

Syllabus

PA 5890

Spring Term, 2023

Migration, Human Rights, and the Southern Border

Tuesday and Thursday, 9:45 am to 11 am
Humphrey School
Room 35

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Course overview:

This course will examine the range of policy issues surrounding forced migration from Central America to Mexico and the United States, related human rights issues, and the southern border of the United States. It will focus in large measure on policy choices confronting the U.S. government but also relevant to the broadest group array of actors. We will also consider the factors surrounding migration, varying perspectives on global and regional migration, and examine and assess the public narratives around this crucial issue.

The understandings achieved in this course will be useful to students with varied professional interests: those with interests in forced migration generally, as well as those who will be seeking to work in U.S. governmental institutions at the federal, state, or local levels, in advocacy, in legal or social service delivery, in international organizations that deal with migration issues, or in foreign governments which also deal with migration issues.

The Biden administration has sought to develop policies that 1) begin to reverse trends involving the closure of asylum space that was accelerated in the prior presidential administration, 2) recognize a range of possible immigration pathways for individuals and families seeking entry at (or through) the southern border of the United States; and 3) provide for some expansion of refugee processing from the Northern Triangle region.

The administration has also sought to address so-called root causes of challenges that create pressures for forced migration, including violence, corruption, and disenfranchisement in Central America. Its articulated rationales for this root causes approach involve varying commitments, including commitments to migration management, to best development practices, and to more effective asylum and protection practices within Mexico and Central America and the region.

We will examine the administration's strategies and proposals, consider the assumptions that underlie them, and assess implementation efforts.

The issues in this course are now very much in the public debate, and the subject of much activity at the national, state, and local levels. We will not be oblivious to the headlines. Early in the course, I will provide an overview of the key issues that politicians are debating, debates that have significant impacts on the lives of millions of people. And we will have opportunities to consider these current events concerns throughout the course. At the same time, the issues with which we are dealing are enduring—and your capacity to deal with them as a practitioner or policy-maker will be enhanced if we progress through the materials in this course in a systematic manner. So we will also need to resist the understandable temptation (which I will certainly feel as well) to focus too much in class on the day's headlines.

Learning objectives:

Students in this seminar will gain a broad appreciation 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 (and contested) policy and political objectives. Students will also gain an appreciation of how underlying values and assumptions may shape how policy options around migration and border are framed.

Books

The books below are available for purchase from online sellers, and, in two of three cases, rather inexpensively. In addition, a number are available as e-books, through the library (or in some cases also on Canvas).

Zamora, *Solito*. 2022. Penguin Random House. (Not available as an e-book, to my knowledge.)

Feldman, Bada, Durand, Schütze (eds.), *The Routledge History of Modern Latin American Migration*. 2022. Routledge. (This is a very expensive volume, but it is available at the UMN

Library and the assigned chapters are on Canvas.)

Lee, *American for Americans, A History of Xenophobia in the United States*. 2019, Basic Books. (Note that this book is also available online through UMN Libraries, but the site does not make it possible to download individual chapters. Thus, if you do not purchase the book or obtain a library copy, you will have to read it as an online document.

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.

Special note on stressful issues

Forced migration, refugee, and humanitarian issues involve human rights abuses and often great suffering, and the topics of this course—and the readings and discussion—may involve issues that impact students both personally and profoundly. It is also the case—and it has long been the case—that senior officials and other influential figures, whose perspectives we are bound to consider in this course, have used offensive, biased, and inflammatory rhetoric that could cause offense and upset, especially to those who may 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 you are experiencing unusual challenges in dealing with material you find personally difficult. We will of course keep all such discussions private. Please also see the “Additional note on stressful issues and on mental health and stress management,” on page 29, for information on University services and resources that you can assess.

Course requirements and evaluation of your work:

In summary:

In short, the requirements for this course include—

- 1) participation in class discussion;
- 2) a short policy memo based on our assigned readings and due after spring break;
- 3) participation in a largely in-class group project toward the end of the semester, and
- 4) a short end-of year presentation to the seminar followed by a final paper.

Details

Your final grade will be based on my evaluation of the following:

Class participation (25%): This will constitute 25% of your final grade. Class participation will include your general engagement in discussions, including your comments on questions I may pose that relate to the reading assignments. I will assess your familiarity with the material and your efforts to relate the readings to the range of issues we will be considering. (I know that some students are more inclined to volunteer contributions during class discussion. If you are less so

inclined, do not be concerned, as we will seek opportunities for all to participate.)

One short policy memo (15%) (due March 16): This is a memo on a policy issue with which we are dealing in the course, and we will discuss possible topics. As our reading list is extensive, I will not require that you engage outside source materials for this short project—and the paper should be no more than 1500 to 2000 words (about 3-4 pages, single spaced). We will discuss the purpose, structure, and content of this kind of memo, which is commonly written by those working in government or NGOs. (I will also post a more detailed description of this assignment.) This memorandum will be due on the Thursday following spring break (March 16).

Final group presentation (based largely on in-class preparation) (20%): during the final sessions of the course, we will divide the class into two (or three) groups. I will ask each group to prepare and to present the outlines of an overall strategy and policy with respect to border-related issues. This could be a strategy for a presidential administration, for the advocacy community, for the UN High Commissioner for Refugees (acting, perhaps, in an advocacy capacity with respect to the U.S. government), or another institution. You will be given time during class at least one class session to prepare for this presentation. Half of your grade for this exercise will reflect my evaluation of the group, and half will reflect my evaluation of your contribution to the presentation.

