MIGRATION CURRICULUM: Academia

Developed under the “Building Training and Analytical Capacities on Migration in Moldova and Georgia (GOVAC)” project

Law, Economics and Social-Political Sciences (Human Geography and other departments) Faculties and Journalism Department
Introduction

This Migration Curriculum was developed within the EU-funded project “Building Training and Analytical Capacities on Migration in Moldova and Georgia” (GOVAC project). This guide is designed to assist the Tbilisi State University to implement migration-related teaching within three faculties at the Bachelor level of studies (BA). Most of the courses are aimed at fourth-year students.

This curriculum was developed with the assistance of GOVAC project academic experts and is based on their teaching and research materials (Prof. Peter van Krieken, Prof. Philip Martin, Prof. Michel Poulain). The GOVAC project implementation team also supported the development activities.

The three faculties are:

- Social-Political Sciences (including Human Geography Department and Journalism Department);
- Economics;
- Law.

The Migration Curriculum consists of 4 stand-alone Modules (General Issues (1), Migration Statistics and Demography (2), Migration Economics (3) and Migration and Asylum Law (4). Migration is interdisciplinary, so students should be able to participate in migration-related courses from another faculty.
The recommended GOVAC Migration Curriculum consists of 5 credits according to the European Credits Transfer System (ECTS) for each faculty, and is compulsory for students who have chosen the migration course and cannot be freely changed by students. These credits are to be collected by students within migration course Modules designed for their respective faculty and for joint lectures. 5 ECTS corresponds to approximately 30 – 34 class hours (depending on course), but also includes individual students work.

The complete table of the GOVAC Migration Curriculum as well as tables for each of the three faculties, are provided in the section “Structure of the GOVAC Migration Curriculum”.

Why the Need for a Migration Curriculum?

Migration is a global phenomenon, affecting each and every state and its society. States need to educate “migration specialists” to develop and improve data and migration management, regulate migration, protect borders and process asylum seekers. Moreover, migration is linked to human rights law, the labour market, demography, the economic, social and cultural development of the state, state security aspects, and the activities of police and other law enforcement institutions. Universities and other higher education institutions should be aware of the interdisciplinary nature of migration in order to prepare qualified migration specialists for government needs. This GOVAC Migration Curriculum aims at the introduction of a complex approach to be introduced at BA level with the consequent development of a Master’s (MA) course and the introduction of MA thesis topics related to the different dimensions of migration: social-political, economics, legal and media and communication.

How does one use the GOVAC Migration Curriculum?

Each of the 4 individual Modules of the Course contain Units which are designed either to be given as lectures jointly or independently by each respective faculty (department). Moreover, each Module is complex as it also contains the practical exercises, individual student work, recommendations for study visits, guest lectures, and evaluation of the students in the form of – an examination.

Each of the Modules follows the same structure:
- **Short Module Description (a):**
  Short Module Rationale describing the main elements of the Module so that the user can understand immediately what topics are covered by the Module. The description also includes an overview of the Intended target groups for the Module (students) and lecturer’s profile. The information on target groups (students) includes indications of faculties for which the Module (or its respective Units) are compulsory. As well as the intended lectures to be given by the staff of the respective faculty, indications are also provided as to who could be invited as a guest lecturer (prestigious institutions or NGOs).

- **Learning Objectives and Values (b):**
  Intended learning outcomes which indicate what a student should know after completion of the Module.

- **Outline of the Module (c):**
  Detailed structure of the Module with recommended Units and specific topics.

- **Central Module Questions (d):**
  These questions are to be used for evaluation, discussion and feedback at the end of the Module. The questions will help participants to streamline and reaffirm knowledge gained during the teaching. The professor (lecturer) will receive feedback on their lecturing and its
effectiveness. The questions could also be used by the trainer during the training in order to facilitate discussion and for the facilitation of working groups.

- **Suggested Timeframe of the Module (e):**

  This information is indicative in nature and helps to provide an overview of how much time should be planned for completion of the course.

- **Indicative Content of the Module(f):**

  This part provides a detailed indicative overview of the Module and its Units and of the main questions/issues to be covered by the Module. This part also aims at assisting the respective professor to prepare a detailed plan of his/her lecture and its content. Indicative content of the Module also includes a description of other activities within the Module, such as empirical work and evaluation of students (examination).

- **Resources and Further Reading (g):**

  This part provides an indicative list of resources and further reading (books, monographs, legal acts, and internet sources) for each individual Module. This list is not exhaustive; the professors and students can use other, not listed, resources to prepare/organise the lecture.
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### A. Structure of the Joint Migration Course recommended for four faculties

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<thead>
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<th>Curricula Modules</th>
<th>ECTS</th>
<th>Hours (total)</th>
<th>Class work</th>
<th>Individual work</th>
<th>Faculties</th>
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<tbody>
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<td></td>
<td>ECTS</td>
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<td>ECTS</td>
<td>Class Hours</td>
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<td>1.2. Migration Theory</td>
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<tr>
<td>1.3. Anti-discrimination, introduction to human rights</td>
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<tr>
<td>1.4. Empirical work: article, research, etc.</td>
<td>1</td>
<td>12</td>
<td>2</td>
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<tr>
<td>1.5. Examination</td>
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<td>14</td>
<td>2</td>
<td>12</td>
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<td>2. Migration Statistics, Demography</td>
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<td>2.1. Introduction to Migration Statistics</td>
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<td>2.3. Empirical work of students: research and presentation</td>
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<td>12</td>
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1 Recommended within the project; should be applied according to existing university practice.
## Curricula Modules

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<th>Class work</th>
<th>Individual work</th>
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### 3. Migration Economics

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<th>Class Hours</th>
<th>Class Hours</th>
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<td>3.2. Impact for receiving and sending countries</td>
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</tr>
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<td>3.3. Migration and Development</td>
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</tr>
<tr>
<td>3.4. Empirical work of students: research, case study, study visits and presentation</td>
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<tr>
<td>3.5. Guest lectures</td>
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### 4. Migration and Asylum Law

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<th>Class Hours</th>
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<td>4.3. Asylum</td>
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<td>3</td>
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</tr>
<tr>
<td>4.4. Introduction to EU migration and asylum acquis</td>
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</tr>
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<td>4.5. Residence according to the EU acquis</td>
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<td>4.6. Asylum under the EU acquis</td>
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</tr>
<tr>
<td>4.8. Empirical work/case studies</td>
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<tr>
<td>4.9 Examination</td>
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**Total (compulsory course & credits)**

| 5 | 30 | 5 | 32 | 5 | 32 | 5 | 34 |
B. “MIGRATION STATISTICS”: Structure of the Course recommended for the Faculty of Social-Political Sciences (Human Geography and other relevant departments)

<table>
<thead>
<tr>
<th>Units of the respective Modules</th>
<th>ECTS</th>
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<td>Introduction to Migration Statistics</td>
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<td>Statistical Research and Migration</td>
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<tr>
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<tr>
<td>Guest lectures</td>
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<tr>
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<tr>
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<td>Impacts of migration on</td>
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### D. “MIGRATION LAW” – Structure of the Course for the Faculty of Law

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<td>Asylum</td>
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<td>4. Migration and Asylum Law</td>
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<td>Introduction to EU migration and asylum acquis</td>
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E. “MEDIA AND MIGRATION” – Structure of the Course for Journalism Department (within the Social-Political Sciences Faculty)

<table>
<thead>
<tr>
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<td>Migration Theory</td>
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<tr>
<td>Introduction of human rights</td>
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<td>Introduction to Migration Statistics</td>
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<td>Introduction to migration economics and Labour migration</td>
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<td>Introduction to International migration law</td>
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| Total (hours) | 5 | 56 | 34 | 22 |
Module 1. General Issues

**a. Short Module Description**

This Module provides an overview of general issues related to migration: migration history, migration theory, anti-discrimination issues and an introduction to human rights. This Module primarily serves the students of the Journalism department within the Social-Political Sciences. Nevertheless, the first two Units (Unit 1.1 Migration History and Unit 1.2 Migration Theory) of this Module are compulsory for all students, as they provide a general overview of the field of migration.

<table>
<thead>
<tr>
<th>Students (compulsory)</th>
<th>Professors</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unit 1.1 and Unit 1.2:</strong> Students of Social-Political Sciences (Human Geography and other relevant departments, Economics, Law and Journalism department within the Social-Political Sciences Faculty.</td>
<td>This Module should be jointly lectured by professors of Social-Political Sciences, Law and Journalism. Representatives of state institutions involved in anti-discrimination issues (ombudsmen) and from human rights NGOs could be invited as guest lecturers.</td>
</tr>
<tr>
<td><strong>Unit 1.3 – 1.5:</strong> students of Journalism department within the Social-Political Sciences faculty.</td>
<td></td>
</tr>
</tbody>
</table>

**b. Learning Objectives and Values**

At the end of this Module, the students will:

- Have increased knowledge of migration terminology and patterns;
- Understand migration trends worldwide and in Georgia;
- Have gained general knowledge on international, EU and Georgian migration legislation;
- Understand the relationship between state institutions involved in migration management and civil society;
- Be able to apply knowledge on migration in carrying out an empirical work such as a research or an article on a migration topic.
c. Outline of the Module:

Unit 1.1 Migration History
- 1.1.1 Migration trends in recent history: 19th – 20th century
- 1.1.2 Migration trends after WWII
- 1.1.3 Impact of migration trends on social-political development, demography, economics, law
- 1.1.4 Migration trends in Georgia and the current situation

Unit 1.2 Migration Theory
- 1.2.1 Global and Regional migration patterns
- 1.2.2 Theories of Migration: Push and Pull Factors; Individuals and Families
- 1.2.3 Legal regulatory framework and migration management in Georgia
- 1.2.4 Role of civil society in migration management

Unit 1.3 Introduction to Human Rights
- 1.3.1 Introduction to and development of anti-discrimination and human rights law
- 1.3.2 Prohibition of discrimination based on citizenship, sex, sexual orientation, racial or ethnic origin, religion or belief, disability or age. Prohibition of discrimination in other areas
- 1.3.3 Introduction to Georgian anti-discrimination law

Unit 1.4 Empirical Work
- 1.4.1 Preparation
- 1.4.2 Research
- 1.4.3 Presentation

Unit 1.5 Examination
Evaluation of students' knowledge
d. Central Module Questions

These questions could be used as for the facilitation of discussion during the lecturing of the Module and for evaluation of students’ knowledge.

