

General Education Course Information Sheet*Please submit this sheet for each proposed course*

Department & Course Number UG-Law/Political Science M98Ta
 Course Title Forced Migration and Refugee Law: 21st Century Challenges to a 20th Century Framework

1 Check the recommended GE foundation area(s) and subgroups(s) for this course

Foundations of the Arts and Humanities

- Literary and Cultural Analysis _____
- Philosophic and Linguistic Analysis _____
- Visual and Performance Arts Analysis and Practice _____

Foundations of Society and Culture

- Historical Analysis √
- Social Analysis √

Foundations of Scientific Inquiry

- Physical Science _____
With Laboratory or Demonstration Component must be 5 units (or more)
- Life Science _____
With Laboratory or Demonstration Component must be 5 units (or more)

2. Briefly describe the rationale for assignment to foundation area(s) and subgroup(s) chosen.

This course looks at the historic roots (from WWII) of the refugee definition in the 1951 Refugee Convention, which is the foundation for domestic asylum and refugee law in countries around the

globe today. It then addresses ways that social and political phenomena have changed since, with many forcibly displaced people today not fitting the paradigm of displacement from WWII. The

course thus analyzes both the history of the law and the interplay between social phenomena and the law as it is applied today, demonstrating that law both responds to and shapes society and politics.

3. List faculty member(s) who will serve as instructor (give academic rank):

Professor Asli Bali, faculty mentor; Jessica Eby, teaching fellow.

4. Indicate when do you anticipate teaching this course:

	2013-2014	Winter	<u>√</u>	Spring	_____
GE Course Units	<u>5</u>	Enrollment		Enrollment	

5. Please present concise arguments for the GE principles applicable to this course.

- | | |
|----------------------------------|--|
| ❑ General Knowledge | Students will gain knowledge not only about the theory and practice of refugee law, but will be exposed to the Socratic method in the study of law and also the case study method. |
| ❑ Integrative Learning | This course incorporates elements of the disciplines of political science, anthropology, and law, in terms of how to understand socio-political problems and how to find and apply solutions. |
| ❑ Ethical Implications | Students must consider the human impact of the various policy approaches to forced migration and grapple with the moral implications of whatever solution they propose to the problem identified in their final 12-15 page graded paper. |
| ❑ Cultural Diversity | Through the case studies of a variety of different displacement contexts, students will explore how race, ethnicity, gender, religion, political opinion, social group and culture affect peoples' experiences of forced displacement. |
| ❑ Critical Thinking | Students must use critical thinking in order to evaluate often diverging claims made by a variety of actors – such as governments, NGOs and displaced persons – with different interests at stake on forced migration. Students must also critically evaluate policy options related to forced displacement and their potential impact on displaced persons, host countries and countries of origin. |
| ❑ Rhetorical Effectiveness | Students must communicate their understanding of a problem and articulate a viable solution to it in writing in the form of a 12-15 page final graded paper. |
| ❑ Problem-solving | Students will identify a problem / gap in protection for forcibly displaced people and propose a solution. In order to do so effectively, students must investigate the problem in-depth, understand how people are affected by it, understand the interests of the actors involved, and understand the nuanced differences between law and policy in theory and in practice in that context. |
| ❑ Library & Information Literacy | Students must conduct research – including using online databases and library resources – in order to investigate a problem in depth and propose a viable solution. |

(A) STUDENT CONTACT PER WEEK (if not applicable write N/A)

1. Lecture:	<u>3</u>	(hours)
2. Discussion Section:	<u>N/A</u>	(hours)
3. Labs	<u>N/A</u>	(hours)
4. Experiential (service learning, internships, other):	<u>N/A</u>	(hours)
5. Field Trips:	<u>N/A</u>	(hours)

(A) TOTAL Student Contact Per Week

3 (HOURS)

(B) OUT-OF-CLASS HOURS PER WEEK (if not applicable write N/A)

