

Asylum Law

Course No. [5327](#) Section 19043

Fall 2025

University of Houston Law Center



| Logistics | |
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| When | Mondays and Wednesdays, 4 to 5:30 PM |
| Where | Room TK Face-to-Face |
| Office Hours | Professor Georgianna Pisano Goetz Wednesday, 3 to 4 Adjunct Office 340D / Zoom by appointment |
| Contact Information | gmpisano@central.uh.edu Cell: (240) 285-2444 |

| Introduction |
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| <p>Welcome to Asylum Law, a course upon a subject that sits at the crossroads of international human rights, domestic policy, and foreign affairs. As immigration continues to be a politically charged and deeply polarizing issue in the United States, understanding the legal frameworks that govern asylum and refugee protection is more critical than ever. In recent years, debates over immigration policy have intensified, often reflecting broader societal divisions. This course will not shy away from these discussions but will instead provide you with the tools to navigate and critically engage with them.</p> <p>Throughout this course, we will explore the historical context and evolution of asylum and refugee law, tracing its roots back to global treaties, such as the 1951 Refugee Convention, and its development through U.S. legislation, including the Refugee Act of 1980. You will gain a comprehensive understanding of how these laws have been interpreted and applied over time, as well as how current political and social climates impact their enforcement.</p> <p>As future legal professionals, it is crucial that you approach this topic with a well-informed and discerning perspective. This course aims to equip you with the knowledge and skills necessary to contribute thoughtfully to the national</p> |

conversation on immigration, particularly as it remains a prominent issue to the State of Texas.

Objectives and Outcomes

By the end of this course, you should demonstrate a comprehensive understanding of the following:

Sources and Evolution of U.S. Asylum Law: You will understand the key sources of U.S. asylum law and procedure, including significant historical events, legislation, and landmark cases that have shaped the current landscape of asylum and refugee law in the United States.

Legal Framework for Refugee Protection: You will be familiar with the relevant statutes, regulations, case law, and policies that govern the admission of refugees and the granting of protection from persecution or torture. This includes asylum, withholding of removal, and protection under the Convention Against Torture (CAT).

Requirements for Protection: You will gain detailed knowledge of the legal requirements necessary for being granted asylum, withholding of removal, and CAT protection in the United States, including the evidentiary and procedural standards that apply.

Procedures for Seeking Protection: You will be able to describe and analyze the various procedures for seeking asylum, withholding of removal, and CAT protection in the United States, from initial applications to appeals.

Government Roles in Asylum and Refugee Protection: You will explore the roles of the three branches of government—legislative, executive, and judicial—in both the creation and enforcement of rules regarding asylum and refugee protection, including their theoretical foundations and practical applications.

Key Government Agencies: You will understand the roles that key government agencies, such as U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and the Executive Office for Immigration Review (EOIR), play in the consideration and adjudication of asylum, withholding of removal, and CAT claims.

Judicial Review and Challenges: You will learn about the processes by which asylum, withholding of removal, and CAT decisions are challenged and reviewed in the federal courts, as well as the various restrictions on judicial review that exist within the U.S. legal system.

Balancing Humanitarian Needs and National Interests: You will be able to critically discuss the interplay between genuine protection needs and human rights considerations, on one hand, and national self-interests on the other. This includes addressing the challenges of maintaining the integrity of the application process in the face of the economic and political realities of the global refugee crisis.

Grading and Assessments, Reading and Attendance

I. Your grade will be determined as follows:

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| Class Attendance and Preparation | 15% |
| Midterm Examination | 30% |
| Writing Assignments | 15% |
| Final Examination | 40% |

II. Required Text

The primary textbook for this course is *Refugee Law and Policy: A Comparative and International Approach (Sixth Edition)* by Musalo, Moore, Boswell, and Daher. This text will serve as the foundation for our study of asylum and refugee law.

In addition to the textbook, you will be assigned readings from various online sources, including articles, legal opinions, and media reports. All supplementary readings are hyperlinked within this syllabus and will also be shared via Canvas. It is essential that you keep up with these materials to fully engage in class discussions and activities.

The recommended secondary textbook for this course is AILA's Asylum Primer. The secondary textbook is not required and will not be explicitly referred to in class; however, the Primer is an excellent, practical resource on asylum law.

III. Class Attendance and Participation

Active participation in class discussions is essential to your success in this course. Engaging with the material through thoughtful analysis, asking questions, and contributing to discussions will enhance not only your understanding but also the collective learning experience of the class. Attendance is mandatory, and you are expected to come to class having completed the assigned readings and ready to discuss them.