Final presentation (15%) and paper (25%)

You will be required to prepare a final paper, due on May 10, of between about 4500 and 5500 words, on a topic of serious concern within the structure of our course, and on which you and I agree. After you have chosen and begun research on your topic, you will prepare a 10-15 minute presentation for the seminar toward the end of the semester. I am also asking you to provide, at least a week in advance of your presentation, 2-3 readings for students to review prior to your presentation. Presentations will take place between April 6 and April 15. I will take into account the fact that students who volunteer or are asked to present earlier will have had less time to prepare for their presentations.

I will discuss with each student a possible topic, which I hope we can use to supplement everyone's overall understanding of issues in the course. Possible topics (in no particular order) could include, among others:

- Cartagena-like reforms in the United States around refugee processing.
- The future of DACA, especially in terms of protection equities.
- A meaningful “root causes” strategy—what does that mean and what would it entail?
- The changing (worldwide) character of migration at the southern border, and the implications for the future.
- A smart(er) effort to help promote capacities – protection, processing, management – in Mexico and Central America.
- Assessment of changes in protection for victims of domestic and gang violence
- A domestic *political* strategy in support of coherent, humane and effective policies.
- Parole as a feasible tool in border-related issues.
- A look at how one or more border region/communities are addressing migration challenges, with lessons for policy-makers.
- Is a protection option beyond (outside) U.S. borders feasible?

- A workable MPP that meets international protection standards? (Similar to above.)
- The future of CAM.
- Lessons the United States might learn from others, such as from Colombia, regarding provision of protection to large numbers of asylum-seekers?
- A workable system to manage—or at least address in a sensible manner—large movements of asylum-seekers.
- Alternatives to detention as a means to address some of the most significant challenges?

I will provide additional information about this project early in the semester.

Organization of classes

Classes will be a mixture of some lecture on my part, but largely class discussion. I may provide to students in advance of class questions drawn from the readings, and, in that case, class discussion will be informed in some measure by those questions. If, in any particular week, for any reason, you would like to be excused from being asked to offer comments, please let me know before the class begins. Each student may be excused two occasions without any problem or penalty. I also expect to have guests (usually by Zoom) in the course, representing a diversity of background and experiences.

Attendance

Attendance is important.

But I realize that circumstances may require you to miss a class or classes, and that should not be a source of stress.

If you need to miss one or two classes in a particular week, please inform me in advance and, depending on what you have missed, we can come up with a means to make up for class-based discussion and integration of concepts and information. If you have missed class discussion, I may ask that you prepare very short written comments that respond to questions I've asked relating to the readings for the class or classes that you have been unable to attend.

If you have a circumstances that require you miss a larger number of classes, please let me know and we will figure out alternative arrangements consistent with University policy.

Note that all these requirements are subject to the provision of University policy, as described in <https://policy.umn.edu/education/makeupwork>

Other University Policies

Beginning in the section, *Further Information*, below, I have included a description of additional, University-wide policies on a range of issues, which you should also review. That section provides you with additional information on support around mental health and stress management, as well as

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.

Summary Schedule of Classes

(subject to change given current events and the evolution of our course)

January 17:

Introduction to the Course, and a Brief Review of Key Issues in the Public Debate.

January 19

A Contested Issue: How Values Shape Perspectives on Immigration, including Forced Migration—and the Many and Varied Implications for Those Involved in Policy and Practice.

January 24

Spot Check—Title 42 Recission – Where are We?

January 26, 31, February 2, and February 7

Context: Latin American Migration

February 9:

The Border: an Initial Look at Data and Perspectives on what Policy-Makers Regard as the Management Challenge. .

February 14, 16, and 21

The Historical, Policy, and Political Context in the United States.

February 23 and February 28:

Global and Regional Norms Around the Rights and Refugee and Forced Migrants.

March 2 and March 14

Refugee Admissions, Immigration and Asylum.

March 16 and March 21

Extension of Protection of Forced Migrants in the United States: law and policy issues.

March 23

Selected Analyses Related to (often negative) Public Narratives.

March 28.

The Trump Administration and Protection.

March 30 and April 4

(More on) the Biden administration approach, and Efforts to Translate that Approach into Workable Policy.

April 6 – April 15:

In-class Presentations on Individual Research Projects—two presentations per class.

April 20:

In class Preparation for Informal Group Presentations.

April 22 and April 25:

Group Presentations

April 27

Last Class, TBD.

Detailed schedule of classes and readings
(subject to change given current events and the evolution of the course)

Please read this section closely, including the annotations I have made—some of which are extensive.

Please see the pre-class assignment – before our first class on January 17

January 17:

Introduction to the Course, and a Brief Review of Key Issues in the Public Debate.

Topics: *We will have introductions, and I will briefly review some key issues in the public debate.*

Pre-class Assignment: *Please view and review the videos listed below, and think about the rationale for asking you to do so before our first class.*

UNHCR Video, “Children on the Run in Central America,” May 2017. At
<https://www.youtube.com/watch?v=4GpzW5zRtY>

Refugees International “Voices from the Border” videos (2020). Please watch the videos of Jose Murillo

https://www.youtube.com/watch?v=7DU8VwiK260&ab_channel=RefugeesInternational
 and

Mirna Linares, at

https://www.youtube.com/watch?v=qPfg-yqV53A&ab_channel=RefugeesInternational

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/>

January 19

A Contested Issue: How Values Shape Perspectives on Immigration, including Forced Migration—and the Many and Varied Implications for Those Involved in Policy and Practice.

