Levin College of Law

University of Florida

Immigration Law

Spring 2019

**Syllabus**

**Adjunct Professor:** Catherine Henin-Clark

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Office hours: by appointment

**Course Number:** 6264

**Credit Hours: 3**

**Course Objective**: The class is intended to provide a foundation of the US immigration law

and the intricacies of the immigration law practice. This course will consider the historical and legal foundations of U.S. immigration law as well as key constitutional and process issues. It will address a number of areas of immigration law including immigrant and non immigrant visa classifications, roles of various federal agencies, grounds of inadmissibility, criminal immigration provisions, detention and removal, refugee and asylum, and U.S. citizenship.

**Required Texts**:

*Immigration and Citizenship: Process and Policy*, 8th Edition, 2016 (Text) Aleinikoff, Martin, Motomura, Fullerton and Stumpf

*Immigration and Nationality Law of the United States,* 2016 Edition (Supplement)

Aleinikoff, Martin, Motomura, Fullerton and Stumpf

(2014 edition may also be used. Note that there is no 2013 or 2015 edition.)

While most reading for the class will be from the Text and Supplement, reading will be assigned from other sources, including federal court cases, Board of Immigration Appeals (BIA) cases, and regulations not included in the Supplement. Note that the [BIA cases are available in Westlaw](https://a.next.westlaw.com/Browse/Home/AdministrativeDecisionsGuidance/FederalAdministrativeDecisionsGuidance/DepartmentofJustice/ExecutiveOfficeofImmigrationReview/BoardofImmigrationAppealsDecisions?transitionType=Default&amp;contextData=(sc.Default)) and at the Executive Office for Immigration Review’s Virtual Law Library at <https://www.justice.gov/eoir/ag-bia-decisions>

**Final Exam and Grading**:

The exam will require the application of the immigration law provisions discussed in class to hypothetical situations. Before the exam, there will be an opportunity to practice with sample questions. The exam will be a 3-hour exam and will be an open book exam, during which you can consult your notes, outline and casebook.

**Grading Policy:**

This course will adhere to the UF posted grading policy. Your grade will be based upon the final exam. The law school recognizes the following grades, in accordance with the grading policy available at:

<http://www.law.ufl.edu/students/policies.shtml#9>:

|  |  |
| --- | --- |
| Letter Grade | Point Equivalent |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0 |

**Class Attendance**:

Class attendance is mandatory. Excused absences, requirements for class attendance and make up exams in this course are consistent with university policies that can be found at:

<http://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>

**Class Preparation:**

You are expected to read the assigned material and prepare for each class. It is anticipated that you will spend approximately 2 hours of preparation time for each classroom hour. Please inform me by email no later than 9pm the evening before class if you are unprepared for any class so that I will not call on you.

**ABA Out-of-Class Hours Requirements:**

ABA Standard 310 requires the students devote 2 hours to out-of-class preparation for every classroom hour of in-class instruction. Immigration law has 3 classroom hours for in-class instruction each week, requiring at least 6 hours of preparation outside of class. You will be assigned an average of 50 pages of reading a week including text book, case law, and laws and regulations.

**Laptop Policy:**

Unless instructed otherwise in advance, you will not be permitted to use laptops during class

**Accommodations for Students with Disabilities:**

Students requesting accommodation should first register with the UF Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/) ) by providing appropriate documentation. Once registered, students will receive an accommodation letter, which should be presented to the UF Law office of Students Affairs when requesting accommodation. This procedure should be followed as early as possible in the semester. Law students with disabilities can also contact the Levin College of Law office of Student Affairs for assistance on these matters at 164 Holland Hall, 273-0620, [www.law.ufl.edu/students/](http://www.law.ufl.edu/students/)

**UF Law Honor Code**:

Students are bound by the UF Law Honor Code, which can be found at:

<https://www.law.ufl/edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>

**Evaluations:**

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu/results/>

**Student Learning Outcomes:** after completing this course, students should be able to:

Describe the constitutional foundations of U.S. immigration law;

Demonstrate an understanding of the federal statutes and regulations that govern U.S. immigration law;

Demonstrate an understanding of the roles of the various agencies involved with the U.S. immigration law;

Explain an attorney’s ethical obligations when representing individuals before USDHS and USDOJ;

Determine basic strategy representation of prospective immigrants on the basis of family sponsorship and employment sponsorship

