



FALL 2025 COURSE SYLLABUS

Course Number: 313-001
Course Title: Refugee & Asylum Law
Credit Hours: 2
Grading Mode: Letter grade
Meeting Time(s): THUR. 4:00-6:00P
Meeting Mode: ON CAMPUS
Exam Time(s): DEC. 11, NOON
Exam Mode: ON CAMPUS
Prerequisite(s): N/A
Corequisite(s): N/A
Instructor(s):
Stephanie Groff | David Schor

Contact Info:

sgroff2@gmu.edu | dschores@gmu.edu

Office hours by appointment only. If you have any concerns regarding class decorum or course materials and topics, you may reach out to Professors Groff and Schor at any time. Students are also encouraged to reach out to Annamaria Nields, Associate Dean for Administration and Student Affairs, at anields@gmu.edu.

Reading(s) & Supplement(s):

REQUIRED:

There is no textbook assigned for this course. Rather, we have curated cases from the U.S. Supreme Court, U.S. Circuit Courts of Appeals, and the Board of Immigration Appeals that address each topic and are intended to provoke thoughtful discourse. Additionally, there may be assigned statutes, regulations, and secondary sources depending on the topic. Each case or secondary source listed below can be found on Westlaw. We will also upload readings that may be difficult to find on CANVAS before class.

Please note that, although this area of law has not been altered by Congress for some time, the case law is ever changing. Therefore, reading assignments may be altered throughout the course of the semester. In addition, throughout the course, the professors may designate certain readings optional instead of required. We will update reading assignments via CANVAS and in class, with as much notice as possible.

RECOMMENDED/ USEFUL RESOURCES:

Board of Immigration Appeals cases are available on Westlaw and at the Executive Office for Immigration Review's [Virtual Law Library](#). A physical copy of the Immigration and Nationality Act ("INA") and the implementing regulations are not required, but are available in an electronic form on

Westlaw. While not required reading, below are other useful resources and reading materials related to the course.

- Previously used textbook, Martin, Aleinikoff, Motomura & Fullerton, Forced Migration: Law and Policy (2013)
- Law of Asylum in the United States, 2024 ed., available on [Westlaw](#)
- USCIS Policy Manual, available on [Westlaw](#)
- Interpreter Releases, a weekly newsletter that covers current immigration law issues (available in the law library and on [Westlaw](#)).

Course Overview

This course provides a practical approach to refugee and asylum law in the United States. The course will trace the history and development of the law, beginning with the United Nations 1951 Refugee Convention, the 1967 Protocol, and finally the U.S. Refugee Act of 1980. Students will gain an understanding of the refugee definition as interpreted in the United States, including the applicable burdens of proof for asylum and related protection. Students will develop practical legal skills and professional insight for working in the immigration law field; whether that be representing asylum seekers, working for policy institutions, or in the federal government.

The law and regulations you learn in class could easily change in the future, or even during the course of the semester. Immigration is a priority for the current administration. We strongly encourage you to read about current events and any proposed changes debated in Congress, priorities and regulatory changes proposed by the administration, and related issues raised in the federal courts and bring thoughts and questions to class.

Course Learning Outcomes

The course objectives are: (1) to leave students with a firm and practical understanding of the fundamentals of U.S. law on asylum, withholding of removal, and protection under the Conventional Against Torture regulations; (2) to prepare students for any clinical work, employment opportunities, or potential internship opportunities within the U.S. government or the NGO community as advocates, clerks, or decisionmakers.

Grading Policies

Class participation will account for 10% of your grade. You are expected to participate and attend each class. You are required to complete the assigned readings before each class and should be prepared to contribute to class discussion.

The exam will test your knowledge and understanding of the asylum and refugee law provisions discussed in class. The format will consist of essay and multiple choice questions. The exam will be open book. You may bring any cases, supplements, or outlines. You may not use the internet during the exam, so it is imperative to download any materials beforehand.

Final Exam: 90%

Participation: 10%

Classroom Policies

Attendance: Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

Absences: Per AR 4-1.1, “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 from that session.”

Participation & Preparation:

All students should come to class prepared to discuss the assigned readings. We will use an “on deck” system in which half of the students will be responsible for discussing that week’s materials. We will divide the students into two groups on the first day of class. After that, one group will be “on deck” each class. Responsibility will alternate with each class session. But all students are not only welcomed but encouraged to participate. Once per semester, an individual may opt out on the day that they are scheduled to be “on deck.”

Use of Technology & AI:

Moderate Use Policy: Generative AI tools may be used in this course for the following purposes, and with the following guidelines. Students may use AI in this course to brainstorm, outline, and study, but may not use AI to respond to class dialogue, Socratic or otherwise, or any exam. Students must use AI tools responsibly, verify facts presented by AI, disclose when AI tools are used to create course work product, properly cite any AI tools utilized, and should be prepared to produce the transcript of prompts and responses upon request. Misuse will be treated as a violation of academic standards.