- What are the reasons for the various types of international migration?
- What are the most relevant types of migration and categories of migrants in Georgia? Why are these quite relevant? What are the major sources of data on migration and public opinion on migration processes in Georgia?
- Is the migration management structure and system in Georgia sufficient? In which areas could it be improved?
- What would be an ideal administrative setting for migration management in Georgia? Why?
- What are the main features of anti-discrimination law in Georgia?
- What is the role of civil society in migration management?

e. Timeframe:

<table>
<thead>
<tr>
<th>Units of Module 1</th>
<th>Timeframe for course (hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>Unit 1.1 Migration History</td>
<td>6</td>
</tr>
<tr>
<td>Unit 1.2 Migration Theory</td>
<td>6</td>
</tr>
<tr>
<td>Unit 1.3 Anti-discrimination</td>
<td>4</td>
</tr>
<tr>
<td>Unit 1.4 Empirical work</td>
<td>12</td>
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<tr>
<td>Unit 1.5 Examination</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>42</strong></td>
</tr>
</tbody>
</table>

An additional 14 class hours corresponding to 2 ECTS are to be taken by students of the Journalism Department (within the Social-political sciences faculty) from:
- Module 2, General Issues, Units 2.1. (0.5 ECTS, 4 class hours);
- Module 3, Migration Economics, Unit 3.1. (0.5 ECTS, 4 class hours);
- Module 4, Migration and Asylum Law, Unit 4.1 (0.5 ECTS, 3 class hours) and Unit 4.4 (0.5 ECTS, 3 class hours).
f. Indicative Content of the Module

Unit 1.1 Migration History

Migration is as old as mankind’s movement in search of food, but international migration over well-defined borders with passports and visas dates mostly from the early 20th century and the rise of the nation state (there were about 40 generally recognised nation states in 1900 and more than 200 in 2010) and cheaper transportation. Many national migration laws date from the 1920s, when traditional immigration countries such as the US tried to restrict immigration from southern and eastern Europe.

In the past, most migration was a search for economic opportunity, although some was a quest for religious or other freedom and freedom from persecution. Among the world’s 214 million migrants in 2010, less than 5% were defined as refugees by UNHCR, although a larger number were “of concern” to UNHCR.

Between 1850 and WWI, some 60 million Europeans emigrated, and two-thirds settled in the US. At a time when countries were beginning to make the transition from agriculture to industry, Europeans left countries that had scarce land and abundant labour, and moved to countries with abundant land and scarce labour. Hatton and Williamson emphasise that Europe’s poorest could not afford to emigrate until some development raised their incomes and steam ships and other technologies lowered the cost of travel. They also concluded that some migration can beget further migration, as networks lower migration costs and spread a culture of migration that trains young people to consider emigration.

International migration remained low between the 1920s and the 1960s due to the global depression and war. During the 1950s and 1960s, a combination of policy changes in traditional immigration countries such as Canada and the US, guest worker recruitment in Europe, and the transition from colony to nation state around the world created new nation states and new migration flows. Migration patterns changed even further in the 1970s, with recruitment stopping in Europe, unauthorised Mexico-US migration, new guest worker flows to oil exporters in the Gulf, and refugee resettlement from Southeast Asia establishing new migration networks. The pace of change quickened in the 1980s and 1990s, which saw more asylum seekers moving further from their countries of origin, more South-South migration, and a new emphasis in many rich countries on admitting or recruiting foreign students and professionals.

Students should appreciate that migration is not new, but what is new is nation state regulation of migration and the communication and transportation revolutions which make learning about opportunities abroad and circulating between nation states easier. Many emigration-country governments hope that sending workers abroad today can speed up development at home and reduce migration in the future. The Global Forum for Migration and development (GFMD) is an annual meeting of government representatives that discuss how migration can speed up development in migrant-sending areas.

Impact of the development of migration trends on:

- Demography

The world’s population reached seven billion in autumn 2011, made up by 1.2 billion in more-developed countries, 17 percent of the total population and 5.8 billion in developing countries. Europe has a stable 740 million people, about 10 percent of the world’s population, and its share of the world’s people is expected to shrink. Most Eastern European countries have shrinking populations.

Young people are most likely to migrate. Globally, about 27 percent of people are under 15, but the share of children in countries’ populations is lower in more developed countries, 16 percent versus 33 percent in developing countries (excluding China). Georgia has a child share similar to those of developed countries, but much lower levels of income and a higher share of residents living in rural areas. This means that, for these countries, the major
reasons for out-migration are more due to a lack of economic opportunities than a demographic youth bulge.

- Economics

Economics deals with the allocation of scarce resources by focusing on how individuals and businesses optimise or use their limited time and other resources to maximise welfare and profits. Most micro migration research studies analyse how individuals decide whether to migrate, emphasising that the major reasons involve wage differences, but that factors other than a 5- or 10-1 wage gap can also influence migration decisions, including opportunities to learn new skills, settle abroad, or simply escape confining rural areas.

Most migrants move for economic reasons, and economic research focuses on the impacts of migrants in receiving- and sending-countries. In receiving countries, the major issues are the impacts of migrants on the wages of similar workers and on the productivity and profits of the employers who hire migrants, the public finance impacts of migrants, and the earnings trajectories of migrants and their children over time (economic integration). In sending countries, the major issues are what happens to wages and investment in areas losing people (Do wages rise? Are investors attracted by the existence of surplus workers or discouraged because the “best” workers have left or might leave?), the effects of remittances at macro levels (exchange rate and Balance of Payments) and micro levels (spending on housing and goods and the multiplier effects), and the activities of returned migrants.

- Sociology and Political Science

Sociology deals with how individuals form and interact with other groups, and how individuals and groups interact with societies’ structures, including adherence to the rule of law as well as modes of religion, social structure or class, and social mobility. Political science deals with how individuals and groups govern the society in which they live, examining the politics involved in electing representatives and influencing government decisions, the policy-making process, and interactions within and between nation states.

There may well be more empirical teaching and research on the sociology of migration than any other discipline. A broad range of data on membership, attitudes and mobility allow researchers to examine the impact of migration on these social factors. Many students and researchers conduct case studies that highlight both successful and unsuccessful migration experiences and their effects on migrants, their families, and others who did not migrate. Migrants are different from non-migrants at home and natives in the places to which they migrate, prompting studies of discrimination at home and abroad, the status of minorities and ethnic relations, and gender issues.

Political science teaching and research often focuses on what governments do, examining the process by which governments enact laws encouraging or discouraging migration (and whose interests are served by such laws), migration relationships with other countries, and linkages between migration and other issues of concern to governments in migrant-sending and -receiving countries.

- Unit 1.2 Migration Theory

Global and Regional Migration Patterns

The UN reported some 214 million migrants in 2010, up from 111 million in 1985 (www.unmigration.org). Migrants, persons living outside their country of birth or citizenship for a year or more, generally move from poorer to richer countries. The 30 rich countries with a sixth of the world’s seven billion people include 60 percent of all migrants, making migrants 11 % of residents in industrialised countries.

Migration texts (Castles and Miller) take a regional approach to studying migration. They first draw distinctions between migration to (1) “nations of immigrants” populated largely by newcomers and their descendents, including Australia, Canada, New Zealand and the US, (2) often reluctant countries of immigration in Europe, and (3) newcomers to immigration in
Southern Europe, Korea, and Japan. In each case, migration materials usually begin with data on stocks and flows, the evolution of migration policies, and analyses and controversies over the impacts of socio-economic impacts of migrants.

The second major discussion centres on developing countries that attract migrants, ranging from Argentina and Costa Rica to the Gulf oil exporters to Russia, Malaysia, Singapore and South Africa. Migrant stocks and flows, policy evolution, and impacts and issues vary widely, and include zig-zags on quotas and levies (first raising and then lowering them), often wide gaps between migration goals and outcomes, and sometimes exploitative conditions for migrants.

The third major discussion addresses migrant-sending countries, mostly developing countries, but also some industrialised countries such as France, the UK and the US, that have many citizens abroad (although these industrialised country flows are rarely covered). The major issues involve the 3 R’s of recruitment, or, who goes abroad (stocks and flows), remittances and their effects, and returns and activities of returned migrants. These 3 R’s can interact to generate virtuous circles, in which migration today leads to stay-at-home development tomorrow, or vicious circles when migration today prompts more migration tomorrow. Policy can make a difference in determining whether there are virtuous or vicious circles between migration and development, highlighting the need to determine which migrant-sending and –receiving government policies maximise migration's contribution to development.

Theories of Migration

There are as many reasons for migration as there are individual migrants, but the most basic distinctions are between voluntary and forced migrants (refugees). Both voluntary and forced migrants move because of pull factors in receiving areas, push forces in sending areas, and networks that link sending and receiving areas. The relative importance of these factors can vary over time.

Push and pull factors refer mostly to the wage or income wedge between areas of origin and destination. Their importance in motivating individuals to migrate can change over time. For example, in most guest worker migration, recruitment pull forces are most important to get migration started, and push and network forces can become more important over time, especially if networks lower migration costs over time.

Theories of migration usually focus on individual decision making, but the so-called new economics of labour migration focuses on family decision making. Its basic postulate is that rural families can be analogous to investors who diversify their portfolios, as when a rural family encourages sons to migrate to Russia to work in construction and daughters to migrate to EU countries as domestic workers. Other theories of migration include systems and the core-periphery model to explain migration as part of larger patterns of development.

Laws Regulating Migration

All sovereign nations have borders, passports, and laws setting out the rights and obligations of nationals and foreigners. Migration laws are influenced by bilateral and regional agreements and international conventions that deal with migrant workers, refugees, asylum seekers, statelessness, victims of trafficking and other groups. Students normally learn the law and how it is applied by reviewing cases, so that its principles become apparent in real-world settings.

