

Module Title: International Asylum and Immigration Law**Credit Points: 10 ECTS / 20 UK credits****Overview:**

This module provides a detailed and comprehensive understanding of international asylum and refugee law. The student will study the principles, doctrines and rules underpinning international asylum and refugee law, along with relevant international legal instruments. The module addresses the political, social and philosophical issues raised by asylum seeking, while also providing students with the tools to solve technical asylum problems

Aims (To provide students with):

- the ability to analyse the principles and rules underpinning International Asylum and Refugee Law
- the ability to apply those principles to practical problems
- assess the principles governing the UNHRC
- apply a range of doctrines related to asylum and refugee 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)
- apply the above principles to non-state actors
- demonstrate knowledge of the categories of asylum seekers

Module Content

- Salient issues
 - Categories of asylum seekers
 - Protection owed to refugees
 - Procedures for claiming asylum – Considerations of case studies
 - Third Country Cases
 - History of the refugee convention
 - Status of the Convention
 - Sources of refugee law
 - Construction and interpretation of the Convention
 - Analysis of well founded fear of persecution.
 - Analysis of persecution
 - Convention reasons: Race, Nationality, Religion, Political Opinion including imputed political opinion, Membership of a social group
 - Causation
 - Protection against non state actors and internal relocation
 - Countries of nationality and habitual residence
 - Statelessness and nationality
- Categories of asylum seekers
 - Refugees sur place
 - Gender
 - Minors
 - Mentally Ill Applicants
 - Cessation and Exclusion
- Protection owed to refugees
 - Non Refoulement
 - Third Country Cases
 - Refugees lawfully in the country of application
 - Penalties for illegal entry
 - Protection and declaratory nature of refugee status
 - Asylum and the European Convention on Human Rights - consideration of Articles 2,3 and 8
- Procedures for claiming asylum – Considerations of case studies
 - Initial application
 - Appeal and Review Bodies
 - Documents

- Third Country Cases
 - International Approach
 - European Union approach and Dublin Convention and Manifestly Unfounded

Indicative Reading

- Anker, D.E., 1999. *The law of asylum in the United States*, American Immigration Law Foundation.
- Deborah E. Anker, 2002 Supplement, *The Law of Asylum in the United States*, American Immigration Law Foundation.
- Clayton, G., 2008. *Textbook on Immigration and Asylum Law* 3rd ed., OUP Oxford.
- Gibney, M.J., 2004. *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*, Cambridge University Press.
- Goodwin-Gill, G. & McAdam, J., 2007. *The Refugee in International Law* 3rd ed., Oxford University Press, USA.
- Hathaway, J.C., 2005. *The Rights of Refugees under International Law*, Cambridge University Press.
- Martin, D.A., 2007. *Asylum Case Law Sourcebook: Case Abstracts for U.S. Court Decisions* 7th ed., Thomson West.
- Steiner, N., 2003. *Problems of Protection: The UNHCR, Refugees, and Human Rights* 1st ed., Routledge.
- Symes, M. & Jorro, P., 2010. *Asylum Law and Practice: Immigration and Nationality Law* 2nd ed., Tottel Publishing.

Journals:

- *International Journal of Refugee Law* (Oxford University Press).

Assessment methods

70% Exam

30% Thesis