

**CHAPMAN UNIVERSITY
University Honors Program
One University Drive
Orange, CA 92866**

COURSE SYLLABUS

HON 345

Spring 2019

IMMIGRATION AND REFUGEE LAW AND POLICY

**M/W/F 10:00-10:50 AM
AF 205**

Professor Marisa S. Cianciarulo
Kennedy Hall Dean's Suite, Room 357
Phone: 714/628-2612
E-mail: cianciar@chapman.edu

Faculty Assistant: Frank Alvarado
Kennedy Hall Dean's Suite
Phone: 714/628-2502
E-mail: falvarad@chapman.edu

Office hours:

Due to my position as Associate Dean of the Law School, I am regularly in the building between the hours of 9:00 AM and 4:30 PM. I have an open-door policy: you are welcome to stop by, and my assistant will let you know if I'm in my office. To better ensure that I am in my office when you would like to meet, please send me an email to schedule an appointment.

I welcome emails and make every effort to respond to them promptly during business hours. I generally do not immediately respond to emails received on evenings and weekends, but I will read and respond to them as soon as possible on the following business day.

Catalogue Description:

Prerequisite: acceptance in the University Honors Program, or consent of instructor.

Immigration and Refugee Law and Policy explores the causes and effects of illegal immigration, legal responses to immigration, challenges faced by immigrant communities, challenges faced by states and localities with high immigrant populations, the development and implementation of refugee law, and human trafficking. (Offered as needed.) 3 credits.

Course Learning Outcomes:

Upon completing this course, students will have:

- A starting point for the exploration of immigrant populations in the United States;
- Developed the ability to analyze critically and synthesize a broad range of immigration-related topics;
- Become sufficiently knowledgeable about immigration law and policy to engage in a thoughtful discussion of the dramatic challenges shaping immigration and immigration law; and
- Developed effective oral and written communication skills.

General Education Learning Outcomes:

- a. Social Inquiry Learning Outcome: Employs theories of how people frame and analyze social and/or historical phenomena.
- b. Citizenship, Community, Service Learning Outcome: Engages in the theoretical and/or applied aspects of political, civic or social engagement in group affiliations.

Honors Program Learning Outcomes:

Upon completing a course in the University Honors Program students will have:

- a. Obtained a starting point for integrative exploration of the development of cultures and intellectual achievements through a variety of disciplinary and interdisciplinary perspectives;
 - This course explores the contributions of various cultures and ethnicities to the evolution of “American” culture.
- b. Sharpened their ability to critically analyze and synthesize a broad range of knowledge through the study of primary texts and through engagement in active learning with fellow students, faculty, and texts (broadly understood);
 - Students in this course will read and analyze immigration statutes, regulations, case law and other texts as the basis for in-class discussion and critique of U.S. immigration law and policy
- c. Understood how to apply more integrative and interdisciplinary forms of understanding in the advancement of knowledge and in addressing complex challenges shaping the world;
 - Students in this course will learn that immigration is a multifaceted, multidimensional phenomenon dependent on a variety of factors.
- d. Developed effective communication skills, specifically in the areas of written and oral exposition and analysis.
 - This course requires students to demonstrate their written communication and analytical skills through written exams and a research paper. Students will also demonstrate their oral communication skills through in-class discussion and a final presentation.

Instructional strategies:

1. Lectures
2. Written exams
3. Research paper
4. Educational videos, books, and articles
5. Oral presentations by students and exercises in critical thinking.

Course Requirements:

1. *Class Attendance:* Class attendance is required. You are expected to attend all class meetings and to have assignments prepared when they are due.
2. *Class Participation:* Participation means engaging in the back-and-forth of open-ended and reasoned conversations by being open to what others have to say, risking our opinions, asking questions, and surfacing disagreements. Such “active listening” is essential to being a community of scholars.
3. *Laptops and Other Communication Devices:* Please note that laptops may only be used to take notes. Students using laptops, cell phones, and other devices in class at inappropriate times will have their participation grade lowered.
4. *Reading Assignments:* You are asked to study carefully all required readings by the day on which they appear on the projected course schedule. It is important to note that you are asked not merely to read all assigned materials but to study them. Such study may require several readings of the material.
5. *Class Time:* Class meetings will be, for the most part, a mixture of lecture and discussion. All class meetings will allow time for your questions.
6. *Exams:* There will be three in-class exams during the semester. These exams will be open-book.
7. *Final Paper:*
 - a. You are to research and write a 10-15-page paper on “The Future of U.S. Immigration” in which you will take a position on any topic of U.S. immigration law or policy that you choose. You must submit your paper topic to me by the deadline noted in the syllabus.
 - b. The paper must have a bibliography and endnotes citing to the sources you use.
 - c. You will give a presentation on your paper in the final weeks of the semester.

