law and supranational law in the subject under study.</li> </ul> <p><b>ABILITY TO APPLY TO KNOW AND COMPRISE:</b></p> <p>the course aims to highlight the application of the concepts studied in the field of criminal law of migration and to develop the ability to solve concrete cases and interpretative problems, also in the constitutional and european right framework.</p> <p><b>MAKING JUDGEMENTS:</b></p> <p>Ability to make comparative evaluations as well as to develop critical arguments regarding criminal law subjects.</p> <p><b>COMMUNICATION SKILLS:</b></p> <p>Ability to use the technical language of both the criminal law and the criminal law theory.</p> <p><b>LEARNING SKILLS:</b></p> <p>Ability to understand criminal statutes, doctrinal arguments and judicial decisions; ability to systematically the topics studied in an ordered system of concepts, also in view of further study and professional outlets; ability to identify interferences and connections with other areas of law and their repercussions on practical cases; ability to use the tools offered by the "multilevel" regulatory system (national, European and international) for the solution of concrete cases and of the new or the most relevant or interpretation problems.</p> |
| <b>ASSESSMENT METHODS</b>     | <p>Oral exam which consists of an interview. The questions concerning topics included in the course program (minimum three). The questions focus on topics included in the course program and tend to assess whether the student has knowledge and understanding of the topics, has acquired interpretative competence and independent judgment of concrete cases, and has acquired the possession of adequate exposition skills.</p> <p>The evaluation is always expressed in thirtieths and takes place in accordance with the following evaluation grid:- Excellent result 30 -30 cum laude: the student shows excellent knowledge of the topics, excellent language property, excellent analytical and exposition skills; the student is able to apply theoretical knowledge to concrete cases whose solution is proposed, even assuming multiple alternatives.</p> <p>-Very good result 26-29: the student shows good knowledge of the topics, good language properties, good analytical and exposition skills; the student is able to adequately apply the theoretical knowledge to concrete cases whose solution is proposed.</p> <p>-Good result 24-25: the student shows basic knowledge of the main topics, fair language and exposition properties and a limited ability to apply theoretical knowledge to concrete cases whose solution is proposed.</p> <p>-Satisfactory outcome 21-23: the student does not show full mastery of the main subjects of the teaching, despite having the fundamental knowledge; in any case, it shows satisfactory properties of language and exposition capacity although with a poor ability to adequately apply theoretical knowledge to concrete cases whose solution is proposed.</p> <p>Sufficient result 18-20: the student shows knowledge and understanding of the topics at least in general lines and has minimal applicative skills in order to solve concrete cases; in any case, he possesses exposition and argumentative capacity that allow the transmission of his knowledge to the examiner.</p> <p>Below this threshold, the exam will be insufficient.</p>                                       |
| <b>EDUCATIONAL OBJECTIVES</b> | The course aims at providing students with an adequate knowledge and understanding of some relevant issues of particular for the immigration criminal law as it results from both theoretical elaborations and jurisprudential settings. In particular, the course aims to give the student all the tools for a correct approach to the case-solution and advanced criminal knowledge on migration.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>TEACHING METHODS</b>       | <ul style="list-style-type: none"> <li>- Lectures</li> <li>- Exercises</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>SUGGESTED BIBLIOGRAPHY</b> | 1) Militello V. , Spina A. (cur.) , Mobilità, sicurezza e nuove frontiere tecnologiche, Giappichelli, Torino, 2018; pp. 1-60; 79- 168; ISBN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>9788892118157</p> <p>2) Militello V. , Spena A., Il traffico di migranti, Giappichelli, Torino, 2015, pp.1 - 14; 105-118; 187-220; 253 -270; ISBN 9788892101388</p> <p>3) Militello V., Siracusa L., Crupi R., Tumminello L., Morello B., Omodei R. E., Orlando S., Traffico di migranti e tratta di esseri umani: studio comparato sull'implementazione degli strumenti dell'Unione Europea, Paruzzo Editore, Palermo, 2018, pp. 17-80. ISBN: 978-88-6149116-8</p> <p>4) Militello V., Spena A., Mangiaracina A., Siracusa L. (cur.), I traffici illeciti nel Mediterraneo. Persone, stupefacenti, tabacco, Giappichelli, Torino, 2019, pp. 1-30; 166 - 257. ISBN: ISBN 9788892132672</p> <p>5) Curi F., Martelloni F., Sbraccia A., Valentini E., I migranti sui sentieri del diritto. Profili socio-criminologici. giuslavoristici, penali e processualpenalistici, Giuffrè, Milano, 2021, ISBN: 9788892140370.</p> <p>- Altro materiale di studio (sentenze, note a sentenza, fonti normative) verrà fornito nel corso delle lezioni e caricato sul portale del docente e dell'insegnamento.</p> <p>- Readings in english will be suggested to International students before the beginning of the course.</p> |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## SYLLABUS

| Hrs | Frontal teaching                                                                                                                                                      |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5   | Criminalisation of Irregular Migrants: features, functions and trends.                                                                                                |
| 5   | The Expulsion of Foreigners and Migrants in the context of "Crimmigratory" Policies.                                                                                  |
| 4   | Crimes of Irregular Immigration                                                                                                                                       |
| 10  | Migrant Smuggling.                                                                                                                                                    |
| 8   | Humanitarian Protection of Foreigners through Criminal Law: a) the trafficking of human beings; b) trafficking in human beings; b) criminal profiles of rescue at sea |
| Hrs | Practice                                                                                                                                                              |
| 4   | Analysis of case-law (leading cases).                                                                                                                                 |