

Legal system of foreign workers in Spain

Academic Year: (2023 / 2024)

Review date: 25-04-2023

Department assigned to the subject: Social and Private International Law Department

Coordinating teacher: VALDUEZA BLANCO, MARIA DOLORES

Type: Electives ECTS Credits : 3.0

Year : Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Principles of Law
 Individual Labor Law
 Social Security Law
 Law of Public Administration
 Employment Policies

OBJECTIVES

- Ability to gather and interpret relevant data in the area of individual labor law to make judgments that include a reflection on relevant issues of a social, scientific or ethical nature
- Developed learning skills necessary to undertake further studies with a high degree of autonomy
- Mastery of fundamental concepts of Foreign Law
- Knowing the depth of the legal framework of foreign systems.
- Select, analyze and interpret the legal and conventional regulations, as well as the jurisprudence and judicial doctrine applicable to the factual situations related to labor relations, in order to solve problematic problems in these areas
- Being able to correctly expose and write a topic or compose a speech following a logical request, providing accurate information and in accordance with established grammatical and logical norms.
- Be able to evaluate the quality and quality of information and its sources using this information in an ethical manner, avoiding the subject and in accordance with the academic and professional conventions of the study area.
- Understand the simple and complex legal problems linked to labor relations and employment, and offer precise solutions from the optical practices of the different subjects involved
- Learn to implement transversally in the processes of human resources management, and application of Social Law, the gender perspective, as well as the optimization of fundamental rights, and human rights, directly or indirectly linked to work.

DESCRIPTION OF CONTENTS: PROGRAMME

Lesson.1. THE GLOBAL MOBILITY OF PEOPLE: TREATMENT OF MIGRATORY PHENOMENON IN INTERNATIONAL LAW AND EUROPEAN LAW.1.1. Framework of the mobility of people: globalization vs. location.1.2. Evolution of the migratory phenomenon in Spain. 1.3. The rights of immigrants in International Law and European Law.1.4. The integration of immigrants.

Lesson.2.LEGAL REGIME OF FOREIGN CITIZENS IN SPAIN: SITUATIONS IN WHICH THEY CAN BE LOCATED.2.1. Legal Regimen of foreigners.2.2. EU citizens and their families.2.3. Study ¿Ley Orgánica de Derechos y Libertades de los extranjeros y su Integración Social (LOEx).2.4. Status foreigners in Spain: regularity vs. irregularity.2.5. Types of authorizations.

Lesson 3. FOREIGNERS AND THE LABOR MARKET: THE DIFFERENT ACCESS SYSTEMS.3.11. From the country of origin and from the host country.3.2. Special reference: Law 14/2013 (international mobility)

Lesson 4.RIGHTS AND FREEDOMS OF FOREIGNERS.4.1. The constitutional treatment of the rights and freedoms of foreigners.4.2. Rights and situations.4.3. The right to work and the labor rights of foreigners.4.4. Social protection of foreigners.

Lesson 5. IMPLEMENTATION FOREIGNER LAW.5.1. The sanctioning regime in the LOEx.5.2. Recruitment irregular foreign workers.5.3. Sanctions: fine and expulsion.5.4. Offense against the foreign citizens.

LEARNING ACTIVITIES AND METHODOLOGY

- THEORY LESSONS: 1,5 HOURS WEEK
- PRACTICAL LESSONS: 1,5 HOURS WEEK (panel discussions, workshops, group activities).

ASSESSMENT SYSTEM

The continuous evaluation system combines the assessment of the theoretical and practical aspects of the subject and is based on the student's commitment to the constant follow-up of the classes, including their prior preparation, both of those of practical content and those of theory.

% end-of-term-examination:	0
% of continuous assessment (assignments, laboratory, practicals...):	100

BASIC BIBLIOGRAPHY

- ESPINIELA MENENDEZ, A, JIMENEZ BLANCO, P, RODRIGUEZ MATEOS, P.; Régimen jurídico de los extranjeros y de los ciudadanos de la UE. , Aranzadi., 2017
- VALDUEZA BLANCO, M.D. El tratamiento jurídico del trabajo de los extranjeros en España, LEX NOVA, 2008

ADDITIONAL BIBLIOGRAPHY

- ARRESE IRIONDO, M.N. La ciudadanía de la Unión Europea y la libertad de circulación de los familiares extranjeros , Lete Argitaletxea, 2012
- JOVER GOMEZ-FERRER, R. Derechos fundamentales de los extranjeros en España , LEX NOVA, 2010
- AAVV La protección social de los extranjeros en España, Tirant lo Blanch, 2010
- AGUILERA IZQUIERDO, R. El acceso de los inmigrantes irregulares al Mercado de Trabajo: Los procesos de regularización extraordinaria y el arraigo social y laboral, Revista del Ministerio de Trabajo y Asuntos Sociales, 2006
- ARCE JIMENEZ, C: Los derechos políticos de los residentes extranjeros : la ciudadanía inclusiva , Defensor del Pueblo Andaluz, 2012
- BOLLO AROCENA, M.^a D Expulsión de Extranjeros, Derecho Internacional y Derecho Europeo, Aranzadi, 2017
- DIAZ CREGO , M. El derecho a no ser discriminado por razón de nacionalidad : ¿un derecho de los extranjeros? , Revista española de derecho constitucional , 2010
- FERNANDEZ PEREZ, A. Los Derechos Fundamentos y libertades públicas de los extranjeros en España. , Tirant Lo Blanch, 2016
- IGLESIAS SANCHEZ, S. La libre circulación de los extranjeros en la Unión Europea, REUS, 2010
- VALDUEZA BLANCO ,M.D. inmigración altamente cualificada y mercado de trabajo europeo: La nueva Directiva (UE) 2021/1883, Trabajo y Derecho, 2022