

**2022**

**International Migration and Refugee Law Moot Court Competition**

**Rules**

**Migration Law Research Group**

**Ghent University**



**FRAGOMEN**

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# 1. Organization of the Competition

## 1.1 Structure of the Competition

The 2022 International Migration and Refugee Law Moot Court Competition (or ‘the Competition’) is composed of two parts: a written round and a two-day oral round at Ghent University (Belgium).

During the first written round the best 12 teams will be selected. The 12 selected teams will take part in an oral round on 17 and 18 March 2022, in Ghent (Belgium).

The moot court case, fictitious but based on a realistic situation, will be available at the moot court’s website, [www.migrationmoot.ugent.be](http://www.migrationmoot.ugent.be), from 1 October 2021. This case will be the basis for the written pleadings and the first rounds of the oral pleading. For the semi-final, a new element (for instance a new fact or additional evidence) will be added to the case.

The finalists of the Competition will prepare and plead on a new contested matter of migration law during the second day of the oral pleadings, which builds on the factual elements of the original case.

## 1.2 Organizers of the Competition

The 2022 International Migration and Refugee Law Moot Court Competition is organized by the Migration Law Research Group of Ghent University.

All team members can be found on this link: [www.migrationmoot.ugent.be](http://www.migrationmoot.ugent.be). The Competition’s coordinators, Ellen Desmet and Birte Schorpion, have the sole prerogative for the application and interpretation of these Rules.

All communication to the organizers should be sent via email to [migrationmoot@ugent.be](mailto:migrationmoot@ugent.be).

## 1.3 Timetable

For all deadlines, midnight CET (Central-European-Time) is applicable.

1 October 2021, 09:00 CET	Release case
20 October 2021, 23:59 CET	Deadline for registration and submission registration form
1 November 2021, 23:59 CET	Deadline for submitting questions for clarification and correction
15 December 2021, 23:59 CET	Deadline for submitting written pleadings
16 December 2021 – 10 January 2022	Evaluation of the written pleadings by the evaluating panel
15 January 2022, 23:59 CET	Written round results and invitation for the oral pleadings
21 February 2022, 23:59 CET	Written pleadings sent to opposing teams

17 and 18 March 2022	Oral pleadings at Ghent University
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#### **1.4 Registration**

The International Migration and Refugee Law Moot Court Competition is open to all universities.

Each university is allowed to register one team for the Competition.

Teams should submit the registration form, which can be found on the Moot Court's website, [www.migrationmoot.ugent.be](http://www.migrationmoot.ugent.be), via email to [migrationmoot@ugent.be](mailto:migrationmoot@ugent.be) **before 20 October 2021 23:59 CET**. This submission has to be completed by persons who are eligible to participate (as a team member or coach) in accordance with the rules set out in this document.

Changes to the Registration information, including contact and mailing information, must be communicated via email to [migrationmoot@ugent.be](mailto:migrationmoot@ugent.be). Note that changes to the team members and coach are set out in Rule 2.3 and 2.5 respectively.

#### **1.5 Registration fee**

There is no registration fee to participate in the moot court. More information on accommodation and travel costs can be found in Rule 1.8.

#### **1.6 Team number as identification**

Upon registration, each team participating will receive a team number. This team number must be used in all communication towards the organization of the Competition, including submitting the written pleadings, as set out in Rules 5.1 and 5.5, and during the oral pleadings, as set out in Rule 6.6.

#### **1.7 Team representative**

As part of the Moot Court registration, each team shall designate one person to act as team representative (contact person). This person may be the coach, a faculty advisor or a member of the team.

Notice to the team representative shall constitute notice to all team members.

Each team representative shall check their e-mail regularly, and become thoroughly familiar with the Moot Court Rules and the clarifications that may be issued.

#### **1.8 Accommodation and travel costs**

Two nights of accommodation (on 16 and 17 March 2022) will be provided to all students (not coaches) of the teams, who come from a university located more than 2 hours by public transport from Ghent University.

Teams have to bear their own travel costs to Ghent, Belgium. Teams from low income and lower middle-income countries (see [the World Bank list of economies](#)) can apply for a travel grant for the team and the coach as well as an accommodation grant for one coach in the registration form. This form can be found on the website and needs to be completed before 20 October 2021, 23:59 CET. The grant will be announced together with the announcement of the 12 teams which will go through to the

oral round in Ghent.

### **1.9 Visa for participants of the oral round**

Participants (team members and coaches) who have advanced to the oral rounds in Ghent (Belgium) and who require a visa to enter the Schengen zone, will receive an invitation letter to facilitate the process. The letters will be shared in the week that the participants of the oral rounds are announced.

### **1.10 Covid & travel restrictions**

The oral rounds of the Competition will take place in person, in Ghent. Only if due to health reasons or travel restrictions a certain team or some of its members are prevented from coming to Ghent, online participation will be made possible.

