Levin College of Law

University of Florida

Immigration Law

Spring 2022

**Syllabus**

**Professor: Anastacia Greene**

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Office: Virgil Hawkins Civil Clinic

Office hours: Monday: 4:00 pm-5:00 pm

Tuesday 10:30am -11:30 am

Office hours will be via Zoom

**Course Number:** Law 6296

**Credit Hours: 2**

**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*, 9th Edition, 2021 (Text) Aleinikoff, Martin, Motomura, Fullerton, Stumpf & Gulasekaram

**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. Make-up exams: The law school policy on exam delays and accommodations can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

**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:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies>

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| 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. Class attendance can be either in person or online with an excused absence. Online classes can be accessed via the Immigration Law UF Canvas course page, Zoom conferences. Masks are expected at all times for in-person classes. 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. Unless the syllabus specifies elsewise, you do not need to prepare an Exercise in the reading materials. 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 9 pm 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 2 classroom hours for in-class instruction each week, requiring at least 4 hours of preparation outside of 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>

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University’s Office of Student Conduct and Conflict Resolution.

**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)).

BIA cases are also available at the Executive Office for Immigration Review’s Virtual Law Library at <https://www.justice.gov/eoir/ag-bia-decisions>

Immigration and Nationality Act (INA) provisions are available on Westlaw, or at the USCIS website: <https://www.uscis.gov/legal-resources/immigration-and-nationality-act>

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 in Prof. Greene's office, 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** **Monday** **1/25/22** | Course introduction* Historical context
* Foundations of Immigration Law

Sources of immigration authority | Text 1-32  |  |
|  **Class 2****Monday****1/31/22** |  Citizenship – Acquisition of Nationality by BirthCitizenship - Dual Nationality- Naturalization | Text 389-414, 432-455 Review INA §§ 301, 309, 310Problem on 445 |  |
| **Class 3** **Monday****02/07/22** | Role of Federal AgenciesStatutory and Regulatory FrameworkThe Admission Process | Text 32-33, 46-68, 68-77Text 289-303 |  |
| **Class 4** **Monday****2/14/22** | Due Process During AdmissionImmigrant Visas-Introduction-Family-based-Adjustment of Status | Text 308-319,339-345Text 105-132Review problems on page 115 using the Current Department of State Visa Bulletin. (Link will be provided later) |  |
| **Class 5****Monday****02/21/22** | Immigrant Visas - Family-based - Definition of marriage -Employment-based | Text 146-154, 163-169, 176-181 |  |
| **Class 6****Monday****02/28/22** | Immigrant Visas-Investors -Diversity Visas-Workshop: applying eligibility criteria to various case scenarios | Text 343-348, 380-401, 405-412Review INA §203(b)-(c) |  |
| **Class 7****Monday****03/14/22** | Nonimmigrant Visas- Introduction- StudentsBusiness- H-1B Temporary Workers- H2 Temporary WorkersReview | Text 184-207, 216-222, 231-234 |  |
| **Class 8****Monday****03/21/22** | Removal - Immigration Court - Removal Proceedings - Expedited RemovalInadmissibility- Grounds of inadmissibility | Text 829-843, 859-862, 873-877Text 517-26,531-536, 541-548Review INA §212(a) |  |
| **Class 9****Monday****03/28/22** | Deportability* Grounds for deportation
* Crimigration

Detention* Overview

Limits on detention | Text 566-567, 586-593, 607-614Review INA §237(a)(1)(A)-(B), 212(h)Text 347-367 |  |
| **Class 10****Monday****04/04/22** | Relief from Removal* Cancellation of Removal
* Voluntary Departure

Judicial Review* Appeals
* Motions for relief

Limitations on judicial review | Text 655-678, 696-700Review INA §§240A, 240BText 862-873, 881-888 |  |
|  **Class 11****Monday****04/11/22** | Humanitarian Relief  - VAWA* U Visas
* SIJS, TPS
* DACA
 | Text 155-156, 694-696, 709-728 |  |
| **Class 12****Monday****04/18/22** | Asylum* Overview

- Substantive Criteria | Text 748-782Review INA §208Exercise on page 773  |  |
| **Class 13****Monday****04/25/22** | Persecution-based Protection-Limitations on Asylum- Convention Against TortureReview | Text 782-803, 819-825Exercise A1 on page 786 |  |