



LAWS8037

Refugees and Migration Law

Session 2, Special circumstance, Other 2020

Macquarie Law School

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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

Stephanie Blaker

stephanie.blaker@mq.edu.au

Credit points

10

Prerequisites

Admission to JD and 80cp in LAWS or LAW units at 6000 level or above or (admission to LLM)

Corequisites

Co-badged status

Unit description

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. 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.

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 a comprehensive understanding of the definition of a refugee in the UN

Convention relating to the Status of Refugees

ULO2: Critically 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 nuanced, original and critical reflection on the social and political dimensions of the refugee debate

ULO4: Create novel 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

Assessment Tasks

Name	Weighting	Hurdle	Due
Research Project Plan	30%	No	4 September 2020
Research/Policy Paper	60%	No	6 November 2020
Active unit participation	10%	No	Ongoing

Research Project Plan

Assessment Type ¹: Plan

Indicative Time on Task ²: 30 hours

Due: **4 September 2020**

Weighting: **30%**

This task will involve developing proposal for a research paper or policy reform. Students will be required to develop their own research question, in consultation with the tutors and/or convenor.

On successful completion you will be able to:

- Articulate a comprehensive understanding of the definition of a refugee in the UN Convention relating to the Status of Refugees
- Critically 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 nuanced, original and critical reflection on the social and political dimensions of the refugee debate

Research/Policy Paper

Assessment Type ¹: Professional writing

Indicative Time on Task ²: 54 hours

Due: **6 November 2020**

Weighting: **60%**

For this task, students will build on their research proposal to write up a substantial research or policy paper

On successful completion you will be able to:

- Articulate a comprehensive understanding of the definition of a refugee in the UN Convention relating to the Status of Refugees
- Critically 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 nuanced, original and critical reflection on the social and political dimensions of the refugee debate
- Create novel 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

Active unit participation

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 12 hours

Due: **Ongoing**

Weighting: **10%**

Students will be required to prepare for classes and actively contribute to discussion and activities

On successful completion you will be able to:

- Articulate a comprehensive understanding of the definition of a refugee in the UN Convention relating to the Status of Refugees

- Critically 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 nuanced, original and critical reflection on the social and political dimensions of the refugee debate
 - Create novel 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
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¹ 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.

² 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 or if you are a Global MBA student contact 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) 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

If you are a Global MBA student contact 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/.

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.