



**DALHOUSIE
UNIVERSITY**

SCHULICH SCHOOL OF LAW

Laws 2097 – Immigration and Refugee Law (3 credit hours)

Fall 2018 - Syllabus

Class hours: Tuesday and Thursday 11:05am-12:25pm; Weldon Rm.204

Instructor: Lori A. Hill

Office: N/A

Office Phone: N/A

Office Hours: N/A

Email: lhill@nsimmigration.ca

Should you have any questions or issues, please contact me via email anytime. *Please use your dal.ca email address for all correspondence.*

Course Description

This class considers law, policy and procedure relating to Canadian immigration and refugee law. By looking at the practice of immigration and refugee law, the social, political and economic context and consequences of migration control will be explored. Areas covered will include: the constitutional basis for migration legislation; different types of immigration status in Canada; obtaining protection as a refugee/asylum seeker; appeal and judicial review mechanisms; enforcement mechanisms; and inadmissibility. The class may also cover: the relationship between policy goals and legislation; ethical considerations, historic and current practices of inclusion and exclusion; theories about statehood and border- control; security; the scope of ministerial discretion; the relevance of humanitarian and compassionate factors; and the application of the Charter and international human rights instruments.

Course Pre-requisites, Co-requisites and/or other Restrictions

There are no pre-requisites or co-requisites; however, it is an asset to have completed (or to study concurrently) administrative law.

Required Text: Course Casebook. It is to your advantage to PRINT OUT the casebook and bring it to class to start your annotations. Supplemental materials may be provided in class.

Suggested readings:

IRCC Operational Instructions and Guidelines <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals.html>

Please note that not all sections of this Operational Manual are posted online.

IRB Legal and Policy Resources <https://irb-cisr.gc.ca/en/legal-policy/Pages/index.aspx>

These resources are included only to supplement your understanding of the course materials and provide practical insight into the implementation of immigration processes and decision-making.

Evaluation: 100% final exam

The final exam has been scheduled for December 6, 2018. It will be a modified 'closed book' exam. Students can bring the following materials into the exam room:

1. A print-out of the Supplementary documents
2. One page of typed notes. The page of notes must comply with the following:
 - A single piece of 8 x 11 paper
 - All notes are typed
 - Notes can be on both sides of the paper (e.g. you can print double sided)
 - The text is to be Times New Roman.
 - Minimum font size is 11.
 - Margin size is at your own discretion

The copy of the Supplementary documents may be reasonably annotated by hand – i.e. you can print out a copy of the documents, and then handwrite comments on the pages. You may not add typed comments or annotations to the document which you bring into the exam room. For this course, the term “reasonably annotated” is to be interpreted in light of ensuring that students do not abuse the opportunity to have these materials by using it as a vehicle to import their course notes or pre- drafted essay text (and thus make the exam more like a take home exam). To reflect this intention, “reasonable

annotations” include making cross-references to relevant cases (ie. their names and a few words), to other legislative provisions, tabbing, etc. The professor will inform you if you are going to be provided with copies of other materials. If a student’s supplements include excessive annotations, the student will lose the right to rely upon the supplement(s), and their copies will be removed from the examination room. Students may wish to consult with the professor well before the exam date to confirm that their annotations are reasonable. If you carry any data devices such as a cell phone, blackberry, pager, trio, etc., it must be kept in a bag and turned off during the entire exam periods.

University Policies

1. Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

2. Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult

with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

Links:

* General Academic Support – Advising Halifax:
https://www.dal.ca/campus_life/academic-support/advising.html

* Fair Dealing Guidelines <https://libraries.dal.ca/services/copyright-office/guidelines/fair-dealing-guidelines.html>

DATE	TOPIC	READINGS
Sept. 6	Overview - Immigration 101	
Sept. 11	Temporary Residents (Visitors and Students)	Chapter IV
Sept. 13	Temporary Residents (Workers) <i>Guest Lecturer – Cam MacLean</i>	Chapter IV
Sept. 18	Temporary Residents (Special cases/Port of Entry) <i>Guest Lecturer – Elizabeth Wozniak</i>	Chapter IV
Sept. 20	Refugee Eligibility in Canada (including Safe Third Country Agreement)	Chapters VII and VIII
	Refugee Determination – Hearings Before the Refugee	

Sept. 25	Protection Division (RPD)	Chapter VII
Sept. 27	Post-Hearing Remedies/Strategies (Refugee Appeal Division (RAD), Pre-Removal Risk Assessment (PRRA), and others)	Chapters VII and VIII
Oct. 2	Enforcement – Removal Orders	Chapter VIII
Oct. 4	Enforcement - Detention Review Hearings Before the Immigration Division (ID), Authorization to Return to Canada (ARC) and other Remedies	Chapter VIII
Oct. 9	Humanitarian and Compassionate Applications Part I	Chapter IX
Oct. 11	Humanitarian and Compassionate Applications Part II	Chapter IX
Oct. 16	Permanent Residence - Family Class (Spouse, Common Law Partner, Conjugal Partner)	Chapters V and VI
Oct. 18	Permanent Residence – Family Class: Excluded Relationships and Remedies, including the Immigration Appeal Division (IAD)	Chapters III, V and VI; (De Guzman)

Oct. 23	Citizenship - Grants	Chapter V
Oct. 25	Citizenship – Proofs and special cases	Chapter V
Oct. 30	Inadmissibility – Criminality: Basic principles <i>Guest Lecturer – Luke Merrimen</i>	Chapter X
Nov. 1	Inadmissibility – Criminality: Evaluation and strategies <i>Guest Lecturer – Luke Merrimen</i>	Chapter X
Nov. 6	Inadmissibility – Criminality: Remedies	Chapter X
Nov. 8	Inadmissibility – Other: Medical, Security, Misrepresentation	Chapter X
Nov. 13	Reading Week – No Class	
Nov. 15	Reading Week – No Class	
Nov. 20	Judicial Review – Case Study (<i>Morelly v. Canada (Minister of Citizenship and Immigration, 2018 FC 361)</i> , Part I <i>Guest Panel: Cam MacLean, Guilhem de Roquefeuil and Sophie Chiasson</i>	Chapters V and VII
		Chapters V

Nov. 22	Judicial Review – Case Study - <i>Morelly</i> , Part II <i>Guest Panel: Cam MacLean, Guilhem de Roquefeuil and Sophie Chiasson</i>	and VII
Nov. 27	Ethical Issues, Client Management and other Practice Tips <i>Guest Lecturer – Elizabeth Wozniak</i>	
Nov. 29	Review and Catch Up	
Dec. 4	Review and Catch Up	
Dec. 6	Exam	