1. General Review & Preparation:	<u>2</u>	(hours)
2. Reading	<u>4</u>	(hours)
3. Group Projects:	<u>2</u>	(hours)
4. Preparation for Quizzes & Exams:	<u>N/A</u>	(hours)
5. Information Literacy Exercises:	<u>1</u>	(hours)
6. Written Assignments:	<u>1</u>	(hours)
7. Research Activity:	<u>2</u>	(hours)

(B) TOTAL Out-of-class time per week

12	(HOURS)
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GRAND TOTAL (A) + (B) must equal at least 15 hours/week

	(HOURS)
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SYLLABUS – UG-Law/Political Science M98Ta
Forced Migration and Refugee Law:
21st Century Challenges to a 20th Century Framework

I. Introduction

The drafters of the 1951 Refugee Convention had the experience of WWII refugees in Europe in mind as they crafted the refugee definition and defined states' responsibilities to persons who seek protection within their borders. The footprint of the 1951 Refugee Convention is visible in the laws currently in force in nations across the world today.

Yet the WWII paradigm is arguably out of step with the modern reality of forced displacement. The majority of refugees and forcibly displaced persons today are located in the global south, not the global north. The number of internally displaced people (IDPs) has far surpassed the number of refugees. And many of the causes of forced displacement – generalized violence, the acts of non-state actors, and natural disasters – do not fit within the definition of persecution required for refugee status under the 1951 Refugee Convention, or the national laws that resulted from it.

This course seeks to expose students to the international legal framework for responding to forced displacement. We will look at including international law and institutions, as well as domestic legal systems. A case study model will allow us to highlight the current realities of forced displacement and identify the legal gaps that prevent effective protection of forcibly displaced persons. The course will also give students an overview of the various actors – UN agencies, non-governmental organizations (NGOs), community-based organizations (CBOs), governments, and migrants themselves – who play a role in responding to forced migration.

Students should note that we will be discussing sensitive topics in this class, including persecution related to gender, sexual identity, race, ethnicity, religion, culture, national origin, and more. We all have a role to play in creating a classroom space where students feel comfortable expressing their views. This means that students will be expected to do so in a way that is respectful of those who differ from them.

II. Grading

Grades will be based on the following criteria:

- 5% = Participation.
- 10% = In-class presentation of paper topic, due Week 4.
- 20% = First draft of paper, due Week 6.
- 25% = Eight one-page response papers, due Week 1 – Week 10 (not due on weeks that students are responsible for presenting the readings).
- 40% = Final paper, due Week 11.

Participation: In-class participation will be evaluated weekly by the instructor. Grades will be based on students' voluntary engagement with discussion, preparedness when called on, and on their presentations of materials the two weeks they are assigned. 2-3 students will be responsible for presenting on the reading materials each week, with each student assigned a total of 2 weeks.

Final paper: Students will write a 12-15 page final paper for this course, on a topic of their choice related to forced migration and refugee law. The paper should identify a current problem, challenge or gap in the law – whether as written or applied – and propose a policy or programmatic solution that is appropriate for the context in which that problem occurs. The timeline and grading for the paper is as follows:

- **Week 2:** Students choose a paper topic and get approval from the instructor.
- **Week 4 (10% of the grade):** Students make in-class presentations on their paper topic, including (1) who is affected by this issue, (2) why it is of importance, and (3) what the student might propose as a solution to the problem identified.
- **Week 6 (20% of the grade):** First draft of paper due to the instructor, with at least 5 pages of written text, and the remainder in detailed outline format. Bibliography with at least 10 sources. Instructor will return drafts to students by week 8.
- **Week 11 (40% of the grade):** Final draft of paper due. Minimum 12 pages – double-spaced, 1-inch margins, 12-point Times New Roman – but no longer than 15 pages. The final bibliography should include at least 20 sources. More guidance will be given on the structure and content of the paper throughout the semester.

Weekly one-page response papers: Students are expected to write one-page response papers to the week's reading, which are due in hard copy to the instructor at the beginning of every class. Response papers are not due the two weeks that students are assigned to prepare a presentation of the readings. Response papers should be at least one page long – double-spaced, 1-inch margins, 12-point Times New Roman – but no longer than two pages.

