

September 19, 2021 (9-19 rev)

Fall Term 2021  
**Migration, Human Rights, and the Southern Border**  
**PA 5890**

Friday, October 1, 2021, from 3 pm to 8 pm  
Saturday, October 2, from 8 am to 4 pm  
Blegen 317

Eric P. Schwartz  
[eschwart@umn.edu](mailto:eschwart@umn.edu)  
202 285 7939

TA-Kimberly Horner  
[Horne184@umn.edu](mailto:Horne184@umn.edu)

### Syllabus

*Please read this syllabus closely before you begin (and while you are completing) the reading assignments.*

*Because this is a short course with only limited readings, I have included in this document important substantive information designed to enhance your understanding of the material. Read my written commentary about assignments closely. I am conscious that there is a lot of information to digest and my commentary is designed to help you understand why I have assigned the material. Often my written commentary appears before the listing of a particular reading. When my comments are in italics, they appear after the reading about which I am commenting.*

*Whether the written commentary appears before or after the reading, review the commentaries before you go to the reading in question.*

*Please be aware that you are expected to complete all the readings (and a pre-class assignment) before class on October 1 (this is all described below). I have worked hard to keep the readings manageable (and interesting): I estimate that you will have between 20 and 25 hours of readings, but as this is the first time I am teaching this course, I am not certain of that estimate. Also, times may vary depending on your familiarity with the concepts, etc.*

*If you cannot access a webpage directly from the syllabus, copy and paste the link into your browser. If that doesn't work, please be in touch with me or with Kim.*

*Finally, and importantly, and before you begin any of the readings, please read the short section on stressful issues and on mental health and stress management, at p. 17, below.*

*Key point for students: do not be overly concerned if the syllabus seems, well, a little daunting: During my period of extended leave from my full-time faculty appointment (since*

2017), I have taught one credit courses each year. In each of my one credit courses since 2018, we have been ambitious about the material we are seeking to cover, and I think that is as it should be. But I understand there is a considerable amount of material, so just do your best. Over the years in my one credit courses, I have evaluated students primarily on their level of effort and engagement, and students have done well. In addition, as this is the first year I am teaching this course, there will inevitably be a hiccup or two—and I will benefit greatly by your evaluations—as I'm eager to continue to teach this particular material, either as a one credit course or a 3-credit course.

## **CONTENTS OF SYLLABUS**

- **Course Overview**
- **Learning Objectives**
- **Pre-requisites**
- **Where to Find Readings**
- **Course Requirements and Grading (including pre-class assignment)**
- **Organization of Course**
- **Assigned Readings (this is the major portion of the syllabus)**
- **Further Information (Mostly University Policies)**

### **Course overview:**

This one credit course will examine the range of policy issues surrounding forced migration from Central America to Mexico and the United States, human rights, and the southern border of the United States. It will focus primarily on forced migration policy issues confronting the U.S. government, but we will also consider (however briefly) the so-called root causes issue.

The Biden administration has sought to develop policies that 1) begin to reverse the closure of asylum space that was accelerated in the prior presidential administration, 2) recognize the importance of a range of possible immigration pathways for individuals and families from Central America; and 3) provide for expanded refugee processing from the Northern Triangle region.

The administration has also sought to recognize and begin to address root causes of challenges that create pressures for forced migration: violence, corruption, and disenfranchisement in Central America. Its articulated rationales for this root causes approach involve both a commitment to best development practices *and* a belief that such efforts are essential to reduce migration pressures from the Central America region.

In this very short course, we will examine the new administration's strategies, consider the assumptions that underlie them, and assess early implementation efforts.

### **Learning objectives:**

Students in this one credit class will gain a broad appreciation—albeit limited given the short

amount of time we have together—of the policy issues that are involved in addressing migration, human rights, and the southern border. They will obtain understandings of key dilemmas faced by policy-makers and practitioners working on these issues, including how policy-makers and practitioners must consider, address, and seek to vindicate what appear to be conflicting policy objectives that may be either contested politically and/or seemingly in tension with one another, including protection of the right to asylum, on the one hand, and migration management (and effective and orderly provision of services to migrants in border areas and beyond), on the other hand—among many other issues.

These learning objectives are ambitious for a two-day course, but that does not mean we cannot end our session with a deeper understanding of both these issues and the tools that aspiring practitioners, policy-makers, and advocates will need to bring to bear in addressing them.

### **Prerequisites:**

There are no formal prerequisites, other than a keen interest in the material, though **those who are not graduate students may wish to contact me before the class begins.**

### **Where to find the readings**

Nearly all of the course readings will be accessible through links in the syllabus. Those that are not will be available on Canvas.

### **Course requirements and grading**

#### ***To be completed any time before the first class***

Please complete all the readings before class.

You are also asked to complete short responses to 11 assigned questions drawn from the readings. Each response should be about 2 paragraphs, and the exercise is designed to ensure students have considered the readings carefully before the two class sessions. Taken together, the 11 responses should total between 1500 and 2200 words.

The pre-class questions are designed to help you organize your thinking about the issues in this course. Thus, you may want to read them before you begin the readings.

