

USC Gould

School of Law

Office of Undergraduate Law

LAW 212: Immigration Law for a New America

Units: 4

Term: Fall 2021

Day/Time: M/W 12:00 PM to 1:50 PM

Location: LAW Rm 114

Instructor: Jean Lantz Reisz

Office: LAW Rm 428 and VPD 210

Office Hours: (LAW Rm 428) Wed 4:30PM-5:30PM; Thurs 2:00PM-3:00PM, or by appointment

Contact Info: jreisz@law.usc.edu

TA: TBA

Course Description

This course will examine the structure of the immigration laws that are currently enforced, the policies that immigration seeks to advance, as well as the role the government plays in expanding or limiting immigration rights. Students will discuss the future of immigration reform as it relates to the competing goals and the role of international law. The course will examine the benefits and costs of immigration, the rights of undocumented immigrants, and the role of sanctuary cities.

Learning Objectives

- Understand the history of immigration law and current policy in the United States.
- Explain the administrative structure and enforcement of immigration law.
- Describe immigrants of different classifications, and identify their rights in the U.S.
- Describe nonimmigrant classifications (students, workers, etc.), and identify their rights in the U.S.
- Explain basic grounds for inadmissibility and removal.
- Identify basic legal terminology specific to immigration.
- Spot legal issues involved in immigration topics.

Prerequisite(s); co-requisite(s), or recommended preparation

None

Required Materials (e.g., textbooks or other)

Immigration Law and Procedure in a Nutshell (West Academic Publishing, 7th Edition) by David Weissbrodt, Laura Danielson, and Howard S. Myers III (ISBN: 168328898X).

Additional text and media will be available on Blackboard under content.

Description and Assessment of Assignments

Week 4 Paper: Due on Sept. 17 at 5PM: Please submit a 4-5 page paper which presents the source of the federal power to enforce and regulate immigration and naturalization. Please provide one example of immigration regulation and discuss how it is lawful. In your discussion, please also assess whether the regulation should be improved, modified, or eliminated given today's conditions and circumstances, how and why. A detailed prompt will be provided at the end of Week 1.

An excellent paper should have the following: (1) original and critical argument; (2) organized presentation of evidence and ideas; (3) evidence that supports the argument and clear explanations of why that is; (4) concise sentences; and (5) no typos. The structure of your paper should have a clear thesis that is provided in the first paragraph. Subsequent paragraphs should advance your thesis. Each paragraph should have a topic sentence that indicates what the paragraph is about and how that paragraph supports or advances your thesis/argument. I encourage students to meet with me during office hours or by appointment if you need help developing the thesis/argument, and sample regulation for your paper. The TA is also available to assist during your writing process. The USC Dornsife Writing Center is also a resource for student writers (<http://dornsife.usc.edu/writing-center/>). Papers will be graded down 1/3 of a grade for each day late. Thus, papers that would have received an A- if turned in on time will receive a B+ if turned in one day (up to 24 hours) late.

Week 7 Group Presentations: At the beginning of Week 5 students will form four small groups of 2 persons each and each group will be assigned a classification of immigrants or nonimmigrants (as described in Chapters 5-7 of the Immigration Law and Procedure in a Nutshell). During Week 7, each group will give a 10-minute presentation describing the rights and limitations of that classification. The presentation shall also describe the evidence necessary to receive that classification and propose ways to improve that particular classification, if any. Groups should be prepared to field questions from the class and professor.

Midterm Exam: A 30-question multiple choice midterm exam will be given during week 9, which will cover the source and scope of the federal power to regulate immigration and naturalization, the administrative structure of immigration law, as well as the different classifications of immigrants and nonimmigrants.

Final Exam: The final exam will be comprised of 50 multiple choice questions, as well as 2 essay questions. It will cover all topics from the class.

Participation

Students are expected to attend class on time. Students will receive up to 10 points of participation for attending class regularly, providing useful commentary during class discussions, and for quality contributions to the group presentations.

