

Legal Studies 132AC
“Immigration and Citizenship”
UC Berkeley Spring 2024

COURSE SYLLABUS

Professor Christina H. Lee (she/her)

Spring 2024

5:00 – 6:29pm, T/TH

Virtual Office Hours: Monday 12-1pm and by appointment (see bCourses for more info) **[Subject to Change]**

In-Person Office Hours: 1x/month [Will Vary Month to Month]

clee2023@berkeley.edu

SUMMARY (read on for more important info)

Thank you for signing up to take this course! I am committed to helping you succeed in this class. If you struggle to keep up with the coursework or are worried you will miss a deadline, please reach out to me or your GSI as soon as possible.

I will have virtual office hours every Monday, 12-1pm (please sign up so I through the link on bCourses), but if that time does not work please email me.

All course reading is posted on the bCourses website, on the “Home” page. Please do the reading listed for each class BEFORE that lecture. Readings have been kept short and many readings are optional, so please try to complete the required reading.

Your grade will be based on: (1) section/lecture participation, (2) a 1-2 page written migration history, (3) an in-class midterm, (4) a 1-3 page reaction paper, and (4) a take-home final exam. More details and deadlines are below. You must complete all the assignments to pass the course.

Course material, including all video and live lectures, is copyrighted. DO NOT re-post course material on social media (or anywhere else) without permission of the instructor.

Course Description

We often hear that America is a “nation of immigrants.” But this representation of the United States does not explain why some are presumed to belong in the United States, and others are not. Why are non-white Latinos and Asian Americans so often considered “alien citizens,” as American citizens who are nonetheless presumed to be foreign? And why are those of European descent assumed to belong, regardless of their citizenship?

This course will examine these questions, among others, through studying how the law of immigration and citizenship historically included some communities and excluded others. In addition to this historical examination, we will also study how contemporary immigration and citizenship law shape who is included and excluded in our national community today.

This course will serve as an introduction to legal studies. Thus, what will be different about the approach of this course, as compared to courses in sociology, political science, or ethnic studies that examine immigration and migration, is the attention to how the law has served to shape both immigrant communities and American national identity.

In addition to scholarly texts, students will learn to read and analyze excerpts of both cases and the statute that governs immigration and citizenship, the Immigration and Nationality Act (INA).

Lastly, this course meets the American Cultures requirement. As a result, the course examines the origins of certain racialized ideas which serve to shape contemporary policy and thought. We will also examine how these racial concepts are bound up in questions of gender and sexuality.

Learning Objectives

Through this course, students will:

- Gain an understanding of the basic legal framework of American immigration law, through study and analysis of the Immigration and Nationality Act, and applicable regulations and caselaw that govern immigration and citizenship;
- Develop an understanding of the ways in which ideas about race, gender, and sexuality have shaped U.S. immigration law and policies, through historical accounts of the specific experiences of Asian-American, European American, Latinx, Native/Indigenous, and Black/Afro-descendant people in the U.S.
- Develop academic skills, including critical reading and analysis, essay composition, and test-taking skills.

REQUIREMENTS

Each of the requirements below must be completed for a passing grade:

1. 1-2 page migration history (Due February 13, 2024 at 5pm);
2. In-Class Midterm (February 29, 2024)
3. 2-3 page reaction paper (due no later than April 09, 2024 at 5pm);
4. Final exam; and
5. Participation in discussion section and lecture.

Migration History: Due Date: 2/13/2024 @ 5pm: The migration history should be 1-2 pages, double-spaced with 1-inch margins and a 12-point font. *You can write your personal migration history, or you can ask another person the questions and write about their history.*

Think about where you consider yourself to be “from,” and if people ask you where you are from, how you answer and why, and how it makes you feel when asked this. If you are not an indigenous person, where did your family migrate from and in which generation - you, your parents, your grandparents, your great-grandparents, etc.?

If you cannot find that out, what does it mean to you that you don't know this history? What impact, if any, has that had on your ability to live in the U.S. and experience the rights and

privileges of legal and social membership?

Reaction paper: Due Date: No Later than 4/09/2024 @ 5pm: The reaction paper should be 2-3 pages, double-spaced with 1-inch margins and a 12-point font. Each response must be written in paragraph form. The reaction paper can be turned in at any time, but must be done no later than 4/11/2024.

