

USC Gould

School of Law

Office of Undergraduate Law

LAW 212: Immigration Law for a New America

Units: 4

Term: Spring 2023

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

Location: VPD 106

Instructor: Jean Lantz Reisz

Office: LAW Rm 428 and VPD 210

Office Hours: TBD

Contact Info: jreisz@law.usc.edu

TA:

Contact Info:

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 small groups 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 8, which will cover all readings and in class teaching and discussion up to Week 8.

Final Exam: The final exam will be comprised of 50 multiple choice questions, as well as 2 short answer 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.

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?</p> <p>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 9: <i>No reading</i></p> <p>Jan 11: Nutshell 7th Ed, pp. 36-52 (§1-8 through §1-9.6) 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?</p> <p>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>Jan 16 (Martin Luther King's Birthday) No lectures</p> <p>Jan 18: <i>Nutshell 7th Ed</i>, pp. 59-83 (§2-1 through §2-2.5); <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 Discrimination Against Non-Citizens in the United States</p> <p><u>Beginning Discussion:</u> A.) No class</p>	<p>Jan 23: <i>Nutshell 7th Ed</i>, pp. 87-101 (§2-2.8 through §2-3.3) Media: KCET 187: The Rise of the Latino Vote, Chapter 1, 4 found at https://www.kcet.org/shows/187/episodes/187-the-rise-of-the-latino-vote</p>	

	<p>B.) 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, if at all, discriminations against noncitizens are justified?</p>	<p>Jan 25: <i>Nutshell 7th Ed.</i>, pp. 570-603 (§13-3 through §13-3.3) <i>INS v. Delgado</i></p>	
<p>Week 4</p>	<p>Administrative Structure of Immigration Law and Removal Proceedings</p> <p>A.) What were your impressions about the immigration court hearing? What did you think was good or bad? Fair and unfair? Was there anything that you observed that you thought was problematic?</p> <p>B.) In immigration court, the judge works for the Dept of Justice (DOJ) 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?</p>	<p>Jan 30: Observe immigration court merits hearing</p> <p>Feb 1: <i>Nutshell 7th Ed</i>, pp. 103-115 (§3-1 through §3-3.3); “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>	
<p>Week 5</p>	<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</p>	<p>Feb 6: <i>Nutshell 7th Ed</i>, pp. 121-135 (§4-1 through §4-6.2); “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 8: “More than a million could die waiting for green cards as US immigration buckles Amid Covid” LA Times, August 4, 2022</p>	<p>Paper Due Feb 5 at 11:59 PM</p>

	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?		
Week 6	<p>The Classifications of Immigrants <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>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>	<p>Feb 13: <i>Nutshell 7th Ed</i>, pp. 137-160 (§5-1 through §5-4)</p> <p>Feb 15: “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 8 C.F.R. § 214.11 8 C.F.R. § 214.14 “A Horrifying Path to America for Hotel Workers”, by Ariel Ramchandani, <i>The Atlantic</i> (March 2018)</p>	
Week 7	Group Presentations	<i>No Reading</i> <i>No lecture on Feb 20 (president’s Day)</i>	Group Presentations Feb 22
Week 8	Midterm Review Feb 27 Midterm Exam March 1		Midterm Exam – March 1 (in class)
Week 9	<p>Grounds of Inadmissibility and Removal</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</p>	<p>March 6: <i>Nutshell 7th Ed</i>, pp. 181-195, 191-222</p> <p>March 8: <i>Nutshell 7th Ed</i>, pp. 257-299 Skim <i>INA 212(a) & 237(a)</i></p>	

	<p>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>		
WEEK 10	March Break	March Break - March 12 to March 19	
Week 11	<p>"Crimmigration"</p> <p><u>Beginning Discussion:</u></p> <p>A.) 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>B.) What are the larger consequences for noncitizens who are convicted of crimes compared to citizens? Does restorative justice, remorse, or "rehabilitation" factor into immigration laws concerning criminal convictions? If so, how? How do the larger consequences for non-citizens impact our communities? Does it make them safer?</p>	<p>March 20: <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> <p>March 22: 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>	
Week 12	<p>Refugees and Asylum</p> <p><u>Beginning Discussion:</u></p> <p>B.) What is the main difference between a refugee and an asylee? Let's discuss some of the narratives surrounding refugees and asylees? How do these narratives influence U.S. laws and policy.</p>	<p>March 27: <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>	

		March 29: Readings TBD	
Week 13	<p>Asylum and Refugee Continued <u>Beginning Discussion</u> A.) 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>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>April 3: The Times: Life and death in the Darién Gap (audio) https://www.latimes.com/podcasts/story/2022-08-16/the-times-podcast-darién-gap</p> <p><i>Law of Asylum in the United States</i>, 2018 Ed., Anker, pp. 373-389, 617-633; 1984 Cartagena Declaration</p> <p>April 5: <i>Nutshell 7th Ed</i>, pp. 439-462</p>	
Week 14	<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.)TBA</p>	<p>April 10: <i>Nutshell 7th Ed</i>, pp. 475-523</p> <p>April 12: <i>Immigration Stories</i> (Foundation Press, 1st Edition) by David Martin and Peter Schuck, pp. 147-168 (<i>Afroyim</i>)</p>	
Week 15	<p>Immigration Enforcement</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</p>	<p>April 17: PBS Frontline “Targeting El Paso” Targeting El Paso Watch S2020 E4 FRONTLINE PBS Official Site *see BB announcement for trigger warnings</p>	