Additional clarifications on the practicalities for online participation to the oral rounds will be shared upon the announcement of the 12 teams that advance to the oral rounds, if required.

Overall flexibility, due to unexpected changes with regards to COVID-19 infections or travel restrictions will remain essential for the oral rounds.

### **1.11 Administration (& Copyright)**

All materials developed by Ghent University for the 2022 International Migration and Refugee Law Moot Court Competition, including, without limitation, the Rules and the Case, are the sole property of Ghent University. These materials may not be reproduced for any purpose other than participation in or administration of the Competition without the express and prior written consent of the Competition's coordinators. In addition, all written pleadings become the sole property of Ghent University, and may not be republished without its express consent.

## **2. Teams and Coaches**

### **2.1 Eligibility of team members**

All team members should be actively enrolled during the entire duration of the Competition in a Bachelor's or Master's programme of law; PhD students are not allowed to participate. Non-law students may participate, if they have sufficient level of knowledge of international migration and refugee law. Students may not have professional pleading experience.

Students may not have participated as team member, a member of the evaluating panel, or as a judge during the 2019 International Migration and Refugee Law Moot Court Competition hosted by the VUA, in Amsterdam.

It is the responsibility of each team to ensure that students are eligible, prior to contributing to the teams' work.

Each university is allowed to participate in the international moot court with one team. As hosts, Ghent University will not participate with a team in the 2022 International Migration and Refugee Law Moot Court Competition.

### **2.2 Team composition**

A team shall be composed of (not more or less than) 4 students, whom must be registered jointly with the coach(es) in the registration form.

Team members may be chosen by any method chosen by the participating University and/or coach(es).

There are no nationality requirements for joining a team.

Every student who contributes to the work product of the team, at any point in the competition, must be registered as a team member and counted toward the maximum of four team members that constitute that team. Conducting research for a team's oral and/or written arguments, writing any part of a team's pleadings, and presenting any of a team's oral arguments are examples of activities that contribute to a team's work product.

Based on the evaluation of the submitted written pleadings, teams participating in the first round may or may not qualify for the oral round on 17 and 18 March 2022 at Ghent University in Belgium. If a team advances to the oral round, all team members must be present at all pleadings they are scheduled to attend. If a team, or a team member cannot take part in (a part of) the moot court's oral round for justifiable reasons (e.g. health or covid restrictions), the team representative shall immediately notify the organizers of the Competition.

### **2.3 Changing team member(s)**

The team shall have the same members during the entire Competition.

Team members can only change in the first three weeks after the registration and submission of the registration form, i.e. until 10 November 2021. Teams must inform the organizers of the Competition of such a change by sending an email to [migrationmoot@ugent.be](mailto:migrationmoot@ugent.be). A change is only final upon confirmation by the organizers of the Competition.

Changing team members after 10 November 2021 is allowed only in exceptional cases and for justified reasons (e.g. health). Teams must ask for written approval to carry out such a change by sending an email to [migrationmoot@ugent.be](mailto:migrationmoot@ugent.be). It remains at the discretion of the organizers of the Competition to accept the proposed change.

### **2.4 Coach(es)**

Each team shall have one coach, who must be registered jointly with the team in the registration form. The number of coaches per team is limited to a maximum of two.

The coach(es) may advise only one team and must remain its coach during the entire Competition.

It is advisable to choose a coach who has experience working with students, who has a background in international migration and refugee law, and who is accessible for preparatory consultations. It is further also advisable to choose a coach with a good command of English.

### **2.5 Changing the coach**

Coaches can change only in the first three weeks after the registration and submission of the registration form, i.e. until 10 November 2021. Teams must inform the organizers of the Competition of such a change by sending an email to [migrationmoot@ugent.be](mailto:migrationmoot@ugent.be). A change is only final upon confirmation by the organizers of the Competition.

Changing the coach after 10 November 2021 is allowed only in exceptional cases and for justified reasons (e.g. health). Teams must ask for written approval to carry out such a change by sending an email to [migrationmoot@ugent.be](mailto:migrationmoot@ugent.be). It remains at the discretion of the organizers of the Competition to accept the proposed change.

A coach cannot be a member of the evaluating panel in the written round or a judge in the oral round of the Competition. Exchange of information between coaches and members of the evaluating panel or judges, related to the written or oral pleadings of other teams, is prohibited, as this impedes a fair competition.

## **2.6 Parameters of coaching**

A coach may provide advice to a Team, provided that such advice is limited to:

- General instructions on the basic principles of international migration and refugee law;
- General advice on research sources and methods;
- General advice on writing pleading techniques;
- General advice on oral pleading techniques or courtroom etiquettes;
- General advice on the organisation and structure of the arguments in the team's written and oral pleadings;
- General commentary on the quality of the team's legal and factual arguments;
- General advice on the interpretation and enforcement of these Rules.

