

Course Outline

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| COURSE: | LAWS 4607B Immigration and Refugee Law |
| TERM: | Winter 2023 |
| PREREQUISITES: | LAWS 2908 or PAPM 3000, LAWS 2502 and Fourth-Year Honours Standing |
| CLASS: | Day&Time: Thursdays @ 11:35 am – 2:25 pm Room: Southam Hall 311 |
| INSTRUCTOR: | Gülay Kilicaslan (she/her) |
| CONTACT: | Office: D598 Loeb Building Office Hrs: Thursdays 2:45pm – 4:00pm <i>OR</i> By Appointment Telephone: (613) 520-2600 ext: 2591 Email: Gulay.Kilicaslan@carleton.ca |

CALENDAR COURSE DESCRIPTION

Immigrants and refugees; Canadian, international and human rights law and policy. Canadian Immigration and Refugee Act in Canada. Legal and social problems including entry and removal, family reunion, citizenship, remedies, the rights of clandestine migrants; settlement rights; non-discrimination; asylum; a nation's right to determine membership.

COURSE DESCRIPTION

Contemporary migrations, particularly the cross-border movements, result in challenging theoretical, methodological, legal and policy debates. This seminar course is designed to provide students with a comprehensive introduction to the studies of im/migration and refugee from a socio-legal perspective by focusing on these debates. They are particularly relevant to the national image of Canada where the figures of immigrants and refugees constitute the backbone of multiculturalism discourse. In this seminar course, we will examine the migration regime as well as immigration and refugee law in relation to discussions on extraterritorial membership, political community and governance; partition of nation, location, and identities; immigrant settlement and incorporation; im/migrant rights advocacy, state and subnational regulations, and rise of anti-immigrant discourse; the production of borders, immigrant figures and migrant “illegality”; im/migrant and refugee deservingness; bordering and migration management; criminalization of im/migrants and securitization of borders; and so forth. Many of these debates are marked by boundaries and bordering attempt, whether at the level of legal and political boundaries, national borders or social boundaries related to belonging, rights and membership.

This seminar course will begin with an overview of the approaches to migration which also discuss factors leading to migration and legal contexts in which migration is being governed. The terms of nation-state, border violence, settler colonialism, and assimilation will be briefly discussed in the first two seminars. Next, we will turn to the policies that govern migration and borders to study how they have affected migrant flows and the ethno-racial makeup of 'receiving' societies. We will also examine the socio-political contexts in which these policies are created and enacted. In the next part of the seminar course, we will study migration in relation to race, class, gender, and religion. Furthermore, we will discuss how migrants settle into host societies and how those societies respond, in doing so we will critically engage in debates on assimilation, integration and multiculturalism. Finally, the seminar course ends by examining how migration alters ethno-racial boundaries and affects group membership and how migrants mobilize for their rights. These topics will be examined from a theoretical perspective and illustrated by empirical examination of lived experiences of immigrants and refugees, particularly in Canada.

COURSE SPECIFIC LEARNING OBJECTIVES

- 1) To understand border construction, migration regime, and refugee law in a historical context
- 2) To develop critical analysis of national and global legal frameworks of and policies on im/migration related issues
- 3) To understand how migration has impacted social, economic, political, and cultural dynamics of Canadian society
- 4) To be able to extend critical race, gender, and class analyses to immigration and settlement related issues
- 5) To learn about im/migrants' experiences and im/migration policies from primary sources of knowledge

REQUIRED TEXTS

All course materials and instructions about the course assignments will be made available on Brightspace prior to the first week of the course.

Reading assignments include book chapters and articles from diverse sources. In planning the readings, I have planned for the use of additional resources including video, film, or documentary presentations or guest speakers. We may have guest speakers who might suggest additional readings, so I have added quick notes for these weeks to be announced prior to the seminars.

LEARNING ACTIVITIES & ASSIGNMENTS

The primary objective of the learning activities is to enhance your skills in theoretical analysis and engaged/critical reading and writing of texts. In assessing your learning, I will pay particular attention to the following factors:

1. An active level of participation.

2. Evidence of your ability to integrate new knowledge and to effectively communicate your understanding in writing.
3. Evidence of your ability to critically analyse and engage with alternative perspectives.
4. Quality, clarity, and engagement in writing.

Tips for Reviewing Reading

In reviewing each reading, think about the following questions:

- What is the author's main argument?
- How does the author support her/his/their argument?
- How does the author define key concepts?
- What are the political, personal, and intellectual implications of the author's arguments?
- What is your critique of the author's argument, assumptions, evidence?
- What questions do this reading raise for you?
- What did you learn from this reading?

