Class Periods: Tuesday/Thursday 11:05-12:20
Vanderbilt Hall 218

Office Hours: Mondays, 2:30-4:30, and by appointment
Vanderbilt Hall 310C

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Assistant: Mary Edster
Vanderbilt Hall 314

Materials: The primary text for this course is ALENIKOFF, MARTIN, & MOTOMURA, IMMIGRATION AND CITIZENSHIP (5th ed. 2003) (CB). You also should purchase the statutory supplement—the Immigration and Nationality Act (INA). The 2006 casebook supplement and the 2006 addendum to the statutory supplement will be posted on Blackboard (BB), under “Course Documents.” Supplemental materials in the form of a course packet (CP) will be available with my assistant the first week of the semester. From time to time, I will distribute additional materials in class or post them on Blackboard. Please bring the casebook to every class and the INA and supplements when material from them is being covered.

Cancelled/Rescheduled Classes: We will not meet on Tuesday September 19, Thursday, September 21, or Tuesday, October 10. We will make up these classes in one three-hour session on Friday, October 13, 2006, from 2-5 PM in VH 204.

Film Screenings: I will be screening three documentaries about unauthorized immigration on three evenings over the course of the semester. Attendance is not mandatory, but the documentaries are well worth seeing. The screenings will take place from 6:30-8:30 in FH 210 on September 28, November 2, and November 16. I will screen Mojados: Through the Night (the director follows a group of Mexican men as they cross the border into Texas illegally); Farmingville: POV (the story of the murder of two Mexican immigrants and the headline-making anti-immigrant backlash in a Long Island town); and Walking the Line (a portrait of the citizen militias on the Arizona/Mexico border).
Assignments:

Readings:

- I will announce the Tuesday reading assignments in class on Thursdays and the Thursday assignments in class on Tuesdays. I also will post this information on Blackboard, under the “Assignments” heading.

- **In addition to reading the pages as indicated on the syllabus, you are responsible for reading the portions of the INA that correspond to the day’s assignment, as well as the portions of the casebook supplement that correspond to the assigned casebook pages, unless I tell you otherwise.** (The supplements are very clearly labeled, so they should be easy to follow.)

- I will from time to time post supplemental readings on Blackboard (BB) or distribute them in the form of handouts (H), and I will occasionally make modifications to the reading assignments as listed on the syllabus. I will update the syllabus as the semester progresses to reflect any additions or subtractions in the reading. You are responsible for keeping up with these changes.

- You are responsible for keeping up to date with all announcements posted on Blackboard.

*Casebook Problems and Exercises:* Throughout the casebook, the editors have included a number of hypothetical immigration law problems and exercises. I have assigned these problems at various points on the syllabus, and you are responsible for working through them, in addition to doing the reading. The problems are designed to teach you how to read/use the INA, and doing them will help you learn how to work closely with a complex statute. You will not be required to turn in answers to the problems, but I expect you to be able to discuss them when called on. Failure to have thought through a problem will affect your participation grade (see below).

Course Requirements:

*Final Exam:* Your final grade will be based primarily on an 8-hour, open-book, take-home exam, which you will be able to take at any time during the finals period.

*Class Participation:* I will factor class participation into your final grade. I will reward high quality participation and penalize poor participation. (Depending on where your exam grade falls on the curve, participation may bump you up or down half a letter grade.) I define high quality participation as being well prepared when called on, having good/right answers to the problems that have been assigned, and voluntarily contributing thoughtful insights to class discussion. I define poor participation as not being prepared when called on, including not having answers to assigned problems, and/or not showing up to class regularly. If you participate only when called on but are prepared at those times, your participation will be satisfactory and will therefore not affect your grade positively or negatively.
On call policy: I prefer to rely on volunteers and strongly encourage all students to participate in class voluntarily (the quality of your participation is more important than the frequency). Though I encourage volunteers, everyone should expect to be on-call every day, i.e., always come to class prepared. **If you cannot be prepared, you must email me by 9AM the day of class.** Unless you face serious extenuating circumstances, I do not recommend that you opt out more than once during the semester.

Course Coverage:

This class is a survey of U.S. immigration law. We will focus primarily on the law governing immigrants, or those who come to the United States to take up permanent residence, not the law regulating nonimmigrants, or those who come to the United States for temporary stays, even if those stays are for prolonged periods, e.g., tourists, students, individuals on temporary work visas. The class will be part constitutional law, part administrative law and statutory interpretation, and part policy and theory, so there should be something for everyone. Throughout the course, we will consider the policy proposals currently being debated in Congress, as well as some of the initiatives taken by state and local governments to regulate immigration.

