Sul Ross State University

Criminal Justice 4312
Immigration Law
Fall: 2020

Professor: Martin Guevara Urbina, Ph.D.
Classroom: Web
Class Meeting: Online

Office: 201 (Faculty Building)
Phone: 830/703-4820 (office, direct line)
Hours: Monday and Tuesday, 12:00 to 5:00p.m. Even though this is an online course, you are welcome to visit the Professor’s office anytime.
E-mail: murbina@sulross.edu

Program Learning Outcomes:
1. Demonstrate proficiency in the application of legal concepts, theoretical applications, scientific principles, and historical trends in the criminal justice arena.

2. Demonstrate competency in the application of basic research methods, to include: research design, statistical analysis, and uses of empirical findings and interpretations.

3. Demonstrate the application of organizational principles, cultural, social and behavioral knowledge, critical thinking skills and cognitive thought processes within the criminal justice arena.

Marketable Skills for Criminal Justice Program:
1. **Oral and Written Comprehension:** The ability to listen and understand information, ideas, and ideologies presented through spoken words; and the ability to read and conceptualize information, perspectives, and ideologies presented in writing. Broadly, oral and written communication involves active listening, speaking, and learning.

2. **Critical Thinking:** This includes the ability to engage in reflective and independent thinking, which is fundamental for relevant inquiry and productive innovation, analysis, and synthesis of information, ideas, and propositions.
3. **Problem Solving:** Utilizing a humanist and liberating praxis, empower students to strategically utilize triangulation strategies for evaluating, finding, creating, and implementing solutions to difficult or complex issues in a never-constant society.

4. **Leadership Ability:** Transformational leadership, vital for motivating, decision making, and inspiring vision for achieving positive results—a defined mission.

**Course Description and Objective:** *Immigration Law* will offer a comprehensive analysis of immigration in the United States and abroad. The focus will be primarily, but not exclusively, on the following: (1) an examination of formal US immigration laws, (2) the principal (main) policymakers influencing the nature and dynamics of immigration laws, (3) how, when, and why decision-makers (and other non-government individuals) opt to support or not support immigration laws, (4) the elements involved in the development and enforcement of immigration laws, and (5) the internal and external forces governing immigration laws. Specifically, the intent of this course is to provide students with a detailed understanding of 12 main topics, which are best expressed in the following questions:

1. Historically, what has been the **evolution** of immigration laws in the United States? To enhance our understanding of current immigration legislation, we must first explore the various laws implemented over the years to govern immigration and immigration related issues, events, and circumstances.

2. What are the purposes (rationale) of immigration laws?

3. Who are the most powerful actors/players in the development, enforcement, and administration of immigration laws? Who has played the most significant role in “shaping and reshaping” immigration legislation? What makes these individuals so powerful and influential in the immigration debate, which is “as old as” the United States itself?

4. Pragmatically, theoretically, philosophically, politically, economically, culturally, and socially, what are the dynamics of immigration law, as we know it today?

5. What **FORCES** (including the media) have driven and/or continue to drive the immigration debate and, by extension, immigration laws? Why?

6. What influence has immigration legislation played on the American society? There are a series of related questions that help shape our response to the first one: What have been the main “benefits” of past and current immigration laws? What, if any, have been the ramifications of prior or current legislation regarding immigration and related issues? How do the “benefits” compare to the “negative consequence” of past or currently immigration laws?

7. What is the significance of current immigration laws on the criminal justice system, to include law enforcement, the judicial system, and the correctional system?

8. What has been the role of immigration laws, historically, in shaping the nature deviance, crime, and public opinion? Secondary questions include: What do advocates of immigration law see as its main objectives? What do the critics of immigration law see as its main mission?
9. How successful have immigration laws been in achieving intended goals? Should the current immigration laws be retained, modified, or both? Is there a need for additional immigration laws? Ultimately, do immigrant laws really make a difference?

10. What myths surround immigration? And, what are their implications?

11. What are the implications and ramifications of “globalized immigration legislation and sanctions” on crime, the criminal justice system, and society?

12. What are the options/avenues for the establishment of a logical, effective, and just immigration laws? What is the future of immigration related laws in the US?