Determine strategic representation in defending noncitizens from deportation and representing refugees and asylum seekers

**Useful Resources**:

The [Practitioner Insights for Immigration](https://a.next.westlaw.com/Browse/Home/PractitionerInsightsforImmigration?transitionType=Default&amp;contextData=(sc.Default)) in Westlaw has links to several resources for immigration law research including [Cases,](https://a.next.westlaw.com/Browse/Home/Cases/ImmigrationCases?transitionType=Default&amp;contextData=(sc.Default)) [BIA Decisions,](https://a.next.westlaw.com/Browse/Home/AdministrativeDecisionsGuidance/FederalAdministrativeDecisionsGuidance/DepartmentofJustice/ExecutiveOfficeofImmigrationReview/BoardofImmigrationAppealsDecisions?transitionType=Default&amp;contextData=(sc.Default)) [Statutes & Court Rules,](https://a.next.westlaw.com/Browse/Home/StatutesCourtRules/ImmigrationStatutesCourtRules?transitionType=Default&amp;contextData=(sc.Default)) [Regulations,](https://a.next.westlaw.com/Browse/Home/Regulations/ImmigrationRegulations?transitionType=Default&amp;contextData=(sc.Default)) and [Secondary Sources](https://a.next.westlaw.com/Browse/Home/SecondarySources/ImmigrationSecondarySources?transitionType=Default&amp;contextData=(sc.Default)).

There are several useful secondary sources of immigration law available. Unless noted in the syllabus, these are not required reading but may be useful in gaining a better understanding of the assigned material.

*Kurzban’s Immigration Law Sourcebook* (16th edition) (2018) by Ira J. Kurzban, a useful single (expensive) volume intended for immigration practitioners (available online through the library; a prior edition is available in the law library);

*Immigration Briefings*, a monthly monograph on immigration law issues (available on [Westlaw](https://a.next.westlaw.com/Browse/Home/SecondarySources/ImmigrationSecondarySources/ImmigrationLegalNewspapersNewsletters/ImmigrationBriefings?transitionType=Default&amp;contextData=(sc.Default)));

*Interpreter Releases*, a weekly newsletter that covers current immigration law issues (available on [Westlaw](https://a.next.westlaw.com/Browse/Home/SecondarySources/ImmigrationSecondarySources/ImmigrationLegalNewspapersNewsletters/InterpreterReleases?transitionType=Default&amp;contextData=(sc.Default)));

