Overview

This course will cover the international and U.S. refugee law regime, with a focus on asylum law in the United States. The course will trace the history and development of the United Nations 1951 Refugee Convention, the 1967 Protocol, and the U.S. Refugee Act of 1980. Students will become familiar with the key actors in the asylum and refugee law arena, including the United Nations High Commission for Refugees, international non-governmental organizations, the U.S. Congress, the Departments of Homeland Security and Justice, and the federal courts. Students will gain an understanding of the refugee definition as interpreted in the U.S.

The course will address the limits of refugee law, and will assess the current asylum system from both a practitioner’s and a policy perspective – contextualizing asylum law within the need for international and domestic policymakers alike to meet obligations under international conventions while maintaining national security and addressing the challenges of terrorism and transnational crime. The course objectives are: (1) to leave students with an understanding of the international refugee system and of asylum law and procedures in the United States; and, (2) to prepare students for clinical work, employment and internship opportunities within the U.S. government and the NGO community, and the representation of asylum seekers in pro bono practice. We will also briefly touch on other forms of humanitarian immigration relief for immigrant survivors of serious crime, including domestic abuse and human trafficking, in the United States.

This syllabus is subject to modification during the semester as appropriate.

Class Attendance and Preparation:

Our class will meet Mondays from 8:00 pm to 9:50 pm in Room 224. Please note that this room may change prior to the start of classes, depending on enrollment; any change will be announced by email.

GMUSL academic regulations require regular and punctual class preparation and attendance for academic credit to be earned. Regular absences from class will significantly limit the benefits you gain from the course, and will diminish your ability to succeed in the course.

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1 The academic regulations further state: “If a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent for that session.” The academic regulations also provide that in cases having merit, substitution of work equivalent to class attendance is permissible at the instructor’s sole discretion and within certain parameters. If you miss more than 3 sessions of our course, which meets once a week, you will be ineligible to receive credit for the course. Please contact the instructor if you need to be absent.
The syllabus below contains required reading as well as optional reading. It is your decision whether you engage in the optional reading, but it is selected to give you a deeper understanding of the material we will cover. If you are “on call” (see below) for that week, the optional reading is required. It is essential that students do the required readings before coming to class. Class sessions will be used to discuss issues that arise from the readings, supplement the readings with different perspectives as well as recent and current developments, and respond to questions you may have. You will be expected to provide your insight on the issues we discuss.

**Methods of Evaluation:**

*Exam:* The examination will count for 80% of your grade in this class. The examination will be an open-book exercise and will consist of short answer questions as well as fact patterns requiring essay-type responses. Your exam is scheduled for April 26, 2014 at 12:00 pm.

*Class Participation:* Class participation will count for 20% of your grade. All students will benefit from discussion based on adequate preparation, so active participation in and careful preparation for class discussions are encouraged.

**Contacting the Instructor:**

Please feel free to reach out with questions or concerns at: laurieballcooper@gmail.com. I will be available after class to answer questions and, upon request, can often be available before class as well. Please email me if you would like to speak before class to make an appointment.

**Course Materials**


- Supplementary materials assigned with a hyperlink in the syllabus below or a citation to pull from legal databases as necessary.

- Immigration law is a complex network of statutes, regulations, case law, and international treaties. You will be expected to develop familiarity with 8 U.S.C. §§ 1157-1158 and 8 C.F.R. §§ 207-208, the primary statutes and regulations regarding asylum and refugee status, along with other statutes and regulations. Keep in mind that the immigration statutes can be cited either as part of the INA (Immigration and Nationality Act) or to the codification of that Act in the U.S. Code. We will use both citations in class, because the nature of immigration law is that you need to be able to go back and forth depending on the venue in which you find yourself (or, sometimes, the preferences of an individual adjudicator).
Structure of Classes

Each class section will be one hour and fifty minutes long, with a ten-minute break at about 8:50pm. Where cases are assigned, we will discuss the facts, procedural posture, holding, and key take-away points from each case. You should come to class prepared to discuss each case. After the first week of class, students will be assigned as “on call” for 2-3 classes per semester. Please keep in mind that you will likely also be called upon to participate during weeks when you are not “on call,” especially as material for which you were on call is relevant to the discussion. Once per semester, each student may, without penalty, notify me by email no later than 30 minutes prior to class to request a “pass” for that week without explanation. Passes cannot be requested for an assigned “on call” class absent extenuating circumstances.

Class Sessions (by week)

Class 1, January 6, 2014: Introduction to Forced Migration -- Concept, History, and International Institutions

Required:

- FM, pp. 7–11 (What is forced migration?), pp. 43-59 (The law applicable to forced migrants), 70-82 (Who should be considered a refugee?).
- Please quickly read and skim the statistics provided in FM, pp. 18-42 (How many forced migrants are there and where do they come from?).

