

D. CAROLINA NÚÑEZ

Charles E. Jones Professor of Law • BYU Law School
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ACADEMIC APPOINTMENT

Brigham Young University Law School, Provo, Utah
Charles E. Jones Professor of Law

- Associate Dean for Research and Academic Affairs (2022 – 2024), Associate Dean for Faculty and Curriculum (2020 – 2021), Associate Dean for Research and Academic Affairs (2017 – 2019)
- R. Wayne Hansen Teaching and Learning Faculty Fellowship, awarded in 2023 in recognition of excellence in teaching
- Charles E. Jones Endowed Professorship, awarded in 2021 for excellence in teaching, scholarship, and citizenship
- Professor of Law (2017 – Present), Associate Professor of Law (2010 – 2017), Visiting Assistant Professor of Law (2008 – 2010)
- 1L Professor of the Year (2024); 2L/3L Professor of the Year (2017)
- Francis R. Kirkham Professorship in Law, 2019 – 2020 academic year
- Courses: Immigration Law, Immigrant Rights, Plenary Power Colloquium, Refugee and Immigration Initiative, Torts, Advanced Torts Seminar, Citizenship Seminar
- Committee work: extensive service on law school and university committees addressing a broad spectrum of topics, including curriculum, appointments, admissions, general education requirements, faculty rank and advancement, faculty research, and student development
- Co-founder of Refugee and Immigration Initiative, a clinical experience program through which students traveled to a family immigration detention center in Texas to offer legal assistance to women and children seeking asylum in the United States; supervised students, 2016 – 2019
- Scholarly interests center on citizenship, alienage, and immigration law, with a focus on the treatment and constitutional rights of undocumented immigrants and historical development of immigration law exceptionalism

PUBLICATIONS & PAPERS

- *Apophatic Interpretation, Birthright Citizenship, and the Anti-Aristocratic Constitution*, with Lucy Williams, working paper, available on SSRN: <https://ssrn.com/abstract=6572198>
- *Birthright Citizenship and Apophatic Interpretation*, Guest Post, Balkanization Blog, May 12, 2026
- *The Citizenship Clause is Part of an Anti-Aristocracy Constitution*, Trump v. Barbara Symposium, ImmProf Blog, April 18, 2026

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- *Hidden Bias in U.S. Caselaw*, with Matthew Jennejohn, Samuel Nelson, and Lucy Williams, forthcoming U.C. Irvine L. Rev. (2026)
 - “*Women’s Language*” in *Supreme Court Oral Arguments*, with Lucy Williams, David Wingate, Aerin Christensen, and Anna Mae Walker, 97 U. Colorado L. Rev. 1 (2026)
 - *Opinion: President Trump’s spending freezes violate separation of powers and federal law*, with Kif Augustine-Adams, John Fee, Frederick Mark Gedicks, Lisa Grow, Michalyn Steele, and Lucy Williams, Deseret News, Mar. 13, 2025
 - *Opinion: Why everyone should care about the Constitution’s separation of powers*, with Kif Augustine-Adams, John Fee, Frederick Mark Gedicks, Lisa Grow, Michalyn Steele, and Lucy Williams, Deseret News, Feb. 19, 2025
 - *Opinion: Eliminating birthright citizenship bypasses the Constitution and legal precedent*, with Kif Augustine-Adams, John Fee, Frederick Mark Gedicks, Lisa Grow, Michalyn Steele, and Lucy Williams, Deseret News, Feb. 13, 2025
 - *Dark Matter in the Law*, 62 Boston College L. Rev. 1555 (2021)
 - *Sites of (Mis)Translation: The Credible Fear Process in a United States Detention Center*, with Kif Augustine-Adams, 35 Geo. Imm. L. J. (2021)
 - *Hidden Bias in Empirical Textualism*, with Matthew Jennejohn and Samuel Nelson, 109 Geo. L. J. 767 (2021)
 - *Does a Conviction for a Crime Listed in the Grounds of Inadmissibility Terminate a Lawfully Admitted Permanent Resident’s Period of Continuous Residence for Purposes of Cancellation of Removal?* Preview of U.S. Supreme Ct. Cas., Nov. 4, 2019, at 4
 - *Brief of Amicus Curiae Ad Hoc Coalition of Utah Law Professors in Support of Petitioners*, with Kif Augustine-Adams, *In Re Mary Doe and Jane Doe*, Case No. 20180806-SC, Utah Supreme Court, supporting the admission of undocumented immigrants to the Utah State Bar, March 22, 2019
 - *Citizenship Gaps*, reviewing books by Kunal M. Parker, Carrie Hyde, and Richard Sobel, 54 Tulsa L. Rev. 301 (2019)
 - *Mapping Citizenship: Status, Membership, and the Path in Between*, 2016 Utah L. Rev. 477 (2016)
 - *Is the Board of Immigration Appeals’ Refusal to Toll the Filing Period for Motions to Reopen Removal Proceedings Subject to Judicial Review?* Preview U.S. Sup. Ct. Cas., Apr. 20, 2015, at 254
 - *War of the Words: Aliens, Immigrants, Citizens, and the Language of Exclusion*, 2013 B.Y.U. L. Rev. 1517
 - *Beyond Blood and Borders: Finding Meaning in Birthright Citizenship*, 2013 Brooklyn L. Rev. 835 (2013)
 - *Is a State Conviction for Possession with Intent to Distribute Marijuana an Aggravated Felony for Which an Alien May Be Deported Under the Immigration and Nationality Act?*, Preview U.S. Sup. Ct. Cas., Oct. 1, 2012, at 34
 - *Inside the Border, Outside the Law: Undocumented Immigrants and the Fourth Amendment*, 85 So. Cal. Law Rev. 85 (2011)

