**Crimmigration**
The University of Oklahoma College of Law
Course 6100-614
Fall 2024

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**SYLLABUS**

**1. Course Description, Goals, and Learning Outcomes**: This course concerns the nexus between criminal and immigration law. We will explore the treatment of criminals in the immigration law system as well as the treatment of noncitizens in the criminal justice system. We'll discuss the use of criminal law to influence migration. Finally, we will explore border enforcement as well as state and federal efforts to enforce immigration laws within the interior of the United States.

Some of the learning outcomes for this course include:

- Understand the immigration consequences of criminal activity and interactions with the criminal justice system.
- Understand the criminal consequences of immigration violations.
- Be able to interpret and analyze statutes, particularly in the immigration context.
- Be able to interpret and analyze regulations, particularly in the immigration context.
- Be aware of the unique obligations that arise in the prosecution of noncitizens charged with crimes.
- Be aware of the unique obligations that arise in the defense of noncitizens charged with crimes.
- Be able to articulate appellate-level or scholarly arguments, grounded in historical and policy perspectives, on the use of state resources in federal immigration enforcement.

**2. Class Meetings:** We will meet Mondays and Tuesdays from 11:00AM-12:15PM in Room 4.

**3. Reading Materials:** There are two required texts for this course: Kit Johnson, Crimmigration Law: An Open Casebook, available for download at http://kitjohnson.net/casebook/CLAOC.html or for purchase at cost at https://www.amazon.com/dp/B0D9DV312Q. You also need Kit Johnson, Crimmigration Law Statutory Supplement 2024, available for download at

http://kitjohnson.net/casebook/statsupp.html or for purchase at cost at https://www.amazon.com/dp/B0D9LR689J.

**4.** **TWEN**: TWEN is where you will find course announcements, assignments, web resources, handouts, and a copy of this syllabus. To access TWEN, go to http://lawschool.westlaw.com. Login using your Westlaw account information. Click on the TWEN link at the top of the page. Click the orange "Add Course" button. Locate "Crimmigration Fall 2024" in the listing of University of Oklahoma courses. Check the box to the left of the course name. Scroll to the bottom of the page and click submit.

**5.** **Grading:** Your grade will primarily be based on your final exam performance. I anticipate a two-part exam. The first part will be a closed-book, multiple-choice test. The second part will be an open-book, essay and/or short answer exam, which will begin with a reading-only period. Each exam will be "blind graded" so that I will not know the identity of the student as I am grading his or her exam. Take note: You may not waive anonymity. Self-identification on the exam or otherwise acting to destroy anonymity before, during, or after the exam—**including by disclosing whether you will be hand-writing your exam or using a laptop**—will, at a minimum, result in a lower grade, and may result in disciplinary action. Later in the semester, I will distribute an Exam Memorandum with additional information about the exam structure and content.

**6.** **Attendance & Late Policy:** Standard 304 of the ABA Standards for Accreditation of Law Schools requires "regular and punctual class attendance." I expect you to prepare for and attend every class period. You should prepare for class by completing the assigned reading and thinking about what you have read prior to class. This includes reading and annotating the federal rules and statutory provisions referenced in your reading, as well as preparing responses to any problems included in your reading. In accordance with ABA requirements, students are expected to spend at least two hours and ten minutes of class preparation for every one credit hour of class time. Note that preparing the material in advance and coming to class every day is the single best thing you can do to learn the material and perform well on the exam.

I recognize that students occasionally cannot attend class. Accordingly, you may miss **eight (8)** classes without automatically affecting your grade. Absences in excess of eight will presumptively result in a downward adjustment of your final grade as follows: **nine (9)** absences will result in the dropping of a student's final grade by one step (e.g., from a B to a B–); **ten (10)** absences will result in the dropping of a student's final grade by one additional step (e.g., from a B to a C+); **eleven (11)** absences will result in the dropping of a student's final grade by yet another additional step (e.g., from a B a C). Any student accumulating **twelve (12)** absences, whether for illness, interviews, activities, etc., will be presumptively excluded from the course and final exam. This syllabus constitutes your warning that you are subject to exclusion on this basis. Keep track of your own absences. Do not expect to receive an independent warning from me if you draw close to your allowed absences.

**Any late arrival to class will count as half of an absence.** That is, if you are late to class two days in a row, your record will reflect one missed day of class. You will be considered a late arrival if you are not seated at your desk before I begin class at the top of the hour. Any late arrival may not sign the regular attendance sheet but rather must sign the late arrivals sheet at the front of the classroom.

