

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
SCHOOL OF SOCIAL WORK

COURSE NUMBER: SOWO 739

COURSE TITLE: Immigration and Citizenship Law and Policy: Implications for Social Workers and Helping Professionals

SEMESTER & YEAR: Spring 2020

INSTRUCTOR: Josh Hinson, MSW, LCSW
School of Social Work
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OFFICE HOURS: Tuesdays, 12-1pm; other times by appointment

COURSE DESCRIPTION: This course surveys immigration law and policy in the United States, and the implications that they have for service providers and immigration policy advocates.

COURSE OBJECTIVES: The student who successfully completes this course will be able to:

1. Understand legal definitions of citizens, legal permanent residents, refugees, asylees, and other categories of legally present immigrants
2. Determine immigrant clients' eligibility for public benefits and other services
3. Advocate on behalf of immigrant clients, while being aware of the implications that advocacy may have for clients' legal status
4. Evidence awareness of and respect for the particular impact that immigration law and policy has for immigrant families, such as family stability and disruption, and including impacts specific to such identities and statuses as age, sex, race, ethnicity, socioeconomic status, disability status, religion, sexual orientation, and culture and history
5. Establish skills in immigration policy practice and advocacy at the national, state, and community levels

EXPANDED COURSE DESCRIPTION: North Carolina had the highest rate of growth for its immigrant population of any state in the US from 1990 to 2000. Regardless of legal immigration status, immigrants in the US and in NC use disproportionately fewer public services than other populations. In its 2007 Immigration Policy Toolkit, the NASW issued the following policy statement: "NASW supports immigration and refugee policies that uphold and support equity and human rights... immigration policies must promote social justice and avoid racism and discrimination or profiling on the basis of race, religion, country of origin, gender, or other grounds. Respect for due process must be demonstrated for immigrants as well as citizens. NASW has a special interest in the effect of immigration policies on families and children and supports policies that ensure that children do not grow up permanently disadvantaged by the

immigration status of their parents... Although daunting, the challenges of working toward fair and just immigration and refugee policies are appropriate for the profession of social work.”

Given the impact that legal status has on immigrants’ access to services, the first part of this course will focus on the history of US immigration legislation and policy; legal definitions of newcomers; processes for achieving lawful permanent residence, refugee status, and naturalized citizenship; and grounds for exclusion and deportation. Next, the course will address the impacts of immigration law and policy on particular immigrant populations. Finally, the course will cover advocacy strategies for individual clients as well as agency and community strategies for helping immigrant clients receive care and become full community participants.

READINGS: The field of immigration law and policy is rapidly changing. As such, readings are drawn from a variety of texts for this course, including current scholarly articles, podcasts, and videos to provide insight into topics discussed.

CLASS ASSIGNMENTS:

Discussion Forum Posts: Students will respond to online prompts by posting on the Sakai discussion forum for this course. Students will read and respond to other students’ posts, sharing their own insights and practice experience. All discussion forum posts and responses will be evaluated by the instructor using the attached grading rubric. Posts and responses should be well-written using formal, academic English, and should reflect the student’s critical understanding and application of the week’s readings. Students’ weekly participation in these postings and responses will constitute attendance in the course.

Quizzes: Brief quizzes will evaluate students’ understanding of concepts presented in the week’s readings, videos, podcasts, and other activities.

Sample Affidavit: Students will review a set of case studies and will select one for whom they will write an affidavit to assist in adjusting the individual’s immigration status.

Public Benefits Eligibility Worksheet: Students will review case studies and determine the individual or population’s likely eligibility for Medicaid, ACA, or other benefits or services.

I-9 Worksheet: Students will determine an immigrant’s eligibility to work in the United States, and will be able to persuade employers of an immigrant’s right to work by completing an I-9 form.

Advocacy Map: Students will review a law or policy that has substantial negative effects on (an) immigrant population(s). Students will then develop an advocacy map to propose a strategy for engaging immigrants in their target population in advocacy efforts for the purpose of addressing the law or policy. Plans should involve the immigrant community affected by the law or policy, and should carefully consider the ramifications that involvement in advocacy activities may have for their legal status. Plans should include a review of research on advocacy strategies found to be effective.

