

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

<b>Code</b>	35251
<b>Name</b>	Nationality and immigration
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	4.5
<b>Academic year</b>	2020 - 2021

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. Period</b>
1303 - Degree in Law	Faculty of Law	4 First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1303 - Degree in Law	45 - Nationality and immigration	Optional

**Coordination**

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

**SUMMARY**

The optional course of "Nationality and Immigration Law" is integrated in the international law itinerary and it is directly related with the mandatory subject matter of Private international law.

Nationality law is the sector of the Spanish law system that regulates the ways of attribution and acquisition of the Spanish nationality, its conversion, loss and recovery, as well as the double-nationality and statelessness situations. At the same time, immigration law studies the rights and freedoms of foreign citizens in Spain: their entry, stay and exit of the national territory, as well as the penalty regime applicable to this area. To this, it must be added the impact that the European integration process has had in regards to the different citizens from European member states, which has brought forward a specific intra-European circulation regime, and the special status in Spain for European citizens and their relatives. Finally, the Spanish asylum regime will also be addressed.



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

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

### Other requirements

We recommend that the students that enroll in this course have previously completed the Private international law course.

## OUTCOMES

### 1303 - Degree in Law

- Recognise the importance of law as a system for regulating social relations.
- Know the content and application of each of the branches of the legal system.
- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- Be able to apply constitutional principles and values, the respect for human rights, with special attention to equality between men and women, sustainability and the culture of peace as working tools in the interpretation of the legal system.
- Know the community and international regulatory framework, its institutions and their functioning.
- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to communicate correctly both orally and in writing in the field of law.
- Be able to analyse legal problems and synthesise their approach and resolution.
- Develop critical awareness for the analysis of the legal system and develop the legal dialectic.
- Know, understand and know how to apply the interrelation between law and other non-legal disciplines.

## LEARNING OUTCOMES

### Skill number 1

Ability to approach migration flows (related to specific skills of grade CE 1, 2, 18).

### Skill number 2

Understanding the basic Nationality and Immigration Law principles (CE 2, 6, 7, 8).



### **Skill number 3**

Being able to critically analyze the legal status of a foreign citizen in Spain (CE 2, 3, 4, 6, 9, 10, 11).

### **Skill number 4**

Being able to identify, assess and criticize the teleological and axiological objectives pursued by the legislator when creating the nationality and immigration laws (CE 2, 3, 4, 6, 9, 10, 11).

## **DESCRIPTION OF CONTENTS**

### **1. Nationality and the right to a Nationality**

1. - Concept and legal nature of the national link
2. - Legal Sources of Nationality Law

### **2. Acquisition of the Spanish nationality**

- 1.- General criteria for the acquisition of the Spanish nationality
- 2.- Acquisition of the Spanish nationality by natural filiation
- 3.- Acquisition of the Spanish nationality by adoptive filiation
- 4.- Acquisition of the Spanish nationality by birth in a Spanish territory.

### **3. Acquisition of the Spanish nationality (continuation)**

- 1.- Acquisition of the Spanish nationality by option.
- 2.- Acquisition of the Spanish nationality by naturalization.
  - a. Naturalization by letter of nature
  - b. Naturalization by residence.
3. Acquisition of the Spanish nationality by status possession.

### **4. Loss, conservation and recovery of the Spanish nationality**

- 1.- Loss of the Spanish nationality
  - a. Involuntary loss
  - b. Loss by way of sanction.
- 2.- Nullity of the acquisition of the Spanish Nationality
- 3.- Conservation of the Spanish nationality



## **5. Nationality conflicts**

- 1.- The double nationality
2. Statelessness

## **6. Immigration Law**

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

## **7. 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. Of association. Of trade unionism and the right to strike.
- 3.- Legal guarantees: Effective judicial protection. Free legal aid.
- 4.- Obligations: Documentation. Taxation.

## **8. Entry of foreigners to 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.

## **9. Stay of foreign nationals in Spain.**

1. Stay: Concept. Extension of stay. Stay of students and researchers. Stay for no labour practices or voluntary services. Stay for job-search.
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.