Attendance will not be taken during any videotaped or make-up class sessions and any absences from such sessions will not count under this policy.

**NOTE: I can almost always Zoom in students who would otherwise need to miss class**, e.g. if quarantining pursuant to public health guidance or if ill, **but you must notify me before class that you would like to attend remotely/synchronously by Zoom**. Those who attend by Zoom will only be able to observe the lecture, they will not be able to see the classroom slides until those are posted to TWEN, sometime after class. It is inherently an inadequate substitute for in-person studies. But it is better than missing the class entirely. **Observing class by Zoom will <u>not</u> count as in-person attendance for purposes of the attendance policy outlined in this paragraph**. That said, if extended illness or a personal situation requires missing/observing more than a few classes, I encourage you to talk to me so that we can try to work through the situation. In particular, I will certainly grant waivers to this policy for those who cannot both meet its strictures and comply with public health guidance. I will consider other exceptions to the absence policy in extraordinary circumstances, in consultation with the Assistant Dean of Students.

**7. Academic Misconduct:** Cheating, dishonesty, and serious academic misconduct of any kind in this class will presumptively result in a failing grade (e.g., a letter grade of F) for the semester. To be clear, failing to follow final exam instructions in a way that might give a student an advantage—even if done without intent to gain such an advantage and even if inadvertent—constitutes, in my judgment, serious academic misconduct, and it will presumptively result in a failing grade and a referral for discipline. It is your responsibility to treat exam instructions with diligence and care.

In any instance of misconduct, I reserve the right in my discretion to request involuntary withdrawal or award a lower grade other than a failing grade if I find there to be extraordinary mitigating circumstances. Despite my reservation of rights in this regard, however, do not expect leniency.

Please note that the awarding of a lower grade or a failing grade for misconduct is not to the exclusion of other sanctions, and I intend, in virtually all instances, to refer cheating and other serious academic misconduct to the College of Law and/or the administration of the University of Oklahoma for being dealt with under applicable policies, including the Code of Academic Responsibility.

**8. Classroom Decorum:**

Digital Devices: Please use your laptop, tablet or other electronic device to take notes only, unless otherwise directed as part of a class exercise. Activities other than note-taking are extremely distracting to other students. Please turn off the sound on any electronic device you bring into class. If you are being distracted by a classmate's digital device, please let me know so that I can help remedy the situation.

**Video/Audio Recording: No one is permitted to make an audio or video recording or transmission (e.g. livestream) of class without my express, written permission.** No one other than I can give you permission to record class. If you believe you have permission to record class from another source, such as a university administrator, you do not in fact have permission to record. You must speak with me. Failure to comply with this recording policy is a violation of the law school's honor code.

Do not eat in class. Do not chew gum audibly.

Please refrain from wearing perfume or cologne.

Do nothing that might disrupt class or distract your fellow students.

Finally, it is very important to me that our classroom environment is one where everyone feels safe to be themselves and to express their thoughts, feelings, and opinions. Our classroom should be a place where everyone is respectful of each other.

**9. Communication:** My e-mail address is kit.johnson@ou.edu. Please note that I do not answer or discuss substantive questions through e-mail. Moreover, perhaps unlike many students, I do not read e-mail on an hour-by-hour or even day-by-day basis. I may not respond at all to certain e-mailed questions, including those that ask for information clearly provided in this syllabus. If you miss class, please ask other students for information you may have missed, such as reading assignments. Any e-mail communications that you do have with me should be prepared in a professional manner, including the use of a meaningful subject line.

If you have any questions about the exam, please ask them in open class. In the aims of fairness, I do not discuss the exam on an *ex parte* basis.

My office is No. 3004, near the southwest corner of the top floor. I will hold regular office hours on Mondays and Tuesdays starting at 4:20PM. I am also happy to make appointments for those who want to be guaranteed that I will be in my office and available to talk at a particular time. **Note: The last day I will meet with students is November 22, 2024; I will not take appointments after that date.**

If you anticipate that you may be asking me to write you a letter of recommendation in the future or to serve as a reference for you, then please make sure you do the following at the end of the semester: (1) Send me an e-mail letting me know of your intention, (2) attach your résumé to the e-mail in .pdf or .doc format, and (3) use the subject line "request for reference." Your doing so will enable me to make some notes about you while your classroom performance is fresh in my mind.

**10. University Policies:** The University of Oklahoma requires the inclusion of the following information in all OU course syllabi.

