

39C Immigration Theme: Readings and Course Outline

A disclaimer: this list is by no means comprehensive when addressing contemporary issues related to immigration, either domestic or global. Rather, it is a list of recommended readings that pertain specifically to the criminalization of immigration in the United States. It's important to keep in mind that 39C is a composition course, and as such does not aim to survey even this narrowed topic in the comprehensive manner one might expect in a sociology, criminology, history, or Chicana/Latina studies class.

The recommended texts below were chosen with an eye not only to content, but also to generic and discursive variety. As such, you will find some journalism, scholarship, policy reports, etc. The titles below are arranged and annotated to help make the rationale behind these selections as clear as possible.

You may develop a list of supplementary articles, which you can provide for your students, but remember that they will be reading extensively (15-20 sources) for their own independent research projects. If you run into any especially helpful texts on your own, please send them to Brian Fonken (bfonken@uci.edu) to be considered in future updates to this list. Also feel free to get in touch with questions while developing your syllabus.

Course Description

Scholars from across the university, working in disciplines including sociology, criminology, and law, have argued that changes in immigration enforcement over the past few decades constitute a turn toward overcriminalization. Historically considered a civil rather than criminal issue to be administered by the federal government, immigration enforcement has increasingly come under the often irregular purview of criminal law enforcement at both the state and local levels. This trend, coupled with the increasingly active ICE and CPB agencies, has led to skyrocketing rates of arrests for immigration offenses (most of which are non-violent and hardly resemble “crimes” in any traditional sense of the term), incarceration, and deportation. In the era of Trump, you may be entering this course under the assumption that story of the current state of immigration enforcement begins in 2016. The readings in this course tell a different story, one that examines how migration has been recast as illegal, borders weaponized, legal rights curtailed, and incarceration expanded continuously since at least the Clinton administration in the 1990s. This course pursues an institutional critique of immigration enforcement, asking how and why it has changed, in what ways it has negatively impacted communities, and who has stood to benefit. Students can pursue a range of research projects related to problems in immigration courts and due process violations, the mass incarceration of immigrants and the connections between immigration and criminal law enforcement, and harms suffered by asylum seekers, immigrant laborers, undocumented youths, and other groups affected by an expanded set of laws dictating as criminal the everyday activities of undocumented migrants.

This course description is intended to reflect the reading trajectory below. Feel free to adapt or develop as you see fit.

Week 1: What is the Criminalization of Immigration? Introducing Terms, Dispelling Myths

Readings:

Jose Antonio Vargas, “The Problem with the Word *Illegal*.” *Time* (2012, magazine article)
<http://ideas.time.com/2012/09/21/immigration-debate-the-problem-with-the-word-illegal/>

Mike Flynn and Shikha Dalmia, “What Part of Legal Immigration Don’t You Understand?”
Reason (2008, infographic)
<https://reason.org/wp-content/uploads/files/a87d1550853898a9b306ef458f116079.pdf>

Aviva Chomsky, *Undocumented: How Immigration Became Illegal*, Ch. “What about ‘Illegal’ Do You Understand?” (2014, 26 pp., general-audience history book chapter)

Summary: Talking about immigration can be fraught due to the sensitive nature of the issue and the various perspectives that students will bring into your classroom, so it’s key to establish ground rules for discussion. Vargas’s piece is a must for day one in the classroom; he offers objections to the use of the term “illegal immigrant” on both legal and rhetorical grounds. (It’s worth pointing out to your students that there are 4000+ DACA recipients and many more undocumented students in the UC system and that this community deserves to be addressed respectfully in any class debates.) Flynn and Dalmia’s flow chart on the process of immigrating to the US is a useful illustration of the complexity of the system and need for precise terms (i.e. many students won’t know the difference between statuses such as LPR and citizenship); it is helpful in dispelling the myth of “getting in line” and immigrating the “right way,” and it furnishes an opportunity for an early discussion of multimodality. It pairs well with Chomsky’s book chapter, which complicates the myth of the “illegal immigrant” as a clear-cut legal category and provides a concise overview of ways that the lifestyle of undocumented people in the U.S. is criminalized—i.e. driving, working, getting married, etc. Chomsky (a scholar of Central American history writing for a general audience here) begins to articulate the harmful effects of criminalizing immigration while also illustrating how key players such as private prison corporations and grandstanding politicians benefit from the problem.

