

SHALINI BHARGAVA RAY
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CURRENT POSITION

University of Alabama School of Law, Tuscaloosa, AL

Director of Faculty Research

Effective Jan. 1, 2024

Associate Professor (with tenure)

Effective Aug. 16, 2023

Associate Professor

2021 – 2023

Assistant Professor

2019 – 2021

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

EDUCATION

Harvard Law School, Cambridge, MA

2004

Juris Doctorate

Stanford University, Palo Alto, CA

2000

Bachelor of Arts, Economics, with Honors in Ethics in Society

JUDICIAL CLERKSHIP

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

2006-2007

Law Clerk

SELECT PUBLICATIONS

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).

- Selected for republication in *Bender's Immigration Law Bulletin* (LexisNexis).

[*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 and 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).

SELECT CONFERENCE & PANEL PRESENTATIONS

Panelist, Agency Adjudication 101
ABA Administrative Law Section Spring Conference 2023

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](#),
ABA Administrative Law Section Spring Conference (virtual) 2022

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
Presenter, <i>Noncitizen Harboring and the Freedom of Association</i> CINETES (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, “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

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.	2009-2017
Harvard University , Cambridge, MA <i>Teaching Fellow</i> , Justice (Professor Michael J. Sandel)	2002-2003

PROFESSIONAL EXPERIENCE

Administrative Conference of the United States <i>Consultant</i> , project on individualized guidance	2023-2024
U.S. Court of Appeals for the Third Circuit , Philadelphia, PA <i>Staff Attorney</i>	2007-2009
Morrison & Foerster LLP , San Francisco, CA <i>Litigation Associate and previously Summer Associate</i>	June-July 2003; 2004-06

MEDIA AND SHORTER WORKS

Eroding Immigrants' Rights Through the "New" New Textualism, 2021-22 ACS SUP. CT. REV. (2023) (forthcoming).

[United v. Texas, Explained](#), LAWFARE, July 14, 2023.

[Open Questions and Legal Hurdles for Biden's New Border Rule](#), LAWFARE, May 16, 2023.

[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 starting Fall 2022)

Faculty Advisor, JOURNAL OF THE LEGAL PROFESSION

Law School Committees: Colloquium, 2020-21, 2021-24 (Chair); Faculty Appointments, Fall 2020, Fall 2023; Curriculum, 2019-20.

BAR MEMBERSHIP

California (inactive)