

SOC 163. MIGRATION AND THE LAW. Fall 2023

Prof. David FitzGerald

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Office: SSB 462

Office hours: by appointment

Classroom: WLH 2205

Class time: MWF 10:00-10:50am

WHY TAKE THIS CLASS?

Laws of international migration define who we are. Whom do we let in and whom do we exclude? These are critical questions not only for policymakers, passport control officers, and judges, but also for citizens seeking a voice in shaping those laws and scholars trying to understand the law. This class will be useful for those who plan to become immigration lawyers, but it is not a law class. Rather, it uses a sociological lens to explain the social origins of the law and its effects. Why do different countries have different laws, and why do they change over time? What are the differences between the law on the books and the law in action? How does the law create legal categories of people that affect their rights, behaviors, and access to resources? We'll examine how the law can be a tool of particular interests, empirically assess the extent to which it is effective at controlling migration and borders, and discuss how people experience the law. About two-thirds of our time will be spent discussing the United States, with the other third devoted to comparative analysis of other cases around the world.

READINGS:

You are expected to read all of the readings listed for each class (about 75 pages per week) and come prepared to discuss them. All of the readings are available on Canvas.

WRITING AND EXAMS:

Twelve times during the quarter, you will write in-class 5-minute essays reacting to our readings, films, and discussion. You will write a 3-page (double-spaced) paper out of class analyzing a newspaper editorial regarding immigration law. On Oct 30 you will take a midterm exam. The final exam will be held in class Dec 15.

You will only be graded on your written work. Academic integrity is an integral part of being a student and a scholar. You must do your own work and credit others for their work. UCSD regulations on academic integrity will be strictly enforced. If you have questions about what constitutes plagiarism, please ask before turning in the assignment. See <https://academicintegrity.ucsd.edu/> for details.

Students agree that by taking this course all required papers will be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. Use of the Turnitin.com service is subject to the terms of use agreement posted on the Turnitin.com site.

GRADES:

20%: In-class 5-Minute Reaction Essays

15%: Media Criticism 3-Page Paper

30%: Midterm Exam

35%: Final Exam

If you are struggling, please contact me as soon as possible.

IN-PERSON CLASSES

All classes are in-person only, except for Nov 17, which will be a recorded lecture.

CLASS DISCUSSION

Immigration is an emotionally and politically charged topic. Opinions from all points of view are welcomed. Please express them in ways that are respectful of all of us. By taking this course, you agree not to record or distribute material from anyone in class (including fellow students, guest speakers, or the professor) without their permission.

COURSE OUTLINE

Sep 29. Why does migration law matter?

Oct 2. Why do people migrate?

Massey, D. S., et al. 1993. Theories of International Migration: A Review and Appraisal. *Population and Development Review*, 19(3), 431-466.

Oct 4. The invention of the passport

Torpey, John. 1997. "Coming and Going: On the State Monopolization of the Legitimate Means of Movement." *Sociological Theory* 16: 239-259.

Oct 6. US border enforcement

Massey, D. S., Pren, K. A. and Durand, J. 2016. Why border enforcement backfired. *American Journal of Sociology*, 121(5), 1557-1600.

Oct 9. Human rights at the border

Chacón, Jennifer, and Susan Bibler Coutin. 2018. "Racialization through enforcement." Pp. 159-75 in *Race, criminal justice, and migration control: Enforcing the boundaries of belonging*, edited by Mary Bosworth. Oxford: Oxford University Press.

Oct 11. NGO advocacy

Guest speaker: Tatyana Castillo-Ramos, PhD Candidate in Religious Studies, Yale University

Hondagneu-Sotelo, Pierrette, Genelle Gaudinez, Hector Lara, and Billie C. Ortiz. 2004. "“There's a Spirit That Transcends the Border”": Faith, Ritual, and Postnational Protest at the U.S.-Mexico Border." *Sociological Perspectives* 47 (2):133-159.

Oct 13. Origins of US immigration law

FitzGerald, D. and D. Cook-Martin. 2014. “The United States: Paragon of Liberal-Democracy and Racism,” In *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*. Cambridge: Harvard University Press.

Oct 16. Temporary protected status

Guest speaker: Joe Wiltberger, Visiting Scholar, Center for Comparative Immigration Studies, UCSD

Menjívar, Cecilia. 2006. "Liminal legality: Salvadoran and Guatemalan immigrants' lives in the United States." *American Journal of Sociology* 111(4):999-1037.

Media criticism paper due

Oct 18. Contemporary US politics and policy

Tichenor, D. J. 2021. Populists, Clients, and US Immigration Wars. *Polity*, 53(3), 418-438.

Oct 20. Social construction of legal categories

Arar, R. and FitzGerald, D. 2023. “Who is a refugee?” Ch. 2 in *The Refugee System: A Sociological Approach*. Cambridge: Polity Press.

