**Fall semester 2023-2024 academic year**

**Educational program «7M04201 - International Law»**

**1st year**

**102897 - International Migration Law**

**Brief contents of lectures**

**TOPIC 1. The concept and general characteristics of international migration law.**

The concept of migration. The role of migration in the modern world. Types of migration: by the territorial limit of implementation (domestic, international), by duration (irrevocable, long-term, short-term), by the legality of implementation (legal, illegal), by the degree of voluntary (voluntary, forced), by purpose (for employment, protection, training, treatment, etc.), etc.

Factors of migration: socio-economic, political, historical at the global, regional and bilateral level; factors of "pushing out" and factors of "attraction". Conflicts of interests in the field of migration: States and migrants, receiving States and States of origin.

Grounds for regulating migration processes at the international level. The concept of international migration law, the polysystem nature of international legal regulation of migration processes.

**TOPIC 2. Historical and legal aspects of regulation of migration relations.**

Prerequisites and reasons for international legal regulation of migration processes. The first bilateral agreements in the field of regulation of working conditions of foreign citizens.

The activities of the League of Nations and the International Labour Organization in the field of regulation of international migration processes in the 20-30s of the XX century.

Plans for international legal regulation of migration after the end of the Second World War.

The formation of a modern system of international institutions for the management of international migration.

Creation of an Interim Intergovernmental Committee on Migration Movements from Europe and its transformation into the International Organization for Migration, creation of UN tools for managing migration movements.

The main stages of the constitutional and legal regulation of migration policy in the Republic of Kazakhstan.

**TOPIC 3. Sources of international legal regulation of migration processes.**

International legal sources of migration regulation: universal, regional, bilateral. Areas of international legal regulation of migration: regulation of migration flows, including voluntary and forced migration, combating illegal migration, protection of migrants' rights.

Problems of formation of universal international legal regulation of migration.

National sources of legal regulation of migration. Legislation on admission to the country and conditions of stay, on foreigners. The most common list of documents required to enter the territory of the state. Visas: concept, types, meaning. Visas and other forms of entry permits. Types of visas in the Republic of Kazakhstan. Visa policy of the state. Visa-free entry into the territory of the state. The goals and methods of establishing a visa-free regime between states. Mixed entry mode. Administrative and criminal legislation on migration issues.

Migration policy of states. The identity of the subject of legal regulation at the national and international level. Conditionality, strengths and weaknesses of domestic migration regulation in comparison with international law.

**TOPIC 4. Subjects (participants) of external migration and their legal status.**

The main criteria for defining the concept of an external migrant (long-term stay in the receiving State; - carrying out legal activities in the recipient country; - obtaining a residence permit in the host country; - acquiring citizenship).

The problem of classification of subjects of external migration.

- displaced persons, that is, persons moving to a permanent place of residence;

- working under a contract that clearly specifies the duration of stay in the host country (mainly seasonal workers, as well as unskilled and low-skilled workers);

- professionals who are distinguished by a high level of training, that is, the availability of appropriate education and practical work experience;

- illegal migrants;

- persons forced to emigrate from their countries because of any threat, that is, refugees.

The legal status of external migrants. The legal status of migrant workers and members of their families, as well as the status of forced migrant refugees.

International intergovernmental organizations as subjects of international legal regulation of external migration.

**TOPIC 5. Institutional foundations of international legal regulation of migration.**

The institutional structure of migration regulation at the international and domestic level. Types and role of international organizations dealing with migration issues.

The legal basis and significance of migration activities of the International Organization for Migration (IOM), the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations World Tourism Organization (WTO), etc.

The role of informal forums of states in the development of legal regulation of migration (the Berne Initiative, the Hague Process, the Global Commission on International Migration, etc.).

Public authorities interacting in the field of legal regulation of migration in Russia and foreign countries.

**TOPIC 6. International legal regulation of external labor migration.**

Factors of labor migration. The impact of labor migration on the receiving States and the State of origin.

Freedom of movement of labor as one of the factors of regional integration. Globalization and freedom of movement of the economically active population. The World Trade Organization on the liberalization of national legislation on entry issues.

International labor law as a set of international legal principles and norms on employment, working conditions, social security, and human labor rights.

Features of the work of the ILO. Labor standards developed by this international organization.

**TOPIC 7. International legal regulation of voluntary migration.**

Changing the place of family reunification as the basis of migration over the past fifty years. International legal documents on the concept of "family".

Legal conditions of family reunification on the example of the norms of law and judicial practice of the European Communities and the Council of Europe.

Features of migration regulation for the purpose of training. Legal aspects of academic mobility in Europe. The Bologna Process and migration. The problem of "brain drain".

Migration for other reasons (for treatment, pilgrimage, etc.)

**TOPIC 8. International legal regulation of forced migration.**

The main factors generating forced migration. Environmental problems and international migration.

