

**Refugee & Migrant Children:
International & Domestic Law, Policy, and Lived Experiences**
Spring 2020
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Course Description

In the 21st century, millions of refugees have fled their homes all over the world. This has culminated in what has become an international refugee and migration crisis. International refugee and migrant children have faced numerous harsh challenges, for example growing up without a proper education, human trafficking, and child detention/family separation. Indeed, some observers have lamented that a lack of education for refugee children, such as Syrian and Rohingya refugees, will lead to a “lost generation.”¹ Many refugee and migrant children suffer through the psychological damage of their trauma even after they are resettled or given a permanent home.

In this course, we will read about international and domestic laws governing protections for refugee and migrant children. We will read about current domestic policy and we will delve into the personal narratives of migrant and refugee children themselves. We will observe and analyze the connections between law, policy, and lived experience. We will use the resources we study to engage in informed discussions and to critique elements of the law and policy.

Students in this course can expect to study about current topics such as the: family separation policy, “Remain in Mexico” policy, the Rohingya, Syrian, and Congolese refugee crises, conditions inside child detention centers, and UNRWA’s (United Nations Relief and Works Agency) provision of education for Palestinian children.

Coursework

Each week, readings will be assigned and students will write a two paragraph reflection in preparation for a discussion on that week’s topic. Students will collaborate on a written project for the final paper. The project may take the form of a policy paper, an informed written critique of a particular law or policy, or other written product.

¹ “Report: Fears Rise of 'Lost Generation' as More Syrian Refugee Children Out of School.” Voice of America (VOA) (Mar. 27, 2018), <https://www.voanews.com/middle-east/report-fears-rise-lost-generation-more-syrian-refugee-children-out-school>; “‘Lost generation’: Unicef warns on fate of Rohingya children,” The Guardian (Aug. 22, 2018), <https://www.theguardian.com/world/2018/aug/23/lost-generation-unicef-warns-on-fate-of-rohingya-children>.

Week 1

Seeking asylum: what is the state of the law?

United States/Domestic

- American Immigration Council, “An Overview of Refugee Law and Policy,” (June 18, 2019),
<https://www.americanimmigrationcouncil.org/research/overview-us-refugee-law-and-policy>.

International

- UNHCR (United Nations High Commissioner for Refugees), “Protecting refugees: questions and answers,” (Feb. 1, 2002),
<https://www.unhcr.org/en-us/publications/brochures/3b779dfe2/protecting-refugees-questions-answers.html>.

Questions to reflect on:

- Who is a refugee under domestic and international law? If you could create your own definition of a “refugee,” what would it be? Why?
- What is a “well-founded fear”?
- Compare/contrast U.S. immigration policy with international refugee law. What are some similarities? What are the differences? Are they important?

Week 2

Children in detention in the United States - Day 1

- Veronica Stracqualursi, Geneva Sands, Elizabeth Elkin and Veronica Rocha, “What is the Flores settlement that the Trump administration has moved to end?,” CNN (Aug. 23, 2019),
<https://www.cnn.com/2019/08/21/politics/what-is-flores-settlement/index.html>.
 - The Trump Administration has been trying to nullify the Flores settlement, but for now, read this in order to understand what the Flores settlement is and what it says about child detention.
- Christopher Sherman, Martha Mendoza and Garance Burke, “US held record number of migrant children in custody in 2019,” AP News (Nov. 12, 2019),
<https://apnews.com/015702afdb4d4fbf85cf5070cd2c6824>.

Questions to reflect on:

- Did any of the facts in the readings about child detention surprise you? Why?
- What is the impact of detention on children?

Week 3

Children in detention in the United States - Day 2

- J.E.C.M. et al. v. Hayes (Third Amended Complaint filed on 1/18/19), [https://www.splcenter.org/sites/default/files/72.1 - 3d am.compl . 01-18-2019.pdf](https://www.splcenter.org/sites/default/files/72.1_-_3d_am_compl_01-18-2019.pdf).
 - Read pages 33-40;
 - *J.E.C.M. and his sponsor Jose Jimenez Saravia*
 - *B.G.S.S. and his sponsor, Ingrid Sis Sis*
 - Don't worry about understanding all the legal terms in this court document; focus on understanding the **facts** of each child's case.
- Barry Holman and Jason Ziedenis, "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities," Justice Policy Institute, http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_ji.pdf.
 - Read only "Detention makes mentally ill youth worse" and "Detention puts youth at greater risk of self-harm" on pages 8-9.

Questions to reflect on:

- What is the impact of detention on children?
- Compare and contrast the psychological impact of detention on children in the juvenile justice system with children in immigration detention.

Week 4

Detention of refugee/displaced children outside the U.S.

- UNHCR's position regarding the detention of refugee and migrant children in the migration context, UNHCR, Division of International Protection (January 2017), <https://www.unhcr.org/uk/58a458eb4>.
- **SKIM (not necessary to read the whole thing):** Child Immigration Detention in the EU (March 2019), <https://europe.ohchr.org/Documents/Publications/Paper-ChildImmigrationDetentionintheEU-EN.pdf>.

Question to reflect on:

- The UNHCR's position is that children should not be in immigration detention because "detention is never in their best interests."
 - Do you think this same argument can be applied to adults? Why or why not? What would need to change in our understanding of immigration and immigrants in order for society to believe that immigration detention is never in anyone's best interest?

Week 5

A 'lost generation': children's right to education - Day 1

- "Stepping Up: Refugee Education in Crisis," UNHCR (UN High Commissioner for Refugees, <https://www.unhcr.org/steppingup/>).
- Alice Albright, "Ignoring the education of refugee children will create a lost generation," Financial Times (Dec. 16, 2019), <https://www.ft.com/content/1cb47b64-e974-46a4-8426-4f6d8c4eabee>.

Question to reflect on:

- What does the phrase "lost generation" mean? Does it appropriately describe the situation at hand? Why or why not?

Week 6

A 'lost generation': children's right to education - Day 2 | A Case Study of Rohingya Refugee Children

- Watch: "In world's largest refugee camp, Rohingya children face a desperate choice," PBS NewsHour, <https://www.youtube.com/watch?v=vX9tQ9knjfo>.
- Kaamil Ahmed, "Bangladesh grants Rohingya refugee children access to education," The Guardian (Jan 29, 2020), <https://www.theguardian.com/global-development/2020/jan/29/bangladesh-grants-rohingya-refugee-children-access-to-education>.

Questions to reflect on:

- What are/were some of the barriers to education for Rohingya children?
- What are the concerns of the children about not being able to get an education? What are the concerns of the international community? How do they compare?

Week 7

Closer Look at US Immigration Policies: Remain in Mexico

- "US: 'Remain in Mexico' Program Harming Children: Families Seeking Asylum Exposed to Violence, Illness, Trauma," Human Rights Watch (Feb. 12, 2020), <https://www.hrw.org/news/2020/02/12/us-remain-mexico-program-harming-children>
- Watch: "Migrant Protection Protocols: Explained," American Civil Liberties Union (ACLU) San Diego (Jan. 29, 2020), <https://www.youtube.com/watch?v=nwkZVn6ERW8>.

Questions to reflect on:

- In what way(s) does the Remain in Mexico program go against international law?
- What responsibilities does the US government have for migrants who seek asylum at the border?

- What are the hardships that migrants face while they wait in Mexico for their immigration hearings?