

ASYLUM LAW
Fall 2009
Wednesdays – 2:45pm to 4:25pm
Room: 155
SYLLABUS

Adjunct Professor: Regina Germain
Contact: 303-321-4287 ext. 220
rgermain@rmscdenver.org
Office Hours: By Appointment

Texts – Forced Migration Law and Policy (West 2007); UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (Handbook will be handed out in class)

Grade is comprised of: Class Participation – 15%; Research Project / Oral Presentation – 15%; and Draft/Final Paper – 70%

Class Assignments

August 19, 2009 – Introduction to forced migration a look at the historical treatment of refugees. Forced Migration pp. 1-22, 59-88. Review 1951 UN Convention relating to the Status of Refugees and 1967 Protocol relating to the Status of Refugees, available online at www.unhcr.org.

August 26, 2009 – The concept of persecution in U.S. asylum law. Forced Migration, pp. 96-122; 130-131; 132-142. The level of risk & discretion. Forced Migration, pp. 142-160, 161-171.

September 2, 2009 – Past persecution as a basis for asylum. Forced Migration, pp. 171-188. Protected grounds – political opinion and mixed motives. Forecd Migration, pp. 189-221, 221-230.

September 9, 2009 – Protected grounds – race, nationality, religion. Forced Migration, pp. 230-255. Protected grounds – membership in a particular social group. Forced Migration, pp. 255-277; 278-292.

September 16, 2009 – Class presentations; Rethinking the Nexus Requirement. Forced Migration, pp. 292-295. Introduction to gender based asylum claims. Forced Migration, pp. 296-316

September 23, 2009 – Class presentations (con't). Gender-based asylum (cont'd). Forced Migration, pp. 316-349, 362 -367.

September 30, 2009 – Class presentations, and catch-up class if needed. No reading assignment.

October 7, 2009 –Grounds of exclusion / bars to asylum. Forced Migration, pp. 368-387; 392-429. Cessation grounds. Forced Migration, pp. 429-447.

October 14, 2009 DRAFT PAPERS DUE - Watch Well-Founded Fear Documentary Film (120 minutes). No reading assignments.

October 21, 2009 - Convention Against Torture relief. Forced Migration, pp. 448-480. Fact finding in asylum claims – communication. Forced Migration, pp. 511-538. Evidentiary issues in asylum proceedings. Forced Migration, pp. 538-567. DRAFT PAPERS RETURNED.

October 28, 2009 – No Class. Professor out of town. Watch Chasing Freedom.

November 4, 2009 – Asylum system under fire. Forced Migration, pp. 567-587. Detention and deterrence. Forced Migration, pp. 588-612.

November 11, 2009 – Deterrence: comparison to other countries and expedited removal. Forced Migration, pp. 612 – 654.

November 18, 2009 – Durable solutions. Forced Migration, pp. 655-702. Reform Proposals. Forced Migration, pp. 702-716. Other forms of protection for forced migrants. Forced Migration, pp. 717-721; 724-729; 735-741.

December 7, 2009 – FINAL PAPER DUE.

Research Project / Report - Students will present a 20-minute oral report to the class on an overseas refugee situation. The report should include the following: an overview of the governing legal framework, the number of asylum-seekers or refugees present in the country (or the number of a particular nationality you wish to focus on that is within a country); whether the country is a party to the Refugee Convention or other international or regional conventions or agreements; whether there national legislation governing refugee status determinations; what assistance is provided to refugees and/or asylum seekers; whether their presence a political issue; how they are portrayed in the media; how they are linguistically or culturally related to the native population; what the prospects are for a durable solution.

This is a short research assignment intended to give the class some perspective on the issues facing other countries, in contrast to the United States. You should use

readily available information from human rights organizations, UNHCR, and other reputable sources.

Prepare a summary or outline to distribute to the class. You may use power point or other visuals. Submit a bibliography to the professor – it is not necessary to share this with the class.

Paper

The paper should be an original work of publishable quality on a subject related to U.S. asylum law, the U.S. asylum process or asylum seekers in the United States. It should be 15 to 20 pages, including footnotes (and no more than 20 pages). The text should be double spaced with one-inch margins and 12-point font. Footnotes should be single spaced, in 10-point font, and should conform to The Blue Book. It should be organized with subheadings, beginning with an introduction and ending with a conclusion. The paper could propose a statutory or policy change, compare U.S. asylum law to the law in other countries, or address an issue facing asylum adjudicators in the United States. The professor will make available to students a list of current problems or issues in U.S. asylum law, proposed by professionals practicing in the field. Students, however, are not required to select a topic from this list.