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Grading Breakdown

Assignment	Points
Paper	20
Group Presentation	10
Midterm	20
Final Exam	40
Participation	10
Total	100

Course-Specific Policies

Students are expected to participate in class discussions as well as group projects in a professional manner. Note that regular and punctual attendance is also an important part of the learning process and is necessary to satisfy residence and class hours requirements. Students may miss two class sessions without an excuse. A student whose attendance is not regular and punctual may be withdrawn from enrollment at the discretion of the Dean of Students and the instructor. Class will be recorded via Zoom and recordings are only available upon request.

	Topics/ Daily Activities	Readings and Homework	Assignment Dates
Week 1	<p>A Brief History of U.S. Immigration Law & Policy</p> <p><u>Beginning Discussion:</u> A.) Let's discuss our beliefs and understandings of immigration law. What is your understanding of immigration law in regard to who can immigrate (i.e. come live permanently) to the US and who can come temporarily (i.e. come as a non-immigrant)? What is your understanding of who can be removed (aka deported) from the US? B.) Historically, what do you see as some of the reasons for new immigration laws and regulations? How have those reasons made it harder or easier to immigrate to the U.S.?</p>	<p>Aug. 23: <i>No reading</i></p> <p>Aug. 25: Nutshell 7th Ed, pp. 36-52 https://www.migrationpolicy.org/article/post-911-policies-dramatically-alter-us-immigration-landscape</p>	
Week 2	<p>The Source & Scope of Federal Power Over Immigration</p> <p><u>Beginning Discussion:</u> A.) When thinking about the origins of federal immigration policy, what was the main factor driving those policies (such as the Chinese Exclusion Act of 1882)? What were the legal challenges brought against the federal government for those policies? What was the result? B.) Some states like California have more immigrants than other states, e.g. New Hampshire. Do you think California should be able to make its own laws regarding immigration? Why or why not? What are ways that states' laws affect noncitizens?</p>	<p>Aug. 30: <i>Nutshell 7th Ed</i>, pp. 59-83; <i>Immigration Stories</i> (Foundation Press, 1st Edition) by David Martin and Peter Schuck, pp. 7-29</p> <p>Sept. 1: <i>Nutshell 7th Ed</i>, pp. 87-101 Media: KCET 187: The Rise of the Latino Vote, Chapter 1, 4</p>	
Week 3	<p>Administrative Structure of Immigration Law and Removal Proceedings</p> <p><u>Beginning Discussion:</u> A.) No Class-Labor Day B.) In immigration court, the judge works for the Dept of Justice (DOJ)</p>	<p>Sept. 6: LABOR DAY</p> <p>Sept. 8 <i>Nutshell 7th Ed</i>, pp. 103-115; "Immigration Courts Aren't Real Courts. Time to Change That." (NY Times, May 8, 2021, Editorial Board);</p>	

