Refugee and Asylum Law
Syllabus

8/27: **Introduction to forced migration**: History, typology, concepts and institutions; the principal refugee treaties. Read 1-38.

8/29: **Introduction (continued)**: Historical development of international protection; the law applicable to forced migration, including the Convention refugee definition; who *should* be considered a refugee. Read 38 – 66 and familiarize your self with the basic structure of the U.N. Refugee Convention and Protocol.
If you have the Statutory Supplement (2007ed.) you will find it there. If not, this is a good occasion to become familiar with the website for the UNHCR (United Nations High Commissioner for Refugees) at [www.unhcr.org](http://www.unhcr.org). Click on “protecting refugees” to find the text of both Convention and Protocol in pdf.
What are the principal problems the treaties were designed to address?

9/5: **Protection in the United States**: substantive provisions and procedures. Read 67-95; INA §§101(a)(42), 208, 209(b), 241(b)(3).

9/10: **U.S. Procedures for seeking protection**: We will view a portion of the documentary film, *Well-Founded Fear*. Read the asylum application form, Form I-589 (you can find this form and its instructions at the USCIS website: [www.uscis.gov](http://www.uscis.gov). Follow the link for Immigration Forms, and scroll to I-589 to download a copy.) Familiarize yourself with the general structure of the asylum and withholding regulations, 8 C.F.R. Part 208; reading carefully for now §§ 208.4, 208.6, 208.7, 208.9, 208.13, 208.14, 208.16, 208.19.

9/12: **Special guest**: An asylee (former client of Ms Lehman) will speak about the process of seeking asylum in the United States from the perspective of the asylum seeker.

9/17: **U.S. Procedures for seeking protection**: In light of our guest speaker’s experiences, what appears to work well, or not to work, in the current system for seeking protection in the U.S?
**What is persecution?** Population control measures; “therapeutic” measures; prosecution vs persecution. Read 96-117.

9/19: **What is persecution? (continued)** Coup plotters, nongovernmental actors, the internal flight alternative; conscription. Read 117-142, 8 C.F.R. §§ 208.13(b)(1)-(3).

9/26: **Past Persecution:** *Matter of H---*; The unique roles of past persecution under US regulations: Evidentiary use, qualification for asylum without future risk; are some types of persecution perpetual? Read 171-188, 8 C.F.R. §§ 208.13(b)(1)-(3), 208.16 (b)(1)-(3).

10/1: **Grounds of persecution:** Nexus issues; Political opinion; Neutrality and Imputed political opinion; *Matter of Acosta; Bolanos-Hernandez; Elias-Zacharias*; Read 189-209.