A coach may not write or help write the written or oral pleadings. A coach may not conduct research of any sort for the team.

## **2.7 Outside assistance to teams**

Each team must research, write, edit, and develop its own legal and factual arguments without substantive assistance of persons who are not team members (with the limited exception of the coach, as set out in Rules 2.4 and 2.6).

Any team that receives outside assistance may be penalized and may be disqualified from the Competition.

Assistance from other teams, including from those that have not advanced to the oral rounds, is also prohibited.

# **3. Evaluating Panel and Judges**

## **3.1 Evaluating panel**

The written pleadings submitted by the participating teams are evaluated by two members of the evaluating panel.

Each team is required to nominate at least one qualified person, who consented to be a member of the evaluating panel. This can be a member of the academic staff of another university or a professional in the field of international migration and refugee law. The name of the member, as well as their email address and other requested information, shall be included in the registration form.

This member shall not be involved in the preparations of the participating teams.



The organizers of the Competition ensure that the evaluating panel does not review the written pleadings submitted by the team that nominated them as a member of the evaluating panel.

Each member of the evaluating panel evaluates two or three written pleadings in the period between 16 December 2021 and 10 January 2022. The criteria for this evaluation are set below in Rule 5.16.

### **3.2 Review form**

The evaluating panel will receive a review form, to ensure that a similar grading system is applied and that all teams receive similar feedback.

### **3.3 Judges**

Moot Court Judges will be experts in the field of asylum and migration law, thanks to a collaboration with the [International Association of Refugee and Migration Judges](#).

The names and affiliations of Moot Court Judges will be included in the information booklet that will be shared with all participations upon their arrival in Ghent for the oral rounds. This information booklet will also be placed on the moot court's website: [www.migrationmoot.ugent.be](http://www.migrationmoot.ugent.be).

Moot Court Judges might, in case of an expressed interest, also be part of the evaluating panel of the written pleadings.

Participating teams and Moot Court Judges shall not contact each other on any matter related to the moot court that might influence the performance of the participants or the judgments delivered. In proven cases of such contact, the respective participants and judge(s) will be disqualified, a new judge will be selected, and the evaluation procedure (scoring, judging) will be repeated.

It is the duty of a judge to report any affiliations with teams that have advanced to the oral rounds. The organizers of the Competition shall investigate any reported affiliation (whether self-reported by a judge or otherwise) and shall determine whether such affiliation constitutes a conflict of interest. The organizers of the Competition will avoid placing a judge into an oral round in which he or she has a potential conflict of interest (e.g. coming from the same country).

Judges should not attempt to ascertain the school or country of origin of any team during the oral rounds.

### **3.4 Judges' file**

The judges' file is strictly confidential, and it may not be disclosed to teams or coaches.

The organizers of the Competition will disqualify any team that makes use of the judges' file. Teams that obtain a copy of the judges' file should immediately inform the organizers of the Competition and either destroy it or return it to the organizers of the Competition without examining the contents.

## **4. Moot Court Case, Materials and Requests for Clarifications**

### **4.1 Distribution of the case and materials**

The moot court case and materials will be released on the website of the Competition, [www.migrationmoot.ugent.be](http://www.migrationmoot.ugent.be), on **1 October 2021**.

Aiming to guide students in the first steps of their research and aiming to ensure that all students have access to at least the same basic sources, some case materials will be shared upon registration, when the Team number is received. Teams are further required to use publicly available country of origin information with regard to the migrant's country of origin.

To solve the legal questions of the case, teams will only be required to apply international law. References to regional or national instruments or case law, which are relevant for the interpretation of these treaties are allowed, if they are clearly referenced and translated into English.

During the entire competition, the facts as outlined in the moot court case should be used.

## **4.2 Requests for clarifications**

Participants may submit requests for clarification of the moot court case or the rules before **1 November 2021**, 23:59 CET.

Each team may submit up to three (3) requests for clarification regarding the moot court case.

Requests for clarification shall only be submitted by the team representative via email to [migrationmoot@ugent.be](mailto:migrationmoot@ugent.be).

## **4.3 Distribution of answers to requests for clarification**

The requests for clarification regarding both the Rules and the Case will be answered before 10 November 2021, 23.59 CET. The document will be placed at the moot court's webpage: [www.migrationmoot.ugent.be](http://www.migrationmoot.ugent.be).

The identity of the team which has requested the clarification or correction will not be revealed.

It remains at the discretion of the organizers of the Competition to decide which requests for clarifications will be answered. The organizers of the Competition will in any case refrain 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.