Unit 1.3 Introduction to Human Rights

Ideas about human rights have developed over centuries; however, they achieved strong international support following World War II. The first modern international human rights instrument was the United Nations’ 1948 Universal Declaration of Human Rights. For the first time in history, the Universal Declaration set out the fundamental rights and freedoms shared by all human beings. Furthermore, rights and freedoms set out in the Declaration and based on core principles like dignity, equality, and respect formed a basis for international and
regional human rights treaties, for instance, the European Convention on Human Rights. This regional human rights instrument applies in all Member States of the Council of Europe.

#### Unit 1.4 Empirical Work

The aim of empirical work is to apply the knowledge gained during the lecturing. Therefore, this activity should be implemented only after lecturing is completed. The empirical work within this Module is compulsory only for students of the Journalism department within the Social-Political Sciences faculty, so as students can write an article on current migration issues in Georgia.

The topics for the article should be suggested by students after consultation with the respective professors. The article should not exceed 10-15 pages. The following scale for evaluating the empirical work can be applied:

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevance of the topic for Georgia</td>
<td>10%</td>
</tr>
<tr>
<td>Knowledge of the topic</td>
<td>20%</td>
</tr>
<tr>
<td>Ability of the student to implement a scientific research on the selected topic</td>
<td>20%</td>
</tr>
<tr>
<td>Presentation</td>
<td>20%</td>
</tr>
<tr>
<td>Organisation, logic and format of the article</td>
<td>10%</td>
</tr>
</tbody>
</table>

Only students who achieve 50% or more according to the above scale may receive 1 ECTS from this unit.

#### Unit 1.5 Examination

The most appropriate form of examination can be chosen by the professor, taking into account the size of a particular students’ group. In a small group (up to 5 people), the professor can use a facilitated discussion form of exam where each student has to defend his/her opinion on a topic in the field of migration selected by the professor. In a mid-sized group (up to 15 people), an oral exam with up to 3 theoretical questions could be organised. In the case of even bigger groups, the most appropriate way to evaluate student knowledge is to use a written test (with open or multiple choice questions, or a combination of these two).
g. Resources and Further Reading:

Module 2. Migration Statistics and Demography

### a. Short Module Description

This Module aims to provide a coherent and interdisciplinary introduction to migration studies from an academic perspective. This course can be attended by students of Social-Political Sciences (Human Geography and other relevant departments) as a compulsory course and also by students of other disciplines as an elective course. It serves to develop a broad understanding of migration statistics basics and principles of applied migration research. It should function as a comprehensive basis for a follow-up MA course in migration studies.

<table>
<thead>
<tr>
<th>Students (compulsory)</th>
<th>Professors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students of Social-Political Sciences (Human Geography and other relevant departments) have to take this course on a compulsory basis as an essential part of their BA studies (units 2.1 – 2.6). <strong>Unit 2.1</strong> – Introduction to Migration Statistics is compulsory for Journalism students. Module 2 might be taught only to the students whom have already completed Units 1.1 – 1.2 of Module 1 of this curriculum.</td>
<td>Professors of Social-Political Sciences (Human Geography department); guest lecturers from government institutions (statistical office and migration related institutions). On an ad-hoc basis lecturers from international organisations involved in migration research may also be invited.</td>
</tr>
</tbody>
</table>

### b. Learning Objectives and Values

At the end of this Module, the students will:

- Have a basic overview and an increased knowledge of general migration issues;
- Be able to conduct case studies and empirical work;
- Have acquired the skills to work in teams and give presentations on migration topics;
- Be able to analyse migration statistics and laws;
- Be able to conduct academic migration applied research;
- Have increased knowledge and analytical skills in migration studies.
c. Outline of the Module:

Unit 2.1 Introduction to Migration Statistics

2.1.1 Demography and migration:
- Population pyramid/aging population/population growth/consequences
- Brain drain
- Urbanization
- Skilled vs. unskilled labour migration
- Analytical and social demography

2.1.2 International migration sources and challenges related to these sources

2.1.3 EU acquis on migration statistics

Unit 2.2 Statistical research and Migration

2.2.1 Political/Social impacts of migration
- Families left behind
- (Re)Integration/assimilation
- Migration policies, e.g. White Australia policy, Germany’s Gastarbeiter
- Countries of origin, destination, transit

2.2.2 Economy and migration
- Impact of migrants and remittances on GDP
- Migrants as a labour force
- Economic migrants
- Labour migration
- Remittances
- Development

2.2.3 Social demography and migration
- Gender
- Religion
- Social structure/mobility
- Migrants and policy-making
- Migration networks/chain migration
- Urban-rural migration
- Costs and benefits of migration

Unit 2.3 Empirical Work

2.3.1 Preparation
2.3.2 Research on the chosen case study
2.3.3 Presentation of the work

Unit 2.4 Guest Lectures

Planned or ad-hoc lectures on selected topics

Unit 2.5 Examinations

Evaluation of students’ knowledge
d. Central Module Questions

- What is your opinion about individuals’ right to access their data processed by the state institutions? How this could right be implemented? Is the state allowed to restrict this right?
- What is the relation between personal data gathering and the purpose of this gathering? How should an individual be informed about the purpose?
- What types of migration statistics are available in Georgia? Are these statistics publicly available? What should/could be improved?
- What is your opinion, why it is important to collect and analyse migration statistics? Is the use of migration statistics sufficient in Georgia? Why?

e. Timeframe

<table>
<thead>
<tr>
<th>Units of Module 1</th>
<th>Timeframe for course</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total in hours</td>
</tr>
<tr>
<td>Introduction to Migration Statistics</td>
<td>4</td>
</tr>
<tr>
<td>Statistical Research and Migration</td>
<td>6</td>
</tr>
<tr>
<td>Empirical work (article, research)</td>
<td>12</td>
</tr>
<tr>
<td>Guest lectures</td>
<td>4</td>
</tr>
<tr>
<td>Examination</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>40</strong></td>
</tr>
</tbody>
</table>

3 An additional 12 class hours corresponding to 1 ECTS are to be amassed by students of the Social-Political sciences from Module 1, General Issues, Units 1.1 (0.5 ECTS, 6 class hours) and 1.2 (0.5 ECTS, 6 class hours).
f. Indicative Content of the Module

Unit 2.1 Introduction to Migration Statistics

Migration and Demography

The world’s population reached seven billion in autumn 2011, made up by 1.2 billion in more-developed countries, 17 percent of the total population, and 5.8 billion in developing countries. Europe has a stable 740 million people, about 10 percent of the world’s population, and its share of the world’s people is expected to shrink. Most Eastern European countries have shrinking populations.

Young people are most likely to migrate. Globally, about 27 percent of people are under 15, but the share of children in country populations is half as high in more developed countries as in developing countries, 16 percent versus 33 percent (excluding China). Georgia has a child share similar to those of developed countries, but much lower levels of income and a higher share of residents living in rural areas. This means that, for these countries, the major reasons for out-migration are more due to a lack of economic opportunities than a demographic youth bulge.

International migration sources and challenges related to these sources

Demography deals with births, deaths, and migration. Births and deaths are registered with government agencies, and government agencies collect migration data.

Most data is collected from individuals and households in periodic surveys. The most comprehensive data collection effort is the census, which surveys all households every five or 10 years. The data collected in a census includes the age and sex of all persons in a household and usually their place of birth, which allows identification of residents who were born abroad. Data is rarely collected on persons abroad, that is, emigrants.

There are also other surveys that are conducted less frequently, including monthly or quarterly labour force and household surveys. These surveys also collect some demographic data, including age and sex, and may include modules that collect migration data once a year or more often.

The third major source of data is administrative databases, including the population register, the border crossing database, and the aliens register. However, different definitions, purposes, and lack of coordination between relevant agencies can make it hard to derive useful data.

It is hard to measure emigration, since those departing may not register with the government and the duration of stay abroad could change.

International migration is a specific demographic event, as two different countries should register the same information: as emigration in the country of departure and as immigration in the country of destination. The European experience demonstrates that these two figures are never identical and often not even similar. For example, Italy reports yearly 10,000 emigrants to Germany, while Germany registers about 40,000 immigrants originating from Italy. The differences are sometimes larger and therefore Eurostat and the UNECE encourage international cooperation. Data sharing experience at bilateral and multilateral level could help to improve the quality and the reliability of international migration statistics.

EU acquis on migration statistics

The EU Eurostat Regulation will be presented and discussed point by point. For each data request the template of the table to be filled will be analysed. Accordingly we will present potential data sources and discuss their pro’s and con’s in producing the requested data. We will also assess the current situation concerning the data provided by each EU Member State following the Regulation and therefore we will access the Eurostat Database to scrutinise the data available.
Unit 2.2 Statistical Research and Migration

Most migration-related disciplines are social sciences, that is, disciplines that focus on how individuals relate to each other. Major advances in the social sciences are often driven by the availability of data, and creative analyses of ever more census and survey data often require links with government agencies that collect data. Teachers and students need to understand the definitions and methods used to collect the data they are analysing, and suggest changes to government agencies so as to collect more reliable data and avoid misleading conclusions.

Some migration data is administrative, as in the case of that collected from entries to and exits from a country. Many government agencies that collect administrative data do not have the time or resources to analyse it, providing and opening it to researchers to use data already collected to improve understanding of the volume and direction of migration flows, the characteristics of entries and exits, and seasonal patterns in such flows.

Migration policies are often reactive, responding to events that prompt policy makers to act. Migration research can provide the analysis that improves understanding of migration patterns and their effects, as well as the basis for evidence-based policies and policy changes to achieve goals that include more migration, more beneficial impacts of migration, and better management of the effects of migration.

Political/ Social impacts of migration

Political science teaching and research often focuses on what governments do, examining the process by which governments enact laws encouraging or discouraging migration (and whose interests are served by such laws), migration relationships with other countries, and linkages between migration and other issues of concern to governments in migrant-sending and -receiving countries.

