

Legal Studies 132AC
Spring 2019
T/Th 8 – 9:30 am
Wheeler 212

Professor P. Gulasekaram

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Office hours by phone, or after class
on Tuesday/Thursday(location TBD)

Graduate Student Instructors (GSIs):

Pauline White Meeusen paulinewm@berkeley.edu

101-DIS Tues 1:00-2:00 PM Hildebrand B56 (White Meeusen)

102-DIS Thurs 2:00-3:00 PM Kroeber 238 (White Meeusen)

Joel Sati sati@berkeley.edu

103-DIS Mon. 11:00 AM-12:00 PM Hildebrand B56 (Sati)

104-DIS Mon. 12:00-1:00 PM Wheeler 24 (Sati)

IMMIGRATION AND CITIZENSHIP SYLLABUS

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 Mexicans the prototypical “illegal alien”? Why are Latinos and Asian Americans so often considered “alien citizens,” as American citizens who are nonetheless presumed to be foreign? And why are European Americans assumed to belong? This course will examine these questions, among others, through studying how the law of immigration and citizenship historically included some communities and excluded others through both explicit racial bars and formally neutral requirements. In addition to this historical examination, we will also study contemporary immigration and citizenship law, and its role in shaping the borders of our national community today. Thus, our focus will be on both the history of immigration and citizenship law, and on contemporary debates in the field.

While we will frequently foreground questions of race in the class, we will also spend considerable time on a comprehensive overview of the major facets of American immigration law and policy. These topics will include admissions, substantive grounds for removal (exclusion and deportation), the treatment of undocumented immigrants, asylum and refugee policy, and the law of citizenship.

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, 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. Ideas about race are often bound up in questions of gender and sexuality, and we will thus look at how racial concepts intersect with assumptions about normative families and behavior. We will study how immigrant communities and national identity have been made through immigration and citizenship law, with the direct experiences of specifically racialized groups integrated into the course structure. When possible, we will contemplate how racialization happens in a comparative frame, across communities.

Requirements

Course requirements include:

- (1) a one to two-page personal immigration history;
- (2) a two to three-page observation of Immigration Court in San Francisco;
- (3) a midterm;
- (4) a three to four-page book review essay;
- (5) a final exam; and
- (6) participation in discussion section.

Some details about particular assignments:

Court Observation

For this assignment, you are to observe two hours of proceedings at either SF Immigration Court at 120 Montgomery Street or SF Detained Immigration Court at 630 Sansome Street in San Francisco. You may do this on any day between Monday – Thursday, either for a session that begins at 8:30 am or at 1:00 pm, as fits with your schedule. Obviously you should not plan to observe court at times that conflict with section or lecture. We encourage you to do your court observation early in the semester, for two reasons. First, the experience will enrich your learning in the remainder of the course. Second, we don't want to flood the court with an entire class of observers the week your observation is due. We will be posting an online sign up for the court observation.

Book Review

Students will review the following book (available on bcourses) for their book review essay:

Ian Haney Lopez, White By Law: The Legal Construction of Race (2006, 2nd ed.).

More information about each of the assignments will be made available on bcourses or during section and lecture.

Grading

Personal Immigration History (pass/fail)	5%
Section Participation	10%
Midterm	20%
Court Observation (pass/fail)	10%
Book Review Essay	25%
Final Exam	30%
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TOTAL:	100%

Significant Dates

Personal Immigration History Due	February 14
In class Midterm	March 12
Book Review Essay Due	April 18
Court Observation Due	May 2
Final Exam	May 16

The personal immigration history will be due the fourth week of class. The midterm will be held in class during the seventh week of class and will cover material through the lecture held on February 28 (subject to change). The book review essay will be due during week twelve. The court observation will be due the final class meeting. The final exam will cover material from the entire semester, with an emphasis on new material learned after February 28.

Course Materials

All course materials will be made available on bcourses and in a reader available at Copy Central on Bancroft, with the exception of resources which are best accessible through the link indicated on the syllabus and should be viewed online. You can opt to either purchase a reader or access the material via bcourses. Please note that for convenience, I have adopted the same course reader from past years. I will likely amend or modify certain readings by posting those online on the bcourses page.

Schedule

Week One: Welcome and Introduction

Readings

Tuesday, January 22:

1. Look at two newspapers (I suggest the New York Times, along with the Washington Post or Los Angeles Times) for stories about immigration between January 14-21, 2019).