Class sessions will often involve case studies, role-playing exercises, and debates. These activities are designed to deepen your understanding of the complexities of asylum and refugee law by placing you in the role of the legal advocate.

Participation in these exercises is critical, as they will prepare you for the practical challenges of representing asylum seekers.

Completing the assigned readings in advance is not just a requirement; it is a crucial discipline that will directly impact your success in this course. As a future attorney, the ability to thoroughly prepare and engage with legal materials is foundational to your professional development. The rigor you apply to your readings will reflect your commitment to the practice of law and your readiness to tackle the demands of legal practice.

Please note that respectful and professional conduct is expected at all times. Given the sensitive and often contentious nature of the topics we will cover, it is crucial that discussions are approached with an open mind and a willingness to consider different perspectives.

IV. Writing Assignments

Legal writing is a cornerstone of the legal profession, serving as the primary means through which attorneys communicate with a diverse array of audiences, including colleagues, clients, courts, and administrative agencies. In this course, the writing assignment component is designed to enhance your ability to craft clear, persuasive, and effective legal documents, with a particular focus on the unique demands of immigration law.

Writing for immigration legal purposes requires a distinct approach, given the complexity of the laws, the emotional and personal stakes involved, and the need to navigate both domestic and international legal frameworks. In this course, we will place special emphasis on tailoring your writing to effectively advocate for individuals seeking asylum, ensuring that your arguments are not only legally sound but also compassionate and culturally sensitive. There will be at least three writing assignments, culminating in a legal brief advocating for a particular outcome in an immigration court proceeding.

Your graded writing assignments will be evaluated on several criteria, including clarity, organization, legal analysis, and the ability to adapt your writing style to different audiences. You will receive substantive feedback on these aspects of your writing; however, the writing assignments themselves will be graded as complete/incomplete. By the end of the course, you will have developed a versatile writing skill set that will serve you well in any area of law, with a particular proficiency in immigration law.

This focus on writing is not just about meeting academic requirements—it is about preparing you for the realities of legal practice, where the ability to communicate effectively in writing can be the difference between success and failure, particularly in the high-stakes arena of asylum and refugee law.

Honor, Ethics, and Duties

I. UH Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

II. AI Generated Text

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human mimicking “intelligence” and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless of whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take home” final examination unless specified as an exception below. The parts of the Honor Code that refer to unauthorized materials or aid are specifically prohibited from any use of AI Generated Text in this course unless specified as an exception below.

Class-by-Class Schedule and Reading Assignments

The reading assignments appear below. When the reading is from the casebook, check the textbook supplement for any updates.

We have included hyperlinks for or uploaded to Canvas many of the readings outside of the course textbook, but in the places where we have not, you are responsible for downloading these readings.

We may modify the assignments depending on the pace of the class, changes in the law, and other circumstances. Any updates will be clearly communicated to the class in advance.

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| Monday, Aug. 25 | <p>Introduction to U.S. Immigration Legal System</p> <p><u>Washington Post, 1/29/2017, A ship full of refugees fleeing the Nazis once begged the U.S. for entry. They were turned back.</u></p> <p>Exercise: Asylum Priorities</p> |
| Wednesday, Aug. 27 | <p>Chapter 2, International Norms and State Practice</p> <p>A. Introduction</p> <p>B. U.S. Law and International Norms</p> <p>Casebook, 73-98 Supplement</p> <p><u>Exec. Order 13888, on Refugee Resettlement</u> <u>Exec. Order 14013 (Feb. 4, 2021).</u> <u>AILA on Exec. Order 14013 (Feb. 9, 2021).</u> <u>Proposed Refugee Admissions for Fiscal Year 2024</u> <u>Washington Post, States aren't buying Trump's no refugee recipe (Dec. 22, 2019).</u> Vox, <u>Biden finally raised the refugee cap. Now comes the hard part</u> (May 10, 2021) Women's Refugee Commission, 10/4/2021, <u>The Latest: Changes to the Asylum System Under the Biden Administration</u></p> |

