

Refugee Law (Law 323)

Syllabus

Amongst the objectives of Canada's refugee laws, as identified in the *Immigration and Refugee Protection Act* are the following:

- (a) to recognize that the refugee program is in the first instance about saving lives and offering protection to the displaced and persecuted;
- (b) 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;
- (c) 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:

- (g) to protect the health and safety of Canadians and maintain the security of Canadian society;
- (h) 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 the 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.

In particular, the course aims to develop familiarity with:

- a) the international instruments that define the rights of refugees;
- b) the impact of immigration controls 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;
- 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.

Evaluation

Students' final grades will be based on a final exam (50%) and a class presentation on an aspect of substantive Refugee Law. (50%).