UNSW Course Outline

JURD7528 Migration and Citizenship Law - 2024

Published on the 16 May 2024

General Course Information

Course Code : JURD7528
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 : Online
Delivery Format : Standard
Delivery Location : Kensington
Campus : Sydney
Study Level : Postgraduate
Units of Credit : 6

<u>Useful Links</u>

<u>Handbook</u> <u>Class Timetable</u>

Course Details & Outcomes

Course Description

Migration and citizenship are areas that are attracting growing attention by policy-makers and increasing legal regulation globally. In most States the border is the point at which citizens and migrants (non-citizens) are distinguished and legal controls of the movement of migrant

populations are focused. Control over the entry, stay and rights of non-citizens is a defining feature of State sovereignty and allows a State to determine the boundaries of the membership of its political community.

The course adopts a thematic and theoretical approach to examining the legal regulation internationally and by States of the entry and stay of migrants and the status and rights conferred on citizens and non-citizens. It begins with an analysis of the theoretical approaches to global movements of people, including the relationship between the international legal context, State sovereignty, border control and citizenship and individual rights. It then examines the power of the State to refuse entry to, detain and exclude migrants from its territory and to grant, deny or withdraw citizenship status as embodied in the policies and domestic laws of the State and the international legal context in which the movement of people takes place.

The course examines the legal frameworks adopted by States for managing migrant populations and the recognition of citizenship status from a variety of perspectives: theoretical and practical, historical and contemporary, comparative, constitutional, statutory and regulatory. It examines the key theoretical, socio-political, legal and practical questions underlying migration and citizenship law and policy globally. The focus of the course is on Australian law and policy, but it draws on examples of legal regulation and academic scholarship on migration and citizenship from international law, North America and Europe.

Course Aims

Migration and citizenship are rapidly growing fields of legal scholarship and the subject of increasing interdisciplinary research including in the areas of international relations, political science, social science, demography and population and development studies. The course recognises the interdisciplinary nature of migration and citizenship and introduces students to a range of international and comparative perspectives on these topics. It includes an examination of theoretical approaches to the global migration of people; theories of State sovereignty and border control, including their international legal context; conceptions of political membership and citizenship; the entry, stay and exclusion of migrants (non-citizens); the conferral and revocation by States of citizenship status and the criminalisation and securitisation of migration controls.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Identify, understand and engage in advanced critical analysis of the principles underlying the theoretical debates about migration and citizenship (PLOs 1a, 1b, 2a)
CLO2 : Identify, evaluate and discuss the contemporary legal and policy issues arising from the theoretical debates and migration and citizenship law and policy in the international legal context and comparative jurisdictions considered in the course (PLOs 1a, 3a, 3b)
CLO3 : Demonstrate a deep understanding and knowledge of the key themes, current and emerging trends, and the practical, legal and policy challenges in migration and citizenship law and policy (PLOs 1a, 2a, 3b)
CLO4 : Understand and critically evaluate the relationship between theoretical debates surrounding migration and citizenship and law and policy internationally and in the jurisdictions examined (PLOs 1a, 2a, 3a)
CLO5 : Plan, design and execute a substantial research based essay that identifies and critically examines aspects of migration and/or citizenship law and policy using advanced legal knowledge, relevant research principles and techniques to provide insight into or practical solutions to complex problems (PLOs 1b, 2b, 3b, 4)

Course Learning Outcomes	Assessment Item
CLO1 : Identify, understand and engage in advanced critical analysis of the principles underlying the theoretical debates about migration and citizenship (PLOs 1a, 1b, 2a)	• Class Participation • Oral Presentation and Research Proposal • Research Essay
CLO2 : Identify, evaluate and discuss the contemporary legal and policy issues arising from the theoretical debates and migration and citizenship law and policy in the international legal context and comparative jurisdictions considered in the course (PLOs 1a, 3a, 3b)	• Class Participation • Oral Presentation and Research Proposal
CLO3 : Demonstrate a deep understanding and knowledge of the key themes, current and emerging trends, and the practical, legal and policy challenges in migration and citizenship law and policy (PLOs 1a, 2a, 3b)	• Research Essay • Class Participation • Oral Presentation and Research Proposal
CLO4 : Understand and critically evaluate the relationship between theoretical debates surrounding migration and citizenship and law and policy internationally and in the jurisdictions examined (PLOs 1a, 2a, 3a)	• Research Essay • Class Participation • Oral Presentation and Research Proposal
CLO5 : Plan, design and execute a substantial research based essay that identifies and critically examines aspects of migration and/or citizenship law and policy using advanced legal knowledge, relevant research principles and techniques to provide insight into or practical solutions to complex problems (PLOs 1b, 2b, 3b, 4)	• Research Essay

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation	10%	
Oral Presentation and Research Proposal	30%	Due Date: 26/07/2024 05:00 PM
Research Essay	60%	Due Date: 19/08/2024 05:00 PM

Assessment Details
Class Participation

Assessment Overview

Class participation is an established tool used by the Law Faculty to facilitate an interactive seminar teaching process. Feedback takes the form of a continuous dialogue with the student. Class participation is an essential element of this course and is an effective means by which students can gain ongoing feedback about their questions, ideas and progress in the course.

