

# History and Asylum Law in the US

## **\*DRAFT SYLLABUS\***

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“Everyone has the right to seek and to enjoy in other countries asylum from persecution.”  
—Article 14 of the Universal Declaration of Human Rights (1948)

“Give me your tired, your poor / your huddled masses...”  
—“The New Colossus” (1883)

Every year, thousands of immigrants arrive to the United States in pursuit of new lives through various methods and means, including invoking the right of asylum. Asylum is a protection granted to those immigrants already in the United States or at the border who meet the international law definition of a “refugee.” As a signatory to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol, the United States is obligated to recognize valid asylum petitions. Such petitions are part of asylum hearings, conducted by U.S. Citizenship and Immigration Services (USCIS) officials, to determine the validity of the claim, and can become part of a record that leads to subsequent court litigation. This course is an advanced research seminar and practicum that will explore how historical research can be applied to the practice of asylum law in the United States.

Students will be assigned partners at the beginning of the course; together, you will be assigned a mock asylum case (such as mock asylum clients from El Salvador, Colombia, and Congo), become historical experts of your client’s country of origin, and craft a mock legal affidavit for your client’s asylum case. Weeks 1-7 will be devoted to gaining a scholarly foundation on the history and politics of asylum law in the United States and developing historical expertise on your client’s country of origin (called “Country Conditions Reports”). Weeks 8-14 will include meetings with an asylum lawyer and the Interfaith-RISE (Refugee and Immigrant Services and Empowerment) Organizations in Highland Park, NJ to discuss asylum law work and advocacy, and development of your mock legal affidavit. Students should expect to conduct both independent and team-based work during the course of the semester. Foreign language skills are not required, but you are certainly encouraged to use them for your research.

This course counts towards the Law and History Minor and Certificate in the History Department. It will be especially of interest for students interested in law, public policy, social work, advocacy, activism, and other publicly engaged professions.

<b>Course Requirements:</b>
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**Participation**

15%

- Consistent and productive participation that pushes discussion forward and directly engages the reading and the thoughts of others in the room, including discussion leadership (see below)
  - o **Discussion Leadership:** You will be assigned a partner on the first day of class. You and your partner are responsible for leading discussion on one reading during Weeks 1-3. Discussion leadership involves meeting with your partner ahead of class to review the readings, identifying the key arguments and findings, providing a summary of the readings during our class session, and preparing three questions to stimulate class discussion of the readings. You will have the opportunity to sign up during Week 1, when I will also hand out a guide on “tips for leading discussion.”

Class participation will be assessed according to the following rubric:

A	Student participated meaningfully in every, or nearly every, class discussion; offered comments and/or questions that reflected substantive engagement with the assigned reading; and responded thoughtfully to the other students' and professor's own contributions to class discussions
B	Student excelled in most of the above ways, but fell somewhat short on one or two of the criteria (e.g., had more than a few days of no oral participation, <i>or</i> about a third of the time made comments that reflected only a superficial engagement with the assigned reading)
C	Either the student excelled in some criteria but failed in others (e.g., made frequent contributions in class but comments were not relevant to the topic or did not reflect engagement with the assigned reading), or the student performed merely adequately on all the above criteria (e.g., only sometimes participated in class discussions)
D	Student did not meet most of the above criteria overall, but occasionally did meet one of the above criteria.
F	Student did not engage with the lecture material, assigned reading, or class discussion throughout the semester.

**Country Conditions Report Draft**

10%

- A complete rough draft of the final Country Conditions Report of 7-10 pages (follow exact guidelines in Canvas under RESOURCES)

**In-Class Presentation of Country Conditions Report**

10%

- A 20-minute oral presentation of your Country Conditions Report

**Final Country Conditions Report**

20%

- A final Country Conditions Report of 7-10 pages

**Affidavit Draft**

10%

- A complete rough draft of the final affidavit of 15-20 pages (follow exact guidelines in Canvas under RESOURCES)

**In-Class Presentation of Affidavit**

10%

- A 20-minute oral presentation of your case and affidavit to the class

**Final Affidavit (15-20 pages)**

25%

- A final affidavit of 15-20 pages

**Readings:**

There is only one required book for this course: Valeria Luiselli, *Tell Me How It Ends: An Essay in Forty Questions* (2017), ISBN: [1566894964 9781566894968](#). We will also read a selection of scholarly articles and testimonies that will be available via Canvas under READINGS.

**Late Assignments:**

Late assignments will be graded down 1/2 letter grade for each day late. For example, if your review paper was one day late, you would receive an A- instead of an A; two days late means a B+ instead of an A, etc....**Late presentations are not allowed.**

**Attendance/Lateness:**

Attendance is a requirement of this class. Given that this course only meets once a week, you are allowed ONE unexcused absence. After that, absences will affect your class grade significantly. For each unexcused absence beyond the 1 allowed, your final course grade will be lowered by 2 percentage points. If egregious or persistent, tardiness will count as an absence. Please note that an excused absence means that you provide a note from a doctor, dean, or coach that explains your absence. All absences, whether excused or unexcused, should be entered into the Rutgers University [absence reporting website](#), where you will indicate the date and reason for your absence. I will receive an automatic email from this system, so there is no need to send me a separate email regarding your attendance.

**Academic Integrity:**

*PLEASE* do **NOT** cheat or commit plagiarism!