Choose one of the reading assignments or video clips assigned. How is this material related to the themes of this course? How does it relate to your life or experiences? Did the material change your perspective or thinking in any way? If so, how?

Midterm and Final Exam:

In Class Midterm [February 29, 2024]: The midterm will be an exam that students will complete in class during the scheduled class on 02/29/2024 @5pm that will cover materials from lectures up to February 20, 2024.

Final Exam: The final exam will be a take home, open book exam that consists of short-answer and essay questions. It will cover material from the entire semester, with an emphasis on new material learned after February 20, 2024.

More information about the exams will be made available on bCourses, and will be discussed during section and/or lecture. A review handout and review sessions will be made available prior to the exams.

Participation: Your grade for participation is determined by the quality and consistency of your contributions to class. This means regularly taking part in section and lecture discussions, (whether in real time or through written discussion on bCourses), participating in small group exercises, and any other forms of participation required by your GSI.

You are also expected to participate in breakout groups and answer discussion questions and/or polls during the live lecture. Students may be asked to share their response to a discussion question aloud in lecture once during the semester. Failure to do so will lower your participation grade.

If you miss a live lecture, please email BOTH: me and your section GSI for access to the recording.

Grading:

Migration History (pass/fail)	10%
Reaction Essay (pass/fail)	15%
Section and Lecture Participation	20%
Midterm	25%
Final Exam	30%
<hr/> TOTAL:	100%

Grading Policy: Course grades will be determined by the total points earned on all of the

components listed above. For the pass/fail components, students who complete the assignment will receive full points, while those who do not complete the assignment will receive zero points.

You are welcome to request a meeting with your GSI if you have questions about your exam, however grade adjustments are limited to computational errors.

The deadline for changing your P/NP grading option is the tenth week of instruction. For more information on P/NP grading options see: <https://lsadvising.berkeley.edu/policies/grading-options-letter-graded-and-passno-pass>

Late Assignments: If you think you may not be able to turn in an assignment by the deadline, please reach out to me or your GSI about an extension. If you have not been granted an extension, a late assignment will have 5% of points deducted for each week it is late. Late assignments will not be accepted after the end of classes.

If you were unable to turn in an assignment because of an emergency or exceptional circumstances, please reach out to me or your GSI as soon as possible to see if we can establish new deadlines or accommodations.

Course Materials: The course materials will be made available on bCourses. I may amend or modify certain readings by posting those online on the bCourses page. We will also post announcements, lecture slides, and other materials to the bCourses website. You are expected to check bCourses regularly.

Some of the materials and resources are best accessible through the link indicated on the syllabus and should be viewed online, generally law review and news media stories.

Asynchronous Learning: All lecture slides, and some discussion session materials will be posted to bCourses. Lecture videos will be provided upon request to the instructor. They are **not to be shared** with anyone outside of the class.

Communication

- bCourses is the hub for class readings, assignments, announcements, and extra materials. You should check bCourses regularly. Indeed, please first check bCourses and the syllabus if you have questions about class logistics and materials.
- Check your berkeley.edu email regularly for announcements and class communication.
- Realize that instructors and GSIs are getting many emails. We will try to respond in a timely manner, but please be patient.

LECTURE AND READING SCHEDULE

Module 1: Race and the Origins of Modern U.S. Immigration Law

In this module, we will start on comprehensive exploration of critical race theory, using it as a foundational framework to delve into the profound influence of racial categorizations on the development of law. We will begin with a thorough review of key concepts within critical race theory, laying the groundwork for a profound examination of the intricate interplay between race and the legal system. In particular, we will discuss how immigration law evolved to exclude Native Americans and those of Chinese descent from the rights and privileges of citizenship.

01/16/2024, Class 1: Welcome and Introductions

No reading

01/18/2024, Class 2: Critical Race Theory

What is critical race theory? How is it relevant to the study of immigration law?

1. Derrick Bell, Space Traders. <https://whgbetc.com/the-space-traders.pdf>
2. Richard Delgado & Jean Stefancic, Critical Race Theory, An Introduction, (2012); Introduction and Chapter 1.
3. Peggy McIntosh, White Privilege: Unpacking the Invisible Knapsack, <https://www.racialequitytools.org/resourcefiles/mcintosh.pdf>

Polyculturalism v. Multiculturalism

What is polyculturalism, and how does it differ from multiculturalism? How is it relevant to the study of immigration law?

