

LA233-15 International Refugee Law

24/25

Department

School of Law

Level

Undergraduate Level 2

Module leader

Dallal Stevens

Credit value

15

Module duration

10 weeks

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

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

Hathaway J.C. and Foster, M. (2014) *The Law of Refugee Status* (CUP)

Goodwin Gill, G.S. and McAdam, J (2021) *The Refugee in International Law* (2021)

Costello, C. et al. (2021), *The Oxford Handbook of International Law* (OUP)

Aleinikoff, T.A. & L. Zamore (2019) *The Arc of Protection: Reforming the International Refugee Regime* (Stamford University Press)

Kneebone, S., D. Stevens & L. Baldassar (2014) *Refugee Protection and the Role of Law* (Routledge)

Clayton, G. et al. (2021) *Immigration and Asylum Law* (OUP)

[View reading list on Talis Aspire](#)

Research element

Design of -and researching for -assessed essay

Interdisciplinary

This module will draw upon texts and approaches in political science, development studies, social

anthropology as well as law.

International

The module has an international scope.

Subject specific skills

In-depth knowledge and understanding of international refugee law and debates surrounding contemporary issues of asylum-seeking. Understanding of regional approaches. Ability to analyse and critique relevant policies.

Transferable skills

Critical and independent thinking

Guided and independent research

Ability to digest and debate a range of disciplinary material

Writing skills

Oral skills

Team work

Study

Study time

Type	Required
Lectures	9 sessions of 2 hours (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 A

	Weighting	Study time
International Refugee Law Assessed Essay	100%	
3,000 word essay on an aspect of international refugee law. Students will be able to choose topics of their own with guidance from tutors.		

Feedback on assessment

Individual feedback via Tabula.

Availability

Courses

This module is Optional for:

- 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 2 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)

This module is Unusual option for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
 - Year 2 of V7MW Politics, Philosophy and Law
 - Year 2 of V7MW Politics, Philosophy and Law
 - Year 3 of V7MW Politics, Philosophy and Law
 - Year 3 of V7MW Politics, Philosophy and Law

- UPHA-V7MX Undergraduate Politics, Philosophy and Law (with Intercalated Year)
 - Year 4 of V7MX Politics, Philosophy and Law (with Intercalated Year)
 - Year 4 of V7MX Politics, Philosophy and Law (with Intercalated Year)

This module is Option list E for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
 - Year 2 of V7MW Politics, Philosophy and Law
 - Year 2 of V7MW Politics, Philosophy and Law