

## 730-437 Refugee Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2009.
<b>Time Commitment:</b>	Contact Hours: One 2-hour seminar per week Total Time Commitment: Estimated total time commitment of 144 hours.
<b>Prerequisites:</b>	Principles of Public Law; Constitutional Law; Administrative Law or in each case their equivalent. Students will find it advantageous to have studied or be studying International Law.
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	<p>&lt;p&gt;For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.&lt;/p&gt; &lt;p&gt;It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: &lt;a href="http://services.unimelb.edu.au/disability"&gt;http://services.unimelb.edu.au/disability&lt;/a&gt;&lt;/p&gt;</p>
<b>Subject Overview:</b>	<p>This subject will introduce students to both international and domestic aspects of refugee law. The subject will begin with an historical introduction to international refugee law, before turning to consider the key international instruments for the protection of refugees including the Refugee Convention and Protocol (including the role of the UNHCR); regional instruments; customary international law; and international human rights treaties. The course concentrates primarily on the 1951 Convention, exploring the key controversies in interpreting the refugee definition and extent of international protection afforded to refugees. Examination of these issues will involve reference to comparative case-law, particularly from superior courts in other common law countries (including the US, Canada and the UK). This provides a framework for considering the implementation of the Refugee Convention in Australian domestic law. The course will examine constitutional power with respect to 'aliens' and the relevant provisions of the Commonwealth Migration Act 1958, focusing particularly on the procedures for decision-making in Australian refugee law, including merits review before the RRT and judicial review of administrative decisions. Specific topics in domestic law will include the detention of asylum seekers and the 'Pacific solution'. The course will conclude by considering proposals to reformulate the international refugee protection regime.</p>
<b>Objectives:</b>	<p>A student who has successfully completed the subject should:</p> <ul style="list-style-type: none"> <li>• Understand the international development of refugee law</li> <li>• Have a knowledge of the different international instruments governing refugee law at the international level</li> <li>• Understand the key controversies in interpreting the 1951 Refugee Convention</li> <li>• Understand the way in which international refugee law interacts with the Australian domestic legal system</li> <li>• Have a knowledge of the refugee aspects of the Commonwealth Migration Act 1958</li> <li>• Understand how refugee claims are processed in Australia and what mechanisms for review are available</li> <li>• Understand how comparative material may be used in refugee cases in Australia</li> <li>• Be able to undertake research in refugee law</li> <li>• Be able to communicate in writing their understanding of refugee law.</li> </ul>

<b>Assessment:</b>	Research assignment of 5000 words, 100% (due end of semester). Attendance at 75% of classes and one class presentation is a hurdle requirement to pass this subject.
<b>Prescribed Texts:</b>	Printed materials will be issued by the Faculty of Law.
<b>Recommended Texts:</b>	
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of Refugee Law, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li>-The capacity for close reading of a range of sources;</li> <li>-The capacity for critical and independent thought and reflection;</li> <li>-The capacity for deductive analysis;</li> <li>-The capacity to solve problems through the synthesis and evaluation of information;</li> <li>-The capacity to communicate, both orally and in writing;</li> <li>-The capacity to undertake independent legal research;</li> <li>-Intercultural sensitivity and understanding</li> </ul>