1. Robin D.G. Kelley, Polycultural Me. <https://www.utne.com/politics/the-people-in-me/>
2. Vijay Prasad, “From Multiculture to Polyculture in South Asian American Studies”, Disapora: A Journal of Transnational Studies (1999).

01/23/2024, Class 3: Origins of Federal Immigration Law

How did ideas of race and ideas of racial superiority shape the emergence of federal immigration law? How does the legal classification of former slaves and Native Americans as “immigrants” tell us about the early conception of citizenship in the U.S.?

1. Victor Romero, “Overview and History of U.S. Immigration Law,” in Everyday Law for Immigrants (2009): 5 – 23.
2. Leti Volpp, “Indigenous as Alien,” UC Irvine Law Review (2015): pp. 289-300, 321-end.

01/25/2024, Class 4: Origins of Federal Immigration Law & Chinese Exclusion

Why is the Chinese Exclusion Act a significant development in federal immigration law? What does the experience of Chinese immigrants, and early deportation policies, tell us about the role of race in determining the legal limits of citizenship?

1. César Cuauhtémoc García Hernández, “Introduction,” in Migrating to Prison (2019): 1-17. (Relevant to origins of federal immigration law)
2. Erika Lee, “The Chinese are Coming. How Can We Stop Them?” in At America’s Gates: Chinese Immigration During the Exclusion Era, 1882-1943 (2003): 22-30, 40-46.
3. Erika Lee, “Race, Class, Gender, and Citizenship in the Enforcement of the Exclusion Laws,” in At America’s Gates, 77-100.
4. Ekui v. United States (1892).
5. Fong Yue Ting v. United States (1893).
6. Optional: Read poems written by people detained on Angel Island about their detention experience, from the book Island.

Film clips in class from “Becoming American: The Chinese Experience”:
<http://www.pbs.org/wgbh/americanexperience/films/chinese-exclusion-act/#part01>

Module 2: Defining “Alien”

This module delves into the historical development of federal immigration law, offering a deep exploration of its theoretical and analytical aspects related to race, culture, and ethnicity. We will critically examine how certain racial groups were included in citizenship rights, while others were labeled as "aliens." We will begin by uncovering the racial restrictions embedded in naturalization laws, highlighting how legal definitions of "whiteness" limited citizenship. We will scrutinize the unjust internment of Japanese Americans during World War II, seeing the shifting racial norms to justify citizenship restrictions. We will then analyze the Bracero program to demonstrate how race and class intersected in shaping the racialization of Latino migrants.

01/30/2024, Class 5: Racial Restrictions on Naturalization

How did naturalization laws explicitly and implicitly impose race, gender and class-based restrictions on citizenship? What is the common knowledge test, and what does its use say about how law constructs race?

1. Ozawa v. United States (1922) (excerpted in Haney Lopez at 176-179).
2. United States v. Thind (1923) (excerpted in Haney Lopez at 179-182).
3. Appendix A: The Racial Prerequisite Cases, in Haney Lopez at 163-167.
4. Ian Haney Lopez, “Racial Restrictions in the Law of Citizenship,” “The Prerequisite Cases,” and “Ozawa and Thind,” in White By Law: the Legal Construction of Race (2006): 27-34, 35-55, 56 – 77.

02/01/2024, Class 6: Racial Restrictions on Naturalization--continued

How did shifting social norms on race impact eligibility for citizenship?

1. Laura Gómez, “Manifest Destiny’s Legacy: Race in America at the Turn of the Twentieth Century,” in Manifest Destinies: The Making of the Mexican American Race (2007): 138-147
2. *In re Rodriguez*, 81 F. 337 (1897)

How did legal definitions of whiteness encourage immigrants to adapt a “performative” model of race and seek assimilation?

1. John Tehranian, “Performing Whiteness: Naturalization Litigation and the Construction of Racial Identity in America,” 109 Yale L.J. 817 (2000)(excerpt).
2. Moustafa Bayoumi, “Racing Religion,” The New Centennial Review (2006)(excerpt).

02/06/2024, Class 7: GUEST SPEAKER, ZOOM/LIVE

Reading TBA

02/08/2024, Class 8: Japanese Internment

How did the development of legal notions of race and citizenship pave the way for the Supreme Court to legally affirm imprisonment of U.S. citizens? What does this say about conceptions of citizenship in the U.S.?