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- *Fractured Membership: Deconstructing Territoriality to Secure Rights and Remedies for the Undocumented Worker*, 2010 Wis. L. Rev. 817 (2010)
 - *Recognizing the Role of Discretion in the Immigration System*, JURIST - Forum, Aug. 16, 2012, <http://jurist.org/forum/2012/08/carolina-nunez-immigration-discretion.php>
 - *To What Extent Does Former Section 212(c) of the Immigration and Nationality Act Apply to Aliens Who Are Deportable for an Aggravated Felony Conviction?*, Preview U.S. Sup. Ct. Cas., Oct. 3, 2011, at 27
 - *Still on the Border: The Fractured Membership Rights of the Undocumented Worker*, Clark Memorandum, Spring 2010
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PRESENTATIONS AND OTHER SPEAKING ENGAGEMENTS

- Presenter, “Apophatic Interpretation, Birthright Citizenship, and the Anti-Aristocratic Constitution,” *Who Belongs?: Citizenship’s Past, Present, and Future Conference*, Karsh Center for Law and Democracy, University of Virginia School of Law, March 2026.
- Presenter, “The Changing Face of Immigration Law,” *Hot Topics Roundtable—Understanding Policy Shifts Under the New Administration*, Rural Sociological Society Annual Meeting, Salt Lake City, August 2025
- Speaker, “Tending God’s Garden: Divine Imagination and the Stewardship of Potential,” *Disciple Scholar Lecture*, Brigham Young University Honors Program, March 2025.
- Speaker, *Welcoming the Stranger Workshop*, Religiously Affiliated Law School Conference, Fordham University, September 2024
- Presenter, “Hidden Bias in U.S. Caselaw,” draft paper with Matt Jennejohn and Lucy Williams, at Chapman University Law School faculty colloquium, March 2023
- Presenter, “Hidden Bias in U.S. Caselaw,” Law and Society Association Annual Conference, Lisbon, Portugal, July 2023 (with Matt Jennejohn and Lucy Williams)
- Presenter, “Mapping Citizenship,” University of Colorado Citizenship Colloquium, Boulder, Colorado, February 2020
- Presenter, “Immigration Law: Past, Present, and Future,” BYU Democrats student event, November 2019
- Presenter, “Immigration: Past, Present, and Future,” Utah Attorney General’s annual office-wide CLE Conference, October 2019
- Presenter, Commentary on *Icebox* (HBO 2018 film), BYU International Cinema film series, September 2019
- Presenter, discussing immigration cases scheduled for oral argument at the U.S. Supreme Court, ABA Webinar, *On the Docket: Previewing the 2019 Supreme Court Term*, on September 2019
- Panelist, “What I Wish I Had Known Before Becoming Associate Dean” at the Second Annual Women’s Leadership in Legal Academia Conference at the University of Virginia Law School, July 2019
- Lecturer, “Resilience at the Border,” Provo City Women’s Day Lecture Series, March 2019
- Presentation, “Understanding the Border: Myths, Dreams, and Nightmares,” BYU Honors Chocolate Milk Discussion Series, Provo, Utah, March 2019