The next set of questions is essentially definitional in nature. It is essential that we share the same definitions of issues, events, situations, or problems if we are to come to a common understanding of both the problem and any possible remedies or solutions. As such, the class’s first segment deals with defining the concept of immigration law and placing it in a global context, as we are now dealing with transnational crime and criminal justice systems that transcend boundaries and borders.

The last set of questions is more analytical. A particular truism about criminal behavior, law enforcement, jurisprudence, penology, criminological, sociological, and theoretical aspects of the nature of society is as follows: There are many typologies of policing, jurisprudence, penology, immigration law, criminological, sociological, and legal theories as there are authors writing textbooks about the subject. The five-fold approach, then, we will take is an amalgam of several such typologies:

**History**—As in other classes, we will make use of historical events, situations, and circumstances to better understand the subject matter by its totality. It is essential that we obtain an understanding and appreciation for historical ruptures and discontinuities as we try to bridge existing gaps. According to an African proverb, “Until lions have their own historians, histories of the hunt will glorify the hunter.”

**Theory**—Theoretically, we must investigate which theories provide the best guidance in our search for “truth and reality,” the heart of the judicial system.

**Law and Society**—In a society where most behavior is governed by some type of law, it is vital that we explore the relationship between law and society, the focal element of the American legal system. To some scholars, laws are a measure of culture; crime, another element of all known cultures, is the violation of those laws. In essence, why do we have laws? Do we need laws? Does law really makes a significant difference?

**Philosophy**—While penal, legal, sociological, and criminological theories might serve as “road maps” to everyday life, philosophy gives “meaning” to human existence. It enables us to better appreciate what matters most at the END of the day, and, more so, as we face our morality.

**Poetry**—Even though poetry is one of the oldest forms of dialogue, it is seldom mentioned in academic discussions. Yet, poetry allows us to transcend the unknown … it allows us to dream the impossible … to dream the impossible dream. “Invent the age, invent the metaphor. Without a credible structure of law a society is inconceivable. Without a workable poetry no society can conceive a [person].” —Archibald MacLeish, Apologia, 1972.
The final question has policy overtones. First, we must briefly look at the nature and process of human behavior, criminal behavior, and the US criminal justice system within an historical and legal context, with a focus on public safety, practicality, equality, and justice. Next, we turn to the more difficult task of linking criminal justice policy, sociological, psychological, legal, and criminological theory, particularly those we will review, to criminal behavior, legal rights, research, and practice, from an historical standpoint.

Overall, this course is designed to introduce you to the evolution and dynamics of Immigration Laws, and placing our analysis within the broader sphere of globalization, including the globalization of knowledge. By introducing you to influential issues that provide the frameworks to studying a wide variety of phenomena, I intend this course to be a basis for further, more in-depth study in the areas that interest you.

Course Context: As an upper-level course, this class may include controversial, sensitive, and/or adult material. For instance, an historical examination will explore the influence of immigration law in the context of conquest, colonialism, slavery, and lynching? Students are expected to have the mentality and readiness for upper-level content and rigor.

Course Structure: This course will be presented in modules. Please note that the ENTIRE course will be taught online via Blackboard.

Required Texts:


Optional Readings:


Bosworth, Mary and Jeanne Flavin, eds. (2007). *Race, Gender, and Punishment: From Colonialism to the War on Terror*. Piscataway, NJ: Rutgers University Press.


Recommended Readings

Books:


Book Chapters:


Refereed (Peer-Reviewed) Journal Articles:


Encyclopedia, Magazine, and Other Publications:


Activities/Participation: Please complete the reading assignments as assigned to avoid falling behind, and, more fundamentally, to capture the essence of the class. During the semester, I will be posting a question or a statement for you to respond (100 points) and post for ALL students to read. Again, please do NOT panic! If you do the reading, you should be fine. Participation in these “exercises” will be equated into your final grade.

Weekly Assignments: There will be ten (10) Weekly Assignments, each worth 10 points for a total of 100 points. The Weekly Assignments will be discussed further the first week of class.

