Immigration law in the 21st century is the site of fundamental debates about presidential power, federalism, and global migration policy. This seminar explores contemporary issues in immigration law. We will examine the “plenary power” doctrine from its first articulation in the *Chinese Exclusion Case* to modern manifestations in the series of travel bans the Trump Administration instituted last year; the legality of the President’s decision to rescind DACA (Deferred Action for Childhood Arrivals); litigation over funding for “sanctuary cities”; and the role of international and domestic law in regulating NGOs that assist refugees.

My office is 355, and my office hours are Mondays 1:30-3:30 p.m. & Wednesdays 1:30-2:30 p.m. (and by appointment).

**Course Requirements**
We will read a range of materials, including many essays from David A. Martin & Peter H. Schuck, eds., *Immigration Stories* (2005), a few cases, as well as work by leading immigration law scholars such as Hiroshi Motomura and Gerald Neuman.

You must also write a significant, original contribution to scholarship on immigration law that relates to the larger themes of the seminar. The paper should be at least twenty pages long, using 12 point Times New Roman type, double spacing, and normal margins. I will work with you to craft an appropriate paper topic.

There are several deadlines in this course. First, you must identify a topic area by the end of Week 6. Second, you must have a thesis approved by the end of week 8. Third, you must submit a rough draft by the end of week 11. Fourth, the completed paper is due on Monday, May 14 at 5:00 p.m. All students will present their papers to the class, and we will discuss the paper and presentation. These discussions will take place in the last couple of weeks of the class. You can email the paper to me at sray@law.ua.edu. There is no need to print it out.

**Grading**
Grades are based largely on the final written product. Your class presentation and participation in the discussion will also be considered.

**Class Attendance**
Attendance at every meeting of the class is mandatory, even if the topic does not relate directly to your research.
Tentative Schedule of Reading Assignments

Class 1: Immigration Federalism in the 19th Century
- Introduction, IMMIGRATION STORIES
- Gerald Neuman, Strangers to the Constitution, pp. 1-15, pp. 44-51 (excerpts on TWEN)
- Ilya Somin, The Constitutional Rights of Noncitizens

Class 2: The Origins of Federal Immigration Power
- Gabriel Chin, "Chae Chan Ping and Fong Yue Ting: The Origins of Plenary Power," IMMIGRATION STORIES
- Gerald Neuman, "Wong Wing v. United States: The Bill of Rights Protects Illegal Aliens," IMMIGRATION STORIES
- David M. Martin, "Why Immigration’s Plenary Power Doctrine Endures"

Class 3: Plenary Power in the 20th Century & Development of Statutory Immigration Law
- Peter H. Schuck, "Kleindienst v. Mandel: Plenary Power v. the Professors," IMMIGRATION STORIES.
- Hiroshi Motomura, Phantom Constitutional Norms and Statutory Interpretation,
(http://heinonline.org/HOL/Page?handle=hein.journals/ylr100&div=29&g_sent=1&collection=jourrnals)

Optional: Kevin R. Johnson, “Maria and Joseph Plasencia’s Lost Weekend: the Case of Landon v. Plasencia,” IMMIGRATION STORIES.

Class 4: Immigration Detention
- Alina Das, Immigration Detention: Informational Gaps and Institutional Barriers to Reform,
 http://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/06%20Das_SYMP.pdf

Class 5: Plenary Power in the 21st Century: “Travel Ban” Litigation

**EO-1**


Optional:
- *Washington v. Trump*, 858 F. 3d 1168 (9th Cir. 2017) (denying vacatur of previous stay order) (EO-1)

**EO-2**


**EO-3**


Class 6: Topic Selection and Individual Meetings
I will meet with you individually this week to discuss your proposed topic and your sources.

Class 7: Enforcement Discretion and DACA

- American Immigration Council, DACA & DAPA, [https://www.americanimmigrationcouncil.org/topics/daca-dapa](https://www.americanimmigrationcouncil.org/topics/daca-dapa)

**Class 8: Sanctuary Cities & Modern Immigration Federalism**
- Margaret Hu, *Reverse-Commandeering*, https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5515&context=faculty_scholarship

**Class 9: Refugee Resettlement & Travel Ban Redux; NGO Liability for Assisting Refugees**
Readings TBA

**Classes 10-13: new topics & presentations**

**Class 14: TBA**

I look forward to teaching you and guiding you in your research.