# **5. Written Pleadings**

## **5.1 General requirements**

Each team participating in the Competition shall prepare written pleadings on behalf of the applicant (the migrant) as well as written pleadings on behalf of the respondent (the authorities of the fictitious state).

The language of the written pleadings shall be English. Should teams refer to materials in another language, they must provide (as an annex) the original source and a written translation into English. If the source is more than 2 pages, the translation can be limited to a summary of the text or the relevant paragraphs. The English translation will be relied upon for the purposes of the moot court.

At no point in the written pleadings shall the team identify itself, its team members, its country or its university's affiliation. Failure to adhere strictly to this rule may result in disqualification.

## **5.2 Written pleadings formatting**

All parts of each written pleading must be contained in a single file.

Written pleadings must be in Microsoft Word format and have a .doc or .docx file extension. Written pleadings that do not conform to this Rule, such as written pleadings in PDF format or written pleadings using a .dat file extension, will not be accepted.

The font and size of the text of all sections of the written pleadings (including the footnotes) must be the same, except for the headings. The text of all sections of the written pleadings must be in Times New Roman 12. The text of all sections of the written pleadings, except for footnotes, headings and the cover page, must be double-spaced. The text within footnotes and headings may be single spaced, but there must be double-spacing between separate footnotes and between headings and the text. Quotations of 50 words or more shall be block quoted (i.e. right and left indented) and may be single-spaced.

The written pleadings should be page numbered in the bottom right-hand corner starting with number 1 on the first page after the Table of Contents. Each section should start on a separate page.

Teams that take advantage of advanced features of Microsoft Word – including Track Changes and Comments - while drafting their written pleadings are responsible for understanding how those advanced features work. A written pleading with tracked changes that have not been properly accepted or comments that have not been properly removed prior to submission may be assessed up to a penalty.

Teams will be penalized for failure to keep within these requirements and members of the evaluating panel may also take the appearance of the written pleadings into consideration when evaluating the written pleading.

## **5.3 Written pleadings content**

The written pleading must contain the following parts in the following order:

- (a) Cover page
- (b) Table of contents
- (c) List of abbreviations
- (d) Statement of relevant facts
- (e) Country of origin assessment
- (f) Summary of legal questions identified and pleading
- (g) Pleadings
- (h) Conclusions
- (i) List of sources (treaties, jurisprudence, literature, guidelines, etc.)
- (j) Annexes (translation into English of written materials in another language), if applicable

Each section shall include only information that is relevant to that section.

## **5.4 Length**

Each written pleading (i.e. for the migrant and for the state) may **NOT exceed 6000 words**, from section (d) Statement of relevant facts until (h) Conclusions, excluding footnotes.

The following sections are not included in the word count: cover page, table of contents, list of abbreviations, list of sources, annexes.

Note that for specific sub-sections word limits are also applicable, as elaborated in Rule 5.8 until 5.12.

A team may not manipulate the word count, including by such means as removing spaces between words or abbreviations in citations where a space would normally occur in standard citation formats, using hyphens inappropriately, using non-breaking white spaces or macros, or otherwise modifying the word processor dictionary.

## **5.5 Cover page**

The cover page of each written pleading must have the following information in the same order and should not include further items:

- The name of the case and the court
- The title of the document (e.g. “Written pleading of the Respondent” or “Written pleading of the Applicant”)
- The year of the competition
- Word count
- Team number (assigned after team registration) in the top right-hand corner

## **5.6 Table of contents**

The table of contents may not exceed one page in length. It should contain a list of the sections of the written pleadings from section (c) to (i), and the page numbers where each section begins.

## **5.7 List of abbreviations**

This section should include a list of all abbreviations used in the written pleadings accompanied by their full forms.

*For example:*

UDHR     Universal Declaration of Human Rights

## **5.8 Statement of relevant facts**

The Statement of relevant facts must not include unsupported or distorted facts, persuasive statements, arguments, or legal conclusions.

This section may not exceed 300 words in length, excluding footnotes.

## **5.9 Country of origin assessment**

This section contains a general human rights country assessment. It might also include country information related to the specific human rights abuses in the country of origin, as relevant for the case. This section should be based on Country of Origin Information (COI) research.

This section may not exceed 300 words in length, excluding footnotes.

## **5.10 Summary of legal issues identified and pleading**

This section should consist of a substantive summary of the written pleading. It should include a summary of legal issues, in the form of numbered questions, and of the legal argumentation used to address these questions.

This section may not exceed 700 words in length, excluding footnotes.

## **5.11 Pleadings**

This section contains the legal reasoning for each of the legal issues identified in the case. The questions, as numbered in the summary of legal issues, are used to structure the argumentation into comprehensive sub-sections.

Note that relevant Country of Origin Information (COI) should be included throughout the assessment of the legal questions identified. As for all sources used, used COI must be referenced in footnotes. For COI that is already referenced in the dedicated Country of origin assessment section, a cross reference is sufficient.

