

# Immigration Law and Latinos

University of Nebraska - Omaha

LLS 2900 - SPRING 2014

M 5:30-8:10 pm - ASH 100

Instructor: Emiliano Lerda, Esq.

## Syllabus

(Subject to change after week 2)

[Note: All reading assignments can be found on the blackboard organized by class date]

Instructor: Emiliano Lerda, Esq.

Phone: 319.504.6729

E-mail: [emiliano.lerda@gmail.com](mailto:emiliano.lerda@gmail.com)

Office Hours: By appointment only.

### Course Description:

Immigration has always played a very important role in the history of all countries. In the United States, immigrants gave birth to the country we know today. Our immigration legal system has changed dramatically over the years. This course will provide students with a general overview of our current immigration legal system. Students will also learn about the role the Latino community plays in shaping the current, and future immigration legal system. Our elected officials shape our country's policies and laws. The class will also explore the forces that are influencing our elected officials.

### Course Structure:

This class will utilize lectures, videos, service-learning, student's presentations, expert presentations and class discussions. Student participation is extremely important and encouraged.

### Course Requirements:

**Exams** → There will be one midterm exam and one final exam. The midterm exam will be worth 50 points and the final exam will be worth 50 points.

**"Facts on Immigration" Presentation** → On January 27<sup>th</sup>, students will be divided into groups and will sign-up for a 20 to 30 minute presentation about one or two immigration issues that will be identified collectively in class. Students will be required to provide a

PowerPoint presentation to the rest of the class. Students will be graded on the presentation and their ability to find reliable and credible sources. This assignment will be worth 25 points.

**Service-Learning** → Service learning is an experiential, collaborative pedagogical method incorporating projects that promote academic learning. These projects are directly linked to academic curriculum while meeting the service needs of the community and providing collaborative experience between students and nonprofit or government organizations. The service learning activities in this class will focus on projects involving understanding immigration law and supporting the efforts to assist local nonprofit organizations that provide immigration legal assistance and empower residents by educating them about their rights and responsibilities. By exploring this theme throughout the semester, students in this class will improve their understanding of these issues and the ability to communicate concepts that we will cover in class. Students will be assessed on the basis of their contributions made to the organization you work with and your reflections about the activity before, during and afterward, along with professionalism and group participation. Three one-page reflection papers (before, during and after the experience) will be due by April 28 and worth 50 points.

**Film Reflection Essay** → We will watch one film in class. Each student will be required to write a one-page reflection essay following the film. The essay will be worth 25 points.

**Class Participation** → Class participation will be essential to have a rewarding class. We will discuss difficult issues. Different views and perspectives will enrich our conversations and thus enrich your learning experience. Your participation will be worth 25 points.

### **Distribution of Points:**

Midterm Exam	50 Points
Final Exam	50 Points
“Facts on Myths” Presentation	25 Points
Service Learning	50 Points
Film Reflection Essay	25 Points
Class Participation	25 Points

### **Grading Scale:**

A+	100 - 98%
A	97.9 - 90%
B+	89.9 - 88%
B	87.9 - 80%
C+	79.9 - 78%
C	77.9 - 70%
D+	69.9 - 68%
D	67.9 - 60%
F	<59.9%

## Ground Rules:

- Late papers and assignments are not acceptable. They are a burden to your instructors and are unfair to your colleagues who do their work on time. Therefore, we will deduct a whole letter grade for each day an assignment is late. Extensions may be given but only if they are requested well in advance of the deadline, and there is a compelling reason.
- It is not our practice to give incompletes. However, if there is a suitable reason - subject to our approval and supported with appropriate documentation - an exception to the “no” incompletes rule may be possible.
- With respect to these first two ground rules, if you have problems in completing your assigned work, please let us know about it sooner rather than later.
- Plagiarism will not be tolerated. Any student turning in a written assignment which is not their own work will receive a failing grade for the assignment and is subject to the further penalties as detailed in the “General Information Section on Registrations and Procedures” of the *UNO Undergraduate Catalog*.
- The use of scholarly sources is essential in all of your course work, you must make reference to the sources from which you draw your information.
- Participation is a significant portion of your grade for this course. Therefore you must actually be in class - prepared and verbally participating - in order to be eligible to receive full credit for this portion of the course’s grade.
- Attendance is a part of participation, as such we will keep track of attendance, and please note, 3 unexcused absences = the loss of one letter grade for participation.
- We do not expect that the views and perceptions of immigration laws and Latinos (or for any contentious matter) by us or by all of you to be identical, either now, or at the completion of the course. The course is a place for the free and perhaps heated exchange of ideas. Thus we expect you to challenge viewpoints that differ from your own, but we also expect you to do so respectfully and professionally.