Process Work/Research Prep [assignment ideas for each can be found in the Criminalization of Immigration sandbox]:

- Self-Assessment (Week 1)
- Choose and Develop a Research Topic (Weeks 1-2)
- Library Orientation (Weeks 1-2)
- Source Evaluations

Weeks 2-4: Expert Views on the Criminalization of Immigration

Walter A. Ewing, Daniel E. Martínez, and Rubén G. Rumbaut, *The Criminalization of Immigration in the United States* (2015, 28pp., think tank report)
https://www.americanimmigrationcouncil.org/sites/default/files/research/the_criminalization_of_immigration_in_the_united_states.pdf

Summary: Ewing, et. al. help continue the myth-busting from Week 1's readings by dispelling the notion that unauthorized migration is associated with crime, as there is actually an inverse relationship between rates of immigration and crime in communities. The authors bring a scholarly rigor (each holds a PhD in sociology or anthropology) to their "Chronology of Criminalization and Immigration Enforcement," in which they break down legal and administrative changes in immigration law and enforcement that have led to historic increases in criminal prosecutions and incarceration in the past few decades. This is a useful piece for starting conversations about rhetorical context: How do Ewing, et. al.'s intended audience, purpose, etc. differ from those of Chomsky, and how does that affect how they marshal evidence and shape their arguments, including the way the history of immigration enforcement is narrated in each text?

Jennifer M. Chacón, "Overcriminalizing Immigration." *The Journal of Criminal Law and Criminology* (2012, 41 pp., scholarly article)

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7434&context=jclc>

Summary: (Be sure to break this article up and assign it across at least two class meetings. Like most good legal scholarship, it is relatively clear and approachable for an academic article, but it will nonetheless prove challenging for your students, and you should take the time to introduce and discuss discursive conventions such as the citing of case law, the use of footnotes, and so forth.) This piece offers another, more focused history of the criminalization of immigration, attending to the way that federal immigration enforcement has devolved to state and local governments in a variety of ways in the past few decades. It's an excellent example of disciplinary writing (Ewing, et. al. cover everything from the War on Drugs to 9/11 in their policy report, while Chacón is much more focused on questions of jurisdiction and legality), and it's also a great thesis-based argument that you can use as an exemplar in your class for Contexts Project-related questions about organization, use of evidence, and so forth.

Process Work/Research Prep [assignment ideas for each can be found in the Criminalization of Immigration sandbox]:

- CP Research Reflection (Week 3)
- Contexts Project Rough Draft (Week 4)
- Contexts Project Conferences (Can do 30-minute groups of 3, 15-minute individual. Conferences can be in-person or online via Zoom.)

Weeks 4-11: Change and Continuity in the Trump Era

Franklin Foer, "How Trump Radicalized Ice." *The Atlantic* (2018, long-form investigative journalism)

<https://www.theatlantic.com/magazine/archive/2018/09/trump-ice/565772/>

Summary: Many of your students (and perhaps you!) will want to talk about immigration policy under President Trump and may be frustrated by the focus on the Obama era in most of the early readings. (I hope you will supplement those readings with contemporary reporting: virtually all

the questions raised in those pieces about due process rights, jurisdiction and immigration enforcement, racial profiling, and other harms, are more relevant today than ever.) Here we turn to the current state of affairs. Foer examines the origins of ICE in the wake of 9/11, its institutional mission, and the way Trump has wielded it against undocumented immigrant communities since taking office. Along the way, Foer shows how what constitutes a “border” and who is a “removable” immigrant, among other questions, have been reshaped by ICE before and during Trump’s time in office.

