

**Legal Regime for Foreigners and Transnational  
Labour Mobility**

Code: 100508  
ECTS Credits: 6

Degree	Type	Year	Semester
2500258 Labour Relations	OT	4	0

### Contact

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### Use of Languages

Principal working language: catalan (cat)  
Some groups entirely in English: No  
Some groups entirely in Catalan: Yes  
Some groups entirely in Spanish: No

### Teachers

Blanca Vilà Costa

### Prerequisites

-There are no prerequisites

### Objectives and Contextualisation

-To carry out a correct follow-up of this subject it is necessary to have previously passed the subjects "Labor Law I", "Labor Law II" and "Labor Law III", given that they offer basic training in relation to the issues that are dealt with. a "Legal regime of immigration and transnational mobility".

### Competences

- Applying the information and communication technologies to the different areas of action.
- Clearly expressing ideas or facts in a compelling way.
- Drawing up and formalising reports and documents.
- Identify the foundations of the main legal and organisational areas in the field of human work.
- Identifying, analysing and solving complex problems and situations from an (economic, historical, legal, psychological, and sociological) interdisciplinary perspective.
- Managing unstructured labour situations taking into account their development diversity (immigration, equality, disability), demonstrating adaptability.
- Properly analysing the specific situations of reconciliation of work and family life, and implementing the corresponding regulations.
- Self-motivating by undertaking specific training programs to acquire new knowledge.
- Students must be capable of deciding, sharply taking decisions and judging.
- Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
- Understanding the dynamic and changing character of the labour relations in the national and international field.
- Verbally communicating and defending a project.

- Working autonomously.
- Working effectively in teams.

## Learning Outcomes

1. Analysing the situation by comparing several collective agreements and watching the historical evolution of these situations.
2. Applying the information and communication technologies to the different areas of action.
3. Clearly expressing ideas or facts in a compelling way.
4. Describing the applicable law and conflict resolution in international mobility scenarios.
5. Drawing up and formalising reports and documents.
6. Knowing the foundations of the legal areas of industrial relations in the specific scenario of immigration and transnational mobility.
7. Knowing the mechanisms that must be applied in every situation.
8. Knowing the working conditions of European and non-European people foreigners in Spain and their access requirements to the labour market, as well as their rights and obligations.
9. Self-motivating by undertaking specific training programs to acquire new knowledge.
10. Students must be capable of deciding, sharply taking decisions and judging.
11. Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
12. Understanding the legal problems derived from the posting of workers at an international level.
13. Verbally communicating and defending a project.
14. Working autonomously.
15. Working effectively in teams.

## Content

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### FIRST PART

Topic 1: Resolution of conflicts in international labor cases.

1. Individual work contract: Regulation Brussels I ..
2. Individual work contract: LOPJ.
3. Collective conflicts.

Topic 2: Law applicable to international labor relations.

1. Individual work contract.
2. Collective conflicts.
3. Imperative norms and employment relationship.

Topic 3: General principles of the right of foreigners.

1. Nationality and immigration law.
2. The acquisition of Spanish nationality.
3. Sources of the right of foreigners: international custom, international agreements, European Union law, Spanish domestic law.

Topic 4: Family regrouping.

1. Family and right of foreigners: principles, the right to family life and workers.

2. Family reunification and immigration law.

3. Family reunification and family law

## SECOND PART

Topic 5. Access to the Spanish labor market

1. General approach: the position of the Spanish legal system before immigration

2. Assumptions: Community immigration and extra-community immigration

3. The principle of free movement of workers and its implications

4. The exemption from the requirement of authorization to certain groups of non-EU citizens: assumptions and justification.

Topic 6: Work authorizations

1. Type of work authorizations: assumptions and requirements

2. The ordinary procedure for requesting and obtaining work permits

3. The renewal of work authorizations: requirements and procedure

4. Obtaining work authorizations through the collective management of hiring at source (former contingent)

5. The employment status of foreign workers with work authorization

Topic 7: The legal status of foreigners in an irregular situation

1. Approach and problems

2. The ways to move to a regular situation

2.1. The extraordinary regularizations

2.2. The authorization of temporary residence by arraigo

3. Labor rights of foreigners in an irregular situation

4. Social Security rights of foreigners in an irregular situation

Topic 8: The displacement of workers in the framework of transnational services services

1. The displacement of community or similar workers

2. The displacement of extra-community workers by non-EU companies

3. The displacement of non-community workers by community enterprises

## **Methodology**

The learning process of the students in the framework of this subject will be organized from the three types of training activities that are exposed below:

### 1. DIRECTED ACTIVITIES

The directed activities are all those that are developed in the classroom, in the scheduled times for the subject and under the direction of the teacher. They can be theoretical or practical.