	<p>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? What does interior enforcement mean to you? What is the difference?</p> <p>B.) Does deterrence have any place in immigration enforcement? How have immigration policies aimed at deterring immigration at the border violated immigration law and the Constitution? What is the cost?</p>	<p><i>Immigration and Citizenship</i> by Aleinikoff, et al., pp.1086(beginning at “3.”- pp.1095 (ending at “4.”)</p> <p>April 19: “We Need to Take Away Children” The secret history of the U.S. government’s family-separation policy, The Atlantic, by Caitlin Dickerson</p>	
Week 15	<p>Immigration Detention</p> <p><u>Beginning Discussion:</u></p> <p>A.) Immigration detention is a civil detention, unlike criminal incarceration which is punitive. What is the purpose of immigration detention? Is it really different from punitive incarceration? If so, in what way?</p>	<p>April 24: <i>Jennings v. Rodriguez</i> (2018) Dissent (beginning at the top of second column on p. 22)</p> <p>April 26: SEMESTER REVIEW</p>	
Week 16	Final Exam- Take Home due in May (date TBD)		

****Note the foregoing schedule and readings are subject to change as the semester progresses given the varying length of coverage of important topics, speaker availability and major current events in immigration.

Statement on Academic Conduct and Support Systems

Academic Integrity:

The University of Southern California is a learning community committed to developing successful scholars and researchers dedicated to the pursuit of knowledge and the dissemination of ideas. Academic misconduct, which includes any act of dishonesty in the production or submission of academic work, comprises the integrity of the person who commits the act and can impugn the perceived integrity of the entire university community. It stands in opposition to the university’s mission to research, educate, and contribute productively to our community and the world.

All students are expected to submit assignments that represent their own original work, and that have been prepared specifically for the course or section for which they have been submitted. You may not submit work written by others or “recycle” work prepared for other courses without obtaining written permission from the instructor(s).

Other violations of academic integrity include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), collusion, knowingly assisting others in acts of academic dishonesty, and any act that gains or is intended to gain an unfair academic advantage.

The impact of academic dishonesty is far-reaching and is considered a serious offense against the university. All incidences of academic misconduct will be reported to the Office of Academic Integrity and could result in outcomes such as failure on the assignment, failure in the course, suspension, or even expulsion from the university.

For more information about academic integrity see [the student handbook](#) or the [Office of Academic Integrity's website](#), and university policies on [Research and Scholarship Misconduct](#).

Please ask your instructor if you are unsure what constitutes unauthorized assistance on an exam or assignment, or what information requires citation and/or attribution.

Students and Disability Accommodations:

USC welcomes students with disabilities into all of the University's educational programs. The Office of Student Accessibility Services (OSAS) is responsible for the determination of appropriate accommodations for students who encounter disability-related barriers. Once a student has completed the OSAS process (registration, initial appointment, and submitted documentation) and accommodations are determined to be reasonable and appropriate, a Letter of Accommodation (LOA) will be available to generate for each course. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at osas.usc.edu. You may contact OSAS at (213) 740-0776 or via email at osasfrontdesk@usc.edu.

Support Systems:

[*Counseling and Mental Health*](#) - (213) 740-9355 – 24/7 on call

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

[*988 Suicide and Crisis Lifeline*](#) - 988 for both calls and text messages – 24/7 on call

The 988 Suicide and Crisis Lifeline (formerly known as the National Suicide Prevention Lifeline) provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week, across the United States. The Lifeline is comprised of a national network of over 200 local crisis centers, combining custom local care and resources with national standards and best practices. The new, shorter phone number makes it easier for people to remember and access mental health crisis services (though the previous 1 (800) 273-8255 number will continue to function indefinitely) and represents a continued commitment to those in crisis.

[*Relationship and Sexual Violence Prevention Services \(RSVP\)*](#) - (213) 740-9355(WELL) – 24/7 on call

Free and confidential therapy services, workshops, and training for situations related to gender- and power-based harm (including sexual assault, intimate partner violence, and stalking).

[*Office for Equity, Equal Opportunity, and Title IX \(EEO-TIX\)*](#) - (213) 740-5086

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.

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

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

[The Office of Student Accessibility Services \(OSAS\)](#) - (213) 740-0776

OSAS ensures equal access for students with disabilities through providing academic accommodations and auxiliary aids in accordance with federal laws and university policy.

[USC Campus Support and Intervention](#) - (213) 740-0411

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

[Diversity, Equity and Inclusion](#) - (213) 740-2101

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

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) 442-1200 – 24/7 on call

Non-emergency assistance or information.

[Office of the Ombuds](#) - (213) 821-9556 (UPC) / (323-442-0382 (HSC)

A safe and confidential place to share your USC-related issues with a University Ombuds who will work with you to explore options or paths to manage your concern.

[Occupational Therapy Faculty Practice](#) - (323) 442-2850 or otfp@med.usc.edu

Confidential Lifestyle Redesign services for USC students to support health promoting habits and routines that enhance quality of life and academic performance.