

**COURSE DATA****Data Subject**

<b>Code</b>	35092
<b>Name</b>	Immigration
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2023 - 2024

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1302 - Degree in Criminology	Faculty of Law	4	First term
1923 - Double Degree Programme Law-Criminology	Faculty of Law	4	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1302 - Degree in Criminology	21 - Public safety	Optional
1923 - Double Degree Programme Law-Criminology	6 - Year 4 optional subjects	Optional

**Coordination**

<b>Name</b>	<b>Department</b>
AZCARRAGA MONZONIS, CARMEN	65 - International Law 'Adolfo Miaja de la Muela'
REIG FABADO, ISABEL	65 - International Law 'Adolfo Miaja de la Muela'

**SUMMARY**

The Law of Foreigners deals with the rights and freedoms of foreigners in Spain, their entry, stay and departure from the national territory, as well as the sanctioning regime applicable to this area and issues related to the exercise of family reunification or the possibility to work in our country. This subject also deals with some circumstances that could affect the lives of foreigners during their stay in Spain, specifically the possibility of acquiring Spanish nationality and the eventual celebration of a marriage and its future dissolution. Furthermore, the rules derived from the process of European integration are also studied. This phenomenon has caused a greater "internationalization" of our society and a specific regime of circulation within the European Union for European citizens and their families. Finally, this subject will also tackle the particular regime of asylum in Spain.



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

No previous knowledge is required.

## COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

### 1302 - Degree in Criminology

- Ser capaz de apreciar la complejidad y diversidad del fenómeno criminal.
- Saber hacer estudios en barrios marginales o de acción social preferente, elaborando estrategias de prevención y/o intervención de la criminalidad.

## LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

**Skill 6.** Getting to know the legal regime of foreigners in Spain in order to facilitate the resolution of problems.

## DESCRIPTION OF CONTENTS

### 1. Immigration Law

- 1.- The foreigner and Immigration Law
- 2.- The legal sources of Immigration

### 2. Rights, freedoms, legal guarantees and obligations of foreigners in Spain

- 1.- Rights: documentation. Freedom of movement. Public participation. Medical care. Education. Family privacy.
- 2.- Freedoms: of assembly and demonstration. Association. Trade Unionism and right to strike.
- 3.- Legal guarantees: Effective judicial protection. Free legal aid.
- 4.- Obligations: Documentation. Taxation.



### **3. Entry of foreigners in Spain**

- 1.- Transit
- 2.- Entry: Concept. Access to the national territory. Paperwork. Visas. Refusal of entry. Prohibition of entry. Obligations for carriers. Re-entry authorization.

### **4. Stay of foreigners in Spain**

- 1.- Stay: Concept. extension of stay. Stay of students and researchers. Stay for no labour practices or voluntary services. Stay for job-seeking.
- 2.- Residence: Concept. Temporary non-lucrative residence. Temporary residence on the ground of exceptional circumstances. Temporary residence and work. Residence of minors. Residence of stateless and undocumented persons and refugees. Long-term residence. EU long-term residence.

### **5. Family reunification**

- 1.- Family reunification: Concept. Family members eligible for reunification. Procedure.
- 2.- Independent residence of reunified family members.
- 3.- Family reunification for reunified residents.

### **6. Foreign minors**

- 1.- Child immigration: foreign unaccompanied minors. Repatriation.
- 2.- Guardianship of minors in Spain. Family integration of immigrant minors.
- 3.- Residence authorization. Healthcare.
- 4.- Temporary displacement of minors.

### **7. The acquisition of Spanish nationality**

- 1.- Acquisition of Spanish nationality by natural parentage or birth in Spanish territory.
- 2.- Acquisition of Spanish nationality by option.
- 3.- Acquisition of Spanish nationality by adoption.
- 4.- Acquisition of Spanish nationality by letter of nature.
- 5.- Acquisition of Spanish nationality by residence in Spain.
- 6.- Acquisition of Spanish nationality by status possession.
- 7.- Dual nationality.

### **8. Marriage of foreigners in Spain**

- 1.- Celebration of marriage: Law applicable to the requirements of capacity, consent and form. Consular marriage. Marriage of convenience. Relationships analogous to marriage.
- 2.- Nullity, separation and divorce: International jurisdiction and determination of the applicable law. Recognition in Spain of foreign resolutions of nullity, separation and divorce.



