LAWS5079

Refugees and Migration

Session 2, Special circumstances, Other 2021

Macquarie Law School

Contents

Session 2 Learning and Teaching Update

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of units with mandatory on-campus classes/teaching activities.

Visit the MQ COVID-19 information page for more detail.

General Information

Unit convenor and teaching staff
Convenor
Daniel Ghezelbash
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

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

Assessment Tasks

Name	Weighting	Hurdle	Due
Online Quiz	20%	No	11.59pm 3/9/2021
Research/Policy Paper	60%	No	11.59pm 5/11/2021
Class Participation	20%	No	ongoing

Online Quiz

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 21 hours
Due: **11.59pm 3/9/2021**
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 [1]: Essay
Indicative Time on Task [2]: 45 hours
Due: **11.59pm 5/11/2021**
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 [1]: Participatory task
Indicative Time on Task [2]: 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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[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.

Unit Schedule

Week 1: The Politics of Refugee Protection

Week 2: Legal and Institutional Frameworks

Week 3: The Definition of a Refugee I

Week 4: The Definition of a Refugee II

Week 5: Exclusion, Cessation and Protection Elsewhere

Week 6: Complementary Protection

Week 7: Climate Displacement

Week 8: Refugee Status Determination Procedures

Week 9: Deterrence: Detention, Temporary Protection and Return

Week 10: Blocking Access to Asylum

Week 11: Cooperation and Responsibility Sharing

Week 12: Resettlement and Safe Pathways to Protection

Week 13: Refugee Rights, Local Integration, and Reform Proposals

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://policies.mq.edu.au). 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

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

To find other policies relating to Teaching and Learning, visit Policy Central (https://policies.mq.edu.au) and use the search tool.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of

Conduct: https://students.mq.edu.au/admin/other-resources/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.