Immigration Law  
Fall 2020  
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Classes Hours: **Mon & Wed 9:00 – 10:15 am**  
Location: Hulston Hall **Rm 5**

Office Hours: Online **Tue & Th 3:00 – 4:00 pm**

**Course objectives and learning outcomes:**

In the fast-changing world of immigration law, this course seeks to teach you current immigration law and policy while providing you with the broader context and tools necessary to advise a client about immigration law questions.

We will consider four broad questions:

1. Who is a citizen of the United States?  
2. Who else can come to this country as an immigrant or a visitor?  
3. When and why can non-citizens in the United States be forced to leave?  
4. Who has the authority to answer these questions?

These questions will prompt us to examine the history of immigration to the United States, the federal agencies that apply immigration and citizenship laws, the constitutional aspects of immigration law, refugees and asylum, and the role of state and local actors. As immigration law covers a broad range of topics from the practical and technical to the conceptual and policy-oriented, we will discuss some of the most significant law and policy questions facing decision-makers and the public. We will also seek to place current laws in their historical, social, and political contexts.

At the end of this course, you should be able to identify the rules, understand the doctrines and policies, and advise a client about admission categories, inadmissibility grounds, removal procedures, the basics of refugee and asylum law, and citizenship requirements.

**Required Texts:**


The statutes are available online, but if you don’t have statutory supplement, you may find it hard to follow discussion, since we’ll often navigate by page numbers, not section numbers. The statutory supplement is available for purchase online and in the university bookstore. Casebook manuscript will be available on course Canvas, along with any additional readings not in the Casebook. I may post topics relevant to upcoming classes on Canvas. Please note that this syllabus and the assigned readings may change during the semester according to the pace of our discussions and current events. For example, if new legislation passes or new executive orders are introduced, we may devote class time to studying them.

Some reading assignments will have questions or problems to help you prepare for class discussion (even if we don’t always explicitly address them in class). You should also read all statutes and regulations that are pertinent to the assigned statutory problems.

The syllabus, as well as any assigned readings and the Casebook, can be found on Canvas.

Class Participation: Vibrant class participation is essential to our collective experience in this course. The class will involve a variety of learning experiences, including simulations or presentations and class discussions. I expect all of us to be well-prepared every time we meet and to make thoughtful contributions to class discussions and exercises.

Topics addressed in this course may bring up a variety of reactions and feelings, and it is important that we maintain a respectful environment in which all viewpoints can be respectfully shared and heard non-judgmentally by peers. Any information shared by classmates about their personal histories or experiences must remain within the confines of the classroom and be kept confidential. I encourage everyone to practice empathetic listening and to be cognizant of the language we choose to use.

You are expected to read the assigned materials before class and arrive on time and be prepared to discuss them. If, for some reason, you are not able to come to class, please email me explaining the reason for your absence, preferably before the class meets.

If you would rather not volunteer in a particular class, you may also choose to email your thoughts or questions related to topics covered in class or current news events that relate to the course, preferably before the class.

I reserve the right to adjust your grade up based on your class attendance and participation. For exams that fall on the borderline between two grades, your class participation determines whether your grade is marked up or down.

Grading: You will be evaluated based on the following: family immigration history reflection [10% of your final grade] and a final examination [90% of your final grade].

Reflection: Please write a brief (around 500 words) description of your or your family’s immigration history or migration story within the United States or another country, or that of a friend or acquaintance from whom you obtain permission, and post it to the Canvas.

Feel free to include immigration histories to countries other than the United States, as appropriate. If you (a) have little access to information about family migration to the United States or other countries, (b) are a member of an indigenous American group that did not immigrate to the United States, or (c) would rather not share that information, you may write about your history or your family’s history of migration within the United States or another
country, or you may choose to write about the experiences of a family member or friend (with their permission of course.)

If you would rather keep the reflection confidential, please email it to me with a note at the top of the submission indicating that you would like it kept confidential.