Thursday, January 24:

2. Victor Romero, "Overview and History of U.S. Immigration Law," in *Everyday Law for Immigrants* (2009): 5 – 23.

Week Two: The Origins of Federal Immigration Law

Readings

Tuesday, January 29:

1. 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): 23-46.
2. Erika Lee, "The Chinese Respond to American Exclusion," in At America's Gates: 111-145.
3. Yanan Wang, "Muslims Are to Trump as Chinese Were to President Arthur in 1882," Washington Post, Dec. 8, 2015.
4. Take a look at poems written by Angel Island detainees about their detention experience, from the book Island (skim for your own interest).

Thursday, January 31:

1. Erika Lee, "Race, Class, Gender, and Citizenship in the Enforcement of the Exclusion Laws," in At America's Gates: 77-109.
2. *Ekiu v. United States* (1892)
3. <http://www.ellisland.org/> Take a look under "passenger records" to see what you may find.

Film clip in class: "Becoming American: The Chinese Experience"

Week Three: Origins of Federal Immigration Power (II) and Racial Restrictions on Naturalization (I)

Readings

Tuesday, February 5:

1. Fong Yue Ting v. United States (1893).
2. 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.

Thursday, February 7:

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).

Film clip in class: “Race: The Power of an Illusion”

Week Four: Racial Restrictions on Naturalization (II) and Japanese American Internment (I)

Readings

Tuesday, February 12:

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

Thursday, February 14:

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, Korematsu, Notorious Supreme Case on Japanese Internment, is Finally Tossed Out,
<https://www.nytimes.com/2018/06/26/us/korematsu-supreme-court-ruling.html>

Personal Immigration History Due February 14

Week Five: Japanese American Internment and The Bracero Program

Readings

Tuesday, February 19:

No readings assigned.

Film clips: “Rabbit in the Moon” and “Harvest of Loneliness”

Thursday, February 21:

1. Mae Ngai, “Braceros, ‘Wetbacks,’ and the National Boundaries of Class,” in Impossible Subjects: 96-126.
2. Philip Bump, “Donald Trump Endorsed Operation Wetback – but Not by Name,” Washington Post, Nov. 11, 2015.
3. Martha Mendoza and Margie Mason, “Hawaiian Seafood Caught By Foreign Crews Confined on Boats,” Associated Press, Sep. 8, 2016.
4. Look at “Bittersweet Harvest” National Museum of American History interactive website on the Bracero Program, at <http://americanhistory.si.edu/bracero/introduction>

Week Six: National Origins Quotas and Repeal and Admissions Today

Readings

Tuesday, February 26:

1. Mae Ngai, The Johnson-Reed Act of 1924 and the Reconstruction of Race in Immigration Law, in Impossible Subjects: 21 – 55.
2. Mae Ngai, “The Liberal Critique and Reform of Immigration Policy,” in Impossible Subjects: 227-264.
3. Jamelle Bouie, “The Fight for White America,” Slate.com, Feb. 1, 2018
4. Jelani Cobb, “Trump’s move to end DACA and the Echoes of the Immigration Act of 1924”, The New Yorker, Sept. 5, 2017

Thursday, February 28:

1. Victor Romero, “Immigration Law Basics,” in Everyday Law for Immigrants: 25- 29 (top).
2. Bill Ong Hing: Promoting Family Values and Immigration,” in Deporting Our Souls: Values, Morality and Immigration Policy (2006): 118-140.
3. 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. National Public Radio, “Explaining ‘Chain Migration’ or ‘Family Reunification’”, Jan. 21, 2018 <https://www.npr.org/2018/01/21/579500292/explaining-chain-migration-or-family-reunification>
5. [Optional] Karthick Ramakrishnan, “How the GOP made family reunification a dirty word” CNN.com, Jan. 16, 2018 <https://www.cnn.com/2018/01/16/opinions/trumps-other-ugly-words-ramakrishnan/index.html>

6. [Optional] “Chain Migration,” Federation for American Immigration Reform, October, 2002; http://www.fairus.org/site/PageServer?pagename=iic_immigrationissuecenters3e2a

Week Seven: Admissions Today and Introduction to Removal Grounds and Procedure

Readings

Tuesday, March 5:

1. Victor Romero, “Immigration Law Basics,” in Everyday Law for Immigrants: 30 – 43 (top).
2. Sarah Mathews, “How to Get Your Green Card in America,” www.buzzfeed.com, Nov. 22, 2015
3. Look at Diversity Visa Lottery Instructions, available at: <https://travel.state.gov/content/dam/visas/Diversity-Visa/DV-Instructions-Translations/DV-2018-Instructions-Translations/DV-2018%20Instructions%20English.pdf>

