

**Franklin & Marshall College
Department of Government**

Gov425: Human Rights/Human Wrongs

Dr. Susan Dicklitch

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Class Location: John Joseph Center

SCC 2nd Floor, Ware InstituteOffice Hours: Wednesday 9:00-11:00am
(or by appointment)

Class Time: Wed. 1:30-4:20pm

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(Executive Office for Immigration Review)

1-800-898-7180**Course Description:**

This course is a senior seminar on human rights. Students will be introduced to the theory and practice of human rights through the examination of human rights documents, key theoretical readings in the field and special guest lectures by human rights activists. A major component of this course will involve community-based learning (CBL). Students, with the help of our community partner, PIRC (Pennsylvania Immigration Resource Center), will be required to work on a real asylum, Withholding of Removal, or Convention Against Torture (CAT) case. Students will work in teams of two.

In the first week of the semester, students will be introduced to their asylum/withholding of removal or CAT case, which will focus on either a detainee at York County Prison, or an asylum seeker who is being represented by a local law firm. PIRC attorneys will help train students on how to put together an immigration court-ready document for their detainee. Each team will need to travel to York County Prison or Washington D.C. as the case may be, on their own to interview their detainee and gather evidence for their case.

Course Objectives:

At the end of this course, students will be able to:

- 1) Identify and explain the legal basis for asylum, withholding of removal and Convention Against Torture claims
- 2) Interpret and summarize an asylum seekers story of persecution and determine whether he/she qualifies for relief of removal
- 3) Demonstrate active listening skills when interviewing asylum seekers

- 4) Locate and critically evaluate evidence from various sources (international newspaper articles, human rights reports, U.S. State Department reports) that is relevant to the asylum seeker's story of persecution
- 5) Produce a well-written reflection journal that collects their thoughts and links their field experience with the theoretical
- 6) Assess the strength of a relief claim by producing a legal memorandum that synthesizes the strengths and weakness of a case
- 7) Collaborate successfully with other team members to produce a court-ready document
- 8) Demonstrate their competence in asylum law in a mock court trial

Required Texts:

- Bohmer, Carol and Amy Shuman (2007) *Rejecting Refugees: Political Asylum in the 21st Century*. (London and New York: Routledge).
- Germain, Regina (2007) *AILA's Asylum Primer: A Practical Guide to U.S. Asylum Law and Procedure (5th Edition)* (Washington, D.C.: AILA).
- Kassinja, Fasiya (1998) *Do They Hear You When You Cry?* (New York: Random Books)
- Dicklitch, Susan, PIRC, et al., (2008) *Helping Asylum Seekers: A "How To" Guide for Student Activists. Gov425: Human Rights/Human Wrongs* (Franklin & Marshall College) (to be distributed on the 1st day of class)
- Other assigned readings available on Gov425 **edisk**

Course Requirements

- Asylum Project50%
 - Affidavit/Narrative
 - Case Evidence
 - Legal Memo
- Asylum Mock Court..... 20%
- Participation..... 10%
- Reflection Journal..... 20%

Asylum/Withholding of Removal/CAT Project (50% total):

Students will work in teams of two (2). Each team will be required to work on one asylum/withholding of removal or CAT case (based on availability) with PIRC, a BIA accredited non-profit, organization based in York, PA., or other Supervising Attorneys. Students will be required to interview detainees at York County Prison (YCP) to help complete the I-589 form (United States Department of Homeland Security) application form for asylum/withholding or removal and CAT, in addition to helping write the detainee's affidavit/narrative.

Affidavit/Narrative

This will require several trips for interviews with the detainee to get his/her story. A good affidavit/narrative will tell the detainee's story with plenty of detail. Description and detail are crucial to a strong affidavit/narrative – therefore several visits to the YCP will be necessary.

Case Evidence

Each team must also engage in country condition research and in case law research to gather evidence to support the detainee's application for relief. This will require evidence gathering from multiple sources, including foreign newspaper articles, notarized affidavits from witnesses, Amnesty International publications, Human Rights Watch publications, the Department of State Country Reports on Human Rights Practices, Immigration Case Law, etc.

