



Module Specification

International Migration and Refugee Law and Policy

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Part 1: Information

Module title: International Migration and Refugee Law and Policy

Module code: UJGU9D-15-M

Level: Level 7

For implementation from: 2024-25

UWE credit rating: 15

ECTS credit rating: 7.5

College: College of Business and Law

School: CBL Bristol Law School

Partner institutions: None

Field: Law Postgraduate (Programmes)

Module type: Module

Pre-requisites: None

Excluded combinations: None

Co-requisites: None

Continuing professional development: No

Professional, statutory or regulatory body requirements: None

Part 2: Description

Overview: This module will provide students with an in-depth knowledge and overview of the global and current phenomenon of forced migration and the problem it poses from a legal, policy and security perspective. The module will dig deep into the dynamics of international migration in light of the global migrant and refugee crisis. It will explore the legal, theoretical, conceptual and institutional frameworks pertaining to the protection of refugees and displaced persons under international law and related sub-systems. It will also cover the historical development of, and

responsibility for international protection of refugees under the UN system and regional systems and treaties for protection of refugees (European, African, Latin American and Asian), and the broader intersection between refugee law and asylum processes, international human rights law and critical security studies.

It will delve into the cross-cutting issues that consistently arise in the international refugee system such as race, class, age, gender (refugee women) and children and intersectionality. It will also address refugee problems arising from human trafficking and migrant smuggling across external states' borders, deserts and international seas. It will also probe the genesis of and the security implications of the systemic tensions between the sovereign right of states to control who enters and leaves through their borders and the right of refugees, in particular, conflict-fleeing and climate change refugees to international protection. The module will cover the key concepts, theories, standards, principles (e.g., the principles of non-refoulement, non-discrimination and non-penalization under the Refugee Convention) and mechanisms of international law and policy that frame the subject area.

Features: Not applicable

Educational aims: The educational aim of this module is to enable the LL.M International Law and Security students to develop a comprehensive and systematic understanding of how international law interacts with the transnational movement of people (forced and voluntary) across state borders in search of refuge/protection and the policy and security implications of such movements. This module will provide students with an in-depth knowledge of how states attempt to use international refugee law and policies to regulate and govern the mobile society. It will provide students with an overview of the global and current phenomenon of forced migration and the problem it poses from a legal, policy and security perspective. International Migration and Refugee Law and Policy is a highly contemporary subject, and many aspects of the module that address legal, political and socio-cultural issues around refugeehood and legal personhood of refugees in a refugee crisis world involve a practical impact upon large sections of the global community and society.

The module will provide the LL.M International Law and Security students with a robust and comprehensive understanding of international migration and the refugee

law and policy at the global and regional levels. The module with the aid of interdisciplinary legal materials will offer students an understanding of the development of international migration and explains why we have a system of international, regional migration and refugee laws and policies which operate alongside human rights laws for the protection of migrants, asylum seekers and refugees. The module will equip students with the necessary tools and skills needed to understand how an international system premised on state sovereignty and national jurisdiction balances with the right of migrants and refugees to international protection.

The module also aims to equip the students to critically assess how international migration and refugee law should evolve, adapt and develop in light of the global migrant and refugee crisis. It will provide students theoretical and conceptual frameworks and methodology required to effective research forced migration under international law. The module will expose students to the contemporary global debates in the field especially in relation to contemporary problems inherent in the refugee and asylum systems of states. At the end of the course, students would have succeeded in developing their understanding of the normative contents, strengths and limits of international law for the protection of migrants and refugees.

Outline syllabus: The following indicative syllabus and list of topics will be explored in the workshop sessions. The emphasis may sometimes shift where there is a shift in context and relative importance within the subject area. The indicative list of topics has been drawn broadly enough so that new and contemporary developments in the subject area can be taken into account.