	and is not part of the judicial branch, and the counsel who represents the government works for the Dept. of Homeland Security (DHS). Who heads the DOJ and DHS? Do you see any potential problems with fairness or conflicts of interest?	“A Primer on Expedited Removal” by American Immigration Council; An Unaccompanied Minor Flow Chart (https://oig.hhs.gov/reports-and-publications/featured-topics/uac/uac-flowchart.pdf)	
Week 4	<p>Congressional Role in the Immigration Process and Immigration Legislation</p> <p><u>Beginning Discussion:</u></p> <p>A.) Refugee quotas are set annually by a consultation process between the president and congress. How meaningful does this process seem? Recall that Pres. Trump was able to significantly reduce refugee admissions even with Democratic control of the House.</p> <p>B.) In President Biden’s first 100 days he proposed new immigration legislation that included permanent residence for persons who currently have DACA. What would it take to pass that law? Do you think it will happen? Why or why not?</p>	<p>Sept. 13 <i>Nutshell 7th Ed, pp. 121-135;</i> “Rebuilding the U.S. Refugee Program for the 21st Century” (Center for American Progress, October 26, 2020), by Silva Mathema and Sofia Carratala; “The Refugee Consultation Process Is in Serious Need of Reform” (Niskanen Center, July 7, 2021), by Haley Hamblin</p> <p>Sept. 15 <i>Nutshell 7th Ed, pp. 21-36;</i> Summary of Key Provisions of the U.S. “Citizenship Act” (National Immigration Law Center, February 2021)</p>	Paper Due Sept. 17 at 5PM
Week 5	<p>The Classifications of Immigrants</p> <p><u>Beginning Discussion:</u></p> <p>A.) In public discourse regarding immigration law, there is often reference to two kinds of immigrants: the “good immigrant” and the “bad immigrant”. The good immigrant came to the U.S. “the right way”, “waited in line” and applied for some immigration status before arriving in the U.S. It is implied that the good immigrant follows the law in the U.S. The bad immigrant breaks the law and is usually referring to those arriving at the southern border seeking entry and/or crossing the border illegally and effectively “skipping the line.” What do you think of this dichotomy? What are some of the other implications of this narrative?</p>	<p>Sept. 20 <i>Nutshell 7th Ed, pp. 137-160</i></p> <p>Sept. 22 “Looking at the Diversity Visa Program That Brought Him Here- And Its Fate” (NPR, February 3, 2018) by Isabel Dobrin; Media: “An Argument Against the Diversity Visa Lottery Program” (Podcast: WNYC Studios, The Takeaway), https://www.wnycstudios.org/podcasts/takeaway/segments/143519-argument-against-diversity-visa-lottery</p>	

	<p>B.) What are some of the other narratives surrounding immigrants perceived to be desirable versus undesirable? How has this narrative influenced the way our laws classify immigrants?</p>		
Week 6	<p>Different Types of Visas</p> <p><u>Beginning Discussion:</u></p> <p>A.) Based on your reading, what do the different kinds of visas tell us about our immigration priorities? In other words, what do we value in terms of deciding who can come to the U.S.? How do visas reflect our nation's interests?</p> <p>B.) TBA</p>	<p>Sept. 27 <i>Nutshell 7th Ed</i>, pp. 181-195, 191-222</p> <p>Sept. 29 U "visa" reading, TBA</p>	
Week 7			<p>Group Presentations Oct. 4 and Oct. 6</p>
Week 8	<p>Grounds of Inadmissibility and Removal</p> <p><u>Beginning Discussion:</u></p> <p>A.) There are certain legal fictions in immigration law. For example, seeking "admission" to the U.S. can occur even when a noncitizen is already present in the U.S., has been granted a temporary status, and has been residing in the U.S. for many years. As a result that same noncitizen can be deemed "inadmissible" and removed from the U.S. Do you think certain grounds of inadmissibility prevent noncitizens from seeking immigration benefits? Are there grounds of inadmissibility that you think are too harsh or should be modified? Are there grounds of inadmissibility and removal that conflict with local state laws?</p> <p>B.) The grounds of removal pertain to immigrants and nonimmigrants who have already been deemed admissible. Are there more protections for those categories of noncitizens when it comes to removal? How?</p>	<p>Oct. 11 <i>Nutshell 7th Ed</i>, pp. 257-299 Skim <i>INA 212(a) & 237(a)</i></p> <p>Oct. 13 TBA</p>	
Week 9	Midterms		Midterm Exam - Oct. 20