Reviews (Book, Article, Movie):

Book Review (50 points): For your Book Reviews you are asked to read and make critical judgment about one book (50 points). Here is the complete citation for the required book review:


The Book Review is limited to 3 to 5 typed pages. The logistics of the Book Reviews will be discussed in class and handouts will be provided to assist you with the writing assignments.

Article Review (50 points): An article will be provided (or posted online) your review and assessment.

Movie Review (50 points): A movie title will be provided (or posted online) for your review and assessment.

Exams: There will be two (2) essay exams (midterm and final), each worth 100 points. Please arrange for make-up examinations prior to the date of the exam. The examinations will cover lecture materials, films, and reading assignments. Exams will contain open-ended questions (and a series of secondary questions).

Project: The logistics of the project, which will be submitted as a formal paper, will be discussed in detailed in class. Illustration: many agencies allow citizens to go in and observe. Some law enforcement agencies, for instance, allow “ride alongs.” Hence, you could arrange to participate in a series of “field” activities. At the end of the shift, write down what you observed. Describe how it compares with what you have learned in class (e.g., law, justice, immigration, and policy implications). For instance, based on your observations, what are the links between law, immigration, and practice?

Your project, which is required (100 points), will be presented at the end of the semester, if time allows. Papers (approximately 8 to 12 pages in length) must be typed.
Late papers will **not** be accepted. Do not turn in your only copy of any paper in case assignments are lost or destroyed.

**Mini-project:** This should be a fun exercise that allows you to explore (critically) some aspect of immigration in greater depth with less evaluation anxiety than you would have in a full-length paper assignment. I would like you to try to and choose a project that you will enjoy, and that will stimulate your thinking about the concepts covered in this course.

Mini-projects are **optional.** You will receive “extra credit” points for completing mini-projects. If your mini-project is **adequate,** you will receive one point. This point(s) will be added on to your final grade at the end of the semester.

You may turn in your mini-projects any time during the semester. The projects will be of greater value if they are done thoughtfully. Thus, you may not submit more than three (3) mini-projects.

There is no minimum or maximum length requirement. Typically you will hand in a three to five page typed paper as the final product of each mini-project. Some projects, however, may require longer (or shorter) write-ups. Your analysis should illustrate or explore some phenomenon relevant to the course, while knowledgeably using concepts, principles, and language in the context of immigration in the criminal justice system or the American society in general.

Attached to the end of the syllabus are descriptions of some mini-project options. Some of them will make more sense to you as we progress through the course. If you think of an alternative you would like to do as a mini-project, please feel free to ask me about it. Again, I am looking for you to implement class material—especially critical issues/perspectives—when describing the phenomena you choose to explore.

**Grades:** There are a total of 650 points available in this course. Grades will be based on the total points for the semester. Specifically, grades will be assigned by comparing your performance to the best possible score (650) as follows:

- **Exams:** 200 points
- **Weekly Assignments:** 100 points*
- **Reviews:** 150 points
- **Project:** 100 points
- **Attendance/Participation:** 100 points**

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**Total** ......................................................... 650 points

*Tentatively, weekly assignments will count for 100 points. However, it is possible that the total possible points (i.e., 100) will be increased, or reduced. If increased, the TOTAL POSSIBLE points discussed herein (i.e., 650) will add to more than 650 points. If reduced, the TOTAL POSSIBLE points discussed herein (i.e., 650) will add to less than 650 points.
Similarly, if the 100 participation points are either increased or reduced, only the total possible points for participation that are utilized will be equated in the final grade distribution. In such case, the TOTAL POSSIBLE points discussed herein (i.e., 650) will add to less (or more) than 650 points.

**Grade Distribution:**

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Grade</th>
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<tbody>
<tr>
<td>90-100%</td>
<td>A (Excellent)</td>
</tr>
<tr>
<td>80-89%</td>
<td>B (Better than Average)</td>
</tr>
<tr>
<td>70-79%</td>
<td>C (Average)</td>
</tr>
<tr>
<td>60-69%</td>
<td>D (Below Average)</td>
</tr>
<tr>
<td>Below 60%</td>
<td>Failing</td>
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Note: Mini-project points will be added to your point total at the end of the course.