The weekly response papers must include the following two sections: (I) Response & Reflection on the Readings, and (II) Questions for Discussion. Section (I) may discuss any aspect of the readings the student wishes to comment on. Section (II) should pose questions for discussion or questions seeking to clarify understanding of the content of the readings.

III. Class Time

Most people are at their highest mental functioning in bursts of 90-minute intervals. Yet our class must work within a 3-hour format. Students also employ a variety of different learning styles: there are visual learners, audio learners, and experiential learners, among others. I will attempt to present the material and conduct class in a way that appeals to all of these.

Class time will be structured in the following manner:

- *First Hour: Discussion*

The first 60 minutes will be devoted to discussion of the readings, through the use of the Socratic method (questioning students to think critically about content and meaning) and Power Point presentations (summarizing key points and presenting helpful visual aids). This will also include presentations by students on the readings, which can be made in any format the students find expressive of the content.

- *Second Hour: Activity*

The second 60 minutes will often involve an experiential activity that requires students to work in groups to apply what they have learned to a hypothetical situation. We will end the activity period with a discussion of the take-away points of the activity. Activities include:

- *Week 3:* Students work in groups of 3 to represent the three-judge panels that review denials of asylum claims in the U.S. Each panel is presented with a hypothetical case of an asylum-seeker and asked to debate and vote on the case.
- *Week 4:* Each student is assigned to represent the interests of a particular country within the European Union. The class will then attempt to negotiate a regional policy on refugees that addresses issues with the current policy.
- *Week 8:* Students participate in a ‘power walk’ where they are assigned a ‘character’ and asked to move around the room according to how their character would respond to a series of hypothetical situations read by the instructor. Students consider how their character’s gender, ethnicity/race, religion, class, geographic location, etc. affect their experience of displacement.

We may have two guest speakers during this portion of class time: a representative from the International Rescue Committee, and a resettled refugee from greater Los Angeles.

- *Third Hour: Discussion / Debate*

The third and final 60 minutes will be devoted to structured discussion and debate amongst students. This time may be needed for further discussion of the readings and review of key concepts. Or students may occasionally be divided into two groups and asked to represent the points of view of two different authors or the interests of two actors on a policy issue.

IV. Syllabus & Reading Assignments

Part I. Refugee Law and the (20th Century) International System

Week 1: WWII Origins and Antecedents

- PHILIP ALSTON & RYAN GOODMAN, INTERNATIONAL HUMAN RIGHTS (2012), pp. 90-93 and 113-129 re: the law of state responsibility, comment on treaties, and the Nuremberg trials and judgment.
- 1948 Universal Declaration of Human Rights
- 1951 Refugee Convention

Week 2: Who is a refugee?

Case Study: United States

- 1968 Implementing Protocol for the 1951 Refugee Convention
- 1980 Refugee Act (selected excerpts).
- T. Alexander Aleinikoff, David A. Martin, Hiroshi Motomura & Maryellen Fullerton, Immigration and Citizenship: Process and Policy 797-826 (West 7th ed. 2012). Excerpts from Chapter Eight: Asylum and the Convention Against Torture.

Week 3: Domestic Applications of Refugee Law

Case Study: United States

- T. Alexander Aleinikoff, David A. Martin, Hiroshi Motomura & Maryellen Fullerton, Immigration and Citizenship: Process and Policy 860-888 (West 7th ed. 2012). Including excerpts from the following cases:
 - *Matter of S-E-G*, 24 I & N Dec. 579 (BIA 2008) (discussing membership in a particular social group as applied to gang activity in El Salvador).
 - *Gatimi v. Holder*, 578 F.3d 611, 614-616 (7th Cir. 2009) (discussing membership in a particular social group as applied to Mungiki in Kenya).
 - *Fatin v. INS*, 12 F.3d 1233 (3d Cir. 1993) (discussing gender as a basis for persecution and the nexus to particular social group).
 - *Matter of Kasinga*, 21 I & N Dec. 357 (BIA 1996) (discussing female genital mutilation as persecution and the nexus to particular social group).

