



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2023/2024		
MASTER'S DEGREE (MSC)	MIGRATIONS, RIGHTS, INTEGRATION		
SUBJECT	CONSTITUTIONAL LAW AND MIGRATIONS		
TYPE OF EDUCATIONAL ACTIVITY	B		
AMBIT	50645-giuridico		
CODE	20912		
SCIENTIFIC SECTOR(S)	IUS/08		
HEAD PROFESSOR(S)	CAVASINO ELISA	Professore Ordinario	Univ. di PALERMO
OTHER PROFESSOR(S)			
CREDITS	6		
INDIVIDUAL STUDY (Hrs)	114		
COURSE ACTIVITY (Hrs)	36		
PROPAEDEUTICAL SUBJECTS			
MUTUALIZATION			
YEAR	1		
TERM (SEMESTER)	1° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	CAVASINO ELISA Wednesday 09:00 - 12:00 Dipartimento di giurisprudenza, Via Maqueda, 172 - Il pianocorridoio a destra salendo dalle scale. Si prega di prenotare il ricevimento attraverso il portale studenti o inviando una e-mail ad elisa.cavasino@unipa.it		

PREREQUISITES	Adequate knowledge of the general notions of modern and contemporary history and of the main concepts of constitutional history, constitutional law and of general public law and Italian constitutional law.
LEARNING OUTCOMES	<p>•Knowledge of and comprehension skills Ability to carry out an analysis of migration issues through the categories of constitutional law by demonstrating knowledge and understanding skills that extend and strengthen basic ones. Ability to develop and apply original ideas, in a practical and research context on jus migrandi and the constitutional legal order. To deepen the knowledge and the ability to understand the structure and the evolutionary dynamics of the Italian constitutional order with respect to ius migrandi. Ability to grasp the implications of the European integration process and the constitutional clauses on the relationship with international legal order with regard to the structure and evolution of the constitutional law of migration. Acquisition of the notions necessary to define the structure and guarantees of the jus migrandi in the constitutional legal order and the relationship between the type of state, attributions and constitutional powers and competences with respect to the migratory phenomenon.</p> <p>•Ability to use knowledge and comprehension Ability to use and apply acquired knowledge to solve open problems in the identification of lines of intervention of public authorities in constitutional systems with reference to migration and relations between migrants and political community.</p> <p>•Autonomy of judgement Ability to integrate knowledge and manage complexity, and to make judgements also on the basis of limited or incomplete information, including reflection on social and ethical responsibilities related to the application of acquired knowledge. Seminars, exercises and other activities will be carried out to this end. Students will face, within this specific target: a) the resolution of pending cases (critical analysis of pronouncements, especially by the Constitutional Court, the Council of State, the Court of Cassation of the European Court of Human Rights and the Court of Justice of the European Union); b) the analysis of legal texts; c) the analysis of proposals and draft laws or other relevant legislation; d) the analysis of political and public debates on migration issues in which it relies on a certain interpretation of the Constitution or of other sources of law.</p> <p>•Communicative skills To communicate the conclusions independently reached with regard to legal-constitutional problems related to migration and the knowledge acquired to interlocutor of different kind various qualification (specialists and not specialists).</p> <p>•Ability to learn Acquiring adequate capacity to develop new skills and to update existing skills, in relation to the evolution and variability of the regulatory framework, using logical tools, and guidelines of doctrine and jurisprudence. Acquisition of capacity to deepen legal-social issues, also in view of a possible postgraduate training course.</p>
ASSESSMENT METHODS	<p>The exam consists of an interview aimed at ascertaining the level of knowledge of the topics in the syllabus, the level of command in the specialised language and the ability of the candidate to develop a reasoning aimed at the application of theoretical knowledge to specific cases in order to argue and possible solutions. Grades are on a scale between 18 and 30 cum laude, according to the following evaluation grid: -Excellent 30 -30 cum laude: the student shows excellent knowledge of the topics, excellent property language, excellent capacity of analysis; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. He/she is also able to properly argue possible solution, including multiple alternatives. - Very good 26-29: the student shows good knowledge of the topics, good properties of language, good capacity analytical; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed. The students is able to adequately apply theoretical knowledge to real cases which are proposed to be analysed. - Good 24-25: the student shows basic knowledge of the main topics, good property of language, the student shows limited ability to apply theoretical knowledge to real cases which are proposed to be analysed.</p>

	<p>-Satisfactory 21-23: the student does not show that complete command of the main teaching topics, although showing to know the basic knowledges; he/she shows satisfactory property of language albeit with a poor ability to adequately apply theoretical knowledge to real cases which are proposed to be analysed.</p> <p>- Sufficient 18-20: the student shows minimal knowledge of the main teaching and technical language issues, limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analysed.</p> <p>The outcome of the exam is insufficient if the student does not have an acceptable knowledge of the contents of the various topics on the agenda.</p>
EDUCATIONAL OBJECTIVES	<p>1. To know of the origin and evolution of the general categories of public law relevant in migration law</p> <p>2. To know the positive dimension of powers and competences in migration policies within the interplay between Constitutional, international and EU legal order (what is the legal role played by the Constitution of the EU Charter of Fundamental rights and of relevant international Treaties on Human Rights - especially of the ECHR);</p> <p>3. To analyze legislation on migration and its critical aspects (i.e. legislation by law-decree on "security");</p> <p>4. To examine and to solve "cases" and "open legal question" on migration and legal status of migrant persons.</p>
TEACHING METHODS	Lectures, workshop
SUGGESTED BIBLIOGRAPHY	<p>Per i contenuti della parte 1 e 2 del corso (si veda infra il programma dettagliato) To approach part 1 and 2 (see infra detailed program) N. W. Barber, The State and its Constitution, Oxford, 2010 on line link: https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199585014.001.0001/acprof-9780199585014, chapters 3, 5, 9, 10</p> <p>Per avvicinarsi ai contenuti delle parti 3 e 4 (si veda infra il programma dettagliato del corso) To approach part 3 and 4 (see infra detailed program) Christian Joppke, Why Liberal States Accept Unwanted Immigration, in World Politics, Vol. 50, No. 2 (Jan., 1998), pp. 266-293 Stable URL: http://www.jstor.org/stable/25054038</p> <p>Ulteriore materiale verrà consigliato a lezione e reso accessibile attraverso la pagina web del corso (portale "Unipa") Further material on part III and IV will be distributed during exercises and will be available through the page of the course ("Unipa" web portal)</p>

SYLLABUS

Hrs	Frontal teaching
18	1. Origin and evolution of general categories of public law relevant in migration law: the distinction between "citizen" and "non citizen"; the concept of "border" and "frontier"; the "fragmentation" of the legal status of migrant person: the "socio-political" categories of economic and non economic migrants and of "economically active" and "economically non-active" migrants; the impact of the socio-political classifications of migrants on the legal status of migrants, migration law between the dimension of "freedom" and of "security"; migration law between "inclusion", "assimilation", "multiculturalism"; the "division" of powers: the role of legislator, judges, public administration, constitutional adjudication; EU, State, regions and migration
8	2. The current framework of competences on migration between Constitutional legal order and EU Law; Constitution, EU Charter of Fundamental Rights, ECHR
Hrs	Practice
5	3. Legislation on migration and analysis of its critical aspects (i.e. legislation by law decree on security and migration)
5	4. Legal cases and open questions on migration and legal status of migrant persons: the right to asylum and other protection regimes.