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| <p>Monday, Sept. 1</p> | <p style="text-align: center;">NO CLASS - LABOR DAY</p> |
| <p>Wednesday, Sept. 3</p> | <p>Chapter 2, International Norms and State Practice C. Selected Issues in U.S. Practice: Bias in the Adjudicatory Process & Access to Territory and Process</p> <p>Casebook, 98-142 Supplement 2024 TPS Announcement for Haiti Human Rights First press release for Haiti TPS <i>Chae Chin Ping v. U.S.</i>, 130 U.S. 581 (1889). <i>Ekiu v. U.S.</i>, 142 U.S. 651 (1892). <i>Fong Tue Ting</i>, 149 U.S. 698 (1893).</p> |
| <p>Monday, Sept. 8</p> | <p>Chapter 2, International Norms and State Practice C. Selected Issues in U.S. Practice: Bias in the Adjudicatory Process & Access to Territory and Process</p> <p>Casebook, 144-150; 157-167 NYT, Indonesia: 60 Missing in Sinking of Refugees' Boat to Australia (July 23, 2013). National Immigration Justice Center, Explainer: Expedited Removal (Jan. 11, 2024).</p> |
| <p>Wednesday, Sept. 10</p> | <p>Chapter 3, Degrees of Risk: The Standard of Proof in Claims for Protection A. Introduction B. Standards Defined by the United States Supreme Court</p> <p>Casebook, 183-200</p> |

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| <p>Monday, Sept. 15</p> | <p>Chapter 3, Degrees of Risk: The Standard of Proof in Claims for Protection</p> <ul style="list-style-type: none"> B. Standards Defined by the United States Supreme Court C. A Critique of U.S. Standards from an Int'l Perspective <p>Casebook 200-24 Exercise: Client Profile and Form I-589</p> |
| <p>Wednesday, Sept. 17</p> | <p>Chapter 12, The Process and Rights of Asylum Seekers</p> <ul style="list-style-type: none"> A. Introduction B. An International Perspective on Procedures C. Overview of the Refugee Status Determination System in the United States <p>Casebook, 985-1018 <u>Vox, <i>The major political transformation flying under the radar at the DNC</i> (Aug. 22, 2024).</u></p> |
| <p>Monday, Sept. 22</p> | <p>Chapter 12, The Process and Rights of Asylum Seekers</p> <ul style="list-style-type: none"> D. Selected Issues in U.S. Practice Relating to a Fair Refugee Determination <p>Casebook 1019-1095</p> |
| <p>Wednesday, Sept. 24</p> | <p>Chapter 3, Degrees of Risk: The Standard of Proof in Claims for Protection</p> <ul style="list-style-type: none"> B. The Interpretation of the Well-founded Fear Standard C. The Standard and Burden of Proof Relating to Well-Founded Fear and Clear Probability D. Problems: Applying the Well-Founded Fear and Clear Probability Standards E. The Role of Discretion in the Refugee Determination Process <p>Casebook 224-67</p> |

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| <p>Monday, Sept. 29</p> | <p>Chapter 4, The Definition of Persecution—Its Forms and Sources</p> <ul style="list-style-type: none"> A. Introduction B. The Relationship between Human Rights Norms and Persecution C. The Forms of Persecution <p>Casebook 269-89 Writing assignment: Legal Brief--Harm</p> |
| <p>Wednesday, Oct. 1</p> | <p>Chapter 4, The Definition of Persecution—Its Forms and Sources</p> <ul style="list-style-type: none"> C. The Forms of Persecution D. The Source of Persecution: State and Non-State Agents <p>Casebook 296-98, 319-35</p> |
| <p>Monday, Oct. 6</p> | <p>Chapter 5, The Nexus Requirement</p> <ul style="list-style-type: none"> A. Introduction B. United States Jurisprudence <p>Casebook 337-45, 352-74 Writing assignment due: Legal Brief—Harm Writing assignment: Legal Brief—Nexus</p> |
| <p>Wednesday, Oct. 8</p> | <p>Chapter 5, The Nexus Requirement</p> <ul style="list-style-type: none"> D. Protection under the Torture Convention <p>Casebook TK</p> |
| <p>Monday, Oct. 13</p> | <p>Chapter 6, Persecution on Account of Political Opinion</p> <ul style="list-style-type: none"> A. Introduction B. Persecution on Account of Political Opinion: When Are Activities & Opinions Political? C. Selected Issues: Prosecution vs. Persecution, Refusal to Serve in the Military, and Coercive Population Control <p>Casebook, 472-481; 491-507</p> |

