

Course Outline

COURSE:	LAWS 4607A Immigration and Refugee Law
TERM:	Fall 2023
PREREQUISITES:	LAWS 2908 or PAPM 3000, LAWS 2502 and Fourth-Year Honours Standing
CLASS:	Day & Time: Friday 2:35-5:25 pm. Room: Please check Carleton Central for current Class Schedule
	This is an in-person seminar, which meets once a week.
INSTRUCTOR:	Tasha Stansbury
CONTACT:	Office: Monday 1-3 pm. through Zoom Telephone: Email: tashastansbury@cunet.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; nondiscrimination; asylum; a nation's right to determine membership.

COURSE DESCRIPTION

This course offers an introduction to the studies of immigration and refugee law of Canada and their relationship with the international immigration and refugee protection regime, from legal, political and institutional perspectives. It is designed to familiarize students with contending views on immigration, global immigration trends, the international refugee protection regime, and various topics in Canada's immigration and refugee protection law and policies. These topics include economic class and family class immigration, refugee determination, refugee resettlement, enforcement and detention, and future challenges. By the end of the course, student should develop critical understanding of the course subject matter, deepen their knowledge and understanding on certain topics in immigration and refugee law and policies

through their written assignments, and be able to extend their understanding to contemporary development of Canada's immigration and refugee protection law and policies and their relationship with the international context.

REQUIRED TEXTS

There is no required textbook for this course. All required readings are accessible either through ARES (the University Library's online reserves) or Brightspace.

EVALUATION

Students will be evaluated based on their weekly discussion contribution, two response papers and one research paper. Marks are assigned as follows.

Attendance and Participation	25%
Reaction papers	40% (20% each)
Research paper	35% (Proposal due Nov. 10, Paper Dec. 8)

Attendance and Participation: Seminar participation will be evaluated based on 1) attendance (5%), 2) a weekly seminar assignment (10%), and 3) good-quality and active contribution to class discussions (10%).

1) Attendance is mandatory as it is an important element of a seminar. Students should try not to miss any classes without a legitimate reason. The instructor should be informed (preferably in advance) of individual absence.

2) A weekly seminar assignment includes 1) a short presentation (no more than 10 minutes per person) of the required readings (to be divided between the presenters). This presentation should not be a detailed summary but a brief outline of the authors' thesis, main arguments, and evidence, followed by a short critical evaluation of the articles. 2) The presenters will also prepare a few discussion questions to be used in the seminar and be ready to respond to questions about the readings and the topic from the class. A detailed outline of the presentation and discussion questions will be submitted to the instructor electronically by noon of the day of the presentation (before class). Finally, 3) the presenters will play a leading role during the brainstorming and discussion session, including collecting questions from the class and putting up seminar topics and questions on the monitor (or board) for everyone to see, and leading class discussion. Students will be asked to sign up for the weekly assignment in week 2 and the first presentations begin on week 3.

3) Good-quality and active contribution should reflect students' knowledge and critical understanding of the reading materials and their enthusiasm to participate in a seminar. Accordingly, it is mandatory to complete all required readings and give them a careful thought

before coming to class in order to be ready to contribute to the discussion. Students are also encouraged to bring questions with regard to the weekly readings to class to add to the seminar agenda and discussion.

Response Papers: Students will write two short (5-6 pages, or 1250-1500 words, double-spaced) papers on two of the weekly topics of their choice. The paper should focus on at least one key issue discussed in the weekly readings. The objective is for students to provide an argument responding to the issue or question raised in the readings and how it is addressed by the authors. Your response may include, for example, your agreement or disagreement with the views presented in the readings, an evaluation of the policy discussed, or a critique on the bias or weaknesses of the authors' arguments. The most important things are to present a thematic discussion and elaborate your arguments coherently and convincingly. Evaluation will be based on your ability to present critical and sound arguments that demonstrate that you have carefully and critically thought about the readings and the issue(s) at hand. Good organization and ability to write persuasively and coherently are also expected in a good paper. The assignment does not require consulting other sources apart from the required readings. More detailed instruction will be posted on Brightspace.

Students will submit this assignment electronically through the course's Brightspace drop-box. It is due one week plus one day after the selected topic's class schedule (i.e., the following Friday). To receive early feedback, students are encouraged to choose to write on an earlier topic in the semester, such as the first paper before the fall break. This assignment is worth 20% each or a combined 40% of the total grade.

