

Module 12: International Asylum and Immigration Law

Stage								1
Semester								2
Module Title								International Asylum and Immigration Law
Module Number/Reference								LLM-IAIL
Module Status (Mandatory/Elective)								Elective for International Human Rights Law LL.M. and International Law LL.M.
Module ECTS credit								10
Module NFQ level (only if applicable)								9
Pre-requisite Module Titles								Public International Law, Advanced Legal Research and Writing
Co-requisite Module Titles								N/A
Is this a capstone module? (Yes or No)								No
List of Module Teaching Personnel								Majella Twomey BL
Contact Hours				Non-contact Hours			Total Effort (Hours)	
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent work		
36						164	200	
Allocation of Marks (Within the Module)								
	Continuous Assessment	Project	Practical	Final Exam	Total is always 100%			
Percentage contribution	50			50	100			

Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Critically analyse and provide in-depth evaluation of International Asylum and Immigration Law and of the philosophical, political and economic structures underpinning it
2. Demonstrate an advanced theoretical knowledge and in-depth critical understanding of International Asylum and Immigration Law
3. Synthesise and conceptualise a holistic picture of the various international law elements pertaining to Asylum and Immigration Law
4. Apply advanced theoretical knowledge and in-depth critical thinking to suggest credible and creative solutions to various International Asylum and Immigration Law problems
5. Demonstrate mastery in distilling complex legal information regarding the protection of refugees and asylum seekers and present it with clarity and coherence
6. Discuss and evaluate the different categories of refugee
7. Source, evaluate and synthesise complex research and data regarding Asylum and Immigration Law in a systematic fashion

Module Objectives

This module provides a detailed and comprehensive understanding of International Asylum and Immigration Law. The learner studies the principles, doctrines and rules underpinning International Asylum and Immigration law, along with relevant international legal instruments. The module addresses the political, social and philosophical issues raised by asylum seeking, while also providing learners with the tools to solve technical asylum problems

Module Aims (to provide the learner with)

- the ability to analyse the principles and rules underpinning International Asylum and Immigration Law
- the ability to apply those principles to practical problems
- the ability assess the principles governing the UNHCR
- the ability to apply a range of doctrines related to Asylum and Immigration Law (doctrine of well-founded fear of persecution, doctrines of race, nationality, religion, political opinion including imputed political opinion and membership of a social group)
- the ability to apply the above principles to non-state actors
- the ability to demonstrate knowledge of the categories of asylum seekers

Module Curriculum

- Topic 1: Introduction to International Asylum Law and the definition of a Refugee
- Topic 2: The concept of well-founded fear
- Topic 3: Analysis of Persecution
- Topic 4: Convention reasons – Race, Nationality, Religion
- Topic 5: The concept of political opinion and imputed political opinion
- Topic 6: Membership of a social group
- Topic 7: The subjective test and testimony of an Applicant (Credibility)
- Topic 8: The Law on internal relocation
- Topic 9: Categories of Asylum Seeker
- Topic 10: Protection owed to refugees
- Topic 11: Family re-unification
- Topic 12: Procedures for claiming asylum

Reading lists and other learning materials

Anker, D.E., *The Law of Asylum in the United States* (American Immigration Law Foundation, 1999)

Anker, D.E., *The Law of Asylum in the United States* (American Immigration Law Foundation, 2002 Supplement)

Clayton, G., *Textbook on Immigration and asylum law* (3rd ed, Oxford University Press, 2008)

Cubie, D. & Ryan, F. *Immigration, Refugee & Citizenship Law in Ireland* (Thomson Round Hall, 2004)

Hathaway, J.C., *The Law of Refugee Status* (Butterworths, 1991)
Hathaway, J.C., *The Rights of Refugees under International Law* (Cambridge University Press, 2005)
Goodwin Gill, G.S. & McAdam, J., *The Refugee in International Law* (3rd ed., Oxford University Press)
Steiner, N., *Problems of Protection: The UNHCR, Refugees and Human Rights* (Routledge, 2003)
Symes, M., *Caselaw on the Refugee Convention* (Refugee Legal Centre).
Symes, M. & Jorro, P. *Asylum Law & Practice* (Tottel Publishing, 2010)

Module Learning Environment

There is a shared responsibility between the lecturer and learners in respect of providing and preparing materials for class. The lecturer facilitates discussion. A learning environment that promotes collaborative learning is promoted and learners are encouraged to actively engage in all class discussions and exercises.

Module Teaching and Learning Strategy

The module is delivered by means of structured and participative style lectures. The learners are assigned reading the week previous to each class, and some learners are asked to lead the discussion of the material. The lecturer arranges for a Refugee Law expert to deliver a talk to the learners. There is an in-class moot refugee case which the learners prepare and participate in. The lecturer also hosts a world café in one of the classes. This is a useful tool for creating dialogue in groups. The process begins with the first of three or more fifteen minute rounds of conversation on a particular topic or question for the small group seated around a table. At the end of the fifteen minutes, each member of the group moves to a different new table. They may or may not choose to leave one person as the "table host" for the next round, who welcomes the next group and briefly fills them in on what happened in the previous round. New ideas are shared, developed and cultivated in each round and are ultimately discussed and reflected upon by the group as a whole.

Range of modes of direct contact

Teaching consists of weekly lectures for which learners are expected to have previously completed assigned reading and prepared draft answers to certain questions. In addition learners are expected to present individually and in groups on various topics assigned to them throughout the semester.

Total contact hours: 30 Hours

Range of other learning methods

Independent learning and research supported with on line resources available through Moodle.

Total non-contact hours: 170 Hours

Module Assessment Strategy

Assessment Methods			
Element number	Weighting	Type	Description
1	50	Continuous Assessment	<p>4,000-5,000 word essay</p> <p>Learners are expected to present an individual piece of coursework within this module. Learners are expected to critically assess issues such as the merits of The 1951 Geneva Convention and its relevance in modern times; the difficulties with the definition of a refugee as set out by law; who is a 'family' for the purposes of family reunification and why internal relocation may not always be a solution for asylum seekers.</p> <p>Learners are expected to address a wide range of relevant case law, convention provisions, secondary legislation, academic commentary or institutional documents and to develop a holistic and sophisticated understanding of the operation of Refugee Law in an International context.</p>
2	50	Examination	<p>Closed book examination: a 3 hour exam which covers the breadth of the course and requires learners to answer 3 questions out of 6, testing their ability to apply knowledge learned throughout the module.</p>

Diagnostic/ formative assessment

Feedback through formative assessment supports learners taking control of their own learning.

Further information on assessment

Marking criteria are distributed to learners with each assignment brief. These are used to provide learner direction on all summative assessments.

Assessment Strategy		
Module Learning Outcome	Element 1	Element 2
1. Critically analyse and provide in-depth evaluation of International Asylum and Immigration Law and of the philosophical, political and economic structures underpinning it	✓	✓
2. Demonstrate an advanced theoretical knowledge and in-depth critical understanding of International Asylum and Immigration Law	✓	✓
3. Synthesise and conceptualise a holistic picture of the various international law elements pertaining to Asylum and Immigration Law	✓	✓
4. Apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to various International Asylum and Immigration Law problems	✓	✓
5. Demonstrate mastery in distilling complex legal information regarding the protection of refugees and asylum seekers and present it with clarity and coherence	✓	
6. Discuss and evaluate the different categories of refugee	✓	✓
8. Source, evaluate and synthesise complex research and data regarding Asylum and Immigration Law in a systematic fashion	✓	

Please see **Annex 2** for Faculty Marking Criteria Guidelines and **Annex 3** for Sample Examinations and Continuous Assessment along with Marking Criteria