EVALUATION

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

| Course Component | Weight | Due Date | |
|--------------------------------|-------------|---------------------------|---------------------------|
| Participation | 20% | N/A | |
| Reflection Papers (2) | 10% x2= 20% | Chosen Week | |
| Group Presentation of Readings | 15% | Choose a week: January 15 | Presentation: Chosen Week |
| Research Paper Outline | 10% | March 2 | |
| Research Paper | 35% | April 14 | |

◇ **Participation (20%)**

We will hold weekly class discussions on Thursdays from 11:35 am to 2:25 pm. You will find updates about your course schedule on Brightspace regularly.

Attendance is extremely important for full engagement in this course. Your presence and active engagement are expected to have a collective discussion. I strongly encourage you to discuss with me any circumstances that may affect your attendance & participation in class. It is expected that you will join the class having completed the assigned readings. Class time will be discussion-oriented and you should be prepared to discuss readings in both small and large group formats. Participation

points will be allocated based on active engagement with course content and peers; therefore, you will not get full marks for only showing up in the class. Participation points will be evaluated based on two components:

1: **Class attendance and discussion engagement (15%):** You will get full marks if you do the weekly readings and engage in class discussions actively.

2: **Forum posts on Brightspace (5%):** You are expected to provide commentaries on the weekly readings. You can pick up a point, an argument or a question relevant to each week's topics or readings to write your comments. Posts should be between 150-200 words. You are required to upload **five** posts to get the full mark. You will always have a week until Thursday morning before the class to post your commentaries.

◇ **Reflection Papers (20% in total- 10% each)**

You are required to write **two reflection papers** on the weekly readings and seminar discussions that you choose. I highly encourage you to focus on the guest speaker and the film week. These reflection papers are not supposed to be summaries, but brief engagements with the guest speaker's discussion, assigned reading(s) and seminar discussion for that week and/or concepts in the reading(s) of the week. No need to provide outside sources/citations. You are expected to reflect on what you learn from the discussion, any problematics and/or critiques that you might have, what questions the guest speaker's discussion or seminar discussion prompts for you in relation to the course readings/topics, or any examples and/or current debates relevant to the topics discussed in the class. Reflection papers should be no more than 500 words and they are due by **Thursday 10am** the week after the class that your reflection is about.

◇ **Group Presentation of Readings (15%)**

Groups are required to prepare a brief presentation on one of the week's readings. I will create a sign-up sheet under Groups section on Brightspace for you to sign up for a reading of your choice and you will have time to decide on which week's reading you will present on until **January 15**. After you make your choice, you are supposed to work with your group members who present on the same week of yours. Each member of the group will present one of the readings they choose and the group is required to prepare collectively at least three discussion questions related to the overall topic, readings, or current events relevant to the topic for the class. The discussion questions are to be emailed to me by one of the group members by **Wednesday 5pm**. The group presentation should be no more than 20-25 minutes in total, so each group member will have about 5-7 minutes to present. The presentation should briefly introduce the text, might give some context on the text or author, discuss two or three issues raised in the text. The presentations cannot and should not aim to give a comprehensive summary or critique of the text. Further information will also be provided in the first seminar.

◇ **Research Paper Outline (10%)**

You are required to prepare an outline for the paper you plan to write as your final research paper. The outline should be about 2-3 pages and include the following elements: 1. Your research question, 2. The rationale for investigating this question (i.e. explain why do you focus on this

question?), 3. Thesis statement, 4. Tentative ideas about the kinds of arguments, positions or approaches you plan to present in the research paper, 5. An annotated bibliography of 5-7 academic sources with proper citation information. The annotations should indicate how you plan to use the source in question in relation to your chosen topic; you may include a copy of the abstract if one is available. The research paper outline is due in-class on **March 2**.

◇ **Research Paper (35%)**

You are required to submit a final research paper on a topic that builds and expands upon a topic covered in class, or a related topic. Topics or readings that are not directly related to the course are not acceptable. Please consult with me before the middle of the term if you are not sure about the topic of your paper. The paper should be between 2500 and 3000 words (Times New Roman, 12-font, double spaced). The final essay is due in-class on **April 14**.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

In this seminar course, deadlines are set for different reasons including to stay on a track. If you experience any difficulties (medical or otherwise) to attend the classes or meet the deadlines, please contact me beforehand to discuss alternative options that can accommodate your requests. It is very important to come up with solutions that will be fair to every participant of this class. Asking for accommodations, you don't need to provide me with a detailed reason but only a hint that can help me to come up with an efficient plan for both parties. Depending on the reasons, we can modify the deadlines or provide you with reasonable extensions.

For longer extensions and requests to modify the assignment or evaluation structure, I might ask you to complete this form <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf> and send it to me via email.

