Asylum and Refugee Law: an introduction to the course
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Spring Semester 2009

The course will be taught primarily from Martin, Aleinikoff, Motomura & Fullerton, *Forced Migration: Law and Policy* (Thomson/West 2007). You will also need the 2008 edition of Immigration and Nationality Laws of the United States: Selected Statutes, Regulations and Forms (Thomson/West 2008). You may already own this if you took Professor Huntington’s Immigration Law Class. Page numbers in the assignments below refer to the casebook and the statutory supplement, unless otherwise indicated. Get in the habit of reviewing the text of the statute and regulations as they come up in the readings.\(^1\)

I am initially providing about one-third of the syllabus, up to February 11, 2009. I would like to reserve the option to adjust the remainder of the syllabus as the semester progresses.

You will also need to read, *Asylum Denied: a refugee’s struggle for safety in America*, by David Ngaruri Kenney and Philip G. Schrag. I will ask you to write a brief (two page) review of your reaction to this book, prior to our discussion in class, (on or about March 18) paying particular reference to the problem of factfinding in asylum cases. Is there anything in this book which you, as an attorney whose client is seeking asylum, might find useful to consider and to use in your practice?

Participation in class discussions, based on careful reading of the assignments, is an integral part of the course and will be taken into account in assigning final grades. However, my primary objective is to facilitate an environment of free-flowing discussion. This is not an area of the law in which there exists an array of right or wrong answers. So, our discussions will rarely focus on the right answer. Rather, we will be looking closely at morally and politically challenging issues to which the world has not found satisfying solutions. There is no penalty in this class for trying out a line of argument from which you might find you ultimately wish to retreat.

I anticipate having several guest speakers during the semester. We will have a visit from an attorney who is very involved with the special issues of children seeking asylum, and, I am hopeful that we will hear from an Immigration Judge, and an asylee, pending their individual schedules.

\(^1\) Please note that the Statutory Supplement presents the asylum regulations as they appear in 8 C.F.R. Part 208, but a virtually identical set of regulations also appears in 8 C.F.R. Part 1208. This unusual duplication resulted from the splitting of immigration functions when the Department of Homeland Security was created in 2003. Because responsibility for decisions in asylum cases is shared between asylum officers, now in DHS, and immigration judges in DOJ, it was thought necessary to have separate regulations for the two departments. Immigration judges look to Part 1208 for their guidance and litigants in Immigration Court are well-advised to cite that Part. Although the two parts are now virtually identical, future amendments could change that.
In addition, I expect each student to attend at least one asylum hearing at the Denver Immigration Court. I will provide a list of cases where the attorney representing the client has discussed student presence in the courtroom with the client and has received assurances that student presence will be welcomed. I will also post instructions on the TWEN site for finding the Immigration Court and suggestions that might improve your experience in the court. I will ask that students communicate their impressions of this experience on the class listserv (TWEN) so that everyone can share the experience.

I anticipate having regular office hours after class for an hour on Monday and Wednesday. My schedule on those days is quite flexible, so if it would work better to meet at another time on one of those days, please don’t hesitate to ask.

I am looking forward to teaching this class again. It is a fascinating and relevant area of immigration law, administrative law, and international law. It provided me with the opportunity for richly rewarding legal practice where I felt my work was needed, even essential, for the future life of my clients. It is an intellectually challenging area of the law; it tests one’s sense of how the world works every day. I hope you will enjoy exploring this richness with me for a few hours each week, and I look forward to sharing it with you.