**Mental Health Support Services**: Support is available for any student experiencing mental health issues that are impacting their academic success. Students can either been seen at the University Counseling Center (UCC) located on the second floor of Goddard Health Center or receive 24/7/365 crisis support from a licensed mental health provider through TELUS Health. To schedule an appointment or receive more information about mental health resources at OU please call the UCC at 405-325-2911 or visit University Counseling Center. The UCC is located at 620 Elm Ave., Room 201, Norman, OK 73019.

**Title IX Resources and Reporting Requirement**: The University of Oklahoma faculty are committed to creating a safe learning environment for all members of our community, free from gender and sex-based discrimination, including sexual harassment, domestic and dating violence, sexual assault, and stalking, in accordance with Title IX. There are resources available to those impacted, including: speaking with someone confidentially about your options, medical attention, counseling, reporting, academic support, and safety plans. If you have (or someone you know has) experienced any form of sex or gender-based discrimination or violence and wish to speak with someone confidentially, please contact OU Advocates (available 24/7 at 405-615-0013) or University Counseling Center (M-F 8 a.m. to 5 p.m. at 405-325-2911)
Because the University of Oklahoma is committed to the safety of you and other students, and because of our Title IX obligations, I, as well as other faculty, Graduate Assistants, and Teaching Assistants, are mandatory reporters. This means that we are obligated to report gender-based violence that has been disclosed to us to the Institutional Equity Office. This means that we are obligated to report gender-based violence that has been disclosed to us to the Institutional Equity Office. This includes disclosures that occur in: class discussion, writing assignments, discussion boards, emails and during Student/Office Hours. You may also choose to report directly to the Institutional Equity Office. After a report is filed, the Title IX Coordinator will reach out to provide resources, support, and information and the reported information will remain private. For more information regarding the University's Title IX Grievance procedures, reporting, or support measures, please visit Institutional Equity Office at 405-325-3546.

**Reasonable Accommodation Policy**: The University of Oklahoma (OU) is committed to the goal of achieving equal educational opportunity and full educational participation for students with disabilities. If you have already established reasonable accommodations with the Accessibility and Disability Resource Center (ADRC), please submit your semester accommodation request

through the ADRC as soon as possible and contact me privately, so that we have adequate time to arrange your approved academic accommodations.
If you have not yet established services through ADRC, but have a documented disability and require accommodations, please complete ADRC's pre-registration form to begin the registration process. ADRC facilitates the interactive process that establishes reasonable accommodations for students at OU. For more information on ADRC registration procedures, please review their Register with the ADRC web page. You may also contact them at (405)325-3852 or adrc@ou.edu, or visit www.ou.edu/adrc for more information.
Note: disabilities may include, but are not limited to, mental health, chronic health, physical, vision, hearing, learning and attention disabilities, pregnancy-related. ADRC can also support students experiencing temporary medical conditions.

**Religious Observance**: It is the policy of the University to excuse the absences of students that result from religious observances and to provide without penalty for the rescheduling of examinations and additional required classwork that may fall on religious holidays. [See Faculty Handbook 3.15.2]

**Adjustments for Pregnancy/Childbirth Related Issues**: Should you need modifications or adjustments to your course requirements because of documented pregnancy-related or childbirth-related issues, please contact the Accessibility and Disability Resource Center at 405/325-3852 and/or the Institutional Equity Office at 405/325-3546 as soon as possible. Also, see the Institutional Equity Office FAQ on Pregnant and Parenting Students' Rights for answers to commonly asked questions.

**Final Exam Preparation Period**: Pre-finals week will be defined as the seven calendar days before the first day of finals. Faculty may cover new course material throughout this week. For specific provisions of the policy please refer to OU's Final Exam Preparation Period policy.

**Emergency Protocol**: During an emergency, there are official university procedures that will maximize your safety.
**Severe Weather**: If you receive an OU Alert to seek refuge or hear a tornado siren that signals severe weather.

1. Look for severe weather refuge location maps located inside most OU buildings near the entrances
2. Seek refuge inside a building. Do not leave one building to seek shelter in another building that you deem safer. If outside, get into the nearest building.
3. Go to the building's severe weather refuge location. If you do not know where that is, go to the lowest level possible and seek refuge in an innermost room. Avoid outside doors and windows.
4. Get in, Get Down, Cover Up
5. Wait for official notice to resume normal activities.

Additional Weather Safety Information is available through the Department of Campus Safety.