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| **DATE** | **TOPIC** | | **MATERIALS TO BE READ BEFORE CLASS** | |
| **Class 1 Wednesday 1/9/19** | Course introduction  Historical context  Sources of immigration authority | | Text 151-195 | |
| **Class 2 Wednesday**  **1/16/19** | Role of Federal Agencies  Executive Orders and Admission | | Text 49-77; 94-117; Skim 235-269; Review INA Par. 101(a)(43). 101(a)(48), 101(f); 212(a)(2), 301-322 | |
|  | The admission process  Due Process in admission | | Text 479-511  *Kerry v. Din (*text 545-552) | |
| **Class 3**  **Wednesday**  **1/23/19** | Nonimmigrant visas  Intro  Admission processes  Visa Waiver Program  B visas  Nonimmigrant visas (cont’)  -H-1B  -L-1 | | Text 380-384, 511-518  INA §§ 101(a)(15)(B), 214(b) (first sentence only)  INA §217(a)-(b)  [https://travel.state.gov/content/visas/en/visit/visa-waiver-](https://travel.state.gov/content/visas/en/visit/visa-waiver-program.html) [program.html](https://travel.state.gov/content/visas/en/visit/visa-waiver-program.html) (expand all)  Text 393-395  *Matter of Hira*, 11 I&N Dec. 824 (BIA 1965)  9 FAM 402.2, stop at 9 FAM 402.2-5(F)(10) available at [https://fam.state.gov](https://fam.state.gov/)  Text 401-405, 422-430 INA § 214(c)(1)(i)  8 CFR § 214.2(h)(4)(B) “General requirement for petitions involving a specialty occupation.” | |
| **Class 4 Wednesday**  **1/30/19** | Nonimmigrant visas (cont’)  -Other employment  -Students  -E visas  Review of Class 3 & 4 contents/ case study | | Text 386-390, 405-406, 409, 412-421 INA §§ 101(a)(15)  9 FAM 402.9-1 through 402.9-7 at state.gov | |
| **Class 5 Wednesday 2/6/19** | Immigrant Visas  -Intro  -Family-based  -Adjustment of Status  -Definition of marriage  -Marriage fraud | | Text 270-285 (paying close attention to the definition of immediate relative); 485-487, 492-496  INA §§ 101(b)(1)(A)-(D), 203(h)(1)  Review INA § 202(a)(1)-(3)  Current Department of State Visa Bulletin. (Link will be provided later)  Text 309-321 (including *Adams v. Howerton*), 328-333 INA §§ 216(b)-(c), 204(c), (g), 245(d) - (e) | |
| **Class 6 Wednesday 2/13/19** | Immigrant Visas  -Employment-based  -Workshop: applying eligibility criteria to various case scenarios | | Text 351-380 | |
| **Class 7 Wednesday 2/20/19** | Immigrant Visas  -EB-5  -Diversity Visas  -Workshop: applying eligibility criteria to various case scenarios | | Text 343-348, INA § 203(b)(5)  82 FR 4738 (read only II. Executive Summary and  III. Background)  Text 279-281(top)  INA Par. 203(c) | |
| **Class 8 Wednesday 2/27/18\9** | Citizenship  Citizenship at birth  -Naturalization requirements | | Text 66-76 (including *U.S. v. Wong Kim Ark*), 108-117 INA §§ 301, 309, 316(a), (d), 101(f), 312(a), 319(a)  Handout to be provided with excerpts from *Sessions v. Morales- Santana*, 137 S. Ct. 1678 (2017)  Text 117-124, 94-98 (stop before Notes and Questions) INA §§ 336(a), (b), 310(c) | |
| **Class 9**  **Wednesday**  **3/13/19** | Review | |  | |
| **Class 10 Wednesday 3/20/19** | Preview of removal proceedings  Grounds of inadmissibility and deportability  -Health-related  - Immigration related | | Text 895-898, 946-948 INA § 240, 239(a)(1)  *Matter of G-Y-R-*, 23 I&N Dec. 181 (BIA 2001)  EOIR Fact Shee[t: https://www.justice.gov/eoir/eoir-at-a-glance](https://www.justice.gov/eoir/eoir-at-a-glance)  Text 555-562 (skip the section on “Crimes”), 568-572, 580-  581  631 (first full paragraph)-633 (through c.)  INA §§ 212(a)(1), 212(a)(6)(A)(i), 212(a)(6)(C), 212(a)(6)(E),  212(a)(9)(A), 212(a)(9)(B)(i), 212(i), 237(a)(1)(A)-(B),  237(a)(1)(H), 237(a)(3)(D),  237(a)(6) | |
| **Class 11**  **Wednesday**  **3/27/19** | Grounds of inadmissibility and deportability  - Criminal grounds | | Text 629-664  Text 679-722.  *Matter of Diaz-Lizaragga*, 26 I&N Dec. 847 (BIA 2016) INA §§ 101(a)(43)(A), 101(a)(43)(B), 101(a)(43)(F), 101(a)(48), 212(a)(2), 212(h),  237(a)(2) | |
| **Class 12**  **Wednesday**  **4/10/19** | Review of Removal Proceedings  Relief  -Waivers  Cancellation of removal  Voluntary Departure | | Text 723-742, 744-745, 749-751  INA §§ 240A(a), (b)(1), (c), (d)(1)-(2), 240B(a)(1), 240B(b) | |
|  | Persecution Based Protection:  Refugee status  Asylum  Withholding of Removal  Convention Against Torture  Definition of Social Group for asylum cases |  | Text 787-789, 791-800, 882-893  INA §§ 101(a)(42), 207(c)(1), (3), 208(a), (b)(1)(A), (d)(4), 241(b)(3)(A)  *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987)  *INS v. Elias-Zacarias*, 502 U.S. 478 (1992)  *Matter of S-P-*, 21 I & N Dec. 486 (BIA 1996)  Text 841-842  *Matter of S-E-G*, 24 I&N dec. 579 (BIA 2008)  *Matter of A-R-C-G*-, 26 I&N Dec. 388 (BIA 2014) |
| **Class 13**  **Wednesday**  **4/17/19** | Review |  |  |