Thursday, March 7:

1. Victor Romero, “Immigration Law Basics,” in Everyday Law for Immigrants, 43-58.
2. 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):.
4. [Skim] INA sections 212 and 237
5. [Jill Cowan, Untangling Moves to Deport Vietnamese Immigrants, https://www.nytimes.com/2018/12/18/us/california-today-vietnamese-immigrants-deportation.html](https://www.nytimes.com/2018/12/18/us/california-today-vietnamese-immigrants-deportation.html)

Week Eight: Midterm and the Control of Migration

Readings

Tuesday, March 12

*No Reading for Class : *In-Class Midterm**

Thursday, March 14:

1. Stephen Macedo, “The Moral Dilemma of U.S. Immigration Policy: Open Borders vs. Social Justice,” in Debating Immigration (Carol Swain, ed., 2007).
2. Joseph Carens, “Aliens and Citizens: The Case for Open Borders,” in The Rights of Minority Cultures (Will Kymlicka, ed., 1995).

Week Nine: Crime and Immigration

Readings

Tuesday, March 19:

1. INA section 212(a)(2), section 237(a)(2) (already assigned in previous session; just skim).
2. [Denise Couture, US Deports Dozens More Cambodian Immigrants, some for Decades-Old Crimes,](#)

<https://www.npr.org/2018/12/18/677358543/u-s-deports-dozens-more-cambodian-immigrants-some-for-decades-old-crimes>

3. Ginger Thompson and Sarah Cohen, "More Deportations Follow Minor Crimes, Records Show," NY Times, April 6, 2014.
4. Bill Ong Hing, "Deporting Our Souls," in Deporting Our Souls: 52-117.
5. Miriam Valverde, "Trump Misleads in Number of Criminal Immigrants Illegally in Country," PolitiFact, Nov. 15, 2016.

Thursday, March 21:

Film clip in class: "My Asian Americana," by Anida Yoeu Ali for White House AAPI "What's Your Story?"

Film in class: "Sentenced Home" (no readings assigned)

Spring Break: Mar. 25-29
(Suggest finish reading *White By Law*)

Week Ten: Undocumented Immigration – Focus on State Enforcement; Undocumented Immigration – Focus on Education

Readings

Tuesday, April 2:

1. 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).
2. Anti Illegal Immigration Laws in States, NY Times, April 22, 2012, at <http://www.nytimes.com/interactive/2012/04/22/us/anti-illegal-immigration-laws-in-states.html>
3. Supreme Court Decision (Arizona v. US) on Immigration Law, interactive feature, NY Times, June 26, 2012. See <http://www.nytimes.com/interactive/2012/06/26/us/scotus-immigrationlaw-analysis.html>
4. Michele Waslin, "States and Localities Respond to Donald Trump's Immigration Plans," immigrationimpact.com, Dec. 12, 2016.
5. P. Gulasekaram & SK Ramakrishnan, The Anti-Immigrant Game, <http://articles.latimes.com/2012/apr/24/opinion/la-oe-gula-immigration-law-politics-20120424>

Thursday, April 4:

1. Plyler v. Doe (1982) (excerpt).
2. Jose Antonio Vargas, "My Life as an Undocumented Immigrant," NY Times, June 26, 2011, available at: http://www.nytimes.com/2011/06/26/magazine/my-life-as-an-undocumented-immigrant.html?_r=1

3. Roberto Gonzalez, "Learning to be Illegal: Undocumented Youth and Shifting Legal Contexts in the Transition to Adulthood," American Sociological Review 76(4): 602-619 (2011).
4. [To Be Assigned].

Film: "The Dream is Now"

Week Eleven: Undocumented Immigration – focus on Federal Enforcement and the Case for Amnesty, and Asylum - Introduction

Readings

Tuesday, April 9:

1. Wayne Cornelius, "Controlling 'Unwanted' Immigration: Lessons from the United States, 1993-2004," Journal of Ethnic and Migration Studies (2005).
2. Joseph Carens, "The Case for Amnesty," Boston Review (2009), with responses by Linda Bosniak, Arash Abizadeh, and Carol Swain, w/ reply by Joseph Carens.
3. [To Be Assigned]

Thursday, April 11:

1. look at website: Obtaining Asylum in the United States, information from USCIS, available at: <http://www.uscis.gov/humanitarian/refugees-asylum/asylum/obtaining-asylum-united-states>
2. American Immigration Council, "Asylum in the United States," available at: <https://www.americanimmigrationcouncil.org/research/asylum-united-states>
3. Joshua Barajas & Amna Nawaz, The Tornillo Shelter for Migrant Children was Supposed to Close after 30 days. Here's Why It's Still Open, <https://www.pbs.org/newshour/nation/the-tornillo-shelter-for-migrant-children-was-supposed-to-close-after-30-days-heres-why-its-still-open>
4. AILA Policy Brief: New Barriers at the Border, <https://www.aila.org/infonet/policy-brief-new-barriers-at-the-border>

Film clip: "Well Founded Fear"

Week Twelve: Asylum – Particular Social Group and the Global Refugee Crisis

Readings

Tuesday, April 16:

1. *Grace v. Whitaker* (2018) excerpt
2. Center for Gender and Refugee Studies, "New Guidance Requires Fair Process for Domestic Violence, Gang Asylum Claims at the Border," available at: <https://cgrs.uchastings.edu/news/new-guidance-requires-fair-process-domestic-violence-gang-asylum-claims-border>
3. [Skim] USCIS Guidance, available at: <https://uchastings.app.box.com/s/k99txxw746bg7wghirak8w7d86tq1njt/file/381907557596>

4. [Skim] EOIR Guidance, available at:
<https://uchastings.app.box.com/s/k99txxw746bg7wghirak8w7d86tq1njt/file/381907558796>

Thursday, April 18:

1. Patrick Boehler and Sergio Pecana, "The Global Refugee Crisis, Region by Region," NY Times, August 2015, available at:
<http://www.nytimes.com/interactive/2015/06/09/world/migrants-global-refugee-crisis-mediterranean-ukraine-syria-rohingya-malaysia-iraq.html>
2. Gregor Aisch and Sarah Almukhtar, Seeking a Fair Distribution of Migrants in Europe, NY Times, September 22, 2015, available at:
<http://www.nytimes.com/interactive/2015/09/04/world/europe/europe-refugee-distribution.html>
3. Deborah Amos, 2018 Was a Year of Drastic Cuts to US Refugee Admissions, <https://www.npr.org/2018/12/27/680308538/2018-was-a-year-of-drastic-cuts-to-u-s-refugee-admissions>

Film Clip: "Well Founded Fear"

Week Thirteen: Immigration and the War on Terror

Readings

Tuesday, April 23

1. Mary Beth Sheridan, "Immigration Law as Anti-Terrorism Tool," The Washington Post, June 13, 2005.
2. Moustafa Bayoumi, "Arab America's September 11," The Nation, Sept. 25, 2006.
3. [Review] Moustafa Bayoumi, "Racing Religion," The New Centennial Review (2006)
4. Leti Volpp, "The Citizen and the Terrorist," UCLA Law Review (2002).
5. [To Be Assigned]

Film in class: "Out of Status"

Tuesday, April 25:

1. Janet Reitman, "Jahar's World," Rolling Stone, August 1, 2013.
2. Leti Volpp, "The Boston Bombers," Fordham Law Review (2014).
3. Julia Preston, "Smooth Visa Process For Woman in Attack is Focus of Inquiry," NY Times, December 4, 2015.

Week Fourteen: Citizenship: Acquisition and Loss; Focus on Birthright Citizenship (April 24 and 26)

Readings

Tuesday, April 30:

1. Civics Questions for the New Naturalization Test from the U.S. Citizenship and Immigration Services, USCIS [Go to USCIS website and find sample questions]
2. Michele Chabin, "Policy Shift Eases Citizenship for Foreign-Born Kids of American Moms," USA Today, Feb. 27, 2014.
3. Yaser Hamdi v. Donald Rumsfeld, Settlement Agreement (2004).
4. Petition to Strip John Walker Lindh of his Citizenship
5. [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>
1]

Thursday, May 2:

1. Wong Kim Ark v. United States [Review from Prior Reading]
2. Peter Schuck and Rogers Smith, Citizenship Without Consent: Illegal Aliens in the American Polity (1985): excerpt.
3. Gerald R. Neuman, Book Review – Back to Dred Scott? San Diego Law Review (1987)
4. Mae Ngai, Birthright Citizenship and the Alien Citizen, Fordham Law Review (2007).
5. [To Be Assigned]

Film clip in class: Kris Kobach on the O'Reilly Factor.

Court Observation Due May 2

FINAL EXAM

*May 16, 2019
7-10 p.m.*