Because you will be completing this assignment before we've had the chance to discuss the materials, the principal criterion for my evaluation of this exercise will be whether you demonstrate that you have read the material with some care. This first assignment will count for 33% of your grade.

Late submissions: It is important that you complete this assignment before our class, as you will be at a key advantage if you have thought about and integrated the material before we meet.

Thus, I regret that, if you do not complete the assignment before we begin class on March 19, you will be penalized one “step” (e.g., from a B+ to a B) for the course (and will still be required to complete the assignment).

**To be completed during the two classes: class participation.**

Students will be evaluated by the quality of their engagement and all students (whether or not they are hand-raisers) will be given the chance to engage. This will constitute 33% of your overall grade.

**To be completed after class (by or before October 18)**

A 700 word (about 2-3 pages) *thought paper* on an issue of your choice (but chosen from among those we considered in class), with your perspectives drawn from what you’ve learned in class. This will constitute 33% of your overall grade.

Late submissions: For each week (or portion thereof) that you are delayed in completing this assignment, you will be penalized one step on your paper.

**Organization of the course**

I will organize our two-day class around broad topics. They will of course be drawn from the subjects in the syllabus (though they may not track the organization of the syllabus precisely). We will spend an hour or so, on average, on each topic. As mentioned, I’m planning to have guest presenters for many of the topic areas, and class conversation will be a very important component of our two days.

In general, each section will start with a short presentation of the material, followed by discussion. Over the course of the two days, we will structure discussions in various ways, and with breaks to keep it interesting and keep everyone engaged in the material. In some cases, we will have traditional class discussion. In other cases, we might break up into small group conversations, and have groups present their observations/conclusions at the end of a smaller group session.

[Go to next page for assigned readings.]

## **Assigned readings**

**Note: review this very carefully.**

Please read this entire section before you begin (as well as while you are completing) the reading assignments

Note that in the readings described below, I have not used a particular citation convention, but rather have presented them in a way designed to make them most easily accessible to you.

### **I. Quick Overview, followed by Personal Accounts of Central Americans Seeking Protection**

In a very short course with an ambitious agenda, there is very limited amount of reading that I can assign, and most of it will be focused on legal and policy issues that seem distant from the lives of affected individuals and populations whose lives are so impacted by decisions made in Washington, DC. But as we well know, the way these issues are addressed by policy-makers will have dramatic implications on the lives of hundreds of thousands, if not millions of people who live in the countries of Mexico and Central America. Thus, it is important to include first-hand accounts of people who have felt the need to flee their countries of origin and seek protection. After you review a very short (2 page) overview prepared by the Congressional Research Service that quickly frames the policy issues in this course, I ask that you view (and hear) some first-hand hand video accounts. To be sure, each of the videos was produced in the context of campaigns, but the testimonials provided are quite similar to those obtained from field reporting by rights organizations.

- Meyer, “Central American migration: root causes and U.S. policy,” *Congressional Research Service*, updated April 22, 2021, at <https://fas.org/sgp/crs/row/IF11151.pdf>
- UNHCR Video, “Children on the Run in Central America,” May 2017. At <https://www.youtube.com/watch?v=4GpzW5zRjY>
- Refugees International “Voices from the Border” videos (2020). **Please watch the videos of Jose Murillo and Mirna Linares**, at <https://www.refugeesinternational.org/we-can-welcome>
- USA for UNHCR, “With love from Central America: four stories of Central American refugees,” September 2019. At <https://www.unrefugees.org/news/with-love-from-central-america-four-stories-of-central-american-refugees/>

### **2. Global Norms/Practices on Migration: Refugee Protection, Asylum, and Other Protection for Forced Migrants**

In general, what rights to protection does an individual enjoy when they are fleeing their country of origin? This is a complicated issue, which could be the focus of our entire one credit course, a full

semester course, or a graduate degree. Nonetheless, a short treatment of the issue is important, so I am asking you to review and consider a variety of materials.

### Readings:

- Convention and Protocol Relating to the Status of Refugees. Read the Convention and Protocol.  
Convention:  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx>  
Protocol:  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolStatusOfRefugees.aspx>

*The Refugee Convention was adopted largely in response to the displacement in Europe following World War II – and its initial focus was on refugees who had fled countries in Europe. The Convention’s Protocol, which was adopted much later, applied the Convention’s provisions to the rest of the world. I am assigning this reading because the Convention is fairly considered the foundational document on the issue of protection of forced migrants. Read both these documents, and read with particular care Articles 1, 31, and 33 of the Convention.*

*To be sure, the Refugee Convention definition of refugee, even if generously interpreted, does not include all those who may be compelled to leave their countries of origin.*

*In recent years, at the global, regional, and national levels, there have been a variety of efforts to expand protections for refugees and other forced migrants beyond the parameters of the Refugee Convention and Protocol. Governments have pursued these efforts in two ways: 1) by expanding the criteria for protection beyond that which is reflected in the definition of “refugee” contained in the Refugee Convention; and 2) by offering “complementary pathways” for protection—that is avenues for admission to a country for refugees and other forced migrants that are different than traditional refugee resettlement programs. I have included a variety of documents below, which you should read, as they give you a sense of the dimensions of some of those efforts, which are relevant to challenges surrounding force migration from Central America.*