In the first part of the course, we will explore different models of citizenship and nationality law and consider two major constitutional issues—Congress’ plenary power over immigration and the constitutional rights of non-citizens, or alienage law.

In the second part of the course, we will explore the regulation of legal immigration, or the statutory/administrative law governing the grounds and procedures for admissions and exclusions. In this part, we will discuss the roles that various agencies play in immigration regulation, and we will work closely with the text of the Immigration and Nationality Act. Constitutional issues also will make an appearance.

In Part III, we will cover three discrete topics that involve a mixture of constitutional and statutory law, as well as policy. We will consider the problem of unauthorized immigration and discuss some of the pending federal and state policy proposals for dealing with undocumented workers in the U.S. We will consider the relationship between immigration and national security, with a focus on the intersection of immigration law with current efforts to prevent terrorism inside the United States. Finally, we will consider asylum law—an area rich enough to be its own course. (Our coverage will only give you a sense of what the law involves, rather than a comprehensive understanding of the field.)

Throughout the course we will explore the major theoretical questions underlying immigration law: What defines membership in a political community? How should the rights of citizens and non-citizens differ? Should our conceptions of citizenship and membership change in an age of substantial migration and globalization? When is it appropriate to force non-citizens to leave the United States? Are there any moral constraints on the state’s interest in controlling its borders? How does immigration law intersect with the United State’s role/power in the world?
Recommended Readings: The following books will be on reserve in the library. These readings are not required, but I recommend them to students interested in exploring the theoretical, sociological, and policy debates surrounding immigration and citizenship. Feel free to consult me if you’d like guidance on what to read.


Immigration Law Treatise: For an authoritative and comprehensive (and dense) treatise on Immigration Law, see Ira J. Kurzban, *Immigration Law Sourcebook* (10th ed.)(2006), also on reserve.

**Part I: Foundations of Immigration Law**
*(Weeks 1-4)*

**A. Defining Citizenship (Chapter 1)**

1. Citizenship and the Constitution  
   (CB: pp. 9-14)

2. *Jus Soli*  
   (CB: pp. 15-32)

3. *Jus sanguinus*  
   (CB: pp. 32-51; 52, n.2)  
   (INA §301)
4. Naturalization
   (CB: pp. 53-69, 80-82)
   (Problem 2, p. 61)
   (INA §§101(f), 312, 313, 316, 318, 319(a), & 337)
   (CP: Suárez-Orozco, Everything You Ever Wanted to Know About Assimilation but were Afraid to Ask)

5. Dual Nationality
   (CB: pp. 89-93)

B. Foundations of Congress’ Plenary Immigration Power (Chapter 2)

1. History of Immigration to the U.S.
   (CB: pp. 145-70) (skim)

2. The Chinese Exclusion Case and the Sources of Federal Immigration Power
   (CB: pp. 174-89)

3. From Exclusion to Deportation
   (CB: pp. 189-204; 206-208)

   (CB: pp. 218-35)

C. Alienage Law (Chapter 9)

1. The Rights of Non-Citizens and Public Benefits
   (CB: pp. 1017-40)

2. The Rights of Unauthorized Migrants
   (CB: pp. 1154-65)
   (CB: pp. 1166-69)

3. Immigrants’ Rights after the 1996 Welfare Act
   (CB: pp. 1046-1056, n.5)

4. Immigrants in Government and Politics
   (CB: pp. 1069-79)

5. The Rights of Non-Citizens to Vote
   (CB: pp. 1080-89)
Part II: Admissibility, Deportability, and Removal  
(Weeks 5-10)

A. Federal Agencies and Courts (Chapter 3)

1. Federal Agencies & Courts  
   (Homeland Security Act §§428, 441, 451, 471)  
   (CP: Supplemental materials on IJs, the BIA, and streamlining)

B. Admissions Categories (Chapter 4)

1. Theories of Migration  
   (CB: pp. 210-18)  
   (CP: Portes & Rumbaut, *Who Are They and Why They Come*)

2. Admissions Categories  
   (CB pp. 274-89)  
   (Problems 1 & 3, p. 277)  
   (INA §§101(b), 201, & 203)  
   (BB: State Department Visa Bulletin)