Part II: (21st Century) Challenges & Trends in Forced Migration

Week 4: Global South / Global North Migration Dynamics

Case Study: European Union

- UNCHR, State of the World's Refugees (2012), available at <http://www.unhcr.org/4fc5ceca9.html>.
- UNHCR, DUBLIN II REGULATION, DISCUSSION PAPER (2006), available at <http://www.unhcr.org/refworld/pdfid/4445fe344.pdf>.

- Human Rights Watch, *EU: Put Rights at Heart of Migration Policy* (June 20, 2011), available at <http://www.hrw.org/news/2011/06/20/eu-put-rights-heart-migration-policy>.

Week 5: Non-State Actors and Generalized Violence

Case Study: Somali refugees

- 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa
- Refugees International, *Somali Refugees: Ongoing Crisis, New Realities* (2012), available at http://www.refintl.org/sites/default/files/032012_Somali_Refugees%20letterhead.pdf (selected excerpts).
- Human Rights Watch, *World Report: Somalia* (2012), available at http://www.hrw.org/sites/default/files/related_material/somalia_2012.pdf (excerpts).
- U.S. DEPARTMENT OF STATE, HUMAN RIGHTS REPORT: SOMALIA (2012), available at <http://www.state.gov/documents/organization/186453.pdf> (selected excerpts).

Week 6: Internally Displaced Persons (IDPs)

Case Study: Colombian IDPs (and refugees)

- 1984 Cartagena Declaration on Refugees
- *Guiding Principles on Internal Displacement*, OCHA (2nd Ed. 2004), available at <http://www.idpguidingprinciples.org/>.
- Colombian Constitutional Court Decision T-025 (2004) (selected excerpts).
- BROOKINGS INSTITUTION, JUDICIAL PROTECTION OF INTERNALLY DISPLACED PERSONS: THE COLOMBIAN EXPERIENCE (2009), available at http://www.brookings.edu/~media/research/files/papers/2009/11/judicial%20protection%20arango/11_judicial_protection_arango.pdf (selected excerpts).

Week 7: Refugee Women & Children

Case Study: Afghan IDPs and refugees

- Judy A. Benjamin & Khadija Fancy, *The Gender Dimensions of Internal Displacement: Concept Paper and Annotated Bibliography*, UNICEF & THE WOMEN'S COMMISSION FOR REFUGEE WOMEN AND CHILDREN (Nov. 1998), available at http://www.forcedmigration.org/sphere/pdf/watsan/WCRWC/unicef_idpgender_1998.pdf (selected excerpts).
- SUSAN FORBES MARTIN, *REFUGEE WOMEN* (2nd Ed. 2004) (selected excerpts).
- *Afghanistan's Humanitarian Crisis: Is Enough Aid Reaching Afghanistan?* Hearings before the Subcommittee on Near Eastern and South Asian Affairs and the Subcommittee on International Operations and Terrorism of the Committee on Foreign Relations, United States Senate, One Hundred Seventh Congress, first session, October 10, 2001 and November 15, 2001. (Selected excerpts).

Week 8: Urban Refugees*Case Study: Kenya*

- UNHCR, *Challenges for Persons of Concern to UNHCR in Urban Settings*, UNHCR/DPC/2009/Doc. 02/Rev.1 (Dec. 4, 2009), available at <http://www.unhcr.org/4b0ea8f89.html>.
- Sara Pavanello et al., *Hidden and Exposed: Urban Refugees in Nairobi, Kenya*, HPG WORKING PAPERS (Mar. 2010), available at <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/5858.pdf>.
- MediaServe International & International Rescue Committee, *Hidden Voices: Urban Refugees in Nairobi, Kenya* (accessed Feb. 22, 2013), available at <http://www.rescue.org/kenyafilm> (a short 12-minute film).