- d. **ALL WRITING ASSIGNMENTS ARE DUE AT 9:00 AM VIA EMAIL.** Any assignments that are turned in late will receive a point deduction. I allow a five-minute grace period.
- e. **IF THE FINAL PAPER CONTAINS FEWER THAN 10 FULL PAGES OF SUBSTANTIVE TEXT (EXCLUDING TITLE PAGE, BIBLIOGRAPHY, ENDNOTES, GRAPHS, VISUAL AIDS, ETC.), YOUR FINAL GRADE FOR THE CLASS WILL BE LOWERED BY 10 POINTS FOR EVERY PAGE SHORT OF 10 PAGES.** Please bear in mind that 9½ or 9¾ pages is not 10 pages. You should therefore strive for 11 pages to ensure that you are not penalized.

Methods of Evaluation:

1. Evaluation and grading will be based on the following:

<u>Requirements</u>	<u>Percentage of Grade</u>
First Exam	15%
Second Exam	15%
Third Exam	15%
Class participation	10%
Final Paper (10-15 pages)	45%
Paper topic=5%	
Oral presentation=10%	
First draft=15%	
Second draft=20%	
Final version=50%	

2. Grades will be assigned as follows:

A = 100-95; A⁻ = 94-90; B⁺ = 89-87; B = 86-83; B⁻ = 82-80; C⁺ = 79-77; C = 76-73; C⁻ = 72-70; D = 69-60; F = below 60

***Please note that turning in a late assignment will result in a grade reduction.** All paper-related assignments are due by 9:00 AM Pacific Time. You will lose 10 points if your assignment is turned in after 9:05 AM Pacific Time. **Papers more than one day late will receive a grade of 0.** I do not grant extensions for anything other than documented sudden severe illness (i.e., hospitalization required) or a dire family emergency. Please plan for computer crashes, pet emergencies, illness, and other unforeseen events by having your assignment completed early and emailed well in advance of the 9:00 AM deadline.

Chapman University Academic Integrity Policy:

Chapman University is a community of scholars which emphasizes the mutual responsibility of all members to seek knowledge honestly and in good faith. Students are responsible for doing their own work, and academic dishonesty of any kind will not be tolerated anywhere in the university.

Chapman University Students with Disabilities Policy:

In compliance with ADA guidelines, students who have any condition, either permanent or temporary, that might affect their ability to perform in this class are encouraged to contact the Office of Disability Services. If you will need to utilize your approved accommodations in this class, please follow the proper notification procedure for informing your professor(s). This notification process must occur more than a week before any accommodation can be utilized. Please contact Disability Services at (714) 516-4520 or (www.chapman.edu/students/student-health-services/disability-services) if you have questions regarding this procedure, or for information and to make an appointment to discuss and/or request potential accommodations based on documentation of your disability. Once formal approval of your need for an accommodation has been granted, you are encouraged to talk with your professor(s) about your accommodation options. The granting of any accommodation will not be retroactive and cannot jeopardize the academic standards or integrity of the course.

Chapman University Diversity Policy:

Chapman University is committed to fostering learning and working environments that encourage and embrace diversity, multiple perspectives, and the free exchange of ideas as important measures to advance educational and social benefits. Our commitment and affirmation are rooted in our traditions of peace and social justice and our mission of producing ethical and responsible global citizens. The term diversity implies a respect for all and an understanding of individual differences in age, class, disability, ethnicity, gender, language, national origin, race, religion, sexual orientation, and socioeconomic status.

Required Texts:

WENDI ADELSON, THIS IS OUR STORY

CHRISTOPHER EINOLF, THE MERCY FACTORY

DAVID NGARURI KENNEY AND PHILIP G. SCHRAG, ASYLUM DENIED: A REFUGEE'S STRUGGLE FOR SAFETY IN AMERICA (Univ. of Calif. Press, 2008) [hereinafter "ASYLUM DENIED"]

All other course readings are available on Blackboard in the folder labeled "Content" unless otherwise noted.

Assignments:

PART I U.S IMMIGRATION LAW: MYTHS, REALITY, AND AN UNCERTAIN FUTURE

Week 1 Why and How Do People Migrate to the United States?