In writing the reflection, consider the following questions: When, how, and under what circumstances did you or your family come to the United States? What, if any, legal hurdles did you or your family members face? Have any of your ancestors immigrated to countries other than the United States? Why did they leave their home country (countries)? How did they get here/there? What work had they done before leaving, and what work did they do upon arrival? Did they comply perfectly with the immigration law at the time? If not, how do they (and you) evaluate that fact?

This assignment is due Wednesday, Nov. 18, at 5:00 pm and will be graded credit (on-time submissions) or no credit (late submissions).

**Final Exam:** At the end of the semester, there will be a final 3-hour examination. As a limited open-book examination, you may consult your casebook, casebook update, statutory supplement, class notes, handouts distributed in class, and any other class materials. You may not consult any other texts, study aids, commercial outlines, or other materials. You may not access the internet during the course of the three hours. Further instructions will be provided at or before the exam.

**Computer Use Policy:** Studies show that even the most committed students cannot resist the urge to check email or browse the web from time to time. Such behavior compromises your learning. It may also significantly impact classmates seated near you. Studies show that students seated next to classmates who multitask on a computer, but who do not engage in such activities themselves, perform worse in comprehending the material. Please exercise discretion if you decide to use laptops and other electronic devices in classes.

**Law School Disability Policy:** The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you anticipate barriers related to the format or requirements of this course, please let Associate Dean David S. Mitchell (mitchellsd@missouri.edu) or Denise Boessen (BoessenN@missouri.edu) know to make necessary arrangements.

**Statement for Academic Dishonesty:** Academic integrity is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person’s work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any violation, to disciplinary sanctions ranging from probation to expulsion. Consult me when in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating.
All written work should be labeled with your name and the assignment title. Each page should be numbered, and submissions should be made in 12-point font with 1-inch margins.

**Decreasing the Risk of COVID-19 in Classrooms:** To provide safe, high-quality education amid COVID-19, we will follow several specific campus policies in accordance with the advice of the Center for Disease Control and Boone County health authorities. Please note the following safety rules and standards.

- **If you are experiencing any COVID-related symptoms**, or are otherwise feeling unwell, do not attend in-person classes and contact your health care provider and/or student health immediately. COVID symptoms include: fever greater than 100.4 or chills; cough, shortness of breath or difficulty breathing; fatigue; unexplained muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; diarrhea.

- We will all wear **face coverings while in the classroom**, unless you have a documented exemption due to a disability or medical condition.

- We will maintain a **6-foot distance from each other at all times**.

- You will receive a Seating Chart with your assigned seat number. We will enter the classroom and **fill the room starting at the back**, filling all the way across a row. When class ends, we will exit the row nearest to the door first; I will give the signal for the next row to exit, in the same manner.

- This course may be recorded for the sole purpose of sharing the recording with students who can’t attend class. I will take care not to disclose personally identifiable information from the student education records during the recorded lesson.

- Compliance with these guidelines is required for all; anyone who fails to comply will be subject to the accountability process, as stated in the University’s **Collected Rules and Regulations**, Chapter 200 Student Code of Conduct.

- **Accommodation** If you are unable to attend class because you have symptoms of the coronavirus, you tested positive for coronavirus, you have been contacted because you were in close contact with someone who tested positive, or your COVID-19 Accommodations Request for Remote Learning, class will be conducted synchronously through, recorded and uploaded to the course site on Canvas. In the event that there is no video recording, the course will be audio recorded and that recording will be uploaded to the course site on Canvas. If you have a need for an accommodation that manifests during the semester, **please reach out and let me know to discuss the best way to support you during your absence from class**.

- **Pivot**: If the University of Missouri or the School of Law is required to go remotely with no in-person or face-to-face classes, our classes will continue to be held at the same time on the days currently scheduled. The course will be taught online synchronously and will utilize zoom as the mode of course engagement and interaction. The course may also use breakout rooms in zoom, videos posted on Canvas, and other tools of online engagement to foster small group discussions.
Mental Health: The University of Missouri is committed to supporting student well-being through an integrated network of care, with a wide range of services to help students succeed. The MU Counseling Center offers professional mental health care can help you find the best approach to treatment based on your needs. Call to make an appointment at 573-882-6601. Any student in crisis may call or go to the MU Counseling Center between 8:00 – 5:00 M-F. After hours phone support is available at 573-882-6601.

