

USC Gould

School of Law

Office of Undergraduate Law

LAW 212: Immigration Law for a New America

Units: 4

Term: Spring 2022

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

Location: TBD

Instructor: Jean Lantz Reisz

Office: LAW Rm 428 and VPD 210

Office Hours: TBD

Contact Info: jreisz@law.usc.edu

TA: Kelly Larios

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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 5 Paper: 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 separately.

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>Jan 10: <i>No reading</i></p> <p>Jan 12: 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.) No class MLK Holiday B.) 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?</p>	<p>Jan 17: <i>No Class MLK Holiday</i></p> <p>Jan 19: <i>Nutshell 7th Ed, pp. 59-83;</i> <i>Immigration Stories</i> (Foundation Press, 1st Edition) by David Martin and Peter Schuck, pp. 7-29</p>	
Week 3	<p>Source & Scope of Federal Power (continued) and Administrative Structure of Immigration Law and Removal Proceedings</p> <p><u>Beginning Discussion:</u> A.) 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? B.) In immigration court, the judge works for the Dept of Justice (DOJ) and is not part of the judicial</p>	<p>Jan 24: <i>Nutshell 7th Ed, pp. 87-101</i> Media: KCET 187: The Rise of the Latino Vote, Chapter 1, 4</p> <p>Jan 26: <i>Nutshell 7th Ed, pp. 103-115;</i> “Immigration Courts Aren’t Real Courts. Time to Change That.” (NY Times, May 8, 2021, Editorial Board); “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)</p>	

	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?		
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>Jan 31: <i>Nutshell 7th Ed</i>, pp. 121-135; “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>Feb 2: <i>Nutshell 7th Ed</i>, pp. 21-36; Summary of Key Provisions of the U.S. “Citizenship Act” (National Immigration Law Center, February 2021)</p>	
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>Feb 7: <i>Nutshell 7th Ed</i>, pp. 137-160</p> <p>Feb 9: “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 Takeway), https://www.wnycstudios.org/podcasts/takeway/segments/143519-argument-against-diversity-visa-lottery OPTIONAL: 8 C.F.R. § 214.11 8 C.F.R. § 214.14 “A Horrifying Path to America for Hotel Workers”, by Ariel Ramchandani, The Atlantic (March 2018)</p>	Paper Due Feb 13 at 11:59 PM

	<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 and Grounds of Inadmissibility and Removal</p> <p><u>Beginning Discussion:</u> 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.) In thinking about the grounds of inadmissibility, do any stand out as particularly harsh? If so, which ones and why? Are there grounds that seem reasonable when determining what kind of individual should be allowed to enter the U.S.? If so, which ones and why?</p>	<p>Feb 14: <i>Nutshell 7th Ed</i>, pp. 181-195, 191-222</p> <p>Feb 16: <i>Nutshell 7th Ed</i>, pp. 257-299 Skim <i>INA 212(a) & 237(a)</i></p>	
Week 7	Group Presentations	<i>No class Jan 21 Presidents' Day</i>	Group Presentations Feb 23
Week 8	<p>Grounds of Inadmissibility and Removal (continued) and "Crimmigration"</p> <p><u>Beginning Discussion:</u> A.) None B.) The grounds of inadmissibility and deportability are premised on the fundamental principle that there is no entitlement to come to the U.S., or remain in the U.S., if one is not a citizen. Another way to look at it is that it is a privilege to be granted admission and to remain in the U.S. Do you think those persons that commit crimes in the U.S. deserve to lose that privilege? What factors influence your analysis of the fairness of the criminal grounds of inadmissibility and deportability?</p>	<p>Feb 28: NONE</p> <p>March 2: <i>Immigration and Citizenship</i> by Aleinikoff, et al., pp.667-687 <i>"The discriminatory and broken criminal justice system has cascading immigration consequences"</i> National Immigrant Justice Center</p>	