**The University of Oklahoma Active Threat Guidance**:
The University of Oklahoma embraces a Run, Hide, Fight strategy for active threats on campus. This strategy is well known, widely accepted, and proven to save lives. To receive emergency campus alerts, be sure to update your contact information and preferences in the account settings section at one.ou.edu.
**RUN**: Running away from the threat is usually the best option. If it is safe to run, run as far away from the threat as possible. Call 911 when you are in a safe location and let them know from which OU campus you're calling from and location of active threat.
**HIDE:** If running is not practical, the next best option is to hide. Lock and barricade all doors; turn of all lights; turn down your phone's volume; search for improvised weapons; hide behind solid objects and walls; and hide yourself completely and stay quiet. Remain in place until law enforcement arrives. Be patient and remain hidden.
**FIGHT:** If you are unable to run or hide, the last best option is to fight. Have one or more improvised weapons with you and be prepared to attack. Attack them when they are least expecting it and hit them where it hurts most: the face (specifically eyes, nose, and ears), the throat, the diaphragm (solar plexus), and the groin.
*Please save OUPD's contact information in your phone.*
**NORMAN** campus: *For non-emergencies call (405) 325-1717. For emergencies call (405) 325-1911 or dial 911.*
**TULSA** campus: *For non-emergencies call (918) 660-3900. For emergencies call (918) 660-3333 or dial 911.*

**Fire Alarm/General Emergency**: If you receive an OU Alert that there is danger inside or near the building, or the fire alarm inside the building activates:
1. *LEAVE* the building. Do not use the elevators.
2. *KNOW* at least two building exits
3. *ASSIST* those that may need help
4. *PROCEED* to the emergency assembly area
5. ONCE safely outside, *NOTIFY* first responders of anyone that may still be inside building due to mobility issues.
6. *WAIT* for official notice before attempting to re-enter the building.
OU Fire Safety on Campus

**11. Assignments:** We will be using a new casebook in a restructured course. Accordingly, take the following assignments as a loose proposal. We will cover the entire casebook, in order. The specific coverage for each class, however, may change. Updated reading assignments will be posted to TWEN on a weekly basis.

| CLASS | TOPIC | READINGS, ASSIGNMENTS |
|---|---|---|
| 1 (8/19) | Introducing crimmigration | Chapter 1 (all) |
| 2 (8/20) | Immigration basics | Chapter 2: sections 2.1-2.11 2 |
| 3 (8/26) | Immigration basics | Chapter 2: sections 2.12-2.17 |

| CLASS | TOPIC | READINGS, ASSIGNMENTS |
|---|---|---|
| 4 (8/27) | Immigration consequences of criminal conduct | Chapter 3: sections 3.1-3.6 |
| 5 (9/3) | Immigration consequences of criminal conduct | Chapter 3: sections 3.6-3.7 |
| 6 (9/9) | Immigration consequences of criminal conduct | Chapter 3: sections 3.8-3.10 |
| 7 (9/10) | Immigration consequences of criminal conduct | Chapter 3: sections 3.10-3.13 |
| 8 (9/16) | Immigration consequences of criminal conduct: relief from removal | Chapter 3: sections 3.15-3.19 |
| 9 (9/17) | Immigration Detention | Chapter 4: sections 4.1-4.8 |
| 10 (9/23) | Immigration Detention | Chapter 4: sections 4.9-4.15 |
| 11 (9/24) | Immigration Detention | [TBD] |
| 12 (9/30) | Review | Chapters 1-4 |
| 13 (10/1) | Noncitizens in the criminal justice system | Chapter 5 (all) |
| 14 (10/7) | Noncitizens in the criminal justice system | Problem 5.1 |
| 15 (10/8) | Noncitizens in the criminal justice system | Guest Speaker: Bill Foster (criminal defense) |
| 16 (10/14) | Federal Immigration Crimes | Chapter 6: sections 6.1-6.8 |
| 17 (10/15) | Federal Immigration Crimes | Chapter 6: sections 6.9-6.15 |
| 18 (10/21) | Federal Immigration Crimes | Chapter 6: section 6.16 |
| 19 (10/22) | Federal Immigration Crimes | [TBD] |
| 20 (10/28) | States & Immigration | Chapter 7 (all) |
| 21 (10/29) | States & Immigration | [TBD] |
| 22 (11/4) | Border Enforcement | Chapter 8: sections 8.1-8.6 |
| 23 (11/5) | Border Enforcement | Chapter 8: section 8.7 |
| 24 (11/11) | Border Enforcement | [TBD] |
| 25 (11/12) | Interior Immigration Enforcement | Chapter 9 (all) |
| 26 (11/18) | Interior Immigration Enforcement | [TBD] |
| 27 (11/19) | Review | |
| 28 (11/25) | Review | |

**12. Feedback**: Do you have feedback about the course? Ideas? Suggestions? Comments? Please let me know!

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