Topic and Readings: *There are differences among U.S. political leaders (and the parties they represent) about how the immigration system should be structured and about the breadth of protection that should be provided to individuals who have been forced to leave their countries of origin. Nonetheless, a relatively broad spectrum of politicians have declared that immigration has served the United States well, and that there is some category of would-be immigrants who merit special consideration due to the conditions they may be fleeing. But that consensus – if indeed it is a*

consensus – begs a more fundamental question: should states control borders at all? Although borders are unlikely to disappear anytime soon, this is not simply a theoretical question. One’s broad perspectives on this issue are informed by one’s values—and those values in turn inform many decisions that an aspiring policy-maker or practitioner must consider.

Readings: Please complete by January 19.
And please read these articles in the order presented.

Miller (David), “The case for limits (chapter 13, 193-206).” In Cohen and Wellman, *Contemporary Debates in Applied Ethics*. 2005. Blackwell.

On Canvas.

Fine, “The ethics of immigration: self-determination and the right to exclude.” *Philosophy Compass* 8/3 (2013): 254-268

Available at UMN Libraries and on Canvas.

Jones, “Introduction” (pp 1-17), in Jones, ed., *Open Borders, in Defense of Free Movement*. 2022. University of Georgia Press.

On Canvas.

Meileander, *Toward a Theory of Immigration*. 2001. Palgrave MacMillan. Chapter 3.

On Canvas

Blitzer, “How Stephen Miller manipulates Donald Trump to further his immigration obsession.” *The New Yorker*. February 21, 2020

On Canvas.

January 24

Spot Check—Title 42 Recission – Where are We?

Please do not be intimidated by this reading list. As of December 25, the list is in some measure a place-holder, as much will have happened with this matter prior to January 24. So the reading list is likely to be modified and shortened.) (December 30 update—after this version of syllabus was completed: I have not included the Supreme Court ruling that came down on December 27—so this reading list will certainly be updated well in advance of class.)

Title 42 (as of December 24)

The topic: Ideally, I would have left any discussion of Title 42 to the end of the course. But this issue will have been evolving just before or early in our semester, and it would seem odd not to address it in a timely manner.

In fact, This may be the most significant asylum-related measure had not been rescinded by the Biden administration as of this writing. The Refugees International piece, below, is a critical assessment of public health rationale for 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 of Title 42 restrictions, and then by a revised order from the U.S. Centers for Disease Control and Prevention. Finally, I have included articles that provide additional information on Title 42 and its evolution. You need not be an expert on the legal processes involved here, but I do want you to read through each of these short pieces so you have a sense of some key issues.

My annotations are designed to make the progression, in chronological order, clearer for you.

(Discussion of the policy and its rationales)

1. 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>

(Humanitarian exceptions and role of advocates.)

2. “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>

3. 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>

4. 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>

(Other views on Title 42—views also reflected by some state governments in litigation.)

5. 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>

(Court challenge, DC District Court, 2021)

6. Ordoñez, “Title 42 foes go back to court to try to end COVID measure blocking asylum-seekers.” August 2, 2021. *NPR*, at <https://www.npr.org/2021/08/02/1023187217/title-42-foes-go-back-to-court-to-try-to-end-covid->

[measure-blocking-asylum-seeke](#)

(Court action starting in DC District Court and related developments.)

The first piece, below, is a timeline article that mentions the court challenge in DC District Court and the District Court judgment. The next piece, from CNN, talks about the government’s appeal and includes a link to the government’s position as articulated in its declaration—read both. And the final piece in this section, number 10, talks about the result of the appeal.)

7. Kladzyk, “Timeline: how Title 42 came to be used on asylum-seekers. *El Paso Matters*. October 8, 2021, at

<https://elpasomatters.org/2021/10/08/timeline-how-title-42-came-to-be-used-on-asylum-seekers/>

8. Constantino, “Biden administration appeals judge’s order to stop expelling migrants under Trump-era pandemic policy.” September 17, 2021. *CNBC*. At

<https://www.cnbc.com/2021/09/17/biden-administration-appeals-order-to-stop-expelling-migrants-under-trump-era-covid-policy.html>

9. United States District Court for the District of Columbia. “Declaration of David Shahoulian.” *Nancy Gimena Huisha-Huisha, on behalf of herself and others similarly situated, Plaintiffs, v. Alejandro Mayorkas Secretary of Homeland Security, et al., Defendants*. August 2, 2021. At

<http://cdn.cnn.com/cnn/2021/images/08/02/dhs.declaration.pdf>

10. Ward, “Federal appeals court preserves administration’s ability to use Title 42 to expel migrant families.” *Politico*. September 30, 2021 At

<https://www.politico.com/news/2021/09/30/dc-circuit-preserves-biden-title-42-migrant-families-514874>

(Digression—CDC and DHS action in early 2022, and a legal challenge elsewhere.)

In early 2022, CDC announced that Title 42 need no longer be implemented for public health reasons, and DHS began to plan for its termination. In the meantime, there was a court challenge to the lifting—a challenge which is still before the Fifth Circuit Court of Appeals, but may be moot in light of the other court proceedings, in the sections above and below.

11. Centers for Disease Control and Information, “CDC public health determination and termination of Title 42 order.” April 1, 2022. At

<https://www.cdc.gov/media/releases/2022/s0401-title-42.html>

12. Department of Homeland Security, “Statement by Secretary Mayorkas on CDC’s Title 42 order termination.” April 1, 2022, At

<https://www.dhs.gov/news/2022/04/01/statement-secretary-mayorkas-cdcs-title-42-order-termination>

13. Ward and Lemire, “Judge blocks Biden administration from lifting Title 42 border policy.” *Politico*. May 20, 2022. At

<https://www.politico.com/news/2022/05/20/judge-blocks-biden-administration-from-lifting-title-42-border-policy-00034195>

(Back to the DC District Court, with ruling.)