1. Mae Ngai, “The World War II Internment of Japanese Americans and the Citizenship Renunciation Cases,” in Impossible Subjects: 175-201.
2. Civilian Exclusion Order No. 33.
3. Charlie Savage, NY Times, “Korematsu, Notorious Supreme Case on Japanese Internment, is Finally Tossed Out”, <https://www.nytimes.com/2018/06/26/us/korematsu-supreme-court-ruling.html>
4. Kochiyama, Yuri. *Passing It On*. UCLA Asian American Studies Center Press, 2004. 9-22.
5. Optional: Podcast “More Perfect” Season 2, episode: “American Pendulum 1” <https://www.wnycstudios.org/podcasts/radiolabmoreperfect/episodes/american-pendulum-fred> (The podcast explores Fred Korematsu’s path to the Supreme Court).

02/13/2024, Class 9: The Bracero Program

****Migration History Paper Due at 5pm****

How did the Bracero program reshape the racial and national origins of immigration? What relationships do you see about societal attitudes toward Braceros and current rhetoric attitudes toward migrants of Central American and Mexican origin? How did class impact the perception of Braceros and their exclusion from the rights of citizenship?

1. Mae Ngai, “Braceros, ‘Wetbacks,’ and the National Boundaries of Class,” in Impossible Subjects: 96-126.
2. David Bacon, The American Prospect, “Growers Sue to Roll Back Farm Workers’ Wages,” <https://prospect.org/labor/growers-sue-roll-back-farm-workers-wages/>
3. Malia Wollan, The New York Times, “65 Years Later, A Memorial Gives Names to Crash Victims,” <https://www.nytimes.com/2013/09/04/us/california-memorial-names-crashes-forgotten-victims.html>

Film clips in class: “The Bracero Experience”

Module 3: Admission and Exclusion

This module will conduct an in-depth exploration of the modern legal framework for immigration, primarily focusing on the Immigration and Nationality Act of 1952. We will critically analyze the legal avenues for admission to the U.S., including intricate distinctions between immigrant and non-immigrant admissions, which highlights our commitment to an in-depth exploration. We will also look into the intricacies of how federal immigration law addresses gender and sexual orientation, impacting the definition of 'family.' Furthermore, we will engage in thoughtful discussions regarding the development of a quasi-judicial framework that governs deportation and removal; and conduct comprehensive analysis of the legal processes and considerations surrounding immigration enforcement.

02/15/2024, Class 10: Admissions - Family-Based Immigration Today

How does federal immigration law define “family”? What types of families are protected and privileged under existing immigration laws? How does this framework impact LGBTQ and family structures that differ from dominant social norms?

1. Victor Romero, “Immigration Law Basics,” in Everyday Law for Immigrants: 25- 29 (top); Victor Romero, “Immigration Law Basics,” in Everyday Law for Immigrants: 35 (bottom “Diversity Visa Lottery Winners”) – 43 (top).
2. Bill Ong Hing: Promoting Family Values and Immigration,” in Deporting Our Souls: Values, Morality and Immigration Policy (2006): 118-140.
3. Optional: Cecilia Munoz, The Myth of Chain Migration, Politico, Jan. 26, 2018 <https://www.politico.com/magazine/story/2018/01/26/myth-chain-migration-trump-family-immigration-216536>
4. Optional: VIDEO CLIP – John Oliver on legal immigration and the GOP: <https://lawprofessors.typepad.com/immigration/2019/09/john-oliver-on-legal-immigration-and-gop-positions.html> [Note/warning - coarse language (swearing)]

Family based immigration, Employment-based Immigration and Alternatives

1. Council on Foreign Relations, Background: What is Canada’s Immigration Policy?, Feb. 9, 2022 <https://www.cfr.org/backgrounder/what-canadas-immigration-policy>: skim “How Does the Canadian immigration process work?”, “What is Canada’s policy on asylum seekers?”, and “What are Canada’s temporary foreign worker programs?”

02/20/2024, Class 11: Exclusion - Grounds of Removal/ Immigration Court, Federal Immigration Power

What are the historical and legal origins of deportation under federal immigration law? How the idea of the “illegal alien” emerge, and how has it been used to dehumanize and criminalize noncitizens? How does this concept reinforce and perpetuate race and class as a basis for exclusion?

