LAWS3187: FORCED MIGRATION AND HUMAN RIGHTS IN INTERNATIONAL LAW

This course outline is for LAWS3187 in Semester 2 2016. Timetable Planner can be used to find out the timetable information and teacher name for LAWS3187. Students enrolled in this course may check their Moodle course page for teacher contact details. Alternatively, teacher details can be found in the Staff directory.

Course description

This course introduces students to the international legal regime for forcibly displaced persons. The first part of the course focuses on the 1951 Refugee Convention, including who qualifies for refugee status, the protections afforded to refugees and the procedures for refugee status determination. The second part of the course considers the capacity of the current international legal framework to respond to displaced persons who do not fall within 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 the Law School, including Public International Law, International Humanitarian Law, Asia Pacific Migrant/Refugee Rights Intern Program, Australian Immigration Law and Practice, International Human Rights Law and Advocacy, Public Interest Internship Program, and the Social Justice Intern Program.

Main Topics

- Conceptualising 'forced migration'
- The international refugee law regime
- Climate-induced displacement
- The role of human rights law: complementary protection
- Protection in mass influx situations
- The role and function of UNHCR
- The ethics and politics of humanitarian assistance
- Development-induced displacement
- The asylum-migration nexus
- The right to seek and enjoy asylum
- Statelessness
- Smuggling and trafficking

Graduate Attributes & Learning Outcomes

UNSW graduate attributes (GAs) are developed through UNSW Law program learning outcomes (PLOs for Undergraduate (UG), Juris Doctor (JD) and Postgraduate (PG)) and the course learning outcomes (CLOs) of individual courses. All UNSW graduates are expected to attain the GAs. UNSW Law graduates are expected to attain the PLOs and a graduate of a specific course is expected to attain the CLOs of that course.

Course Learning Outcomes (CLOs)

Students successfully completing this course will have achieved the following CLOs. Please note that each CLO contributes to one or more of the PLOs.

1. Navigate and apply the sources, principles, procedures and institutions of international law relating to forced migration (PLOs 4 & 5)
2. Recall the origins and evolution of principles, procedures and institutions of international law relating to forced migration (PLOs 1 & 5)
3. Understand the relationship between international law and policy relating to forced migration (PLOs 1 & 5)
4. Understand the relationship between the international legal regime and domestic law relating to forced migration (PLOs 4 & 5)
5. Understand and evaluate the role of law in shaping understandings of and responses to forced migration as a phenomenon (PLOs 1 & 3)
6. Analyse and evaluate different conceptual approaches to forced migration (PLOs 1 & 3)
7. Demonstrate an ethical understanding of law on forced migration (PLOs 3 & 11)
8. Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9 & 10)
9. Demonstrate effective legal research and written communication skills by articulating legal concepts and analysis clearly and persuasively and with appropriate citation (PLOs 5 & 6)
Assessment

- Research Essay (5000 words) (70%) [CLOs: 1, 2, 3, 4, 5, 6, 7, 9]
- Class Participation (10%) [CLOs: 1, 2, 3, 4, 5, 6, 7, 8]
- Research Essay Proposal (1000 words) (20%) [CLOs: 1, 2, 3, 4, 5, 6, 7, 9]

The specifics of assessment change each semester the course is offered. Students enrolled in this course may check their Moodle course page for details.

Common Assessment Descriptions

There are common assessment items used across many courses at the Faculty of Law. Students should read the general descriptions about the Common Assessment Types in UNSW LAW. Please note that these are general descriptions that will give you an overview of what may be included. Lecturers and convenors may change the description within each individual course.

Assessment Policy & Study Skills

Assessment in Law has a range of requirements, including proper citation practice and good writing skills. Support is available to all enrolled students from the Learning Centre for students who need help with academic skills. They offer individual consultations, academic skills courses for credit, workshops, online resources, small group consultations for postgraduates, and more Faculty-based programs. Their approach is to help students with the nuts and bolts of academic reading, writing, speaking, and researching. They help explain the rules of the game, and ways of playing, and then encourage you to develop these skills in your own writing. Access to other kinds of student support is available at https://www.unsw.edu.au/life.

All students must read and abide by the UNSW Law Assessment Policy & Student Information before submitting assessment items. This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Work Load, and Academic Misconduct & Plagiarism. More information can also be found at Assessment & Exam Information.

Course Material

Information on prescribed and recommended readings for this course can be found at the UNSW Bookshop website, the High Use Collection at the UNSW Library or, for enrolled students, on the Moodle course page.

Feedback

UNSW Law 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 lecturer 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 lecturer’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 lecturer). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your lecturer’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.

Course Improvement

Student feedback is very important to continual course improvement. This is demonstrated within the School of Law by the implementation of the UNSW Course and Teaching Evaluation and Improvement (CATEI) Process, which allows students to evaluate their learning experiences in an anonymous way. The resulting evaluations are ultimately returned to the course Convenor, who 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 improvements made to the course.

Timetable and Teacher Information

Timetable information for this course is available at the Timetable Planner. This site will also include the name of the academic teaching the course. Students enrolled in this course may check their Moodle course page for teacher contact details. Those not enrolled in the course may find information on the academic in the UNSW Law Staff Directory.

Student Welfare

UNSW and the Law School are committed to providing study and welfare services to support you during your enrolment. A complete list of services and contact details is available at http://studentlife.unsw.edu.au/services/. Student may also be interested in the Student Experience section of the UNSW Law website.

Disclaimer

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 online handbook on the UNSW Law website, please contact Law Student Services Office for advice. UNSW Law reserves the right to discontinue or vary such courses or staff allocations at any time. Some courses offered in Semester 1 are not yet on this Course Outlines site. If your course is not here, please visit Handbook for information.