

# LA233-15 International Refugee Law

**22/23**

**Department**

School of Law

**Level**

Undergraduate Level 2

**Module leader**

Catherine Briddick

**Credit value**

15

**Module duration**

10 weeks

**Assessment**

100% exam

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

There are, approximately, 26 million refugees in the world today, the highest number in contemporary history (UNHCR 2020). Understanding who is a refugee, why some people need international protection, and what such protection involves is, therefore, of central importance to scholars, lawyers, activists and, of course, to States.

This module focuses on the 1951 Convention Relating to the Status of Refugees (as amended) (the CSR). The CSR provides the core, international legal definition of a refugee. It then sets out the obligations States have to those who meet that definition. Having introduced students to International Refugee Law (IRL) as a sub-field of Public International Law (PIL), the module delves into the CSR's refugee definition. Students will explore the definition in detail, considering when those who have, for example, fled conflict, the climate crisis, and gender-based violence may, or may not, be recognised as refugees.

The module then shifts from the international to the regional, as we consider how the CSR's definition has been expanded in two regions, first by the Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) and second, by the Cartagena Declaration on Refugees (1984). We also consider refugee protection in the EU. Within the EU, attempts have been made to harmonise refugee law and policy, but the use of increasingly restrictive enforcement measures have had extremely serious consequences for those seeking international protection, in addition to breaching regional and international law.

Having analysed the criteria for Convention refugee status and regional refugee protection, we examine the norm of non-refoulement: the prohibition on returning people to situations where their right to life, or to other fundamental rights, may be violated. We then consider the subsidiary and complementary protection that may be given to those who are protected from refoulement, in the EU, and beyond.

The module ends with a consideration of asylum in the UK. We will discuss domestic legislation and relevant immigration rules, as well as how claims are determined. A range of critical approaches to refugee law are brought together, for a final discussion of the potential, and limits, of the law on international protection to protect people from persecution and other forms of serious harm.

This module is cumulative, building week on week, to provide a comprehensive overview of the international protection regime. The introductory weeks will, therefore, raise issues that will be returned to throughout the course, with students gaining greater understanding as the term progresses.

[Module web page](#)

## **Module aims**

This module covers the core issues in International Refugee Law (IRL) and International Human Rights Law (IHRL) that define the scope of international protection. It focuses on the definition of a refugee under the CSR and regional instruments, as well as on the role of international and regional human rights law in offering protection to refugees and other forced migrants.

David Turton reminded scholars of forced migration that: 'there is no justification for studying, and attempting to understand, the causes of human suffering if the purpose of one's study is not, ultimately, to find ways of relieving and preventing that suffering.' (Turton, 2003).

This module will provide students with the analytical and legal tools necessary to understand, and assess, the role of refugee law in protecting people from serious harm. It will do so by providing a critical understanding of the content, workings and shortcomings of international legal responses to refugees, revealing both the potential, and the limits, of refugee law.

## **Outline syllabus**

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

What is International Law? What are its sources, and how is it enforced? What is International Refugee Law?

The Convention Refugee I: Understanding and applying the refugee definition

The Convention Refugee II: Women, Gender-Based Violence and the Refugee Definition

Regional Refugee Protection I: The African and Inter-American Systems

Regional Refugee Protection II: The EU's Common European Asylum System

Non-refoulement I: The CSR and International Human Rights Law

Non-refoulement II: Access to Protection. Why are people forced to make dangerous journeys?

National Refugee Protection: Asylum in the UK.

Critical Reflections and Final Questions

## **Learning outcomes**

By the end of the module, students should be able to:

- Have an understanding of the sources of International Law, and of International Refugee Law.
- Be confident reading and engaging with international instruments, EU Directives, and relevant case law.
- Have a strong grounding in International Refugee Law, and the international protection regime.
- Understand how refugees are protected by regional instruments and human rights systems.
- Draw upon critical approaches to refugee protection, including feminist, TWAIL (Third-World) and post-colonial approaches to international law.
- Apply key legal definitions and concepts to situations and problems.
- Research, discuss and write on refugee/asylum issues, drawing on a range of legal and non-legal material to do so.
- Use libraries and electronic sources to find relevant primary and secondary sources, legal and non-legal materials.
- Present arguments orally in class.
- Research independently in preparation for seminars and assessed work.

