Refugee and Asylum Law
Syllabus Spring Semester 2009
Through February 11

1/12: **Introduction to forced migration**: History, typology, concepts and institutions. Read 1-38.

1/14: **Introduction (continued)**: Historical development of international protection; the principle treaties; the law applicable to forced migration, including the Convention refugee definition; who *should* be considered a refugee. Read 38 – 66 and familiarize yourself with the basic structure of the U.N. Refugee Convention and Protocol. Statutory Supplement (2008 ed.) (hereinafter “Supp”) at 919 and 939.

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.

What are the principal problems the treaties were designed to address?

1/21: **Protection in the United States**: substantive provisions and procedures. Read 67-95; Familiarize yourself with the general structure of the sections of the Immigration and Nationality Act (INA) which pertain specifically to asylum and restriction on removal: INA §101(a)(42) Supp at 37; §208, Supp at 95; §209(b), Supp at 102, §241(b)(3), Supp at 328.

Consider the relationship between the statute and the Convention and Protocol. Are there areas where you see potential for conflict between statute and treaty?

1/26: **Protection in the United States: (continued)** substantive provisions and procedures. Familiarize yourself with the general structure of the asylum and withholding regulations, 8 C.F.R. Part 208; reading carefully for now § 208.4, Supp at 678; §208.6, Supp at 683; §208.7, Supp at 684; §208.9, Supp at 687; §208.13, Supp at 689; §208.14, Supp at 693; §208.19, Supp at 707.

Consider the relationship between the statute and the regulations. Are there potential areas of conflict? Do the regulations work to clarify the statute?

1/28: **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, Supp at 1071.
U.S. Procedures for seeking protection: (continued) In light of what you saw in the film, what appears to work well, or not to work, in the current system for seeking protection in the U.S? Does the asylum application appear to provide opportunity for clarifying the asylum-seeker’s claim for asylum? What is persecution? Population control measures; “therapeutic” measures; prosecution vs persecution. Read 96-117.

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), Supp at 690.

Level of risk: Level of risk, Stevic, Cardoza-Fonseca; Matter of Mogharrabi; individualized threat; discretion to deny asylum, Matter of Pula. Read 143-171, 8 C.F.R. 208.13(c),(d), Supp at 692.

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), Supp at 689; §208.16 (b)(1)-(3), Supp at 696.