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- Presentation, with Kif Augustine-Adams, “Sites of (Mis)Translation: The Credible Fear Process in a United States Detention Center,” Law and Corpus Linguistics 2019 Conference, BYU Law School, Provo, Utah, February 2019
 - Presentation, with Kif Augustine-Adams, “Sites of (Mis)Translation: The Credible Fear Process in a United States Detention Center,” Jurilingüística II Conference, Universidad Pablo de Olavide, Sevilla, Spain, October 2018
 - Presentation, “Dark Matter in the Law,” Arizona State University Faculty Workshop, Phoenix, Arizona, September 2018
 - Panelist, BYU Constitution Day Panel, entitled “Hanging by a Thread?: The Constitution in the Age of Trump,” Provo, Utah, September 2018
 - Panelist, Recent Supreme Court Cases Panel, BYU Law School Supreme Court Review, Provo, Utah, September 2018
 - Presentation, “Dark Matter in the Law,” Annual Meeting of the Law and Society Association, Toronto, Canada, June 2018
 - Guest, *Top of Mind with Julie Rose*, BYU Radio, May 2018 (discussing the separation of children from parents at the U.S.-Mexico border)
 - Presentation, “Dark Matter in the Law,” Politics Under Stress Conference, University of Oregon Law School, Portland, Oregon, April 2018
 - Presentation, with Kif Augustine-Adams, “Immigration Myths and Misconceptions,” Spring 2018 Mormon Women for Ethical Government, Provo, Utah, March 2018
 - Presentation, “Dark Matter in the Law,” working paper, University of Northern Kentucky Chase College of Law, Law Review Symposium, March 2018
 - Presentation, “Dark Matter in the Law,” working paper, University of Utah Law School, Salt Lake City, Utah, November 2017
 - Presentation, “Immigration Law Myths,” BYU Women and Politics Annual Event, Provo, Utah, October 2017
 - Panelist, “DACA: Short-term and Long-term Consequences of Rescission,” hosted by Utah Minority Bar Association, Salt Lake City, Utah, October 2017
 - Panelist, “DACA: History and Future,” Utah Valley University Peace and Justice Studies, Orem, Utah, October 2017
 - Panelist, “Supreme Court Review,” BYU Constitution Day discussion of Supreme Court cases, Brigham Young University Law School, Provo, Utah, September 2017
 - Guest, *Top of Mind with Julie Rose*, BYU Radio, September 2017 (discussing President Trump’s decision to end Deferred Action for Childhood Arrivals)
 - Panelist, “Central American Refugees—Women and Children in Crisis,” Law and Society Annual Meeting, Mexico City, June 2017
 - Guest, *Top of Mind with Julie Rose*, BYU Radio, July 2016 (discussing the detention of Central American refugees)

