

**Crimmigration: The Intersection of Immigration and Criminal Law**  
**Professor Yolanda Vázquez**  
**Spring 2013**  
**Tuesdays: 1:30-4:15pm**  
**Room 306**

**COURSE SCHEDULE FOR WEEKS 1-4**

*1. Required Course Material*

- ALEINIKOFF, MARTIN AND MOTOMURA, EDS., IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES: SELECTED STATUTES, REGULATIONS AND FORMS (West Publishing 2012)(referred to below as “INA”) (must be purchased)
- Title 8 of the Code of Federal Regulations (“8 CFR”) (you may purchase or obtain electronically)

There is no casebook for this emerging area of law. In some parts of the course, for example, when we study the criminal inadmissibility and deportation grounds under the U.S.’s Immigration and Nationality Act, you can expect to read statutes and cases; in other segments, we will rely more heavily on secondary material such as cases, law review and newspaper articles. All these materials will be accessible to download electronically on Westlaw or TWEN.

*2. Reading Assignments*

As stated in the syllabus, the course schedule (posted on TWEN) is designed as a guide to the class. I may, at times, need to change class assignments and I will do so by an in-class announcement or revision to the course schedule. As a general rule, we will cover one assignment in each class period, although I may cover less or more, depending on class discussion. Unless I instruct you otherwise, you are expected to read the next day’s assignment even if we do not completely cover the previous day’s assignment in class.

Due to time constraints, we may not discuss everything that you have read. However, you are still responsible for all assigned reading. You are also responsible for understanding the sections of the INA that I have included as part of certain reading assignments. **You should note that the readings may be substantial at times.**

**Interest in Crimmigration**

I am hopeful that each of you will leave this course with not only a better understanding of the intersection between immigration and criminal law but will have been able to obtain your overall goal(s) in taking the class. With that said, it is difficult for me to ensure that happens unless I know what your goals and objectives are for the course.

Therefore, I would like each of you to write just a page or two giving me some information about yourself and your goals and objectives for the course:

- Tell me a little bit about yourself- who you are, where you are from, any past experiences that might influence your perspective on the subject matter.
- Tell me why you are taking immigration law, your goals and objectives in taking the class, and any tentative thoughts on what you might like to do after law school with what you learn in this course.
- Please let me know anything else that you may think would be useful.
- You don't need to answer these specific questions, as they are only suggestions; I use them only to illustrate the sorts of things that are useful for me to know.

Please submit to TWEN **prior to the first day of class, Tuesday, January 22, 2013.**

## INTRODUCTION

### Week 1: January 22, 2013

- Introduction
  - Basics of Immigration Law
  - Surveying the Intersection of Immigration Law and Criminal Law

#### **Reading/Assignment:\*\***

- DHS Immigration Enforcement Actions: 1998 *available at* <http://www.dhs.gov/xlibrary/assets/statistics/yearbook/1998/ENF98text.pdf>
- DHS Immigration Enforcement Actions: 2005 *available at* [http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2005/Enforcement\\_AR\\_05.pdf](http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2005/Enforcement_AR_05.pdf)
- DHS Immigration Enforcement Actions: 2011 *available at* [http://www.dhs.gov/sites/default/files/publications/immigration-statistics/enforcement\\_ar\\_2011.pdf](http://www.dhs.gov/sites/default/files/publications/immigration-statistics/enforcement_ar_2011.pdf)
- MARC R. ROSENBLUM & WILLIAM A. KANDEL, CONGRESSIONAL RESEARCH SERVICE, INTERIOR IMMIGRATION ENFORCEMENT: PROGRAMS TARGETING CRIMINAL ALIENS (Oct. 21, 2011) *available at* <http://www.fas.org/sgp/crs/homsec/R42057.pdf>
- Juliet Stumpf, *Fitting Punishment*, 66 WASH. & LEE L. REV. 1683, 1706-1728 (2009)
- Yolanda Vazquez, *Advising Noncitizen Defendants on the Immigration Consequences of Criminal Convictions*, 20 BERKELEY LA RAZA L. J. 31, 31-48 (2010)
- Personal Immigration Story
- INA §101(a)(3), (4), (13)(A), (15), (20), (22), (38), (48)(A), INA §101(b)(1)-(4), INA §301-309

