IMMIGRATION POLICY SEMINAR (Law 422)
George Mason University School of Law
Spring 2016

Instructors’ contact information

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phone and email information  
will be provided in class

Course summary

This course will examine U.S. immigration policy as it is embodied in our laws and procedures and will ask how our nation’s immigration policies reflect on our values as a nation. The course will discuss whom we let in, whom we keep out, how we treat the people already here, and why.

The course is broken down topically along the lines of a typical immigration law class, but it is not concerned with the mechanics of the immigration laws. Instead, this class is intended to reach into the nation’s policy goals, the implications of our policies, and the unintended consequences when policies are poorly designed. For that reason, many of the sessions will conclude with a “controversy du jour” — a whimsical label for a serious immigration topic of current or recent debate.

Grading

The course is designed to test your reasoning and insight, not your recollection, and there will be no exams. However, policymaking involves debate, research, and writing, and the course grade will therefore be based on a substantial research paper and classroom discussion. Your course grade will be drawn from a combination of a final paper (70% of the grade) and classroom participation (30% of the grade).

Paper. The research paper will be written on a discrete ‘law review type’ topic of immigration law and policy that is approved by the instructors. Information and details about the paper will be provided during the semester. However, you should expect to produce a paper that is at least 25 pages in length, with appropriate citations, footnotes, and bibliography. Regardless of topic, you are encouraged to produce publication-worthy papers.

There are three deadlines for the papers. The topic selection is due to the instructors by February 29th. An outline or first draft of the paper is due to the instructors by March 28th. The final paper is due on May 5th.
Classroom participation. We highly value and require class participation, and students are expected to offer their opinions. Students should engage in honest contemplation and dialogue, challenge their own assumptions about immigration policy, and think outside the box as we wrestle with the leading controversies of the day. Accordingly, this course will evolve in response to the interests and creativity of the class.

Students are also expected to be familiar with the required readings. While we may not ‘quiz’ you about the readings, you must be prepared to respond to questions about the readings. If you are not familiar with the readings, your participation grade will suffer.

Classroom Discussion. Immigration is a controversial topic, and popular and unpopular views will be articulated. Civility is therefore mandatory at all times.

Computers. Laptops in the classroom are permitted, provided their use is limited to note taking and lecture-related research. We do not approve of e-mail, social media, or any other electronic activity that is not related to the class. Classes may not be recorded.

Food and drink. Beverages are permitted. Food is not.

Readings and resources

Each session has specific readings assignments, but you are not expected to master those readings specifically. The purpose of this course is not to test your knowledge of the reading materials, but your grasp of the concepts and your insight into the policy implications. Read the materials and prepare for class with this orientation in mind.

We do not use an assigned text, but rely instead on readings that are available on the Internet, Westlaw, Lexis, and case reporters.

Pay attention to material cited in the footnotes. Those footnotes provide excellent leads for paper topics and resources.

In addition to the reading assignments, you should be aware of the following resources and consider utilizing them in the drafting of your research paper:

- Gordon, Mailman, and Yale-Loehr, IMMIGRATION LAW AND PROCEDURE (on Lexis/Nexis) — an exhaustive treatise on immigration and nationality law

- Kurzban, IMMIGRATION LAW SOURCEBOOK — a one-volume practitioner’s handbook detailing the current immigration laws
IMMIGRATION BRIEFINGS (available on Westlaw) — a monthly periodical containing in depth discussions of discrete immigration topics

BENDER’S IMMIGRATION BULLETIN (available on Lexis/Nexis) — a monthly periodical containing in depth discussions of discrete immigration topics

INTERPRETER RELEASES (available on Westlaw) — a weekly immigration newsletter

We strongly encourage you to bring to our attention any outside reading materials you have personally found helpful or worthwhile. Some of our best course materials have been identified by students.

First class

Readings are required before attending the first class. Please consult TWEN for those readings.
Jan. 7th  I.  Introduction to the Immigration Debate
   A.  Course theme
   B.  Defining the debate
   C.  Overview of the law
   D.  Governmental structure

II.  Federalism
   A.  Preeminence of federal law
   B.  Role of states and municipalities
   C.  Controversy du jour: state immigration laws
   D.  Controversy du jour: sanctuary cities

Jan. 14th+21st  III.  Illegal Immigration
   A.  Magnitude of the problem
   B.  “The Surge”
   C.  Defining the population
   D.  Border enforcement and border security
   E.  Smuggling, trafficking, and harboring
   F.  Controversy du jour: deporting vulnerable populations
   G.  Employers: sanction or deputize
   H.  INA § 287(g)
   I.  Employment authorization and verification
   J.  Controversy du jour: a national ID card

Jan. 28th  IV.  Legal Immigration: Families
   A.  Overview of legal immigration
   B.  Quotas and diversity
   C.  Defining the “family” in family immigration
   D.  Finding love in the INA
   E.  Impact of fraud
   F.  Controversy du jour: the connection between legal and illegal immigration
V. Legal Immigration: Employment & Labor

A. Employment-based immigration and labor certification
B. Temporary workers
C. Visitors and foreign students
D. Employment discrimination
E. Religious workers
F. Controversy du jour: investing in a green card

VI. Admission and Exclusion

A. Health grounds
B. Public charges
C. Sex
D. Controversy du jour: the visa waiver program

VII. Detention and Removal

A. Standards and conditions of detention
B. Prioritizing removal
C. Prosecutorial discretion
D. Controversy du jour: detaining asylum-seekers
E. Controversy du jour: vulnerable populations in detention

VIII. Humanitarian Protection

A. Forms of humanitarian protection
B. Foreign relations complications
C. Controversy du jour: CAT claims and America’s allies

IX. Compassionate Relief

A. Cancellation of removal
B. VAWA relief
C. TVPRA relief
D. Section 212 hardship waivers
E. Controversy du jour: how much hardship should we require?
Mar. 3rd    X.  *Asylum and Related Forms of Relief*

A. Origins and purpose of asylum law  
B. Refugee Convention and Protocol  
C. Withholding of removal  
D. Convention Against Torture  
E. *Controversy du jour*: Syrian refugees – protection vs. security  
F. *Controversy du jour*: Offshore asylum processing

Mar. 17th   XI.  *Persecution, Persecutors, and Asylum*

A. Persecutors, terrorists, gangs, and conscription  
B. Material support for terrorism  
C. Coercive Population Control  
D. *Controversy du jour*: violence as a form of political expression  
E. *Controversy du jour*: duress defense for persecutors

Mar. 24th   XII.  *Women and Asylum*

A. Women as a social group  
B. FGM  
C. Domestic violence as grounds for asylum  
D. *Controversy du jour*: when can women form a social group?

Mar. 31st   XIII.  *Crime*

A. Aggravated felons and serious criminals  
B. Traffickers (people and drugs)  
C. Misdemeanors and lesser crimes  
D. *Controversy du jour*: deporting drunk drivers and gang members

Apr. 7th    XIV.  *Security*

A. Border security  
B. National security  
C. Terrorism  
D. *Controversy du jour*: profiling terrorists  
E. *Controversy du jour*: involuntary or unknowing support of terrorism
Apr. 14th  XV. Immigration Courts

A. Structure and location
B. The role of the Department of Homeland Security
C. Representation in immigration proceedings
D. Justice today vs. justice delayed
E. Controversy du jour: how many IJs do we need?

XVI. Wrap up