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- Panelist, “Teaching and Writing About Citizenship,” Immigration Professors Conference, Michigan State University College of Law, East Lansing, Michigan, May 2016
 - Presentation, “The Language of Immigration: A Corpus Linguistic Approach,” Law and Corpus Linguistics Conference, Brigham Young University Law School, Provo, Utah, April 2016
 - Presentation, “Mapping Citizenship,” working paper, Notre Dame University Law School, South Bend, Indiana, March 2016
 - Presentation, “The Global Migration Crisis,” Utah Consular Corps Meeting, Salt Lake City, Utah, February 2016
 - Panelist, “The European Migration Crisis,” International Law Weekend—West, Brigham Young University Law School, Provo, Utah, January 2016
 - Guest, *Top of Mind with Julie Rose*, BYU Radio, November 2015 (discussing Obama administration’s executive action, federal enforcement strategy, and global refugee crisis)
 - Presentation, “Mapping Citizenship,” working paper, Law and Society Association Annual Conference, Panel: “Contextualizing Citizenship,” Seattle, Washington, May 2015
 - Presentation, “The Citizenship Trajectory,” working paper, Rocky Mountain Junior Scholars Forum, S.J. Quinney Law School, University of Utah, Salt Lake City, Utah, November 2014
 - Guest, *The Morning Show*, BYU Radio, October 2014 (discussing the language used in the national immigration debate and its effect)
 - Presentation, “The Citizenship Trajectory,” working paper, Immigration Professors Conference, University of California, Irvine, California, May 2014
 - Presentation, “Americans at Birth, Illegal by Blood,” working paper, Southeast/Southwest People of Color Legal Scholarship Conference, William H. Bowen School of Law, University of Arkansas, Little Rock, April 2013
 - Presentation, “Immigrants v. Aliens: Exploring the Language of Belonging,” working paper, 2013 B.Y.U. Law Review Symposium: Discretion and Deference: Immigrants, Citizens, and the Law, BYU Law School, Provo, Utah, January 2013
 - Presentation, “Americans at Birth, Illegal by Blood,” working paper, Rocky Mountain Junior Scholars Forum, S.J. Quinney Law School, University of Utah, Salt Lake City, Utah, Sept. 2012
 - Presentation, “Americans at Birth, Illegal by Blood,” working paper, Law and Society Association Annual Conference, Panel: “Constructing Citizen and Nation in the Americas,” Honolulu, Hawaii, Jun. 2012
 - Comment on Stewart M. Young, *The (Un)Constitutionality of Outgoing Checkpoints*, working paper, J. Reuben Clark Law Society Faculty Section conference, American University Law School, Washington, D.C., Jan. 2012
 - Guest, *Insights with Jon Dupree: Immigrant Worker Rights*, BYUTV, Oct. 2011
 - Presentation, “Citizenship by Proxy,” working paper, Rocky Mountain Junior Scholars Forum, J. Reuben Clark Law School, Brigham Young University, Provo, Utah, Sept. 2011

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- Presentation, “Inside the Border, Outside the Law: Undocumented Immigrants and the Fourth Amendment,” working paper, Emerging Immigration Law Scholars and Teachers Conference, American University Law School, Washington, D.C., May 2011
 - Presentation, “State Immigration Initiatives,” 2011 State & Local Government Conference, hosted by Brigham Young University Law School Government & Politics Legal Society, Provo Marriott, March 2011
 - Presentation, “Inside the Border, Outside the Law: Undocumented Immigrants and the Fourth Amendment,” J. Reuben Clark Law Society scholarship conference, San Francisco, California, Jan. 2011
 - Lecture, “Undocumented Immigrants in the Workplace: Rights and Remedies,” Technology Management Lecture Series, Utah Valley University, Orem, Utah, Oct. 2010
 - Presentation, “Toward Post-Territoriality in Labor and Employment Law,” working paper, University of Houston Law Center Colloquium, Houston, Texas, Feb. 2010
 - Presentation, “Fractured Membership: Deconstructing Territoriality to Secure Rights and Remedies for the Undocumented Worker,” working paper, Rocky Mountain Junior Scholars Forum, J. Reuben Clark Law School, Brigham Young University, Provo, Utah, Sept. 2009
 - Presentation, “Utah Senate Bill 81: A Discussion,” hosted by American Civil Liberties Union Immigrant Rights Project, Provo City Library, Provo, Utah, 2008
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EDUCATION

