UNSW Course Outline

JURD7387 Forced Migration and Human Rights in International Law - 2024

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General Course Information

Course Code : JURD7387
Year : 2024
Term : Term 2
Teaching Period : T2
Is a multi-term course? : No
Faculty : Faculty of Law and Justice
Academic Unit : School of Global and Public Law
Delivery Mode : In Person
Delivery Format : Standard
Delivery Location : Kensington
Campus : Sydney
Study Level : Postgraduate
Units of Credit : 6

Useful Links

[Handbook](#) [Class Timetable](#)

Course Details & Outcomes

Course Description

This course introduces students to the international legal regime for forcibly displaced persons.

It introduces the 1951 Convention relating to the status of Refugees (Refugee Convention), including who qualifies for refugee status, the protections afforded to refugees and the procedures for refugee status determination. The course also considers the capacity of the current international legal framework to respond to statelessness and other displaced persons who do not fall within the framework of the Refugee Convention, such as internally displaced persons, persons fleeing human rights abuses or civil war, and those whose movement is a result of climate change or environmental catastrophe. The course considers the theoretical underpinnings of the international forced migration regime and queries why States have agreed to protect certain categories of persons and not others, and whether this is legally and/or ethically sound.

This course considers the legal obligations of States and international organisations to assist and protect forced migrants. While the focus of the course is on international law responses to issues of forced migration, consideration will also be given to the relationship between the international legal regime and domestic law. In particular, this course will provide an opportunity to discuss current issues in forced migration regulation in Australia.

This course relates to and extends learning from other courses in UNSW Law & Justice, including Public International Law, Law in the Global Context, International Humanitarian Law, Australian Immigration Law and Practice and International Human Rights Law and Advocacy.

Main Topics

- Conceptualising 'forced migration'
- The international refugee law regime
- The role and function of UNHCR
- Refugee status determination
- The principle of *non-refoulement*
- The role of human rights law: complementary protection
- Australian refugee policy
- Maritime interception and non-admission policies
- Durable solutions and complementary pathways to protection
- Climate-induced displacement
- Statelessness
- Smuggling and trafficking
- Internally displaced persons (IDPs)
- Emerging issues in refugee law and protection

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Navigate and apply the sources, principles, procedures and institutions of international law relating to forcedmigration (PLOs 4 & 5)
CLO2 : Recall the origins and evolution of principles, procedures and institutions of international law relating to forcedmigration (PLOs 1 & 5)
CLO3 : Understand the relationship between international law and policy relating to forced migration (PLOs 1 & 5)
CLO4 : Understand the relationship between the international legal regime and domestic law relating to forced migration (PLOs 4 & 5)
CLO5 : Understand and evaluate the role of law in shaping understandings of and responses to forced migration as a phenomenon (PLOs 1 & 3)
CLO6 : Analyse and evaluate different conceptual approaches to forced migration (PLOs 1 & 3)
CLO7 : Demonstrate an ethical understanding of law on forced migration (PLOs 3 & 11)
CLO8 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflectiveand respectful manner (PLOs 9 & 10)
CLO9 : Demonstrate effective legal research and written communication skills by articulating legal concepts and analysis clearly and persuasively and with appropriate citation (PLOs 5 & 6)