Research Paper: Students will write a longer research paper (12-14 pages, or 3,000-3,500 words double-spaced) based on a topic directly related to the themes and issues of the course. The due date is December 8 (last day of class). Students are required to submit a proposal (1-2 pages) for their paper (topic, background information or debate, tentative arguments, and preliminary and potential sources of reference) to be approved by the instructor as soon as possible but no later than November 10. The research paper will be graded based on the quality of research, critical and coherent thesis, well-substantiated arguments and evidence, and good writing and organization. Detailed instruction and proposal format will be posted on Brightspace. A virtual meeting with the instructor will be scheduled in the process of preparing for this paper, which could be before or after proposal submission, depending on students' chosen time slot.

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.

All components must be successfully completed in order to get a passing grade.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Paper Submission and Late Paper Policy: All assignments must be submitted through Brightspace assignment drop-box by 11:59 pm. on the due date. Late assignments will be penalized by 2% per day. Extensions can only be granted by the instructor and are normally granted for medical reasons only.

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

Recommended text for extensions:

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SCHEDULE

Week 1 (September 8) Introduction

Suggested readings – not required

*Shelley Wilcox, "The Open Borders Debate on Immigration", *Philosophy Compass*, Vol. 4/5 (2009), pp. 813-821.

*Joseph H. Carens, *The Ethics of Immigration*, Oxford University Press, 2013.

*David Miller, "Justice in Immigration", *European Journal of Political Theory*, Vol. 14, No. 4 (2015), pp. 391-408.

Week 2 (September 15) - NO CLASS**Week 3 (September 22) Understanding Global Immigration Trends and Regimes***Required Readings*

*Stephen Castles, "International migration at the beginning of the twenty-first century: global trends and issues", *International Social Science Journal*, Vol. 52, No. 3, pp. 269-281.

*World Bank, *World Development Report 2023: Migrants, Refugees, and Societies*, (Washington, DC: World Bank, 2023). (Read "Overview" and "Chapter 1")

*Helena Luts, "Gender in the Migratory Process", *Journal of Ethnic and Migration Studies*, Vol. 36, No. 10 (2010), pp. 1647-1663.

*Jeff Crisp, "UNHCR at 70: An Uncertain Future for the International Refugee Regime", *Global Governance*, Vol. 26 (2020), pp. 359–368.

Week 4 (September 29) Canada's Immigration Regime*Required Readings*

*Sherryn Aiken et al., *Immigration and Refugee Law: Cases, Materials and Commentary*, 3rd ed. (Toronto: Emond Montgomery Publication, 2020). Read "Introduction", p. 1-41

*Amelia Cheatham and Diana Roy, "What Is Canada's Immigration Policy?", Council of Foreign Relations, March 3, 2023. Access through <https://www.cfr.org/backgrounder/what-canadas-immigration-policy#:~:text=Canada%20admits%20new%20permanent%20residents,Economic>.

*Anthony Delisle and Delphine Nakache, "Humanitarian and Compassionate Applications: A Critical Look at Canadian Decision-Makers' Assessment of Claims from "Vulnerable" Applicants", *Laws*, Vol. 11, No. 3 (2022).

Week 5 (October 6) Economic Class*Required Readings*

*Jamie Chai Yun Liew and Donald Galloway, *Immigration Law*, 2nd ed. (Toronto: Irwin Law Inc., 2015). Read Chapter 5, pp. 132-164.

*OECD (2019), *Recruiting Immigrant Workers: Canada 2019*, Recruiting Immigrant Workers, OECD Publishing, Paris. Access through <https://www.oecd.org/publications/recruiting-immigrant-workers-canada-2019-4abab00d-en.htm> (Read the Executive Summary)

*Eugénie Depatie-Pelletier et al, "Band-Aid on a Bullet Wound—Canada's Open Work Permit for Vulnerable Workers Policy", *Laws*, Vol. 11, No. 3 (2022).

Week 6 (October 13) Family Class*Required Readings*

*Rell Deshaw, "The History of Family Reunification in Canada and Current Policy". *Canadian Issues*, Spring 2006, 9-14.

*Citizenship and Immigration Canada, *Evaluation of the Family Reunification Program*, (Ottawa: CIC, 2014), retrieved from <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/evaluations/family-reunification-program.html>

*Alyssa Clutterbuck, "Rethinking Baker: A Critical Race Feminist Theory of Disability", *Appeal*, Vol. 20, 2015.

Week 7 (October 20) Canada's Refugee Protection Regime*Required Readings*

*"Seven Decades of Refugee Protection In Canada", UNHCR Canada, <https://www.unhcr.ca/wp-content/uploads/2020/12/Seven-Decades-of-Refugee-Protection-In-Canada-14-December-2020.pdf>

*James Hathaway, "The Architecture of the UN Refugee Convention and Protocol", in Cathryn Costello, Michelle Foster, and Jane McAdam (eds), *The Oxford Handbook of International Refugee Law*, Oxford Handbooks (2021), online edn, Oxford Academic, 9 June 2021), <https://doi-org.proxy.library.carleton.ca/10.1093/law/9780198848639.001.0001>

*James Simeon, "The Human Rights Bases of Refugee Protection in Canada" in Bruce Burson and David James Cantor, *Human Rights and the Refugee Definition* (Leiden: Brill Nijhoff, 2016), pp. 86-108.