Economics and migration

Economics deals with the allocation of scarce resources by focusing on how individuals and businesses optimise or use their limited time and other resources to maximise welfare and profits. Most micro migration research studies how individuals decide whether to migrate, emphasising that the major reasons involve wage differences, but that factors other than a 5- or 10-1 wage gap can also influence migration decisions, including opportunities to learn new skills, settle abroad, or simply escape confining rural areas.

Most migrants move for economic reasons, and economic research focuses on the impacts of migrants in receiving- and sending-countries. In receiving countries, the major issues are the impacts of migrants on the wages of similar workers and on productivity and profits of the employers who hire migrants, the public finance impacts of migrants, and the earning trajectories of migrants and their children over time (economic integration). In sending countries, the major issues are what happens to wages and investment in areas losing people (Do wages rise?, Are investors attracted by the existence of surplus workers or discouraged because the “best” workers have left or might leave?), the effects of remittances at macro levels (exchange rate and balance of payments) and micro levels (spending on housing and goods and the multiplier effects), and the activities of returned migrants.

Sociology and migration

Sociology deals with how individuals form and interact with other groups, and how individuals and groups interact with societies’ structures, including adherence to the rule of law, as well as modes of religion, social structure or class, and social mobility. Political science deals with how individuals and groups govern the society in which they live, examining the politics involved in electing representatives and influencing government decisions, the policy-making process, and interactions within and between nation states.
There is a lot of empirical teaching and research on the sociology of migration. A broad range of data on membership, attitudes and mobility allows researchers to examine the impact of migration on these social factors. Many students and researchers conduct case studies that highlight both successful and unsuccessful migration experiences and their effects on migrants, their families, and others who did not migrate. Migrants are different from non-migrants at home and natives in the places to which they migrate, prompting studies of discrimination at home and abroad, the status of minorities and ethnic relations, and gender issues.

### Unit 2.3 Empirical Work

#### Preparation

Students should choose and conduct by themselves a case study on phenomena related to migration in Georgia. The topic should be chosen and conducted in consultation with the respective professor.

#### Research on the chosen case study

- Empirical work: statistics, interviews (qualitative/ quantitative)
- Consultation with Government, IOs, NGOs, professors

#### Presentation

The following scale for evaluating the empirical work can be applied:

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevance of the topic for Georgia</td>
<td>10%</td>
</tr>
<tr>
<td>Knowledge of the topic</td>
<td>20%</td>
</tr>
<tr>
<td>Ability of student to implement a scientific research on the selected topic</td>
<td>20%</td>
</tr>
<tr>
<td>Presentation</td>
<td>20%</td>
</tr>
<tr>
<td>Organisation, logic and format of the article</td>
<td>10%</td>
</tr>
</tbody>
</table>

Only students who achieve a mark of 50% or more according to the above scale receive 1 ECTS from this unit.

### Unit 2.4 Guest lecturers

Recommended topics for guest lecturers:

- Statistical research and analysis in Georgia (to be given by, for example, the statistical office);
- Case studies of migrants in Georgia (emigrants and immigrants, migration service, etc.);
- International migration applied research (such as from the perspective of an international organisation), etc.

### Unit 2.5 Examination

The most appropriate form of examination can be chosen by the professor, taking into account the size of the particular student group. In a small group (up to 5 people), the professor can use a facilitated discussion form of examination, where each student has to defend his or her opinion on a topic in the field of migration selected by the professor. In a mid-sized group (up to 15 people), an oral exam with up to 3 theoretical questions could be organised. In the case of even bigger groups, the most appropriate way to evaluate student knowledge is to use a written test (with open or multiple choice questions, or combination of these two).
g. Resources and Further Reading:

Module 3. Migration Economics

a. Short Module Description

The aim of this Module is to ensure that graduates understand and can apply theory and data to migration problems and issues. There is a special focus on understanding how out-migration affects the economy and society of migrant-sending countries.

<table>
<thead>
<tr>
<th>Students (compulsory)</th>
<th>Professors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economics students have to take this course on a compulsory basis as an essential part of their BA studies.</td>
<td>Professors of Economics; guest lecturers from government institutions, International Organisations, NGOs, Media, etc.</td>
</tr>
<tr>
<td>Students of Journalism have to complete <strong>Unit 3.1</strong> (Introduction to migration economics and labour migration) on a compulsory basis.</td>
<td></td>
</tr>
</tbody>
</table>

b. Learning Objectives and Values

At the end of this Module, students will be able to:

- Compare and contrast theories of why individuals and families migrate, from (1) economic theories that compare the present value of income at home and in the destination to missing markets, diversification and other aspects of the New Economics of Migration to (2) political theories of migration in response to core-periphery relations that see migrants as a reserve of cheap labour to (3) sociological theories that see migrants following kinship and friendship networks.
- Understand the economic impacts of migration on receiving countries, including on the macro-economy, labour markets, public finances, and entrepreneurship and innovation, as well as the economic mobility of migrants in destination countries.
- Understand the economic impacts of migration on sending countries, including the 3 R’s: the effects of recruitment on workers and people who do not migrate, the effects of remittances and trade on the sending country, and the effects of returns on entrepreneurship, investment and growth.
- Understand the socio-political impacts of migrants on receiving countries, including factors that affect their economic integration as well as their identification with the destination country. Understand the effects of various policies on naturalisation and political participation, community resilience and crime, and the education of children.
- Understand the socio-political impacts of migrants on sending countries, including factors that support or detract from a culture of migration, diaspora politics, and the impacts of returning migrants on their families, the aspirations of children, and their communities.
- Understand the role of international and regional conventions and norms on the development and enforcement of migration policies.

Values:

The aim of this programme is to ensure that graduates understand and can apply theory and data to migration problems and issues. There is a special focus on understanding how out-migration affects the economy and society of migrant-sending countries.
c. Outline of the Module

Unit 3.1 Introduction to migration economics and labour migration

3.1.1 Labour market impacts in a view of globalisation of migration
3.1.2 Migratory policy of the states importing and exporting labour resources
3.1.3 Implications for wages and unemployment in the receiving countries
3.1.4 Reviewing studies on employment and wages
3.1.5 Macro impacts
3.1.6 Supply of labour
3.1.7 Taxes
3.1.8 Mobility of migrants

Unit 3.2 Impact for receiving and sending countries

3.2.1 Remittances
3.2.2 Recruitment
3.2.3 Return
3.2.4 Economic Impacts of Migration - Sending Countries: the 3 R’s

Unit 3.3 Migration and development

3.3.1 Theories on economic development
3.3.2 International migration v. economic development
3.3.3 Ways to measure the effects of migration in different sectors

Unit 3.4 Empirical Work of students

3.4.1 Preparation
3.4.2 Research on the above chose case study
3.4.3 Presentation of the work

Unit 3.5 Guest lectures

Planned or ad-hoc lectures on selected topics

Unit 3.6 Examination

Evaluation of students’ knowledge

d. Central Module Questions

- How does international migration affect economic development?
- Can the effects of migration in different sectors be measured?
- What are the main economic impacts of migrants in receiving and sending countries?
- What are the main push and pull factors for Georgian migrants?
- Should mobility of migrants be supported/ facilitated or, rather limited? And if so, how?
### e. Timeframe and Lecturing Method:

<table>
<thead>
<tr>
<th>Units of Module 3</th>
<th>Timeframe for course</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Total</td>
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<tr>
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<td>Impact for receiving and sending countries</td>
<td>4</td>
</tr>
<tr>
<td>Migration and development</td>
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</tr>
<tr>
<td>Empirical work of students</td>
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<td>Guest speakers</td>
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<tr>
<td>Examination</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total (hours)</strong></td>
<td><strong>42</strong></td>
</tr>
</tbody>
</table>

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4 Additional 12 class hours corresponding to 1 ECTS are to be collected by students of the Economics from the Module 1, General Issues, Units 1.1. (0.5 ECTS, 6 class hours) and 1.2. (0.5 ECTS, 6 class hours).
f. Indicative Content of the Module

Unit 3.1 Introduction to migration economics and labour migration

Migration affects most facets of the economy and society in Georgia, both major emigration and transit countries. Globalisation and economic integration also affect migration, as more people learn about opportunities abroad and have the means to travel to take advantage of them.

Out-migration provides jobs for individuals and remittances for their families, which have multiplier effects when spent, benefiting non-migrants. Many migrants leaving Georgia are youth from rural areas and small towns who return to cities rather than their places of origin. In this way, out-migration accelerates changes already underway, including rural-urban migration (urbanisation).

Migration can set in motion virtuous circles that reduce migration over time, as in the case of Korean construction workers who went to the Gulf oil exporters in the 1970s and helped to turn Korea from a labour-sender to a labour-receiver, and Indian IT workers today, or vicious circles that increase migration over time, as when African professionals and health care workers leave and their departure lowers productivity and slows economic growth. Policy makes a difference in determining whether migration-development outcomes are virtuous or vicious, that is, whether they reduce or increase migration over time. The key variables are how the 3 R’s of recruitment, remittances, and returns affect migrant-sending areas over time.

This means that migration can have positive or negative effects on migrants, families, and regions and countries. There are few automatic relationships between migration and development, making research essential to determine migration’s effects and to improve evidence-based migration policies.

Unit 3.2 Impact for receiving and sending countries

Recruitment

How do people learn about foreign jobs? How much do they pay to leave legally, quasi-legally, or illegally? How do foreign employers, local brokers, and networks interact to divide the "wage wedge" that motivates migration, that is, the gap between higher foreign and lower Georgian wages? Social scientists use several methods to study the process of going abroad and its impacts on migrants and stay-at-homes, from sociology and anthropology (case studies), to economics (surveys of migrants and non-migrants and data on trends in wages, employment, and business) and media (reports on successful and less successful migrants).

Many migrants follow networks to jobs abroad, sometimes travelling to a country that does not require a visa and going to work with or without a work permit. Alternatively, some may go abroad with tourist or visitor visas and proceed to work. Instead of paying upfront recruiting fees to leave with legal work permits, some migrants go abroad and pay for recruitment in the form of lower wages and fewer benefits abroad. Research on how Georgians go abroad, and their wages, benefits, and working conditions abroad, could help to improve recruitment processes and migration outcomes. For example, could governments use evidence that many Georgians are entering other countries legally and going to work to negotiate bilateral or regional labour migration agreements so that their citizens could leave with work contracts and permits in hand?