Course Learning Outcomes	Assessment Item
CLO1 : Navigate and apply the sources, principles, procedures and institutions of international law relating to forcedmigration (PLOs 4 & 5)	• Class Participation • Research Essay or Legal Opinion Proposal • Research Essay or Legal Opinion
CLO2 : Recall the origins and evolution of principles, procedures and institutions of international law relating to forcedmigration (PLOs 1 & 5)	• Class Participation • Research Essay or Legal Opinion Proposal • Research Essay or Legal Opinion
CLO3 : Understand the relationship between international law and policy relating to forced migration (PLOs 1 & 5)	• Class Participation • Research Essay or Legal Opinion Proposal • Research Essay or Legal Opinion
CLO4 : Understand the relationship between the international legal regime and domestic law relating to forced migration (PLOs 4 & 5)	• Class Participation • Research Essay or Legal Opinion Proposal • Research Essay or Legal Opinion
CLO5 : Understand and evaluate the role of law in shaping understandings of and responses to forced migration as a phenomenon (PLOs 1 & 3)	• Class Participation • Research Essay or Legal Opinion Proposal • Research Essay or Legal Opinion
CLO6 : Analyse and evaluate different conceptual approaches to forced migration (PLOs 1 & 3)	• Class Participation • Research Essay or Legal Opinion Proposal • Research Essay or Legal Opinion
CLO7 : Demonstrate an ethical understanding of law on forced migration (PLOs 3 & 11)	• Class Participation • Research Essay or Legal Opinion Proposal • Research Essay or Legal Opinion
CLO8 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflectiveand respectful manner (PLOs 9 & 10)	• Class Participation
CLO9 : Demonstrate effective legal research and written communication skills by articulating legal concepts and analysis clearly and persuasively and with appropriate citation (PLOs 5 & 6)	• Research Essay or Legal Opinion Proposal • Research Essay or Legal Opinion

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	10%	Start Date: Not Applicable Due Date: Not Applicable
Research Essay or Legal Opinion Proposal Assessment Format: Individual	30%	Start Date: Not Applicable Due Date: 27/06/2024 11:00 AM
Research Essay or Legal Opinion Assessment Format: Individual Short Extension: Yes (2 days)	60%	Start Date: Not Applicable Due Date: 09/08/2024 04:00 PM

Assessment Details

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

Course Learning Outcomes

- CLO1 : Navigate and apply the sources, principles, procedures and institutions of international law relating to forcedmigration (PLOs 4 & 5)
- CLO2 : Recall the origins and evolution of principles, procedures and institutions of international law relating to forcedmigration (PLOs 1 & 5)
- CLO3 : Understand the relationship between international law and policy relating to forced migration (PLOs 1 & 5)
- CLO4 : Understand the relationship between the international legal regime and domestic law relating to forced migration (PLOs 4 & 5)
- CLO5 : Understand and evaluate the role of law in shaping understandings of and responses to forced migration as a phenomenon (PLOs 1 & 3)
- CLO6 : Analyse and evaluate different conceptual approaches to forced migration (PLOs 1 & 3)
- CLO7 : Demonstrate an ethical understanding of law on forced migration (PLOs 3 & 11)
- CLO8 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflectiveand respectful manner (PLOs 9 & 10)

Detailed Assessment Description

Class participation will be assessed based on your contribution to class discussions. Mere attendance is not enough to satisfy the class participation component of your assessment. Instead, it will be marked against the following criteria:

- Evidence of preparation for class (familiarity with set readings and relevant material)

- Frequency of participation
- Quality of participation (relevance and evidence of critical thinking)
- Demonstrated comprehension of the nature of the question (ability to identify issues, provide analysis and apply the relevant law or concept)
- Willingness to consider alternative viewpoints
- Clarity of oral or written expression, and ability to formulate responses in clear and succinct terms
- Persuasiveness of arguments
- Willingness to raise pertinent and thoughtful questions
- Attitude to learning and the subject
- Attentiveness in class

Absence due to COVID19 will not affect class participation. Students are expected to stay home and notify Tristan if they are unwell.

For students who are less confident speaking in class, class participation points can be gained by engaging with the weekly podcast discussion activities on Moodle. If you have any concerns about participating during class, please approach either Tristan, Madeline or Claire to discuss how we can help make your class time as productive as possible.

With regards to class participation, it is prohibited to use any software or service, such as ChatGPT, to search for or generate information or answers, unless the teaching staff gives explicit instructions that this is permitted for the classroom activity.

Assignment submission Turnitin type

Not Applicable

Research Essay or Legal Opinion Proposal

Assessment Overview

This assessment requires you to submit a written proposal for the final research essay or legal opinion.

