



UNSW Course Outline

LAWS8190 International Refugee Law - 2024

Published on the 28 Jan 2024

General Course Information

Course Code : LAWS8190

Year : 2024

Term : Term 1

Teaching Period : T1

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 provides an overview of international refugee law. It explores the concept of 'international protection' through the lens of the 1951 Refugee Convention, asking 'who is a refugee?', 'what status does a refugee obtain?', 'who is expressly excluded from protection?', and

whether this instrument is still adequate for refugee movements in the 21st century? It examines the notion of complementary protection (how human rights law has expanded States' protection obligations), the role of the United Nations High Commissioner for Refugees, the causes of and possible solutions to refugee flows, and the political and ethical issues concerning refugees and other forced migrants, including people trafficking and smuggling. It also examines strategies that countries like Australia have adopted in an attempt to deter asylum seekers, such as detention, interdiction, deflection, and temporary protection, as well as legal constructs devised to shift responsibility to other States, such as the concepts of 'safe third country', 'internal flight alternative', and extraterritorial processing. It undertakes a comparative analysis of practices in the European Union, Canada and the United States, and in regions such as Africa and Latin America. Contemporary protection concerns, such as mass influx, flight from generalized violence and armed conflict, and internal displacement are also addressed.

Main Topics

- The evolution of asylum, refugee protection, non-refoulement, and the ethics and politics of asylum
- The refugee definition: The inclusion clauses
- The refugee definition: exclusion and cessation
- Complementary protection and temporary protection in international and regional law
- The rights of refugees, asylum seekers and other persons in need of international protection
- Refugee determination procedures
- Interrupting the right to seek asylum: Deflection mechanisms
- IDPs and mass influx
- Durable solutions and burden sharing
- Contemporary challenges

Course Aims

This course aims to:

- Provide you with a basic knowledge and understanding of both the substantive and procedural aspects of international and comparative refugee law
- Introduce you to the basic principles and institutions of refugee law, including the major treaties, national and international bodies, and the relationship to other branches of international law
- Develop your skills in applying, analysing and critiquing the relevant principles
- Help you to appreciate the dynamic and evolving nature of refugee law.

Relationship to Other Courses

LAWS8190 International Refugee Law is a specialised international law course. As such, while there are no pre-requisites, it is recommended that students have some background in

international law, either as a part of your LLM, during undergraduate studies or through professional experience.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1(a), 3(a), 3(b))
CLO2 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies by completing the take home research paper, consisting of a hypothetical problem plus essay (PLOs 1(a), 1(b), 2(a) and 2(b)),

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1(a), 3(a), 3(b))	<ul style="list-style-type: none">• Class Participation
CLO2 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies by completing the take home research paper, consisting of a hypothetical problem plus essay (PLOs 1(a), 1(b), 2(a) and 2(b)),	<ul style="list-style-type: none">• Hypothetical Problem (1500 words)• Research Essay (5000 words)

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Hypothetical Problem (1500 words) Assessment Format: Individual	30%	Start Date: Not Applicable Due Date: 15/03/2024 04:00 PM
Class Participation Assessment Format: Individual	10%	
Research Essay (5000 words) Assessment Format: Individual	60%	Due Date: 26/04/2024 04:00 PM

Assessment Details

Hypothetical Problem (1500 words)

Assessment Overview

The hypothetical problem will require students to research an area of international refugee law not covered in class and for which only limited directed reading will be provided.

See Term specific Course Information for further assessment description

Course Learning Outcomes

- CLO2 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies by completing the take home research paper, consisting of a hypothetical problem plus essay (PLOs 1(a), 1(b), 2(a) and 2(b),

Detailed Assessment Description

A hypothetical problem question will be released on 23 February 2023. The deadline for submission is **15 March 2023, 4:00pm**. The word limit for your response is **1,500 words**.

The word limit includes all discursive text but excludes citations and references and the bibliography. ***There is no leeway on the word limit.*** If the word limit is exceeded, penalties will be applied in line with the UNSW Law & Justice Assessment Procedure and Student Information which can be found [here](#).

Any assessment submitted after the deadline will lose 5% of the available marks per day or part thereof. Any work submitted 5 or more days late will not be accepted.

Applications for extensions to submit assessment should be submitted via the Special Consideration process on myUNSW and supporting documentation must be provided. You

cannot arrange an extension directly with your teacher. More information is available here:

<https://www.student.unsw.edu.au/special-consideration>.

Assessment Length

1500 words

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

Class Participation

Assessment Overview

See Term specific Course Information for further assessment description

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1(a), 3(a), 3(b))

Detailed Assessment Description

Class Participation will be assessed based on your engagement in class, both in general class discussion and in group work.

Absence from timetabled classes in excess of 20% of class time (approximately 1.5 classes) may negatively affect assessment of your class participation and may result in a fail grade for this component of the assessment. Where Special Consideration is granted for absence in excess of 20%, the relevant absence will not negatively affect assessment of class participation.