## **5.12 Conclusions**

In the concluding remarks it should be highlighted what the court should decide in the legal questions presented.

This section may not exceed 300 words in length, excluding footnotes.

## **5.13 List of Sources**

Sources must be divided in the following subsections:

- (a) Treaties and legislation
- (b) Jurisprudence
- (c) Official documents
- (d) Literature
- (e) Reports
- (f) News articles

Note that further sub-divisions (e.g. to distinguish between different bodies that have produced jurisprudence, or official documents) may be included.

## **5.14 Citation**

Teams can choose which citation form they use. However, it is important that citations are consistent throughout the written pleadings. It is therefore advisable to work with a set of specific reference guidelines, such as [OSCOLA](#).

Full citations must be used in the footnotes of the pleadings section the first time a source is cited. Thereafter short forms of citations (including cross references) may be used.

Footnotes can be used to cite authority only. Footnotes may not include substantive pleadings, examples, or any text other than the actual citation.

### 5.15 Submission of the written pleadings

Each team must submit its written pleadings, for both the applicant (the migrant) and the respondent (the fictitious state) via email **before 15 December 2021, 23:59 CET**.

It is required to submit the two pleadings, as separate documents and the files should have the following names: "Migration Moot \_ written pleading \_ team number \_ A / D". Note that the team number should be included, and the A or D indicates whether the written pleading outlines the argument on the side of the applicant or the defendant.

For instance, if team 93 submits its written pleadings, the following file names are required: "Migration Moot \_ written pleading \_ 93 \_ A" for its written pleading on behalf of the applicant (migrant) and "Migration Moot \_ written pleading \_ 93 \_ D" for its written pleading on behalf of the defendant (fictitious state).

### 5.16 Evaluation of the written pleadings

The written pleadings will be randomly assigned to evaluating members, who will give scores between 0 and 50. Each evaluating member will review 2 applicants and 2 defendant's written pleadings.

The score the team receives for the written pleadings is the average of the scores given by the members of the evaluating panel, for the applicant and defendant's written pleadings.

The evaluating panel evaluates the written pleadings as per the following guidelines:

<b>Legal argumentation</b>	<ul style="list-style-type: none"> <li>• Discussion of the facts and legal principles relevant to the case</li> <li>• Proper and articulate analysis of the legal questions involved</li> <li>• Application of relevant legal principles to the facts</li> <li>• Logic and reasoning</li> <li>• Evidence of original thought, creativity</li> <li>• Persuasiveness</li> </ul>	Poor: 0–5; below average: 6–10; average: 11–15; above average: 15–18; excellent: 19–22
<b>Quality of Research</b>	<ul style="list-style-type: none"> <li>• Proper use of relevant authorities (sources of law, <i>opinio iuris</i>, etc.)</li> <li>• Thorough country of origin assessment</li> <li>• Relevance and variety of authorities</li> </ul>	Poor: 0-4; below average: 5-7; average: 8–12; above average: 13–15; excellent: 16–18
<b>Presentation</b>	<ul style="list-style-type: none"> <li>• Clarity and organization</li> <li>• Thoroughness</li> <li>• Language, grammar, spelling and style</li> </ul>	Poor: 0–1; below average: 2; average: 3; above average: 4; excellent: 5
<b>Format and layout</b>	<ul style="list-style-type: none"> <li>• Compliance of format and spacing with the Moot Court Rules</li> <li>• Quality of layout</li> </ul>	Poor: 0–1; below average: 2; average: 3; above average: 4; excellent: 5
<b>Penalties will be</b>	<ul style="list-style-type: none"> <li>• Presence of advanced features (track</li> </ul>	Minus 1 to 5 points, per

<i>imposed on teams violating the Moot Court Rules in proportion to the severity of the infringement</i>	changes or comments) in Microsoft Word <ul style="list-style-type: none"> <li>• Excessive length</li> <li>• Manipulation of the word count</li> <li>• Late submission</li> <li>• Failure to include all parts of the written pleading</li> <li>• Failure to include necessary and correct information on the cover page</li> <li>• Plagiarism</li> <li>• Assistance from outside the team</li> </ul>	infringement
<b>Disqualification</b>	<ul style="list-style-type: none"> <li>• Incomprehensive submissions</li> <li>• Breach of anonymity requirement</li> </ul>	At the discretion of the organizers of the Competition

Each team will receive a grade on 100 for the written pleadings. This grade is calculated as follows:

Written pleadings applicant (average of evaluator A and evaluator B)	.../50
Written pleadings respondent (average of evaluator C and evaluator D)	.../50
Maximum possible points for one team at the written round	.../100

The moot court organization will supervise the quality of the review.