Jan. 28 Syllabus

Jan. 30 Faye Hipsman & Doris Meissner, *Immigration in the United States: New Economic, Social, Political Landscapes with Legislative Reform on the Horizon*, MIGRATION POLICY INST. (2013)

Mario Orellana, *Niño*, HUFFINGTON POST (Sep. 24, 2013)

U.S. Dept. of Health and Human Services, Office of Refugee Resettlement, *Remarks of Sam (Yamin) Yingichay*

Feb. 1 Megan Davy, Deborah W. Meyers, and Jeanne Batalova, *Who Does What in U.S. Immigration*, Migration Policy Inst. (2005)

American Immigration Council, *How the United States Immigration System Works* (2016)

Marc R. Rosenblum, *U.S. Immigration Policy Since 9/11: Understanding the Stalemate over Comprehensive Immigration Reform* (2011)

Week 2 The Law and Economics of Immigration

Feb. 4 George Borjas, *Immigration and the American Worker*, Center for Immigration Studies (Apr. 2013)

Howard F. Chang, *The Economics of Immigration Reform*, 52 U.C. DAVIS LAW REVIEW 111 (Nov. 2018)

Feb. 6 Daniel Costa, David Cooper, and Heidi Shierholz, *Facts About Immigration and the U.S. Economy*, Economic Policy Inst. (2014)

Gordon G. Hanson, *The Economic Logic of Illegal Immigration* (2007)

Feb. 8 Donald J. Trump, *Immigration Reform that Will Make American Great Again*

Kevin R. Johnson, *It's the Economy, Stupid: The Hijacking of the Debate over Immigration Reform by Monsters, Ghosts, and Goblins (or the War on Drugs, War on Terror, Narcoterrorists, Etc.)*, 13 CHAPMAN LAW REVIEW 583 (2010)

Ron Hira, *New Data Show How Firms Like Infosys and Tata Abuse the H-1B Program*, ECONOMIC POLICY INST. WORKING ECONOMICS BLOG (Feb. 19, 2015)

Bourree Lam, *America's Mixed Feelings About Immigrant Labor: Disney Lay-offs Edition*, THE ATLANTIC (Jun. 18, 2015).

Week 3 The Immigration Debate and the Elusiveness of Comprehensive Immigration Reform

Feb. 11 Rutger Bregman, *What Would Happen if the US Had Totally Open Borders? 7 Myths About Immigration, Debunked*, BUSINESS INSIDER (Aug. 23, 2018)

Laura Collins, *Pervasive Myths About Immigrants*, THE CATALYST (Winter 2018)

Daryl M. West, *Seven Myths that Cloud Immigration Debate*, BROOKINGS (Sep. 1, 2010)

Feb. 13 Kari Hong, *How to End Illegal Immigration*, 33 MARYLAND JOURNAL OF INTERNATIONAL LAW 244 (2018)

Kris W. Kobach, *Attrition Through Enforcement: A Rational Approach to Illegal Immigration*, 15 Tulsa Journal of Comparative & International Law 155 (2008)

Feb. 15 **Test #1 of 3**

PART II UNLAWFULLY PRESENT IMMIGRANTS AND OTHER VULNERABLE IMMIGRANT POPULATIONS

Week 4 Unlawfully Present Immigrants

Feb. 18 No class meeting today.

Feb. 20 Jose Antonio Vargas, *My Life as an Undocumented Immigrant*, N.Y. TIMES MAG. (June 22, 2011)

Katie Rogers, *2 Valedictorians in Texas Declare Undocumented Status and Outrage Ensues*, NEW YORK TIMES (Jun. 11, 2016)

Emily Bazelon, *The Unwelcome Return of "Illegals,"* NEW YORK TIMES MAG. (Aug. 18, 2015)

Eric A. Ruark, *"Illegal Alien": The Proper Terminology*, Federation for American Immigration Reform (2014)

Feb. 22 No class meeting today. Please read WENDI ADELSON, THIS IS OUR STORY, for next week's classes.

Week 5 Unlawfully Present Immigrants; Human Trafficking

Feb. 25 Caitlin Dickerson, *Hundreds of Immigrant Children Have Been Taken from Parents at U.S. Border*, N.Y. Times (Apr. 20, 2018)

Kaitlyn Schallhorn, *What Trump's "Zero-Tolerance" Immigration Policy Means for Children Separated from Families at Border*, FOX NEWS (June 19, 2018)

Arash Emamzadeh, *Who Does Not Like Illegal Immigrants? And Why?*, PSYCHOLOGY TODAY (June 5, 2018)

In class: view "The Border Between Them"

