Welcome to these courses on international refugee and immigration law and on comparative aspects of social justice! We are looking forward to meeting and working with you this summer.

In the Refugee Law class, we will learn about one of the world's principal human rights issues - the protection of individuals fleeing persecution and other forms of harm. International, Australia, and U.S. law include a number of measures providing relief to victims, some stemming from international treaties and others from the two countries’ foreign policy and humanitarian concerns. We will explore the relief provided under international, Australian, and U.S. law for victims of persecution (refugees), torture, crime, human trafficking, and natural disasters.

Understanding immigration relief for victims requires not only knowing the international and national laws on the subject, but also understanding something about current events that result in victimization. For that reason, we ask that as we go through the course, you look actively for information on current issues concerning refugees and other individuals fleeing harm in their countries. You can get current news from print sources and the internet, particularly by checking the website of the United Nations High Commissioner for Refugees, http://www.unhcr.ch/cgi-bin/texis/vtx/home.

In the Comparative Aspects of Social Justice portion of the program, we will explore three main areas of Australian law – criminal procedure, human rights, and indigenous law. We’ll also take a look at Australian legal research, and we’ll make a number of site visits to Australian legal institutions.

CAVEAT: FLEXIBLE SCHEDULING!
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Because of site visits and presentations for the Comparative Aspects of Social Justice portion, our scheduling will have to be a little flexible. The schedule set out below is our best estimate, but we anticipate having to make some changes to accommodate guest presentations and site visits.

ASSIGNED TEXTBOOKS AND MATERIALS:

2. Supplemental materials for both the Refugee Law and Comparative Aspects of Social Justice. I will probably post these to GoogleDrive.
3. Hypotheticals for use in Refugee Law portion of course, which I will probably post to Google Drive.

I’ll also post excerpts from international treaties and U.S. statutes and regulations to ClaraNet. We will not read all of these, but it is helpful to be able to refer to them.

A NOTE ABOUT THE READINGS: They are not as long as they look, and we promise they are interesting and even fascinating reading! And you will notice that the reading assignments get much shorter towards the end of the course!

EVALUATION AND GRADING:

You will have a combined final exam for both the Refugee Law and Comparative Aspects of Social Justice portions of the program. 75 per cent of your class grade will be based on a three-hour, open-book final examination, and the remaining 25 per cent will be based on class participation. Part of the class participation will be a brief presentation to the class, for which we will assign you a role as legal counsel or judge.

For Comparative Aspects of Social Justice, the grade will be based on your response to one essay answer on the final, in which we will ask you to discuss some aspect of Australian law that you have learned about.

The exam will be given on Friday, June 12, 2015, from 9 a.m. to 12 noon. It will be an open-book, open-notes exam. You will be able to use materials stored on your computer, but will not be able to go on-line during the exam.

The materials in this class lend themselves to vibrant class discussion. Thus, students should be prepared to participate in class. Please read the materials thoroughly and carefully so that you will be prepared for class discussion.
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CLASS ATTENDANCE

Regular class attendance is required under the law school regulations. You are permitted to miss ten percent of the class meetings, whether excused or unexcused. Any absences over this ten percent limit will be excused only for compelling emergencies.

CLASS SCHEDULE AND ASSIGNMENTS:

PLEASE NOTE: As explained above, this is our best estimate of coverage; we will need to adjust the dates depending on progress and to accommodate guest presentations and visits to legal institutions.

Class 1: Thursday, May 28.

9-11:00: Introduction to course: course requirements, overview of international refugee law; the international definitions of refugee.

11 – 12: Overview of the Australian Legal System (Prof. Poynder)

Reading assignments:
• Textbook: 3-4, 19-20, 27-31 (middle), 32 (middle) – 36 (middle); 48-49, 53 (bottom) – 55; 62.
• Supplemental materials: 12-42.
• Before this first class, please browse over the United Nations High Commissioner for Refugees (UNHCR) website, http://www.unhcr.ch/cgi-bin/texis/vtx/home, for information on current refugee situations.
• Hypos sets 1 and 2.

11:30 – noon Orientation by UTS.

Noon Welcome lunch with UTS faculty.

1:15 Tour of UTS; distribution of wifi passwords.

Class 2: Friday, May 29

9:00 – 10:30 Overview of U.S. protection system; U.S. overseas refugee programs (Prof. Abriel)

10:30 – noon Overview of the Australian protection system; Australian overseas refugee processing (Prof. Poynder)

Reading assignment: Textbook: 74 (middle) -76, 84 (middle) – 8; Supplemental materials: 1-11, 43-76.
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Discretion: 231 (bottom) – 238 (top).

Class 3: Monday, June 1, 2015

9 – noon U.S. on-shore refugee programs (asylum and withholding of removal); the concept of persecution; standards and burden of proof in establishing the refugee claim. (Prof. Abriel)

Reading assignments:

Textbook:
• Standard and burden of proof: 169-170, 183-199, 204 (bottom) – 211, 220 (bottom) – 221, 222 (middle) – 225 (middle),
• Persecution: 241-242 (top), 246-250, 252-261, 264-266 (top), 287.