- Cartagena Declaration on Refugees, adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, Cartagena de Indias, Colombia, 22 November 1984, at [https://www.oas.org/dil/1984\\_cartagena\\_declaration\\_on\\_refugees.pdf](https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf)

*This is a regional declaration that effectively expands the refugee definition. It has been incorporated into the laws of most governments of Latin America, in one manner or another. It provides one example of a regional effort to expand protections for those forced to flee.*

- Task Force Report to the President on the Climate Crisis and Global Migration (Refugees International, July 2021), read pp. 21-24. At [Task Force Report](#)

*This is an excerpt from a Task Force report on climate change and global migration. I am*

*assigning this excerpt principally to illustrate the point that international organizations and governments of the world have not only sought to interpret the Refugee Convention expansively (a point to which the excerpt alludes), but also have sought other measures to provide protection for those forced to flee their countries of origin for reasons other than persecution as defined in the Refugee Convention. This excerpt provides some examples of such measures.*

*The discussion you will read in this excerpt was offered in the context of a report that deals with migration impacted by climate change. (Of course, this issue is also relevant in the case of the Northern Triangle of Central America, in which climate-induced migration is a serious concern.) You are free (but not required) to read the entire Task Force report, including its recommendation that the United States adopt a form of complementary protection for those forced to flee due to climate change who might not be eligible for protection as refugees.*

- MacGregor, “What is the difference between refugee status and subsidiary protection?” (InfoMigrants explainer, June 2021), at <https://www.infomigrants.net/en/post/33060/what-is-the-difference-between-refugee-status-and-subsidiary-protection>

*This document discussed subsidiary protection in European countries.*

### **3. U.S. Policy on Refugees and Asylum**

In the broadest sense, there are two programs through which the United States admits refugees—the U.S. Refugee Admissions Program and the U.S. system of asylum. A *basic* understanding of both is useful for this short course, as well as an understanding of some key policy measures from the former U.S. administration, which set part of the context for the current policy debate.

#### **Refugee Admissions**

Under the 1980 Refugee Act, the President each year determines a U.S. refugee admissions ceiling—that is, the maximum number of refugees the United States will agree to bring to the United States for the purposes of resettlement from countries around the world. The vast majority of such persons are among the more than 26 million refugees receiving some form of temporary protection in countries to which they have fled. A general knowledge of this program is important as the Biden administration has included it in its plans for addressing Central American migration.

**(The U.S. Refugee Admissions program is distinct from the U.S. asylum process, in which people already within the United States or seeking entry at U.S. borders request protection.)**

*A short history of recent refugee ceiling levels:* In the final year of the Obama administration, the U.S. Refugee Admissions ceiling was set at 110,000 for fiscal year 2017 (October 1, 2016 to September 30, 2017), but it was effectively reduced to just over 50,000 through executive action by President Trump, who also ordered a temporary suspension in the refugee admissions program after he came to office, a suspension that was technically lifted in late October 2017—but was followed by a special three month review that impacted refugees from 11 countries deemed to be

high risk. That review was completed in January 2018, and the program that emerged had new security procedures in place.

For fiscal year 2018 (October 1, 2017 to September 30, 2018), the president authorized a U.S. refugee ceiling of 45,000. And for fiscal year 2019, the President authorized a U.S. refugee ceiling of 30,000. For fiscal year 2020, the number was 18,000. The president also issued an executive order that would only permit resettlement of refugees under the U.S. Refugee Admissions Program in “those jurisdictions in which both the State and local governments have consented to receive refugees” under the Program. (On January 8, 2021, that order was blocked by a federal appeals court.)

For fiscal year 2021, then-President Trump authorized a refugee ceiling of 15,000. After initially maintaining that 15,000 ceiling, President Biden adjusted it upwards to 62,500, with a view toward an eventual ceiling of 125,000.

- National Immigration Forum, Factsheet on U.S. Refugee Resettlement Program (November 2020), at <https://immigrationforum.org/article/fact-sheet-u-s-refugee-resettlement/>

### **Asylum in the United States**

Given the breadth of materials we will be considering, it is not possible to provide you with readings that capture all ongoing and new developments on asylum issues in recent years in the United States.

But I’ve included a couple that should be of interest.

- American Immigration Council, explainer on *Asylum in the United States*, June 11, 2020, at <https://www.americanimmigrationcouncil.org/research/asylum-united-states>

*As mentioned, a short explainer.*

- Harrington, “The Law of Asylum Procedure at the Border: Statutes and Agency Implementation,” Congressional Research Service, April 9, 2021, at <https://crsreports.congress.gov/product/pdf/R/R46755/2>

*This is a longer Congressional Research Service explainer, which is somewhat detailed, but worth going through. You may have to paste this link into your browser.*

### **Refugee Act of 1980**

- Kennedy, “Refugee Act of 1980,” *International Migration Review*, vol. 15, no. 1 and 2, March-June 1981, p. 141-156.

Should be on Canvas site.