Oct 23. Refugee policy. The Turkish case

Guest speaker: Şevin Sağrıç, PhD Candidate, Sociology Department, UCSD

Greenhill, Kelly M. 2022. "When Migrants Become Weapons: The Long History and Worrying Future of a Coercive Tactic." *Foreign Affairs* 101:155.

Oct 25. Street level bureaucrats

Armenta, Amada. 2012. "From sheriff's deputies to immigration officers: Screening immigrant status in a Tennessee jail." *Law & Policy* 34(2):191-210.

Oct 27. Class-based analysis

Michael, Burawoy. 1976. "The functions and reproduction of migrant labor: Comparative material from Southern Africa and the United States." *American Journal of Sociology* 81(5):1050-87.

Oct 30. In-class MID-TERM

Nov 1. Destination California

García, Angela S. 2021. "Undocumented, not Unengaged: Local Immigration Laws and the Shaping of Undocumented Mexicans' Political Engagement." *Social Forces*. 99(4): 1658-1681.

Nov 3. Subnational policy

Guest speaker: Wayne Cornelius, Distinguished Professor Emeritus, UCSD

Varsanyi, Monica W. 2010. "Immigration policy activism in US states and cities: Interdisciplinary perspectives." Pp. 1-27 in *Taking local control: Immigration policy activism in US cities and states*, edited by Monica W. Varsanyi. Stanford: Stanford University Press.

Nov 6. Mixed-citizenship and mixed-status families

López, Jane Lilly. 2015. "'Impossible Families': Mixed-Citizenship Status Couples and the Law." *Law & Policy* 37(1-2):93-118.

Nov 8. Careers in immigration law

Guest speaker: Regina (Calvario) Dryjanski, Lead Staff Attorney, Jewish Family Service of San Diego

Nov 10. Veteran's Day holiday. No class.

Nov 13. Deportation and its Effects

Martínez, Daniel E, Jeremy Slack, and Ricardo Martínez-Schuldt. 2018. "The Rise of Mass Deportation in the United States." *The Handbook of Race, Ethnicity, Crime, and Justice*:173-201.

Nov 15. Reintegration after deportation

Guest speaker: Fátima Khayar Cámara, PhD Candidate, Department of Sociology, UCSD

Krawatzek, Félix, and Lea Müller-Funk. 2020. "Two centuries of flows between 'here' and 'there': Political remittances and their transformative potential." *Journal of Ethnic and Migration Studies* 46(6):1003-24.

Nov 17. The Refugee System. Recorded lecture. No in-person class.

<https://www.youtube.com/watch?v=10q4NINwzTg>

Nov 20. Separation at the Border, part 1.

Watch and discuss "[Torn Apart: Separated at the Border](#)" in class

Vargas Valle, Eunice D., Erin R. Hamilton, and Pedro P. Orraca Romano. 2022. "Family Separation and Remigration Intentions to the USA among Mexican Deportees." *International Migration* 60(3):139-53.

Nov 22. Separation at the Border, part 2.

"[Torn Apart: Separated at the Border](#)" in class

Nov 24. Thanksgiving holiday. No class

Nov 27. European migration law

Guest speaker: Daniel Thym, Professor of European and International Law, University of Konstanz (Germany)

Thym, Daniel, 2024. "Between Protection and Evasion: Ambivalence of European Entry and Border Control Policies." Forthcoming in *The Oxford Handbook of Comparative Immigration Law*, edited by Kevin Cope, Stella Burch Elias. and Jill Goldenziel. Oxford: Oxford UP.

Nov 29. The migration industry

Guest speaker: Dasom Lee, PhD Candidate, Sociology Department, UCSD

Hernández-León, Rubén. 2005. "The migration industry in the Mexico-US migratory system." California Center for Population Research On-Line Working Paper Series. UCLA.

Dec 1. Extra-territorial citizenship

Lafleur, Jean-Michel. 2011. "Why do states enfranchise citizens abroad? Comparative insights from Mexico, Italy and Belgium." *Global Networks* 11(4):481-501.

Dec 4. Citizenship for sale

Surak, Kristin. 2021. "Millionaire mobility and the sale of citizenship." *Journal of Ethnic and Migration Studies* 47(1):166-89.

Dec 6. Naturalization

Aptekar, Sofya. 2016. "Making sense of naturalization: What citizenship means to naturalizing immigrants in Canada and the USA." *Journal of International Migration and Integration* 17:1143-61.

Dec 8. Review for final exam

FINALS WEEK

Friday, Dec 15, 8-11am. *In-class final exam*

SERVICE & INTERNSHIP OPPORTUNITIES IN SAN DIEGO

- <https://ccis.ucsd.edu/programs/service-opportunities.html>
- <https://www.rescue.org/volunteer-opportunities/san-diego-ca>
- <https://sdrefugeetutoring.com/>