Course Learning Outcomes

- CLO1 : Navigate and apply the sources, principles, procedures and institutions of international law relating to forcedmigration (PLOs 4 & 5)
- CLO2 : Recall the origins and evolution of principles, procedures and institutions of international law relating to forcedmigration (PLOs 1 & 5)
- CLO3 : Understand the relationship between international law and policy relating to forced migration (PLOs 1 & 5)
- CLO4 : Understand the relationship between the international legal regime and domestic law relating to forced migration (PLOs 4 & 5)

- CLO5 : Understand and evaluate the role of law in shaping understandings of and responses to forced migration as a phenomenon (PLOs 1 & 3)
- CLO6 : Analyse and evaluate different conceptual approaches to forced migration (PLOs 1 & 3)
- CLO7 : Demonstrate an ethical understanding of law on forced migration (PLOs 3 & 11)
- CLO9 : Demonstrate effective legal research and written communication skills by articulating legal concepts and analysis clearly and persuasively and with appropriate citation (PLOs 5 & 6)

Detailed Assessment Description

The Research Essay Proposal is to be submitted electronically (via Turnitin) by 11am on Thursday 27 June 2024. You must complete and sign a cover sheet when submitting assignments.

The marking rubric on Moodle indicates the components of a good research essay proposal. A bibliography is required, but neither the bibliography nor any non-substantive footnotes are included in the word count. Please ensure correct and consistent citation following either the Australian Guide to Legal Citation or OSCOLA.

For Assessment 2, it is prohibited to use any software or service, such as ChatGPT, to search for or generate information or answers. If its use is detected, it will be regarded as serious academic misconduct and subject to the standard penalties, which may include 00FL, suspension and exclusion.

Assessment Length

1000 words

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Research Essay or Legal Opinion

Assessment Overview

This assessment requires you to submit a research essay or legal opinion.

Course Learning Outcomes

- CLO1 : Navigate and apply the sources, principles, procedures and institutions of international law relating to forcedmigration (PLOs 4 & 5)
- CLO2 : Recall the origins and evolution of principles, procedures and institutions of international law relating to forcedmigration (PLOs 1 & 5)

- CLO3 : Understand the relationship between international law and policy relating to forced migration (PLOs 1 & 5)
- CLO4 : Understand the relationship between the international legal regime and domestic law relating to forced migration (PLOs 4 & 5)
- CLO5 : Understand and evaluate the role of law in shaping understandings of and responses to forced migration as a phenomenon (PLOs 1 & 3)
- CLO6 : Analyse and evaluate different conceptual approaches to forced migration (PLOs 1 & 3)
- CLO7 : Demonstrate an ethical understanding of law on forced migration (PLOs 3 & 11)
- CLO9 : Demonstrate effective legal research and written communication skills by articulating legal concepts and analysis clearly and persuasively and with appropriate citation (PLOs 5 & 6)

<u>Detailed Assessment Description</u>

The Research Essay should be submitted electronically (via Turnitin) by 4pm on Friday 9 August 2024. Neither the bibliography nor any non-substantive footnotes are included in the word count. Please ensure correct and consistent citation following either the Australian Guide to Legal Citation or OSCOLA. The marking rubric on Moodle indicates the components of a good research essay.

For Assessment 3, students have the option to use generative artificial intelligence to assist with the development of their research essays, subject to some limitations and requirements. For students who choose to use generative artificial intelligence, it can only be used for the following purposes:

- to receive simple editing assistance, such as suggestions as to how sentences and paragraph structure could be improved to enhance readability.
- to receive feedback on their research essay proposal or essay drafts that they have prepared in the first instance.

At all times, students must ensure that the research essay submitted is their own work. If the feedback provided by generative artificial intelligence leads to the development of new ideas, students must develop or edit those ideas to such a significant extent that what is submitted is their own work.

Likewise, any text generated by artificial intelligence needs to be acknowledged and cited. The only exception to this is where generative artificial intelligence has only provided simple editorial revisions to text drafted by the student in the first instance. The Australian Guide to Legal Citation has published interim guidance on how the use of AI generated text software should be acknowledged.

In addition to these limitations, students who choose to use generative artificial intelligence must also:

- submit a Reflection on Generative AI Methodology (up to 500 words) that explains how they used generative artificial intelligence in the preparation of their research essay and the strengths and weaknesses of this approach. This Reflection does not form part of the word count; and
- keep copies of their work progress (such as initial ChatGPT prompts or essay drafts) to show the Teaching Staff if there is any uncertainty about the originality of their work.