### 5.17 Advancement to the oral rounds

On 15 January 2022 it will be announced, on the moot court's website, which 12 teams obtained the highest score and will advance to the oral rounds. The 12 selected teams will take part in the oral rounds on 17 and 18 March 2022, in Ghent (Belgium).

### 5.18 Complaints about the written pleading

If a team believes that an infraction of the Rules has occurred during an written pleading, that team must inform the moot court organizers as soon as reasonably practicable after the infraction becomes known to the team. It is up to the discretion of the moot court organizers to take the required measures.

## 6. Oral Pleadings

### 6.1 Written pleadings opposing team

On 21 February 2022, teams will receive via email the written pleadings of their opposing teams in the preliminary rounds.

### 6.2 Pleading time and order

The oral rounds of the moot court will consist of sixty [60] minutes of pleadings.

Both the applicant and the respondent will be allotted thirty [30] minutes. For each team, representing the applicant or the respondent, two (and only two) students must plead. Each team selects one of these two team members who will do the rebuttal or surrebuttal. Team members can decide to allocate the thirty [30] minutes following their preference, but each team member should plead at least 8 minutes, and the rebuttal and surrebuttal cannot exceed 3 minutes each.

Teams must inform the judges and bailiff at the start of their pleadings about the allocation of time (but it should not yet be mentioned which team member will present the rebuttal or surrebuttal). The final 0-sign means that the speaking time for this student has elapsed. In case the student has not yet finished their argument(s), they can ask the judges where an extension of the time is possible. It remains up to the discretion of the judges to grant an extension. An extension of five minutes is the maximum additional time allowed.

The order of the pleadings in each round at all levels of the Moot Court shall be: Applicant 1 → Applicant 2 → Respondent 1 → Respondent 2 → Rebuttal (by applicant 1 or 2) → Surrebuttal (by respondent 1 or 2). Once a student has completed their main pleading, they may not make any additional argument except for rebuttal or surrebuttal. This applies irrespective of whether the pleading team has used all its time.

In case the student finishes prior to the elapsing of the pleading time allocated, they must inform the judge what they wish to do with the remaining time (allocate to their team member that still has to plead, rebuttal or surrebuttal, or yield the time to the judges). All remaining time during rebuttal and surrebuttal will be yielded to the judges.

Any team member may plead for the applicant or/and respondent. There is no obligation that a team member always argues the same side, but it is obligated that all team members plead at least once during the preliminary rounds.

### **6.3 Scope of pleadings**

In their oral pleadings, participants may broaden the scope of their written pleadings, use additional arguments, or give additional examples.

A team may not view or otherwise become privy to any written pleading other than its own and the written pleadings of each of its scheduled opponents.

Legal issues which were not addressed in the primary pleadings may not be raised in the rebuttal or surrebuttal. Arguments which were addressed in the primary pleadings may not be repeated in the (sur)rebuttal.

The scope of the applicant's rebuttal is limited to the scope of the respondent's pleading, and the scope of the respondent's surrebuttal is limited to the scope of the applicant's rebuttal.

If the applicant waives the rebuttal, there shall be no surrebuttal.

### **6.4 Computers, mobile phones and other electronic devices in the court rooms**

During the oral pleadings it is prohibited that the team members pleading use, for any purpose, mobile phones, laptop computers, or any other electronic devices, including but not limited to those which are internet-enabled or data-capable, or have instant messaging capabilities.

All such devices must be turned off and removed from sight as soon as the bailiff first enters the courtroom, and must remain off and out of sight until the conclusion of the oral pleadings.

### **6.5 Pairing procedures in the preliminary rounds**

Each team will compete twice in the preliminary rounds: two members will plead on behalf of the applicant, the other two members will plead on behalf of the respondent. Teams will face different



opponents in the preliminary rounds.

The pairing of teams for the preliminary rounds shall be done according to the scores in the written round in accordance with the division below:

Poule A	Poule B	Poule C	Poule D
Team placed 1	Team placed 2	Team placed 3	Team placed 4
Team placed 8	Team placed 7	Team placed 6	Team placed 5
Team placed 9	Team placed 10	Team placed 11	Team placed 12

### **6.6 Anonymity in the court room**

At no point in the oral pleadings shall the team identify itself, its team members, its country or its university's affiliation. Failure to adhere strictly to this rule may result in disqualification. Identification of the team always happens through the number assigned in the beginning.

### **6.7 Role of the bailiff**

The bailiff will announce the start of the court session, the name of the case and the names of the judges. The bailiff will keep track of the time and signal to each side when there remain respectively 10, 5, 2 and 0 minutes of the time allocated to the pleading.

After the bailiff signals that time is up, the oralists are only allowed to finish their last sentence. If a team continues pleading, the bailiff will signal the court to interrupt the oralist and will make a note on the overuse of pleading time.