The DC Court “throws out” the policy, the decision is affirmed on appeal, and the case is now before the Supreme Court.

14. Monyak, “Court throws out pandemic-era border expulsion policy, Biden administration asks judge to pause order until Dec. 21 to address resource and logistical issues of ending the Title 42 directive.” *Roll Call*. November 15, 2022.” At

<https://rollcall.com/2022/11/15/court-throws-out-pandemic-era-border-expulsion-policy/>

15. Sneed, “Appeals court rejects bid by GOP-led states to keep Title 42 border policy in force.” *CNN*. December 19, 2022. At

<https://www.cnn.com/2022/12/16/politics/title-42-immigration-biden/index.html>

16. de Vogue, “Biden administration wants Supreme Court to allow Trump-era policy restricting migrants to end – but not for at least a week.” *CNN*. December 20, 2022. At

<https://www.cnn.com/2022/12/20/politics/supreme-court-title-42/index.html>

17. Supreme Court of the United States. “Federal Respondents’ Opposition to the Application for a Stay Pending Certiorari.” *Arizona, Et Al., Applicants v. Alejandro N. Mayorkas, Et Al.* December 2022.

On Canvas.

January 26, 31, February 2, and February 7

Context: Latin American Migration

The Topic: although much of this course will involve U.S. policy and practices, it is very important that students have some contextual understanding of migration within and from Latin American to the United States. I have therefore assigned a number of chapters from a new book, *The Routledge History of Modern Latin American Migration*. We could have a whole semester’s course on the subjects of these chapters, but they do provide you with information on historical and contemporary issues that should in large measure frame the asylum and border debates. They might also give you an idea about course projects you may want to undertake. They present very critical perspectives, but as so much of the course will be dealing with the realities of decision-making in environments constrained by politics, I believe the perspectives in this book are important for those engaged in policy-making. Over a two week period, we will read those chapters along with the book, *Solito*, as want to combine an academic treatment of the issues with a personal account.

Readings: for these two weeks, I’ve structured the materials so that your readings are aligned with the time you will have to complete them.

Readings for January 26

Feldman, Bada, Durand, Schütze (eds.), *The Routledge History of Modern Latin American Migration*. 2022. Routledge. On Canvas
(Page numbers below are exclusive of notes.)

- chapter 2 (Massey, overview, 11-26),
- chapter 3 (Durand on the Mesoamerican system, 33-46),

Zamora, *Solito*. 2022. Penguin Random House. Pages 1-53.

Readings for January 31

Routledge History of Modern Latin American Migration.

- chapter 12 (Cerutti on gender and migration, 159-167),
- chapter 17 (Abrego and Menjavir on Central American migration, 232-241),
- chapter 18 (Goodman, on Mexican migration and the U.S. and the “deportation machine,” 246-258)
- chapter 22 (Villalever, et al., on forced migration and violence, 309-317),
- chapter 25 (Rojas-Wiesner, on migration policy in Mexico, 353-365),

Solito, pp. 53-198.

Readings for February 2

Routledge History of Modern Latin American Migration,

- chapter 26 (Jacobo-Suárez and Cardenas-Alaminos, on return migration to Mexico, 369-377),
- chapter 27 (Riosmena, on environmental change and its impact on society and migration, 385-395).
- chapter 28 (Ferris-Dobles, on communications technologies and peoples’ movements, 400-410),

Solito, pp. 199-226

Readings for February 7

Routledge History of Modern Latin American Migration,

- chapter 30 (Freier and Castillo-Jara, on mobility and COVID 19, 426-434), and
- chapter 31 (París-Pombo and Verela-Huerta, on migrants at the northern Mexican border, 442,-453).

Schmidtke, *Filling the Gap: Humanitarian Support and Alternative Pathways for Migrants on*

Colombia's Edge. Refugees International. June 17, 2022. English and Spanish language PDFs available at:

<https://www.refugeesinternational.org/reports/2022/6/17/filling-the-gap-humanitarian-support-and-alternative-pathways-for-migrants-on-colombias-edge>

Solito, 226 to end.

February 9:

The Border: an Initial Look at Data and Perspectives on what Policy-Makers Regard as the Management Challenge.

The topic: *Because movements of asylum-seekers toward the southern border play such a critical role in policy formulation and response, we will take an initial look at statistics and analysis around movements toward the border and responses.*

The readings: please complete by February 9.

Ruiz Soto, "Record-breaking migrant encounters at the U.S.-Mexico border overlook the bigger story." Migration Policy Institute. October 2022 At

<https://www.migrationpolicy.org/news/2022-record-migrant-encounters-us-mexico-border>

American Immigration Council, *Rising Border Encounters in 2021: An Overview and Analysis*. March 4, 2022. At

<https://www.americanimmigrationcouncil.org/rising-border-encounters-in-2021>

U.S. Customs and Border Protection, "Southwest land border encounters," At

<https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

There is a fair amount of data on this site, including data related to country of origin, and prior to this week of readings, I will raise questions for you to consider as you look at the material.

February 14, 16, and 21

The Historical, Policy, and Political Context in the United States.