SCHEDULE**January 12****Week 1: Introduction**

Immigration and Refugee Law: Cases, Materials and Commentary. Emond Montgomery Publication, 2020. Introduction, p. 1-41.

January 19**Week 2: Nation-State, Law and Border Construction**

Walia, Harsha. 2021. "Dispossession, Deprivation, Displacement: Reframing the Global Migration Crisis," in *Border & Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism*. Chicago: Haymarket Books. (Ch.3)

Labman, Shauna and Jamie Chai Yun Liew. (2019) "Law and Moral Licensing in Canada: The Making of Illegality and Illegitimacy Along the Border." *International Journal of Migration and Border Studies* 5(3): 188-211.

Anderson, Bridget, Nandita Sharma, and Cynthia Wright. 2009. "Why No Borders?" *Refuge* 26(2): 5–18. Open access: <https://refuge.journals.yorku.ca/index.php/refuge/article/view/32074/29320> .

Recommended:

Zolberg, A. R. (2012). Why Not the Whole World? Ethical Dilemmas of Immigration Policy. *The American Behavioral Scientist (Beverly Hills)*, 56(9), 1204–1222.
<https://doi.org/10.1177/0002764212443821>

January 26**Week 3: Making of Immigrant Figure and Racialization in Urban Spaces**

Saberi, Parastou. 2022. *Fearing the Immigrant: Racialization and Urban Policy in Toronto*. University of Minnesota Press. (Ch. 1, 2)

Guest Speaker: Dr. Parastou Saberi

February 2**Week 4: Refugee Reception Context: 'Inclusion vs. Exclusion'**

Labman, Shauna. 2019. Ch.4: "Numbers, Access, and Rights" in *Crossing Law's Border: Canada's Refugee Resettlement Program*. Vancouver, British Columbia; UBC Press.

Satzewich, Vic. (2015) "Delegated Discretion," in *Points of Entry: How Canada's Immigration Officers Decide Who Gets In*. Vancouver: UBC Press, 37-58. (eBook online)

Sean Rehaag. "Judicial Review of Refugee Determinations (II): Revisiting the Luck of the Draw." *Queen's Law Journal* 45, no. 1 (2019): 1–36.

February 9**Week 5: Citizenship, Non-Citizenship and Precarious Legal Status**

Birkvad, Simon Roland. 2019. "Immigrant Meanings of Citizenship: Mobility, Stability, and Recognition." *Citizenship Studies* 23(8): 798–814.

Hari, Amrita. (2014) "Temporariness, Rights, and Citizenship: The Latest Chapter in Canada's Exclusionary Migration and Refugee History." *Refuge* 30(2): 35-44.

Tungohan, Ethel. 2018. "Living with Compromised Legal Status: Irregular Temporary Foreign Workers in Alberta and the Importance of Imagining, Strategizing, and Inter-Provincial Legal Consciousness." *International Migration* 56(6):207–20. doi: [10.1111/imig.12506](https://doi.org/10.1111/imig.12506).

Recommended:

Goldring, Luin and Patricia Landolt. 2013. *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada*. Toronto: University of Toronto Press. Chapter 1 (Pp. 3-27)

María Josefina Saldaña-Portillo. 2019. The Violence of Citizenship in the Making of Refugees: The United States and Central America. *Social Text* 37 (4 (141)): 1–21.

February 16**Week 6: Statelessness, Displacement and Law**

Liew, Jamie. (2020) "The Law's Broken Promises to Stateless Persons." *The Brown Journal of World Affairs* 26(2): 1-13.

Blum, Joshua. "When Law Forgets: Coherence and Memory in the Determination of Stateless Palestinian Refugee Claims in Canada." *International Journal of Refugee Law* 32, no. 2 (2020): 254–282.

Eliassi, Barzoo. "Statelessness in a World of Nation-States: The Cases of Kurdish Diasporas in Sweden and the UK." *Journal of Ethnic and Migration Studies* 42, no. 9 (2016): 1403–1419.

Dirik, Dilar. "Mexmûr: From Displacement to Self-determination" in *The Kurdish Women's Movement: History, Theory, Practice*. London: Pluto Press (2022): 156-169.

February 23

NO CLASS (WINTER BREAK)

March 2

Week 7:

Family, Membership and Belonging

Harder, Lois. (2020) "Maternity Tourism', Civic Integration and Jus Solis Citizenship in Canada." *Revue Européenne des Migrations Internationales*. 36(4): 35-54.

Gaucher, Megan. *A Family Matter: Citizenship, Conjugal Relationships, and Canadian Immigration Policy*. Vancouver: UBC Press, 2018. (Ch.3, p. 75-98)

Joly, Yann et al. (2017) "DNA Testing for Family Reunification in Canada: Points to Consider." *Journal of International Migration and Integration* 18(2): 391-404.