1. Daniel Kanstroom, “Introduction,” in *Deportation Nation: Outsiders in American History* (2007): 1-20.
2. Victor Romero, “Immigration Law Basics,” in *Everyday Law for Immigrants*, 43- 53; Victor Romero, “Immigration Procedure Basics,” in *Everyday Law for Immigrants*, 59-77.
3. Mae Ngai, “Deportation Policy and the Making and Unmaking of Illegal Aliens,” in *Impossible Subjects: Illegal Aliens and the Making of Modern America* (2004):56-90.

02/22/2024, Class 12: Review session

No new reading

02/27/2024, Class 13: GUEST SPEAKER VIA ZOOM/LIVE

02/29/2024, Class 14: IN CLASS MIDTERM

- **Will cover material up to and including the February 20 lecture.**

Module 4: Criminalizing Non-Citizens

This module will explore the evolving landscape of federal immigration law and policy, with a particular focus on its increasing tendency to criminalize non-citizens considered undesirable. Within this context, we will critically examine the policy origins of mass immigration detention and its intricate connections to the broader issue of mass incarceration within the criminal justice system. Furthermore, we will delve into the legal framework that criminalizes both unlawful entry and re-entry, while also tracing the evolution of more stringent legal consequences for non-citizens convicted of various offenses. This comprehensive analysis will reveal the multifaceted and complex nature of immigration law as it intersects with broader issues of criminalization and racial disparities. Additionally, will examine the establishment of Immigration and Customs Enforcement (ICE), highlighting its transformation into the nation's largest law enforcement agency.

03/05/2024, Class 15: Crimmigration, Part 1: Detention

Why are migrants detained? How does race play into who is detained, and how they are treated in detention? Who detains them, and under what conditions? What are the legal and economic incentives that encourage detention?

1. Freedom for Immigrants, A Short History of Immigration Detention,” <https://www.freedomforimmigrants.org/detention-timeline>

Crimmigration, Part 2: Aggravated Felony

What is an aggravated felony? How has the definition of an aggravated felony, and the consequences of an aggravated felony, changed over time? How has that impacted Black and Brown immigrant communities, in particular Latinx immigrant communities?

1. Bill Ong Hing, “Deporting Our Souls,” in Deporting Our Souls: 52-117.

Film clips in class: “Breathin: the Eddy Zheng Story” (stream from Kanopy)

03/07/2024, Class 16: Crimmigration, Part 3: ICE

What does Immigration and Customs Enforcement do? Why was it created, and how was its creation influenced by the post-9/11 political climate? What is the Abolish ICE movement, and what are its goals?

1. Sean McElwee, “It’s time to abolish ICE”, the Nation, Mar. 9, 2018 <https://www.thenation.com/article/archive/its-time-to-abolish-ice/>
2. Optional;” Peter L. Markowitz, “Abolish ICE... and Then What?”, 129 Yale L.J. (2019)(<https://www.yalelawjournal.org/forum/abolish-ice-and-then-what>)

Crimmigration, Part 4: Resistance

What rights do detained workers have? How are detained migrants exposing and fighting their exploitation in detention?

1. Jack Herrera, Prism, “Immigrants Stage a Hunger Strike for Black lives insides ICE detention facility,” <https://www.prismreports.org/article/2020/6/12/immigrants-stage-a-hunger-strike-for-black-lives-inside-ice-detention-facility>
2. Press Release, “ Detained Labor Strikers Sue GEO Group Over \$1-A-Day Pay,” <https://www.ccijustice.org/post/breaking-detained-labor-strikers-sue-geo-group-over-1-a-day-pay>
3. Optional: Podcast: “‘We are Just Money to Them’”: The Impact of COVID-19 Inside Otay Mesa Detention Center”, <https://www.detentionresistance.org/voices-of-transborder-resistance/episode/3f6e88f5/we-are-just-money-to-them-the-impact-of-covid-19-in-otay-mesa-detention-center>

03/12/2024, Class 17: Immigration Control, Crime and Removal

What is the distinction between inadmissibility and deportability? How do criminal convictions and arrest impact each? How do ideas of race and the racialization of Latinx migrants impact the narrative of undocumented migration as fueling violent crime? How do those same ideas allow family detention to emerge?