Types of forced migrants: refugees, victims of torture and human trafficking, internally displaced persons, internally displaced persons. The problems of the effectiveness and insufficiency of the existing international legal means of regulating forced migration. International structures in the field of forced migration. International legal foundations of the legal status of a refugee: universal and regional norms. Refugees and internally displaced persons in the Russian Federation. Legal problems of regulating the status of internally displaced persons. The doctrine of sovereignty as responsibility. A sectoral (cluster) approach from the UN system. Guidelines on Internal Displacement 1998.

The first legally binding documents are the Protocol on the Protection of Internally Displaced Persons on Assistance to the Pact on Security, Stability and Development in the Great Lakes Region of 2006 and the Kampala Convention on the Protection of Internally Displaced Persons and Assistance to Them of 2009. Their content and meaning. International legal mechanisms for the protection of internally displaced persons.

**TOPIC 9. International protection of forced migrant refugees and the right of asylum.**

The rights of migrants in the general context of human rights and the rights of non-citizens. The right to freedom of movement, the right to freely leave the country and the right to return to the State of one's nationality, limited by the sovereign prerogative of the State to regulate the entry and stay of persons on its territory. The importance of the institution of citizenship in the regulation of migration.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990, its history of adoption and entry into force, the main content. Problems of the effectiveness of the Convention. Committee on the Rights of Migrants.

Special Rapporteur on the human rights of migrants, Special Rapporteur on the human rights of internally displaced persons and other UN special procedures.

Human rights issues arising in connection with the implementation of migration registration, the use of biometric identification technologies, the absence of identity documents.

Countering racism, racial discrimination, xenophobia and migrant phobia within the UN and regional organizations.

**TOPIC 10. International legal protection of children's rights in conditions of forced migration.**

Basic concepts and history of international legal protection of forced migrants. The principle of the best interests of the child. International legal protection of children's rights in conditions of forced migration at the universal level. International legal protection of refugee children. International legal protection of internally displaced children. Human trafficking in conditions of forced migration of children. UN General Assembly. International legal protection of children's rights in conditions of forced migration at the regional level. UNHCR and the Committee on the Rights of the Child on the basis of the legal status of unaccompanied and separated refugee children.

**TOPIC 11-12. International legal regulation of migration processes at the regional level.**

The role of the Council of Europe in the formation and development of the humanitarian component of the legal regulation of migration. Problems of the effectiveness of specific agreements. OSCE activities in the field of migration. The formation and content of the EU migration policy, including the Schengen achievements, the space of freedom, security and justice, a global approach.

Migration of EU citizens. Freedom of movement of persons as one of the foundations of the EU single internal market, its development and modern content. Citizenship of the European Union. Legal regulation of family reunification in EU law. Conditions for admission and stay of third-country nationals to the territory of EU countries, including refugees. The latest EU legislation, including the Visa Code of 2009

EU border management. The legal framework of the European Agency for the Management of Operational Cooperation at the External Borders of the EU Member States (Frontex). Combating illegal migration. Readmission agreements. EU interaction with third countries on migration issues.

Development and transformation of migration processes in the post-Soviet space. Formation and general characteristics of the modern migration policy of the CIS member states. Tools and mechanisms for the implementation of migration policy. Legal and institutional framework of cooperation of the CIS countries in the field of migration. The significance of model legislation. The regime of movement of citizens of the CIS member states on the territory of the participating countries. Reforming the visa-free space, its current state. Cooperation of the CIS countries in the fight against illegal migration.

Migration regulation in Latin America (using the example of the Andean Group), Asia (Cooperation Council for the Arab States of the Persian Gulf), Africa (Economic Community of West African States (ECOWAS), East African Community, South African Development Community (SADC)).

**TOPIC 13-14. International legal cooperation in the field of prevention of illegal migration.**

The concept and objective conditionality of illegal migration. Problems of quantitative assessments. The structure of illegal migration: illegal migration, smuggling of migrants, human trafficking, especially trafficking in women and children.

Illegal migration. Definitions. Methods of prevention: border control, bilateral cooperation, sanctions of air carriers. Methods of struggle: expulsion, readmission. A ban on entry for a certain period in the future. Criminal and administrative-legal measures of struggle.

Illegal importation of migrants. International and national legal acts. Punishability of organizers and migrants.

Human trafficking. International and national legal acts. Punishability of organizers, identification of victims and their rehabilitation. Recommended principles on human rights and human trafficking. Activities of the Special Rapporteur on trafficking in persons, especially women and children.

**TOPIC 15. State regulation of migration processes in the Republic of Kazakhstan.**

State regulation of migration processes in the Republic of Kazakhstan. Political and legal aspects of the regulation of migration processes in Kazakhstan.

Migration policy of the Republic of Kazakhstan in the context of integration and new development priorities. Problems of implementation of migration policy in the Republic of Kazakhstan. Formation of the legislative base of the migration policy of the Republic of Kazakhstan. Migration Service Committee of the Ministry of Internal Affairs of the Republic of Kazakhstan.