These sources must be properly documented, as they will be presented in Immigration Court (see Gov425 student manual).

Legal Memo

In addition to the evidence and legal table of contents, each team will also be required to write a legal memo on their case, based on the evidence presented and their detainee's affidavit/narrative. Sample legal memos will be available in the Gov425 student manual, as well as on the [Gov425 edisk](#).

The final product should consist of a well-polished, professional, document that presents the strengths and weaknesses of the detainee's case and relevant case evidence to support it. These documents will be due twenty-one (21) days before the detainee's merit's hearing unless otherwise specified by the Supervising Attorney.

Three copies must be submitted by each team -- (one for the professor, one for PIRC/Supervising Attorney, and one for the Immigration Court). Submission dates for evidence packets and briefs for this class are absolute and non-negotiable (just as they are for Immigration Court). Properly filled out Certificates of Service must accompany all submissions.

Material MUST be hand delivered to Professor Dicklitch AND to PIRC/Supervising Attorney ON or BEFORE the due date or it will not be accepted. This will, of course, result in a failing grade for the students involved.

NB: Students will be reimbursed for photocopy costs associated with submitting the 3 copies of case evidence.

Mock Court (20%):

Each student will be assigned a role in the Mock court that will be held on [April 21st](#). Professor Dicklitch in consultation with PIRC will select the immigration case to focus on. Mock Court will be video-taped. Students will be trained in trial advocacy.

Reflection Journal (20%)

Students are required to keep a HR-HW journal documenting their activities as well as their perceptions, experiences and concerns regarding their experience with community-based learning and asylum. Each student's journal should also reflect on the broader issues of asylum in America, and human rights in general. Students will be given a weekly question to reflect upon. These questions should be integrated into the students' weekly reflections. Reflection journals entries will be due weekly (submitted via the drop box of the Gov425 e-disk folder). No one else will be able to read the reflection journals except for Professor Dicklitch. Professor Dicklitch reserves the right to read reflection journals on a weekly basis if appropriate. In addition to a reflection journal, students will be required to keep a **weekly time log** of the amount of time they have spent outside of class working on their asylum project. They are required to submit an electronic copy of this time log into the Gov425 E-disk as well as a hard copy at the end of the semester.

A final grade will only be assigned at the end of the semester when a complete, bound, hardcopy of the reflection journal and a separate time log are submitted on the last day of class.

Some suggestions on how to keep a great journal, from Mark Cooper, Coordinator, The VAC, "Reflection: Getting Learning Out of Serving", <<http://www.fiuedu/~time4chg/Library/reflect.html>>

- Journals should be snapshots filled with sights, sounds, smells, concerns, insights, doubts, fears, and critical questions about issues, people, and most importantly, about yourself
- Honesty is the most important ingredient to successful journals
- A journal is **not** a work log of tasks, events, times and dates
- Write freely. Grammar/spelling should not be stressed in your writing until the final draft
- Write an entry after each class/interaction with asylum seeker. If you can't write a full entry, jot down random thoughts, images, etc. which you can come back to a day or two later and expand into a colorful verbal picture

Participation (10%)

Because this is a seminar course, active participation is essential. This means that you must read the assigned readings before class to allow for rich discussion and debate. Unannounced quizzes on the reading material may be held periodically at the instructor's discretion. Students will be allowed one excused or non-excused absence. **Any absences thereafter will result in a 5% grade point drop in your final grade.**

In addition to active class participation, students are required to participate on the class blog:

<http://humanrights4all.blogspot.com/> The blog will act as a virtual discussion board, which will be open to all students enrolled in Gov425 as well as anyone else in the blogosphere. Each student will be required to sign up for one class, and introduce a current newsworthy article relevant to human rights, asylum or immigration.

What is a blog?