*The Refugee Act of 1980 was the modern U.S. effort to bring U.S. law into conformity with international refugee law (though the United States had resettled refugees prior to 1980 through a variety of ad hoc means), and it is valuable that you obtain a perspective from one of the architects of that statute—the late Sen. Edward Kennedy. As this was written some four decades ago, some of the information in it may have been overtaken by subsequent legislation and policy developments.*

#### **4. The Former Presidential Administration on Border Migration Policy, and Actions Leading to the Advent of the Biden Administration**

##### **General Perspectives**

We cannot understand or evaluate the challenges facing the Biden administration, as well as its evolving policies and practices, without some appreciation of the policy measures of the prior administration and the that administration’s rationales for its approach.

In short, the former administration advocated for more narrow interpretations of the U.S. obligations under the Refugee Act than its predecessor (the Obama administration) was prepared to support, and the Trump administration was not prepared to consider new forms of complementary or subsidiary protection—and sought to reverse a range of protection measures focused on asylum-seekers that had been in place.

It is difficult to find broad and detailed policy statements by the former president, but the following excerpts provide at least some important insights about the perspectives of the Trump administration on a range of issues, from asylum as a policy alternative to the administration’s claims about risks posed by undocumented migration.

(It is also relatively clear that the Trump administration sought to reduce legal immigration. And such legal immigration was significantly restricted in 2020 due presidential executive order, issued in the context of COVID-19. Time will not permit us to examination the implications of the former administration’s position on legal immigration.)

- Excerpt from President Trump’s State of the Union Address (on immigration), February 19, 2019. (PBS Newshour.) At <https://www.youtube.com/watch?v=1Ju1CSpFNQQ>
- Interview with White House senior advisor Stephen Miller (YouTube video embedded in USA Today article). **Go to the video with the “Fox News” logo.** at <https://www.usatoday.com/story/news/politics/2019/02/18/stephen-miller-fox-news-sunday-interview/2903358002/>
- “Trump to Illegal Immigrants: ‘The Country Is Full, So Turn Around.’” *Real Clear Politics*, April 5, 2019, at [https://www.realclearpolitics.com/video/2019/04/05/trump\\_to\\_illegal\\_immigrants\\_sorry\\_our\\_country\\_is\\_full\\_so\\_turn\\_around.html](https://www.realclearpolitics.com/video/2019/04/05/trump_to_illegal_immigrants_sorry_our_country_is_full_so_turn_around.html)

### **Specific Measures Implemented at the Border by the former Administration**

This is not an exhaustive grouping, but includes most of the prominent border measures undertaken by the former administration. *Note that nearly all of these measures have been rescinded in one manner or another, but it is important that students have a sense of the scope and dimension of these measures.*

So why are they include here?

I include them for two important reasons: first, because they create a context for understanding the challenges confronting the current presidential administration, and second, they raise fundamental issues about how to manage migration issues—issues that are enduring.

#### **Metering:**

- Human Rights First, “Barred at the Border: Wait “Lists” Leave Asylum Seekers in Peril at Texas Ports of Entry,” April 2019, at [https://www.humanrightsfirst.org/sites/default/files/BARRED\\_AT\\_THE\\_BORDER.pdf](https://www.humanrightsfirst.org/sites/default/files/BARRED_AT_THE_BORDER.pdf)

*This short report primarily discusses the practice of “metering” of asylum-seekers who are trying to gain entry at the U.S. southern border. It was largely overtaken by the Migrant Protection Protocols (see below).*

#### **Migrant Protection Protocols and the Externalization of Asylum**

These sources describe the Migrant Protection Protocols, or, as they were more commonly known, the Remain in Mexico Program. The first two pieces are supportive of the policies instituted by the Trump administration. The third is critical. And the fourth, from an author who would also be harshly critical of the policy, is a broader discussion of the issue of externalization of asylum—which is an issue of profound significance in this mini-course, in U.S. policy, and in policies of countries that receive asylum seekers throughout the world.

- Department of Homeland Security, “Migrant Protection Protocols,” January 24, 2019, at <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>
- von Spakovsky, “‘Remain-in-Mexico’ policy is needed to reduce illegal immigration,” Heritage Foundation, March 3, 2020. <https://www.heritage.org/immigration/commentary/remain-mexico-policy-needed-reduce-illegal-immigration>

*This piece criticizes court decisions that temporary blocked implementation of the policy*

- Human Rights Watch, “Q&A: Trump Administration’s ‘Remain in Mexico Program,’” January 29, 2020, at <https://www.hrw.org/news/2020/01/29/qa-trump-administrations-remain-mexico-program#>

- Crisp, “Externalization and the erosion of refugee protection.” University of Melbourne, November 25, 2019, at <https://arts.unimelb.edu.au/school-of-social-and-political-sciences/our-research/comparative-network-on-refugee-externalisation-policies/blog/externalization-and-the-erosion-of-refugee-protection>

*This is very relevant to the discussion about the border, about the Remain in Mexico policy and related issues.*