Week 9: Mixed Migration Flows*Case Study: Italy & Thailand*

- Katharine Derderian & Liesbeth Schockaert, *Responding to “Mixed” Migration Flows: A Humanitarian Perspective*, 6 SUR INT’L J. HUM. RIGHTS 104 (2009), available at http://socialsciences.scielo.org/pdf/s_sur/v4nse/scs_a13.pdf.
- Human Rights Watch, *Turned Away: Summary Returns of Unaccompanied Migrant Children and Adult Asylum Seekers from Italy to Greece* 1-5, 11-16, 25-28 (Jan. 2013), available at http://www.hrw.org/sites/default/files/reports/italy0113ForUpload_0.pdf.
- Human Rights Watch, *Thailand: Don’t Deport Rohingya ‘Boat People’* (Jan. 2, 2013), available at <http://www.hrw.org/news/2013/01/02/thailand-don-t-deport-rohingya-boat-people>.

Week 10: Statelessness and Climate / Natural Disaster Forced Migration*Case Study: Haitian migrants*

- 1961 Convention on the Reduction of Statelessness
- Ezequiel Abiel Lopez, *‘Stateless’ Haitians Gain Legal Foothold in Dominican Republic*, HUFFINGTON POST (Jan. 16, 2013), available at http://www.huffingtonpost.com/2013/01/17/stateless-haitians-dominican-republic_n_2497033.html.
- Michael Nash, *Climate Refugees – Trailer* (uploaded Nov. 15, 2010), available at <http://www.youtube.com/watch?v=OSpDsP58udM>.
- Davina Wadley, *There’s No Such Thing as a “Climate Refugee,”* REFUGEES INTERNATIONAL (Jan. 24, 2013), available at <http://refugeesinternational.org/blog/theres-no-such-thing-climate-refugee>.

- Michelle McSweeney, *Haiti and the Dominican Republic: Shared Island, Same Tropical Storms, Similar Consequences?* <http://clas.uiowa.edu/files/clas/international-studies/Michelle%20McSweeney.pdf>.
- Randal C. Archibold, *As Refugees from Haiti Linger, Dominicans' Good Will Fades*, N.Y. TIMES (Aug. 30, 2011), available at http://www.nytimes.com/2011/08/31/world/americas/31haitians.html?pagewanted=all&_r=0.
- *Sale v. Haitian Centers Council*, 509 U.S. 155 (1993).



New Course Proposal

Law Undergraduate M98TA Forced Migration and Refugee Law: 21st-Century Challenges to 20th-Century Framework

Course Number	Law Undergraduate M98TA			
Multiple Listed With	Political Science M98TA			
Title	Forced Migration and Refugee Law: 21st-Century Challenges to 20th-Century Framework			
Short Title	MIGRATN&REFUGEE LAW			
Units	Fixed: 5			
Grading Basis	Letter grade only			
Instructional Format	Seminar - 3 hours per week			
TIE Code	SEMT - Seminar (Topical) [T]			
GE Requirement	Yes			
Major or Minor Requirement	No			
Requisites	Satisfaction of entry-level Writing requirement. Freshmen and sophomores preferred.			
Course Description	(Same as Political Science M98TA.) Seminar, three hours. Enforced requisite: satisfaction of Entry-Level Writing requirement. Freshmen/sophomores preferred. Internally displaced persons, nonstate agents of persecution, urban refugees, and other trends in forced displacement challenges refugee paradigm under 1951 Refugee Convention. Exploration of international refugee law and current challenges to its domestic application around world. Letter grading.			
Justification	Part of the series of seminars offered through the Collegium of University Teaching Fellows.			
Syllabus	File Law 98Ta syllabus.pdf was previously uploaded. You may view the file by clicking on the file name.			
Supplemental Information	Asli U. Bali is the faculty mentor for this seminar.			
Grading Structure	5% - participation; 10% - in-class presentation of paper topic; 20% - first draft of paper; 25% - eight one-page response papers; 40% - final paper			
Effective Date	Winter 2014			
Discontinue Date	Summer 1 2014			
Instructor	Name	Title		
	Jessica Eby	Teaching Fellow		
Quarters Taught	Fall	Winter	Spring	Summer
Department	Law			
Contact	Name	E-mail		
	CATHERINE GENTILE	cgentile@oid.ucla.edu		
Routing Help				

