Contemporary Issues in International Migration Law  
(LW5105)  
Academic Year 2021/22  

10 ECTS, 8 Seminars  
Thursday 9th, 16th, 23rd & 30th September 2021  
Thursday 7th, 14th, 21st & 28th October 2021  
3:00 pm – 6:00 pm  
Location: TDB  
Dr Noemi Magugliani  
Email: N.Magugliani1@nuigalway.ie

Aim  
To equip students with the knowledge and analytical skills to analyse and evaluate the legal, political, and philosophical issues relevant to contemporary challenges in international migration law, policy and practice.

Learning outcomes  
- Analyse and assess the emerging international legal framework on international migration and the emergence of global migration law  
- 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 migrant workers and their families, including the gender and ‘race’ dimensions of regulatory frameworks  
- Explore models of access to citizenship and the emerging international right to citizenship  
- Analyse the human rights of migrant families, family unity and reunification  
- Explore contemporary debates in international migration law, including climate migration and internal displacement

Course material (preliminary information)  
- The syllabus section (below) provides information on the required and recommended readings.  
- Readings that are not accessible via Library website will be uploaded by the lecturer on Blackboard, our online learning platform.  
- Audio-visuals and PowerPoint presentations will be posted on Blackboard, after every seminar.  
- References to late-breaking developments and further readings will be circulated on Blackboard before the beginning of the teaching period. It is recommended that students check Blackboard regularly for updates on any assignments.  
- Students are required to engage in classroom discussions on the assigned material.

Core texts  
Students are not required to read the following sources entirely, but they should feel free to explore them and familiarise themselves with key issues. Mandatory readings are indicated below in the syllabus section. During the first seminar, I may indicate alternative suggested texts.

- Joseph Carens, *The Ethics of Immigration* (OUP 2014)  
• Itamar Maan, *Humanity at Sea* (CUP 2018)
• Seyla Benhabib, *The Rights of Others* (CUP 2004)
• Nergis Canefe (ed), *Toronto Transitional Justice and Forced Migration: Critical Perspectives from the Global South* (CUP 2019)
• Tendayi Achiume, “Migration as Decolonization” (2019) 71 Stanford Law Review 1509
• Pati Kotiswaran (ed), *Revisiting the Law and Governance of Trafficking, Forced Labor and Modern Slavery* (CUP 2017)

**Assessment**
The final grade of this module is based on a 5,000 essay (including footnotes but excluding bibliography) on a topic previously agreed with / indicated by the course instructor, worth 80% of the final grade, and on an oral presentation, worth 20% of the final grade.

Students are to submit their essay in via Turnitin on Blackboard **no later than the date indicated on the guidelines for LLM students at the Irish Centre for Human Rights.** Unjustified late submissions will result in 1% penalty p/day. Please see ‘Guidelines for LLM students’, also in relation to ‘plagiarism’. Guidelines for legal writing and referencing are available at [http://www.nuigalway.ie/business-public-policy-law/school-of-law/students/legal-writing/](http://www.nuigalway.ie/business-public-policy-law/school-of-law/students/legal-writing/).

**Attendance**
This module is composed of 8 interactive 3-hour seminars. Students are expected to attend every class and, exceptionally, can be authorised not to attend (informing the lecturer in advance).

**Office hours**
TBD.

**Inclusion statement**
The Irish Centre for Human Rights and NUI Galway have a strong tradition of making sure everyone feels part of the learning community by respecting diversity. We recognise that we all have a personal history and identity. Our classroom is dedicated to providing an empowering learning space and experience for everyone, regardless of sex, gender identity and expression, age, sexual orientation, disability, physical appearance, body size, race, ethnicity, religion (or lack of it).

The well-being of students is of primary importance and we all learn differently. **If there are elements of this course that exclude you or do not work for you,** or you are facing any challenges related to your physical or mental health, or obstacles like food or housing insecurity, **please do not hesitate to get in touch** to discuss ways we can support you to get the best out of your experience.
SYLLABUS

Seminar 1
Thursday, 9th September 2021
International Migration Law: History, Philosophy and Contemporary Debates

Core readings:

- Peter J Spiro, “The Possibilities of Global Migration Law” (2017) 111 AJIL Unbound 1

Further readings (optional):