Please refer to the UNSW Law & Justice Assessment Procedure and Student Information (available [here](#)) for full details regarding class participation requirements (including the possibility of being excluded from assessment as a result of failing the Class Participation component of assessment).

Research Essay (5000 words)

Assessment Overview

Research essay which will require engagement in independent research for material not covered in class. See Term specific Course Information for further assessment description.

Feedback includes summative feedback.

Course Learning Outcomes

- CLO2 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies by completing the take home research paper, consisting of a hypothetical problem plus essay (PLOs 1(a), 1(b), 2(a) and 2(b),

Detailed Assessment Description

The major assessment for this course is a **5,000 word** research essay, due for submission on **26 April 2023, 4:00pm**. You are welcome to draft your own essay question in consultation with your teacher. If you would like to do this, please ensure you have agreed a topic with your teacher no later than **29 March 2023**. You are encouraged to send your question and short proposed outline (1 page, max) to your teacher via email as early as possible and no later than **22 March 2023**. Your teacher will then provide brief feedback to ensure your question is suitable.

A selection of essay topics will also be released on 18 March 2023 which you are also welcome to respond to.

The word limit includes all discursive text but excludes citations and references and the bibliography. ***There is no leeway on the word limit.*** If the word limit is exceeded, penalties will be applied in line with the UNSW Law & Justice Assessment Procedure and Student Information which can be found [here](#).

Any assessment submitted after the deadline will lose 5% of the available marks per day or part thereof. Any work submitted 5 or more days late will not be accepted.

Applications for extensions to submit assessment should be submitted via the Special Consideration process on myUNSW and supporting documentation must be provided. You cannot arrange an extension directly with your teacher. More information is available here: <https://www.student.unsw.edu.au/special-consideration>.

Assessment Length

5000 words

General Assessment Information

All written assessment should be of a formal, legal standard, including referencing using the Australian Guide to Legal Citation (4th edition). If you are unfamiliar with legal writing, including legal essay writing, it is recommended that you engage with the Academic Skills Support

resources, which you can find here: <https://www.student.unsw.edu.au/skills>.

Grading Basis

Standard

Requirements to pass course

You must submit both assignments and attend at least 80% of classes to pass this course. If you anticipate having difficulty on either front, please contact your teacher as soon as possible.

When illness or circumstances beyond your control interfere with your assessment performance, you may be eligible to apply for special consideration; a process for assessing the impact of unexpected, short-term events on your ability to complete a specific assessment task. You can find out more about special consideration, including how to apply, here: <https://www.student.unsw.edu.au/special-consideration>. It is important that you make any special consideration application as early as possible.

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 12 February - 18 February	Seminar	Background and Overview 1. The evolution of international refugee law; the ethics and politics of asylum 2. The United Nations High Commissioner for Refugees (UNHCR) 3. The 1951 Refugee Convention
Week 2 : 19 February - 25 February	Topic	Who is a Refugee? (Guest Lecture Former Upper Tribunal (UK) Judge and Adjunct Professor Hugo Storey) 4. Analysis of the refugee definition (1) '... well-founded fear of being persecuted' 5. Analysis of the refugee definition (2) the five Convention grounds 6. Exclusion and cessation
Week 3 : 26 February - 3 March	Topic	Refugee Rights 7. The principle of non-refoulement 8. The principle of asylum 9. The rights of refugees
Week 4 : 4 March - 10 March	Topic	Regional Refugee Law 10. Regional developments 11. Regional refugee definitions
Week 5 : 11 March - 17 March	Topic	Complementary and temporary protection (guest lecturer - Professor Jane McAdam) 12. Complementary protection 13. Temporary protection
Week 6 : 18 March - 24 March	Other	Flexibility Week (no class)
Week 7 : 25 March - 31 March	Topic	Recognising Refugees 14. Recognising refugees – procedures, decision-making, standards and evidence
Week 8 : 1 April - 7 April	Topic	Australia and International Refugee Law 15. Offshore processing 16. Mandatory detention
Week 9 : 8 April - 14 April	Topic	Current and Future Challenges 17. Climate change and displacement 18. Interception, deflection and extraterritorial reach of international law
Week 10 : 15 April - 21 April	Other	(no class) Additional guest lecturers may be added throughout the term.

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.

Course Resources

Prescribed Resources

The main texts listed in the Reading Guide are:

- G. S. Goodwin-Gill & J. McAdam, *The Refugee in International Law* (OUP, 4th ed, 2021)

An electronic version of this book is available via the UNSW library website. You may purchase a hard copy at the UNSW Bookshop if you wish.

- J.C. Hathaway & M. Foster, *The Law of Refugee Status* (CUP, 2nd ed, 2014)

An electronic version of this book is available via the UNSW library website. You may purchase a hard copy at the UNSW Bookshop if you wish.

Course Evaluation and Development

Feedback from previous terms has assisted with development and refinement of this course.

Students are encouraged to engage throughout the term and with the end of term student experience survey.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
	Anna Talbot					Yes	Yes
Convenor	Natalie Klein					No	No

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 Plagiarism

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.