<p>Week 10</p>	<p>Refugees and Asylum</p> <p><u>Beginning Discussion:</u> TBA</p>	<p>Oct. 25 <i>Nutshell 7th Ed</i>, pp. 383-436;</p> <p>Oct. 27 Respondent and expert declarations from sample case</p>	
<p>Week 11</p>	<p>International Law Issues Related to Immigration</p> <p><u>Beginning Discussion:</u> TBA</p>	<p>Nov. 1 <i>Nutshell 7th Ed</i>, pp. 439-462</p> <p>Nov. 3 Reading re making climate change and gender a protected ground</p>	
<p>Week 12</p>	<p>Citizenship: Requirements, Benefits, and Denaturalization</p> <p><u>Beginning Discussion:</u> TBA</p>	<p>Nov. 8 <i>Nutshell 7th Ed</i>, pp. 475-523</p> <p>Nov. 10 Birthright citizenship reading; article re USC woman who left to join ISIS and who wants to return to US.</p>	
<p>Week 13</p>	<p>Rights of Non-Citizens in the U.S.: Due Process, Right to Counsel, Search and Seizure</p> <p><u>Beginning Discussion:</u> TBA</p>	<p>Nov. 15 TBA</p> <p>Nov. 17 TBA</p>	
<p>Week 14</p>	<p>Crimmigration</p> <p>Beginning Discussion: A.) There are harsh and long-lasting consequences for noncitizens who are convicted of criminal convictions. These consequences are in addition to any criminal penalties and incarceration. What do you think about this? Do you think that noncitizens who commit crimes should be judged differently than citizens? Why or why not? B.) No Class- Thanksgiving Holiday</p>	<p>Nov. 22 TBA</p> <p>Nov. 27 Thanksgiving Holiday</p>	
<p>Week 15</p>	<p>Detention and Bond Proceedings</p> <p><u>Beginning Discussion:</u> A.) Immigration proceedings are civil proceedings, they are not criminal proceedings, yet noncitizens can be detained in ICE facilities, local jails and state or federal correctional facilities? What is the justification for this? Do you think it bears upon the bigger picture of how we (our</p>	<p>Nov. 29 <i>Jennings v. Rodriguez dissent</i></p> <p>Dec. 1 No reading- Semester Review</p>	

	laws) view the “good immigrant” and the “bad immigrant”? B.) Semester Review		
Week 16	Final Exam		

Statement on Academic Conduct and Support Systems

Academic Conduct:

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in SCampus in Part B, Section 11, “Behavior Violating University Standards” policy.usc.edu/scampus-part-b. Other forms of academic dishonesty are equally unacceptable. See additional information in SCampus and university policies on scientific misconduct, policy.usc.edu/scientific-misconduct.

Support Systems:

Counseling and Mental Health - (213) 740-9355 – 24/7 on call
studenthealth.usc.edu/counseling

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

National Suicide Prevention Lifeline - 1 (800) 273-8255 – 24/7 on call
suicidepreventionlifeline.org

Free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

Relationship and Sexual Violence Prevention and Services (RSVP) - (213) 740-9355(WELL), press “0” after hours – 24/7 on call
studenthealth.usc.edu/sexual-assault

Free and confidential therapy services, workshops, and training for situations related to gender-based harm.

Office of Equity and Diversity (OED)- (213) 740-5086 | Title IX – (213) 821-8298
equity.usc.edu, titleix.usc.edu

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants. The university prohibits discrimination or harassment based on the following *protected characteristics*: race, color, national origin, ancestry, religion, sex, gender, gender identity, gender expression, sexual orientation, age,

physical disability, medical condition, mental disability, marital status, pregnancy, veteran status, genetic information, and any other characteristic which may be specified in applicable laws and governmental regulations. The university also prohibits sexual assault, non-consensual sexual contact, sexual misconduct, intimate partner violence, stalking, malicious dissuasion, retaliation, and violation of interim measures.

Reporting Incidents of Bias or Harassment - (213) 740-5086 or (213) 821-8298

usc-advocate.symplicity.com/care_report

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office of Equity and Diversity | Title IX for appropriate investigation, supportive measures, and response.

The Office of Disability Services and Programs - (213) 740-0776

dsp.usc.edu

Support and accommodations for students with disabilities. Services include assistance in providing readers/notetakers/interpreters, special accommodations for test taking needs, assistance with architectural barriers, assistive technology, and support for individual needs.

USC Support and Advocacy - (213) 821-4710

uscsa.usc.edu

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

Diversity at USC - (213) 740-2101

diversity.usc.edu

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

dps.usc.edu, emergency.usc.edu

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call

dps.usc.edu

Non-emergency assistance or information.