LAWS5079

Refugees and Migration

Session 2, In person-scheduled-weekday, North Ryde 2023

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff
Convenor
Ebony Birchall
ebony.birchall@mq.edu.au
Contact via iLearn

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

Students should submit applications for Special Consideration electronically via ask.mq.edu.au, along with the supporting documentation. Before submitting their applications, students should refer to the Special Consideration policy.

Markers will strictly apply the prescribed word limits and will not mark work exceeding the word limit or impose a penalty. Markers will use plagiarism detection software. The iLearn website includes detailed marking rubrics. Markers undertake a process of 'blind marking' to apply a common marking standard. Markers will double mark all Fail assessments. The Unit Convenor will moderate marks for the purposes of consistency and quality standards.

Late penalty policy

Unless a Special Consideration request has been submitted and approved, **a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted**, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.

This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). **Late submission of time sensitive tasks** (such as tests/ exams, performance assessments/presentations, scheduled practical assessments/labs etc) **will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.**

Assessment Tasks

Name	Weighting	Hurdle	Due
Class Participation	20%	No	In class
Research Policy Brief	40%	No	11:55pm on Monday 18 September 2023

Name	Weighting	Hurdle	Due
Take Home Assessment	40%	No	10am - 1pm on Wednesday 8 November 2023

Class Participation

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 0 hours
Due: **In class**
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

Research Policy Brief

Assessment Type [1]: Essay
Indicative Time on Task [2]: 15 hours
Due: **11:55pm on Monday 18 September 2023**
Weighting: **40%**

A policy/reform oriented task engaging with topical developments in refugee and migration law.

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

Take Home Assessment

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 15 hours
Due: **10am - 1pm on Wednesday 8 November 2023**
Weighting: **40%**

A time limited final assessment task that will test students' ability to critically engage with the unit content.

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

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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

The delivery of this Unit combines pre-recorded lectures, a weekly one hour tutorial (face-to-face or online) during weeks 1-12, and online learning content on iLearn.

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

Outline of content to be covered each week:

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, Local Integration and Safe Pathways to Protection

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
- Assessment Procedure

- Complaints Resolution 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

Academic Integrity

At Macquarie, we believe academic integrity – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free online writing and maths support, academic skills development and wellbeing consultations.

Student Support

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

The Writing Centre

The Writing Centre provides resources to develop your English language proficiency, academic writing, and communication skills.

- Workshops
- Chat with a WriteWISE peer writing leader
- Access StudyWISE
- Upload an assignment to Studiosity
- Complete the 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

Macquarie University offers a range of Student Support Services including:

- IT Support
- Accessibility and disability support with study
- Mental health support
- Safety support to respond to bullying, harassment, sexual harassment and sexual assault
- Social support including information about finances, tenancy and legal issues
- Student Advocacy provides independent advice on MQ policies, procedures, and processes

Student Enquiries

Got a question? Ask us via AskMQ, or contact Service Connect.

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.