Topic: *our focus on migration, human rights, and the southern border of the United States must reflect an appreciation that policy decisions made by U.S. administration officials and members of Congress emerge in large measure from an historical and political context. We will spend from February 14 through 21 focused on that context. And we'll begin to reflect on how that context might impact both the "why" and the "how" of policy decisions coming out of Washington. I am also hoping to have Erika Lee in our class on February 21. Here again, I've assigned readings to align with the time you have between classes.*

Readings for February14

Lee, *American for Americans, A History of Xenophobia in the United States*. 2019, Basic Books.

Available at UNM Libraries to read online (but not for download).
Introduction through (and including) chapter 3.

Kennedy, “The Immigration Act of 1965,” *The Annals of the American Academy of Political and Social Science*. September 1966, vol. 367, pp. 137-149.
On Canvas and in UMN Library collection.

Reading for February 16

Lee, *American for Americans*,
Chapters 4 and 5.

Reading for February 21

Lee, *America for Americans*.
Chapters 6 to end.

February 23 and February 28: ***Global and Regional Norms Around the Rights and Refugee and Forced Migrants.***

Topic: *What rights to protection does an individual enjoy when they are fleeing their country of origin? U.S. officials have declared that their policies and practices around asylum have been developed to be in compliance with international law. And while international law is not necessarily self-executing in the United States, what happens internationally and regionally matters. So we will examine international and regional law—and possibly even country practices.*

Readings: *Please complete these readings by February 28.*

The international and regional dimensions

Convention and Protocol Relating to the Status of Refugees. At
<http://www.unhcr.org/3b66c2aa10.html>

Place close attention to articles 1, 31, 32, and 33.

This international 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. As a practitioner, I found that Articles 1 and 33 were probably the most important ones in my work, day-in and day-out.

UNHCR Refugee Data Finder, at
<https://www.unhcr.org/refugee-statistics/methodology/>

Go through this short webpage, but don’t worry if it is not crystal clear. Instead, think about why I have asked you to do so.

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. Read paragraph 3. At

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. This broader definition is also included the following document.

OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

Read paragraph 1. At

<https://www.unhcr.org/en-us/about-us/background/45dc1a682/oau-convention-governing-specific-aspects-refugee-problems-africa-adopted.html>

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 discusses subsidiary protection in European countries.

Demetriou, “Complementary protection and the recognition rate as tools of governance: ordering Europe, fragmenting rights.” 2022 *Journal of Migration Studies*. 48 (5) pp 1264-1285. UMN Libraries and on Canvas.

I chose this article for two reasons: first because it provides information on the European system and second, because it challenges a conventional wisdom and is interesting in that regard.

March 2 and March 14

Refugee Admissions, Immigration and Asylum.

The topic: *These sessions are designed to provide basic knowledge of the contours of U.S. law in this area. Thus, before you go into the readings, which are almost exclusively descriptive, please read what follows in this section closely, as it will also serve as useful briefing material.*

The U.S. Refugee Admissions Program (USRAP)

Why study the USRAP in a class about the border?

As you will see, the Central America Minors program is designed under the umbrella of the U.S. Refugee Admissions program. In addition, some ideas about broadening of policy measures to admit individuals from Mexico and Central America for resettlement have involved use of the framework of—or ideas from—the Refugee Admissions Program (in one manner or another).

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 25 million refugees receiving some form of temporary protection in countries to which they have fled.

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.

President Obama’s final year: 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).

President Trump: That number 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.

President Biden: In May 2021, the then-new Biden administration adjusted upwards the 2021 15,000 ceiling authorized by President Trump, to a total of 62,500. And for 2022 and 2023, the ceilings were set for 125,000 in each year. However, and as you will see from the readings, the current administration’s largest two resettlement-like programs for forced migrants and refugees, involving Afghans and Ukrainians, have not made significant use of the refugee resettlement program.

Asylum in the United States

The 1980 Refugee Act also created a more defined process for consideration of asylum claims, which you will see in the assigned readings.

During the Trump presidency, the president and officials of his administration announced and/or took measures they argued were necessary to ensure against abuse of the U.S. asylum system, especially given the very large backlog of asylum applicants in the system, and to ensure security. Advocates and others contend that these and other measures, collectively, amount to fundamental violations of the Refugee Convention and Protocol, and, effectively, “the end of asylum.”

These included, inter alia, measures to criminally prosecute those who have sought to cross into the United States between ports of entry (whether or not they have valid claims for asylum); to require asylum seekers to “remain in Mexico” during the pendency of their claims (the so-called “Migrant Protection Protocols”); to prohibit applications for asylum from asylum seekers who transited a third country on route to the southern border of the United States and did not apply for asylum in

that third country; and to negotiate “Asylum Cooperative Agreements” with several countries in Central America providing that individuals seeking asylum in the United States could be sent to one of those Central American countries to have their claims considered and—and if accepted—to obtain asylum in one of those countries.

Upon taking office and in the two years that have followed, the Biden administration has sought to end many if not most of administration’s restrictions on asylum. But it has faced legal, political, and policy challenges that have been formidable, also as discussed in your readings.

Readings: please complete by March 14.

(Refugee Act of 1980—which includes asylum)

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

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, provisions in this Act have been modified over the years.

2. American Immigration Council, explainer on *Asylum in the United States*, June 11, 2020, at

<https://www.americanimmigrationcouncil.org/research/asylum-united-states>

A bit dated, but still (from 2020), but still substantially accurate and useful -- as it clear and concise.