Feb. 27 T Visa Statute

WENDI ADELSON, THIS IS OUR STORY

Mar. 1 Affidavit of a trafficking victim

WENDI ADELSON, THIS IS OUR STORY

Week 6 Immigrant Victims of Crime

Mar. 4 U Visa Statute

Affidavit of a U Visa Applicant

Mar. 6 Violence Against Women Act Self-Petition Statute

Affidavit of a VAWA Self-Petitioner

Mar. 8 **Test #2 of 3**

PART III PROTECTING PERSONS FLEEING PERSECUTION: REFUGEE AND ASYLUM LAW

Week 7 Overview of Refugee and Asylum Law

- Mar. 11* 1951 Convention Relating to the Status of Refugees and 1967 Protocol (international definition of a “refugee” and states’ obligations to refugees)
- United States Code, Title 8, Section 1101(a)(42) (U.S. definition of a “refugee”)
- American Immigration Council, *Asylum in the United States* (Aug. 2016)
- Mar. 13* *Matter of Mogharrabi*, 19 I. & N. Dec. 439 (BIA 1987)
- Mar. 15* *I.N.S. v. Cardoza-Fonseca*, 480 U.S. 421 (1987)

Week 8 Affirmative Asylum Adjudication

Mar. 25 ***PAPER TOPIC PROPOSAL DUE BY 9:00 AM VIA EMAIL***

THE MERCY FACTORY, Foreword, Preface, and Chapters 1 and 2

In class: view “A Well-Founded Fear”

Mar. 27 THE MERCY FACTORY, Chapters 3 through 5

In class: view “A Well-Founded Fear”

Mar. 29 THE MERCY FACTORY, Chapters 6 through 8

In class: view “A Well-Founded Fear”

Week 9 Affirmative Asylum Adjudication; Defensive Asylum Adjudication

Apr. 1 THE MERCY FACTORY, Chapters 9 and 10

In class: conclude viewing “A Well-Founded Fear”

Apr. 3 ASYLUM DENIED, Introduction and Chapters 1 through 3

In class: view “Chasing Freedom”

Apr. 5 ASYLUM DENIED, Chapters 4 through 6

In class: view “Chasing Freedom”

Week 10 Defensive Asylum Adjudication

Apr. 8 **1st DRAFT OF PAPER DUE BY 9:00 AM VIA EMAIL.**

ASYLUM DENIED, Chapters 7 and 8

In class: conclude viewing “Chasing Freedom”

Apr. 10 ASYLUM DENIED, Chapters 9 and 10

Apr. 12 ASYLUM DENIED, Lawyer’s Epilogue, Client’s Epilogue

Week 11 Refugee Resettlement

Apr. 15 U.S. Dept. of State, *U.S. Refugee Admissions Program*

Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States, Section 5, “Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017”

Apr. 17 Aaron Morrison, *Syrian Refugees US Obama Policy 2015: Increase the Asylum Number, Civil Rights Groups Ask in Letter to President*, INTL. BUS. TIMES (Sep. 29, 2015)

Amanda Bronstad, *7th Circuit Rebukes Pence, Rejects Ban on Syrian Refugees*, Law.com (Oct. 3, 2016)

Apr. 19 Jodi Kantor and Catrin Einhorn, *Canadians Adopted Refugee Families for a Year. Then Came ‘Month 13.’*, NEW YORK TIMES (Mar. 25, 2017)

In class: view “The Lost Boys of Sudan”

Week 12 Refugee Resettlement

Apr. 22 **2nd DRAFT OF PAPER DUE BY 9:00 AM VIA EMAIL.**

Jodi Kantor and Catrin Einhorn, *What Does It Mean to Help One Family?* NEW YORK TIMES (Oct. 22, 2016)

In class: view “The Lost Boys of Sudan”

Apr. 24 *Why is EU struggling with migrants and asylum*, BBC NEWS, Sep. 21, 2015

Meet an Inspirational Syrian Teenager Who Trekked 20 Days in a Wheelchair Getting to Europe, ABC NEWS, Sep. 17, 2015

In class: conclude viewing “The Lost Boys of Sudan”

Apr. 26 **Test #3 of 3**

Week 13 Oral Presentations

Apr. 29 Student presentations 1 & 2; no reading assignment

May 1 Student presentations 3 & 4; no reading assignment

May 3 Student presentations 5 & 6; no reading assignment

Week 14 Oral Presentations; Conclusion of Course

May 6 Student presentations 7 & 8; no reading assignment

May 8 Student presentations 9 & 10; no reading assignment

May 10 Concluding reflections and discussion; no reading assignment

FRIDAY, MAY 17: FINAL PAPER DUE BY 9:00 AM VIA E-MAIL

Prepared by: Prof. Marisa S. Cianciarulo

Last revised: Jan. 22, 2019