Use of Electronic Text Books During Exams:

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor's *written* exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student’s computer files during the exam (open exam). E-books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e-book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor’s standards for all examinations, which are included in the examination materials.

Course Schedule & Assignments

DATE	TOPIC	MATERIALS TO BE READ BEFORE CLASS
Class 1 August 21	Introduction and Overview to U.S. Refugee and Asylum Law: Historical background and principles; refugee processing; introduction to asylum, withholding of removal, and Convention Against Torture	<ul style="list-style-type: none"> Articles 2 through 34 of the 1951 United Nations Convention Relating to the Status of Refugees at Jan. 31, 1967; T.I.A.S. No. 6577 (Nov. 1, 1968) INS v. Stevic, 467 U.S. 407 (1984) INS v. Cardoza-Fonseca, 480 U.S. 421 (1987) (majority opinion) INS v. Orlando Ventura, 537 U.S. 12 (2002) Skim 8 U.S.C. §§ 1157-1158, 1231(b)(3); 8 C.F.R. §§ 1208.16, 1208.18 American Immigration Council, “An Overview of U.S. Refugee Law and Policy”
Class 2 August 28	Bars to Asylum - What They Mean and Why They Matter: Filing deadline; safe third country agreement; previous denial; firm resettlement; persecutor bar; particularly serious and other crimes	<ul style="list-style-type: none"> Matter of Y-C-, 23 I&N Dec. 286 (BIA 2002) Matter of C-W-L-, 24 I&N Dec. 346 (BIA 2007) Matter of A-G-G-, 25 I&N Dec. 486 (BIA 2011) Matter D-X- & Y-Z-, 25 I&N Dec. 664 (BIA 2012) Aden v. Wilkinson, 989 F.3d 1073 (9th Cir. 2021) Hanna v. Holder, 740 F.3d 379 (6th Cir. 2014) Munyakazi v. Lynch, 829 F.3d 291 (4th Cir. 2016) Meng v. Holder, 770 F.3d 1071 (2d Cir. 2014) Matter of N-A-M-, 24 I&N Dec. 336 (BIA 2007) Guerrero v. Whitaker, 908 F.3d 541 (9th Cir. 2018) INS v. Aguirre-Aguirre, 526 U.S. 415 (1990) Matter of E-A-, 26 I&N Dec. 1 (BIA 2012)
Class 3 September 4	Proving Past Persecution: What type of harms amount to persecution; who is the target; what is the requisite severity of harm; and is a risk of future harm always necessary	<ul style="list-style-type: none"> Matter of Acosta, 19 I&N Dec. 211 (BIA 1985) Sharma v. Garland, 9 F.4th 1052 (9th Cir. 2021) Gu v. Gonzales, 454 F.3d 1014 (9th Cir. 2006) Guo v. Ashcroft, 361 F.3d 1194 (9th Cir. 2004) Hoxha v. Ashcroft, 319 F.3d 1179 (9th Cir. 2003) Matter of T-Z-, 24 I&N Dec. 163 (BIA 2007) Rusak v. Holder, 734 F.3d 894 (9th Cir. 2013) Morales v. Sessions, 860 F.3d 812 (5th Cir. 2017) Hernandez-Ortiz v. Gonzales, 496 F.3d 1042 (9th Cir. 2007) Matter of A-K-, 24 I&N Dec. 275 (BIA 2007) Matter of J-S-, 24 I&N Dec. 520 (2008) Kane v. Holder, 581 F.3d 231 (5th Cir. 2009)