For an excellent overview of what a blog is, see: http://codex.wordpress.org/Introduction_to_Blogging For some "how to" tips on blogging, see: (<http://help.blogger.com/bin/topic.py?topic=8912>)

Policies and Procedures:

As a student in HR-HW, you have a unique responsibility in this class: not only are you serving as a representative of F&M to the wider community, but you have another human being depending on your conscientious work.

Students are responsible for reading and compiling with the F&M Vehicle Safety policy. This policy is available on the F&M website as well as the Gov425 e-disk.

Confidentiality

Because of the serious nature of the cases we are working on, students must adhere to an oath of confidentiality. Enrolment in this course constitutes adherence to confidentiality requirements. Details of asylum cases can be discussed in class, between partners, the instructor and the class assistant, as well as PIRC staff/Supervising Attorney, **but must not be discussed** with other members of the college community or wider community. Students will be required to sign a confidentiality agreement with PIRC/Supervising Attorney. Students must completely read all PIRC policies and procedures provided in the PIRC Guide to Providing Support to Detained Immigrants in York, PA (Tab #3)

Students accept responsibility for following all policies and procedures set forth by the Pennsylvania Department of Corrections for inmate visitation and by Franklin & Marshall College. Students accept responsibility for reporting any situation in which they are threatened, feel at risk, or are endangered in any way to the proper authorities.

Academic Integrity

Academic integrity will be strictly enforced. Enrolment in this course constitutes acknowledgement by the student of his/her awareness of all definitions, rules, and procedures relating to academic integrity. Students are responsible for ensuring that they review the College's policies on academic integrity.

NOTE: Read this syllabus like you would read a contract: it specifies what can be expected from the course and the obligations of each student taking Gov425: Human Rights-Human Wrongs. I expect students to be aware of all information contained below. My expectations may be different from other professors you have had. I will make every effort to adhere to all aspects of the syllabus, and I will give ample warning when **changes** are made. **I will announce all changes in class**, so failure to attend class could be especially costly.

Course Outline and Reading Schedule:

Week 1: The Logistics of the Asylum/Withholding/CAT Projects

(January 20th)

Guest Speaker: Ms. Lindsay Jenkins (PIRC Staff)

- Introduction of class & community-based learning expectations
- What is asylum and why do people need it?
- Asylum Process

REQUIRED READINGS:

Background

- PIRC Guide to Providing Support to Detained Immigrants in York, PA, (edisk).
- Dicklitch, Susan (2003) "Two college students fight for Obi's Freedom", *Christian Science Monitor*, 30 December. (edisk)
- Dribben, Melissa, "Young prisoner of war", *Philadelphia Inquirer*, 4 August 2002 (edisk)
- EOIR Background (edisk)
- Detention Watch Network, *Stories of People in Detention*, (edisk)
- Bohmer, Carol and Amy Shuman (2008): *Rejecting Refugees: Political asylum in the 21st Century* (Routledge Press). Chapter 2—"The System."

Week 2: Asylum Law 101: PIRC Workshop

(January 27th)

TIME: 12:00-5:00pm: PIRC Asylum Law Training Workshop

LOCATION: Armstrong Room, Steinman College Center (lunch will be provided)

- What is a "well-founded" fear of persecution?
- 5 grounds for winning asylum
- Definition of Torture
- Legal sources for asylum research

REQUIRED READINGS:

Reference:

- Germain, Regina (2007) Chapter 1-2, *AILA's Asylum Primer* (5th Edition), (Washington, D.C.: American Immigration Lawyers Association), pp. 1-138.
- Comparison of Asylum and Withholding of Removal" (Student handbook, **Tab #5**)

- Internet Resources, Student Handbook, Appendix G (edisk)
- Samples of Table of Contents (Evidentiary packets) (Student Handbook, Tab #13)

Hypotheticals:

- Hypotheticals—basis of applying for immigration relief (asylum, withholding and deferral of removal under INA and CAT) (student handbook, **Tab #14**) (In-class exercise).