3. Immigration and Nationality Act. (updates through early 2022). Accessed at U.S. Government Publishing Office website. Section 101(a)(15)(T) and 101(a)(15)(U), pp. 16-18; Sections 207 and 208, pp. 102-111.

On Canvas.

This is an updated copy of the entire Act. You can find other versions (such as depicted in the U.S. Code collection), but that will require you do more skipping around to find specific provisions, as they are not consolidated in the same way in the U.S. Code. The page references refer to the document on Canvas.

4. Congressional Research Service, *The Law of Asylum Procedure at the Border, Statutes and Agency Implementation*. April 9, 2021. (Author is Ben Harrington.) At

<https://crsreports.congress.gov/product/pdf/R/R46755>

A good explainer of expedited removal. The issue has of course developed since this report was written, and we will discuss those developments later in the course.

March 16 and March 21

Extension of Protection of Forced Migrants in the United States: law and policy issues.

The topic: *The readings below involve a range of selected administrative and legislative measures that are designed or have the effect of providing protection outside the traditional asylum and refugee admissions contexts. The list is not exhaustive—and though there are a lot of readings, most are very short and the list is designed to give you a sense of the breadth of ideas. We will examine these provisions and proposals, and assess arguments for and against. The issues get a bit complicated, both politically and philosophically, as you will see. But I can clarify during class as needed.*

Note: separate readings for March 16 and March 21.

Readings: please read by March 16.

(Parole)

USCIS, Humanitarian or Significant Public Benefit for Parole for People Outside the United States. Short and undated USCIS explainer. At

<https://www.uscis.gov/humanitarian/humanitarianpublicbenefitparoleindividualsoutsideUS#:~:text=What%20is%20Parole%3F,States%20for%20a%20temporary%20period.>

Schachter, *Supplementary Protection Pathways to the United States: Lessons from the Past for Today's Humanitarian Parole Policies*. November 2022. Refugees International. At

<https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/6384cf2d6863112d5ce63efe/1669648175683/Parole+Report+-+November+2022.pdf>

Readings: please read by March 21.

(TPS and proposals around it.)

Wilson, *Temporary Protected Status and Deferred Enforced Departure*. April 2022 (update). Congressional Research Service. Pages 1-7 (top), 10-11, and 21-23.

On Canvas.

INS website pages regarding TPS for El Salvador, TPS for Honduras, TPS for Honduras and TPS for Honduras. (Search *USCIS TPS* ___ [name of each country]. Do not feel obliged to explore in detail the discussion of the court cases, which we will discuss in class.

Frelick, “What’s wrong with temporary protected status and how to fix it: exploring a complementary protection regime.” *Journal on Migration and Human Security*. 2020. Volume 8(1) 42-53.

Secretary of Homeland Security Kirstjen M. Nielsen Announcement on Temporary Protected Status for El Salvador. Department of Homeland Security. January 8, 2018. At

<https://www.dhs.gov/news/2018/01/08/secretary-homeland-security-kirstjen-m-nielsen-announcement-temporary-protected>

Note that this is archived content. This announcement has not been implemented.

Schoenholtz, “The promise and challenge of humanitarian protection in the United States: making

temporary protected status work as a safe haven.” Fall 2019. *Journal of Law and Society*. (Northwestern Law School.) Pages 1-37.
UMN Libraries and on Canvas.

Congressional Record (Senate) exchanges on TPS for Venezuela and legislation impacting TPS generally. Congressional Record. October 24, 2019. Volume 165 Number 169. Pages with discussion of Venezuela and TPS. At
<https://www.congress.gov/congressional-record>

You can easily search the volume at this site.

(Victims of Violence, including Trafficking.)

Immigration Options Available to Victims of Abuse, Trafficking and Other Serious Crimes, VAWA I-360 Self-Petition, T Visa and U Visa. USCIS. July 2022. At
https://www.uscis.gov/sites/default/files/document/foia/National_Engagement-VAWA_I-360_Self-Petition-T_Visa_and_U_Visa-PowerPoint.pdf

A reasonably good power point explanation of these programs, each of which was established by the Victims of Trafficking and Violence Prevention Act of 2000.

Schacher, Abused, Blamed, and Refused: Protection Denied to Women and Children Trafficked Over the U.S. Southern Border. May 2019. Refugees International. At
<https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/5c5c55c747a0001e19274/1560016326718/Trafficking+Report++May+2019++final.pdf>

The perspective of an organization (where I used to work) on how the promise of protection is not always met in practice.

(DACA)

Memorandum from Janet Napolitano, Secretary of Homeland Security, on “Exercising prosecutorial discretion with respect to individuals who came to the United States as children.” June 15, 2012. At
<https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>

Center for American Progress, *The Demographic and Economic Impacts of DACA Recipients, Fall 2021 Edition*. November 24, 2021. At
<https://www.americanprogress.org/article/the-demographic-and-economic-impacts-of-daca-recipients-fall-2021-edition/>

(Complementary Pathways)

International Refugee Assistance Project (IRAP), “Complementary pathways.” Undated website, at
<https://refugeerights.org/issue-areas/complementary-pathways>

Just look at the webpage.

Fratzke and Tanco, *Humanitarian Pathways for Central Americans*. Migration Policy Institute. May 2022. At
https://www.migrationpolicy.org/sites/default/files/publications/mpi-centam-humanitarian-pathways-eng_final.pdf

(The Central American Minors Program)

Broemel and Flamm, *More Than Words: Making Good on the Promise of the Central American Minors Refugee and Parole Program*. IRAP. September 21, 2022. At <https://refugeerights.org/wp-content/uploads/2022/09/CAM-Report-FINAL-v3.pdf>

(A Central American immigration proposal from two specialists)

Suro and Aleinikoff, “Here’s how to handle Central American migrants—like the Cuban rafters and Soviet Jews before them.” *Los Angeles Times*. February 13, 2019. At On Canvas.

