

ASYLUM LAW
SPRING 2009
COURSE 517-301
DePaul University College of Law
Syllabus

Professor Craig B. Mousin

Tuesday & Thursday: 10:30 – 11:45
a.m.

Office Hours by appointment
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COURSE OBJECTIVES:

To provide substantive knowledge regarding United States asylum law and policy as well as to develop a greater understanding of the changing issues involved in the legal protection of refugees.

TEXTS:

Refugee Law and Policy, A Comparative and International Approach, 3rd ed.
Karen Musalo, Jennifer Moore & Richard A. Boswell (Carolina Academic Press, 2007)

See also: 2008 Online Supplement:
<http://www.cap-press.com/pdf/Musalo2008Supp.pdf>

OTHER REFERENCES:

<http://www.uscis.gov/>
United States Citizenship and Immigration homepage (also helpful to find 8 C.F.R. § 208 et seq.)

<http://www.usdoj.gov/eoir/>
United States Department of Justice Executive Office for Immigrant Review (includes cites to BIA decisions)

<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=PUBL&id=3d58e13b4>

United Nations Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (Geneva, January 1992).

METHOD AND FORMAT:

The course will be a participatory course to allow students to learn the substantive and procedural issues of the Refugee Act of 1980 and related refugee remedies while encouraging students to understand some of the practical issues in representing foreign-born clients seeking asylum or safe haven in the United States. Class participation is required. Students will be assigned additional asylum cases and other materials during the semester. You are also responsible for reading any pages in the Online Supplement that corresponds to the assigned text.

Each student will sign up for one class to be the expert. The expert should be prepared to lead the class noting key issues and designing five questions pertinent to the subject matter. The student will post the questions on Blackboard at least one week prior to the class in which the student will lead the class.

Extra Credit:

You can earn up to ½ of a grade improvement if you participate in a court watch program. Should you want to do the extra credit, you will be required to attend at least two hearings (minimum two hours each) at the Executive Office for Immigration Review, Chicago. Written Court Observation Forms will be filed for each observation. To ease orientation for the program, you should inform me whether you want the extra credit by February 1st. All students desiring extra credit will meet with me for an orientation. Your forms should be completed and turned in by April 21, 2009.

You can find the Syllabus, updates, scheduled asylum hearings and any class announcements on the following web page: <www.blackboard.depaul.edu>. We will be using this resource for class communication during the year.

Plagiarism and Honor Code

Please note that plagiarism is a serious offense with serious consequences. If you have questions about DePaul's policy, please review DePaul's Academic Integrity Policy or consult the instructor. You can access DePaul's Academic Integrity Policy and helpful hints by clicking on the Academic Integrity button on the main Blackboard page for this course.

COURSE EVALUATION:

There will be a written take home final examination. If you choose to do the extra credit, both of your court watch observation forms should be turned in by April 21, 2009.

SEMESTER SCHEDULE

- January 13 Introduction to Asylum Law; International Roots of Refugee Law
Pages 3-12:
Garrett Hardin, *The Immigrant Dilemma: Avoiding the Tragedy of the Commons*, Pages 13-56; 115-131 (On Reserve)
“Immigration Attorneys” by Judge John T. Noonan (Blackboard Course Documents)
Peter Marguiles, “Difference and Distrust in Asylum Law: Haitian and Holocaust Refugee Narratives,” 6 St. Thomas L. Rev. 135:
- January 15 International Roots of Refugee Law
Pages 12-64
- January 20 International Norms and State Practice
Pages 65-144
- January 22 Asylum Procedures and Current Developments
Pages 929-959
- January 27 Asylum Procedures and Current Developments (Continued)
Pages 959-1012; 1103-1110
- January 29 **Degrees of Risk: The Standard of Proof**
Pages 157-189; *Carvajal-Munoz v. INS*, 743 F. 2d 562 (7th Cir., 1984)—read prior to *Cardoza-Fonseca* on p. 171)
- February 3 “Well-Founded Fear” and “Threat to Life or Freedom”
Pages 193-211
- February 5 Past Persecution and Country-Wide Conditions
Pages 211-228 and *Matter of T.*, 20 Int. Dec. 571 (BIA 1992)
- February 10 The Definition of Persecution
Pages 229-252
- February 12 The Definition of Persecution (Continued)
Pages 252-290
- February 17 The Definition of Persecution (Continued)
***Khan v. Mukasey*, WL 5102911 (C.A. 1 (Mass), 2008): Other cases to be assigned.**

- February 19 slightly Video–“Well Founded Fear”–**Please be prompt as movie lasts longer than class time.**
- February 24 The Nexus Requirement
Pages 291-335
- February 26 The Convention Against Torture
Pages 349-366
- March 3 Persecution on Account of Political Opinion
Pages 367-411
- March 5 Political Opinion (Continued)
Pages 411-461
- March 10 Persecution on Account of Religion
Pages 463-486
- March 12 Religion (Continued)
Pages 486-524; See also, Craig Mousin, “Standing With the Persecuted: Adjudicating Religious Asylum Claims After the Enactment of the International Religious Freedom Act of 1998,” 2003 B.Y.U. L. Rev. 541.
- March 17 Persecution on Account of Race or Nationality
Pages 525-560
- March 19 Guest Speaker
- March 24 Spring Break
- March 26 Spring Break
- March 31 Race or Nationality (Continued)
Pages 560-617
- April 2 Persecution Based on Membership in a Particular Social Group
Pages 619-666
- April 7 Persecution Based on Social Group (Continued)
Pages 666-721
- April 9 Gender-Related Claims to Refugee Status
Pages 723-752; see also <www.uchastings.edu/cgrs>

- April 14 Gender-Related Claims (Continued)
 Pages 752–830; see also: Karen Musalo, “Revisiting Social Group and Nexus in Gender Asylum Claims; A Unifying Rationale for Evolving Jurisprudence,” 52 DePaul L. Rev. 777 (2003).

- April 16 No Class

- April 21 Qualifications Upon Protection
 Pages 831-33; 859-896

- April 23 Credibility and Proving the Claim
 Pages 896-927; 1090-1096; 1103–1110