GRADING:

1. Discussion Forum Posts (Modules 1, 2, 3, 4, & 7) 40%

2. Quizzes (Modules 1 & 2)	20%
3. Sample Affidavit (Module 3)	10%
4. Public Benefits Eligibility Worksheet (Module 5)	10%
5. I-9 Worksheet (Module 6)	10%
6. Advocacy Map (Module 7)	10%

GRADING SYSTEM:

The School of Social Work operates on an evaluation system of Honors (H), Pass (P), Low Pass (L), and Fail (F). The numerical values of these grades are:

H: 94-100

P: 80-93

L: 70-79

F: 69 and lower

A grade of P is considered entirely satisfactory. The grade of Honors (“H”) — which only a limited number of students attain – signifies that the work is clearly excellent in all respects.

POLICY ON INCOMPLETES AND LATE ASSIGNMENTS:

An assignment is considered late if it is submitted any later than the start of class on the day it is due. The grade for late assignments will be reduced 10% per day, including weekends. Therefore, an assignment that would merit a grade of 100 on Friday will receive a grade of 70 if submitted on Monday. Similarly, an assignment due at 2pm on Monday submitted at 3pm will be considered one day late.

A grade of “Incomplete” is given only in exceptional and rare circumstances, such as family crisis or serious illness. It is the student’s responsibility to request and explain the reasons for an incomplete. The instructor has no responsibility to give an incomplete without such a request.

POLICY ON ACADEMIC DISHONESTY:

It is the responsibility of every student to obey and to support the enforcement of the Honor Code, which prohibits lying, cheating, or stealing in actions involving the academic processes of this class. Students will properly attribute sources used in preparing written work. Please refer to the *APA Style Guide*, *The SSW Manual*, and the *SSW Writing Guide* for information on attribution of quotes, plagiarism (including self-plagiarism, or submitting work that has been previously submitted in another course) and appropriate use of assistance in preparing assignments. In keeping with the UNC Honor Code, if reason exists to believe that academic dishonesty has occurred, a referral will be made to the Office of the Student Attorney General for investigation and further action as required.

POLICY ON ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES:

The University of North Carolina – Chapel Hill facilitates the implementation of reasonable accommodations, including resources and services, for students with disabilities, chronic medical conditions, a temporary disability or pregnancy complications resulting in difficulties with accessing learning opportunities. All accommodations are coordinated through the Accessibility Resources and Service Office. Students with disabilities that affect their participation in the course and who wish to have special accommodations should contact the Accessibility Resources and Service Office (<http://accessibility.unc.edu>, telephone: 919-962-8300, or email:

accessibility@unc.edu) and provide documentation of their disability. Accessibility Resources and Service will notify the instructor that the student has a documented disability and may require accommodations. Students should discuss the specific accommodations they require (e.g. changes in instructional format, examination format) directly with the instructor. A student is welcome to initiate the registration process at any time, however, the process can take time. ARS is particularly busy in the run-up to Finals and during Finals. Students submitting Self-ID forms at that time are unlikely to have accommodations set until the following semester. Please contact ARS as early in the semester as possible.

WRITING SUPPORT:

Clear, cogent writing is an essential skill for social work professionals. Writing support is available to all students through the School's Writing Support Team; they can help you strengthen your writing skills by sharing strategies for organizing information, presenting a cohesive argument, ensuring clear communication, and mastering APA style. Writing Support offers a *learning opportunity* for students but does not merely copy edit student papers. Writing support is available in-person, by e-mail, or by phone. E-mail a requested appointment day and time to SOSWwritingsupport@gmail.com. In addition, see the Writing Resources and References page on the School's website (under the Current Students tab: <https://ssw.unc.edu/students/writing>).

Module 1: A History of U.S. Immigration

TOPICS TO BE ADDRESSED:

- Class introductions
 - What are your experiences and interests in this topic?
- US immigration policies
 - Historical overview
 - Current Immigration law
- Recent legal challenges

READINGS:

Bodvarsson, O.B., & Van den Berg, H. (2013). Immigration policy in the USA. In *The economics of immigration: Theory and policy* (pp. 369-405). doi: 10.1007/978-1-4614-2116-0_14

Capps, R., Meissner, D., Ruiz Soto, A.G., Bolter, J. & Pierce, S. (2019). From control to crisis: Changing trends and policies reshaping U.S.-Mexico border enforcement. Washington, DC: Migration Policy Institute.

Perreira, K.M., & Pedroza, J.M. (2019). Policies of exclusion: Implications for the health of immigrants and their children. *Annu. Rev. Public Health, 40*: 147-166.

