

City Colleges Draft Course Outline

Immigration and Asylum Law

Week 1 – Introduction to Immigration in Ireland

- State bodies and functions
 - Dept/Minister for Justice and Equality
 - Immigration Service Delivery (ISD)
 - Garda National Immigration Bureau (GNIB)
 - International Protection Office
 - Role of the Courts & Judicial Review
- Who is subject to Immigration control?
 - Definition of a “Non-national”
 - UK Nationals & Brexit
 - EU Law Beneficiaries
 - Irish Nationals
- Sources of Law
 - Irish Statute
 - Aliens Acts 1935
 - Immigration Act 1999
 - Immigration Act 2003
 - Immigration Act 2004
 - International Protection Act 2015
 - Visa Orders
 - European Communities (Free Movement of Persons) Regulations 2015
 - Constitutional Law
 - EU Law
 - International Law
- Sovereignty and Immigration Control
- Immigration – a “*How to*” introduction to application making

Week 2 – Entry and refusal at borders and initial residence.

- Entry into the State
 - Requirements for entry into the State: Visas and Preclearance
- Role and Powers of Immigration Officers
 - Refusal of entry and investigations
- Removal from the State post-refusal
 - Summary removal under the Immigration Act 2003
- Registration
 - GNIB/IRP cards
 - Change of Address.
 - Registration Responsibilities: GNIB v ISD
- Permission to remain in the State
 - Section 4 of the Immigration Act 2004 – Overview
 - Executive Discretion
 - Section 3 of the Immigration Act 1999
 - Section 49 of the International Protection Act 2015
 - Stamps/Conditions (Stamp 1, Stamp 2, Stamp 3, Stamp 4 etc.)

Week 3 – Residence in the State

- Change of Status & Variation of Conditions
 - Section 4(7) of the Immigration Act 2004
 - Executive Powers to amend, vary, and renew permission
- Students & Graduates
- Family Members of Irish Nationals/Lawful Residents
 - Spouses
 - Children
 - Parents
 - Other
- De Facto Partners
- Children
- Domestic Violence
- Religious/Volunteer Purposes
- Long Term Residence

Week 4 – Free Movement of Persons 1

- Introduction to EU Law
 - Court of Justice of the European Union
- Scope of Directive 2004/38/EC
 - EU nationals outside their country of nationality
- Right of Entry and Residence for three months
 - Entry visas and identity documents
- Right of residence for more than three months
 - Working, studying, living with sufficient resources etc

Week 5 – Free Movement of Persons 2

- Permanent Residence
 - General (5 years)
 - Early permanent residence (sickness/retirement etc.)
- Retention of rights of residence
 - Death, Divorce, Departure from State, cessation of EU Treaty Rights
- Derivative rights of residence under EU Law
 - Introduction to derivative rights of residence
 - Article 20 and 21 TFEU
 - Zambrano/Chen residence
 - EU carers

Week 6 – Employment Permits & Corporate Immigration

- Employment Permit Legislation
 - Employment Permits Acts 2003 – 2014
 - Employment Permits Regulations 2017
- Overview of categories of permits
- Redundancy and Family Residence Rights
- Grants, Refusals, and Revocation of Employment Permits
- Appeals of Employment Permits Refusals
 - Statutory Right of Appeal

- Judicial Review
- Corporate Immigration
 - Start-up Entrepreneur Programme (STEP)
 - Immigrant Investor Programme (IIP)

Week 7 – International Protection 1

- What is International Protection?
 - International Protection Act 2015
 - Outline of Refugee Status & Subsidiary Protection
 - Outline of Application Process
- Refugee Status
 - Refugee Definition – Who is a Refugee?
 - Race, Religion, Nationality, MPSG, Political Opinion
 - Meaning of Persecution
 - State Protection and Relocation
 - Revocation of Refugee Status
- Refugee Status Determination
 - Interviews
 - Decision Making
- Declarations and Refusals of Refugee Status

Week 8 – International Protection 2

- What is Subsidiary Protection?
- Three grounds for Subsidiary Protection
 - Death Penalty/Execution
 - Indiscriminate Violence in situation of internal or int. armed conflict
 - Inhumane or degrading treatment or punishment
- Subsidiary Protection Decision Making
 - Interviews
 - Country of Origin Information
 - Relocation and State Protection
- Dublin III Transfers
 - Take Back Request
 - Take Charge Request
 - Discretionary decisions
 - Family Reunification
 - Resisting Transfer
- International Protection Appeals Tribunal
 - Refugee Status
 - Subsidiary Protection
 - Dublin III
 - Inadmissible Claims
- Permission to Remain
- Judicial Review of International Protection Decisions

Week 9 – Citizenship and Naturalisation

- Who is an Irish citizen?
- Birth-right citizenship
- Foreign Birth Registration
- 2004 Constitutional Amendment
- Naturalisation
 - Residence Requirements
 - Spouse of Irish National
 - Other waiver of Conditions
 - Good Character
 - No appeals process
 - Fees
 - Ceremony
- Revocation of naturalisation

Week 10 – Deportation from the State

- Powers of Deportation – Immigration Act 1999
- Section 3 “Notice of Intent to Deport”
 - Three options:
 - Voluntary departure
 - Consent to deportation
 - Representations against deportation
- Deportation Orders
 - Service of Deportation Orders
 - Lifetime ban
 - Deportation Orders and the International Protection Act 2015
- Challenging and revoking a Deportation Order
 - Judicial Review & Section 3(11) of the Immigration Act 1999
- Exclusion Orders

Suggested Reading & Material

Immigration and Citizenship Law, John Stanley (2017) Round Hall.

International Protection Act 2015, Annotated (2019), Clarus Press.

The Law of Refugee Status, Hathaway & Foster (2014) Cambridge University Press.

Immigration and Asylum Law, Clayton & Firth (2018), Oxford University Press.

The Refugee in International Law, Goodwin-Gill, McAdam 3rd Ed. (2007) (4th Ed, coming 2020).

Detailed lists of suggested readings are provided each week relevant to the topics. Students will be provided electronically with detailed weekly course notes and slides and academic journal articles, from various law reviews and journals such as the *International Journal of Refugee Law*, and the *Journal of Immigration, Asylum and Nationality Law*, *Irish Law Times*, the *Irish Journal of European Law*, as well as international human rights law journals considering immigration and refugee law issues generally.

Mode of Assessment

There is no exam for this course. Students will be required to complete a number of take-home assessments in the form of problem-based questions. Students will need to identify the issues involved in the scenario presented and apply the relevant immigration policies, statutes, and case law.