Throughout the session, the bailiff will take notes and record technical irregularities. Following the pleadings, the bailiff will participate in the evaluation of the teams' performance with the judges, making recommendations for awarding or deducting points related to timing and other technical aspects of the pleading.

### **6.8 Complaints about the oral pleading**

If a team believes that an infraction of the Rules has occurred during an oral pleading, that team must inform the Bailiff orally as soon as reasonably practicable after the infraction becomes known to the team. It is up to the discretion of the bailiff to take the required measures, if needed upon consultation of the organizers of the moot court.

### **6.9 Judges at the preliminary rounds**

For each oral pleading, three judges will jointly evaluate the pleading teams. The judges will themselves appoint a presiding judge (e.g. by consensus or coin toss). The presiding judge is the final arbiter in cases of disagreement over awarding of additional time or applying penalties, as set out in Rules 6.2 and 6.15.

The bailiff will also participate in the evaluation of the team's performance as described in Rule 6.7.

Judges shall indicate any possible conflict of interests prior to the start of the oral pleading.

### **6.10 Questions raised by judges**

Judges may raise questions during the oral pleadings with regards to the team's written pleadings, that

the judges will have read previously, or address the points made during the oral pleadings.

The questions will be posed to the applicant and the respondent during their oral pleadings. The time will not be stopped when questions are asked by the judges or responses given.

The team member that is pleading has to respond to the question.

The judge might in addition request to further expand upon arguments at the end of the oral pleadings.

Note that only oral communication is permitted with the judges during the oral pleading.

### **6.11 Observers**

All oral pleadings are in principle open to the public unless reasons of public health or safety pose restrictions.

The pleading team's team members and coach are permitted in the court room in which the team is competing.

Team members or persons directly affiliated with any team may only attend pleading sessions in which that team is competing. It is prohibited to attend the pleading session of a possible future opposing team. Teams can therefore not attend pleading sessions of other teams in the preliminary rounds. The bailiff should be informed, in case a violation of this rule is noticed.

### **6.12 Deliberations of judges**

When the pleading time has ended and the teams have responded to the judges' final questions, if any are asked, the teams and other observers are required to leave the room immediately. The bailiff will close the door, and judges will be given 15-20 minutes to deliberate.

### **6.13 Feedback by judges**

After a pleading session, no feedback will be provided to the teams. Teams are required to leave the room immediately.

During the second day of the oral rounds, on Friday 18 March 2021, a debriefing on some elements of the case will be organized in the form of a panel debate, as well as individual feedback sessions between judges and teams. These sessions aim to ensure that students can improve their skills, based on the feedback received, and get more acquainted with some of the case's legal intricacies.

### **6.14 Ex parte procedure**

In case a team is not present in the moot court room 15 minutes after the starting time, the judge will instruct the present team to start its oral pleadings. The present team will be graded normally, while the absent team will receive penalty points, pending their delay.

### **6.15 Evaluation of the oral pleadings**

The three judges each give scores between 0 and 50. The score the team receives for the oral pleadings is the average of the scores given by the three judges.

The judges evaluate the oral pleadings as per the following guidelines:

<p><b>Legal argumentation</b></p>	<ul style="list-style-type: none"> <li>• Proper and articulate analysis of the legal questions involved</li> <li>• Evidence of original thought, creativity</li> <li>• Logic and reasoning</li> <li>• Appropriate and logical response to the questions raised by judges</li> <li>• Appropriate and logical response to the opposing side’s pleading in the rebuttal/surrebuttal</li> <li>• Clarity of claims (are the claims well-phrased, well-explained, etc.)</li> <li>• Clarity of structure</li> </ul>	<p>Poor: 1–3; below average: 4–7; average: 8–13; above average: 14–17; excellent: 18–20</p>
<p><b>Background Preparation</b></p>	<ul style="list-style-type: none"> <li>• Knowledge of the facts and the legal principles directly applicable to the facts</li> <li>• Background knowledge revealed through pleadings and through answers given to the questions raised</li> <li>• Proper usage of relevant authorities (sources of law, <i>opinio iuris</i> etc.)</li> <li>• Thorough country of origin research</li> </ul>	<p>Poor: 0–2; below average: 3–5; average: 6–8; above average: 9–12; excellent: 13–15</p>
<p><b>Presentation</b></p>	<ul style="list-style-type: none"> <li>• Clarity and organization</li> <li>• Persuasiveness</li> <li>• Thoroughness</li> <li>• Team synergy</li> <li>• Behaviour appropriate to the formality of the setting</li> <li>• Rhetorical skills</li> </ul>	<p>Poor: 0–2; below average: 3–5; average: 6–8; above average: 9–12; excellent: 13–15</p>
<p><b>Penalties</b> <i>will be imposed on teams violating the moot court rules at the discretion of the judges, in proportion to the severity of the infringement</i></p>	<ul style="list-style-type: none"> <li>• Addressing a new legal issue in the rebuttal, which was not addressed in the primary pleadings</li> <li>• Use of electronic devices during pleading</li> <li>• Improper communication in the court room</li> <li>• Team exceeding pleading time without judges’ permission</li> <li>• Team not appearing on time without accepted explanation</li> <li>• Observing (possible) future opposing teams’ oral pleadings</li> </ul> <p>Breach of anonymity requirement</p> <ul style="list-style-type: none"> <li>•</li> </ul>	<p>Minus 2 points per occurrence (maximum 6)</p> <p>Minus 5 points per occurrence Minus 2 points per occurrence</p> <p>Minus 3 points per minute Minus 3 points per minute (maximum 50points)</p> <p>Minus 1 to 5 points (at the discretion of the judges)</p> <p>Minus 1 to 5 points (at the discretion of the judges)</p> <p>Minus 1 to 5 points (at the discretion of the judges)</p>
<p><b>Disqualification</b></p>	<ul style="list-style-type: none"> <li>• Assistance from outside the team</li> <li>•</li> </ul>	<p>At discretion of judges upon consultation with organizers of the Competition</p>