FILMS (view at least one):

“The Chinese Exclusion Act” (2018; 160 minutes)

http://fod.infobase.com/p_ViewVideo.aspx?xtid=188566

“Frontline: Immigration Battle” (2015; 114 minutes)

<http://libproxy.lib.unc.edu/login?url=http://fod.infobase.com/PortalPlaylists.aspx?wID=102632&xtid=115807>

“Frontline: Separated: Children at the Border” (2018; 53 minutes)

https://fod.infobase.com/p_ViewVideo.aspx?xtid=166894#

“Undocumented: Una película” (2018; 96 minutes) <https://unc.tugg.com/full-movies/undocumented>

“Torn Apart: Separated at the Border” (2019; 39 minutes)

https://fod.infobase.com/p_ViewVideo.aspx?xtid=195734

ADDITIONAL RESOURCES:

Gerber, D.A. (2011). *American immigration: A very short introduction*. New York, NY: Oxford.

Brown, D., & Rodriguez, A. (2014). *When race and policy collide: Contemporary immigration debates*. Denver, CO: Praeger.

Migration Policy Institute. (n.d.). <https://www.migrationpolicy.org/programs/us-immigration-policy-program/data-and-analysis-related-trump-administration-actions>

Migration Policy Institute. (n.d.). U.S. Policy Beat Articles:

<https://www.migrationpolicy.org/programs/migration-information-source/policy-beats>

Module 2: Immigration Status - Legal Classification and Policies

TOPICS TO BE ADDRESSED:

- Immigrant categories
- Visas and preference of admissions
- Inadmissibility grounds

READINGS:

Axelrad, A.S., Maglich, M.C., & Morell, A. (2018). A brief overview of United States immigration law and policy with a focus on business. In *Basic immigration law 2018* (pp. 109-131). New York, NY: Practising Law Institute.

Kurzban, I.J. (2018). How Trump will reduce immigration without changing the INA or even 8 CFR. In *Basic immigration law 2018* (pp. 67-75). New York, NY: Practising Law Institute.

Masliah, N.M. (2019). Naturalization: An overview of the requirements, benefits and potential pitfalls (October 25, 2018). In *Basic immigration law 2019* (pp. 847-856). New York, NY: Practising Law Institute.

Mehta, C.D. (2019). Immigration cheat sheets. In *Basic immigration law 2019* (pp. 181-188). New York, NY: Practising Law Institute.

Mehta, C.D. (2019). Immigration FAQs. In *Basic immigration law 2019* (pp. 145-164). New York, NY: Practising Law Institute.

Wolman, K. (2019). ABC's of nonimmigrant visas. In *Basic immigration law 2019* (pp. 295-318). New York, NY: Practising Law Institute.

PODCAST: “Advocating for Noncitizens: Promoting Access to Justice for Vulnerable Populations; Part I: Defining the Practice of Law” – Heather Scavone, assistant professor of law and director of the Humanitarian Immigration Law Clinic, Elon University School of Law

Module 3: Immigration Enforcement

TOPICS TO BE ADDRESSED:

- Grounds for removal
 - Inadmissibility grounds
 - Deportability grounds
- Detention
- Relief from removal
 - Waiver for specific grounds for inadmissibility or deportability
 - Cancellation of removal
 - Prosecutorial discretion
 - Voluntary departure
 - Asylum

READINGS:

American Immigration Council. (2018). The 287(g) program: An overview. Retrieved from <https://americanimmigrationcouncil.org/research/287g-program-immigration>

Capp, R., Chishti, M., Meissner, D., & Mittelstadt, M. (2018). Revving up the deportation machinery: Enforcement and pushback under Trump, report in brief. Washington, DC: Migration Policy Institute.

Francis, W., Wachendorfer, A., & Wilson, M. (2018). Migrant and asylum-seeking families: Analysis of federal government policies and procedures (social justice brief). Washington, DC: National Association of Social Workers.

Kenepaske, L. (2019). Basics of removal proceedings in immigration law (November 2018). In *Basic immigration law 2019* (pp. 719-744). New York, NY: Practising Law Institute.

Ryo, E., & Peacock, I. (2018). The landscape of immigration detention in the United States. Washington, DC: American Immigration Council.

