

SHALINI BHARGAVA RAY
University of Alabama School of Law
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CURRENT POSITION

University of Alabama School of Law, Tuscaloosa, AL
Associate Professor
Assistant Professor

2021 – present
2019 - 2021

Courses taught: Legislation & Regulation, Immigration Law, Professional Responsibility, and citizenship seminar.
Teaching Administrative Law in Fall 2023.

EDUCATION

Harvard Law School, Cambridge, MA
Juris Doctorate

2004

Stanford University, Palo Alto, CA
Bachelor of Arts, Economics, with Honors in Ethics in Society

2000

JUDICIAL CLERKSHIP

The Honorable Anita B. Brody (E.D. Pa.), Philadelphia, PA
Law Clerk

2006-2007

SELECT PUBLICATIONS

Eroding Immigrants' Rights Through the 'New' New Textualism, ACS SUP. CT. REV. (forthcoming 2023).

Citizenship and Racial Subordination, 3 AM. J. L. & EQUALITY __ (forthcoming 2023) (peer-reviewed journal).

[*Noncitizen Harboring and the Freedom of Association*](#), 101 N.C. L. REV. 677 (2023).

[*The Contested "Bright Line" of Territorial Presence*](#), 56 GA. L. REV. 1511 (2022) (symposium).

[*Immigration Law's Arbitrariness Problem*](#), 121 COLUM. L. REV. 2049 (2021).

- Selected for the 2021 AALS Administrative Law and Legislation New Voices Program.
- Selected for the 2021 [Administrative Law New Scholarship Roundtable](#).
- Reviewed in JOTWELL by [Mila Sohoni](#) (Nov. 29, 2021) and [Juliet Stumpf](#) (July 8, 2022).
- Selected for republication in the *Bender's Immigration Law Bulletin* (LexisNexis).
- Selected for republication in Vol. 42 of the *Immigration and Nationality Law Review* (compendium of premier immigration law scholarship)

[*Abdication Through Enforcement*](#), 96 IND. L. J. 1325 (2021).

- Selected for the 2020 [Administrative Law New Scholarship Roundtable](#).

[*The Emerging Lessons of Trump v. Hawaii*](#), 29 WM. & MARY BILL RTS. J. 775 (2021) (symposium).

SELECT PUBLICATIONS, CONT'D

[The Law of Rescue](#), 108 CALIF. L. REV. 619 (2020).

- Selected for the 2019 AALS Immigration Law New Voices Program.
- Selected for the American Constitution Society's competitive Junior Scholars Public Law Workshop at the 2020 AALS meeting.
- Reviewed by [Jill Family](#) in JOTWELL (Nov. 11, 2020).

[Plenary Power and Animus in Immigration Law](#), 80 OHIO ST. L. J. 13 (2019).

[Saving Lives](#), 58 B.C. L. REV. 1225 (2017).

- Selected from a call for papers for presentation at the 2017 AALS Immigration Law Section workshop.

[Applying the U.S. Constitution to Foreign Asylum-Seekers: Exposing a Curious, Inconsistent Practice in the Federal Courts](#), 100 MARQ. L. REV. 137 (2016).

[Optimal Asylum](#), 46 VAND. J. TRANSNAT'L L. 1215 (2013).

- Cited extensively in Congressional Research Service (CRS) report, [The Law of Asylum Procedure at the Border: Statutes and Agency Implementation](#) (Apr. 9, 2021).

[Detaining Due Process: The Need for Procedural Reform in 'Joseph' Hearings After Demore v. Kim](#), 31 N.Y.U. REV. L. & SOC. CHANGE 51 (2006).

SELECT CONFERENCE & PANEL PRESENTATIONS

Faculty workshop, TOURO LAW CENTER (virtual) 2023

Faculty workshop, WILLIAM & MARY SCHOOL OF LAW 2023

AALS, San Diego, CA 2023

- Panelist, *Biden v. Texas and the Federal-State Battle over Immigration Law*
Hot Topics
- Presenter, *The Challenge of Self-Regulation in the Immigration Enforcement Bureaucracy*
New Voices in Administrative Law and Legislation
- Commentator, Emily Chertoff's *Order Maintenance Agencies*
New Voices in Administrative Law and Legislation

Organizer and moderator, *Judicial Review of Agency Guidance in Immigration Law and Beyond*
ABA Administrative Law Section Fall Conference
(Panelists: Brad Baniyas, Benjamin Eidelson, Shruti Rana, Bijal Shah, and Shoba Wadhia) 2022

Faculty workshop, CARDOZO LAW SCHOOL 2022

Presenter, *The Challenge of Self-Regulation in the Immigration Enforcement Bureaucracy*
Administrative Law New Scholarship Roundtable, UNIVERSITY OF MINNESOTA LAW SCHOOL 2022

Panelist, [Agency Adjudication 101](#), 2022
ABA Administrative Law Section Spring Conference (virtual)

Organizer and moderator,
ABA Administrative Law Section [webinar](#), "Understanding Agency Self-Regulation" 2022