Visit [https://wellbeing.missouri.edu](https://wellbeing.missouri.edu) to take an online mental health screening, find out about workshops and resources that can help you thrive, or learn how to support a friend. Download Sanvello, a phone app that teaches skills and strategies to help you maintain good mental health. Log in with your Mizzou e-mail to unlock all the tools available through Sanvello at no cost to you.

Office Hours: My online office hours are Tuesday and Thursday from 3:00 – 4:00 pm. Please sign up by emailing me. If my regular online office hours do not work for you, please email me to set up an appointment at another time. I encourage all of you to make an appointment to meet online at least once during the semester. I want to get to know you, so please email me to have a zoom meeting.

First assignment: Before our first session on Monday, August 24, please do the first day’s reading and think about the discussion question (under Reading Assignments, below).

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READING ASSIGNMENTS (Part I)

Here are the first few reading assignments, with questions and background to help you prepare for class. Please study the statutes that you need to answer any statutory problems.

Chapter One: The Foundations of Immigration and Citizenship Law

1) Monday, August 24
   
   Casebook 1-10
   
   Early Plenary Power
   
   - What, if anything, is wrong with the reasoning and outcome in *Chae Chan Ping*? Are there parts of the decision that make sense today as policy or as constitutional law?

2) Wednesday, August 26
   
   Casebook 10 - 20
   
   The Boundaries of Immigration Law
   
   - In *Fong Yue Ting*, why does Justice Gray treat deportation and exclusion alike? Are there meaningful distinctions among the three dissents? Why did the dissenters pay so little attention to race or nationality discrimination? See Notes 2 and 3 on page 20.
   
   - Why did the challengers win in *Wong Wing* and *Yick Wo*, as compared to the government wins in *Chae Chan Ping* and *Fong Yue Ting*?

3) Monday, August 31
   
   Casebook 20 - 31
   
   The Evolution of Plenary Power
- Can courts draw a principled constitutional line between immigration law cases and cases involving the rights of noncitizen immigrants? See Note 2 on page 26.

4) Wednesday, September 2
   Casebook 31 - 43
   - When might a reason for a government immigration decision not qualify as a “facially legitimate and bona fide reason”? See Note 1 on page 39.
   - How if at all does Landon v. Plasencia erode plenary power? See Note 2 on page 43.

5) Wednesday, September 9
   Casebook 43 - 64
   The 2017 Trump Exclusion Order
   - Do the stated reasons for the Proclamation provide a “rational basis”? Why or why not? See Notes 1, 2, and 3 on pages 59-61.
   - Working with the court decisions in the casebook so far, how would advocates challenge or defend the constitutionality of the hypothetical statutes in the Exercise on page 64?

6) Monday, September 14
   Casebook 64 - 84
   Administrative Law and the “Public Charge” Rule
   - Does Chevron give too much authority to administrative agencies in the federal executive branch, or in other words, does it leave too small a role for judges? See Note 3 on page 83.
   - Is a nationwide injunction necessary to protect the plaintiffs in the lawsuits challenging the public charge rule? When, if ever, should a federal district court judge, or a federal court of appeals, issue a nationwide injunction? See Note 1 on page 82.

7) Wednesday, September 16
   Casebook 84 - 99
   Moral Constraints on the Immigration Power
   - Please think about the Exercise on page 95.
   - Please think about Notes 1, 2, and 4 on pages 96-99.

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PART -II. A tentative list of topics we’ll cover in the rest of the semester (not necessarily in this order):

- immigrant admission categories
- nonimmigrants: business categories and temporary workers
- unauthorized migration and federal immigration enforcement
- admission procedures, esp. adjustment of status, and constitutional due process
immigration detention
inadmissibility and deportability
cancellation of removal and other discretionary relief
asylum, inc. discussion of Asylum Denied
removal proceedings
enforcement, race, and ethnicity
state and local enforcement and “sanctuary” jurisdictions