### **Zero tolerance/family separation**

- Holpuch and Gambino, “Why are families being separated at the border?” *The Guardian*. June 18, 2019, at <https://www.theguardian.com/us-news/2018/jun/18/why-are-families-being-separated-at-the-us-border-explainer>
- Trump Signs Order to End Family Separations.” NPR June 20, 2018, at <https://www.npr.org/2018/06/20/621798823/speaker-ryan-plans-immigration-votes-amid-doubts-that-bills-can-pass>
- Evaluation and Inspection Division (Department of Justice), *Review of the Department of Justice’s Planning and Implementation of Its Zero Tolerance Policy and Its Coordination with the Departments of Homeland Security and Health and Human Services*, January 2021. **Read the Executive Summary, pp i-ii, and the Conclusions and Recommendations, pp. 69-70.** (Other portions are not required.) At [https://oig.justice.gov/sites/default/files/reports/21-028\\_0.pdf](https://oig.justice.gov/sites/default/files/reports/21-028_0.pdf)

### **Third Country Transit Bar**

- Department of Justice and Department of Homeland Security, Final Rule, “Asylum Eligibility and Procedural Modifications,” *Federal Register*, Vol. 85, No. 243, December 17, 2020. **Read the Summary and Section I, Purpose and Summary of Interim Final Rule, pp. 82260-82261, only.** Download the document at <https://www.aila.org/infonet/dhs-and-doj-final-rule-barring-from-asylum>

*The final rule differed slightly from the interim final rule, but you need not read what changes were made—thus I’m only asking you to read the first page and one-half, to obtain a sense of the policy objective.*

- Human Rights First, “Trump Administration’s Third-Country Transit Bar is An Asylum Ban that Will Return Refugees to Danger.” September 2019, at <https://www.humanrightsfirst.org/sites/default/files/Third-Country-Transit-Ban.pdf>

### **Asylum Cooperation Agreements with Countries in Central America**

These individual agreements, made by the United States with El Salvador, Honduras, and Guatemala, were designed to enable the United States to transfer individuals seeking asylum in the United States to each of the three countries—so long as the asylum-seeker was not a national of the country to which they were being transferred. The agreements envisioned that the asylum-seeker could then seek asylum in the country to which they were transferred.

- Department of Homeland Security, “DHS announces Guatemala, El Salvador and Honduras have signed asylum cooperation agreement,” December 29, 2020, at <https://www.dhs.gov/news/2020/12/29/dhs-announces-guatemala-el-salvador-and-honduras-have-signed-asylum-cooperation#>
- DHS, “El Salvador begins implementation of asylum cooperative agreement,” December 15, 2020, at <https://www.dhs.gov/news/2020/12/15/el-salvador-begins-implementation-asylum-cooperative-agreement>
- Schachter, Schmidtke, and Sawyer, *Deportation with a Layover, Failure of Protection Under the U.S.-Guatemala Asylum Cooperative Agreement*, Refugees International and Human Rights Watch, May 2020. **Read the Executive Summary only, pp. 4-7.** At <https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/5ec3f0b370656c62ed7daa24/1589899466780/Guatemala+ACA+Report+-+May+2020+-+FINAL.pdf>

### **COVID-Title 42 Restrictions on Asylum-Seekers**

This may be the most significant asylum-related measure that has not been rescinded (at least completely) by the Biden-Harris administration. The Refugees International piece, below, is a critical assessment of this restriction that was authored by Yael Schacher, an immigration expert, and Dr. Chris Beyrer, an epidemiologist at the Bloomberg School at Johns Hopkins University. (Dr. Beyrer is also on the Refugees International Advisory Council.) It is followed by a letter from Republican senators that offer a different perspective, in support or Title 42 restrictions, and then by a revised order from the U.S. Centers for Disease Control and Prevention. Finally, I have included three articles that provide additional information on Title 42 and its evolution (These final four documents could have also been included in the Biden policy section below, but I’ve included them in this section because they relate specifically to Title 42).

- Schacher and Beyrer, *Expelling Asylum Seekers is not the Answer: U.S. Border Policy in the Time of COVID-19*. Refugees International. April 27, 2020. At <https://www.refugeesinternational.org/reports/2020/4/26/expelling-asylum-seekers-is-not-the-answer-us-border-policy-in-the-time-of-covid-19>
- Letter to the president from Republican Senators, July 14, 2021. (Accessed at the website of U.S. Senator Shelley-Moore Capito.) At <https://www.capito.senate.gov/imo/media/doc/07-14-2021%20title-42-letter-july-14-2021.pdf>

- Centers for Disease Control and Prevention, Title 42 Order Reassessment and Exception for Unaccompanied Noncitizen Children, July 16, 2021, at <https://www.cdc.gov/media/releases/2021/s0716-title-42-order.html>
- Corbett, “Title 42 is not a public health measure—Biden needs to rescind it,” *The Hill*, August 6, 2021, at <https://thehill.com/opinion/immigration/566654-title-42-is-not-a-public-health-measure-biden-needs-to-rescind-it>
- “As more migrants arrive, U.S. expands efforts to identify and admit most vulnerable,” *NPR*, May 12, 2021. **Please listen to the audio report (or read the article, which is a transcript of the audio report).** At <https://www.npr.org/2021/05/12/995983500/as-more-migrants-arrive-u-s-grants-more-exceptions-to-allow-in-the-most-vulnerab>
- Spagat and Watson, “Advocates end work with U.S. to pick asylum-seekers in Mexico.” *Associated Press*. July 30, 2021, at <https://apnews.com/article/health-mexico-immigration-coronavirus-pandemic-b503c2f87e4c7582c97d3383a3f03b20>

## 5. Key Issues That Impacted the Policy Debate as the Biden Administration Prepared to Take Office—and Continue to Impact the Debate

### Reception and Processing at the Border

In some measure, much of the course is about this issue. As mentioned, above, the Biden administration appears to be maintaining expedited processing at the border—though it will be proposing modifications. The reading below, by immigration historian Yael Schacher, argues that summary procedures at the border just do not provide the protection consistent with internationally recognized human rights. She suggests alternative procedures.