Class 4 September 11	Future Persecution: Well-founded fear of future persecution; clear probability of future persecution; prospective fear absent past persecution; pattern or practice claims	<ul style="list-style-type: none"> • <u>Farah v. Ashcroft</u>, 348 F.3d 1153 (9th Cir. 2003) • <u>Tamang v. Holder</u>, 598 F.3d 1083 (9th Cir. 2010) • <u>Santos-Zacaria v. Garland</u>, 22 F.4th 570 (5th Cir. 2022) • <u>Huang v. INS</u>, 421 F.3d 125 (2d Cir. 2005) • <u>Matter of A-M-</u>, 23 I&N Dec. 737 (BIA 2005) • <u>Bromfield v. Mukasey</u>, 543 F.3d 1071 (9th Cir. 2008) • <u>Wakkary v. Holder</u>, 558 F.3d 1049 (9th Cir. 2009) • <u>Lingeswaran v. U.S. Att'y Gen.</u>, 969 F.3d 1278 (11th Cir. 2020) • <u>Hagi-Salad v. Ashcroft</u>, 359 F.3d 1044 (8th Cir. 2004) • <u>Mbonga v. Garland</u>, 18 F.4th 889 (6th Cir. 2021) • <u>Latifi v. Gonzales</u>, 430 F.3d 103 (2d Cir. 2005)
Class 5 September 18	Nexus: Pre and post-REAL ID Act nexus requirements; meaning of motive, causation, and animus; mixed motives; asylum's "on account of" versus withholding's "a reason"	<ul style="list-style-type: none"> • <u>INS v. Elias-Zacarias</u>, 502 U.S. 478 (1992) (majority opinion) • <u>Matter of J-B-N- & S-M-</u>, 24 I&N Dec. 208, 208 (BIA 2007) • <u>Parussimova v. Mukasey</u>, 555 F.3d 734 (9th Cir. 2009). • <u>Hernandez-Avalos v. Lynch</u>, 784 F.3d 944 (4th Cir. 2015) • <u>Matter of L-E-A-</u>, 27 I&N Dec. 40, 43-47 (BIA 2017) (nexus portion) • <u>Matter of M-R-M-S-</u>, 28 I&N Dec. 757 (BIA 2023) • <u>Matter of C-T-L-</u>, 25 I&N Dec. 341 (BIA 2010) • <u>Barajas-Romero v. Lynch</u>, 846 F.3d 351, 354-61 (9th Cir. 2017) (withholding portion) • 8 U.S.C. §§ 1101(a)(42), 1158(b)(1)(A); 1231(b)(3)(A)
Class 6 September 25	Protect Grounds: Race; religion; nationality; political opinion	<ul style="list-style-type: none"> • Review <u>INS v. Elias-Zacarias</u>, 502 U.S. 478 (1992) • <u>Delgado-Ortiz v. Holder</u>, 600 F.3d 1148 (9th Cir. 2010) • <u>Mezvrishvili v. U.S. Att'y Gen.</u>, 467 F.3d 1292 (11th Cir. 2006) • <u>He v. Garland</u>, 24 F.4th 1220 (8th Cir. 2022) • <u>Karapetyan v. Mukasey</u>, 543 F.3d 1118 (9th Cir. 2008) • <u>Zoarab v. Mukasey</u>, 524 F.3d 777 (6th Cir. 2008) • <u>Haider v. Holder</u>, 595 F.3d 276 (6th Cir. 2010) • <u>Zhang v. Gonzales</u>, 426 F.3d 540 (2d. Cir. 2005)
Class 7 October 2	Proving membership in a Particular Social Group: Requirements and burden of proof	<ul style="list-style-type: none"> • Review <u>Matter of Acosta</u>, 19 I&N Dec. 211 (BIA 1985) • <u>Matter of Fuentes</u>, 19 I&N Dec. 658 (BIA 1988) • <u>Matter of C-A-</u>, 23 I&N Dec. 951 (BIA 2006) • <u>Matter of A-M-E- & J-G-U-</u>, 24 I&N Dec. 69 (BIA 2007) • <u>Matter of M-E-V-G-</u>, 26 I&N Dec. 227 (BIA 2014)

