## SOUTHWESTERN LAW REVIEW



VOLUME 50 2021 Number 2

#### TABLE OF CONTENTS

# A CONVERSATION ABOUT DEPORTED AMERICANS ESSAYS

MOVING FORWARD  Jennifer M. Chacón	.208
RELIEF AND STATUTES OF LIMITATION FOR DEPORTABLE NONCITIZENS UNDER ASIAN EXCLUSION, 1882-1948  Gabriel J. Chin	.218
(UN)EQUAL IMMIGRATION PROTECTION  Carrie L. Rosenbaum	231
ACTIVISM, IDENTITY AND RIGHTS IN DEPORTEE COMMUNITIES  Leticia M. Saucedo	.263
THE IMPACTED IMMIGRATION LAWYER IN THE ERA OF TRUMP: EMPATHY WELLBEING, AND SUSTAINABLE LAWYERING  Julia Vázquez	
CULTURE AND BORDERS: PLACE AND SELF Diego Vigil	.296
IMMIGRATION LAW LESSONS FROM DEPORTED AMERICANS: LIFE AFTER DEPORTATION TO MEXICO Kevin R. Johnson	305

LAYING THE LEGAL FOUNDATION FOR A RIGHT TO STAY IN DEPORTED  AMERICANS	
Ragini Shah	319
LEARNING FROM DEPORTED AMERICANS  Ingrid Eagly	333
DEPORTATION IN THE SHADOWS OF DUE PROCESS: THE DANGEROUS IMPLICATIONS OF <i>DHS V. THURAISSIGIAM</i> Daniel Kanstroom	342
REFLECTIONS ON THE RIGHT TO MOVE FREELY ACROSS BORDERS  Beth Caldwell	359
NOTE	
EMPOWERING IMMIGRATION JUDGES TO SANCTION ATTORNEYS ABUSINTHE POWERLESS	1G
Abraham Estuardo Bran	.372

### SOUTHWESTERN LAW REVIEW

VOLUME 50 2021 Number 2

#### 2020-2021

Editor-in-Chief Erica L. Jansson

Managing Editor ALEJANDRO E. ROSA

Senior Lead Articles Editor James M. Glassman Matthew Khim

Special Projects Editor ABRAHAM BRAN

Notes & Comments Editors ANDY HYMAN VACHE MURADIAN

> Lead Articles Editors Arya Afighom Samantha Dennis Keila Magaña Marina Melikyan Seyoneh Sarkisian

#### Staff

NATALIA ANTHONY NANOR BABIAN KYLE BESA BRYNN M, BODAIR ALEXANDRA CHRISTENSEN ARIEL F. COTO Andres E, De La Cruz MEAGAN DRYE KELSI D. GRAU Laura M, Hartman WILLOW L. KARFIOL ELISHA B, KOHANBASH NATASHA KOMADINA CHRISTINA LEE JACQUELINE G. LENDVAI SARA LEVINE

MEGHAN F. LEWIS TING YU LO EVAN T. MARTIN KIMBERLY C. MOROSI ERIC J. NAESSIG ALVIN Y. OKOREEH LAUREN N. POLK NICOLE M. ROSSI-STANDLEY APRIL TU SOPHIA C. TU EMILY TURI MARTHA M. VASQUEZ HERNANDEZ AYRTON ZAZO GIROD CAMILA ZHAO YINGYING MORDECHAI E. ZILBERSTEIN STEPHANIE ZIRULNIKOFF

Faculty Advisors

MARK CAMMACK, B.A., J.D.
DANIELLE KIE HART, B.A., J.D., LL.M.

#### SOUTHWESTERN LAW SCHOOL 2020-2021

MARIA MEHRANIAN

CHERIE S. RAIDY

MEE H. SEMCKEN

CARLOS A. SIDERMAN

GEORGE WOOLVERTON

HON. ROBERT H. PHILIBOSIAN

#### **BOARD OF TRUSTEES**

PATRICK BAGHDASERIANS HON. DEBORAH S. BRAZIL KEVIN BURKE STEVEN P. BYRNE MICHAEL E. CAHILL THOMAS L. DRISCOLL PETER DUCHESNEAU CHARLES P. FAIRCHILD JOHN M. GERRO