SELECT CONFERENCE & PANEL PRESENTATIONS, CONT'D

Speaker, symposium on “Immigrants and the First Amendment” UNIVERSITY OF GEORGIA SCHOOL OF LAW	2022
Faculty workshop, UNIVERSITY OF SAN DIEGO SCHOOL OF LAW	2021
Faculty workshop, VILLANOVA LAW SCHOOL	2021
Presenter, <i>Noncitizen Harboring and the Freedom of Association</i> CINETS (annual crimmigration conference), UNIVERSITY OF LEIDEN (virtual)	2021
Presenter, <i>Immigration Law’s Arbitrariness Problem</i> Administrative Law New Scholarship Roundtable, YALE LAW SCHOOL (virtual)	2021
Workshop, Center on Law and Economy, TULANE LAW SCHOOL (virtual)	2021
Presenter, <i>Immigration Law’s Arbitrariness Problem</i> (previously titled <i>Shadow Graduated Sanctions</i>) AALS New Voices in Administrative Law and Legislation (virtual)	2021
Panelist, “Rescuing Law,” AALS Criminal Law Section (virtual)	2021
Panelist, “Recent Developments in Arbitrary & Capricious Review: Lessons from Immigration Law” ABA Administrative Law Section Conference (virtual)	2020
Speaker, Supreme Court Roundup Immigration Law Society, UNIV. OF VIRGINIA SCHOOL OF LAW (virtual)	2020
Presenter, <i>Abdication Through Enforcement</i> , Administrative Law New Scholarship Roundtable, YALE LAW SCHOOL (virtual)	2020
Scheduled presenter, symposium on “The Presidency and Individual Rights,” WILLIAM & MARY LAW SCHOOL (canceled due to the pandemic)	2020
Presenter, <i>The Law of Rescue</i> , ACS Junior Scholars Public Law Workshop at AALS Washington, DC	2020
Faculty workshop, UNIVERSITY OF DENVER STURM COLLEGE OF LAW	2019

ADDITIONAL TEACHING EXPERIENCE

University of Alabama School of Law , Tuscaloosa, AL <i>Visiting Lecturer</i> Taught courses including Legislation & Regulation, Immigration Law, and Professional Responsibility.	2017-2019
University of Florida Levin College of Law , Gainesville, FL <i>Visiting Lecturer; Lecturer; Senior Lecturer</i> Taught courses including Legal Writing, Appellate Advocacy, and Asylum & Refugee Law. Served as chair of the judicial clerkships committee during the 2016-17 academic year.	2009-2017
Harvard University , Cambridge, MA <i>Teaching Fellow</i> , Justice (Professor Michael J. Sandel)	2002-2003

LEGAL EXPERIENCE

U.S. Court of Appeals for the Third Circuit, Philadelphia, PA
Staff Attorney

2007-2009

Morrison & Foerster LLP, San Francisco, CA
Litigation Associate and previously Summer Associate

June-July 2003; 2004-06

MEDIA AND SHORTER WORKS

[Immigration Enforcement Priorities and Presidential Duty](#), LAWFARE, Aug. 23, 2022.

[An important week for immigration law](#), SCOTUSTalk, June 21, 2022 (biweekly podcast hosted by Amy Howe).

[The demise of rights-protective statutory interpretation for detained immigrants and the rise of “piecemeal” textualism](#), SCOTUSblog, June 14, 2022 (opinion analysis).

[D.C. Circuit Rules That Public Health Law Empowers Government to Expel Asylum-Seekers – But Not to Countries Where They Face Persecution or Torture](#), LAWFARE, Mar. 31, 2022.

[Shadow Sanctions for Immigration Violations](#), LAWFARE, Feb. 2, 2022.

[Justices grapple with the legacy of a 2001 immigration detention case](#), SCOTUSblog, Jan. 12, 2022 (argument analysis).

[Justices will revisit whether certain noncitizens in lengthy detention are entitled to bond hearings](#), SCOTUSblog, Jan. 10, 2022 (argument preview).

[Supervision, Line-Drawing, and Faithful Execution](#), YALE J. ON REGUL., NOTICE & COMMENT, Mar. 30, 2021 (online symposium contribution).

[Criminal Liability for Migrant Rescue](#), Border Criminologies, UNIV. OF OXFORD, Jan. 5, 2021 (contribution to digital teaching resources collaborative).

Sarah Whites-Koditschek, [Supreme Court ends ‘sleepless nights’ for thousands of Dreamers in Alabama](#), AL.COM, June 18, 2020 (quoted).

[The Captain’s Story: A Bond of Brotherhood Forged in War](#), NAT’L GEOGRAPHIC, Feb. 19, 2016 (interviewed for documentary on Iraqi captain and U.S. ally ineligible for a Special Immigrant Visa).

ACADEMIC SERVICE

Referee: YALE LAW JOURNAL, LAW & SOCIAL INQUIRY, LAW & SOCIETY REVIEW

[Council Member](#), ABA Administrative Law and Regulatory Practice Section (three-year term)

Faculty Advisor, JOURNAL OF THE LEGAL PROFESSION

Law School Committees: Colloquium, 2020-21, 2021-22 (Chair), 2022-23 (Chair); Appointments, Fall 2020; Curriculum, 2019-20.

BAR MEMBERSHIP

California (inactive)