

**PUB2 551 – Immigration and Refugee Law****CASE COMMENT ASSIGNMENT**

**Maximum word count: 2000 words**

**Date posted: November 4<sup>th</sup>, 2014, at 10 am**

**Due date: November 18<sup>th</sup>, 2014 by 4:00pm** (via email, see submission guidelines below)

**1. INSTRUCTIONS**

For this assignment, students must engage in a critical analysis and commentary of the issues presented in the related cases of *Conka v Minister of Immigration and Citizenship*, 2014 FC 985, and *Conka v Minister of Immigration and Citizenship*, 2014 FC 984. The cases are available on the Federal Court website:

<http://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/98086/index.do>

<http://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/98085/index.do>

In preparing the case comment, students could consider the following questions:

- Do I agree with the decisions reached in these cases? Why or why not?
- What primary factors led the court to reach their decisions in these cases? Do I agree with their selection and assessment of the relevant factors? Why or why not?
- What alternative reasoning could have been chosen by the court in these cases?
- What international and domestic human rights issues arise in this case?
- Are these decisions consistent with my assessment of how international and domestic human rights guarantees are, or should be, implemented in respect of migrants?
- How do the facts, reasoning and outcomes of these cases sit alongside Canadian values about immigration and refugee protection?

These questions are only meant to provide a basis from which students can consider the type and substance of analysis sought for this assignment. Students are not required to address any of these questions explicitly in their work.

While students should provide a brief overview of the facts and outcomes of these cases, the substantial body of the commentary should focus on the analysis of and critical engagement with the cases, the issues raised and reasoning of the court in reaching its decisions.

Strong assignments will go beyond an analysis of the cases at hand to extrapolate broader conclusions about the state of refugee law and treatment of asylum seekers in Canada, social values in relation to migration and other issues in society, and other contextual elements beyond the facts of these cases. In other words, strong assignments will make critical connections between the cases at hand and the broader legal, social and political contexts in which they are situated.

Students may use whatever documentation they wish in order to complete the assignment.

## 2. SUBMISSION GUIDELINES

This assignment is due on **Tuesday, November 18th, 2014, by 4:00pm.**

Students must email their assignment in Word document format to [francois.crepeau@mcgill.ca](mailto:francois.crepeau@mcgill.ca) and **must** copy (cc) the SAO: [saoassignments.law@mcgill.ca](mailto:saoassignments.law@mcgill.ca).

The SAO strongly encourages students to also copy (cc) themselves on their e-mail submission to establish proof of submission in the event of email delivery failure.

## 3. EVALUATION

This assignment is worth forty (40) percent of the overall grade. Case comments will be assessed with reference to the following criteria:

### *Formal Criteria:*

- Maximum word count: 2000 words.
- Word document format.
- References included in conformity with the Canadian Uniform Guide to Legal Citation.
- Inclusion of the McGill standard cover page.
- Correct use of spelling and grammar.

### *Substantive Criteria:*

- Does the student set out a succinct summary of the relevant facts of the cases?
- Does the student identify critical or controversial points for analysis arising from the cases?
- Does the student demonstrate compelling and persuasive reasoning in analysing the identified issues?
- Does the student draw connections between the matters present in the cases and broader legal, social, and/or political issues beyond the cases at hand?
- Does the student demonstrate an awareness of relevant domestic and international law impacting upon asylum seekers, refugees and migrants?