

ASYLUM AND REFUGEE LAW 551-2 §1

Spring 2024

Professor Cindy G. Buys

Contact Info:

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Office Hours: Mon. & Tues. 1:30-2:30 pm or by appointment

Meeting Place and Times:

MW 3-3:50 p.m.

Lesar Law, Room 206

Course Description: This experiential learning course will introduce students to the development of asylum and refugee law since World War II, both internationally and within the United States. Students will become familiar with the substantive legal requirements to qualify as a refugee, the bars to asylum, the evidentiary standards and burdens of proof; will be able to identify the appropriate forms and procedures for filing a claim for asylum; and will learn about the availability of related forms of relief. Students also will learn about the growth in forced migration and the process for refugee resettlement. Students will learn about best practices for interviewing persons seeking asylum, cross-cultural communication, how to work with interpreters, and how to complete an asylum application and write a persuasive legal brief.

Course Objectives: Students will:

- Gain an understanding of the history and development of asylum and refugee law and the refugee resettlement process, both internationally and within the United States;
- Become familiar with the substantive legal requirements to qualify as a refugee;
- Be able to identify the appropriate forms and procedures for filing a claim for asylum and the bars to asylum;
- Learn about the availability of related forms of relief;
- Develop cross-cultural communication skills in the context of client interviews;
- Learn how to work with an interpreter in conducting client interviews; and
- Practice completing an asylum application and writing a persuasive asylum brief.

Required Reading:

There is no required textbook for this course. Reading assignments will be posted online on the course D2L (Desire to Learn) page. Excerpts or web links are provided to most of the documents, case law, and other materials on the D2L page and the list of reading assignments.

Class Attendance and Preparation:

You are expected to attend class regularly and to be on time. Being on time demonstrates respect for the professor and your classmates and minimizes disruptions to the class. If you arrive late to class, you must write late on the attendance sheet next to your signature. More than two tardy arrivals will count as an absence.

I will take attendance each day. You are responsible for keeping track of your absences. Signing the attendance sheet signifies that you have read the assigned material and are prepared to discuss it in an intelligent fashion.

In accordance with the law school rules, you may be absent up to four times for this two-credit hour class without a grade or other penalty by the professor. Absences in excess of the allowable number will be dealt with in accordance with the law school rules and are likely to result in a significant grade reduction or withdrawal from the course.

Evaluation:

Your grade will be based on the following:

1. Over the course of the semester, each student will have approximately three opportunities to interview an asylum client either individually or in a small group. Students will be asked to reflect on the interview. Students' work on at least one of these interviews will be graded and will count towards 15% of the final grade.
2. Towards the midpoint of the semester, students will write one or more bar exam style questions which will count towards 15% of the final grade.
3. The final project for the semester will be to research and prepare a case file for an asylum client, including a written asylum application, a client declaration, and a legal brief. 60% of the final grade will be based on the collective final product.
4. Class participation will count towards the remaining 10% of the final grade. Class participation points are awarded in my discretion based on both the quality and quantity of a student's participation in the class discussion. You can earn participation points by asking thoughtful questions, answering questions in class, demonstrating good preparation, and sharing relevant refugee and asylum law-related news with the class.

Workload Expectations:

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work required to earn one credit hour of law school credit. Pursuant to these standards, each credit hour should reasonably approximate one hour of in-class instruction and two hours of out-of-class work. Accordingly, for this two-credit-class, you should spend approximately two hours per week in class and four hours per week preparing for class or engaging in other class-related activities.

D2L Course Webpage:

This syllabus and the reading assignments and other materials will be posted on the course D2L web page. You will be expected to check the course web page on a regular basis and are responsible for any materials posted on the web page. I will use D2L to administer assessments and send emails using the D2L class list, so be sure to look for those.

Class Recordings

The class will be recorded on a regular basis. If you wish to view a recording of the class, please contact the professor. Absent extraordinary circumstances, viewing a recording does not count towards class attendance. If you wish to make an audio recording of the class using your own recording device, you may do so as long as you obtain the advance permission of the professor.

Classroom Etiquette:

Please be courteous to the others in the classroom by keeping distractions to a minimum, turning off any noise-making devices, and giving the class your full attention. You are welcome to use laptops in the classroom for note-taking and other authorized tasks. However, other uses of technological devices are likely to be distracting and possibly even offensive to other persons in the classroom and are therefore prohibited. I reserve the right to ban the use of laptops and other electronic devices if they are being used inappropriately.

I consider it part of my responsibility as a professor to address the learning needs of all the students in this course. I will do my best to present materials in a manner that is respectful of diverse viewpoints and personal characteristics. I also believe that the diversity of student experiences and perspectives is essential to the deepening of knowledge in a course. A good attorney must learn to listen carefully to what others say without interrupting even if they disagree with the viewpoint being expressed. During this class, we will discuss topics on which personal and political views are likely to vary greatly. In order to test ideas, I strongly encourage open discussion and the expression of different viewpoints. Keep in mind that successful attorneys make statements and arguments based in facts, legislative authority, and case law, not based on generalizations, assumptions, or stereotypes. The goal of class discussion is not that everyone agrees, but that everyone in the class gains new insights and experiences. In sum, I expect professional, respectful, and courteous behavior and commentary at all times that would be appropriate in a courtroom, legislative hearing, or public meeting. Students whose behavior is disruptive to the class or that violates the rules may be asked to leave the classroom or may face other consequences based on the circumstances.

Respectful behavior also includes addressing each person as they prefer to be addressed. I prefer to be called Professor Buys in the classroom setting and I use the pronouns she/her/hers. Please let me know if you prefer to be called by a particular name and the pronouns you prefer to use.

Statement on Collaboration and Plagiarism:

In this class, there will be some assignments, both graded and ungraded, where collaboration is allowed and even encouraged and others where it is not. It is your responsibility to pay strict attention to the instructions regarding whether and what form of collaboration is allowed.

Violating classroom rules or plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

Unless otherwise instructed, you are not allowed to obtain help from generative artificial intelligence other than spelling and grammar checking functions (including, but not limited to, ChatGPT) on graded assignments for this course. If collaboration on an assignment is banned, that ban includes obtaining written materials from any other person or generative artificial intelligence and communicating with any other person about an assignment. If you violate the ban on collaboration policy, you will receive a failing grade on that assignment. When in doubt about how to proceed, ask me.

The law school and university syllabus attachments are incorporated by reference and are available on the D2L page.