

Refugee & Asylum Law
Mon 2:20-4:20
Room 306

Law 7930

Spring 2004

Terry Coonan, Associate Professor
Executive Director
FSU Human Rights Center
426 West Jefferson Street
Tallahassee, FL 32301

Tel: 644-4550
Fax: 644-4633
Email: tcoonan@admin.fsu.edu

Introduction

This 2 credit course is a survey of international refugee and domestic asylum law. It will consider both the law in theory and as practiced. The writing component of the course is designed to satisfy the Upper Level Writing Requirement of the Law School. The text for the course is *Refugee Law & Policy: Cases and Materials* (Musalo, Moore, & Boswell, Carolina Academic Press, 2nd edition).

Grading

Students in this course will be graded for class participation, quiz grades, and a research paper. A student's final grade for the course will be weighted as follows:

Class Participation:	20%
Quizzes:	20%
Research Paper:	60%

Class Participation & Quizzes

Because the class meets only once a week, attendance is mandatory and is calculated as part of the student's final grade. One absence is allowed, but each additional absence will result in the student's final grade being lowered by two complete letter grades (i.e., an A will become a B, a B+ will become a C+, a C+ becomes a D, etc.).

Weekly readings average approximately 45-60 pages. There will be weekly quizzes on the readings (generally four short-answer questions). If a student is absent when a quiz is given, he or she receives a zero for the quiz. That being said, I drop each student's lowest quiz grade.

Research Papers

Papers must be printed or typed on 8.5" x 11" white paper. A title page is required, containing the title of your paper, your name, and the date. Text is to be doublespaced, using 11 or 12 point font. Pages must be numbered, though page 1 is never numbered. It

goes without saying that grammar, punctuation, and spelling are graded, as is bluebook form.

The Upper Level Writing Requirement is defined in the Student handbook as “a research paper of substantial length, which involves at least one critique of a rough draft.” For purposes of this course, the research paper must be a minimum of 20 pages, with substantial footnotes. Students will spend the final two classes giving short presentations on their paper topics. The rough draft of the paper is due in class on **Monday April 5 for students seeking to fulfill the Upper Level Writing Requirement**. The final draft for all students is due **Monday April 19 at 5:00 PM**.

Course Outline

- January 12: Overview of U.S. Immigration Law (no reading)
- January 19: No Class (Martin Luther King Day)
- January 26: **Chapter 2: International Norms & State Practice**
78-79: Asylum and Restriction on Removal
86-91: Cheryl Little, U.S. Haitian Policy
91-96: Harold Koh, Reflections on Refoulement
96-118: *Sale v. Haitian Centers*
119-120: Louis Henkin, Notes from the President
120-121: Harry Blackmun: The Supreme Court and the Law of Nations
- February 2: **Chapter 3: Degrees of Risk**
147: Introduction
160-182: *INS v. Cardoza-Fonseca* (The Well-founded Fear Standard)
188-196: *Matter of Mogharrabi* (The Standard Applied)
204-208: Past Persecution & Country-wide Persecution
211-218: *Matter of Pula* (The Exercise of Discretion)
- February 9: **Chapter 4: The Definition of Persecution**
223-230: *Kovac v. INS* (Economic Harms as Persecution)
230-236: *Pitcherskaia* (The Issue of Punitive Intent)
236-241: *Matter of Chen* (Severe & Atrocious Past Persecution)
241-243: Discrimination as Persecution
254-263: *Korablina v. INS*
263-270: *Sadeghi v. INS* (Distinguishing Prosecution from Persecution)
- February 16: **Chapter 5: The Nexus Requirement**
275-276: Introduction
276-282: *Campos-Guardado v. INS*
296-300: *Zacarias v. INS*
300-307: *INS v. Zacarias*
324-327: The Convention Against Torture

- February 23: **Chapter 6: Persecution on Account of Political Opinion**
 341-342: Introduction
 343-347: *Sanon v. INS* (Anti-communism as Political Opinion)
 348-358: *Osorio v. INS* (Trade Union Activity as Political Opinion)
 358-362: *Bolanos-Hernandez v. INS* (Neutrality as Political Opinion)
 363-367: *Argueta v. INS* (Imputed Political Opinion)
 409-415: Refusal to Serve in the Military
 422-431: *Guo Chun Di v. Carroll* (Coercive Population Control)
- March 1: **Chapter 7: Persecution on Account of Religion**
 435: Introduction
 440-442: *Matter of Liadakis*
 466-470: *Shirazi-Parsa v. INS*
 470-477: *In re S-A-*
- Chapter 8: Persecution on Account of Race or Nationality**
 481-482: Introduction
 504-508: *In re O-Z- and I-Z-* (Russian Jews in the Ukraine)
 508-514: *Mgoian v. INS* (Kurdish Moslem in Armenia)
 514-518: *Petrovic v. INS* (Orthodox Serb in Croatia)
 518-523: *Guinac v. INS* (Indigenous Guatemalans)
 523-528: *Shoafera v. INS* (Amhara woman in Ethiopia)
- March 8: No Class (Spring Break)
- March 15: **Chapter 9: Persecution on Account of Membership in a Particular Social Group**
 547-549: Introduction
 554-562: *Matter of Acosta*, etc (Immutable Characteristics)
 562-575: *Hernandez-Montiel v. INS* (Social Non-conformity)
 575-584: *In re Kasinga* (Female Genital Mutilation)
 584-603: *In re R-A-* (Domestic Violence)
- March 22: **Chapter 10: Gender-related Claims**
 621-624: Introduction
 645-649: *In re D-V-* (Rape as a Weapon of War)
 649-661: The Chador cases
 661-664: *Kasinga*—The Rosenberg Concurring Opinion
 664-673: *Aguirre-Cervantes v. INS* (The Abused Family as Social Group)
- March 29: No Class
- April 5: Presentations . . . **Rough Drafts of Papers Due**
- April 12: Presentations . . . Last Class
- April 19: **Final Papers Due at 5:00 PM**