Introduction and Overview of International Migration and Refugee Law and policy, theories, debates and key sources

Historical development of the International and institutional System of, and responsibility for international protection of refugees

Refugee Protection in the 21st Century

The Refugee Convention: The Meaning of 'Refugees', 'Persecution' and the Underlying Standards, Principles, Practice and Procedures

Beyond the Refugee Convention: The Regional dimension of migration and refugee law and policy (European, African, Latin American and Asian)

The Global Migrant and Refugee Crisis: Conflict and Climate Change Refugees and the Impact of Human Trafficking and Migrant Smuggling

Contemporary Issues in Migration and Refugee Law: Race, Class, Gender—Refugee Women and Children and Intersectionality

Complementary Protection of Refugees (i.e., International Human Rights Monitoring Bodies - IHRMB)

The Refugee and Asylum Systems and Processes and Refugee Status Determination Procedures (International, Regional and UK Levels)

Part 3: Teaching and learning methods

Teaching and learning methods: Teaching and learning on this module will be conducted through a variety of student-centred methods and approaches including scenario-based (SBL) participatory learning; collaborative group work activities and discussions, individual presentations within groups and self-directed study (reading, research and searching legal materials) giving students a voice and some level of responsibility for their own learning. To understand the practical, legal and policy angles of the international refugee protection systems, asylum processes and refugee status determination procedures, hypothetical legal scenarios and questions supported by workshop briefs will be produced and students will be asked to debate and present their views on the issues raised in the brief from their different perspectives.

The main focus of teaching and learning on the LLM programme at UWE is through

independent research and debate in the context of 2-hour weekly workshops. The workshop-based approach to teaching and learning is designed to enable the student to develop the independent research, analytical and reflective skills required for successful completion of a postgraduate level course. Students will need to complete the necessary preparatory reading and study of any set case materials in advance of each workshop. From each workshop, the student will be expected to have developed a general mastery of the subject under consideration.

In addition, students will be expected to contribute to structured analytical discussions, raise, critically assess and defend different points of view on controversial issues in class and to make presentations to the class on their own and in groups. Analytical skills and a critical theoretical approach to the subject are encouraged. A strong emphasis is placed on independent engagement with the materials and the questioning of existing assumptions concerning refugee protections systems, laws and policies from international law and security perspective. Students are therefore expected to come to class workshops prepared to be fully involved in lively debate and engagement with each other and the tutor.

Module Learning outcomes: On successful completion of this module students will achieve the following learning outcomes.

MO1 Be able to demonstrate sound, comprehensive and rigorous knowledge and awareness of the various sources, institutions and procedures in the field of international migration and refugee law and policy.

MO2 A critical understanding of the international and regional frameworks, principles and concepts relating to the international protection of migrants and refugees, and an ability to locate and understand international and regional instruments and treaties and mechanisms relevant to the protection of migrants and refugees.

MO3 A critical understanding of a range of controversies and tensions surrounding state sovereignty and the international protection of migrants and refugees.

MO4 An ability to critically evaluate international migration and refugee law and policy in relation to its wider context, in particular reflecting on the role of

international law in shaping the lived experiences of migrants, refugees and asylum seekers including protection of their rights taking into account the global migrant and refugee crisis.

MO5 A critical understanding of research approaches and techniques used in the analysis of problems relating to international migration and refugee law, drawing on the different legal and theoretical traditions and using both library and electronic sources.

Hours to be allocated: 150

Contact hours:

Independent study/self-guided study = 128 hours

Face-to-face learning = 22 hours

Total = 150

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://rl.talis.com/3/uwe/lists/B249F9E7-88A2-AABA-C0DE-4B5E3D95D782.html?lang=en&login=1) via the following link <https://rl.talis.com/3/uwe/lists/B249F9E7-88A2-AABA-C0DE-4B5E3D95D782.html?lang=en&login=1>

Part 4: Assessment

Assessment strategy: Learning outcomes are assessed by the written assessment, which require students to undertake independent research building on material covered in the workshop sessions.

Assessment questions set by the module team are designed to test students' understanding of the topics covered in the workshop sessions, the extent to which they have engaged critically with complex problems as well as with the materials presented in the module and their ability to conduct independent research in relation to the topics covered. This assessment provides students with opportunities to present structured arguments, recognise problems and identify solutions.

Formative assessment opportunities are provided in workshops throughout the module.

Assessment tasks:

Written Assignment (First Sit)

Description: Coursework piece (max 2,500 words).

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5

Written Assignment (Resit)

Description: The resit assessment will be a coursework piece with a maximum word limit will of 2,500 words.

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5

Part 5: Contributes towards

This module contributes towards the following programmes of study:

International Law and Security LLM 2024-25