Remittances

How much money is transferred to family and friends at home? How are remittances sent? What are their effects? Many migrant-sending governments use the volume of remittances as the short-hand indicator of the "success" of their labour migration policies, as when the Filipino central bank posts an electronic sign showing remittances and celebrating when a new record is reached.
The important questions are how are remittances returned (is it via regulated financial institutions that enhance multiplier effects at the potential cost of Dutch disease, as exchange rate appreciation reduces exports), how are they spent, and what are the effects of remittance spending on migrants, their families, and non-migrants. Most recipients use remittances for daily necessities, reflecting the fact that breadwinners are often abroad. A combination of economic analysis of central bank data, case and regional studies of regions with more and fewer remittances, and the issues that arise from remittances and other potential effects, from land-price appreciation to faster urbanisation, can provide the evidence to improve both migration and economic policy-making.

It is important to examine more than the short-term economic effects of remittances, since their effects may be felt in improved education and health for children and changes in attitudes, as is the case when families receiving remittances launch new businesses and gain status in villages. Using remittances to buy a car to launch a taxi service or buy a truck to start a delivery service may have secondary effects, as increased and cheaper mobility stimulates other businesses. Remittances that are used to build a new house or enlarge a house in rural areas may create a rental housing market for newly-weds and others that accelerates social change, such as not living with in-laws after getting married, just as using remittances to buy or build a house in urban areas can accelerate urbanisation.

Returns

Most migrants return after a period abroad that ranges from a few months to a few years. Who returns and why, that is, what is the balance between the return of failure and the return of success? How does the period of time abroad vary with the age of the migrant, his or her number of years of education, and rural-urban origins?

The development impacts of returning migrants are tied to the remittances they send, the skills they acquire abroad, and their activities on return. A virtuous migration-and-development circle can arise from young migrants achieving higher earnings and more skills abroad and returning with savings as well as new ideas and ambitions, while a vicious migration-and-development circle can arise if returned migrants simply rest before going abroad again. Governments in migrant-sending and –receiving countries may want to cooperate to recognise the skills acquired by migrants abroad.

There is a need for research on the effects of returned migrant activities, which range from fresh blood entrepreneurialism in migrant areas of origin to rest and retire. Why do some migrants fall closer to the virtuous and others to the vicious ends of the return-effects spectrum, and what policy changes could move more returned migrants from the rest-and-retire toward the entrepreneurialism end?

Migration occurs in a larger context, and affects policies that range from absentee voting to investment incentives. Georgia wants FDI, raising the research question of how to balance FDI policies between foreigners with large investments and returned migrants with small investments. Should policies try to pool migrant remittances in order to make them competitive for the government incentives offered to large investors?

Unit 3.3 Migration and development

Migration directly affects migrant and their families, but also influences many facets of life in migrant areas of origin. The departure of migrants from what are often close-knit families can cause personal strains, including reduced consumption until remittances arrive and family break-ups after extended periods abroad. Children who grow up without one or both parents may receive more material goods than their peers because of remittances, but they could also have less motivation to study if they assume they will work abroad.

Economic development is associated with urbanisation. Around the world, countries with more than 50 percent of residents in rural areas are poor, while countries with less than five percent of residents in rural areas are rich. In Georgia, about half of residents are urbanised, while for example, in Moldova, only about 40 percent of residents live in cities.
Out-migration can affect rural development and urbanisation in several ways. If the most ambitious youths are most likely to migrate, a rural area may become less attractive for job-creating investment because the “best” workers are abroad or may leave. In such cases, rural villages become “nurseries and nursing homes”, that is, places to raise children and home to the elderly, and these demographics may slow job-creating development which would allow the youth to remain at home. Slowly deteriorating agriculture, in part due to out-migration, is evident throughout Eastern Europe, and is sometimes used to justify preferences for foreigners who promise to consolidate land and introduce modern farming techniques.

Many returned migrants move to cities, so that one effect of rural out-migration is faster rural-urban migration. If cities are prepared for faster urbanisation, and have the infrastructure to accommodate more housing, vehicles and jobs, the result can be faster economic growth. If not, migration can increase crowding and frustration in cities.

### Unit 3.4 Empirical work of students

**Preparation**

Students should choose and conduct a case study on relevant phenomena on migration in Georgia. The topic should be chosen and conducted in consultation with the respective professor.

**Research on the chosen case study**

- Empirical work: statistics, interviews (qualitative/quantitative)
- Consultation with Government, IOs, NGOs, professors

**Presentation**

The following scale for evaluating the empirical work can be applied:

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevance of the topic for Georgia</td>
<td>10%</td>
</tr>
<tr>
<td>Knowledge of the topic</td>
<td>20%</td>
</tr>
<tr>
<td>Ability of student to implement a scientific research on the selected topic</td>
<td>20%</td>
</tr>
<tr>
<td>Presentation</td>
<td>20%</td>
</tr>
<tr>
<td>Organisation, logic and format of the article</td>
<td>10%</td>
</tr>
</tbody>
</table>

Only students who achieve 50% or more according to the above scale may receive 1 ECTS from this Unit.

### Unit 3.5 Guest lectures

Recommended topics for guest lecturers:

- Flows and levels of remittances in Georgia (presented by, for example, representatives of the Ministry of Finance and/or National Bank of Georgia)
- Case studies of migrants (emigrants and immigrants) in Georgia (given by, for example, the migration service);
- Migration and Development (presented by the Ministry of Labour, diaspora representatives, etc.)

### Unit 3.6 Examination

The most appropriate form of examination can be chosen by the professor, taking into consideration the size of a particular student group. In a small group (up to 5 people), the professor can use a facilitated discussion form of exam where each student has to defend his/her opinion on a topic in the field of migration selected by the professor. In a mid-sized group (up to 15 people), an oral exam with up to 3 theoretical questions could be organised. In the case of even bigger groups, the most appropriate way to evaluate student knowledge is to use a written test (with open or multiple choice questions, or a combination of these two).
g. Resources and Further Reading:

Migration: Definitions and Data
- Migration: Definitions of international (more than 12 months abroad) and internal (across an internal border) migration.
- [www.oecd.org/document/40/0,3746,en_2649_37415_48303528_1_1_1_37415,00.html](http://www.oecd.org/document/40/0,3746,en_2649_37415_48303528_1_1_1_37415,00.html).

Development and History

Theories of Migration

Economic Impacts of Migration: Receiving Countries

Economic Impacts of Migration: Sending Countries: the 3 R's


Socio-Political Impacts: Receiving Countries


Socio-Political Impacts: Sending Countries


Migration Policies

- Uzagalieva, A et al. Migration in the CIS in the Context of European Integration. CEEApla WP No 03/2012. ceeapla.uac.pt.
Module 4. Migration and Asylum Law

**a. Short Module Description**

This course focuses on the international legal aspects. The course starts with an introduction to the international legal instruments pertaining to migration, asylum and statelessness/citizenship; continuing with an insight into the status of migrants in Human Rights Law. The course then continues to deal with the various international instruments and with the various organisations dealing with these issues. The Module will emphasise the practical implications of the subjects discussed as being relevant for government, academia, or private practice in migration law, where students might be professionally active in the future.

<table>
<thead>
<tr>
<th>Students (compulsory)</th>
<th>Professors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law students have to take this course on a compulsory basis as an essential part of their BA studies. Students of Journalism have to attend Units 4.1 and 4.4 on a compulsory basis.</td>
<td>Professors of Law; guest lecturers from government institutions, International Organisations, NGOs, Media, etc.</td>
</tr>
</tbody>
</table>

**b. Learning Objectives and Values**

At the end of this Module, the students will be able to:

- Identify issues of relevance for Human Rights and the concept of (mutual) trust;
- Have an appreciation of legal reasoning (and its limits);
- Explain international policy and legal instruments pertaining to asylum seekers, migrants, and stateless persons;
- Apply International law to relevant situations;
- Understand/ have gained a (thorough) understanding of the relationship between the reality on the ground and the legalities involved;
- Appreciate the position of legal instruments in the wider context of social and economic realities;
- Demonstrate an understanding of the international and national challenges involved (through assignments, exam(s) and research);
- Integrate knowledge into day-to-day developments.

**Values:**

- The student learns a wide range of normative (legal) standards for ethical choices;
- The student is able to articulate and critique the attitudes and beliefs that underlie ethical and legal choices.
## c. Outline of the Module

### Unit 4.1 Introduction to International Migration and Asylum Law

- 4.1.2 International legal documents pertaining to migration, asylum and statelessness/citizenship
- 4.1.3 The organisations (UNHCR, IOM, ILO, ICMPD, etc.) and the courts

### Unit 4.2 The status of individuals in International Migration Law

- 4.2.1 Nationality and Statelessness
- 4.2.2 Family Reunification
- 4.2.3 Migration and transnational crimes: the relevance of the Palermo Convention to migratory movements (trafficking and smuggling)

### Unit 4.3 Asylum

- 4.3.1 The 1951 Refugee Convention and the 1967 protocol; OAU Convention 1969
- 4.3.2 A well-founded fear of being persecuted; the limited impact of the Refugee Convention and the need for other forms of protection
- 4.3.3 Non-refoulement
- 4.3.4 The cessation and exclusion clauses

### Unit 4.4 Introduction to EU migration and asylum acquis

- 4.4.1 Free movement of persons
- 4.4.2 Overview of the EU policies in the field of migration and asylum
- 4.4.3 Frontex, IBM
- 4.4.4 Mobility partnerships, Neighborhood programmes

### Unit 4.5 Residence according to the EU acquis

- 4.5.1 Blue Card directive; students, volunteers, long-term residents, researchers, intra-corporate transfers, seasonal workers (directives)
- 4.5.2 Family reunification directive, ECHR art.8
- 4.5.3 Integration
- 4.5.4 Return Directive; Return and readmission agreements
- 4.5.5 European citizenship; CoE nationality conventions

