

**IMMIGRATION LAW CLINIC SPRING 2024**  
**Course LAW 6940**

**Juan P. Caballero**

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<b>Seminar Class Time:</b>	Tues. & Wed. 3:30 PM – 4:55 PM
<b>Location:</b>	MLAC – 213
<b>Office Hours:</b>	Tues. & Wed. 1:30 PM – 2:30 PM or upon request
<b>Course Canvas:</b>	<a href="#">Immigration Clinic - Prof. Caballero (LAW6940)</a>

**COURSE DESCRIPTION & OBJECTIVES**

The Immigration Clinic provides legal assistance to indigent non-citizens with affirmative humanitarian immigration petitions and removal defense. Student clinicians will be responsible for preparing and managing immigration cases at many different stages of proceedings. Student clinicians will also attend a bi-weekly seminar that focuses substantive law, legal ethics, and structured discussions about clinic cases while also developing lawyering skills and case strategy. A critical component of the class is participation in mock and moot exercises aimed at developing core abilities like interviewing, counseling, and courtroom skills.

**COURSE GOALS AND LEARNING OBJECTIVES**

*Students will effectively represent clients*

- Maintain effective client communication, responding to client in a timely and appropriate manner and keeping client apprised of case developments;
- Appreciate client differences and respond empathically to client needs;
- Listen to and engage with the client throughout representation;
- Demonstrate effective client interviewing and counseling skills;
- Avoid losing sight of the client in the client’s case; and
- Recognize ethical issues when they arise and reflectively apply relevant principles and rules to reach an appropriate resolution.

*Students will gain immigration law knowledge:*

- Understand immigration law and the processes that apply to each client's case;
- Formulate legal-factual theories to help clients solve their problems;
- Learn to sift through unstructured scenarios to identify and organize relevant facts;
- Employ substantive law and procedural rules to marshal facts into probative and persuasive advocacy.

*Students will improve written and verbal communication skills:*

- Employ effective written and oral advocacy in all written casework including filings with USCIS, EOIR, clients, professors and other third parties, including electronic communications;
- Use persuasive arguments, citing relevant authority and distinguishing apparently adverse authority;
- Demonstrate thorough preparation and editing of written advocacy;
- Demonstrate thorough preparation of oral communication;
- Understanding of the facts, theory of the case, law, and applicable rules and procedures in written and oral communication.

*Students will develop independent work ethic & professionalism:*

- Take responsibility for representing your clients;
- Demonstrate initiative—take charge of your work while consulting with supervisors—do not wait to be told what to do;
- Demonstrate thoughtful consideration of case related issues BEFORE asking questions of supervisor;
- Submit work to supervisor that has been thoroughly edited and proofread, not first or even second drafts;
- Conceptualize client representation as problem solving, generate, explore, and implement creative solutions to client problems;
- Develop the skills of a reflective practitioner including assessing critically on own performance and being open and able to learn from feedback and critique;
- Develop an ability to work effectively across barriers such as class, race, and culture;
- Work collaboratively with other professionals, including social workers, educators, and psychologists to help your client; and
- Understand and appreciate the roles, ethical obligations, and approaches that are appropriate to different professions, and how the lawyer's role is similar to and different from other professionals' roles.

*Students will gain case management & productivity skills:*

- Demonstrate knowledge of the client's case in terms of facts and procedural status;
- Maintain case files and case logs, in an organized manner;
- Demonstrate time management by effectively using clinic time to advance cases;
- Meet deadlines for case work and all other tasks;
- Follow all office procedures;
- Come to supervision meetings on time and prepared;

- Keep supervisors informed of all pertinent case developments;
- Maintain open and honest communication with the supervisor;
- Treat others with civility in all interpersonal interactions; and
- Work effectively with partners and as part of the clinic group.

## COURSE MATERIALS

There is no required textbook for this class. All required class readings are available on the course Canvas page or otherwise publicly accessible.

In addition to your readings for the seminar, you will use reference materials over the course of the semester. The law clinic houses several physical reference materials available to all student clinicians. In addition to the physical books in the clinic offices, you may also access immigration reference materials through the Law Library's AILA Link account, which is available here:

[ailalink.aila.org](http://ailalink.aila.org)

In order to access the account, you must either be on the Law School Wi-Fi, or using the Law School VPN.

## EVALUATION

As a student clinician, you will be expected to put forth a great amount of effort because clients are depending on you. Although you may be working harder in your clinic than in any class, you are not graded on effort alone. **Do not assume that by simply meeting your minimum hour requirements you will be entitled to achieve any particular grade. Completing the required hours, without more, is not sufficient.**

Your grade is based on a combination of seminar performance and case performance. The following criteria are used in assessing your performance:

Category	Grade
<b>Class Attendance</b> <sup>1</sup>	5%
<b>Seminar Performance</b> <sup>2</sup> <ul style="list-style-type: none"> <li>• Complete and retain all assigned readings</li> <li>• Contribute meaningfully to class discussions</li> <li>• Complete and submit all assignments in a timely manner,</li> </ul>	20%

<sup>1</sup> Anyone arriving more than 10 minutes after the start of class or leaving prior to the conclusion of class will be marked as absent unless the student seeks permission for the absence. One unexcused absence will result in loss of half marks on the class attendance grade. Continuous unexcused absences will adversely affect seminar performance grade.