All students are expected to be familiar with the reading for each class.

The following criteria will be used to assess class participation and are a guide for students as to how to contribute usefully to class discussion:

- Degree of evident preparation and completion of the required reading;
- Constructive participation in allocated group discussions and exercises;
- Willingness and ability to contribute usefully to class discussion;
- Ability to synthesise and summarise previous contributions;
- Ability to reflect critically on the course materials and previous class discussion;
- Ability to formulate responses in clear and succinct terms;
- Ability to raise pertinent and thoughtful questions;

Feedback includes ongoing formative feedback, peer feedback in class and online

Course Learning Outcomes

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- CLO3 : Demonstrate a deep understanding and knowledge of the key themes, current and emerging trends, and the practical, legal and policy challenges in migration and citizenship law and policy (PLOs 1a, 2a, 3b)
- CLO4 : Understand and critically evaluate the relationship between theoretical debates surrounding migration and citizenship and law and policy internationally and in the jurisdictions examined (PLOs 1a, 2a, 3a)

Oral Presentation and Research Proposal

Assessment Overview

The Oral Presentation is a 10 minute in-class presentation by the student of their Research Proposal. The Presentation will provide an overview of the research question, the issues to be

addressed and why the topic is important for analysis/investigation. At the conclusion of the Presentation there will be a five minute Q&A session and discussion during which the teacher and class will have the opportunity to ask questions of the presenter and provide feedback or offer suggestions for the research.

The Research Proposal (1500 words) forms the basis for the Research Essay. It should identify the specific research question and the issues to be examined in the Essay, and include a preliminary list of research resources and an annotation of three articles or scholarly writings relevant to answering the research question. Feedback includes written feedback, the use of a marking rubric and verbal feedback in class.

The Research Proposal and Oral Presentation will be marked as a single item and according to the following criteria:

a. Thought and content

- Identification of research topic and issues for investigation;
- Analysis of issues in light of research objectives;
- Selection and analysis of relevant literature.

b. Structure and organisation

- Argument/discussion clear and logical;
- Ideas linked together coherently;

c. Expression and style

- Accurate use of grammar, syntax and spelling, with effective vocabulary;
- Engaging and persuasive use of language and tone.

d. Oral skills

- Stimulates the interest of the class;
- Sets up a basis for the class Q&A and discussion;
- Spoken delivery is clear and engaging.

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- CLO3 : Demonstrate a deep understanding and knowledge of the key themes, current and

emerging trends, and the practical, legal and policy challenges in migration and citizenship law and policy (PLOs 1a, 2a, 3b)

- CLO4 : Understand and critically evaluate the relationship between theoretical debates surrounding migration and citizenship and law and policy internationally and in the jurisdictions examined (PLOs 1a, 2a, 3a)

Assessment Length

1500 words

Research Essay

Assessment Overview

Students are required to write a 4500 word Research Essay on a topic to be chosen from a list provided by the Course Convenor. Students are to develop their own research question in consultation with and approved by the Course Convenor/teacher.

The Research Essay will require students to undertake independent research that follows on from their Research Proposal and Oral Presentation (see above). Feedback will be in the form of written comments and the use of a marking rubric. The Research Essay will be marked according to the following criteria:

a. Research Skills

- Thorough research of primary materials, i.e. case law, statutes, international and Parliamentary material, government reports, etc.;
- Appropriate coverage of secondary materials, i.e articles, journals;
- Comparative country material where appropriate;
- Use of theoretical material.
- Response to feedback given on the research proposal

b. Content

- Well-defined approach to topic;
- Important points covered, in light of the subject objectives such as the theoretical context, the comparative issues, and the policy issues;
- Material chosen appropriately and analysed rather than reproduced;
- Selective and probing rather than wide-ranging and superficial analysis;
- Each point clearly related to the research question.

c. Synthesis/Innovation

- Originality of ideas;
- Complexity and insight in dealing with theory/ideas;

- Interdisciplinary perspective where appropriate;
- Suggestions for reform/change where appropriate.

d. Structure/Arguments

- Good use of structure; section headings and paragraphs;
- Arguments logical and well organised;
- Ideas linked together coherently;
- Well-reasoned conclusions;
- Sources well organised.

e. Expression/Style

- Well presented;
- Clarity and conciseness of expression;
- Direct and assertive;
- Consistent theme;
- Interesting and engaging of the reader;
- Use of correct terminology;
- Grammar, syntax, spelling correct with effective vocabulary;
- Footnotes in accordance with AGLC;
- Bibliography.

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- CLO5 : Plan, design and execute a substantial research based essay that identifies and critically examines aspects of migration and/or citizenship law and policy using advanced legal knowledge, relevant research principles and techniques to provide insight into or practical solutions to complex problems (PLOs 1b, 2b, 3b, 4)

Assessment Length

4,500 words

General Assessment Information

Grading Basis

Standard

Course Schedule

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.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Lecturer	Linda Kirk					Yes	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.