### Unit 4.6 Asylum under EU acquis

- 4.6.1 Reception and Procedures directives
- 4.6.2 ECHR art. 3, Temporary Protection directive
- 4.6.3 Qualification directive

### Unit 4.7 Empirical Work

- 4.7.1 Preparation
- 4.7.2 Research
- 4.7.3 Presentation

### Unit 4.8. Examination

Assessment of students knowledge via examination
d. Central Module Questions

- What are the relevant articles of the Universal Human Rights Declaration? What is the status of this instrument?
- What is the impact of the difference between first and second generation human rights?
- Is there a right to migration? What is migration? What is the impact of migration?
- What is asylum? What are the duties of the country of first asylum?
- Is article 33(1) of the 1951 Geneva Convention absolute? How would you assess Article 33(2) of the Convention?
- What is the status of nationality abroad?
- What is the (international) case law?
- Should family reunification always be welcomed? Do family members have an autonomous right to free movement and residence? What is the impact of the Family Reunification Directive?
- Are all migrants always entitled to all social services?
- Are all countries obliged to take their own citizens back?
- What are the differences in the status of ILO, HCR, IOM, ICRC and the consequences for efficiency?
- Is there a need to set up a new universal international institution?
- What is the impact of the Treaty of Lisbon on further developments of EU migration policy and law?
- What is the Schengen agreement and the Dublin regulation?

e. Timeframe

<table>
<thead>
<tr>
<th>Units of Module 4</th>
<th>Timeframe for course</th>
</tr>
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<tbody>
<tr>
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<tr>
<td>Introduction to International Migration and Asylum Law</td>
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<tr>
<td>Status of Individuals</td>
<td>3</td>
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<tr>
<td>Asylum</td>
<td>3</td>
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<tr>
<td>Asylum under EU acquis</td>
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<td>Empirical work of students</td>
<td>12</td>
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<td>Examination</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total (hours)</strong></td>
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</tr>
</tbody>
</table>

An additional 12 class hours corresponding to 1 ECTS are to be amassed by students of the Law Faculty from the Module 1, General Issues, Units 1.1 (0.5 ECTS, 6 class hours) and 1.2 (0.5 ECTS, 6 class hours).
f. Indicative Content of the Module

Unit 4.1 Introduction to International Migration and Asylum Law

Migration can be divided into roughly three forms of trans-border movements:

- Labour/economic migration (including students, scientists);
- Protection migration (refugees, subsidiary protection, asylum);
- Family migration (family reunification, family formation).

The Law Module hence deals with these three forms of migration and with the issue of nationality/naturalisation. It also deals with private international law, and will touch upon trans-border crime as well (the smuggling and trafficking aspects thereof).

The following state powers in managing migration should be presented through the international legal norms:

- Admission to the state and rules of admission;
- Border control and management;
- Permission to stay and rules of stay;
- Expulsion;
- State obligations with regard to asylum and international protection;
- State power with regard to nationality;
- Limitations in state powers related to human rights.

State responsibilities:

- Respect for human rights;
- Responsibility of the country of origin;
- Responsibility of the country of transit (Return and readmission Agreements).

International law mainly deals with public international law. But once people start crossing borders and entering into cross-border relationships (personal, business) private international law comes to the fore. In fact, private international law is part and parcel of migration law. It determines the principles and rules to be applied in mixed and often complex legal relationships, frequently involving foreign law (marriage, divorce, adoption, custody, alimentation).

Due attention should be paid to the relevant private international law conventions and principles on *inter alia* marriage, divorce, paternal responsibility, custody of children, apostille and so on:

- The 1880s activities (Asser; de Martens);
- The Hague Conference on Private International Law (HCCH);
- The various HCCH relevant conventions and instruments;
- Apostille, business to business (B2B), etc.

Georgia is a member of the Hague Conference on Private International Law (HCCH) since 2001. It is a party to:

6. [http://www.hcch.net/index_en.php?act=states_details&sid=40](http://www.hcch.net/index_en.php?act=states_details&sid=40); NB: Georgia is not a member of the Commission Internationale de l’Etat Civil (International Commission on Civil Status - CIEC), but is free to accede to CIEC instruments.
Country Adoption

The main international law instruments relevant to migration and asylum law (in chronological order):

- 1948: Universal Declaration of Human Rights (the “triptych” in this Declaration: articles 13, 14 and 15, dealing with migration, asylum and nationality/statelessness);
- 1954: Convention relating to the Status of Stateless Persons;
- 1961: Convention on the Reduction of Statelessness;
- 1965: International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- 1966: International Covenant on Civil and Political Rights (ICCPR);
- 1966: International Covenant on Economic, Social, and Cultural Rights (ICESCR);
- 1979: Convention on the Elimination of All Forms of Discrimination Against Women;
- 1984: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- 1989: Convention on the Rights of the Child (CRC);
- 1990: International Convention on the Protection of the Rights of All Migrant Workers and Their Families;
- 2006: Convention on the Rights of Persons with Disabilities;
- 2006: International Convention for the Protection of All Persons from Enforced Disappearance
- various Protocols to the above Conventions/Covenants. 8

The following ILO conventions should be mentioned separately:

- the Migration for Employment Convention (Revised), from 1949 (C.97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (C.143), and the two related Recommendations;
- The ILO Convention Concerning Decent Work for Domestic Workers, June 2011.

UN Security Resolutions, for example, UNSCR 1373, UNSCR1456, etc., also play an important role in the development of international migration and asylum law.

Relevant regional international law instruments:

- 1950: European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR);
- ECHR Protocol No. 4, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (1963),

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7 See also: Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1949.
8 For a list of treaties Georgia is a party to, please see ICRC’s overview: http://www.geneva-academy.ch/RULAC/international_treaties.php?id_state=68, and http://www.parliament.ge/site2/index.php?lang_id=ENG&sec_id=543
9 Heed could also be paid to the Charter of Fundamental Rights of the European Union (2000) on e.g. asylum (art. 18) and expulsion (art. 19); as well as to the TFEU (relevant articles on asylum and migration).
- 1969: American Convention on Human Rights (ACHR);

It is important to realise which international organisation/institution is supposed to play which role when it comes to protection, family reunification, statelessness, labour migration, trafficking, etc.

Therefore, due attention needs to be paid to international organisations and NGOs dealing with migration and asylum issues such as:
- ILO
- IOM
- UNHCR
- ICMPD
- UNODC
- UNICEF
- Amnesty International
- Human Rights Watch
- ECRE, etc.

Courts play an important role in the field of asylum and migration; not just the domestic courts, but in particular also the ECtHR and increasingly the ECJ. Moreover, semi-judicial bodies, such as the committees under various human rights treaties can issue general concluding observations (on how a country implements certain relevant articles) but also views, in individual cases.

With regard to international courts and their case-law on migration and asylum, the following should be considered:
- The tension & challenges between national law, CoE-law and EU-law, as well as between domestic courts, the Strasbourg court (ECtHR), and the Luxembourg court (ECJ);
- The increasing role of Treaty Committees and Rapporteurs (literature: see e.g. Boeles European Migration Law);
- Case law (i.e. committee decisions; treaty protocols).

Unit 4.2 The status of individuals in International Migration Law

Citizenship/Nationality is a legal tie between an individual and a state which places the individual under the jurisdiction of this state. This means that citizenship is closely related to sovereignty and statehood itself, whilst on the other hand, it establishes a legal status for individuals with a set of mutual rights and obligations of individual and state. The International Court of Justice has described nationality as a “legal bond having at its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties” (Nottebohm; Liechtenstein vs. Guatemala).

Regarding the sources of international public law on nationality or citizenship, it mainly concerns:
- Customary international law principles, mainly regarding duties of states vis-à-vis other states, international community and individuals, such as the acceptance of own citizens, etc.;
- International case law, which includes jurisdiction of the International Court of Justice, the European Court of Justice, the European Court of Human Rights, as well as the European Commission of Human Rights. International Court of Justice case law primarily concerns disputes between states on their duties to protect citizens; the European Court of Human Rights also examines the rights of individuals to the nationality;
- **Universal human rights instruments**, in particular, the Universal Declaration on Human Rights (Article 15), etc.;

- **Treaties developed within the universal international organisations (UNO):** the 1951 Convention Relating to the Status of Refugees and its Protocol, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the 1957 Convention on Nationality of Married Women, the Convention on the Rights of the Child from 1989, etc.;

- **Treaties developed within regional (e.g. Council of Europe) international organisations.** This source of international law on nationality refers to the 1997 European Convention on Nationality, the 1963 European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality (revised in 2008), the 1967 European Convention on Adoption of Children, the 2006 European Convention on the Avoidance of Statelessness in relation to State Succession, European Convention on the Legal Status of Children born out of Wedlock, etc.;

- **Soft law,** in particular recommendations adopted under the framework of the CoE.

The main relevant legal norms with regard to nationality/statelessness are the following:

- UDHR, art. 15;
- The 1954 Statelessness Convention, including the definition of a stateless person as per art. 1 of this 1954 Convention;
- The 1961 Reduction of Statelessness Convention;
- The UNHCR Guidelines
- The CoE statelessness instruments
  - The 2006 European Convention on the Avoidance of Statelessness in relation to State Succession;
- The CoE (double) citizenship and nationality instruments:
  - The 1997 European Convention on Nationality;
  - The 1967 European Convention on Adoption of Children;
- Case law (ICJ: Nottebohm – definition of nationality).

Acquisition of citizenship is based on **two main principles on how nationality is determined** which are usually applied by states alone or in combination with each other, where one principle is considered a main. Granting of citizenship is usually defined by:

- Birth principle (**jus soli**): citizenship is primarily acquired by the fact of being born in a territory of the state in question to legally residing parent/s;
- Descent principle (**jus sanguinis**): citizenship is primarily acquired through birth from parents who are citizens of the state in question independently of the place of birth.

Migration trends influenced the citizenship institutes in such a way that recently many countries tend to establish citizenship acquisition in their laws based on the **jus sanguinis** principle. In this way, the rights of the children of those nationals who migrate abroad are protected as these children automatically become citizens of these countries. On the other hand, children of migrants permanently residing in the receiving country do not have an automatic right to citizenship. In many countries the **jus soli** principle is applied in exceptional circumstances.

