

SANTA CLARA UNIVERSITY
SCHOOL OF LAW

REFUGEE LAW
Summer 2017

COURSE MATERIALS

TABLE OF CONTENTS FOR COURSE MATERIALS

Unit 1:	Current refugee situations.
Australian Humanitarian Programme Outcomes 2015-2016.....	1
The Roots of Europe's Refugee Crisis.....	4
To deal with the refugee crisis, you need to understand the cause.....	9
Mediterranean Migrant Arrivals in 2016 near 155,000; deaths reach 467.....	13
Migrant crisis: Migration to Europe explained in seven charts.....	16
Unaccompanied Alien Children: Potential Factors Contributing to Recent Immigration.....	25
Southwest Border Migration Statistics	42
Excerpts from Proposed Refugee Admissions for Fiscal Year 2016: Report to Congress.....	43
Summary of Executive Order on Sanctuary.....	52
Guidance Regarding Compliance with 8 U.S.C. § 1373.....	54
FAQs on County of Santa Clara Lawsuit Challenging Executive Order on Sanctuary Jurisdictions.....	56
State of Hawai'i v. Trump.....	60
Unit 2:	International and regional definitions of refugee.
The U.N. High Commissioner for Refugees	
International and regional definitions of refugee (summary).....	72
Excerpts from UNHCR Convention and Protocol Relating to the Status of Refugees, from Cartagena Declaration, and from Organization of African Unity Refugee Convention.....	74
Excerpts from Guy S. Goodwin-Gill, Introductory Note to 1951 Convention and 1967 Protocol Relating to the Status of Refugees.....	80
Unit 3:	Overview of the Australian Legal System (Prof. Poynder)
Powerpoints on the Australian legal system.....	89
The Australian System of Government.....	93
Unit 4:	U.S. definition of refugee
Overview of U.S. off-shore (refugee) and on-shore (asylum and withholding) processing	
Excerpts from Immigration and Nationality Act.....	103

Powerpoint on Immigration and U.S. refugee law.....	108
Excerpts from Proposed Refugee Admissions for Fiscal Year 2016: Report to Congress.....	110
Fact Sheet: Refugee Security Screening.....	138
Chart: U.S. Refugee Admissions Program Process.....	143
In-Country Refugee/Parole Processing for Minors in Central America.....	144

Unit 5: Overview of Australia's refugee programs

What is Offshore Processing?.....	147
Australia's Controversial Asylum Policies.....	151
PNG court rules Australia's Manus detention centre unconstitutional.....	156
Refugees Held in Australian Offshore Detention to be Resettled in U.S.....	160

Unit 6: Persecution, standards of proof, and the exercise of discretion in asylum and withholding under U.S. law

Excerpt from UNHCR Handbook provisions on persecution.....	165
INS v. Cardoza-Fonseca (Supreme Court 1987).....	167
8 C.F.R. § 1208.13 Establishing asylum eligibility.....	185
Matter of Pula (BIA1987) (discretion).....	188

Unit 7: The nexus requirement

INS v. Elias-Zacarias (Supreme Court 1992).....	194
Kebede v. Ashcroft (9th Cir. 2004).....	200
UNHCR, Written Submission on Behalf of the UNHCR (2000).....	203
Canales-Vargas v. Gonzalez (9th Cir. 2006).....	207
Demiraj v. Holder (5th Cir. 2011).....	215

Unit 8: Protected Grounds of Religion, Race, and Nationality

UNHCR, Guidelines on Religion-Based Refugee Claims.....	220
Chand v. INS (9th Cir. 2000).....	232
Yan v. Gonzalez (10th Cir. 2006).....	239
Matter of S-A- (BIA 2000).....	244
Baballah v. Ashcroft (9th Cir. 2004).....	250
Excerpt from Musalo, Moore, and Boswell, Refugee Law and Policy (Race and Nationality)	258
In re O-Z- and I-Z- (BIA 1998).....	261

Unit 9: Protected Ground of Political Opinion

Fisher v. INS (9th Cir. 1996).....	265
Osorio v. INS (2d Cir. 1994).....	279
Lin v. INS (3d Cir. 2001).....	288
Matter of Izatula (BIA 1990).....	294
Excerpts from UNHCR Handbook on claims relating to avoidance of military Service.....	298
Excerpt from Musalo, Moore, and Boswell, Refugee Law and Policy (motive following Elias-Zacarias).....	299

Unit 10: Protected Ground of Membership in a Particular Social Group

Excerpt from UNHCR Guidelines on Membership in a Particular Social Group.....	303
Matter of Acosta (BIA 1985).....	306
Hernandez-Avalos v. Lynch (4th Cir. 2015).....	313
Matter of Kasinga (BIA 1996).....	317
Matter of ARCG (BIA 2014).....	326
Excerpts from the UNHC Guidelines on Refugee Women.....	330
Hernandez-Montiel v. INS (9th Cir. 2000).....	332
Matter of M-E-V-G- (BIA 2014).....	342

Unit 11: Exceptions to Protection (Cessation and Exclusion Grounds)8

Powerpoint on Exceptions to Protection.....	351
Matter of Soleimani (BIA 1989).....	354
Excerpts from UNHCR Handbook on exclusion clauses.....	357
UNHCR Background Note on Application of Exclusion Clauses.....	359
Negusie v. Holder (Supreme Court 2009).....	364
INS v. Aguirre-Aguirre (Supreme Court 1999).....	369
Blandino-Medina v. Holder (9th Cir. 2013).....	374
One-pager on Terrorist-Related Inadmissibility Grounds (TRIG).....	379
Terrorist-Related Inadmissibility Grounds Exemptions.....	381
Statistics on TRIG exemptions granted.....	392

Unit 12: The Convention against Torture

Powerpoint on relief under the Convention against Torture.....	393
Excerpts from the Convention against Torture.....	395
Matter of J-E- (BIA 2002).....	398
Kamalthas v. INS (9th Cir. 2001).....	406
Complementary Protection under Australian Law.....	409

Unit 13: The process of establishing the claim

Excerpts from the UNHCR Handbook on Procedures for Determining Refugee Status.....	413
TRAC Immigration data on unaccompanied children in Immigration Court.....	419
Fiadjoe v. Attorney General (3d Cir. 2005).....	430

Unit 14: Relief for victims of trafficking in persons and other forms of relief

Victims Stories.....	448
Powerpoint on relief for victims of human trafficking.....	453
Excerpts from the Department of State 2015 Trafficking in Persons Report.....	461
California Supply Chain Transparency Act.....	467
Excerpt from General Electric Sustainability webpage.....	471
Powerpoint on other forms of relief for victims of abuse, crime, and disaster.....	474
Deferred Action for Childhood Arrivals (DACA) Fact Sheet.....	480
Temporary Protected Status Information and Chart.....	481

Unit 15: Refugees and Climate Change

Where will the climate refugees go? (Dec. 2015).....	
The Ominous Story of Syria's Climate Refugees.....	
Creating New Norms on Climate Change, Natural Disasters and Displacement: International Developments 2010-2013.....	
Australia Urged to Prepare for Influx of People Displaced by Climate Change.....	