

**Exercise**

**Identify the elements of “refugee”:**

Any person who is unable or unwilling to return to their country because of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion

8 U.S.C. § 1101(a)(42)

Note: I’ve modified the language of the statute slightly

Sample Statute

## Who may apply for asylum?

Any noncitizen who is physically present in the United States or who arrives in the United States irrespective of their status, may apply for asylum

8 U.S.C. § 1158(a)(1)

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**Common Statutory Terms and Functions**

**From:**

*A Guide to Reading, Interpreting and Applying Statutes*

Georgetown University Law Center, The Writing Center

<https://www.law.georgetown.edu/wp-content/uploads/2018/12/A-Guide-to-Reading-Interpreting-and-Appling-Statutes-1.pdf>

<b>Terms</b>	<b>Function</b>
<b>And v. Or</b>	“And” typically signifies a conjunctive list, meaning each condition in the list must be satisfied, while “or” typically signifies a disjunctive list, meaning satisfying any one condition in the list is sufficient
<b>May v. Shall</b>	Generally, “shall” signifies that certain behavior is mandated by the statute, while “may” grants the agent some discretion
<b>Unless Except</b>	These terms usually signify an exception to the statute
<b>Subject to... Within the meaning of For the purposes of</b>	These terms may limit the scope of the statute, or may indicate that a certain part of the statute is controlled or limited by another section or statute
<b>If...then... Upon Before/After Provided that...</b>	Generally, these terms indicate that for one part of a statute to take effect, a precondition or requirement must be satisfied
<b>Notwithstanding</b>	Literally, “in spite of,” this term usually signifies that a certain term or provision is not controlled or limited by other parts of the statute, or by other statutes
<b>Each/Only Every/Any/All</b>	These terms commonly limit the class of objects that are either included in or excluded from the statute