- Schacher, *Addressing the Legacy of Expedited Removal: Border Procedures and Alternatives for Reform*, Refugees International, May 2021 <https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/60aed211ae956b032f242e94/1622069777656/Expedited+Removal+Brief+Schacher+FINAL.pdf>

### The Central American Minors Program

- Kids in Need of Defense (KIND), *Thwarted Potential: The Need to Revive and Expand the Central American Minors (CAM) Program as a Key Path to Protection for At-Risk Unaccompanied Children*, November 5, 2020, at [https://supportkind.org/wp-content/uploads/2020/11/Thwarted-Potential\\_-CAM-Report-FINAL-3.pdf](https://supportkind.org/wp-content/uploads/2020/11/Thwarted-Potential_-CAM-Report-FINAL-3.pdf)

### **Asylum Seekers as a Criminal “Threat” and the Criminalization of Migration**

These are two separate, but not unrelated issues. The first article deals with the issue of asylum seekers as a criminal threat, and the second deals with the criminalization issue.

- Light, He, Robey, “Comparing crime rates between undocumented immigrants, legal immigrants, and native-born U.S. citizens in Texas,” *PNAS*, December 22, 2020 117 (51) 32340-32347; first published December 7, 2020. **You can read the article on the webpage or as a PDF.** At <https://www.pnas.org/content/117/51/32340>
- Abrego, Coleman, Martinez, Menjivar and Slack, “Making Immigrants into Criminals: Legal Processes of Criminalization in the Post-IIRIRA Era, *Journal of Migration and Human Security*, first published August 8, 2018. You can download the PDF, at <https://journals.sagepub.com/doi/abs/10.1177/233150241700500308>

### **Number of Apprehensions and the So-Called “Pull Factor”**

I have included several reports that relate apprehensions at the U.S. southern border. Beyond disagreements among policy-makers about the numbers themselves, there is a great deal of debate about the impact of U.S. policies on the perception of would-be asylum-seekers and on their likelihood of altering behavior due to those policies. (I am not aware of conclusive and comprehensive empirical analysis on this issue with respect to Central Americans.) On the numbers issue, I will include below a CRS analysis (published in 2019), one from the American Immigration Council, Customs and Border Protection Data, and a couple of press pieces. These articles reveal that the numbers issue, at a minimum, is a complicated one.

- Singer and Kandel, *Immigration: Recent Apprehension Trends and the U.S. Southwest Border*, Congressional Research Service, November 19, 2019, at <https://fas.org/sgp/crs/homesec/R46012.pdf>
- Fact Sheet: Rising Border Encounters in 2021: An Overview and Analysis, American Immigration Council, August 2021. At <https://www.americanimmigrationcouncil.org/rising-border-encounters-in-2021>
- U.S. Customs and Border Protection (DHS), Southwest Land Border Encounters (accessed July 2021, but this site is continually updated). At <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>
- Walsh, “Border patrol arrests hit a 20 year high last month, but migration isn’t necessarily surging. Here’s why.” *Forbes*, July 1, 2021. At <https://www.forbes.com/sites/joewalsh/2021/07/16/border-patrol-arrests-hit-a-20-year-high-last-month---but-migration-isnt-necessarily-surging-heres-why/?sh=7826973070b2>

- Horton, “Reality check: is U.S.-Mexico border seeing a surge in migrants” *BBC*, July 1, 2021, at <https://www.bbc.com/news/57656959>

### **Root Causes**

- Ernst, Josh, Olson, Sample, Zúñiga, *U.S. Foreign Aid to the Northern Triangle 2014-2019, Promoting Success by Learning from the Past*, Wilson Center, December 2020. **You can download the report at the website. Read Executive Summary (5-14), part of Chapter 1—pp. 14-35; and read only one of three country case studies—either chapter 2, chapter 3, or chapter 4.** At <https://www.wilsoncenter.org/publication/us-foreign-aid-northern-triangle-2014-2019-promoting-success-learning-past-no-42>

*Note that one of the authors of this report, Richard Zúñiga, has been named by the administration as special envoy to the Northern Triangle. I have asked you to read only one of the country case studies out of concern that about the overall extent of the assigned readings. But feel free to read all three case studies.*

## **6. The Biden-Harris Approaches, on Migration and Root Causes**

### **Readings**

- Biden-Harris Campaign, “The Biden Plan for Restoring our Values as a Nation of Immigrants, at <https://joebiden.com/immigration/>

*Read in particular sections relating to asylum.*

- **Immigration policies announced July 27 that have implications for processing of asylum-seekers at the U.S. southern border.**

These materials reveal that the administration intends to retain expedited procedures, with arguably significant modifications, at the border.