### 1.1. Theoretical classes

They consist of the teacher's presentation of various aspects of the syllabus, based on the applicable regulations and the dossiers that are eventually provided through the Teaching Space of the subject within the Virtual Campus, which will include schemes and other materials of interest to the student. analysis of each one of the topics (extracts of sentences, fragments of collective agreements, etc.). Due to the correct follow-up of the theoretical classes, it is essential that all the students have during the theoretical classes of the dossier corresponding to the topic and a compilation of labor regulations duly updated.

### 1.2. Practical classes

They are dedicated to the execution of practical activities of diverse format (identification and study of the normative framework of a certain institution, reading and understanding of jurisprudence, resolution of practical cases, resolution of test questionnaires, etc.).

The practical activities will be structured in two major thematic blocks, corresponding to the two parts of the syllabus of the subject. At the end of each of the blocks, on the date that will be communicated at the beginning of the semester through the Teaching Space of the Virtual Campus, a practical activity of evaluation of individual character will be carried out on the set of issues dealt with in the framework of the block. .

## Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Practical classes	24	0.96	6, 7, 8, 4, 12
Theoretical Classes	18	0.72	9, 6, 7, 8, 11, 4, 12, 5, 10, 14, 15
Type: Supervised			
Analyze the situation by comparing different collective agreements and seeing the historical evolution of said situations	0	0	1
Preparation of legal documents	15	0.6	6, 8, 4, 12, 5, 10, 15
Preparation of summaries and studies	15	0.6	9, 6, 8, 14
Resolution of practical cases	20	0.8	9, 6, 8, 11, 5, 10, 14, 15
Search and analysis of legal documentation (regulations, bibliography, jurisprudence, administrative resolutions, etc.)	10	0.4	6, 8, 5, 10
Type: Autonomous			
study	42	1.68	9, 6, 7, 8, 4, 12, 14

## Assessment

The evaluation of the subject is broken down into two parts: the theoretical part (70% of the total of the grade) and the practical part (30% of the total of the grade).

## 1. ORDINARY EVALUATION SYSTEM

Students who have completed the two practical assessment activities and have obtained in each of them a grade higher than 3 points out of 10 will be able to take the theoretical exam.

The theoretical exam will last one and a half hours and will include four questions, two corresponding in the first part of the syllabus and two more corresponding to the second.

For the students who take the theoretical exam the final grade of the subject will be the one corresponding to the weighted average of the theoretical part (70%) and the practical part (30%). The note assigned by this last part will be the arithmetic mean of the two marks obtained in the practical activities of evaluation of each of the two parts of the subject. The subject will be considered approved if the final grade exceeds 5 points out of 10.

## 2. REEVALUATION

The re-evaluation will include a theoretical exam, with the same characteristics as the theoretical exam, and two practical exams, one for each of the two parts of the subject. Each one of the practical exams will have an hour and a half of duration and will consist of the resolution of a series of questions raised in relation to a hypothetical practical case with the only support of the applicable regulations.

The people who can submit to the reevaluation are:

1) Those who have not passed the subject through the system of ordinary evaluation.

In this case you will have to carry out the theoretical exam and, if you wish, one of the two practical exams.

The subject will be considered approved if the final grade exceeds 5 points out of 10.

2) Those who have passed the subject through the system of ordinary evaluation but want to improve the grade obtained to one of the two practical activities of evaluation. In this case, they will only take the practical exam corresponding to the part of the subject they choose.

If the grade obtained is higher than the one obtained previously, it will be recognized by making the appropriate adjustments to the final grade. Otherwise, that is, if a lower grade is obtained, the previous grade will be maintained.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Practical evaluation activities	30%	3	0.12	1, 2, 9, 13, 6, 8, 11, 4, 3, 5, 10, 15
Practical exam	30%	1.5	0.06	6, 7, 8, 4, 12, 14
Theoric exam	50%	1.5	0.06	6, 8, 4, 5, 10

## Bibliography

Topics 1 and 2: J.C. Fernández Rozas / S.A. Sánchez Lorenzo, Private international law, Cizur Menor, Civitas / Thomson Reuters (latest edition)

Topics 3 and 4: E. Fernández Masiá (dir.), Nationality and Immigration, Valencia, Tirant lo Blanch (last edition)

Chapters 21, 22 and 23: C. Gete-Alonso (dir.), Law Treaty of the person (last edition).

Topics 5 to 8: "Foreigners", Social Practicum 2015, BIB 2015/148, "Tirant on line" database (accessible from the UAB internal network)