## **10. Family reunification**

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



### **11. Foreign minors**

1. Unaccompanied foreign minors. Repatriation.
2. Guardianship of the minor in Spain. Family integration of immigrant minors.
3. Residence permit. Medical care.
4. Temporary stay of minors.

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

- 1.- Collective management of hiring in origin: Foreign workforce: Concept. Legal regime.
2. Work permits:
  - a. Authorization of temporary residence and work permit for paid employment.
  - b. Authorization of temporary residence and work permit for self-employment.
  - c. Modification of labour situations for foreign nationals in Spain.

### **13. Immigration infringements**

- 1.- Infringements: classes. Statute of limitation.
2. Sanctions: Classes. Statute of limitation.
3. Sanction procedure: Classes.
4. Alien internment centers. Admission and functioning. Rights and obligations of alien internees.

### **14. Departure from national territory.**

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

### **15. Applicable regime for EU-citizens and other States part of the Agreement.**

1. Legal sources
2. Entry and freedom of movement.
3. Residence.
4. Departure.

### **16. Asylum regime in Spain**

1. Legal Sources
2. Regulation of the right to Asylum in Spain.



**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Attendance at events and external activities	2,00	0
Study and independent work	2,50	0
Readings supplementary material	4,00	0
Preparation of evaluation activities	31,50	0
Preparing lectures	6,00	0
Preparation of practical classes and problem	10,00	0
Resolution of case studies	4,50	0
<b>TOTAL</b>	<b>105,50</b>	

**TEACHING METHODOLOGY**

The teaching methodology will combine lectures and activities such as case-resolution, analysis of judgements and other immigration-and-nationality-related decisions. Likewise, the organization of complementary activities such as seminars and conferences by experts in the subject matter is foreseen, along with regular testing throughout the duration of the course. All the above will be taken into account in order to set the final grade in the framework of continued evaluation. Class attendance -with the pertinent legislation in hand- will be required in order to follow the explanations and solve the practical cases that will be raised.

**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%

## REFERENCES

### Basic

- FERNÁNDEZ MASIÁ, E. (dir.): Nacionalidad y Extranjería, Tirant lo Blanch, Valencia, 2018

### Additional

- ORTEGA GIMÉNEZ, A. (Dir.) y HEREDIA SÁNCHEZ, L. (Coord.): Manual práctico orientativo de Derecho de Extranjería, Thomson Reuters Aranzadi, Cizur Menor (Navarra), 2016
- ORTEGA GIMÉNEZ, A. (Dir.) y HEREDIA SÁNCHEZ, L. (Coord.): Manual práctico orientativo de Derecho de la nacionalidad, , Thomson Reuters Aranzadi, Cizur Menor (Navarra), 2017
- PARRA RODRÍGUEZ, C. y GIMÉNEZ BACHMANN, M. (Dirs): Nacionalidad y extranjería, Huygens, Barcelona, 2016
- ORTEGA GIMÉNEZ, A. (Dir.): Cuestiones prácticas actuales de derecho de la nacionalidad y de la extranjería, Aranzadi, Cizur Menor (Navarra), 2018
- MARTIN SANZ, L.V.: Movilidad, extranjería y nacionalidad, Centro de Estudios Financieros, 4ª edic., 2020

## ADDENDUM COVID-19

**This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council**

**PRESENTIAL TEACHING MODEL:** No significant changes are foreseen in the teaching methodology, which will be specified at the discretion of each lecturer.

**BLENDED TEACHING MODEL: THEORETICAL-PRACTICAL CLASSES WITH ALTERNATE WEEKLY ATTENDANCE FOR STUDENTS.** During the weeks of non-attendance autonomous work of students is foreseen, of a theoretical-practical nature, including activities such as practical cases, analysis of judgments, doctrinal readings, handbooks, ... etc. Each lecturer will specify the activities to be carried out in his/her group in the relevant Syllabus Annex.

**ONLINE TEACHING MODEL:** In case online classes must be set up due to the sanitary crisis, each lecturer will choose the channel through which he/she will continue to develop his/her academic obligations, which may include (even cumulatively) uploading materials at "Aula Virtual", conducting BBC video conferences, organizing continuous assessment activities of different nature, etc.