- Any student found **cheating will receive an F** and may be reported to SAS.
- **Plagiarism is a violation of the Academic Integrity policy of Rutgers University. Cite your sources properly and please use your own words.** Below is the Rutgers definition:
  - **Plagiarism:** Plagiarism is the use of another person's words, ideas, or results without giving that person appropriate credit. To avoid plagiarism, every direct quotation must be identified by quotation marks or appropriate indentation and both direct quotation and paraphrasing must be cited properly according to the accepted format for the particular discipline or as required by the instructor in a course. Some common examples of plagiarism are:
    - Copying word for word (i.e., quoting directly) from an oral, printed, or electronic source without proper attribution.
    - Paraphrasing without proper attribution, i.e., presenting in one's own words another person's written words or ideas as if they were one's own.
    - Submitting a purchased or downloaded term paper or other materials to satisfy a course requirement.

- Incorporating into one's work graphs, drawings, photographs, diagrams, tables, spreadsheets, computer programs, or other nontextual material from other sources without proper attribution.
- **If you are confused about citing sources properly or paraphrasing, please refer to “Resources for Students” (website below) or see me during office hours.**
  - <http://academicintegrity.rutgers.edu/resources-for-students/>

### Accommodations:

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:

<https://ods.rutgers.edu/students/documentation-guidelines>.

If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at: <https://ods.rutgers.edu/students/registration-form>.

### Communication:

In a course like this, one-on-one discussion is a great way to communicate about your work and the course. We have several periods devoted to groups meetings. However, you may also want to come to regular office hours. In terms of quick questions, email is the best way to reach me, and I will answer emails within 24 hours.

### Syllabus:

Syllabus schedule and assignments may be changed at the discretion of the instructor in keeping with the needs of the students and the course.

## COURSE SCHEDULE AND ASSIGNMENTS

### Week 1: Introduction to Course

### Week 2: History of Asylum Law and Policies in the United States

#### Secondary Source Readings:

- Norman L. Zucker and Naomi Flink Zucker, “From Immigration to Refugee Redefinition: A History of Asylum Policy in the United States” (54-70, on Canvas)
- María Cristina García, “Refugees or Economic Migrants? The Debate over Accountability in the United States” (84-118, on Canvas)
- Linda Rabben, “The Golden Door Ajar: US Asylum Policy” (197-217, on Canvas)

#### Primary Source Reading:

- U.S. Code, Title 8, Ch. 12, Subchapter II, Part I, Section 1158. Asylum:  
<https://www.law.cornell.edu/uscode/text/8/1158>

- “Report on Hungarian Refugees in Camp Kilmer (Piscataway, New Jersey)”:  
[https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol2no1/html/v02i1a07p\\_0001.htm](https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol2no1/html/v02i1a07p_0001.htm)

### **Week 3: Asylum Politics in the United States**

#### Secondary Source Readings:

- Valeria Luiselli, *Tell Me How It Ends: An Essay in 40 Questions* (1-136)
- “Trump Administration Moves to Solidify Restrictive Immigration Policies (*New York Times*, June 12, 2020):
  - o <https://www.nytimes.com/2020/06/12/us/politics/coronavirus-trump-immigration-policies.html>

#### Primary Source Reading:

- “Maydai HERNANDEZ-AVALOS, Petitioner, v. Loretta E. LYNCH, Attorney General, Respondent” (Asylum Case from El Salvadorian mother and son, United States Court of Appeals, Fourth Circuit, 2015), Available via Westlaw (see Canvas)

### **Week 4: Asylum Narratives, Presentation of Mock Asylum Clients, and Country Conditions Report Explanation**

#### Reading:

- David Ngaruri Kenney and Philip G. Schrag, *Asylum Denied: A Refugee’s Struggle for Safety in America* (excerpt)  
\*\*We will watch and discuss part of Well-Founded Fear (2000) in class\*\*

### **Week 5: Group Appointments on Country Conditions Reports**

#### Assignment:

- \*\*Bring what you have\*\*

### **Week 6: No Class—Work on Country Conditions Reports**

#### Assignment:

- \*\*Country Conditions Report Draft due\*\*

### **Week 7: Presentation of Country Conditions Reports, Crafting an Affidavit**

#### Assignment:

- \*\*Final Country Conditions Report due\*\*

### **Week 8: No Class: Spring Break**

### **Week 9: Meeting with Asylum Lawyer (or trip to the Jersey City Division of Immigrant Affairs in Jersey City, NJ)**

#### Assignment:

- \*\*Submit THREE questions to ask Asylum Lawyer or Jersey City Division of Immigrant Affairs Staff the day before our meeting on Canvas Discussions\*\*

### **Week 10: Meeting with Interfaith-RISE (Refugee and Immigrant Services and Empowerment) in Highland Park, NJ**

- *\*\*Submit THREE questions to ask Interfaith-RISE the day before our meeting on Canvas Discussions\*\**

**Week 11: Group Appointments for Affidavit Draft**

- *\*\*Bring what you have \*\**

**Week 12: No Class—Work on Affidavit Draft**

**Week 13: Workshop Affidavit Draft in Class**

- *\*\*Affidavit Draft Due\*\**

**Week 14: Group Appointments for Affidavit Draft**

- *\*\*Bring what you have\*\**

**Week 15: Presentations of Affidavits in Class**

- *\*\*Final Affidavit Due\*\**