(Climate and migration)

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 of course welcome (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.

March 23***Selected Analyses Related to (often negative) Public Narratives.***

The Topic: *Because public narratives shape public policy, I want us to consider some research relative to the issue of the impact of immigration on communities that host immigrants .*

The readings:

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>

Castañeda and Chiapetta, “Border residents’ perceptions of crime and security in El Paso, Texas.” *Soc. Sci.* 2020, 9(3), 24. 29 February 2020.
On Canvas.

March 28

The Trump Administration and Protection.

Topic: *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.

Critics of the Trump administration claimed the policies were abusive of human rights and sought to externalize asylum. The administration and its defenders argued that the policies achieved law enforcement and even national security objectives, and provided adequate protection (including in third countries) for those who were denied entry to the United States but who may have been at risk if returned to their countries of origin.

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.

The readings: *There are many readings here, but they are all quite short, and give you bit of a roadmap of the Trump administration’s restrictive measures relating to the border.*

1. 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>

2. “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

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.

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)

3. Human Rights First, “Barred at the Border: Wait “Lists” Leave Asylum Seekers in Peril at Texas Ports of Entry,” April 2019, at <https://humanrightsfirst.org/library/barred-at-the-border-wait-lists-leave-asylum-seekers-in-peril-at-texas-ports-of-entry/>

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.

4. Department of Homeland Security, “Migrant Protection Protocols,” January 24, 2019, at <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>

5. 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 temporarily blocked implementation of the policy

6. 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#>

(Zero tolerance/family separation)

7. 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>

8. 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>

9. 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

(Third Country Transit Bar)

10. 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.

11. Human Rights First, “Trump Administration’s Third-Country Transit Bar is An Asylum Ban that Will Return Refugees to Danger.” September 2019, at <https://humanrightsfirst.org/library/trump-administrations-third-country-transit-bar-is-an-asylum-ban-that-will-return-refugees-to-danger/>

(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.

12. 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#>

13. 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>

14. 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>

March 30 and April 4

(More on) the Biden administration approach, and Efforts to Translate that Approach into Workable Policy.

Topic: *We'll look at the evolution of the Biden policies, which surely will have developed during the course of our semester.*

Readings: *Here again, this list is something of a place-holder, and may well be updated (and shortened) prior to March 30. For the time being, I'm asking that you complete the list by or before April 4.*

Readings: *Please complete the following by April 4.*

(Initial efforts)

1. Biden-Harris Campaign (2020), "The Biden Plan for Restoring our Values as a Nation of Immigrants, at
On Canvas. [Note, this was pulled from the Biden site, so the formatting may be somewhat different than the original.]

(Central American Strategy Package prepared by the Biden White House and circulated on or about July 29, 2021)

2. [Vice President's Cover Message and White House Report: U.S. Strategy for Addressing the Root Causes of Migration in Central America](#) (July 2021)
3. [White House Report: Collaborative Migration Management Strategy](#) (CMMS) (July 2021)

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

(Root Causes)

4. 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>

(Regional Processing for Protection Capacity – related to U.S. strategy for region.)

5. Schmidtke and Gutiérrez Escobedo, *Mexico's Use of Differentiated Asylum Procedures: an Innovative Approach to Asylum Processing*. Refugees International. July 20, 2021. PDFs in English and Spanish available at:

<https://www.refugeesinternational.org/reports/use-of-differentiated-asylum-procedures-an-innovative-approach-to-asylum-processing->

6. Schacher and Schmidtke, *Pushed into the Shadows: Mexico's Reception of Haitian Migrants*. April 28, 2022. PDFs in English and Spanish available at:

<https://www.refugeesinternational.org/reports/2022/4/25/pushed-into-the-shadows-mexicos-reception-of-haitian-migrants>

(One proposal around reception at the border, and a piece relevant to any discussion of camps.)

6. 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>

This document is rather long, but worth the read as it provides a detailed (and quite critical) analysis of expedited removal, the major tool used in recent decades at the border by U.S. officials encountering asylum-seekers. So knowledge of this document will be important for an overall understanding of developing issues in the course.

6. Vos and Dempster, “Most refugees live in cities, not camps. Our response needs to shift” (blog post). *Center for Global Development*. October 28, 2021. At

<https://www.cgdev.org/blog/most-refugees-live-cities-not-camps-our-response-needs-shift>

There will inevitably be discussion of camp-like “solutions” for the border.

(Initial overall assessment of changes and challenges)

5. Chishti and Bolter, *Biden at the One-Year Mark: A Greater Change in Direction on Immigration Than Is Recognized*. January 19, 2022. Migration Policy Institute. At

<https://www.migrationpolicy.org/article/biden-one-year-mark>

(The domestic political challenges, from at least three perspectives.)

The three sources that follow offer different political perspectives, each of which garner significant support within the voting population.

6. Thompson, “We’re done’: Immigration advocates stage walkout on Biden administration Frustration at the administration's continuation of Trump-era immigration policies is bubbling over.” *Politico*. October 16, 2022

7. 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>

8. Levine, Everett, and Ferris, “Biden admin struggles to calm the Democratic storm over immigration. The Department of Homeland Security’s plan for a reversal of Covid-era border curbs isn’t stopping an internal rebellion by purple-state lawmakers.” *Politico*. April 28, 2022. At <https://www.politico.com/news/2022/04/28/democrats-border-immigration-battle-dhs-00028702>

(Migrant Protection Protocols/Remain in Mexico.)

