



# LAWS5079

## Refugees and Migration

Session 2, Special circumstance 2020

*Macquarie Law School*

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#### Disclaimer

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#### Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff

Convenor

Daniel Ghezelbash

[daniel.ghezelbash@mq.edu.au](mailto:daniel.ghezelbash@mq.edu.au)

Contact via Email

6 First Walk, Rm 618

By appointment

Credit points

10

Prerequisites

(80cp in LAW or LAWS units) or (130cp including LAWS1010 or LEX101)

Corequisites

Co-badged status

Unit description

Refugee protection is one of the most controversial issues in Australian and international politics today. We will explore the historical and political climate in which international instruments and domestic policies were created, and the contemporary context in which they are implemented. This unit adopts an interdisciplinary approach to understand and critically engage with the legal frameworks governing the rights of refugees and other forced migrants. Students will develop a robust understanding of the international refugee law system, as well as its implementation and operation in Australia and abroad. This will involve an examination of the elements of the refugee definition in the Convention on the Status of Refugees and other relevant protections under international law, mechanisms in place for refugee status determination and appeals, and the jurisprudence that has developed internationally and in Australia relating to the rights of asylum seekers, refugees and other persons in need of protection.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

**ULO1:** Articulate the basic elements of the definition of a refugee in the UN Convention

relating to the Status of Refugees

**ULO2:** Describe and evaluate Australia's current refugee and border control policies, their compatibility with international law, and their impact on the refugee policies of other countries

**ULO3:** Engage in original and critical reflection on the social and political dimensions of the refugee debate

**ULO4:** Create policy and law reform proposals aimed at enhancing refugee protection in Australia and abroad

**ULO5:** Critically evaluate the strengths and shortcomings of the current international refugee protection regime

## General Assessment Information

Details of the assessment tasks, due dates and detailed marking rubrics are available on iLearn. All written assessments are to be submitted electronically via Turnitin. Plagiarism detection software is used in this unit and the University's Academic Honesty Policy is strictly applied.

Unless a Special Consideration request has been submitted and approved,

(a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and

(b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline.

No late submissions will be accepted for timed assessments – e.g. quizzes, online tests

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Online Quiz</u>	20%	No	Friday 4 September
<u>Research/Policy Paper</u>	60%	No	Friday 6 November
<u>Class Participation</u>	20%	No	Ongoing

### Online Quiz

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 21 hours

Due: **Friday 4 September**

Weighting: **20%**

## Online Quiz

On successful completion you will be able to:

- Articulate the basic elements of the definition of a refugee in the UN Convention relating to the Status of Refugees
- Describe and evaluate Australia's current refugee and border control policies, their compatibility with international law, and their impact on the refugee policies of other countries

## Research/Policy Paper

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 45 hours

Due: **Friday 6 November**

Weighting: **60%**

### Research/Policy Paper

On successful completion you will be able to:

- Articulate the basic elements of the definition of a refugee in the UN Convention relating to the Status of Refugees
- Describe and evaluate Australia's current refugee and border control policies, their compatibility with international law, and their impact on the refugee policies of other countries
- Engage in original and critical reflection on the social and political dimensions of the refugee debate
- Create policy and law reform proposals aimed at enhancing refugee protection in Australia and abroad
- Critically evaluate the strengths and shortcomings of the current international refugee protection regime

## Class Participation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 20 hours

Due: **Ongoing**

Weighting: **20%**

## Class Participation

On successful completion you will be able to:

- Articulate the basic elements of the definition of a refugee in the UN Convention relating to the Status of Refugees
- Describe and evaluate Australia's current refugee and border control policies, their compatibility with international law, and their impact on the refugee policies of other countries
- Engage in original and critical reflection on the social and political dimensions of the refugee debate
- Critically evaluate the strengths and shortcomings of the current international refugee protection regime

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

There are more people forcibly displaced around the world today than at any other time in modern history. This unit adopts an interdisciplinary approach to understand and critically engage with the legal frameworks governing the rights of these persons. Students will develop a robust understanding of the international refugee law system, as well as its implementation and operation in Australia and abroad.

This will involve an examination of the elements of the refugee definition in the Convention on the Status of Refugees and other relevant protections under international law, mechanisms in place for refugee status determination and appeals, and the jurisprudence that has developed internationally and in Australia relating to the rights of asylum seekers, refugees and other persons in need of protection.

Refugee protection is one of the most controversial issues in Australian and international politics today. We will explore the historical and political climate in which international instruments and domestic policies were created, and the contemporary context in which they are implemented. The doctrinal and political understanding of the current state of refugee protection will lay the

groundwork for a critical engagement with current practices and developing policy and law reform proposals aimed at enhancing refugee protection.

There is no prescribed textbook for the unit. Links to the weekly readings can be found on the iLearn page. The readings for the international law sections are drawn predominantly from James C Hathaway and Michelle Foster, *The Law of Refugee Status* (Cambridge University Press, 2nd ed, 2014), which is available electronically through the MQ library website.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

## Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.