March 9

Week 8:

Rethinking Immigration and Settlement through Critical Race, Gender and Class Analyses

Ferguson, Susan and David McNally. 2015. "Precarious Migrants: Gender, Race and the Social Reproduction of a Global Working Class." *The Socialist Register* 51: 1-23.

Lee, Eunjung, and Marjorie Johnstone. 2021. "Lest We Forget: Politics of Multiculturalism in Canada Revisited During COVID-19." *Critical sociology* 47 (4-5): 671–685.

Vargas, Maria E. 2020. "Ghostly Others: Limiting Constructions of Deserving Subjects in Asylum Claims and Sanctuary Protection." *Journal of International Women's Studies*. 21 (7): 77–88.

Recommended:

Walia, Harsha. 2010. "Transient Servitude: Migrant Labour in Canada and the Apartheid of Citizenship." *Race and Class* 52:71-84.

Lee, Edward Ou Jin. "Tracing the Coloniality of Queer and Trans Migrations: Resituating Heterocisnormative Violence in the Global South and Encounters with Migrant Visa Ineligibility to Canada." *Refuge (Toronto. English edition)* 34.1 (2018): 60–74.

March 16**Week 9:****Securitization of Borders and Criminalization of Migration**

Nath, Nisha. (2021) "Curated Hostilities and the Story of Abdoul Abdi: Relational Securitization in the Settler Colonial Racial State." *Citizenship Studies* 25(2): 292-315.

Atak, Idil, Graham Hudson, and Delphine Nakache. "Policing Canada's Refugee System: A Critical Analysis of the Canada Border Services Agency." *International Journal of Refugee Law* 31, no. 4 (2019): 464–491.

Abji, Salina. 2020. "Punishing Survivors and Criminalizing Survivorship: A Feminist Intersectional Approach to Migrant Justice in the Crimmigration System." *Studies in social justice* 14: 67–89.

March 23**Week 10:****Detention and Immigration**

Bourbeau, Philippe. 2019. "Detention and Immigration: Practices, Crimmigration, and Norms." *Migration Studies* 7 (1): 83–99.

Moffette, David. 2021 "Immigration Status and Policing in Canada: Current Problems, Activist Strategies and Abolitionist Visions." *Citizenship Studies* 25(2): 273-291.

Kronick, Rachel, Cécile Rousseau, and Janet Cleveland. 2016. "They Cut Your Wings over Here ... You Can't Do Nothing: Voices of Children and Parents Held in Immigration Detention in Canada." in *Detaining the Immigrant Other: Global and Transnational Issues*, edited by R. Furman, D. Epps, and G. Lamphear. New York, NY: Oxford University Press: pp. 195–207.

March 30

Week 11:**Resistance, Anti-Border Mobilization and Migrant Rights Advocacy**

Syed Hussan. 2021. "What is a Migrant? Is She a Revolutionary?" Briarpatch Magazine.
<https://briarpatchmagazine.com/articles/view/what-is-a-migrant-and-is-she-a-revolutionary>

Scott, Mac, and Sherry Thorpe. 2014. "Stay Relevant, Stay Radical: A Roundtable on the Solidarity City Movement in Canada," Upping the Anti. Issue 16.
<https://uppingtheanti.org/journal/article/stay-relevant-stay-real-stay-radical>

Mishra, Mohan, and Faria Kamal. 2018. "Regularization from the Ground Up: The Don't Ask Don't Tell Campaign." <https://noiireference.wordpress.com/resources/regularization-from-the-ground-up/>

April 6

Week 12:**Watch a Film and Discuss & Term Wrap-Up**

The Film: Ben Sharrock. 2020. **Limbo**. United Kingdom: Caravan Cinema, British Film Institute (BFI), Creative Scotland, Film4.

No required readings.

[The final research paper is due on April 14]

| Winter 2023 Sessional Dates and University Closures | |
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| <i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/ | |
| January 9, 2023 | Winter term begins. |
| January 20, 2023 | Last day for registration and course changes (including auditing) in full winter and late winter courses. |
| February 20, 2023 | Statutory holiday. University closed. |
| February 20-24, 2023 | Winter break. No classes. |
| March 15, 2023 | Last day for academic withdrawal from full winter, late winter, and fall/winter courses. |
| April 7, 2023 | Statutory holiday. University closed. |
| April 12, 2023 | Winter term ends. Last day of full winter, late winter, and fall/winter classes. |
| April 15-27, 2023 | Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week. |
| April 27, 2023 | All final take-home examinations are due on this day. |

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

Academic Accommodations for Students with Disabilities

[The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic

accommodations in this seminar course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.