Students who do not use generative artificial intelligence in the preparation of their research essays do not need to complete the above steps.

For all students, if the use of generative artificial intelligence is detected in a way that is not permitted, or permitted but not disclosed, it will be regarded as serious academic misconduct and subject to the standard penalties, which may include 00FL, suspension and exclusion. UNSW has measures in place to detect the use of generative artificial intelligence in assessment.

If students have any questions or doubts regarding the use of generative artificial intelligence for this assessment task, they should either post a question on the Moodle page or arrange a consultation with the Teaching Staff.

Assessment Length

5000 words

Assessment information

If required, a two (2) day automatic Short Extension without documentation is available for this assessment. You can apply by accessing the Short Extension Student Portal on the Special Consideration login page.

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

General Assessment Information

Grading Basis

Standard

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 27 May - 2 June	Seminar	Introduction to forced migration
	Seminar	The sources of international refugee and human rights law
Week 2 : 3 June - 9 June	Seminar	The evolution of international refugee law – part one
	Seminar	The evolution of international refugee law – part two
Week 3 : 10 June - 16 June	Seminar	The refugee definition – part one
	Seminar	The refugee definition – part two
Week 4 : 17 June - 23 June	Seminar	Refugee status determination
	Seminar	The principle of non-refoulement Complementary protection and human rights law
Week 5 : 24 June - 30 June	Seminar	Durable solutions and Complementary Pathways
	Seminar	Research Skills Workshop
Week 6 : 1 July - 7 July	Other	Reading week / Flexibility week
Week 7 : 8 July - 14 July	Seminar	International cooperation, responsibility-sharing, and the Global Compact on Refugees
	Seminar	Detention and temporary protection
Week 8 : 15 July - 21 July	Seminar	Externalisation and access to asylum
	Seminar	Offshore processing
Week 9 : 22 July - 28 July	Seminar	Refugee protection in Asia
	Seminar	Persons affected by climate change and disasters
Week 10 : 29 July - 4 August	Seminar	Stateless people Internally displaced persons (IDPs)
	Seminar	Future issues in international protection Career pathways

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

All students are required to attend all timetabled classes and complete all structured learning activities. The following rules apply in relation to attendance:

- Absences from timetabled classes that do not exceed 20% of those classes will not negatively affect assessment of the student's class participation. Students do not need to apply for Special Consideration or provide an explanation to their lecturer for such absences.
- Absences from timetabled classes in excess of 20% may negatively affect assessment of the student's class participation (where applicable) and may result in a fail for that component of the assessment. Where Special Consideration is granted for an absence in excess of 20%, the

absence will not negatively affect assessment of class participation.

- The 20% leeway applies only to timetabled classes. Any failure to complete asynchronous learning activities (including online learning activities) may negatively affect assessment of the student's class participation (where applicable), whether or not in excess of 20% of those activities.
- Further to the above, students may be excluded from assessment, in consultation with the Program Authority, if they are absent from more than 20% of timetabled classes. Special Consideration requests submitted in relation to such absences will be assessed against the degree of learning deficit caused by the absences.
- Students who have been excluded from assessment will be notified via their UNSW student email.

General Schedule Information

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Tristan Harley					No	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the UNSW Student Code of Conduct Website.

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the UNSW Law &

Justice Assessment Policy & Student Information. This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at Assessment & Exam Information.

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact Student Services via The Nucleus Hub for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit Handbook for information.

Academic Honesty and Plagarism

As a student at UNSW you are expected to display academic integrity in your work and interactions. Where a student breaches the UNSW Student Code with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the Working with Academic Integrity module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the UNSW Law & Justice Assessment Policy & Student Information.

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW Current Students page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior

to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: https://www.student.unsw.edu.au/support
- Academic Skills and Support: https://student.unsw.edu.au/academic-skills
- Student Wellbeing, Health and Safety: https://student.unsw.edu.au/wellbeing
- Equitable Learning Services: https://student.unsw.edu.au/els
- UNSW IT Service Centre: https://www.myit.unsw.edu.au

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact Nucleus Student Hub for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.