9. “Examining the Court-Ordered Reimplementation of the Remain in Mexico Policy.” Hearing before the Subcommittee on Border Security, Facilitation, and Operations of the Committee on Homeland Security. House of Representatives. 117th Congress, Second Session. March 2, 2022. Read pp. 13-18 (prepared statement of Assistant Secretary Blas Nuñez-Neto), and pp. 50-56 (written statement from Human Rights First).

You should feel free to look at other parts of this hearing, but these documents will provide you with background on the evolution of MPP and concerns—up until March 2022.

10. American Immigration Lawyers Association (AILA), “Featured issue: Migrant Protection Protocols.” October 7, 2022. At

<https://www.aila.org/advo-media/issues/port-courts>

Update as of October.

11. Attorney General of Texas, “Federal court hands state, nation major victory by halting the Biden administration’s attempts to end the “Remain-in-Mexico” program. December 16, 2022. At <https://www.texasattorneygeneral.gov/news/releases/federal-court-hands-state-nation-major-victory-halting-biden-administrations-attempts-end-remain#:~:text=Attorney%20General%20Paxton%20last%20night,%2Din%2DMexico%E2%80%9D%20program.>

I’ve included this reference as it has links to court cases, including to the district court decision that came down in December.

(New border processing pilot)

12. 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>

13. 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>

14. 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/>

15. Reichlin-Melnick, “Biden’s new asylum rules go into effect on a limited basis.” *Immigration Impact*. May 31, 2022. At <https://immigrationimpact.com/2022/05/31/biden-new-asylum-rules/>

16. Smith, *Federal Agency Rule Expands Asylum Officers’ Authority*. Congressional Research Service. December 9, 2022 (update). At <https://crsreports.congress.gov/product/pdf/IF/IF12162>

17. American Immigration Lawyers Association (AILA), “Featured issue: asylum and credible fear interim final rule.” December 8, 2022. At <https://www.aila.org/advo-media/issues/featured-issue-asylum-and-credible-fear>

(Proposals under consideration as of late December.)

18. Ainsely and Soboroff, “Biden admin may cut number of migrants eligible for asylum at border but open new paths for others. Part of the plan is similar to a "transit ban" proposed by Stephen Miller, Trump's hard-line immigration adviser, that makes far fewer migrants eligible to claim asylum in the U.S.” *NBC News*. December 13, 2022. At <https://www.nbcnews.com/politics/immigration/biden-plan-cut-migrants-border-transit-ban-miller-trump-rcna61367>

19. Sullivan and Shear, “Biden Administration Considers Migrant Restrictions Similar to Trump Policies. If adopted, the new prohibitions on who can request asylum could be paired with new procedures to allow migrants to come to the United States legally, according to people familiar with the plan.” *New York Times*. December 1, 2022.

On Canvas.

April 6 – April 15:

In-class Presentations on Individual Research Projects—two presentations per class.

April 20:

In class Preparation for Informal Group Presentations.

April 22 and April 25:

Group Presentations

April 27

Last Class, TBD.

Further Information on University Policies

Further Information (University policies).

Additional note on stressful issues and on mental health and stress management

(Note: this follows an earlier, brief discussion on “stressful issues and on mental health and stress management.” That discussion is on p. 3 of this syllabus.

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.

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

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) 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:

<https://communitystandards.umn.edu/avoid-violations/avoiding-scholastic-dishonesty>

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>

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 assault, stalking and relationship violence

The University prohibits sexual misconduct, and encourages anyone experiencing sexual misconduct to access resources for personal support and reporting. If you want to speak confidentially with someone about an experience of sexual misconduct, please contact your campus resources including the Aurora Center, Boynton Mental Health or Student Counseling Services (<https://eoaa.umn.edu/report-misconduct>). If you want to report sexual misconduct, or have questions about the University's policies and procedures related to sexual misconduct, please contact your campus Title IX office or relevant policy contacts.

Instructors are required to share information they learn about possible sexual misconduct with the campus Title IX office that addresses these concerns. This allows a Title IX staff member to reach out to those who have experienced sexual misconduct to provide information about personal support resources and options for investigation. You may talk to instructors about concerns related to sexual misconduct, and they will provide support and keep the information you share private to the extent possible given their University role.

https://regents.umn.edu/sites/regents.umn.edu/files/2019-09/policy_sexual_harassment_sexual_assault_stalking_and_relationship_violence.pdf

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

Disability Accommodations

The University views disability as an important aspect of diversity, and is committed to providing equitable access to learning opportunities for all students. The Disability Resource Center (DRC) is the campus office that collaborates with students who have disabilities to provide and/or arrange reasonable accommodations.

If you have, or think you have, a disability in any area such as, mental health, attention, learning, chronic health, sensory, or physical, please contact the DRC office on your campus (UM Twin Cities - 626.1333) to arrange a confidential discussion regarding equitable access and reasonable accommodations.

Students with short-term disabilities, such as a broken arm, can often work with instructors to **minimize** classroom barriers. In situations where additional assistance is needed, students should contact the DRC as noted above.

If you are registered with the DRC and have a disability accommodation letter dated for this semester or this year, please contact your instructor early in the semester to review how the accommodations will be applied in the course.

If you are registered with the DRC and have questions or concerns about your accommodations please contact your (access consultant/disability specialist).

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.