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| | <p>Casebook, 390-396; 411-412; 418-429; 442-450</p> <p>HRW, Saudi Arabia: Man Sentenced to Death for Tweets (Aug. 29, 2023).</p> |
| <p>Wednesday, Oct. 15</p> | <p>Chapter 6, Persecution on Account of Political Opinion</p> <p>A. Introduction</p> <p>B. Persecution on Account of Political Opinion: When Are Activities & Opinions Political?</p> <p>C. Selected Issues: Prosecution vs. Persecution, Refusal to Serve in the Military, and Coercive Population Control</p> <p>Casebook, 472-481; 491-507</p> |
| <p>Monday, Oct. 20</p> | <p style="text-align: center;">In-class Mid-term Exam</p> |
| <p>Wednesday, Oct. 22</p> | <p>Chapter 7, Persecution on Account of Religion</p> <p>A. Introduction</p> <p>B. Freedom of Religion in International Practice and Its Relationship to Refugee Norms</p> <p>E. Selected Issues in U.S. Jurisprudence</p> <p>Casebook, 509-510; 551-562; 573-581</p> |
| <p>Monday, Oct. 27</p> | <p>Chapter 8, Persecution Based on Race or Nationality</p> <p>A. Introduction</p> <p>B. Basic Concepts</p> <p>C. An Analysis of Asylum Claims Based upon Race or Nationality from the Perspective of the UNHCR Handbook</p> <p>D. Treatment of Race and Nationality Claims by U.S., U.K., and Australian Courts</p> <p>Casebook, 586-589; 605-647</p> <p>Writing assignment due: Legal Brief—Nexus</p> |

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| <p>Wednesday, Oct. 29</p> | <p>Chapter 9, Persecution Based on Membership in a Particular Social Group A. Introduction B. Conceptual Background C. Defining Particular Social Group Claims—Immutable and Fundamental Characteristics</p> <p>Casebook, 657-675</p> <p>Writing assignment: Particular Social Group Statement</p> |
| <p>Monday, Nov. 3</p> | <p>Chapter 9, Persecution Based on Membership in a Particular Social Group D. Immutable and Fundamental as a “Threshold”—The Evolving Requirements of Social Visibility and Particularity</p> <p>Casebook: 697-708; 737-756</p> |
| <p>Wednesday, Nov. 5</p> | <p>Chapter 10, Gender-Related Claims to Refugee Status D. The Development of U.S. Precedent on Gender-Based Claims</p> <p>Casebook, 773-790, 814-822</p> <p><i>Jaco v. Garland</i></p> <p>Writing assignment due: Particular Social Group Statement</p> |
| <p>Monday, Nov. 10</p> | <p>Chapter 11, Qualifications upon Protection A. Introduction B. Overview of the Statutory Bars in U.S. Law C. Persons Excluded for Being Unworthy of Protection or for Posing a Danger to the Host Country within the Context of the 1951 Refugee Convention and U.S. Law D. Persons Considered Not in Need of Protection E. Appendix</p> <p>Casebook, 877-879; 884-903; 952-965; 983-984; <i>Matter of Negusie</i>, 27 I&N Dec. 347 (BIA 2018) <i>Matter of A-C-M-</i>, 27 I&N Dec. 303 (BIA 2018)</p> |

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| <p>Wednesday, Nov. 12</p> | <p>Chapter 13, Proving the Claim A. Introduction B. International Perspectives C. The Burden of Proof D. Establishing Credibility</p> <p>Casebook, 1097-1109; 1116-1122; 1144-1147</p> |
| <p>Monday, Nov. 17</p> | <p style="text-align: center;">Current Issues</p> <p style="text-align: center;">Reform and Resistance: The Politics of Asylum Law from Texas to Washington</p> <p><i>The Long Road to Change: Why Immigration Remains Elusive?</i> <i>Ballot and the Border: Asylum Law and Recent Elections</i> <i>Executive Orders and Asylum: Presidential Power in Action</i> <i>Borderline Authority: Texas, Operation Lone Star, and the Federal Divide</i></p> <p>Assigned Reading</p> <ul style="list-style-type: none"> • The U.S. Immigration Debate, Council of Foreign Relations (Aug. 7, 2024) • What is Operation Lonestar? Texas Tribune (March 30, 2022) • When Migrants Become Weapons, MIT Center for International Studies (March/April 2022) <p>Optional Reading Following Election Results</p> <ul style="list-style-type: none"> • Inside Trump’s Plan for Mass Deportations – and Who Wants to Stop Him, Reuters (Nov. 6, 2024) |
| <p>Wednesday, Nov. 19</p> | <p style="text-align: center;">Current Issues</p> <p style="text-align: center;">Chapter 14, Current and Future Challenges in Refugee Protection A. Introduction C. Temporary Protection and Complimentary Protection</p> <p>Casebook, 1189-92; 1198-1212</p> |
| <p>Monday, Nov. 24</p> | <p style="text-align: center;">Protection under CAT and Review</p> |

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| Wednesday, Nov. 26 | NO CLASS - THANKSGIVING |
| Monday, Dec. 1 | Course Review and Final Exam Preparation |
| Dec. 3-11 | Final Exam Period |