Please be aware of **class expectations, rules, and University/College Policies**, which follow:

**Attendance Policy:** This course is “Web” based. Students are expected to log-on regularly, check the calendar for due dates and respond to all emails. Thus, it is to your advantage to log-on regularly. For instance, if you do not participate, you cannot learn the discussed material. Additionally, you will not be able to discuss the assigned readings. Much of the learning in class is through discussion with other students. In the process, feel free to ask questions and/or make comments that might enhance our understanding of the **immigration law** and related issues. Also, do not hesitate to share experiences that may help to enhance our understanding of the nature and significance of immigration within the context of the law. (Please reference Sul Ross State University—Rio Grande College Catalog for additional information.)

**Punctuality.** It is of extreme importance that you complete the readings and writing assignments on time to avoid falling beyond. I understand that it is not possible at times, but please do not make it a routine.

**Classroom etiquette.** Above all, always respect yourself and others; be patient; be willing to explore new ideas and perspectives; and restrict questions and comments to the topic being discussed.

**Incomplete Grades:**

PLEASE AVOID INCOMPLETE GRADES. ALL ASSIGNMENTS ARE DUE ON THE DATES OUTLINED IN THE SYLLABUS. It is the responsibility of students to notify the Professor if they cannot make an assignment or will not be able to log-on to the class. Please call me at 830/758-5017 if you do not plan to participate in a class discussion question or feel you will be missing an assignment. If I do not hear from you in regards to missed assignments, I will NOT allow an excuse for the missed work.

**Class Responsibilities and Conduct:**

You will be responsible for all information posted anytime during the semester. You will be responsible for obtaining announcements or amendments you may have missed. Any student who is intentionally abusive, disruptive, or disrespectful vis-à-vis posted discussions, activities, or emails will be asked
immediately amend such communication, AND possibly dropped from the course. Any student who has been asked to amend “unjustified” communication twice will be reported to the Department Chair or Academic Dean. You are expected to show respect to yourself, other students, and your Professor.

Academic Honesty (Reference Sul Ross State University—Rio Grande College Catalog):
Rio Grande College expects its students to maintain high standards of personal and academic conduct. Students who take part in academic dishonesty are subject to disciplinary action. Academic dishonesty includes, but is not limited to, cheating on an examination or other academic work, plagiarism, collusion, and the abuse of resource materials. The faculty member is responsible for initiating action for each case of academic dishonesty. Discover any academic dishonesty by a student, may be reported to the Department Chair or Academic Dean.

Disability Services:
Students who have special instructional needs because of a physical handicap or a learning disability should discuss their special needs with the office of Student Disabilities Services. You may also see the University/College Catalog for additional information. Please do so before the end of the first week of class.

Drop Policy:
If you discover that you need to drop this class, you must contact the Records Office and ask for the necessary paperwork. Professors cannot drop students; this is always the responsibility of the student. The Record’s Office will give a deadline for which the paperwork and form, if required, must be returned, complete and signed. If you discover that you are still enrolled, FOLLOW-UP with the Records Office immediately. You are to attend class until the procedure is complete to avoid penalty for absence. Should you miss the deadline or fail to follow the procedure, you will receive an F in the course.

Library Services:
Library information and technology focus on research skills that prepare individuals to live and work in an information-centered society. Librarians will work with students in the development of critical reasoning, ethical use of information, and the appropriate use of secondary research techniques including: exploring information resources such as library collections and services, identify sources such as subject databases and scholarly journals, executing effective search strategies, retrieving, recording, and citing relevant results correctly, and interpreting search results and deciding whether to expand the search.

Again, I want this class to be useful to you in your future careers. As such, if I can assist you in any way, please stop by and see me or call/e-mail me. If a problem is to arise during the semester, please contact me immediately so that we can work out a solution. Do not wait until it is too late to remedy the problem.
# Tentative*
## Schedule of Classes and Assignments