## **9. Labour of foreigners in Spain**

- 1.- Collective management of hiring in origin: Foreign workforce. Concept. Legal regime.
- 2.- Work authorizations: Temporary residence and work authorization for paid employment. Temporary residence and work authorization for self-employment. Highly qualified professionals. Cross-border workers. Permanent authorization.
- 3.- Changes in work authorizations of foreigners in Spain.

## **10. Infringements and sanctions in Immigration Law**

- 1.- Infringements: classes. Limitation period.
- 2.- Sanctions: classes. Limitation period.
- 3.- Sanctions procedures: classes.
- 4.- Alien detention centers: admission and functioning. Rights and obligations of foreigners.

## **11. Departure from national territory**

- 1.- Voluntary departure. Court-authorized departure. Prohibition of departure.
- 2.- Compulsory departure. Refoulment. Repatriation. Return. Expulsion.

## **12. Applicable regime for EU-citizens and other EEA States**

- 1.- Legal sources
- 2.- Personal scope of application
- 3.- Entry and freedom of movement
- 4.- Residence

## **13. International protection in Spain**

- 1.- Legal sources
- 2.- International protection in Law 12/2009
- 3.- Right to asylum
- 4.- Subsidiary protection



## WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Development of group work	10,00	0
Development of individual work	12,00	0
Study and independent work	10,00	0
Readings supplementary material	6,00	0
Preparation of evaluation activities	20,00	0
Preparing lectures	4,00	0
Preparation of practical classes and problem	12,00	0
Resolution of case studies	16,00	0
<b>TOTAL</b>	<b>150,00</b>	

## TEACHING METHODOLOGY

The teaching methodology will combine the lectures with the realization of practical cases and the organization of complementary activities, which will be taken into account for the purpose of the final grade in the framework of the continuous assessment. Attendance to classes with the relevant legislation is necessary in order to follow the explanations and solve the practical cases.

## EVALUATION

### Evaluation system

A. Written and/or oral evaluation that may consist of one or several exams that may be objective and may include theoretical and practical questions and/or problems.

B. Continuous assessment of each student, based on regular attendance and active participation in the proposed classroom activities, such as practical realization or participation in workshops, preparation and/or submission of papers, reports and/or presentations regarding those activities, in a collective or individual way. All this taking into account the degree of implication and effort shown by the student in the process of teaching/learning during the development of such activities.

C. Continuous assessment of each student, based on the attendance of the student to the seminars or visits to different institutions, and, when necessary, the submission of papers, reports and/or presentations regarding those activities, in a collective or individual way. All this taking into account the degree of implication and effort shown by the student in the process of teaching/learning during the development of such activities.





## Grading / Weighing

A 70%

B+C 30%

Regardless of the general assessment system established for all students (written or oral exam), the lecturers responsible for the subject may determine in the Syllabus Annex the possibility of changing, well-founded, the final exam modality when they are forced to hold the exam on a date different from the official one under the rules established for coincidence of exams in the Regulations on Assessment and Grading of the Undergraduate and Master's Degrees of the University of Valencia, or any other cause established by regulation (e.g. justified force majeure). In these cases, the new type of exam to be taken must maintain the same level of difficulty as the general one.

Students who have followed the continuous assessment and have obtained a grade in this regard, in the event of not taking the final exam on the official date (both in 1st and 2nd calls), will obtain the grade "NO PRESENTADO".

## REFERENCES

### Basic

- FERNÁNDEZ MASIÁ, E. (Dir.): Nacionalidad y Extranjería, Tirant lo Blanch, Valencia, 2023

### Additional

- MARTIN SANZ, L.V.: Movilidad, extranjería y nacionalidad, Centro de Estudios Financieros, 4ª edic., 2021
- FUENTES I GASÓ, J.R., GIFREU I FONT, J., y MARÍN CONSARNAU, D. (dir.): Esquemas de extranjería, 2a edición, Valencia, Tirant lo Blanch, 2021
- FERNÁNDEZ PÉREZ, A. (ed.): Perspectivas de la política de inmigración, asilo y refugio en la Unión Europea, Thomson Reuters Aranzadi, Cizur Menor (Navarra), 2022
- VVAA: Vademecum Extranjería, Colex, A Coruña, 2022