		<ul style="list-style-type: none"> • <u>Matter of W-G-R-</u>, 26 I&N Dec. 208 (BIA 2014) • <u>Diaz-Reynoso v. Barr</u>, 968 F.3d 1070 (9th Cir. 2020) • <u>Matter of W-Y-C-</u>, 27 I&N Dec. 189 (BIA 2018)
NO CLASS October 9	Fall Break!	
Class 8 October 16	Particular Social Groups Continued: Gender; sexual orientation; domestic violence; former occupations, witnesses or informants; land owners; fleeing gang violence/recruitment; family membership	<ul style="list-style-type: none"> • <u>Fatin v. INS</u>, 12 F.3d 1233, 1240 (3d Cir. 1993) • <u>Matter of Kasinga</u>, 21 I&N Dec. 357 (BIA 1996) (majority) • <u>Matter of A-R-C-G-</u>, 26 I&N Dec. 388 (BIA 2014) • <u>Matter of A-B-</u>, 27 I&N Dec. 316, 316-23, 325-336 (A.G. 2018) • <u>Henriquez-Rivas v. Holder</u>, 707 F.3d 1081 (9th Cir. 2013) (majority) • <u>Turcios-Flores v. Garland</u>, 67 F.4th 347 (6th Cir. 2023) • <u>Matter of S-E-G-</u>, 24 I&N Dec. 579 (BIA 2008) • <u>Crespin-Valladares v. Holder</u>, 632 F.3d 117, 128 (4th Cir. 2011) • <u>Matter of L-E-A- II</u>, 27 I&N Dec. 581, 587-97 (A.G. 2019) • <u>Matter of H-L-S-A-</u>, 28 I&N Dec. 228 (BIA 2021) • <u>Macedo Templos v. Wilkinson</u>, 987 F.3d 877 (9th Cir. 2021) • <u>Matter of K-E-S-G-</u>, 29 I&N Dec. 145 (BIA 2025)
Class 9 October 23	Government's Role In Persecution: When the government is committing the persecution, or it is committed by "persons the government is unable or unwilling to control"; reporting requirement; state versus local officials	<ul style="list-style-type: none"> • <u>Vahora v. Holder</u>, 707 F.3d 904 (7th Cir. 2013) • <u>Bringas-Rodriguez v. Sessions</u>, 850 F.3d 1051 (9th Cir. 2017) • <u>Matter of A-B-</u>, 27 I&N Dec. 316, 343-46 (A.G. 2018) • <u>Grace v. Barr</u>, 965 F.3d 883 (D.C. Cir. 2020) (skim) • <u>Matter of A-B- II</u>, 28 I&N Dec. 199, 199-208 (A.G. 2021). • <u>Matter of A-B- III</u>, 28 I&N Dec. 307 (A.G. 2021) • <u>Diaz de Gomez v. Garland</u>, 987 F.3d 359 (4th Cir. 2021)
Class 10 October 30	Convention Against Torture ("CAT"): CAT withholding/CAT deferral; what constitutes torture; needed intent; state	<ul style="list-style-type: none"> • <u>Matter of J-E-</u>, 23 I&N Dec. 291 (BIA 2002) (en banc) • <u>Matter of J-F-F-</u>, 23 I&N Dec. 912 (A.G. 2006) • <u>Barajas-Romero v. Lynch</u>, 846 F.3d 351, 354-57, 61-65 (9th Cir. 2017) (background and CAT portion) • <u>Nasrallah v. Barr</u>, 590 U.S. 573 (2020) (majority) • <u>Matter of J-R-G-P-</u>, 27 I&N Dec. 482 (BIA 2018)

	action element; proving CAT claims	<ul style="list-style-type: none"> • <u>Garcia-Aranda v. Garland</u>, 53 F.4th 752, 759 (2d Cir. 2022) • 8 C.F.R. §§ 1208.16-18 (2020 version) <p>Optional:</p> <ul style="list-style-type: none"> • U.N.'s Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Class 11 November 6	Proving an Asylum, Withholding of Removal, and CAT Claim: Burden of proof for these claims; credibility; evidence and corroboration; differences between affirmative and defensive asylum proceedings	<ul style="list-style-type: none"> • Review <u>INS v. Cardoza-Fonseca</u>, 480 U.S. 421 (1987) (majority opinion) • <u>Matter of S-M-J-</u>, 21 I&N Dec. 722 (BIA 1997) • <u>Matter of O-D-</u>, 21 I&N Dec. 1079 (BIA 1998) • <u>Matter of J-Y-C-</u>, 24 I&N Dec. 260 (BIA 2007) • <u>Matter of D-R-</u>, 25 I&N Dec. 445 (BIA 2011) • <u>Ren v. Holder</u>, 648 F.3d 1079 (9th Cir. 2011) • <u>Matter of L-A-C-</u>, 26 I&N Dec. 516 (BIA 2015) • <u>Matter of R-K-K-</u>, 26 I&N Dec. 658 (BIA 2015) • <u>Garland v. Ming Dai</u>, 593 U.S. 357 (2021) • <u>Singh v. Garland</u>, 118 F.4th 1150 (9th Cir. 2024)
Class 12 November 13	Humanitarian Asylum, Further Review, Reopening, and Possible Termination of Asylum: What happens if an application is denied; reopening scenarios; termination of asylum	<ul style="list-style-type: none"> • <u>Matter of Chen</u>, 20 I&N Dec. 16 (BIA 1989) • <u>Matter of L-S-</u>, 25 I&N Dec. 705 (BIA 2012) • <u>Wang v. Bd. of Immigr. Appeals</u>, 437 F.3d 270 (2d Cir. 2006) • <u>Chandra v. Holder</u>, 751 F.3d 1034 (9th Cir. 2014) • 8 C.F.R. §§ 1003.2(c)(3)(ii), 1003.23(b)(4)(i) • Chapter 5.7 - Motions to Reopen Before the Immigration Court • Chapter 6 - Termination of Status and Notice to Appear Considerations
Class 13 November 20	Final Review	Discuss Final/Review Questions

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[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703 -380-1434 or Counseling and Psychological Services (CAPS) at 703 -993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703 -993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

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