- Ordoñez, “A White House plan aims to speed up consideration of many asylum claims,” *NPR*, July 28, 2021. **Listen to the two minute report and read the article.** At <https://www.npr.org/2021/07/28/1021459810/a-white-house-plan-aims-to-speed-up-consideration-of-many-asylum-claims>
- Constantino, “Biden plans to speed up asylum processing and deportations at the border,” *CNBC*, July 27, 2021. <https://www.cNBC.com/2021/07/27/biden-plans-to-speed-up-asylum-processing->

[and-deportations-at-the-border-.html](#)

- White House, “Fact Sheet: the Biden administration blueprint for a fair, orderly and humane immigration system,” July 27, 2021, at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/27/fact-sheet-the-biden-administration-blueprint-for-a-fair-orderly-and-humane-immigration-system/>
- **Important Central American Strategy Package prepared by the Biden White House and circulated on or about July 29, 2021**
  - [Vice President's Cover Message and White House Report: U.S. Strategy for Addressing the Root Causes of Migration in Central America](#) (July 2021)
  - [White House Report: Collaborative Migration Management Strategy](#) (CMMS) (July 2021)

*These companion documents deal with a range of issues relating to development, governance, so-called root causes of migration, as well as migration policy.*

- **Politics and Public Messaging**

Politics and public messaging are two separate issues, but they are not unrelated to one another, so I’ve included a few documents and a video, below, that raise questions with respect to each and both. The first document is a rather unequivocal comment from Vice President Harris that seems to contrast with some of the administration’s statements about immigration and asylum. The second is a CNN article that implicates both political and messaging issues, and the third item is a video, which implicates both the politics of this issue and the question of numbers of individuals who are seeking to enter the United States for protection or other purposes.

- “Kamala Harris tells migrants ‘do not come’ during talks in Guatemala,” June 7, 2021. (YouTube, Guardian News.) **Watch and listen to her remarks.** At <https://www.youtube.com/watch?v=bpGitFlzamQ>
- Alvarez, “Biden’s immigration plan runs into on-the-ground realities,” *CNN*, August 6, 2021, at <https://www.cnn.com/2021/08/06/politics/us-mexico-border-biden/index.html>
- Senate Committee on Homeland Security and Governmental Affairs, Hearing on “Resources and Authorities Needed to Secure the Homeland,” July 27, 2021. Exchange between Sen. Josh Hawley and Secretary Alejandro Mayorkas. **View and listen to the video beginning at 2:14:30 and ending at about 2:24. (You do not have to view the whole hearing, and can use your cursor to arrive at the designated point in the hearing.)** At <https://www.hsgac.senate.gov/hearings/resources-and-authorities-needed-to-protect-and-secure-the-homeland>

**Further information about the course.****Special note on stressful issues and on mental health and stress management:**

Because migration, refugee, and humanitarian issues often involve human rights abuses and great suffering, some of the topics, readings, and discussion may involve issues that impact students personally and profoundly. It is also the case that senior U.S. officials whose perspectives we are bound to consider in this course have used offensive, biased, and inflammatory rhetoric that could cause great offense and upset, especially to individuals (and/or their friends or family members) who have been negatively affected by actions of policy-makers and other officials. I deeply regret that this is the case, and I will work hard to address challenging issues with sensitivity, but you should feel free to speak with me if we are dealing with material you find personally difficult. We will of course keep all such discussion private.

More generally, you may experience a range of issues that can cause barriers to learning, such as strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty concentrating, and/or lack of motivation. These mental health concerns or stressful events may lead to diminished academic performance or reduce your ability to participate in daily activities. University of Minnesota services are available to assist you with addressing these and other concerns you may be experiencing. You can learn more about the broad range of confidential mental health services available at UMN via <https://disability.umn.edu/>.

If you are enrolled with Disability Services and would like to make an accommodation request, I encourage you to share this with me as soon as possible so that we can be of maximum support to you. See more on their services at the end of the syllabus.

Remember also that there are advisors in the Humphrey Student Services office. They are available to address concerns you have and provide further resources within the University. You can visit Humphrey Student Services on 612-624-8162.

**Attendance**

As we only meet on two days, attendance is very important. If you have special issues concerning attendance that emerge before or during class, let me know and we can discuss. Note that any requirements we have in our class are subject to University policy, as described in <https://policy.umn.edu/education/makeupwork>

**Other University Policies**

I have included below a description of additional, University-wide policies on a range of

issues, which you may also wish to review. They provide information on general student conduct, use of personal electronic devices in the classroom, scholastic dishonesty, make-up work, grading, sexual harassment, equity and diversity, disability accommodations, and academic freedom and responsibility.

### **Student Conduct Code**

The University seeks an environment that promotes academic achievement and integrity, that is protective of free inquiry, and that serves the educational mission of the University. Similarly, the University seeks a community that is free from violence, threats, and intimidation; that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the physical or mental health or safety of members of the University community.

As a student at the University you are expected adhere to Board of Regents Policy: *Student Conduct Code*. To review the Student Conduct Code, please see:

[https://regents.umn.edu/sites/regents.umn.edu/files/2020-01/policy\\_student\\_conduct\\_code.pdf](https://regents.umn.edu/sites/regents.umn.edu/files/2020-01/policy_student_conduct_code.pdf)

Note that the conduct code specifically addresses disruptive classroom conduct, which means "engaging in behavior that substantially or repeatedly interrupts either the instructor's ability to teach or student learning. The classroom extends to any setting where a student is engaged in work toward academic credit or satisfaction of program-based requirements or related activities."