SKIM: Baker, K., Freeman, K., Warner G. & Weissman, D.M. (2018). Expert witnesses in U.S. asylum cases: A handbook. Retrieved from <http://www.law.unc.edu/documents/academics/humanrights/expertwitnesshandbook.pdf>

PODCASTS:

“Advocating for Noncitizens: Promoting Access to Justice for Vulnerable Populations; Part II: Advocacy Tools for Social Workers” – Heather Scavone

“Padilla: A Criminal Defense Attorney’s Duty to a Noncitizen Defendant” – Hoang Lam, clinical practitioner in residence, Elon University School of Law

“Spring Break in Detention” – Heather Scavone

Module 4: Special Populations

TOPICS TO BE ADDRESSED:

- Refugees & Asylum Seekers
- Women, Children and Families
 - Survivors of Domestic Violence (VAWA)
 - Unaccompanied Alien Children
- Disability and Immigration
- LGBT Individuals and Families

READINGS – choose two of the following, or select additional readings regarding:

- American Immigration Council. (2018). An overview of U.S. refugee law and policy. Retrieved from <https://americanimmigrationcouncil.org/research/overview-us-refugee-law-and-policy>
- American Immigration Council. (2018). Asylum in the United States. Retrieved from <https://americanimmigrationcouncil.org/research/asylum-united-states>
- American Immigration Council. (2018). Temporary protected status: An overview. Retrieved from <https://americanimmigrationcouncil.org/research/temporary-protected-status-overview>
- American Immigration Council. (2018). Violence Against Women Act (VAWA) provides protections for immigrant women and victims of crime. Retrieved from <https://americanimmigrationcouncil.org/research/violence-against-women-act-vawa-provides-protections-immigrant-women-and-victims-crime>
- Biddle, L. (2018). Refugee resettlement under the Obama administration: Untangling the U.S. Refugee Assistance Program at the federal level. *Global Journal of Peace and Praxis* (2)1: 1-17.
- Garcia-Leys, S., Thompson, M. & Richardson, C. (2016). *Mislabeled: Allegations of gang membership and their immigration consequences*. Irvine, CA: UCI School of Law Immigrant Rights Clinic.
- Gruberg, S. (2013). *Dignity denied: LGBT immigrants in U.S. immigration detention*. Retrieved from <http://cdn.americanprogress.org/wp-content/uploads/2013/11/ImmigrationEnforcement.pdf>
- Human Rights Watch. (2010). Deportation by default: Mental disability, unfair hearings, and indefinite detention in the U.S. immigration system. Retrieved from <https://www.aclu.org/report/deportation-default-mental-disability-unfair-hearings-and-indefinite-detention-us-immigration?redirect=human-rights/deportation-default-mental-disability-unfair-hearings-and-indefinite-detention-us-immig>
- Manuel, K.M., & Garcia, M.J. (2016). *Unaccompanied Alien Children – Legal Issues: Answers to Frequently Asked Questions* (Congressional Research Service Report R43623). Retrieved from <https://fas.org/sgp/crs/homsec/R43623.pdf>
- Mehta, C.D. (2016). Board of Immigration Appeals provides safeguards for asylum applicant with mental competency issues (September 4, 2015). In *Basic immigration law 2016* (pp. 181-186). New York, NY: Practising Law Institute.
- Scavone, H. (2013). Queer evidence: The peculiar evidentiary burden faced by asylum applicants with cases based on sexual orientation and identity. *Elon Law Review*, 5: 389-413.
- Weber, M.C. (2004). Opening the golden door: Disability and the law of immigration. *Journal of Gender, Race, and Justice*, 8(1), 153-175.

FILMS: “Well Founded Fear” and “Transgression”

Module 5: Eligibility for Public Benefits and Other Services

TOPICS TO BE ADDRESSED:

- Recognizing immigration documents
- Determining eligibility
- Eligibility barriers
- Access barriers
 - SSN, Medicaid, and Driver’s License

- Legal requirements: Civil Rights Act, Title VI – Access

READINGS:

