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 a one-two page personal immigration history, a two-three page observation of Immigration Court in San Francisco, a midterm, a three-four page book review essay, a final exam, and participation in discussion section. Some details about particular assignments:

Court Observation
For this assignment, you are to observe two hours of proceedings at Immigration Court at 120 Montgomery 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, other than during spring break, you should not plan to observe court during a Tuesday or Thursday afternoon session. 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 bspace) for their book review essay:

More information about each of the assignments will be made available on bspace under “Resources” or during section and lecture.
## Grading

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Immigration History (pass/fail)</td>
<td>5%</td>
</tr>
<tr>
<td>Section Participation</td>
<td>10%</td>
</tr>
<tr>
<td>Midterm</td>
<td>20%</td>
</tr>
<tr>
<td>Court Observation (pass/fail)</td>
<td>10%</td>
</tr>
<tr>
<td>Book Review Essay</td>
<td>25%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>30%</td>
</tr>
</tbody>
</table>

**TOTAL:** 100%

## Significant Dates

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Immigration History Due</td>
<td>February 2</td>
</tr>
<tr>
<td>In class Midterm</td>
<td>February 23</td>
</tr>
<tr>
<td>Book Review Essay Due</td>
<td>April 7</td>
</tr>
<tr>
<td>Court Observation Due</td>
<td>April 26</td>
</tr>
</tbody>
</table>

The personal immigration history will be due the third week of class. The midterm will be held in class during the sixth week of class and will cover weeks one to six of the course. The book review essay will be due during week eleven. The court observation will be due the final class meeting. The final exam will cover material from the entire semester, with a slight emphasis on new material learned after the midterm.

## Course Materials

All course materials will be made available on bspace and in a reader available at Copy Central, 2560 Bancroft Way.
**Schedule**

**Week One: Welcome and Introduction (Jan 17 & 19)**

*Readings*

**Tuesday, January 17:**

**Thursday, January 19:**

*No discussion section meetings this week *

**Week Two: The Origins of Federal Immigration Law (Jan 24 and 26)**

*Readings*

**Tuesday, January 24:**

**Thursday, January 26:**
2. *Ekiu v. United States* (1892)
   Take a look under “passenger records” to see what you may find.

   Film clip in class: “Becoming American: The Chinese Experience”
Week Three: Deportation and Racial Restrictions on Naturalization (Jan 31 and Feb 2)

Readings

Tuesday, January 31:
2. Fong Yue Ting v. United States (1893).

Thursday, February 2:

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

*Personal Immigration History Due February 2*

Week Four: Racial Restrictions on Naturalization and the Bracero Program (Feb 7 and 9)

Readings

Tuesday, February 7:
2. In re Rodriguez (1897)(excerpt).

Thursday, February 9:


Film clips in class: “Harvest of Loneliness” trailer’; CNN report
Week Five: Japanese American Internment (Feb 14 and 16)
Readings
Tuesday, February 14:
2. Civilian Exclusion Order No. 33.

Thursday, February 16:
No readings assigned.

Film in class: “Rabbit in the Moon.” Please note, this film is 84 minutes long, and the screening will thus begin at 2:05 pm.

Week Six: National Origins Quotas and Repeal, and In Class Midterm (Feb 21 and 23)
Readings
Tuesday, February 21:

Thursday, February 23:
No readings assigned.
In class Midterm.

*In class Midterm February 23*
Week Seven: Admissions Today (February 28 and March 1)

Readings

Tuesday, February 28:

Thursday, March 1:

Film clip in class: Homeland Security episode.

Week Eight: Introduction to Removal Grounds and Procedure and The Control of Migration (March 6 and 8)

Readings

Tuesday, March 6:
2. INA sections 212 and 237 (just skim).

Thursday, March 8:
Week Nine: Crime and Immigration (March 13 and 15):

Readings

Tuesday, March 13:
1. INA section 212(a)(2), section 237(a)(2) (already assigned in previous session; just skim).

Film clip in class: “Alliance for Justice: The Case of Jesus Collado”

Thursday, March 15:
Film in class: “Sentenced Home” (no reading)

*Spring Break – No class March 27 or 29*

Week Ten: Immigration and the War on Terror (March 20 and 22)

Readings

Tuesday, March 20:

Film in class: “Out of Status”

Thursday, March 22:
Week Eleven: Introduction to Asylum (April 3 and 5)

Readings

Thursday, April 3:
1. look at Obtaining Asylum in the United States, information from USCIS, available at http://www.uscis.gov/ (link will be in announcement on bspace)

Film Clip: Well Founded Fear

Tuesday, April 5:

*Book Review Essay Due April 5*

Week Twelve: State and Local Control of Immigration; Asylum and Refugees (cont’d) (April 10 and 12)

Readings

Tuesday, April 10
For this class session, you are to attend part of a conference at UC Berkeley School of Law. During our regularly scheduled class time you will listen to a panel of experts discuss the program Secure Communities. You are welcome to attend the entire conference, which will also address litigation against the state of Alabama, as well as the topic of state and local control of immigration more generally. Readings TBA.

Thursday, April 12
1. David Ngaruri Kenny and Phil Schrag, Asylum Denied (excerpt)

Film Clip: Well Founded Fear
Week Thirteen: Undocumented Immigration: Focus on Education and Responses (April 17 and 19)

Readings
Tuesday, April 17:

Guest Lecture: Sin Yen Ling, Asian Law Caucus, attorney for Steve Li

Thursday, April 19:

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

Readings
Tuesday, April 24:
5. Petition to Strip John Walker Lindh of his Citizenship

Thursday, April 26:

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