3. Nonimmigrants  
   (CB: pp. 392-95) (skim for background)

4. Family Reunification  
   (CB: pp. 302-10; 316-18; 320-322)  
   (INA §§216; 204(a)(2),(c),(g); 245(d)(e))

5. Employment-based immigration  
   (CB: pp. 331-39)  
   (CP: Pew Hispanic Center, *Growth in the Foreign-Born Workforce and Employment of the Native Born*)

6. Immigration Reform Proposals  
   (CB: pp. 374-88)

C. Constitutional Constraints on Admissions and Removal (Chapters 4 & 6)

1. Limits on Admissions  
   (CB: pp. 290-302)

2. The Deportation Power  
   (CB: pp. 535-50)
D. Grounds of Inadmissibility and Deportability (Chapters 4 & 6)

1. Introduction
   (CB: pp. 427-31; 535-37; 550-52)

2. Crime Control
   (CB: p. 431)
   (Problem 3, p. 432)
   (CB: pp. 554-64; 567-76)
   (INA §212(a), §237, §101(a)(43))
   (CP: Rumbaut, et al., Debunking the Myth of Immigrant Criminality: Imprisonment Among First- and Second-Generation Young Men)

3. Other Grounds
   (CB: pp. 432-34; 442-49; 451)

4. Relief from Removal
   (CB: pp. 582-86; 592-609)
   (Problem p. 599)
   (INA §§240A, 240B)

E. Immigration Procedures (Chapters 5 & 7)

1. Due Process Requirements
   (CB: pp. 453-81)

2. Removal Procedures
   (CB: pp. 621-25; 625-28; 639-44; 658-61; 669-70; 678-87; 688-95)

3. Expedited Removal
   (CB: pp. 522-34)
   (INA §235(b)(1))

F. Detention (Chapter 7)

1. Detention Pending Removal
   (CB: pp. 696-704) (skim for background)
   (CB: pp. 704-24 (through note 3); 728-29 (note 10); 729-50)
   (INA §§ 235(b), 236, 236A, 241 (esp. 241(a))

G. Court Review (Chapter 7)

1. Limiting Review
   (CB: pp. 750-774)
A. Unauthorized Immigration (Chapter 10)

1. History and Characteristics of Unauthorized Migration
   (CP: Passell, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.*)
   (CP: Ngai, *Introduction; Deportation Policy and the Making and Unmaking of Illegal Aliens*)

2. Border Enforcement
   (CB: pp. 1116-28)
   (CP: Reading on state cooperation with immigration authorities TBA)
   (CP: Migration Policy Institute, *Side-by-Side Chart for Major Immigration Legislation Pending in the 109th Congress*)

3. Interior Enforcement and Employer Sanctions
   (CB: pp.1141-50; 1151-54)
   (INA §274A)
   (CP: City of Hazelton, PA ordinance and ACLU complaint)

4. Labor Protections and Unauthorized Workers
   (CB: pp. 1172-82)

5. Legalization Programs
   (CB: pp. 1151-54)
   (CP: TBA)

6. Guest Worker Programs
   (CP: Calavita, *Inside the State: The Bracero Program, Immigration, and the INS*)

B. Immigration and National Security (Chapter 11)

1. Historical Background
   (CB: pp. 1184-92) (skim for background)

2. Constitutional Foundations
   (CB: pp. 1192-01; 1203-09)

3. Grounds for Inadmissibility and Deportability—Terrorism
   (CB: pp. 1223-43)
   (INA §212(a)(3); 212(d); 237(a)(4))
4. Enforcement and Ethnicity  
   (CB: pp. 1243-67)  
   (CP: Cole, TBA)

C. Refugee and Asylum Law (Chapter 8)

1. Definition of Refugee  
   (CB: pp. 794-805)

2. Introduction to Political Asylum  
   (CB: pp. 831-35; 836-41; 847-53; 855-59)  
   (Exercise pp. 858-59)

3. Establishing Persecution  
   (CB: pp. 863-70)

4. The “On-Account of” Nexus  
   (CB: pp. 885-90, n.3; 891-900)

5. Civil War  
   (CB: pp. 905-913)

6. Membership in a Particular Social Group  
   (CB: pp. 916-27, n.3)

7. Gender-Based Asylum Claims  
   (CB: pp. 927-28; 935-45, n.3; 946-62)