



INTERNATIONAL MIGRATION AND REFUGEE LAW MOOT COURT COMPETITION

2024

Clarifications

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In this document you find the clarifications to the questions raised by the teams participating in the 2024 International Migration and Refugee Law Moot Court Competition.

The clarifications are organized per theme:

1. Clarifications relating to the moot court's procedural rules;
1. Clarifications relating to the legal framework of the case;
2. Clarifications relating to the interview and the facts of the case.

As has been set out in Rule 4.3, it has remained at the discretion of the organizers of the Competition to decide which requests for clarifications will be answered. The organizers of the Competition have refrained from answering requests (in a way) that could significantly alter the outcome of the case.

Teams must ensure that they adequately incorporate the clarifications in the written and oral pleadings.

1. Clarifications relating to the moot court's procedural rules

#1. A team shall be composed of (not more or less than) 4 students. If a team advances to the oral round, all team members must be present at all pleadings they are scheduled to attend. The teams must assure that all members will be present in Antwerp on the dates of the oral round. Each team member shall plead at least once. If a team member cannot take part in the oral round for justifiable reasons (e.g. health reasons or covid restrictions) that prevent the member to be present in Antwerp, the team representative shall immediately notify the organizers.

2. Clarifications relating to the legal framework of the case

#2. Asylum applicants in Taurasia can access basic reception, in the form of housing and meals, while their applications are being processed. This support is provided through the Taurasian Asylum Centre, situated 15 kilometres from Agartha in the countryside, with the requirement of effective residency at the centre.

#3. The Taurasian Human Rights Commission (THRC) is an independent statutory authority, established under the Taurasian *Human Rights Commission Act*. Its duties and functions include raising public awareness of human rights issues; education and training on human rights; monitoring and assessing the observance of human rights; and intervening in court proceedings. The Commission can investigate and conciliate complaints under Taurasia's anti-discrimination legislation. Its members are appointed by the Taurasian government, acting through the Minister of Justice, upon a proposal by the THRC's Board. The Board's proposal is made after consultation of the THRC advisory council, a body representing civil society organizations, and on recommendation by a selection panel composed of THRC Board members, THRC advisory council representatives, and independent experts. The THRC submits an annual report to the government, which summarizes the commission's activities and accomplishments over the past year. The government may also request additional reports on specific issues or topics.

#4. Under the Taurasian *Immigration Act* a refugee residence permit or exceptional leave to remain is given on an individual basis. If family members of a refugee/beneficiary of exceptional leave are not themselves eligible for either status, they can apply for a residence permit as family members. The Immigration Service assesses their application and makes a decision on whether or not to grant family reunification. Only the following family members of a refugee/beneficiary can obtain family reunification residence: the spouse, or the cohabiting partner who has been living with the refugee/beneficiary for at least two years prior to the asylum application; children under the age of 18; and parents if they are dependent on the refugee/beneficiary for support. The Immigration Service will consider the financial situation of the refugee/beneficiary to ensure that they are able to support their family members financially. The Service may also consider the integration prospects of the family members to ensure that they are likely to be able to integrate into Taurasian society.

#5. The asylum partnership agreement between Taurasia and Kashmana has become effective and is implemented. It applies to asylum applications that have been declared inadmissible by Taurasia for reason of the applicant's entry into Taurasia without the required entry, travel and/or residence documents and visa.

#6. The Immigration Appeals Tribunal has full jurisdiction to review the case on its merits *ex nunc*. The tribunal can assess new elements. For the non-fictional countries mentioned in the case, such as Afghanistan, Iran and Turkey, all relevant legal and factual elements at the time of the hearing of the case will be considered.

3. Clarifications relating to the interview and the facts of the case

#7. The sentence on the population size of Taurasia (p. 4) should be read as: “Taurasia has a population of 6.2 million, of which 900.000 live in the capital, Agartha, which is also the largest city.”

#8. Amara's scholarship consisted of a one-time lump sum payment and was not subject to any conditions beyond maintaining satisfactory academic progress in her master's program.

#9. Amara was aware of the possibility for university graduates who are holders of a student visa, to apply in Taurasia for a residence permit as highly qualified professional within a period of three months upon graduation, if and when they have a relevant job offer. She did not apply for such residence permit as a highly qualified professional, because she did not find a job and was not working at the time of the interview.

#10. Arash Gafoori lives with his sister and is dependent on her. She takes care of him.