Case Law

- *Lukwago v. Ashcroft*, 9 F.3d 157 (3rd Cir. 2003) – the entire case file (Student Handbook, Tab #6-12)
- *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985) (edisk)

Week 3: International Law and the History of the Asylum Process

(February 3rd)

- *INS v. Cardozo-Fonseca*, 480 U.S. 421 (1987)
- Germain, Regina (2007) Chapter 4, *AILA's Asylum Primer* (5th Edition), (Washington, D.C.: American Immigration Lawyers Association), pp. 260-294.
- *Convention relating to the Status of Refugees*, (Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950. (edisk)
- *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27 (1). (edisk)
- *International Covenant on Civil and Political Rights*, (Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49) (edisk)
- Immigration Policy Center (2007) *U.S. Immigration Policy in Global Perspective: International Migration in OECD Countries* (American Immigration Law Foundation) (edisk)
- *Universal Declaration of Human Rights*, (Adopted and proclaimed by General Assembly resolution 217A (III) of 10 December 1948). (edisk)
- Schuster, Liza (2000) "A Comparative Analysis of the Asylum Policy of Seven European Governments", *Journal of Refugee Studies*, Vol. 13, No. 1, pp. 118-132 (edisk)

Week 4: York County Prison Tour & EOIR Hearing

(February 10th)

Tour of York County Prison, York, PA (meet @ F&M by 11:50a.m.)

Discussion Question: How does York County Prison compare with Fauziya Kassindja's description?

REQUIRED READINGS:

- Elias-Zacarias, 502 U.S. 478 (1992)
- Liptak, Adam (2005) "Courts Criticize Judges' Handling of Asylum Cases", *New York Times*, 26 December. (edisk)
- Swarns, Rachel (2006) "Study Finds Disparities in Judges' Asylum Ratings", *New York Times*, 31 July (e-disk)
- Kassindja, Fauziya and Layli Miller Bashir (1998) *Do They Hear You When You Cry?* (New York: Dell Publishing).
- *Rejecting Refugees: Political asylum in the 21st Century* (Routledge Press). Chapter 6—"The personal is political: taking gender into account."
- *TRAC Reports on Asylum Hearings & Immigration Judges* (edisk)

Week 5: How to Interview Survivors of Torture(February 17th)**Guest Speaker:** Dr. Denise Ziya Berte, Ph.D., (Director, Liberty Center for Survivors of Torture) (to be confirmed)**Discussion Question:** How do you interview someone who suffers from severe torture and/or Post Traumatic Stress Disorder?Activities:

Declarations
Asylum seeker Narratives

CASE LAW:

- *Pierre v. Attorney Gen*, 528 F.3d 180 (3rd Cir 2008) (edisk)
- Father Moriarty, Central American Refugee Program (1988) *The Impact of Cultural Factors on Credibility in the Asylum Context*, ILRC Publications, (Student Handbook, Tab #16).
- Podliska T, "Interviewing Asylum Seekers," In: Political Asylum Immigration Representation Project. Representing Asylum Seekers. Boston, 1999. Pp. II-1 – I-8 (student handbook, **Tab #15**)
- Stephen's article on intake (Student Handbook, Tab #16)
- *Rejecting Refugees: Political asylum in the 21st Century* (Routledge Press). Chapters 3 and 4—"Are you who you say you are?" and "Did this really happen to you? The problem of credibility."

Week 6: Legal Research Workshop:**YORK COUNTY PRISON TOUR RESCHEDULED**(February 24^h)

- Bring drafts of client stories
- Workshop on declarations
- Legal citations

REQUIRED READINGS:

- Germain, Chapter 3, *AILA's Asylum Primer*, pp. 140-254.
- Dicklitch, Malik *et al.*, "How to write an affidavit." (Student handbook, **Tab #16**)
- Dicklitch, Malik *et al.* "The Expert Witness Guide" (student handbook, **Tab #16**).
- Sample declarations: review Lukwago (Tab #6)
- Review statements from Kasinga's Case (Tab #17)

Case Law

- *Chang v. INS*, 119 F.3d 1055 (3rd Cir. 1997) (edisk)
- *Matter of S-A-*, 22 I&N Dec. 1328 (BIA 2000) (edisk)

Week 7: Legal Writing: I.R.A.C.