Week 9	Midterm Review Mar. 7 Midterm Exam Mar. 9		Midterm Exam – Mar. 9
Week 10	No classes, Spring Break	<i>Spring Break March 14-18</i>	
Week 11	<p>Complete “Crimmigration” and Begin Refugees and Asylum</p> <p><u>Beginning Discussion:</u></p> <p>A.) We are seeing news of upwards of 2 million Ukrainian refugees fleeing to neighboring European countries. What would be the basis for refugee status in the U.S.? Meaning, according to U.S. laws, what would someone fleeing Ukraine need to show to be given refugee status in the U.S.?</p> <p>B.) One of the grounds for determining whether a person meets the definition of “refugee” is whether that person was persecuted or will be persecuted on account of membership in a particular social group (“PSG”), How has this PSG ground been used to obtain asylee or refugee status for those persons fleeing persecution from non government actors or violence that is not directly related to war?</p>	<p>March 21: <i>Nutshell 7th Ed</i>, pp. 383-436; NPR State of Ukraine “Refugees from Other Wars See Themselves in Fleeing Ukrainians” https://www.npr.org/2022/03/18/1087653904/refugees-from-other-wars-see-themselves-in-fleeing-ukrainians</p> <p>March 23: <i>Law of Asylum in the United States</i>, 2018 Ed., Anker, pp. 373-389, 617-633; 1984 Cartagena Declaration</p>	
Week 12	<p>International Law Issues Related to Immigration Guest Speaker: TBA</p> <p><u>Beginning Discussion</u></p> <p>A.) TBA</p> <p>B.) Under the Convention Against Torture (CAT), there are no bars. So if a person proves there is more than a 50% chance they will be tortured by the government of their country or with the acquiescence of that government, a person cannot be removed to that country even if they have serious criminal convictions like murder. What does this say about the U.S.’s priorities? Who decides whether someone is eligible for protection under CAT? How do you think the more than 50% risk of torture is calculated?</p>	<p>March 28: TBA</p> <p>March 30: <i>Nutshell 7th Ed</i>, pp. 439-462</p>	

<p>Week 13</p>	<p>Citizenship: Requirements, Benefits, and Denaturalization</p> <p><u>Beginning Discussion:</u> A.) What does citizenship (or being a citizen of a country) mean to you? B.) No beginning discussion questions</p>	<p>April 4: <i>Nutshell 7th Ed</i>, pp. 475-523</p> <p>April 6: <i>Immigration Stories</i> (Foundation Press, 1st Edition) by David Martin and Peter Schuck, pp. 147-168 (<i>Afroyim</i>)</p>	
<p>Week 14</p>	<p>Immigration Enforcement and Detention</p> <p><u>Beginning Discussion:</u> A.) The federal government’s authority to control immigration law is founded upon the principle of national sovereignty which includes the power to police national borders. What does border enforcement mean to you? What are some of the ways the U.S. has tried to enforce its southern border and do you think it is/has been effective? B.) What does interior immigration enforcement mean to you? Although immigration law is not criminal law, what are some of the broad similarities you observed in your reading of <i>INS v. Delgado</i>? What are some of the areas of overlap between immigration enforcement and criminal enforcement based on both readings?</p>	<p>April 11: PBS Frontline “Targeting El Paso” Targeting El Paso Watch S2020 E4 FRONTLINE PBS Official Site *see BB announcement for trigger warnings <i>Immigration and Citizenship</i> by Aleinikoff, et al., pp.1086(beginning at “3.”- pp.1095 (ending at “4.”)</p> <p>April 13: <i>INS v. Delgado</i> (1984)</p> <p>Ingrid V. Ealy, “Prosecuting Immigration” 1014 Nw. U.L. Rev. 1281, 1301-04, 1326-30 (2010), pp. 1300 (beginning at “II”)-1304 (ending before “A”)</p> <p><i>Jennings v. Rodriguez</i> (2018) Dissent (beginning at the top of second column on p. 22)</p>	
<p>Week 15</p>	<p>Discrimination Against Non-Citizens in the U.S.:</p> <p><u>Beginning Discussion:</u> A.) The U.S. Supreme Court has said that noncitizens in the U.S. are entitled to certain protections of the Constitution includes the right to due process and equal protection under the law. Does it matter the “type” of noncitizen? (e.g. lawful permanent resident, temporary nonimmigrant visa holder, undocumented?) If so, how do these distinctions impact the application of the constitutional rights? Finally, when do you think,</p>	<p>April 18: <i>Nutshell 7th Ed.</i>, pp. 570-603</p> <p>April 20: TBD</p>	

	if at all, discriminations against noncitizens are justified B.) TBD		
Week 16	FINAL THOUGHTS <u>Beginning Discussion:</u> A). TBD B.) Semester Review	April 25: <i>TBD</i> April 27: No reading- Semester Review	
Week 17-18	Final Exam- Take Home due May 9, 11:59PM		

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

uscса.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.