Supplemental materials: 77-79.

Hypotheticals 4 & 5.

AFTERNOON SITE VISIT: Meet at UTS (time TBA) to walk to Federal Court of Australia, for presentation by Registrar Tom Morgan.

Class 4: Tuesday, June 2

9:00 – noon Nexus; protected ground of political opinion. (Prof. Abriel)

Reading assignments:

• Nexus: Textbook 301-302, 308-316, 325 (bottom) – 331 (top), 339-343, 345-348; supplemental materials 80-88.
• Political opinion: 375-376 (up to anti-Communism), 381-389 (trade union activity), 409-415 (prosecution v persecution); 427-444 (top) (refusal to serve in military); 463-466 (coercive population control).

Hypothetical 7.

AFTERNOON SITE VISIT to Australian Human Rights Commission. Meet at UTS at 1:30 p.m. to walk to AHRC for 2:00 p.m. meeting. In advance, please browse the AHRC’s website, at https://www.humanrights.gov.au/

Class 5: Wednesday, June 3

9:00-noon Complete protected ground of political opinion; protected grounds of race,
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religion, and nationality; start protected ground of membership in a particular social group.

Readings, all in textbook:

• Religion: 467, 470-471 (notes), 472-474, 494-511, 515-525.
• Race and nationality: 527-531, 545-549, 570-573 (middle), 591-593.
• Membership in a particular social group: 615-617, 621-627.

Hypotheticals 6, 14

Class 6: Thursday, June 4

9 – noon Complete protected ground of membership in a particular social group; gender-related asylum; begin grounds of exclusion from refugee status.

Readings:
• Particular social group: textbook 630, 651-652, 653-661; 663-669; supplemental materials 97-114.
• Gender-related asylum: Gender-related asylum: 689-690 (middle), 696-697 (UNHCR guidelines), 716-726 (top) (Kasinga), 760 (bottom) - 770 (top) (Fisher and notes), 816-820 (UNHCR guidelines).
• Grounds of exclusion: 821-823 (overview), 850-853 (Rodriguez-Majano); supplemental materials 89-91.

Hypothetical 8

AFTERNOON SITE VISIT: Please meet at UTS at 1:30 to walk to the Aboriginal Legal Services Office for a 2:00 p.m. meeting. I will post some materials to skim in advance, and please take a few minutes to browse the ABLS’s website, at http://www.alsnswact.org.au/

Class 7: Friday, June 5

9:00 – noon Site visit to Downing Centre (Criminal District Court of New South Wales).

Class 8: Monday, June 8

9:00 – noon Complete grounds of exclusion from refugee status.

Readings:
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Exclusion grounds: textbook pages 855-858 (middle) (serious nonpolitical crimes), 860 (bottom) – 865 (middle) (Aguirre-Aguirre); 870 (bottom) – 871 (middle) (particularly serious crimes), 875 (bottom) – 877 (particularly serious crimes); 889-890 (top); 896 (bottom) – 900 (middle) (firm resettlement); 909-917 (statutory provisions).

Supplemental materials on terrorist grounds pp. 92-96; 115-136

Hypothetical 9, exercises pp. 888-889 textbook.

Immediately after class: brief meeting for interns.

Class 9: Tuesday, June 9

9:00 – 10:30 Convention against Torture; the process for asylum, withholding, and CAT claims. (Prof. Abriel)

10:30 – noon Proving the claim under U.S. law (Prof. Abriel)

Reading assignments:

• Convention against Torture: textbook pages 357-367; supplemental materials 137-154.
• The application process: textbook pages 924-929 (procedure), 933 (bottom) - 938 (due process rights), 946-947 (legal representation), 952 (bottom) – 955 (interpretation), 957 (bottom) – 962 (Lastor).

Hypotheticals 10 & 11.

Afternoon: Workshop on Australian legal research (you’ll need your laptops)

Class 10: Wednesday, June 10

9-10:00 Complete proving claim under U.S. law.

10 – 12 The Australian asylum application process; other forms of relief under Australian law (complementary protection, appeals to the UNCHR) (Prof. Poynder)

Reading assignment:

• Proving the claim: textbook 990-1008 (top); 1016-1018 (UNHCR Guidelines); 1019-1024 (top), 1039-1047 (top).
• Australian process: supplemental materials 155-158.
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Class 11: Thursday, June 11

9:00 – 10:00  Other forms of protection under U.S. law.

10:00 - noon  Trafficking in persons and immigration relief for trafficking victims/
Guest speaker: Jenny Stanger, National Manager of the Freedom Partnership to End Modern Slavery, Australian Salvation Army.

Reading assignment: supplemental materials 159-189.

Hypothetical: 12

Afternoon: Optional review session.

Friday, June 12  FINAL EXAMINATION 9 a.m. – 12 noon.

Evening: gala farewell dinner!