- David Harvey, “Cosmopolitanism and the banality of geographical evil” (2000) 12(2) Public Culture 529
- Alexander T Aleinikoff, “Toward a Global System of Human Mobility: Three Thoughts” (2017) 111 AJIL Unbound 24

Seminar 2
Thursday, 16th September 2021
The UN Convention on the Rights of Migrant Workers and their Families: Rights, Regularisation and Enforcement

Core readings:

- Alan Desmond, “The Triangle that could Square the Circle? The Un International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Eu and the Universal Periodic Review” (2015) 17(1) European Journal of Migration and Law 39

Further readings:

• UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families (28 August 2013) UN Doc CMW/C/GC/2

Seminar 3
Thursday, 23rd September 2021
Forced Labour and trafficking for the purpose of labour exploitation in the context of international migration

Core readings:

• Klara Skrivankova, “Between decent work and forced labour: examining the continuum of exploitation” (2010) JRF programme paper: Forced Labour
• Judy Fudge, “([Re]Conceptualising Unfree Labour: Local Labour Control Regimes and Constraints on Workers' Freedoms” (2019) 10(2) Global Labour Journal
• Hila Shamir, “A Labor Paradigm for Human Trafficking” (2012) 60(1) UCLA Law Review

Further readings:

• David M Doyle, Clíodhna Murphy, Muiread Murphy, Pablo Rojas Coppari, and Rachel J Wechsler, “I Felt Like She Owns Me’: Exploitation and Uncertainty in the Lives of Labour Trafficking Victims in Ireland” (2019) 59(1) The British Journal of Criminology 231
• Julia O’Connell Davidson, Modern Slavery: The Margins of Freedom (Springer 2015) esp 109-132

Seminar 4
Thursday, 30th September 2021
Trafficking in persons for the purpose of sexual exploitation and the biopolitics of otherness

Core readings:

• Diana Tietjens Meyers, “Feminism and Sex Trafficking: Rethinking Some Aspects of Autonomy and Paternalism” (2014) 17(3) Ethical Theory and Moral Practice 427
• Sharron A FitzGerald, “Vulnerable Bodies, Vulnerable Borders: Extraterritoriality and Human Trafficking” (2012) 20(3) Feminist Legal Studies 227
• Jarrett Davis et al, “The Forgotten Cohort: An Exploration of Themes and Patterns Among Male Survivors of Sexual Exploitation & Trafficking” (2016) Chab Dai Coalition

Further readings:
• Julie Freccero, Dan Biswas, Audrey Whiting, Khaled Alrabe and Kim Thuy Seelinger, “Sexual exploitation of unaccompanied migrant and refugee boys in Greece: Approaches to prevention” (2017) PLOS
• Leila Ulrich, “‘But what about men?’ Gender disquiet in international criminal justice” (2019) Theoretical Criminology
• GAATW, *A Feminist Analysis of CEDAW General Recommendation No. 38 on Trafficking in Women & Girls*

**Seminar 5**
Thursday, 7th November 2021

**The criminalisation of mobility: Immigration related detention and family life – contemporary debates**

Core readings:
• Jonathan Todres and Daniela Villamizar Fink, “The Trauma of Trump’s Family Separation and Child Detention Actions: A Children's Rights Perspective” (2020) 95 Wash L Rev 377
• Fatma E Marouf, “Alternatives to Immigration Detention” (2017) 38 Cardozo L Rev 2141
• Mirian G Martinez-Aranda, “Extended punishment: criminalising immigrants through surveillance technology” (2020) Journal of Ethnic and Migration Studies

Further readings:
• Leandra Hinojosa Hernández, “Feminist Approaches to Border Studies and Gender Violence: Family Separation as Reproductive Injustice” (2019) 42(2) Women’s Studies in Communication 130
• Amada Armenta, “Racializing Crimmigration: Structural Racism, Colorblindness, and the Institutional Production of Immigrant Criminality” (2017) 3(1) Sociology of Race and Ethnicity 82
Seminar 6  
Thursday, 14th November 2021  
Deportation, removal and non-refoulement rights  

Core and further readings will be communicated prior to the seminar.

Seminar 7  
Thursday, 21st November 2021  
The right to have rights: statelessness, citizenship (and deprivation of citizenship) and nationality law  

Core and further readings will be communicated prior to the seminar.

Seminar 8  
Thursday, 28th November 2021  
Coursework, assessment and presentations  

Details will be communicated prior to the seminar.