1. INA section 212 (2) – Criminal and related grounds (skim the other sections),

- <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1182&num=0&edition=prelim>
- INA section 237(2) – Criminal Offenses (skim the other sections), <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1227&num=0&edition=prelim>
 - Bort, Ryan “There’s No Correlation Between Undocumented Immigration and Violent Crime” <https://www.rollingstone.com/politics/politics-news/study-undocumented-immigration-violent-crime-834842/>
 - Optional: Ingrid Eagly, Steven Shafer, Jana Whalley, Detaining Families, California Law Review excerpt, 785-795 (2018). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3175027

03/14/2024, Class 18: Federalism

How have states and localities helped enforce federal immigration laws? Why are they motivated to do this? What did Arizona’s 2010 immigration law do, and why? Why did the 9th Circuit Court of Appeals allow some parts of the law to stand, while striking down others?

- Kris Kobach, “Reinforcing the Rule of Law: What States Can and Should Do to Reduce Illegal Immigration,” *Georgetown Immigration Law Journal* (2008) (pages 459-465), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1270124
 - Kevin Johnson, SCOTUS Blog, “Online symposium: The debate over immigration reform is not over until its over,” June 27, 2012, <https://www.scotusblog.com/2012/06/online-symposium-the-debate-over-immigration-reform-is-not-over-until-its-over/>
 - Optional: Supreme Court Decision (Arizona v. US) on Immigration Law, interactive feature, NY Times, June 26, 2012, <http://www.nytimes.com/interactive/2012/06/26/us/scotus-immigrationlaw-analysis.html>
 - Optional: Stella Burch Elias, The New Immigration Federalism, 74 Ohio St. L.J. 703 (2013); read intro, and 734-end, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2337662
- Optional: Benjamin Wemund, “Gov. Abbott pledges to finish Trump’s border wall and use state troopers to arrest migrants”, Houston Chronicle, <https://www.houstonchronicle.com/politics/texas/article/Gov-Abbott-heads-to-border-today-as-migrant-16239162.php>

03/19/2024, Class 19: DACA and State Limits on Immigration Enforcement

How do we reconcile the popularity of programs like DACA, with the increased detention and deportation of migrants seen as “criminal” or undesirable? Why do some states seek to extend rights to noncitizens, while others seek to limit them?

- Plyler v. Doe* (1982) (excerpt).
- Jazmine Ulloa, “How California’s Trust Act shaped the debate on the new ‘sanctuary state’ proposal,” Los Angeles Times, <https://www.latimes.com/politics/la-pol-ca-trust-act-sanctuary-state-immigration-20170910-htlstory.html>
- Office of the Governor, “Governor Newsom Signs AB 32 to Halt Private, For-Profit

Prisons and Immigration Detention Facilities in California”,
<https://www.gov.ca.gov/2019/10/11/governor-newsom-signs-ab-32-to-halt-private-for-profit-prisons-and-immigration-detention-facilities-in-california/>

4. Film clip: CALIFORNIA LATINO LEGISLATIVE CAUCUS, Sacramento Bee, Latino lawmakers thank ex-Gov. Pete Wilson for accidentally sparking pro-immigrant movement, NOVEMBER 01, 2019, <https://www.sacbee.com/news/politics-government/article236908208.html> (3 min.)
5. Optional: Podcast - Analysis of DACA oral argument and interview with Luis Cortes, DACAdmented lawyer who worked on the case (starts at about 04:00) <https://strict-scrutiny.simplecast.com/episodes/here-come-the-generals>

Module 5: Political Asylum and the Global Refugee Crisis

This module will examine the complexities surrounding asylum eligibility and the application processes. We will look into the theoretical and analytical aspects pertinent to understanding race, culture, and ethnicity within the context of asylum-seekers. We will critically analyze how current policies may inadvertently limit the ability of certain groups to seek asylum. By dissecting the legal requirements for asylum grants, it will highlight how these prerequisites often result in the exclusion of individuals from Central America, those with Black/Afro-descendant backgrounds, and other racialized non-white immigrants. We will also examine how contemporary societal and political norms regarding race and sexual orientation can further marginalize and exclude indigenous and LGBTQ immigrants from accessing asylum protection.

03/21/2024, Class 20: Current Issues in Asylum and Asylum law

Who is legally eligible to apply for asylum, and who actually is able to do so? What are the legal requirements for an individual to be granted asylum? How do these requirements act to exclude those from racialized groups deemed undesirable?