(March 3rd)

- Statement of Facts
- Issues
- Spotting the Legal Issues

REQUIRED READINGS:

- *Rejecting Refugees: Political asylum in the 21st Century* (Routledge Press). Chapter 5—"Politics gets personal: what counts as persecution."
- Summary of Asylum Case Law (student handbook, **Tab #19**)
- Sample Legal Memo, (student handbook, Tab #20)
- PIRC Legal Research and Writing Presentation, (student handbook, Tab #21)
- I.R.A.C. (Student handbook, Tab #22)

Case Law

Matter of R-A-, 22 I&N Dec. 906 (AG 2001) – the entire case file (edisk)
Mock hearing case file (edisk)

Week 8: Legal Writing Part II:

(March 10th)

- Shepardizing legal cases

Case Law

Matter of Kasinga, 21 I&N Dec. 357 (BIA 1996) – the entire case file (edisk)

Week 9: Spring Break

(March 17th)

(No class)

Week 10: Legal Memos & Mock Court Prep

(March 24th)

- Workshopping -- Asylum cases Legal memo drafts

Week 11: Challenges of Asylum in the United States: Balancing Rights and Security

(March 31st)

Guest Speaker: Mrs. May Hirata (Survivor of American-Japanese Internment Camp)

- *Rejecting Refugees: Political asylum in the 21st Century* (Routledge Press). Chapter 7—"Safe haven for whom?"
- Human Rights First (2006) "*Background Briefing Note: The Detention of Asylum Seekers in the United States: Arbitrary under the ICCPR*" (edisk)
- Garcia, Michael John, Margaret Mikyung Lee, and Todd Tatelman (2005) "Immigration: Analysis of the Major Provisions of the REAL ID Act of 2005", *CRS Report for Congress*, Updated May 25, 2005 (e-disk)
- Human Rights First (2006) *Abandoning the Persecuted: Victims of Terrorism and Oppression Bared from Asylum* http://www.humanrightsfirst.org/asylum/asylum_refugee.asp
- Florida Immigrant Advocacy Center (2005) *Securing Our Borders: Post 9/11 Scapegoating of Immigrants* (Executive Summary & Conclusions/Recommendations) (edisk)
- Ewing, Walter A. (2008) "A brief history of U.S. Immigration Policy", *Immigrant Policy Center*. (edisk)
- ICE Detention Reform: Principles and Next Steps (October 6, 2009), (edisk)

Week 12: Immigration/Asylum Reform

(April 7th)

Guest Speaker: Honorable Judge Walter Durling, York County EOIR

Discussion Question: Should the US asylum system be reformed? If so, how?

- Human Rights First (2004), *In Liberty's Shadow: US Detention of Asylum Seekers in the Era of Homeland Security* (edisk)
http://www.humanrightsfirst.org/about_us/events/Chasing_Freedom/asylum_report.htm
- Simcox, David (1997) "Measuring the Fallout: The Cost of the IRCA Amnesty After 10 Years", Center for Immigration Studies, <http://www.cis.org/articles/1997/back197.htm>
- Newspaper articles on YCP, NYT (edisk)
- Executive summary of Dora Schriro's report on Immigration Detention Overview and Recommendations (edisk)

Week 13: PEER-REVIEW OF DECLARATIONS & T.O.C.

(April 14th)

Guest Lecturer: Honorable Judge Richard K. Renn, President Judge, York, P.A. (to be confirmed)

- Germain, Regina (2003) "Practice Pointers on Direct and Cross-Examination of the Asylum Applicant", in *AILA's Asylum Primer: A Practical Guide to U.S. Asylum Law and Procedure* (3rd Edition). (**Handbook, Tab #23**)
- PIRC pointers on Mock Court (Tab #23)

Week 14: ALL ASLYUM PACKETS DUE

(April 21st)

- Mock court

Week 15: Conclusions & Debriefing Session

(April 28th)