J. Reuben Clark Law School, Brigham Young University, Provo, Utah
Juris Doctor, *summa cum laude*

April 2004

- Ranked 2nd of 165, Order of the Coif
- Managing Editor, *Brigham Young University Law Review* (2003 – 2004)
- J. Reuben Clark Award, for excellence and service in law school (2003)
- Academic Merit Scholarship (2001 – 2004)
- President, Latina/o Law Student Association (2002 – 2003)

Brigham Young University, Provo, Utah

Bachelor of Arts, International Studies, *magna cum laude*

April 2001

- GPA: 3.91
 - University Academic Scholarship (1998 – 2001)
 - Nat’l Hispanic Merit Scholarship (1999 – 2001)
 - Multicultural Academic Scholarship (1998 – 2001)
 - University Dean’s List (1998 – 2001)
 - Emphasis in International Law and Diplomacy; Minor in Latin American Studies
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PROFESSIONAL & COMMUNITY ACTIVITIES

- American Bar Association Section of Legal Education and Admissions to the Bar Nominating Committee (August 2025 – present)
- American Bar Association Accreditation Site Visit team member and Association of American Law Schools Site Visit Reporter, 2020, 2022, 2024
- Advisory Board Member, Mormon Women for Ethical Government (August 2024 – present)
- Board Member, Utah Valley University First Generation Student Success Center (August 2022 – present)
- Leadership Council, Board of Governors, Utah Center for Legal Inclusion (August 2016 – present)
- Member, Association of American Law Schools Immigration Law Section Executive Committee (January 2019 – December 2023)
- Vice-Chair, U.S. Commission on Civil Rights State Advisory Committee—Utah (August 2017 – August 2021)
- Organizing Committee Member, 2019 Biennial Emerging Immigration Professors Workshop, BYU Law School, Provo, Utah, November 2019
- Committee Member, Association of American Law Schools Standing Committee on Recruitment and Retention of Minority Law Teachers and Students (2016 – 2019)
- Organizing Committee Member, 2017 Biennial Emerging Immigration Professors Workshop, Texas A&M University School of Law, College Station, Texas, May 2017
- Organizing Committee Member, 2016 Biennial Immigration Teachers Workshop, Michigan State University College of Law, East Lansing, Michigan, May 2016
- Board of Directors, United Nations Women Chapter, Salt Lake City (2012 – 2014)
- Organizing Committee Member, 2012 Biennial Immigration Teachers Workshop, Hofstra University, New York, New York, May 2012
- Lead Arbitrator, Center for Conflict Resolution, Housing Arbitration, Brigham Young University, (2010 – 2020)
- Board of Advisors, Utah Association of Latino Journalists (2010 – 2013)

OTHER PROFESSIONAL EXPERIENCE

Stoel Rives, LLP, Salt Lake City, Utah
Associate Attorney

Sep. 2005 – Mar. 2007

*Honorable Fortunato P. Benavides,
 U.S. Court of Appeals for the Fifth Circuit, Austin, Texas*
Law Clerk

Aug. 2004 – Aug. 2005

Utah Supreme Court, Salt Lake City, Utah
Judicial Extern for Chief Justice Christine Durham

Aug. 2003 – Sep. 2003

Cravath, Swaine, & Moore, New York, New York
Summer Associate

May 2003 – Jul. 2003

Rivas & Asociados, Caracas, Venezuela
Summer Extern

Jul. 2002 – Aug. 2002

Brown & Bain, P.A., Phoenix, Arizona
Summer Associate

May 2002 – Jul. 2002

OTHER INTERESTS

- Foreign Languages: native proficiency in both English and Spanish, coursework in Italian, and limited experience in Catalan
- Creative Writing: interest and coursework in creative writing; admitted to and participated in the Iowa Summer Writers' Workshop 2025
- Travel: Visits to over 40 countries, including hiking to the top of Kilimanjaro in Tanzania, a road trip through Jordan, and six months living in Spain
- Music: Formal training in voice and piano, including experience teaching
- Venezuelan Food: interest in the culinary history of Venezuela, traditional recipes, and finding the best arepa in Utah