Each team will receive a grade on 100 for the oral pleadings. That is calculated as follows:

Oral pleadings of the applicant (average of the three judges)	.../50
<u>Oral pleadings of the respondent (average of the three judges)</u>	<u>.../50</u>
Maximum possible points for one team at the oral round	... /100

### **6.16 Advancement to the semi-finales**

The final score for each team at the preliminary rounds is the sum of the written submission points (maximum 100 for the two written pleadings) and the sum of the preliminary round points (maximum 100 for the two oral pleadings). This means a maximum of 200 points altogether.

The four teams that advance to the semi-finals will be announced around 4 pm, on Thursday 17 March 2022.

### **6.17 Semi-final round**

The semi-final round will consist of two pairings of the four teams that acquire the highest final scores at the end of the preliminary rounds. In case there are two or more teams with the same final score at the end of the preliminary rounds and this fact qualifies more than four teams to semi-final round, the score for legal argumentation will be a decisive factor in choosing the team which will take part in the semi-final round.

The pairings of the teams will be made by a random draw. A coin will be tossed to determine the positions of the teams (applicant or respondent). Each team will plead only once and will not switch sides after the first session. The teams shall appoint two of their members to plead in the semi-finals.

For the semi-final round the teams will receive new information concerning the case, which should be included in their pleadings. All team members are allowed to prepare new arguments. The time for preparation of this new element (for instance a new fact or additional evidence) is short and does not exceed 1 hour.

The teams will plead before three judges. The judges will themselves appoint a presiding judge (e.g. by consensus or coin toss). The presiding judge is the final arbiter in cases of disagreement over awarding of additional time or applying penalties, as set out in Rules 6.2 and 6.15. Judges will indicate any possible conflict of interests prior to the start of the semi-final round.

All teams that did not qualify for the semi-final rounds may be present at the pleadings.

The winners of the semi-final rounds will be selected by the judges based on their evaluation in accordance with the criteria set out in Rule 6.15, with in addition that the usage of the new element will be specifically assessed.

Judges are encouraged to provide feedback in a way that is useful not only for the contestants but also for the members of the audience. Judges shall not reveal to the teams the results of their individual determinations or the teams' scores. This initial feedback shall only be given in the presence of both teams.

### **6.18 Final round**

The two top-scoring teams shall advance to the final round. If possible, the teams will switch sides and plead in the opposite role (applicant or respondent) than during the semi-final round. If both teams pleaded on the same side in the semi-final round, a coin will be tossed to determine their position in the final round. Each team will plead only once and will not switch sides after the first session.

In the finals the teams shall again plead before three judges. The judges will themselves appoint a presiding judge (e.g. by consensus or coin toss). The presiding judge is the final arbiter in cases of disagreement over awarding of additional time or applying penalties, as set out in Rules 6.2 and 6.15, and has the final vote in case of disagreement about the winner of the competition. Judges will indicate any possible conflict of interests prior to constituting the to the start of the final round.

At 8 am on the morning of the final, the teams that have advanced to the final will receive a new contested matter of migration law. The case of the final builds nevertheless further on the factual elements of the original case. The students should prepare and plead on this new matter.

The winner of the competition will be selected by the judges based on their evaluation in accordance with the criteria set out in Rule 6.15.

All teams that did not qualify for the finals are warmly encouraged to attend the final.

Upon finishing the pleadings, the judges will leave the court room for their deliberation. Upon their return, the judges will provide feedback, in a way that is useful not only for the contestants but also for the members of the audience. The judges will also announce the winning team.