### **Scholastic Dishonesty**

You are expected to do your own academic work and cite sources as necessary. Failing to do so is scholastic dishonesty. Scholastic dishonesty means plagiarizing; cheating on assignments or examinations; engaging in unauthorized collaboration on academic work; taking, acquiring, or using test materials without faculty permission; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; altering, forging, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis. (Student Conduct Code:

[http://regents.umn.edu/sites/default/files/policies/Student\\_Conduct\\_Code.pdf](http://regents.umn.edu/sites/default/files/policies/Student_Conduct_Code.pdf)) If it is determined that a student has cheated, he or she may be given an "F" or an "N" for the course, and may face additional sanctions from the University.

The Office for Student Conduct and Academic Integrity has an information page related to scholastic dishonesty: <http://www1.umn.edu/oscai/integrity/student/index.html>. If you have additional questions, please clarify with your instructor for the course. Your instructor can respond to your specific questions regarding what would constitute scholastic dishonesty in the context of a particular class – e.g., whether collaboration on assignments is permitted, requirements and methods for citing sources, if electronic aids are permitted or prohibited during an exam.

### **Makeup Work for Legitimate Absences**

Students will not be penalized for absence during the semester due to unavoidable or legitimate circumstances. Such circumstances include verified illness, participation in intercollegiate athletic events, subpoenas, jury duty, military service, bereavement, and religious observances. Such circumstances do not include voting in local, state, or national elections. For complete information, please see: <https://policy.umn.edu/education/makeupwork>

Because this is a two-day class and attendance is very important, please be in touch with the instructor as early as possible if you may need to miss any of the sessions.

### **Appropriate Student Use of Class Notes and Course Materials**

Taking notes is a means of recording information but more importantly of personally absorbing and integrating the educational experience. However, broadly disseminating class notes beyond the classroom community or accepting compensation for taking and distributing classroom notes undermines instructor interests in their intellectual work product while not substantially furthering instructor and student interests in effective learning. Such actions violate shared norms and standards of the academic community. For additional information, please see: <https://policy.umn.edu/education/studentresp>

### **Grading and Transcripts**

The University utilizes plus and minus grading on a 4.000 cumulative grade point scale in accordance with the following:

- A 4.000 - Represents achievement that is outstanding relative to the level necessary to meet course requirements
- A- 3.667
- B+ 3.333
- B 3.000 - Represents achievement that is significantly above the level necessary to meet course requirements
- B- 2.667
- C+ 2.333
- C 2.000 - Represents achievement that meets the course requirements in every respect
- C- 1.667
- D+ 1.333
- D 1.000 - Represents achievement that is worthy of credit even though it fails to meet fully the course requirements

S Represents achievement that is satisfactory, which is equivalent to a C- or better.

For additional information, please refer to:

<https://policy.umn.edu/education/gradingtranscripts>

### **Sexual Harassment**

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment in any University activity or program. Such behavior is not acceptable in the University setting. For additional information, please consult the UMN policy document, Sexual Harassment, Sexual Assault, Stalking and Relationship Violence:

<https://policy.umn.edu/hr/sexharassassault>

### **Equity, Diversity, Equal Opportunity and Affirmative Action**

The University provides equal access to and opportunity in its programs and facilities, without regard to race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, or gender expression. For more information, please consult Board of Regents Policy:

[https://regents.umn.edu/sites/regents.umn.edu/files/2019-09/policy\\_equity\\_diversity\\_equal\\_opportunity\\_and\\_affirmative\\_action.pdf](https://regents.umn.edu/sites/regents.umn.edu/files/2019-09/policy_equity_diversity_equal_opportunity_and_affirmative_action.pdf)

### **Disability Accommodations**

The University of Minnesota is committed to providing equitable access to learning opportunities for all students. Disability Services (DS) is the campus office that collaborates with students who have disabilities to provide and/or arrange reasonable accommodations.

If you have, or think you may have, a disability (e.g., mental health, attentional, learning, chronic health, sensory, or physical), please contact DS at 612-626-1333 to arrange a confidential discussion regarding equitable access and reasonable accommodations.

If you are registered with DS and have a current letter requesting reasonable accommodations, please contact your instructor as early in the semester as possible to discuss how the accommodations will be applied in the course.

For more information, please see the DS website, <https://diversity.umn.edu/disability/>

## **Academic Freedom and Responsibility**

Academic freedom is a cornerstone of the University. Within the scope and content of the course as defined by the instructor, it includes the freedom to discuss relevant matters in the classroom and conduct relevant research. Along with this freedom comes responsibility. Students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Students are free to take reasoned exception to the views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled. When conducting research, pertinent institutional approvals must be obtained and the research must be consistent with University policies.

Reports of concerns about academic freedom are taken seriously, and there are individuals and offices available for help. Contact the instructor, the Department Chair, your adviser, the associate dean of the college, or the Vice Provost for Faculty and Academic Affairs in the Office of the Provost.