COURSE
LAW 323 Refugee Law

UNIT VALUE
1.5 Units (3 hours of instruction per week)

INSTRUCTORS
Tess Acton, Donald Galloway

TERM OFFERED
Fall 2019

CLASS TIMES
See Schedule

PREREQUISITES/COREQUISITES
None

Course Description
Amongst the objectives of Canada’s refugee laws that are identified in the Immigration and Refugee Protection Act are the following:

- to recognize that the refugee program is in the first instance about saving lives and offering protection to the displaced and persecuted;
- to fulfill Canada’s international legal obligations with respect to refugees and affirm Canada’s commitment to international efforts to provide assistance to those in need of resettlement;
- to grant, as a fundamental expression of Canada’s humanitarian ideals, fair consideration to those who come to Canada claiming persecution;

These broad altruistic goals are tempered by reference to other countervailing objectives, such as the following:

- to protect the health and safety of Canadians and maintain the security of Canadian society;
- to promote international justice and security by denying access to Canadian territory to persons, including refugee claimants, who are security risks or serious criminals.

This course offers students the opportunity to assess these objectives and their realization by considering both a) the full range of values and considerations that come into play as a result of large-scale displacement of individuals in a world of self-governing nation-states, and b) the international and domestic regimes that have been developed to provide protection to those defined as refugees.

Course Objectives
In particular, the course aims to develop familiarity with, and to encourage critical analysis of:

a. the international instruments that define the rights of refugees;
b. the immigration controls that have an impact on those who seek Canada’s protection;
c. the legal processes for granting visas to refugees who are outside Canada;
d. the processes of refugee determination that are made available to claimants who are in Canada; the role of counsel in these processes.
e. the principles of administrative and constitutional law that provide a framework for decision making;
f. leading jurisprudence on the substantive issue of who is entitled to Canada’s protection;
g. current proposals for reform.

TEACHING METHODOLOGY

Lectures and class discussions

METHOD(S) OF EVALUATION

To be determined. A number of options will likely be available, such as evaluation based solely on a final exam, OR on a final exam and a research paper OR on a final exam and various exercises undertaken during the term.

June 2019

1 The information in this document is provided for course registration purposes only and is subject to change. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Associate Dean (lawassoc@uvic.ca).