

Course Outline

COURSE: LAWS 4607A– Immigration and Refugee Law

TERM: Winter 2009-10

PREREQUISITES: LAWS

CLASS: Day & Time: Friday: 11:35am - 2:25pm
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Anette Sikka
(CONTRACT)

CONTACT: Office: C476LA – Contract Instructors' Office
Office Hrs: Fridays – 3pm-5pm
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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE OBJECTIVE

Students will examine the legal rules, processes, and policies that govern the eligibility of citizens, permanent residents and foreign nationals to enter, remain in, work in and study in Canada. They will examine the domestic and international context in which these processes have developed and the political and social consequences of the Canadian structure. Students will also examine the international and domestic laws that define Canada's refugee protection system.

COURSE DESCRIPTION

The class will be based on lectures, discussions and in-class activities. A variety of learning tools will be employed including viewing of videos, invited speakers, and case-based learning. Each student is expected to do the background readings for each class and to be prepared to engage in discussion and analysis of the relevant issues.

METHOD OF EVALUATION (All components must be completed in order to pass this course)**20% - Participation (Including “in-class” exercises and “take home” class assignments)****30% - Mid-term examination****50% - Final take-home examination**

Assignments completed in class or assigned for the following class will be considered part of the students' Participation mark. The **mid term examination** will be posted on WebCT **Monday February 22nd** and will be **due before 9am February 26th**, covering the topics discussed until that point. The final **take home examination** will be distributed at the **end of class April 5th** and will be **due electronically on April 10th at 4pm**.

Note: Late assignments will be marked down **one half-letter grade for each day submitted after the due date**. Computer failure and heavy workload will not be acceptable excuses for late assignments.

COURSE MATERIALS AND TEXT

Students require **Carasco, Aiken, Galloway and Macklin, *Immigration and Refugee Law*** (Emond Montgomery) which is available at the University Bookstore. In addition, materials and assignments will be posted using the University's WebCT system, to which all students will require access. Students will also be required to access the following online resources:

Legislation

Immigration and Refugee Protection Act [IRPA] and the Immigration and Refugee Protection Regulations [the IRPA Regulations]. Available at: <http://laws.justice.gc.ca/en/l-2.5/index.html>

Court Decisions

Federal Court Decisions (1990-present): http://www.fct-cf.gc.ca/index_e.html

Supreme Court Decisions (1985-present): <http://www.lexum.umontreal.ca/csc-scc/en/index.html>

Government Sources

Immigration and Refugee Board: http://www.irb-cisr.gc.ca/en/INDEX_E.htm

Citizenship and Immigration Canada: <http://www.cic.gc.ca/english/index.asp>

CIC Operational Manuals: <http://www.cic.gc.ca/english/resources/manuals/index.asp>

CBSA: www.cbsa-asfc.gc.ca

Human Rights Sources

Canadian Council for Refugees: <http://www.ccrweb.ca/eng/engfront/frontpage.htm>

Amnesty International Human Rights Library: <http://www.amnesty.org/ailib/>

Human Rights Watch: <http://www.hrw.org/>

United Nations High Commissioner for Refugees <http://www.unhcr.org/pages/49c3646c4b2.html>

United States Department of State Reports (DOS): <http://www.state.gov/index.cfm>

CLASS SCHEDULE (Subject to Modification)

Jan 8 Introduction

Jan 15 Historical context of immigration, *guest speaker Chantal Tie, LAO*
Overview of Immigration System, Legislation, Decisions and decision makers

Readings: Casebook p.13-23, 32-39
Selected case law and articles posted on WebCT
Take home Assignment 1 due

Jan 22 Temporary Admissions: Visitors, Students, and Temporary Foreign Workers

Readings: Casebook p. 231-239, 242-243, 250-262, 275-288
Selected articles posted on WebCT
Take home Assignment 2 distributed

Jan 29 Temporary Residence Permits, Trafficking in Persons, Smuggling of Migrants
Introduction to Permanent Admissions: Family Class Sponsorship

Readings: Casebook p. 231-239 and 250-279
Selected case law and CIC policies on WebCT
UN Protocol to Prevent, Suppress and Punish Trafficking In Persons
Take home Assignment 2 due

Feb 5 Permanent Admissions: Family Class Sponsorships continued.,
Inadmissibility and Removal

Readings: Casebook p. 369-372, 375-386, 390-422, 444-453
Selected case law and CIC policies on WebCT
Take home Assignment 3 distributed

Feb 12 Inadmissibility and Removal continued
Skilled Professionals, Economic Classes.

***Guest Speaker:* Warren Creates**
Readings: Casebook p. 669-688, 708-748,
Selected case law on WebCT
Take home Assignment 3 due

Feb 19 Winter Break – no classes

MID-TERM TAKE HOME EXAMINATION POSTED MONDAY FEBRUARY 22ND, DUE ELECTRONICALLY BEFORE 9AM FEBRUARY 26TH

Feb 26 Appeals, Judicial Review, Staying in Canada on Humanitarian and Compassionate Grounds

Readings: Casebook p. 169-188, 193-202
Selected case law on WebCT
In Class Assignment

Mar 5 Refugees – Introduction

***Guest speakers:* Christina Harrison-Baird; Peter Showler Definitions**
Readings: Casebook p. 463-469, 537-547
Selected case law and articles on WebCT

Mar 12 Inland Determination Process, Enumerated grounds, social group

Readings: Casebook p. 547-612, 647-655
Selected case law and IRB policies on WebCT

Mar 19 State protection, safe third country, flight alternatives, pre removal risk Assessments, interdiction

Readings: Casebook p. 485-487, 612-616
Selected case law and articles on WebCT

Mar 26 Determination Outside Canada, exclusions

Readings: Casebook p. 478-485, 537-540, 617-645
Selected case law and articles on WebCT

(Monday) April 5th Review class

**FINAL TAKE HOME EXAMINATION DISTRIBUTED END OF CLASS APRIL 5TH,
DUE ELECTRONICALLY APRIL 10TH 4PM**