Maria Jimenez, *Humanitarian Crisis: Migrant Deaths at the U.S.-Mexico Border* (2009, 57pp., think tank policy report)

<https://www.aclu.org/sites/default/files/pdfs/immigrants/humanitariancrisisreport.pdf>

Summary: This piece from the ACLU was published in 2009—a fact you should highlight at the beginning of your discussion. Jimenez focuses on the crisis of migrant deaths caused by so-called “prevention through deterrence” policies enacted principally under the Clinton administration that have largely been in effect ever since. It powerfully shows how criminalizing immigration and preventing safe crossing for migrants leads not to reduced unauthorized immigration, but increased suffering and death. This is an excellent model for the Research Project as a whole (try to assign at least the first part of it before the CP is due), as it’s a multimodal text that both describes a problem in detail and offers a variety of policy solutions. It’s a great piece for critically discussing solutions: “prevention through deterrence” was itself supposed to be a solution to the alleged immigration crisis, and yet it has for over 20 years resulted in thousands of migrant deaths without having a demonstrable effect on overall migration. And Jimenez’s well-considered policy solutions, offered a decade ago, have yet to be enacted. It’s essential to pair this piece with contemporary reporting or activism related to migrant deaths, which continue to occur unabated. You could try an activist group like [Humane Borders/Fronteras Compasivas](#), a Google News search for “US Mexico migrant deaths,” or even the [statistics compiled by the CBP](#).

Process Work/Research Prep [assignment ideas for each can be found in the Criminalization of Immigration sandbox]:

- Contexts Project Final Draft (Week 5)
- CP to AP Reflection (Week 6)
- Advocacy Project Prospectus (Week 7)
- Advocacy Project Conferences (Can do 30-minute groups of 3, 15-minute individual. Conferences can be in-person or online via Zoom.)
- Advocacy Project Draft (Weeks 8-9)
- Advocacy Project Presentations (Weeks 8-9)
- ePortfolio Workshop (Week 10)

Additional Resources

How to talk about immigration/general audience/journalism

Jose Antonio Vargas, “My Life As an Undocumented Immigrant.” *The New York Times* (2011)
https://www.nytimes.com/2011/06/26/magazine/my-life-as-an-undocumented-immigrant.html?_r=3&ref=magazine&pagewanted=all

Emily Bazelon, “The Unwelcome Return of ‘Illegals’.” *The New York Times* (2015)
<https://www.nytimes.com/2015/08/23/magazine/the-unwelcome-return-of-illegals.html?module=inline>

Various Sarah Stillman pieces on family separation and detention from the *New Yorker* (a good one: “The Five-Year-Old Who Was Detained at the Border and Persuaded to Sign Away Her Rights”)
<https://www.newyorker.com/contributors/sarah-stillman>

Scholarly sources

Sociology

Patrisa Macías-Rojas, *From Deportation to Prison: The Politics of Immigration Enforcement in Post-Civil Rights America* (2016)

Ana Raquel Minian, *Undocumented Lives: The Untold Story of Mexican Migration* (2018)

Cecilia Menjívar, “The expansion of ‘crimmigration,’ mass detention, and deportation.” *Sociology Compass* (2018)
<https://drive.google.com/drive/u/1/folders/1fvTcfJi1SoW-B8F96mWycFsJPJPIENGn>

Law

“Policing Immigrant Communities.” *Harvard Law Review* (2015)
<https://drive.google.com/drive/u/1/folders/1fvTcfJi1SoW-B8F96mWycFsJPJPIENGn>

Jennifer M. Chacón, “Immigration and the Bully Pulpit.” *Harvard Law Review* (2017)
<https://drive.google.com/drive/u/1/folders/1fvTcfJi1SoW-B8F96mWycFsJPJPIENGn>

For general reference

#ImmigrationSyllabus from the Immigration History Research Center at the University of Minnesota and the Immigration and Ethnic History Society
<http://editions.lib.umn.edu/immigrationsyllabus/>