Required by the second class, but strongly encouraged for the first class:

- Please read one of the following narrative accounts of the refugee journey:

Please email the instructor the title of the book that you will be reading no later than 10:00 a.m. on Tuesday, January 7. If you would like to read another narrative account of the refugee journey, please email the instructor the title of that book as soon as possible, but also no later than 10:00 am on Tuesday, January 7. Reviewing a refugee narrative that you have previously read is fine, but please do take a second look at the book to refresh your memory.
Class 2, January 13, 2014: Refugee Crises and the US Refugee Admission Process

Required:
- Narrative tale of refugee flight; see suggested list above or email the instructor with preferred title.
- 8 U.S.C. §1157 (INA § 207).
- 8 C.F.R. § 207.

Optional:

January 20, 2014: Martin Luther King Jr. Birthday Observed – No Class

Class 3, January 27, 2014: Protection in the US -- Non-Refoulement, Asylum, & Procedures

Required:
- 8 U.S.C. §1158 (INA § 208); 8 C.F.R. § 208.13.
- Please review the I-589 form available at www.uscis.gov, under “Forms.” Please print and save a copy for your reference throughout the semester.

Class 4, February 3, 2014: Introduction to Persecution -- Harm

Required:
- FM, pp. 131-175 (What is persecution?)

Optional:
Class 5, February 10, 2014: Past Persecution, Humanitarian Asylum, Future Persecution, and Degrees of Risk

Required:
- FM, pp. 176-202 (Past Persecution and Internal Flight – including humanitarian asylum and past persecution as continuing persecution and evidence of likelihood of future persecution)
- FM 215-235 (Level of Risk)

Class 6, February 17, 2014: Nexus; Grounds of Persecution – Political Opinion, Religion, Race & Nationality; Mixed Motives

Required:
- FM, pp. 249-275 (Political Opinion & Imputed Political Opinion).
- FM, pp. 275-301 (Nexus and Mixed Motives).
- FM, pp. 301-325 (Race, Nationality, and Religion).

Optional:

Class 7, February 24, 2014: Mixed-Motive; Grounds of Persecution (continued) – Membership in a Particular Social Group

Required:
- FM, pp. 326-375 (Particular Social Group).
- Crespin-Valladares, 632 F.3d 117 (4th Cir. 2011).

Optional:

Class 8, March 3, 2014: Gender-Based Asylum Claims

Required:
- FM, pp. 379-446 (Gender-Related Persecution).
- FM, pp. 458-462 (Procedural Obstacles in Gender-Sensitive Cases).

Optional:

March 10, 2014 – No Class, Spring Break

Class 9, March 17, 2014: Adjudication of Asylum Claims – Who Decides and How?

Required:
  • FM, pp. 673-751 (Communication Challenges, Evidentiary Requirements & The Asylum System Under Stress). Please note, readings for this week are longer than usual, please feel free to skim or skip the exercises in FM this week.

Optional:


Required:
  • 8 C.F.R. 1208.4(a) (Prohibitions on Filing)
  • FM, pp. 465-483 (Timing and Transit)
• 8 U.S.C. 1101(a)(42)
• FM, pp. 484-493 (Exclusion from Protection, Persecutors)

Optional:

Class 11: March 31, 2014: Exclusion Continued (Security and Crime); Procedural Exclusions

**Instructor Evaluations will take place during class**

Required:
  - FM, pp. 816-832 ( Expedited Removal); 846-858 (Deterrence and Detention: US Practices).

Optional:

Class 12: April 7, 2014: Discretionary Denials; CAT Relief and Withholding

Required:
  - FM, pp. 236-246 (Discretion to Grant or Deny Protection).
  - 587-626 (Definition of Torture; Nonrefoulement and US Implementation).

Optional: *Life as a Recipient of Humanitarian Immigration Status*

- 8 U.S.C. 1641 (qualified aliens)

**Class 13: April 14, 2014: Other forms of Relief for Survivors of Violence: TPS, U and T visas, VAWA, Special Immigrant Juvenile Status**

Required:
- FM, pp. 951-958 (TPS); 983-985 (Victims of Trafficking and Other Crimes).
- 8 C.F.R 214.14 (U Visa Regulations).
- 8 C.F.R. 214.11 (T Visa Regulations).
- 8 C.F.R. 204.2 (VAWA Regulations).

*Please also identify the statutes – both INA sections and codifications in the US Code (8 USC XXXX) for the U and T Visas and VAWA relief.*

Optional:

**Class 14, April 21, 2014: Final Exam Review**

Please submit questions to the instructor by e-mail prior to the final review session by 9:00 AM on Saturday, April 19, 2014. Any questions received after the deadline will not be incorporated into the final review session.

*Exam is scheduled for April 26, 2014, at 12:00 pm. Your exam will be a 3-hour exam. You have the option to take the exam on your laptop.*