**\*\*All but INA materials available on TWEN**

## UNIT I: “CRIMINALS” IN THE IMMIGRATION SYSTEM

### Week 2: January 29, 2013

- Criminal Violations and the Immigration Statute
  - Overview: Structure of the Statute; Criminal Grounds of Inadmissibility and Deportation
  - Defining Admission and Lawful Entry into the United States
  - Crimes Involving Moral Turpitude (CIMT)

#### **Reading:**

- Admission: *Vartelas v. Holder*, 566 U.S. \_\_\_\_ (2012) (pp. 1-17, dissent 1-4)
- Ruben G. Rumbaut & Walter Ewing, Myth of Immigrant Criminality
- Katherine Brady & Dan Kesselbrenner, Introduction to Grounds of Removal
- Immigrant Legal Resource Center, Crimes of Moral Turpitude
- *CIMT: Matter of Silva-Treviño*, 24 I&N Dec. 687 (A.G. 2008)
- *CIMT: Robles-Urrea v. Holder*, (9<sup>th</sup> Cir. 2012) (read p. 4306 (bottom) -4315)
- The “Criminal” Alien and the Media Assignment
- INA §212(a)(2), INA §237(a)(2), INA §101(a)(43)

### Week 3: February 5, 2013

- Criminal Violations and the Immigration Statute *cont’d*
  - Drug Offenses
  - Aggravated Felony Convictions
    - Illicit Drug Trafficking
    - Crimes of Violence
    - Other

#### **Reading:**

- Norton Tooby, Evolution of Aggravated Felonies
- Norton Tooby, Aggravated Felony Checklist
- Illicit Drug Trafficking: *Lopez v. Gonzales*, 549 U.S. 47 (2006)
- Anthony Lewis, ‘*Measure of Justice*,’ NY TIMES A13 (July 15, 2000)
- Crime of Violence: *Leocal v. Ashcroft*, 543 U.S. 1 (2004)
- Crime of Violence: *Nguyen v. Holder*, 571 F. 3d 524, 525-31(6<sup>th</sup> Cir. 2009) (majority opinion)
- Crime of Violence: *Matter of Martinez*, 25 I&N Dec. 571 (BIA 2011)
- INA §212(a)(2), INA §237(a)(2), INA §101(a)(43)

#### Week 4: February 12, 2013

- Relief from crime-based removal
  - Citizenship
  - Prosecutorial Discretion
  - Cancellation of Removal
  - Waivers
  - Adjustment of Status
  - Executive Pardons
  - §212(c) relief

#### **Reading:**

- Stephen Legomsky, *Relief from Deportability* in IMMIGRATION AND REFUGEE LAW AND POLICY 593-638 (5th Ed.) (skip NACARA, Registry, Legalization, Private Bills, and all problems)
- Citizenship: *Perez v. United States*, 502 F.Supp.2d 201 (N.D.N.Y. 2006)
- John Morton, Immigration and Customs Enforcement, Memorandum, *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens* (June 17, 2011)
- Janet Napolitano, Immigration and Customs Enforcement, Memorandum, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children* (June 15, 2012)
- Kirk Semple, *Panel Is Facing Deadline on Immigrants' Pardons*, NY TIMES (Oct. 21, 2010) available at [http://www.nytimes.com/2010/10/22/nyregion/22pardons.html?\\_r=0](http://www.nytimes.com/2010/10/22/nyregion/22pardons.html?_r=0)
- Celeste Katz, *Gov. Paterson Grants 24 Pardons to Immigrants*, NY DAILY NEWS (December 24, 2010) available at <http://www.nydailynews.com/blogs/dailypolitics/2010/12/gov-paterson-grants-24-pardons-to-immigrants>
- §212(c) relief: *Judulang v. Holder*, 132 S. Ct. 476 (2011)
- INA §240A, INA §212(h), INA §245(a), INA §245(i)
- 8 CFR § 1240.8(d)