KAREN A. HENRY THOMAS H. HOBERMAN LAUREN B. LEICHTMAN

JULIE K. XANDERS WALTER M. YOKA DENNIS P.R. CODON, Trustee Emeritus JAHMY S. GRAHAM SHELDON A. GEBB, Trustee Emeritus HON. RONALD S.W. LEW, Trustee Emeritus HON. J. GARY HASTINGS BRIAN A. SUN, Trustee Emeritus HON. ARLEIGH M. WOODS, Trustee Emerita

#### ADMINISTRATION

CHARLES P. FAIRCHILD, B.A., J.D., LL.M., Chair of the Board of Trustees

SUSAN WESTERBERG PRAGER, B.A., M.A., J.D., Dean and President

MICHAEL CARTER, B.A., M.B.A., Ed.D., Executive Vice President and Chief Administrative Officer

ANAHID GHARAKHANIAN, B.A., J.D., Vice Dean

DOV A. WAISMAN, A.B., M.S., J.D., Vice Dean

HILLARY KANE, B.A., J.D., Chief Communications and Marketing Officer

NYDIA DUENEZ, B.A., J.D., Associate Dean, Dean of Students and Diversity Affairs

DOREEN E. HEYER, B.S., M.S., Senior Associate Dean for Academic Administration

MARCIE CANAL, B.A., Associate Dean of Operations and Risk Management

MARGARET HALL, B.A., M.L.I.S., J.D., Associate Dean and Law Library Director

HILA KEREN, L.L.B., Ph.D., Associate Dean for Research

DEBRA L. LEATHERS, B.A., Associate Dean for Institutional Advancement

ROBERT MENA, B.A., M.S., Ed.D., Associate Dean for Student Affairs

SHAHRZAD POORMOSLEH, B.A., J.D., Associate Dean for Career Services

HARRIET M. ROLNICK, B.A., J.D., Associate Dean for SCALE®

BYRON STIER, B.A., J.D., LL.M., Associate Dean for Strategic Initiatives

TRACY L. TURNER, B.A., J.D., Associate Dean for Learning Outcomes

JULIE K. WATERSTONE, B.A., J.D., Associate Dean for Experiential Learning

MARY BASICK, B.S., J.D., Assistant Dean of Bar Preparation

LISA M. GEAR, B.A., Assistant Dean for Admissions

NATALIE RODRIGUEZ, B.A., J.D., Assistant Dean of Academic Success

#### FULL-TIME FACULTY

RONALD G. ARONOVSKY, A.B., J.D., Professor of Law

MARY BASICK, B.S., J.D., Assistant Dean of Bar Preparation, Associate Professor of Law for Academic Success and Bar Preparation

PAUL A. BATEMAN, B.A., M.A., Ph.D., Professor of Legal Analysis, Writing, and Skills

MICHAEL J. BERGER, B.A., M.A., J.D., Associate Professor of Law

BETH CALDWELL, B.A., M.S.W., J.D., Professor of Legal Analysis, Writing, and Skills

CHRISTOPHER DAVID RUIZ CAMERON, B.A., J.D., Justice Marshall F. McComb Professor of Law

MARK CAMMACK, B.A., J.D., Professor of Law KATHRYN CAMPBELL, B.A., J.D., Professor of Legal Analysis, Writing, and Skills

CATHERINE L. CARPENTER, B.A., J.D., The Honorable Arleigh M. Woods and William T. Woods Professor of Law and Co-Director of the Moot Court Honors Program

BRIDGETTE M. DE GYARFAS, B.S., J.D., Associate Professor of Legal Analysis, Writing, and Skills

ALEXANDRA D'ITALIA, B.A., J.D., M.P.W., Associate Professor of Law and Director of Writing Center, Co-Director of the Moot Court Honors Program

MICHAEL B. DORFF, A.B., J.D., Michael & Jessica Downer Endowed Chair, Professor of Law and Technology Law & Entrepreneurship Program Director

MICHAEL M. EPSTEIN, B.A., J.D., M.A., Ph.D., Professor of Law and Supervising Editor of the Journal of International Media and Entertainment Law

JOSEPH P. ESPOSITO, B.S., J.D., Professor of Law and Co-Director of the Trial Advocacy Honors Program JENNY RODRIGUEZ-FEE, B.A., J.D., Clinical Professor of Law

APRIL E. FRISBY, B.A., J.D., Associate Professor of Law for Academic Success and Bar Preparation

JAMES M. FISCHER, J.D., Professor of Law

NORMAN M. GARLAND, B.S., B.A., J.D., LL.M., Second Century Chair in Law and Professor of Law