1. Obtaining Asylum in the United States, information from USCIS, available at: <http://www.uscis.gov/humanitarian/refugees-asylum/asylum/obtaining-asylum-united-states>
2. Congressional Research Service, “Immigration: Apprehensions and Expulsions at the Southwest Border”, Introduction and Current Border Enforcement Policies, <https://sgp.fas.org/crs/homsec/R46999.pdf>
3. Optional: *Matter of A-B-*, 27 I&N Dec. 316 (A.G. 2018).
4. Optional: *Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014).

***SPRING BREAK* [03/25/2024 - 03/29/2024]**

04/02/2024, Class 21: Asylum – Current Border Issues

How have current asylum laws and policies impacted indigenous, Afro-descendant and LGBTQ migrants? How do ideas of race, particularly as they apply to migrants of Latino origin, impact asylum policies on the Southern border? How do immigration policies that exclude African and Latin American migrants from the asylum process relate to current cultural attitudes towards

those regions?

1. Kate Morrissey, “Biden administration to restart ‘Remain in Mexico’ program and expand to include Haitians”, <https://www.sandiegouniontribune.com/news/immigration/story/2021-12-02/biden-remain-in-mexico-restart>
2. Farida Jhabvala Romero, “‘Lost Hope’: Tens of Thousands of Asylum-Seekers Face Tough Prospects in US Courts”, <https://www.kqed.org/news/11800681/lost-hope-tens-of-thousands-of-asylum-seekers-face-tough-prospects-in-us-courts>
3. Optional: UT Law and Penn Law, Request to Inter-American Commission on Human Rights for Thematic Hearing on Migrant Protection Protocols Program, <https://law.utexas.edu/wp-content/uploads/sites/11/2020/02/2020-02-IC-IACHR-Hearing-Request-MPP.pdf>
4. Optional: Kevin R. Johnson, *Trump’s Latinx Repatriation*, 66 UCLA L.Rev. 1444 (2019).

Optional: The Migrant of the Caravan. [To Be Shown in Class]

https://m.facebook.com/story.php?story_fbid=948352325545858&id=2534054749944189

04/04/2024, Class 22: Black migrants and asylum

How did conceptions of race and citizenship influence Haitian immigration policy? Why have Haitians been treated differently under immigration law from Cubans, despite similarities in their migration histories? How are Black and Afro-descendant migrants particularly vulnerable to abuses in the asylum and immigration detention system?

1. Refugees, Racism, and Repatriations: A Critique of the United States' Haitian Immigration Policy, 45 STAN. L. REV. 687, 692 (Feb. 1993).
2. BAJI, Black Immigrants at the Border, <http://baji.org/wp-content/uploads/2020/03/black-lives-at-the-borderfinal-2.pdf0>
3. An Open Letter to California's Elected Officials Calling for Accountability and Action to Protect Black Immigrants

Module 6: Reimagining Citizenship

In our final module, we will examine two legal tools for policing the ever-changing racial boundaries of citizenship: denaturalization and changes in birthright citizenship. We will analyze the intricate legal framework governing denaturalization, emphasizing its theoretical and analytical significance in the context of race, culture, and ethnicity. We will then turn our attention to proposals aimed at altering the constitutionally guaranteed birthright citizenship. We will contextualize these proposals within the contemporary political landscape, highlighting their potential implications, particularly in relation to individuals of Latino descent and the broader notion of citizenship. Finally, we will conclude by exploring the adaptability and vulnerability of both legal and political frameworks surrounding American citizenship. Our exploration will underscore the multifaceted and complex nature of these issues, finding valuable insights through critical analysis and nuanced examinations. Ultimately, we will explore the potential for expanding the concept of citizenship to encompass historically marginalized groups, aligning with an intersectional approach to race, culture, and ethnicity.

04/09/2024, Class 23: Denaturalization and Birthright citizenship

Reaction Paper Due at 5pm

What is denaturalization? How does the recent push to denaturalize certain groups fit within the racialized legal and political framework for citizenship? What is birthright citizenship? Who wants to modify it, how and why?