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10 Georgia is a party to this Convention

11 For the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any state under the operation of its law. In the Final Act reference is made to de facto stateless persons; the final act appeals to the states to extend the benefits of the Convention to de facto stateless persons.

12 Georgia is not a party to this Convention (April 2013)

13 Some attention could also be paid to the 1963 European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiply Nationality, although this Convention has very few ratifications and is somewhat outdated.
cases, such as when a child is found in the territory of the state without legal representation (with regard to protection of the rights of the child), or if a child is born to parents who are stateless and permanently residing in the territory of the state in question (with regard to avoidance and reduction of statelessness).

Despite the way in which the state has chosen to regulate determination of citizens, the main principles of international nationality law should be observed. These principles are listed in Chapter 2 of the European Convention on Nationality:

- Everyone has the right to a nationality;
- Statelessness should be avoided;
- No one should be arbitrarily deprived of his nationality nor denied the right to change his nationality;
- Neither marriage, nor the dissolution of a marriage between a citizen and an alien, nor a change in nationality by one of the spouses during the marriage, shall automatically affect the nationality of the other spouse.

Besides the two main methods or modes of acquisition of citizenship (jus soli, jus sanguinis), national laws use some other specific methods for acquisition by foreigners who reside lawfully and habitually in the territory. The most common of them are the following:

- **Naturalisation** could be described as a mode of acquisition after birth of which requires application provided by a person and decision by a public authority. Usually, naturalisation also requires a person to accomplish some conditions in order to qualify. The State may preserve the right of discretion in case of security or public order issues. The requirements for naturalisation usually include:
  - Residence condition: the person in question must have resided legally and habitually for a determined period of time in the territory before s/he can submit a naturalisation application;
  - Renunciation of previous citizenship;
  - Language test;
  - Integration test (knowledge of history, culture, constitution of a state, etc.).

- **Facilitated naturalisation** – acquisition of citizenship by naturalisation when some conditions of naturalisation are not applied or apply less stringent conditions (e.g. shorter residence condition) for some categories of migrants (recognised refugees, spouses of citizens, etc.);

- **Achievement-based acquisition of nationality** - acquisition of nationality after birth based on special achievements (in sports, science, the arts, etc.) of a person for the country in question in the past or expected achievements in the future;

- **Acquisition of nationality by adoption**;

- **Acquisition of nationality based on cultural affinity** – usually applied to descendants of former citizens and is based on particular cultural, ethnic, religious, former residence or another particular group.

**Dual or Multiple Citizenship** means the simultaneous possession of two or more nationalities. The state has a sovereign power to determine the citizenship acquisition rules under national law. If such national rules do not prohibit dual citizenship concept, citizens of this state might have multiple nationality.

The 1963 CoE Strasbourg convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality does not explicitly prohibits multiple nationality, although it does say that cases of multiple nationality may cause difficulties.

The European Convention on Nationality of 1997 states that it is the prerogative of each state to determine in their national law the possibility of dual or multiple nationality, as well as
an obligation of renunciation of nationality in case of acquiring another state’s nationality (Article 15\textsuperscript{14}).

**Legal value** of belonging to the citizenship of one or another state refers to what set of rights and duties an has individual has if he or she is a citizen of a state. In particular, the following issues should be underlined:

- Diplomatic and consular protection;
- Military service;
- The right to reside in the country of citizenship, leave from this country and return to it. This right means that no person shall be prohibited to entry to his or her country of nationality. This principle is also generally understood so that a state does not deport or extradite its own citizens to other states. The obligation to readmit own citizens is based mainly by customary international law and comes from the option of state sovereignty;
- A set of political, social and cultural rights which are mainly included in states' constitutions, such as right to work, right to reside, right to vote, etc.

Citizenship, without its legal meaning also has strong **social value**, as it provides the feeling of belonging to community to individuals. In this regard, the issue of statelessness and naturalisation is the most important. If nationality is described as a permanent bond between the state, society, and individuals which is based on common cultural, historical, political, ethnical, and social features, it is obvious that naturalisation requires some kind of proof that persons "belong" to this state and society. This integration is not a single step; it involves a whole process which has economic, political, social, and cultural aspects. On the other hand, this perception should turn into the “earned citizenship” concept.

**Entry, residence/sojourn**

There is a right to leave one’s country. But this right is not matched by a right to enter another country. The State decides who is allowed to enter its country.

Also, due attention needs to be paid to the conditions to/of stay, residence and sojourn, as well of the conditions under which migrants are supposed to leave a foreign country once their continued stay is no longer allowed.

**Convention on protection of the rights of all migrant workers and members of the families**

The most important convention in the field of migration is undoubtedly the CMW, the Convention on the protection of the rights of migrant workers and members of their families. Only few European countries have acceded to this Convention.

Special attention needs to be paid to the status of irregular migrants.

**Bilateral Agreements**

Georgia has signed a number of countries agreements on issues such as like labour, social welfare and so on. This is an important issue to be aware of.

**Family reunification**

The right to family life is one of the fundamental human rights. Family life is typical for the human rights approach towards respect, protect and fulfilment. Ensuring the right to family

\textsuperscript{14} Article 15 – Other possible cases of multiple nationality
The provisions of this Convention shall not limit the right of a State Party to determine in its internal law whether:

a. its nationals who acquire or possess the nationality of another State retain its nationality or lose it;

b. the acquisition or retention of its nationality is subject to the renunciation or loss of another nationality.
life may entail the right to family formation and reunification. It is posited that family reunification facilitates migrants' integration into a receiving country's society.

Family reunification (and formation) accounts in many countries for some 30% of all incoming migrants. Issues involved include with the size of the families, the age of the applicant and/or the incoming partner, the difference between core families and extended families, married, registered, and non-registered partners, same-sex partners, children, adopted children, etc.

No strict international rules exist (but, maybe, for the CRC, the Convention on the Rights of the Child, 1989). The main international instruments which should be considered in this regard are the following:
- The right to family life (e.g. ECHR art. 8);
- The family reunification aspects under refugee law;
- Family life and the CRC;
- The relevant EU directive (see part on the EU migration law);
- Case law (ECtHR).

Trans-border crime

With people crossing borders, crime may become cross-border as well. The question of jurisdiction in this respect plays a major role (territorial, personal, universal). But it should also be recognised that many migrants move in an irregular manner, often making use of the services of (professional) travel agents and/or smugglers. Moreover, cross-border trafficking is a serious matter, to which due attention should be paid.

Main instruments to be analysed:
- The 2000 Palermo Convention and the (smuggling/trafficking) protocols\(^{15}\);
- The relevant terrorism conventions, also Georgia is a party to various terrorism conventions;
- The relevant Security Council resolutions on terrorism and foreigners;
- The EU Directive on victims of trafficking;
- CoE instruments on (victims of) trafficking: Council of Europe Convention on Action Against Trafficking in Human Beings, 2005; entry into force 2008\(^{16}\);
- CoE Convention preventing and combating violence against women and domestic violence, May 2011 (ratified by Albania, Portugal and Turkey; has not yet entered into force);
- Case law; NGO activities to reintegrate victims of trafficking in the country of origin and the legal aspects involved.

Unit 4.3 Asylum

Although only 6-7% of all migratory movements concern asylum seekers and refugees, asylum is nevertheless the subject that entails most debates and (legal) arguments. It is therefore of the utmost importance to deal intensively with this issue, from all sides: those of the asylum seekers themselves, the government agencies, the international agencies as well as the NGOs and lawyers.

International refugee law is a set of rules and procedures that aims to protect, first, persons seeking asylum from persecution, and second, those recognised as refugees under the relevant instruments. Its legal framework provides a distinct set of guarantees for these specific groups of persons, although, inevitably, this legal protection overlaps to a certain extent with international human rights law, as well as the legal regime applicable to armed conflicts under international humanitarian law.

The main sources of refugee law are treaty law, notably the 1951 Convention relating to the status of refugees (1951 Refugee Convention) and its 1967 Protocol, and

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\(^{15}\) Georgia is a party to this Convention and protocols
\(^{16}\) Georgia is a party to this Convention and protocols
customary international law. Customary international law applies to all states irrespective of whether they are a party to relevant treaties or not. Regional instruments represent a further set of protections, particularly the **1969 Organization of African Unity Convention** (for Africa) and, although it is not formally legally binding, the **1984 Cartagena Declaration** (for Latin America).

It is important to stress that the term “asylum seekers” refers to persons who have applied for asylum, but whose refugee status has not yet been determined.

The following international law sources are important:

- UDHR, art. 14;
- The 1951 Refugee Convention and the 1967 Protocol\(^\text{17}\);
- The UNHCR Handbook with regard to application of
  - Inclusion clauses
  - Cessation clauses
  - Exclusion clauses
  - Acceptance to the territory
  - Granting refuge and content of protection
  - Rejection
  - Return
- The Return and Readmission Agreements;
- The OAU 1969 refugee convention;
- The EU Charter (art. 18);
- Other regional instruments;
- The TFEU (artt. 79-83);
- Case law.

### Unit 4.4 Introduction to EU migration and asylum acquis

The goals of the EU’s migration policy are reflected in the 2009 Stockholm Programme, which provides the framework for policy development for 2009 – 2014. The main objectives of EU migration policy are to manage legal migration, improve integration measures for migrants and to enhance cooperation with migrants’ countries of origin.

The EU was set up to promote the free movement of labour (as well as of capital, goods and services). Migration within the EU by EU citizens has thus been considerably liberalised and this is increasingly true also for third-country residents.

The EU has not yet developed a common migration policy, although some minimum norms have been agreed upon. Most relevant is the long-residents directive, as this enables foreigners who have resided a minimum number of years in one EU MS to move on to another EU MS.

In relation to TCNs, EU policy on managing labour migration aims to produce flexible admission systems adaptable to the needs of EU Member States and enabling migrants to make full use of their skills. The main instruments in the area are:

- The Stockholm 2009-2014 programme;
- The follow-up programme (2014-2019; to be agreed upon in the course of 2013);
- Schengen;
- Long-term residents;
- Students;
- Highly skilled migrants;
- Scientists, intercorporate transfers;
- Seasonal workers;
- Family reunification;

\(^\text{17}\) Georgia is a party to both documents
- Return.

