

Refugee Law

Columbia University School of Law

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Fall 2002
United States of America

Syllabus:

Class 1 Introduction

Reading: Please read the refugee-related stories in the New York Times from Sunday, September 2, through Thursday, September 6.

Class 2 The evolution of the international refugee regime

Reading:

Loescher, G., *Beyond Charity: International Cooperation and the Global Refugee Crisis* (Oxford 1993), Chapter 2, *The Origin of the International Refugee Regime*, pp 32–54.

UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action* (Oxford 2000), Chapter 1, *The early years*, Chapter 2, *Decolonization in Africa*, Chapter 3, *Rupture in South Asia*, pp 13–57.

Harding, J., *The Uninvited: Refugees at the Rich Man's Gate* (Profile Books 2000) pp 7–77.

Classes 3, 4 and 5 The UN refugee treaties

Reading:

Goodwin-Gill, G., *The Refugee in International Law* (2ed., Oxford 1996) Chapter 2, *Determination of Refugee Status: Analysis and Application*, pp 32–79, Chapter 4, *Non refoulement*, Chapter 5, *The Concept of Asylum*, pp 117–204, and Chapter 8, *Treaty Standards*, pp 296–311.

Frontier issues of coverage under the treaties:

Marx, R., *The Notion of Persecution by Non-State Agents in German Jurisprudence in The Changing Nature of Persecution* (Univ. of Berne, 2001); 2 BvR 260/98 and 2 BvR 353/98 (10 August 2000) (German Federal Constitutional Court) (*persecution by non-state actors*); *Hernandez-Montiel v. INS*, 225 F.3d 1084 (9th Cir. 2000); *In re R-A-*, Int. Dec. 3403 (U.S. Board of Immigration Appeals 1999) and *In re S-A-*; Int. Dec. 3433 (BIA 2000) (domestic violence as persecution), 65 Fed. Reg. 76588-98 (Dec. 7, 2000); *Islam (A.P.) v Secretary of State for the Home Dept.* [1999] 2 All E.R. 545, [1999] 2 W.L.R. 1015 (U.K. H.L. 1999) (House of Lords) (women as a social group).

Class 6 The international institutional framework**Reading:**

Anonymous, *The UNHCR Note on International Protection That You Won't See*, 9 *International Journal of Refugee Law* 267–73 (1997).

Ignatieff, M., *The Warriors Honor: Ethnic War and the Modern Conscience* (Henry Holt 1998), Chapter 5, *The Warrior's Honor*, pp 109–63.

Loescher, G., *UNHCR: Refugee Protection and World Politics: A Perilous Path* (Oxford 2001) (forthcoming) pp 348–83.

Class 7 Protection under human rights and humanitarian law**Reading:****The illustrative case of internal displacement:**

Cohen, R. and Deng, F., *Masses in Flight: The Global Crisis of Internal Displacement*, Chapter 3, *Legal Framework*, pp 73–125, and Appendix, *Guiding principles on internal displacement*, pp 305–16 (Brookings Institution 1998).

Goodwin-Gill, G., *supra*, pp 311–23.

Other issues:

1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Helton, A., et al, *Protecting the World's Exiles: The Human Rights of Non-Citizens*, 22 *Human Rights Quarterly* 280–97 (2000).

Class 8 Exercise: drafting a convention on internal displacement

Preparation of papers on negotiating strategies and proposed text and negotiation.

Class 9 Regional arrangements**Reading:**

Arboleda, E., *The Cartagena Declaration of 1984 and its Similarities to the 1969 OAU Convention—A Comparative Perspective* in OAU/UNHCR, *The Addis Ababa Symposium 1994*, *International Journal of Refugee Law* (1995 Special Issue) pp 87–101.

Guild, E., *The impetus to harmonize: asylum policy in the European Union*, in Nicholson, F., and Twomey, P., eds., *Refugee Rights and Realities* (Cambridge 1999) pp 313–35.

Helton, A. and Voronina, N., *Human Rights and Forced Displacement in the Former Soviet Union: Law and Policy* (Transnational 2000) Chapter 3, *Regional Framework*, pp 67–87.

Jackson, I. *The Refugee Concept in Group Situations*, Chapter VI, *The extended refugee definition in the 1969 OAU convention relating to the specific aspects of refugee problems in Africa*, pp 177–194, and Chapter IX (D), *The “extended” Refugee Definition in the Cartagena Declaration on Refugees of 22 November 1984*, pp 395–401 (Martinus Nijhoff 1999).

Lavenex, Sandra, *Safe Third Countries: Extending the EU Asylum and Immigration Policies to Central and Eastern Europe*, Chapter 3, *The Extension of the EU Refugee Regime* (CEU Press 1999), pp 73–127.

Class 10 The US system

Reading:

Helton, A., *Criteria and Procedures for Refugee Protection in the United States*, in 34th Annual Immigration & Nationality Institute (Practicing Law Institute 2001) pp 1–62.

Screening and discussion of portions of the film *Well-founded Fear*.

Optional visit to the immigration court in New York to observe the hearing of asylum cases.

Classes 11 and 12 New directions in refugee protection: humanitarian intervention and state building (Cambodia, Haiti, Bosnia and Herzegovina, Kosovo, East Timor, etc.)

Reading:

Helton, A., *Forced Displacement, Humanitarian Intervention, and Sovereignty*, SAIS Review, Vol. 20, No. 1 (2000) pp 51–86.

Helton, A., *The Price of Indifference: Refugees in the New Century*: (forthcoming) (2002) (Chapter 10: Achieving comprehensive and proactive refugee policy).

Class 13: Policy scenario exercise

Preparation and discussion of alternative futures papers.

Class 14: Summing up