1. [Skim] INA s. 312-316; and INA s. 340 [start here, and click through "next document" to get to s. 316; then skip ahead to s. 340]
<https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-9833.html>]
2. Amanda Frost, Alienating Citizens, 114 Nw. U. L. Rev. 241, 242 (2019),
<https://scholarlycommons.law.northwestern.edu/nulr/vol114/iss1/5/>
3. Optional: Karen J. Greenberg, "Trump Wants to Take Away Your Citizenship," The Nation, March 21, 2019, <https://www.thenation.com/article/trump-wants-to-take-your-citizenship-denaturalization/>
4. Optional: Civics Practice Test, USCIS - <https://my.uscis.gov/prep/test/civics>

04/11/2024, Class 24: Final Review Session

04/16/2024, Class 25: GSI Presentation

04/18/2024, Class 26: GSI Presentation

04/23/2024, Class 27: Migration Theory

Why is citizenship so important to ideas of community? How can we reimagine ideas of citizenship to include Latino, Black/Afro-descendant, indigenous and other history marginalized people??

1. Gerald R. Neuman, Book Review – Back to Dred Scott? San Diego Law Review (1987).
2. California Immigrant Youth Justice Alliance, "First We Abolish ICE: a Manifesto for Immigrant Liberation", <https://06d.b80.myftpupload.com/wp-content/uploads/2018/07/AbolishICE.pdf>
3. Optional: Mae Ngai, Birthright Citizenship and the Alien Citizen, Fordham Law Review (2007),
<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4263&context=flr>

04/25/2024, Class 28: *FINAL EXAM*. Take Home, Details TBD

COURSE AND UNIVERSITY POLICIES

Accommodations & Disabled Students' Services: All abilities and disability identities are welcome in our class. UC Berkeley is committed to creating a learning environment that meets the needs of its diverse student body. If you anticipate or experience any barriers to learning in this course, please feel welcome to discuss your concerns with me.

If you have a disability, or think you may have a disability, work with the Disabled Students' Program (DSP) to request an official accommodation. The Disabled Students' Program (DSP) is the campus office responsible for authorizing disability-related academic accommodations.

Students who need academic accommodations or have questions about their accommodations should contact DSP, located at 260 César Chávez Student Center. Students may call 642-0518 (voice), 642-6376 (TTY), or e-mail dsp@berkeley.edu

Honor Code and Student Conduct: The student community at UC Berkeley has adopted an Honor Code that states, “As a member of the UC Berkeley community, I act with honesty, integrity, and respect for others.” The entire Berkeley Student Code of Conduct can be found at <http://sa.berkeley.edu/code-of-conduct>. The expectation is that you will adhere to this code and that an attitude of honesty, integrity, and respect will shape all your interactions with your classmates and their ideas, as well as your engagements with the materials that we study this semester.

It is important to appreciate that fellow students come from varied backgrounds and experiences, with different levels of interest, knowledge and experiences of immigration. Please review and respect the university's [Principles of Community](#).

Students are particularly encouraged to be mindful of plagiarism and the appearance thereof. Plagiarism is defined as use of intellectual material produced by another person without acknowledging its source

STUDENT RESOURCES

Student Learning Center offers writing support, peer tutoring, and other academic resources. <http://slc.berkeley.edu>

Basic Needs Center provides financial, food, housing and other basic needs support and services. <https://basicneeds.berkeley.edu>

Disabled Students' Program provides a wide range of resources to ensure equal access to educational opportunities, including assessment, advising, note-taking services, and academic accommodations. <http://www.dsp.berkeley.edu>

The PATH to Care Center provides affirming, empowering, and confidential support for survivors and those who have experienced gendered violence, including: sexual harassment, dating and intimate partner violence, sexual assault, stalking, and sexual exploitation. Confidential advocates bring a non-judgmental, caring approach to exploring all options, rights, and resources. <https://care.berkeley.edu>

Tang Center offers immediate and long-term counseling services to assist students with a variety of concerns about academic success, mental health, life management, and personal development. <https://uhs.berkeley.edu>

Office for the Prevention of Harassment & Discrimination (OPHD) ensures that UC Berkeley provides an environment free from discrimination, harassment, and sexual violence. OPHD takes reports alleging discrimination and harassment on the basis of categories including race, color, national origin, gender, age, sexual orientation/identity, including allegations of sexual harassment and sexual violence. <https://ophd.berkeley.edu>

Center for Student Conduct: Provides full texts of campuswide policies and regulations regarding student rights, including: Privacy and Disclosure of Information from Student Records; Nondiscrimination Policy; Policy on Sexual Harassment and Sexual Violence; and Civility and Respect in an Atmosphere of Academic Freedom. <https://sa.berkeley.edu/conduct/policies>