A few examples:

- “The Blue card directive” (Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment);

- “The Single permit directive” (Directive 2011/98/EU of the European Parliament and the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State)

- The Free movement directive (2004/38/EC) on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States

- Proposals for a Directive on seasonal employment and for a Directive for intra-corporate transfer of non-EU skilled workers.

Migration and Asylum Statistics: 18

At the EU level great attention is paid to migration and asylum statistics, which are used for immigration policy formation, distribution and accountability of funds, burden sharing between the EU MS, etc. The statistical data on migration is collected and analysed in the EU MS, and then submitted to EUROSTAT 19 – the statistical office of the European Union situated in Luxembourg. The data is submitted in a comparable format which enables Eurostat to make comparisons between countries and regions. The main documents in this area are:


Irregular migration

EU policy in this area aims to reinforce the efforts of the EU MS to tackle human trafficking and smuggling, protecting and managing the EU external borders. The main instruments in the area are:


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18 For more information and further reading, as well as for the access to all policy documents: European Commission, Home Affairs, Statistics, [http://ec.europa.eu/home-affairs/doc_centre/immigration/immigration_statistics_en.htm](http://ec.europa.eu/home-affairs/doc_centre/immigration/immigration_statistics_en.htm)

- The European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX\textsuperscript{20});
- The Schengen Acquis.

If feasible, some attention may also be paid to the Integrated Border Management (IBM) Strategy.

Attention should, moreover, be given to the following:

Georgia entered into the EU Mobility Partnership, with the principal objective to better manage migration flows by facilitating legal immigration and fighting against illegal immigration while promoting capacity building.

The Joint Declaration on this Mobility Partnership between Georgia and the 16 EU Member States was signed on November 30, 2009.\textsuperscript{21}

The 1\textsuperscript{st} EU-Eastern Partnership Forum took place in Tbilisi, Georgia, in March 2012.

Georgia has NOT signed a Strategic Cooperation Agreement with Europol (unlike Moldova, or Russia).\textsuperscript{22}

\textbf{Unit 4.5 Residence according to the EU acquis}

Regarding specific areas of EU migration policy, the following main policy areas are to be presented to the participants\textsuperscript{23}:

\textbf{Labour migration:}

EU policy on managing labour migration aims to produce flexible admission systems adaptable to the needs of EU Member States and enabling migrants to make full use of their skills. The main instruments in the area are:

- “The Blue card directive” (Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment);
- “The Single permit directive” (Directive 2011/98/EU of the European Parliament and the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State)
- Proposals for a Directive on seasonal employment and for a Directive for intra-corporate transfer of non-EU skilled workers.

\textbf{Family reunification:}

The right to family life is one of the fundamental human rights. Ensuring the right to family reunification facilitates migrants’ integration into the receiving country’s society. The main instrument in the area is:

- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, establishing conditionals and rules as well as restrictions on family reunification. Despite the allowed restrictions or limitations of the right to family reunification, Member States must apply the directive in a way consistent with the right to family and private life and the best interest of the child.

\textbf{Study, training and research:}

\footnotesize{\textsuperscript{20} http://www.frontex.europa.eu/  
\textsuperscript{22} https://www.europol.europa.eu/content/page/external-cooperation-31  
\textsuperscript{23} For more information and further reading, as well as for the access to all policy documents: European Commission, Home Affairs, Immigration policy, http://ec.europa.eu/home-affairs/policies/immigration/immigration_intro_en.htm}
Policy in this area is oriented towards promotion and facilitation of studies, and training or research activities of third countries nationals in the EU Member States. The main documents in this area are:

  o Council Recommendation of 12 October 2005 to facilitate the admission of third-country nationals to carry out scientific research in the European Community;
  o Recommendation of the European Parliament and the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research.

Integration of migrants:

The general EU migration approach is directed to the improvement of the integration of legally residing “third country nationals” (non-EU citizens) into the societies of EU Member States. A first step on EU cooperation in the area of integration of migrants was made with the adoption of the Tampere Programme in 1999. Later, other policy documents were adopted (the 2004 Common Basic Principles for Immigrant Integration Policy in the European Union). The 2009 Stockholm Programme reaffirmed the necessity to develop a new European agenda on citizenship as a part of legal integration, to reinforce the tools for knowledge exchange and to facilitate the mainstreaming of integration priorities into all relevant policy areas. In July 2011, the Commission proposed a European agenda for the integration of non-EU migrants.

The EU has the following instruments to support the integration of third country nationals into the societies of Member States:

- A network of national contact points on integration which allows for information and experience exchange between EU States, with the purpose of finding successful solutions for integration and keeping national policy coherent with EU initiatives;
- The European Integration Forum which serves as a platform for dialogue involving all stakeholders active in the field of integration;
- The European Web Site on Integration – the main focal point for the exchange of information, documentation and on-line data collection. It also serves for community-building activities between the main stakeholders in integration in Europe;
- A Handbook on Integration which has been prepared for policy-makers and practitioners and compiled with a view to structuring an information exchange on which EU States can draw when developing policy measures for more successful integration;
- The European Integration Fund – a financial instrument supporting the efforts of EU States to enable non-EU nationals to integrate into European society.

Long-term residence:

\[26\] European website on Integration, \url{http://ec.europa.eu/ews/en/index.cfm}.
Measures in this area enable the migrants who are long-term resident to enjoy the same rights as EU MS nationals in the area of employment, education and vocational training, social protection, etc. the main policy document is:


Irregular Migration:

EU policy in this area aims to reinforce the efforts of the EU MS to tackle human trafficking and smuggling, protecting and managing the EU external borders. The main instruments in the area are:

- The European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX29);
- The Schengen Acquis;
- The Integrated Border Management (IBM) Strategy.

Return and Readmission:

The EU policy in this area includes common rules for the return of irregular migrants, operational cooperation between EU MS, as well as cooperation with non-EU countries on readmission. The main EU instruments in this area are:

- Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders;
- The European Return Fund, providing support for actions assisting returnees’ reintegration processes and for activities enhancing the quality of information on voluntary return assistance and on the risks related to irregular migration.

Georgia concluded two agreements with the EU in 2010:

- The June 2010 Agreement on the Facilitation of the Issuance of Visa30;

Both agreements entered into force March 2011.

Georgia also signed many bilateral agreements on the return issue.32

29 http://www.frontex.europa.eu/
32 Regard could also be had to the Agreement on the Cooperation of the CIS Member States on the Fight Against Irregular Migration (1998). Although no longer a CIS-member Georgia exercised its right, under the 1969 Vienna Convention on the Law of Treaties, to retaining participation in some of the pacts it signed within the CIS framework, for which membership of the organization is not compulsory.
Attention should also be given to the Agreement on the Cooperation of the CIS Member States on the Fight Against Irregular Migration (1998). However, Georgia is not part of this agreement.33

Unit 4.6 Asylum according to the EU acquis

The right to seek and enjoy asylum is one of the fundamental human rights. EU policy34 in the area of asylum aims to ensure that this human right is respected in the EU, to guarantee high standards of international protection and fair and effective asylum procedures and to ensure financial and other solidarity between the EU MS. The EU aims to develop and implement the Common European Asylum System (CEAS). The main instruments in the area are:

- “Qualification Directive”: Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted;
- “Dublin Regulation” Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;
- EURODAC, a biometric database for comparing fingerprints, which helps EU States to verify whether an asylum applicant has previously claimed asylum in another EU State, or has been previously apprehended when entering EU territory irregularly, and the “EURODAC regulation” (Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention);
- “Temporary protection directive”: Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;
- The European Asylum Support Office;
- The European Refugee Fund.

Unit 4.7 Empirical Work

Preparation

Students should choose or conduct by themselves a case study on relevant phenomena on migration in Georgia. The topic should be chosen and conducted in consultation with the respective professor.

Research on the chosen case study

- Empirical work: statistics, interviews (qualitative/quantitative)
- Consultation with government, IOs, NGOs, professors

Presentation

These include a mutual legal assistance convention and an agreement on mutual recognition of property rights as well as free trade and visa-free regimes; http://www.isn.ethz.ch/isn/Digital-Library/Articles/Detail/?lng=en&id=98176

33 The Agreement on the Cooperation of the CIS Member States on the Fight Against Irregular Migration (1998)

34 For more information and further reading, as well as for access to all policy documents: European Commission, Home Affairs, Asylum policy, http://ec.europa.eu/home-affairs/policies/asylum/asylum_intro_en.htm
The following scale for evaluating the empirical work can be applied:

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevance of the topic for Georgia</td>
<td>10%</td>
</tr>
<tr>
<td>Knowledge of the topic</td>
<td>20%</td>
</tr>
<tr>
<td>Ability of student to implement a scientific research on the selected topic</td>
<td>20%</td>
</tr>
<tr>
<td>Presentation</td>
<td>20%</td>
</tr>
<tr>
<td>Organisation, logic and format of the article</td>
<td>10%</td>
</tr>
</tbody>
</table>

Only students who achieved 50% or more according to the above scale receive 1 ECTS from this unit.

Unit 4.8 Examination

The most appropriate form of examination can be chosen by the professor, taking into consideration the size of a particular student group. In a small group (up to 5 people), the professor can use a facilitated discussion form of exam where each student has to defend his/her opinion on a topic in the field of migration selected by the professor. In a mid-sized group (up to 15 people), an oral exam with up to 3 theoretical questions could be organised. In the case of even bigger groups, the most appropriate way to evaluate student knowledge is to use a written test (with open or multiple choice questions, or a combination of these two).
g. Resources and Further Reading:

- Guy S. Goodwin Gill, Refugee in International Law.
- Peter van Krieken (eds.), The Consolidated Asylum and Migration Acquis (2004).
MIGRATION CURRICULUM: Academia

“Building Training and Analytical Capacities on Migration in Moldova and Georgia (GOVAC)” project

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