ROUTING STATUS

Role: Registrar's Office**Status:** Processing Completed**Role:** Registrar's Publications Office - Hennig, Leann Jean (LHENNIG@REGISTRAR.UCLA.EDU) - 56704**Status:** Added to SRS on 10/9/2013 11:54:12 AM**Changes:** Course Number, Multiple List, Description**Comments:** Added Poli Sci M98TA to this UG-LAW course.**Role:** Registrar's Scheduling Office - Hennig, Leann Jean (LHENNIG@REGISTRAR.UCLA.EDU) - 56704**Status:** Added to SRS on 10/9/2013 11:52:22 AM**Changes:** No Changes Made**Comments:** Reroute to Leann**Role:** Registrar's Office - Hennig, Leann Jean (LHENNIG@REGISTRAR.UCLA.EDU) - 56704**Status:** Returned for Additional Info on 10/9/2013 11:51:24 AM**Changes:** No Changes Made**Comments:** Reroute to Leann to fix.**Role:** Registrar's Publications Office - Hennig, Leann Jean (LHENNIG@REGISTRAR.UCLA.EDU) - 56704**Status:** Added to SRS on 8/5/2013 10:18:25 AM**Changes:** No Changes Made**Comments:** Cathie put this under LAW originally -- I moved it to UG-LAW!**Role:** Registrar's Scheduling Office - Hennig, Leann Jean (LHENNIG@REGISTRAR.UCLA.EDU) - 56704**Status:** Added to SRS on 8/5/2013 10:17:36 AM**Changes:** No Changes Made**Comments:** To Leann**Role:** Registrar's Office - Hennig, Leann Jean (LHENNIG@REGISTRAR.UCLA.EDU) - 56704**Status:** Returned for Additional Info on 8/5/2013 10:16:50 AM**Changes:** Subject Area**Comments:** Route to Leann to fix subject area.**Role:** Registrar's Publications Office - Hennig, Leann Jean (LHENNIG@REGISTRAR.UCLA.EDU) - 56704**Status:** Added to SRS on 8/5/2013 10:06:55 AM**Changes:** Title, Description**Comments:** Edited course description into official version; corrected title.**Role:** Registrar's Scheduling Office - Bartholomew, Janet Gosser (JBARTHOLOMEW@REGISTRAR.UCLA.EDU) - 51441**Status:** Added to SRS on 7/17/2013 2:14:33 PM**Changes:** Short Title**Comments:** Added a short title.**Role:** FEC School Coordinator - Castillo, Myrna Dee Figurac (MCASTILLO@COLLEGE.UCLA.EDU) - 45040**Status:** Returned for Additional Info on 7/16/2013 3:12:39 PM**Changes:** No Changes Made**Comments:** Routing to Doug Thomson in the Registrar's Office.**Role:** FEC Chair or Designee - Meranze, Michael (MERANZE@HISTORY.UCLA.EDU) - 52671**Status:** Approved on 7/4/2013 11:14:51 AM

Changes: No Changes Made

Comments: No Comments

Role: FEC Chair or Designee - Castillo, Myrna Dee Figurac (MCASTILLO@COLLEGE.UCLA.EDU) - 45040

Status: Returned for Additional Info on 7/3/2013 3:14:33 PM

Changes: No Changes Made

Comments: Routing to Michael Meranze for FEC approval.

Role: CUTF Coordinator - Gentile, Catherine (CGENTILE@OID.UCLA.EDU) - 68998

Status: Approved on 6/24/2013 3:17:08 PM

Changes: No Changes Made

Comments: on behalf of Professor Kathleen Komar, chair, CUTF Program

Role: Initiator/Submitter - Gentile, Catherine (CGENTILE@OID.UCLA.EDU) - 68998

Status: Submitted on 6/24/2013 3:16:29 PM

Comments: Initiated a New Course Proposal

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