



# LAWS8037

## Refugees and Migration Law

Session 2, Special circumstances, Other 2021

*Macquarie Law School*

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#### **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

Stephanie Blaker

[stephanie.blaker@mq.edu.au](mailto:stephanie.blaker@mq.edu.au)

By appointment

Daniel Ghezelbash

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

## 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
<a href="#"><u>Research Project Plan</u></a>	30%	No	17:00 03/09/2021
<a href="#"><u>Research/Policy Paper</u></a>	60%	No	17:00 05/11/2021
<a href="#"><u>Active unit participation</u></a>	10%	No	ongoing

### Research Project Plan

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

Indicative Time on Task <sup>2</sup>: 30 hours

Due: **17:00 03/09/2021**

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 <sup>1</sup>: Professional writing

Indicative Time on Task <sup>2</sup>: 54 hours

Due: **17:00 05/11/2021**

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 <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 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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<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.

## Unit Schedule

### 1: The Politics of Refugee Protection

### 2: Legal and Institutional Frameworks

### 3: The Definition of a Refugee I

### 4: The Definition of a Refugee II

### 5: Exclusion, Cessation and Protection Elsewhere

### 6: Complementary Protection

### 7: Climate Displacement

### 8: Refugee Status Determination Procedures

### 9: Deterrence: Detention, Temporary Protection and Return

### 10: Blocking Access to Asylum

### 11: Cooperation and Responsibility Sharing

### 12: Resettlement and Safe Pathways to Protection

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

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.s.mq.edu.au\)](https://policies.s.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) (<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) (<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](http://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.