LAWS8037

Refugees and Migration Law

Session 2, Online-scheduled-weekday 2024

Macquarie Law School

Contents

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General Information

Unit convenor and teaching staff Convenor Ebony Birchall Contact via iLearn see iLearn	
Credit points 10	
Prerequisites Admission to LLM or (Admission to JD and LAWS600 or LAWS8001)	
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

All written assessments submitted electronically must be submitted through the link provided in iLearn. This unit will utilise Turnitin plagiarism detection software. Students should carefully check that they submit the correct file for an assessment, as re-submissions will not be accepted after the due date and time, including instances where students upload an incorrect file in error.

The design, moderation and feedback of all assessments is in accordance with the Macquarie University Assessment Procedure (link provided under 'Policies and Procedures' below).

Late Submission Policy

A maximum penalty of five (5) percentage points of the total possible marks will be applied per day to late submissions, for up to a maximum of seven calendar days. Tasks that have not been submitted within the maximum number of additional late days will receive a mark of zero. This provision does not apply to online exams or other assessment with a time limit of less than 24 hours.

Penalties for late submission will be applied consistently and equitably to all students enrolled in the unit. Where short-term, serious and unavoidable circumstances have affected their ability to submit an assessment task, a student must submit a formal application for Special Consideration as per the Special Consideration Policy. Students should not request an informal arrangement from their tutor, lecturer or Unit Convenor.

Where an application for Special Consideration is approved, and the outcome is an extension to the due date of a task, submissions that are received after the new due date will be subject to late penalties that are calculated from the new due date. This only applies where the outcome is an extension to the due date – see the Special Consideration Policy for a schedule of all possible outcomes.

Special Consideration

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 (link provided under 'Policies and Procedures' below).

Assessment Tasks

Name	Weighting	Hurdle	Due
Active unit participation	20%	No	Ongoing
Research Policy Brief	40%	No	Sunday 15 September 2024 at 11:55pm
Take Home Assessment	40%	No	Monday 4 November 2024 from 2-5pm

Active unit participation

Assessment Type [1]: Participatory task
Indicative Time on Task [2]: 0 hours
Due: **Ongoing**
Weighting: **20%**

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

Research Policy Brief

Assessment Type [1]: Professional writing
Indicative Time on Task [2]: 15 hours
Due: **Sunday 15 September 2024 at 11:55pm**
Weighting: **40%**

A professional writing task engaging with topical developments in refugee and forced migration law.

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

Take Home Assessment

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 15 hours
Due: **Monday 4 November 2024 from 2-5pm**
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 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

[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

Delivery

The delivery of this Unit combines pre-recorded lectures, a fortnightly two hour online tutorial during weeks 1-12, and online learning content on iLearn.

This unit is worth 10 credit points, which equates to 150 hours of work. Therefore, students should expect to commit an average of 10 hours per week to this unit, including all scheduled and unscheduled activities and preparing and executing the assessment tasks.

Resources

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.

Students require access to a computer, internet with decent speed and a secure/reliable server. The iLearn page contains all Unit requirements and a weekly schedule for teaching, readings and tutorials. Information about all assessment tasks is also available on iLearn.

Unit Schedule

Outline of content to be covered each topic (two topics will be covered each fortnightly two hour online tutorial):

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.

Unit information based on version 2024.04 of the Handbook