- Crosnoe, R., Pedroza, J., Purtell, K., Fortuny, K., Perreira, K., Ulvestad, K., Weiland, C.,...Chaudry, A. (2012). *Promising practices for increasing immigrants' access to health and human services*. Retrieved from U.S. Department of Health and Human Services website: <http://aspe.hhs.gov/hsp/11/immigrantaccess/practices/rb.shtml>
- Fortuny, K., & Chaudry, A. (2011). *A comprehensive review of immigrant access to health and human service: Report submitted to Department of Health and Human Services, Office of Assistant Secretary for Planning and Evaluation*. Retrieved from The Urban Institute website: <http://www.urban.org/UploadedPDF/412425-Immigrant-Access-to-Health-and-Human-Services.pdf>
- Fortuny, K., & Chaudry, A. (2012). *Overview of immigrants' eligibility for SNAP, TANF, Medicaid, and CHIP*. Retrieved from U.S. Department of Health and Human Services website: <http://aspe.hhs.gov/hsp/11/ImmigrantAccess/Eligibility/ib.shtml>
- Khachaturyan, S., Forter Sirota, A., & Woomer-Deters, K. (2018). The proposed “public charge” rule: An attack on immigrant and working families. Budget & Tax Center: A Project of the North Carolina Justice Center. Retrieved from <https://www.ncjustice.org/publications/proposed-public-charge-rule-an-attack-on-immigrant-and-working-families/>
- Kenney, G. M., & Huntress, M. (2012). *The Affordable Care Act: Coverage implications and issues for immigrant families*. Retrieved from U.S. Department of Health and Human Services website: <http://aspe.hhs.gov/hsp/11/ImmigrantAccess/Coverage/ib.shtml>
- Perreira, K. M., Crosnoe, R., Fortuny, K., Pedroza, M., Ulvestad, K., Weiland, C.,...Chaudry, A. (2012). *Barriers to immigrants' access to health and human services programs*. Retrieved from U.S. Department of Health and Human Services website: <http://aspe.hhs.gov/hsp/11/ImmigrantAccess/Barriers/rb.shtml>
- Perreira, K.M., deRosset, L., Arandia, G., & Oberlander, J.B. (2014). Implementing health care reform in North Carolina: Reaching and enrolling immigrants and refugees. Prepared for the Robert Wood Johnson Foundation. Retrieved from: <http://perreira.web.unc.edu/research-projects/>

WEBINAR: Kate Woomer-Deters, Staff Attorney, Immigrant Rights Project, NC Justice Center

Module 6: Education and Employment

TOPICS TO BE ADDRESSED:

- Eligibility for employment
- Access to education

READINGS:

- American Immigration Council. (2017). The Dream Act, DACA, and other policies designed to protect Dreamers. Retrieved from <https://www.americanimmigrationcouncil.org/research/dream-act-daca-and-other-policies-designed-protect-dreamers>
- Banks, A. M. (2012). Plyer v. Doe. In J.A. Banks (Ed.), *Encyclopedia of diversity education* (May 31, 2012 ed.). doi: <http://dx.doi.org/10.4135/9781452218533.n539>

- Cococcia, A. & Maltby, S. (2019). Employer worksite compliance obligation: An overview. In *Basic immigration law 2019* (pp. 751-822). New York, NY: Practising Law Institute.
- Grunblatt, D. (2019). An IRCA (Immigration Reform and Control Act) primer: Employer obligations (2018 edition). In *Basic immigration law 2019* (pp. 823-846). New York, NY: Practising Law Institute.
- Mehta, C.D., (2019). Overview of employment-based immigration in the United States (November 26, 2018). In *Basic immigration law 2019* (pp. 165-180). New York, NY: Practising Law Institute.
- Stritikus, T. & Soo Von Esch, K. (2012). Bilingual education policy in the United States. In J.A. Banks (Ed.), *Encyclopedia of diversity education* (May 31, 2012 ed.). doi: <http://dx.doi.org/10.4135/9781452218533.n75>

VIDEOS: E-verify

How to complete form I-9, Employment Eligibility Verification: <https://www.uscis.gov/i-9-central/learning-resources>

Module 7: Advocacy

TOPICS TO BE ADDRESSED:

- Case Advocacy
- Cause and Policy Advocacy

READINGS:

- American Immigration Council. (2013). Overhauling immigration law: A brief history and basic principles of reform. Retrieved from <http://www.immigrationpolicy.org/perspectives/overhauling-immigration-law-brief-history-and-basic-principles-reform>
- Finno-Velasquez, M., & Faulkner, M. (2018). The immigration humanitarian crisis is not going away – and social work needs to step up. *Child and Adolescent Social Work Journal* 35: 549-550.
- Fratzke, S. & Dorst, E. (2019). *Volunteers and sponsors: A catalyst for refugee integration?* Washington, DC: Migration Policy Institute.
- Immigration Impact. (2017). The Dream Act could add millions to your congressional district. Retrieved from <http://immigrationimpact.com/2017/12/12/dream-act-add-millions-congressional-district/>
- The Opportunity Agenda. (2018). Five questions to ask when crafting messages about refugees in the current climate. Retrieved from <https://opportunityagenda.org/explore/resources-publications/five-questions-ask-when-crafting-messages-about-refugees-current>

VIDEOS: Immigrant Integration Webinars (view at least one) <https://www.ilctr.org/promoting-immigrants/ilc-workshops/immigrant-integration/>