Jay W. Gendron, B.A., J.D., Director of the Entertainment and Arts Legal Clinic and Associate Professor of Law Anahid Gharakhanian, B.A., J.D., Vice Dean, Professor of Legal Analysis, Writing, and Skills and Director of the Externship Program

KEVIN J. GREENE, B.A., J.D., John J. Schumacher Chair and Professor of Law

WARREN S. GRIMES, B.A., J.D., Irving D. and Florence Rosenberg Professor of Law

ISABELLE R. GUNNING, B.A., J.D., Professor of Law

PRIYA S. GUPTA, B.A., MSC., J.D., Professor of Law and Faculty Director of the General LL.M. Program

DANIELLE KIE HART, B.A., J.D., LL.M., Professor of Law

JOHN HEILMAN, B.S., J.D., M.P.A., M.R.E.D., Professor of Law

ROMAN J. HOYOS, A.B., J.D., M.A., Ph.D., Professor of Law

HILA KEREN, LL.B., Ph.D., Associate Dean for Research and Paul E. Treusch Professor of Law

JOERG W. KNIPPRATH, B.A., J.D., Professor of Law CRISTINA C. KNOLTON, B.A., J.D., Professor of Legal Analysis, Writing, and Skills and Co-Director of the

CRISTINA C. KNOLTON, B.A., J.D., Professor of Legal Analysis, Writing, and Skills and Co-Director of the Negotiation Honors Program

HERBERT T. KRIMMEL, B.S., M.Acc., J.D., Professor of Law

CHRISTINE L. LOFGREN, B.A., J.D., Visiting Associate Professor of Legal Analysis, Writing, and Skills

JONATHAN M. MILLER, B.A., J.D., Professor of Law

JANET NALBANDYAN, B.A., J.D., Associate Professor of Law for Academic Success and Bar Preparation

EUNICE PARK, A.B., J.D., Professor of Legal Analysis, Writing, and Skills

ROBERT POPOVICH, B.S., MBT, J.D., Professor of Law

SUSAN WESTERBERG PRAGER, B.A., M.A., J.D., Dean, President and Professor of Law

GOWRI RAMACHANDRAN, B.A., M.A., J.D., LL.M., Professor of Law

ANDREA RAMOS, B.A., J.D., Clinical Professor of Law and Director of the Immigration Law Clinic

ORLY RAVID, B.A., J.D., Director of the Donald E. Biederman Entertainment and Media Law Institute and Associate Professor of Law

NATALIE RODRIGUEZ, B.A., J.D., Assistant Dean of Academic Success and Associate Professor of Law for Academic Success and Bar Preparation

JACQUELYN K. ROGERS, B.S., J.D., Associate Professor of Law for Academic Success and Bar Preparation

HARRIET M. ROLNICK, B.A., J.D., Associate Dean for SCALE® and Associate Professor of Law

Tina Schindler, B.S., J.D., Director of Bar Preparation and Associate Professor of Law for Academic Success and Bar Preparation

MICHAEL D. SCOTT, B.S., J.D., Professor of Law and Technology Law & Entrepreneurship Program Founding Director Emeritus

BILL H. SEKI, B.A., J.D., Professor of Law and Co-Director of the Trial Advocacy Honors Program

IRA L. SHAFIROFF, B.A., J.D., Professor of Law

JUDY BECKNER SLOAN, B.A., J.D., Professor of Law

BYRON G. STIER, B.A., J.D., LL.M., Associate Dean for Strategic Initiatives and Professor of Law

J. KELLY STRADER, B.A., M.I.A., J.D., Professor of Law

N. KEMBA TAYLOR, B.A., J.D., Professor of Legal Analysis, Writing, and Skills

JOHN TEHRANIAN, A.B., J.D., Paul W. Wildman Chair and Professor of Law

TRACY L. TURNER, B.A., J.D., Associate Dean for Learning Outcomes and Director of the Legal Analysis, Writing, and Skills Program and Professor of Legal Analysis, Writing, and Skills

RACHEL E. VANLANDINGHAM, B.A., M.P.M., J.D., LL.M, Professor of Law

JULIA VAZQUEZ, B.A., M.A., J.D., Clinical Professor of Law and Director of Community Lawyering Clinic

DOV A. WAISMAN, A.B., M.S., J.D., Vice Dean and Professor of Law

JULIE K. WATERSTONE, B.A., J.D., Associate Dean for Experiential Learning, Clinical Professor of Law and Director of the Children's Rights Clinic