## **Indicative reading list**

[View reading list on Talis Aspire](#)

## **Subject specific skills**

No subject specific skills defined for this module.

## **Transferable skills**

No transferable skills defined for this module.

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## **Study**

## **Study time**

| Type          | Required                    |
|---------------|-----------------------------|
| Lectures      | 18 sessions of 1 hour (12%) |
| Seminars      | 7 sessions of 1 hour (5%)   |
| Private study | 125 hours (83%)             |
| Total         | 150 hours                   |

## Private study description

No private study requirements defined for this module.

## Costs

No further costs have been identified for this module.

## Assessment

You must pass all assessment components to pass the module.

Students can register for this module without taking any assessment.

### Assessment group B2

|  | Weighting | Study time | Eligible for self-certification |
|--|-----------|------------|---------------------------------|
| <b>Assessment component</b>  |           |            |                                 |
| Online Examination   | 100%      |            | No                              |
| This is a 2hr exam to be completed within the specified 24hr period. |           |            |                                 |
| ~Platforms - AEP   |           |            |                                 |

- Online examination: No Answerbook required
- LA008: Extracts form Relevant Materials (Refugee & Asylum Law)
- LA037: Supplementary sheets for Refugee & Asylum Law

Reassessment component is the same

## Feedback on assessment

Generic feedback via Moodle. One to one feedback in October by student request.

## Availability

### Courses

This module is Optional for:

- ULAA-M300 Undergraduate Law
  - Year 2 of M300 Law
  - Year 3 of M300 Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
  - Year 2 of M106 Law (4 year) (Qualifying Degree)
  - Year 3 of M106 Law (4 year) (Qualifying Degree)
  - Year 4 of M106 Law (4 year) (Qualifying Degree)
- ULAA-M104 Undergraduate Law (Year Abroad)
  - Year 2 of M104 Law (Year Abroad)
  - Year 4 of M104 Law (Year Abroad)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- UIBA-MN32 Undergraduate Law and Business Studies
  - Year 3 of MN32 Law and Business Studies (Four-Year)
  - Year 4 of MN32 Law and Business Studies (Four-Year)
- UIBA-MN37 Undergraduate Law and Business Studies (Qualifying Degree) with Intercalated Year
  - Year 2 of MN37 Law and Business Studies (Qualifying Degree) with Intercalated Year
  - Year 4 of MN37 Law and Business Studies (Qualifying Degree) with Intercalated Year
  - Year 5 of MN37 Law and Business Studies (Qualifying Degree) with Intercalated Year
- UIBA-MN36 Undergraduate Law and Business Studies with Intercalated Year (4+1)
  - Year 2 of MN36 Law and Business Studies with Intercalated Year (4+1)
  - Year 4 of MN36 Law and Business Studies with Intercalated Year (4+1)
  - Year 5 of MN36 Law and Business Studies with Intercalated Year (4+1)
- Year 3 of ULAA-ML33 Undergraduate Law and Sociology
- Year 2 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 2 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 3 of ULAA-M110 Undergraduate Law with Humanities (3 Year)
- ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
  - Year 2 of M113 Law with Humanities (4 year) (Qualifying Degree)
  - Year 3 of M113 Law with Humanities (4 year) (Qualifying Degree)
- Year 2 of ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)

This module is Option list A for:

- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 4 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- Year 3 of ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)

This module is Option list B for:

- ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
  - Year 3 of ML34 Law and Sociology (Qualifying Degree)
  - Year 4 of ML34 Law and Sociology (Qualifying Degree)
- Year 5 of ULAA-ML35 BA in Law and Sociology (Qualifying Degree) (with Intercalated year)
- Year 4 of ULAA-ML33 Undergraduate Law and Sociology