October 23-27 Fall break—no class**Week 8 (November 3) Refugee Determination**

***ASYNCHRONOUS Class – lecture materials will be posted on Brightspace**

Required Readings

*Sean Rehaag, "'I Simply do not Believe...': A Case Study of Credibility Determinations in Canadian Refugee Adjudication", *Winsor Review of Legal and Social Issues*, Vol. 38, May 2017, pp. 38-70. Can also access through

https://digitalcommons.osgoode.yorku.ca/scholarly_works/2625.

*Immigration and Refugee Board, Chairperson's Guideline 4: Gender Considerations in Proceedings Before the Immigration and Refugee Board, July 18, 2022. Access through

<https://irb.gc.ca/en/legal-policy/policies/Pages/GuideDir04.aspx#s6>.

*Melissa Mary Anderson and Dagmar Soenneken, "Locating the Concept of Vulnerability in Canada's Refugee Policies at Home and Abroad", *Laws*, Vol. 11, No. 2 (2022), pp. 1-25. Access through <https://www.mdpi.com/2075-471X/11/2/25>.

Week 9 (November 10) Refugee Resettlement

Required Readings

*Shauna Labman, *Crossing Law's Border: Canada's Refugee Resettlement Program*, (Vancouver: UBC Press), 2019. Read chapter 1: "Law's Role in Resettlement".

*Laura Coleman, "Resettling Refugees: Canada's Humanitarian Commitments", Library of Parliament Background Paper, Publication No. 2020-74-E, (2020). Can be accessed through https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/202074E.

*Rachel McNally, "Equally Public and Private Refugee Resettlement: The Historical Development of Canada's Joint Assistance Sponsorship Program", *Refuge: Canada's Journal on Refugees*, Vol. 36, No. 1 (2023), pp. 1-18.

*Jennifer Hyndman, "Geo-scripts and refugee resettlement in Canada: Designations and destinations", *The Canadian Geographer*, Vol. 66, No. 4 (2022), pp. 1-16.

Week 10 (November 17) Enforcement and Detention

Required Readings

*Dennis Molinaro, *Deportation from Canada*, The Canadian Historical Association, Immigration And Ethnicity In Canada Series, No. 36, 2018. (Read from pp. 19-26).

*Graham Hudson, "As Good as It Gets? Security, Asylum, and the Rule of Law after the Certificate Trilogy", Osgoode Legal Studies Research Paper Series. 121, (2016). <http://digitalcommons.osgoode.yorku.ca/olsrps/121>

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

Week 11 (November 24) Future Challenges of International Immigration and Refugee Protection Regimes

Required Readings

*Madeline Garlick, "Externalisation of international protection: UNHCR's perspective", *Forced Migration Review*, November 2021.

*Claire Ellis, Idil Atak and Zainab Abu Alrob, "Expanding Canada's Borders", *Forced Migration*

Review, November 2021.

*Michael Flynn, "Externalisation, immigration detention and the Committee on Migrant Workers", *Forced Migration Review*, November 2021.

*Martin Lemberg-Pedersen, Zachary Whyte and Ahlam Chemlali, "Denmark's new externalisation law: motives and consequences", *Forced Migration Review*, November 2021.

Week 12 (December 1) Wrapping Up

Recapping on big questions, common themes, and lessons learned.

Fall 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
September 6, 2023	Fall term begins.
September 19, 2023	Last day for registration and course changes (including auditing) in fall and fall/winter courses.
September 30, 2023	Last day to withdraw from full fall and fall/winter courses with a full fee adjustment.
October 9, 2023	Statutory holiday. University closed.
October 23-27, 2023	Fall break, no classes.
November 15, 2023	Last day for academic withdrawal from full fall courses.
November 24, 2023	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in fall term or fall/winter undergraduate courses, before the official December final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
December 8, 2023	Fall term ends.
	Last day of fall classes.
	Classes follow a Monday schedule.
	Last day for final take-home examinations to be assigned, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
	Last day that can be specified by an instructor as a due date for term work for full and late fall courses.
	Last day for receipt of applications for undergraduate degree program transfers for winter term.
December 10-22, 2023	Final examinations in full fall and late fall courses and mid-term examinations in fall/winter courses will be held. Examinations are normally held all seven days of the week.
December 22, 2023	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

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 at: <https://carleton.ca/registrar/academic-integrity/>.

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 that can be found at:

<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

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 course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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/>.