

Refugee Law and Policy

Georgetown University

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Fall 2001
United States of America**

Syllabus:

Sept. 4

Course Introduction: The Nature of Forced Migration: Who, Why, Where

Mertus (ed.), *The Suitcase: Refugee Voices from Bosnia and Croatia*

Sept. 11

The Origins of Modern Refugee Law and Policy

Loescher, *Beyond Charity*, Chapter 2, "The Origins of the International Refugee Regime" pp. 32–54;
Chapter 3, "The Cold War and the Early Development of the UNHCR" pp. 55–74

Zucker and Zucker, *The Guarded Gate*, Chapter 1, pp. 1–47

Sept. { }

The Legal Framework for Protection: Asylum and Non-refoulement

Musalo, *Sale v. Haitian Centers Council*, pp. 104–128

Goodwin-Gill, *The Refugee in International Law* (2nd ed.), Chapter 4, "Non-refoulement," pp. 117–124,
137–145

UNHCR, *The State of the World's Refugees 1997–1998*, Chapter 5, "The Asylum Dilemma," pp. 183–224

Sept. 25

The Asylum Process

Musalo, Chapter 12, pp. 844–855

Martin and Schoenholtz, *Asylum in Practice: Success, Failures, and the Challenges Ahead*

Legomsky, *An Asylum Seeker's Bill of Rights in a Non-Utopian World*

Credibility, *Matter of A.S.*

Oct. 2

Criteria for Determining Refugee Status under U.S. Law

The Persecution Standard: Degrees of Risk, the Necessary Harm, and the Agent of Persecution

Musalo, *INS v. Stevic*; *INS v. Cardoza-Fonseca*

- Group 1: Kalin, *Non-State Agents of Persecution and the Inability of the State to Protect*; Edminster, *Recklessly Risking Lives: Restrictive Interpretations of "Agents of Persecution" in Germany and France*
- Group 2: Past Persecution, pp. 218–223, 247–254 (Musalo)
- Group 3: The Exercise of Discretion: *Matter of Pula*, pp. 145–184, 194–202 (Musalo)

Oct. 9

No Class (Monday classes meet)

Oct. 16

Criteria for Determining Refugee Status under U.S. Law (continued)

The Nexus Requirement; the Grounds of Persecution: Political Opinion

Musalo, *Zacarias* decisions, pp. 308–319, 331–337

- Group 1: Actual/Imputed Political Opinion, pp. 353–382
- Group 2: Criminal Prosecution/Political Persecution, pp. 446–456
- Group 3: Refusal to Serve in Military, pp. 395–422

Oct. 23

Criteria for Determining Refugee Status under U.S. Law (continued)

The Grounds of Persecution: Religion, Race, and Nationality

Musalo, pp. 457–460, 511–521

- Group 1: Religious Persecution, pp. 462–465, 504–510
- Group 2: Race and Nationality, pp. 523–533
- Group 3: War Crimes, pp. 534–548

Oct. 30

Criteria for Determining Refugee Status under U.S. Law (continued)

Social Group and Gender-Based Claims to Refugee Status

Musalo, Matter of Acosta, pp. 555–562

Matter of R-A, BIA 1999

Proposed Rule on Social Group and Gender, 65 Fed. Reg. 76588, 12/7/00

House of Lords, March 25, 1999: Islam and Shah

Group 1: Female Genital Mutilation, pp. 677–689

Group 2: INS Gender Guidelines, pp. 699–711

Group 3: Protection of Refugee Women, excerpts from Martin, *Refugee Women*

Nov. 6

Rights of Asylum Seekers: Access to Asylum Determinations, Bars on Asylum

INS Fact Sheet and GAO Report on Expedited Removal

Group 1: Persecution of Others, pp. 738–752

Group 2: Serious Non-Political Crime, *Aguirre*

Group 3: Lack of Representation, Georgetown Study

Nov. 13

Detention of Asylum Seekers

Zadydas v. Davis, 121 S.Ct. 2491, 69 USLW 4581 (June 28, 2001)

Women's Commission for Refugee Women and Children, "Liberty Denied: Women Seeking Asylum Imprisoned in the United States"

UNHCR Guidelines on the Detention of Asylum Seekers

Human Rights Watch, "Locked Away: Immigration Detainees in Jails in the United States" (asylum excerpts)

Nov. 20

Temporary Protection

Yakoob, "Report on the Workshop on Temporary Protection: Comparative Policies and Practices"

Kalin, "Reconciling Temporary Protection with Refugee and Human Rights Law"

Van Selm, "Temporarily Protecting Displaced Persons or Offering the Possibility to Start a New Life in the European Union"

Review *The Suitcase*

Nov. 27

Internally Displaced Persons

Guiding Principles on Internal Displacement and Handbook for Applying The Guiding Principles on Internal Displacement (www.reliefweb.int/ocha_ol/index.html, select "Publications")

IDPs: The Hot Issue for a New Millennium, *Refugees Magazine*, Issue 117, 1999
(www.unhcr.ch/pubs/rm117/rm117toc.htm)

Dec. 4

Durable Solutions

U.S. Refugee Admissions Program FY 2002
(http://www.state.gov/www/global/prm/admissions_resettle.html)

UNHCR Resettlement, particularly 1997 report <http://www.unhcr.ch/resettle/reset.htm>

Office of Refugee Resettlement excerpt from the 1999 Triennial Comprehensive Report on Immigration (pp. 152–164, Part 4 on web, Ch. 8 <http://www.ins.usdoj.gov/graphics/aboutins/repstudies/addition.html>)

UNHCR State of the World's Refugees 1997–98, "Return and reintegration," pp. 143–181.

Bonoan, Rafael, *When Is International Protection No Longer Necessary?*, June 2001.

Course Readings:

Text:

Musalo, Moore and Boswell, *Refugee Law and Policy: Cases and Materials*

Musalo, Moore and Boswell, *Refugee Law and Policy: Selected Statutes*

Mertus (ed.), *The Suitcase: Refugee Voices from Bosnia and Croatia*

Note: All other required reading can be found on the web or in the handouts distributed in Room 473A.

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