WILLIAM WOOD, B.A., M.S.E.L., J.D./M.A., Associate Professor of Law

BRYCE WOOLLEY, B.A., J.D., Associate Professor of Law for Academic Success and Bar Preparation

In Memorium

Professor Alan L. Calnan

#### EMERITI FACULTY

DEBRA LYN BASSETT, M.S., J.D, John J. Schumacher Chair Emerita

MICHAEL H. FROST, B.A., M.A., Ph.D., Professor of Legal Analysis, Writing, and Skills Emeritus

BRYANT G. GARTH, B.A., J.D., Ph.D., Dean Emeritus

JAMES A. KUSHNER, B.B.A., J.D., Professor of Law Emeritus

ROBERT C. LIND, B.E.S., J.D., LL.M., Paul E. Treusch Professor of Law Emeritus and Director Emeritus, Biederman Entertainment and Media Law Institute in Residence

ROBERT E. LUTZ, B.A., J.D., Paul E. Treusch Professor of Law Emeritus in Residence

CHRISTINE LORILLARD, B.A., M.A., Ph.D., Professor of Legal Analysis, Writing and Skills Emerita

SUSAN J. MARTIN, B.A., J.D., Professor of Law Emerita

ROBERT A. PUGSLEY, B.A., J.D., LL.M., Professor of Law Emeritus in Residence

KATHERINE C. SHEEHAN, B.A., M.A., J.D., Professor of Law Emerita

LEIGH H. TAYLOR, B.A., J.D., LL.M., Dean Emeritus and Professor of Law

LINDA A. WHISMAN, B.A., M.L.S., J.D., Associate Dean for Library Services and Professor of Law Emerita

HOWARD JACOBS

#### ADJUNCT FACULTY

RYAN ABELMAN MILENE APANIAN Anna Aran JOHN BEGAKIS PATRICK BOIRON NICHOLAS BOND SAMANTHA BORGHI VICTORIA BURKE ROBYN LEE CHEW ALEX COFFEE HON, ANGELA DAVIS LIZA DAVIS THOMAS DEBOE ADAM DOMBCHIK NYDIA DUENEZ ROBERT DURAN PEGGY FARRELL MITCH FEDERER GARY P. FINE REBECCA FISCHER ALICE J. GARFIELD CRAIG GELFOUND SHARREL GERLACH KARINA GODOY HON, RUPA GOSWAMI MEHRNAZ HADIAN JONATHAN HANDEL MELISSA HANNA NAZGOLE HASHEMI LESLIE HEIMOV DAVID HELFANT

MATTHEW JACOBS VERONICA JEFFERS MORRIS JENKINS ALLAN JOHNSON DOUGLAS JOHNSON NEVILLE JOHNSON JULI JORDAN HON, MARK A. JUHAS JARED JUSSIM HILLARY KANE VIK KANWAR ROBERT KAYNE STACEY KIM-JACKSON ANDREW KNAPP IRIS KOKISH LEIB LERNER ZACHARY LEVINE SARA LOCKE KATHY M, LOMBARD APRIL MACARAEG JONATHAN MARCUS CARINA J. MILLER KYLE MARKS RICHARD D. MARKS HON, DARRELL S, MAVIS TIMOTHY B. McCaffrey, Jr.

HON, DARRELL S. MAVIS TIMOTHY B, MCCAFFREY DAVID MCFADDEN DINAH MINKOFF KAMAL MOO MICHAEL MORSE NEGIN MOSTADIM RONI MUELLER DAVID OSTROVE TIGRAN PALYAN HON. AMY M. PELLMAN SHARON PERLMUTTER TISH PICKETT JUAN A. RAMOS EMILY REHM SUSAN KOHN ROSS DEBORAH RUMMELHART GEORGE H, RUIZ ANASTASIA SAGORSKY LOVEE SARENAS ANDREW SCHWARTZMAN JENNIFER SEIGLE DANIEL SELARZ JEFFREY SHANE HON, JAY J. SHIN

JULIA SYLVA HON, ARMEN TAMZARIAN LEONARD TORREALBA JOSEPH TRIGILIO DANIELLE VAN LIER LAURA WESLEY SONIA YAGURA

ZEPUR SIMONIAN

ROURKE STACY

EDWARD STARK

STEPHEN STRAUSS

ANITA SURENDRAN