## Course Schedule and Reading Assignments:

- **January 13: Service Learning Seminar -**
  - Reading Assignments:
    - Service Learning (Grand Valley State University College of Education)
    - Ash, S. L. and Clayton, P. H., Generating, Deepening, and Documenting Learning: The Power of Critical Reflection in Applied Learning. *Journal of Applied Learning in Higher Education*, Vol. 1, Fall 2009, pp. 25-48. Missouri Western State University, 2009.
  - Class Host: Elisha Novak and Claudia Lucero
  - Service Learning Tutorial by Lucy Garza Westbrook
- **January 20: No Class (MLK)**

- **January 27: Introduction of the Immigration Legal System in the United States**
  - Introduction
  - Video of JFON-NE
  - Overview of Class
  - Service Learning Assignment Explained and Questions Answered
  - Exercise: We will discuss immigration issues and perception as a group. Students will be divided into groups and assigned one or two immigration issues to research and prepare a 20 to 30 minute presentation for a date that will be assigned. The presentation and group work will be graded.
  - Reading Assignments:
    - Basics of the United States Immigration System (Immigration Policy Center - November 4, 2010)
    - Opportunity and Exclusion: A Brief History of U.S. Immigration Policy (Immigration Policy Center, January 2012)
    - Breaking Down The Problems - What's Wrong with our Immigration System? (Immigration Policy Center, October 2009)
  
- **February 3: U.S. Immigration History and Family Based Immigration (Overview)**
  - Reading Assignments:
    - Overview of INS History - USCIS History Office and Library (U.S. Citizenship and Immigration Services, 2012)
    - Fact Sheet - The Benefits of Family Sponsorship (American Immigration Lawyers Association)
    - Focusing On The Solutions - Family Immigration: Repairing our Broken Immigration System (Immigration Policy Center, January 15, 2010)
    - So Close And Yet So Far - How the Three- and Ten-Year Bars Keep Families Apart (Immigration Policy Center, July 25, 2011)
  
- **February 10: U.S. Citizenship**
  - Reading Assignments:
    - The Dividends of Citizenship: Why Legalization Must Lead to Citizenship (Immigration Policy Center, February 2013)
    - A Guide to Naturalization (U.S. Citizenship and Immigration Services, Revised on March, 2012)
  - Possible Field Site Visit to USCIS Offices and Immigration Court
  - Expert Presentation: Officer Chuck Pratt, Community Relations Officer, USCIS
  
- **February 17: Immigration Laws, Politics and Latinos in the U.S. and Nebraska**
  - Reading Assignments:
    - New Americans in Nebraska: The Political and Economic Power of Immigrants, Latinos, and Asians in the Cornhusker State (Immigration Policy Center, May 2013)
    - Iowa: Immigration Entrepreneurs, Innovation, and Welcoming Initiatives

- in the Hawkeye State (Immigration Policy Center, July 2013)
  - Invisible & Voiceless: Latinos in Council Bluffs, Iowa – Gaston, Maria Teresa, Lourdes Gouveia, Christian Espinosa Torres, Clare Maakestad and Christopher C. Blue. 2013. Invisible & Voiceless: Latinos in Council Bluffs, Iowa. Omaha, NE: Office of Latino/Latin American Studies (OLLAS). University of Nebraska at Omaha. [NOTE: Read the Executive Summary.]
  - Partisan Polarization Surges in Bush, Obama Years – Trends in American Values: 1987-2012 (Pew Research Center for the People & the Press, June 4, 2012)
  - Illegal Immigration: Gaps Between and Within Parties – Public Split Over In-State Tuition for Illegal Immigrants (The Pew Research Center for the People & the Press, December 6, 2011)
  - Latinos in America: A Demographic Profile (Immigration Policy Center, April 2012)
- **February 24: Employment based immigration**
  - Reading Assignments:
    - Immigration Myths and Facts (U.S. Chamber of Commerce – Labor, Immigration & Employee Benefits, October 2013)
    - Economic Impact of Latin American & Other Immigrants – Iowa, Nebraska & The Omaha-Council Bluffs Metropolitan Area (OLLAS – UNO, November 2012) [NOTE: I encourage students to review the entire report. However, I ask that you carefully read only the Executive Summary]
    - Bad For Business: How Harsh Anti-Immigration Legislation Drains Budgets and Damages States’ Economies (Immigration Policy Center, June 2012)
    - Employment-Based Immigration to the United States (Immigration Policy Center, March 29, 2011)
  - Expert Guest on Employment Based Immigration
- **March 3: Violence Against Women Act (VAWA) and U visa programs**
  - Reading Assignments:
    - Questions & Answers: Victims of Criminal Activity, U Nonimmigrant Status (U.S. Citizenship and Immigration Services, November 5, 2013)
    - Domestic Violence Resources: The Cycle of Violence (Kansas Office of the Attorney General)
    - Immigrant Power and Control Wheel (National Center on Domestic and Sexual Violence)
    - Violence Against Women Act (VAWA) Provides Protections for Immigrant Women and Victims of Crime (Immigration Policy Center, May 2012)
- **March 10: Deferred Action for Childhood Arrivals (DACA)**
  - Reading Assignments:
    - How DACA is impacting the lives of those who are now DACAmented:

- Preliminary Findings from the National UnDACAmented Research Project (Immigration Policy Center, August 2013)
  - MPI Updates National and State-Level Estimates of Potential DREAM Act Beneficiaries (Migration Policy Institute, December 2010)
  - Memorandum From Janet Napolitano, Secretary of Homeland Security (U.S. Department of Homeland Security, June 15, 2012)
  - USCIS Frequently Asked Questions (FAQs) on Deferred Action for Childhood Arrivals (U.S. Citizen and Immigration Services, Updated Jan. 18, 2013)
  - Who and Where the DREAMers are, Revised Estimates: A Demographic Profile of Immigrants Who Might Benefit from the Obama Administration's Deferred Action Initiative (Immigration Policy Center, October 2012)
  - Creating Opportunity: The Economic Benefits of Granting Deferred Action to Unauthorized Immigrants Brought to the United States as Children (Immigration Policy Center, June 22, 2012)
  - A Comparison of the DREAM Act and Other Proposals for Undocumented Youth (Immigration Policy Center, June 5, 2012)
- **March 17: Midterm Exam**
- **March 24: No Class (Spring Break)**
- **March 31: Immigration Law and Latino Farmers**
  - Reading Assignments:
    - Facts About Farmworkers (Immigration Policy Center, May 2009)
    - Garcia v. Vilsack: A Policy and Legal Analysis of a USDA Discrimination Case (Congressional Research Service, December 17, 2010)
    - Garcia v. Vilsack (563 F. 3d 519 - Court of Appeals, Dist. Of Columbia Circuit 2009)
    - Discrimination Lawsuits (Outreach and Advocacy Division NRCS, Washington, D.C.)
  - USDA Discrimination Against Latino Farmers
  - Hispanic Farmers on Broken Ground - NET Video (26 mins.)
  - Garcia Case Video (6 mins.)
  - Presentation: Summary of Discrimination Cases & Garcia Case
  - Discussion: Hispanic Farmers in America - Undocumented Immigrants and Farming
- **April 7: Refugee Program, Asylum Program, Temporary Protective Status (TPS), & Nicaraguan Adjustment and Central American Relief Act (NACARA)**
  - Reading Assignments:
    - Refugees (U.S. Citizenship and Immigration Services)
    - Refugees: A Fact Sheet (Immigration Policy Center, October 21, 2010)
    - Obtaining Asylum in the United States (U.S. Citizenship and Immigration

- Services)
    - Immigration Through the Nicaraguan Adjustment and Central American Relief Act (NACARA) Section 203 (U.S. Citizenship and Immigration Services)
    - Granting Refuge: Temporary Protected Status (TPS) for Haitians in the United States (Immigration Policy Center, January 22, 2010)
- Expert Guest on Humanitarian Programs
- **April 14: Supreme Court Decision on Arizona Case and the Executive Power**
  - Reading Assignments:
    - A Q&A Guide To State Immigration Laws – What You Need to Know if Your State is Considering Anti-Immigrant Legislation (Immigration Policy Center, Updated February, 2012)
    - Arizona v. U.S. Slip Opinion – Syllabus (Supreme Court of the United States, Decided on June 25, 2012)
    - Q&A Guide to Arizona v. United States – How The Supreme Court Ruled On SB 1070 And What It Means For Other States (Immigration Policy Center, Updated July 2012)
    - Strength in Diversity: The Economic and Political Power of Immigrants, Latinos, and Asians (Immigration Policy Center, June 2012)
    - Executive Action on Immigration: Six Ways to Make the System Work Better (Migration Policy Institute, March 2011)
- **April 21: Immigration Law Today - Review Latest Immigration Reform Proposals**
  - Reading Assignments:
    - Special Report: A Guide to S. 744 – Understanding the 2013 Senate Immigration Bill (Immigration Policy Center, July 2013)
    - Perspectives: Overhauling Immigration Law: A Brief History and Basic Principles of Reform (Immigration Policy Center, February 2013)
    - Improving the Naturalization Process – Better Immigrant Integration Leads to Economic Growth (Immigration Policy Center, September 2011)
- **April 28: Final Review and Sharing Service Learning Experiences**
  - Reading Assignments:
    - Review all materials covered in class
  - Potluck
- **May 5: Final Exam**

## Optional Supplemental Readings:

- The Effects of North American Free Trade Agreement and United States Farm Policies on Illegal Immigration and Agricultural Trade (Jeff Luckstead, Stephen Devadoss, and Abelardo Rodriguez, February 2012)
- Pastures of Peonage: Tracing the Feedback Loop of Food Through IP, GMOs, Trade, Immigration, and U.S. Agro-Maquilas (Keith Aoki, John Shuford, Esmeralda Soria, and Emilia Camacho, Gonzaga University School of Law, Legal Studies Research Paper No. 2012-13)
- Loving the Stranger as Oneself: A vision for Comprehensive US Immigration Reform from a Catholic Social Teaching Lens (Thomas P. Scharff, Spring 2012)
- Immigration and Border Control (Edward Alden, Winter 2012)
- Nebraska Income & Poverty Fact Sheet (Migration Policy Institute, Online 2012)
- Q&A Guide To Arizona v. United States (Immigration Policy Center, April 2012)
- Falling Through the Cracks: The Impact of Immigration Enforcement on Children Caught Up in the Child Welfare System (Immigration Policy Center, December 2012)