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
<th>Readings</th>
</tr>
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<tbody>
<tr>
<td>Week 1</td>
<td>A note on terminology; Timeline; Introduction; Part One: Immigrants &amp; the Economy</td>
<td>Introduction (pages 3 to 29)</td>
</tr>
<tr>
<td>Week 2</td>
<td>Immigration Law and Race</td>
<td>Chapters 1 &amp; 2</td>
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<tr>
<td>Week 3</td>
<td>Social Control, Equality, and Justice</td>
<td>Chapters 3 &amp; 4</td>
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<tr>
<td>Week 4</td>
<td>Immigrant Labor and Human Rights</td>
<td>Chapters 5 &amp; 6</td>
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<tr>
<td>Week 5</td>
<td>Children of Immigrants, Diversity, and Multiculturalism</td>
<td>Chapters 7 &amp; 8</td>
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<tr>
<td>Week 6</td>
<td>Myths and the Media</td>
<td>Chapters 9 &amp; 10</td>
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<tr>
<td>Week 7</td>
<td>“Reflection Week”:</td>
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<td>Focus: “Reflection Week” is designed to give students the opportunity to reflect (think and act) on what has transpired during the first half of the semester, and, more fundamentally, how things “fits” into their broader academic career, professional life, and personal life.</td>
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<tr>
<td>Week 8</td>
<td>Criminalization and Militarization</td>
<td>Chapter 11 &amp; Conclusion</td>
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<tr>
<td>Week 9</td>
<td>The Latino Condition: Diversity, Change, and Social Control; Situating Conquest, Colonialism, Slavery, Ethnic Identity Formation, Citizenship, and Criminal Law in America</td>
<td>Chapters 1 &amp; 2</td>
</tr>
<tr>
<td>Week 10</td>
<td>Historical and Contemporary Forces Governing Hispanic Criminal (In)Justice; Latinos in the United States: Understanding the Historical and Systemic Foundations of Racial Oppression</td>
<td>Chapters 3 &amp; 4</td>
</tr>
<tr>
<td>Week 11</td>
<td>Criminalizing Mexican Identity: Privilege, Power, and Identity Formation; Policing the Barrios: Latinos and Law Enforcement Over the Years</td>
<td>Chapters 5 &amp; 6</td>
</tr>
<tr>
<td>Week 12</td>
<td>Latino Police Officers, Policy, and Practice: Positive Police Reform or Reinforcement of Structural Hierarchies; Latinos and the U.S. Criminal Justice System: The Road to Prison</td>
<td>Chapters 7 &amp; 8</td>
</tr>
<tr>
<td>Week 13</td>
<td>Life After Prison: Recommendations for Overcoming Legal Barriers, Community Reentry, and Steps for Making it Outside; The Thin Blue Line: Propositions for a New Police Force</td>
<td>Chapters 9 &amp; 10</td>
</tr>
<tr>
<td>Week 14</td>
<td>The Minority Experience Through the Lens of the American Media: Eight Counter-Stereotyping Strategies; Manifestations of Historically Entrenched Racial Ideologies in American Education: Tools for Latino Students in the Twenty-First Century</td>
<td>Chapters 11 &amp; 12</td>
</tr>
<tr>
<td>Week 15</td>
<td>The New Frontier: Globalization, Latinos, and Criminal Justice: The Future of Latinos and the Criminal Justice System: Bridging the Gaps and Future Research</td>
<td>Chapters 13 &amp; 14</td>
</tr>
<tr>
<td>Week 16</td>
<td>Focus: As the final week of class, the various topics discussed during the semester will tie together, placing them within a broader framework. Concluding with recommendations for the future, as we continue the discourse on immigration laws.</td>
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*The syllabus is likely to be amended during the semester at the discretion of the Professor!

Note: Please check Calendar on Blackboard for due dates!
Mini-Project Suggestions

1. With fellow students, family members, or friends, discuss the making of immigration laws, historically, within the context of truth and reality. THINK and REFLECT!

2. Find interesting stories in newspapers and magazines pertaining to immigration and related issues and detail a brief report. Explain what you find interesting about the stories, as projected through the lens of the media.

3. Watch a documentary, video, or movie that vividly documents the historical dynamics of American immigration law and write a brief reaction paper.

4. As listen of comments made by people around the country, including your own community, and see how their comments correspond with the actual realities of immigration law and related issues, events, or circumstances.

5. The next time there is an election, carefully compare the platforms of the candidates regarding immigration. How are their positions/ideologies on various issues different and how are they alike? Evaluate their positions based on what you have learned about the significance and dynamics of immigration law.