<sup>2</sup> Please turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

<ul style="list-style-type: none"> <li>• Participate in all seminar discussions and exercises</li> </ul>	
<b>CASE PERFORMANCE</b>	
<p><b><i>Attorney-Client relationship</i></b></p> <ul style="list-style-type: none"> <li>• Develop client interviewing and counseling skills</li> <li>• Listen to and engage with the client throughout representation</li> <li>• Appreciate client differences and respond empathically to client needs</li> <li>• Identify and pursue client’s needs and goals</li> <li>• Recognize the relationship between a client’s legal and nonlegal problems and define the appropriate scope of the lawyer’s role in helping the client resolve those problems</li> </ul>	15%
<p><b><i>Analytical, advocacy, interviewing, and lawyering skills</i></b></p> <ul style="list-style-type: none"> <li>• Formulate legal-factual theories to help clients solve their problems</li> <li>• Learn to sift through unstructured scenarios to identify and organize relevant facts</li> <li>• Employ substantive law and procedural rules to turn facts into probative and persuasive evidence</li> <li>• Develop and implement oral and written advocacy for effective representation of clients in formal and informal settings</li> </ul>	20%
<p><b><i>Independence and problem solving</i></b></p> <ul style="list-style-type: none"> <li>• Demonstrate initiative—take charge of your work while consulting with supervisors—do not wait to be told what to do, ask</li> <li>• Conceptualize client representation as problem solving</li> <li>• Generate, explore, and implement creative solutions to client problems</li> </ul>	15%
<p><b><i>Professionalism</i></b></p> <ul style="list-style-type: none"> <li>• Devise strategies to assure diligent representation and thorough preparation for all aspects of client representation</li> <li>• Work collaboratively with other professionals, including social workers, educators, and psychologists to help your client</li> <li>• Demonstrate proper organization and planning in all client matters</li> <li>• Develop an ability to work effectively across barriers such as class, race, and culture</li> <li>• Conduct yourself professionally in all dealings with clients, the community, colleagues and opposing counsel.</li> <li>• Consistently follow office procedures or have a reasoned and approved departure from those procedures</li> <li>• Meticulously maintain the case files and document case activities</li> <li>• Satisfy ABA credit hour requirements</li> </ul>	15%
<p><b><i>Perpetuate access to justice</i></b></p> <ul style="list-style-type: none"> <li>• Provide zealous representation of your client</li> <li>• Understanding the value and limitations of the law in relation to other problem solving methodologies including negotiation, arbitration, and litigation</li> <li>• Providing the highest quality of services to all parties</li> </ul>	10%

<ul style="list-style-type: none"> <li>• Think critically about the effectiveness of immigration systems and other systems that impact immigrants</li> <li>• Scrutinize the fairness and appropriateness of legal rules and their application throughout these systems</li> <li>• Formulate and implement strategies to uphold and improve just rules, procedures, and practices, and to change and abolish those that are unjust</li> </ul>	
<b>Total</b>	<b>100%</b>

This course follows the grading policies at the Levin College of Law, available at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

## STUDENT HOURS

**ABA OUT-OF-CLASS HOURS REQUIREMENTS:** ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction.

<b>Clinical Hour Requirement:</b>	270 hours per semester <sup>3</sup>
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This averages to approximately 20 hours per week. As with any client-related work, you can expect that your workload will fluctuate throughout the term. Your Clinic Hours include attendance in seminar as well as time spent preparing for the seminar and working on cases. You should monitor your hours closely and not allow yourself to fall behind—it is your responsibility to speak with your supervisor in the event that you do not have sufficient assigned work.

Some of your clinic work will take place in the clinic, but some of your work can or must be done elsewhere; you are allowed to count hours of clinic work that you do outside the clinic building. You are expected to track time spent on case work via CLIO.

## CLASS ATTENDANCE POLICY

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed 2 absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to

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<sup>3</sup> In practice, this Clinic courses require an amount of work reasonably approximating 45 hours across the semester per credit. *UF Law Student Handbook & Academic Policies*, Credit Hour Policy, available at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>. See also *Standards*, American Bar Association, Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK, available here [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/standards/2022-2023/22-23-standard-ch3.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2022-2023/22-23-standard-ch3.pdf).

meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

## LEARNING ENVIRONMENT AND PREFERRED NAME

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or phone. I would like to acknowledge your preferred name, and pronouns that reflect your identity. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name. I welcome you to the class and look forward to a rewarding learning adventure together.

## UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

## SEMINAR SCHEDULE:

Note: All assignments are due *prior* to the beginning of the class on which it is noted

### Week 1.

*Tues., Jan. 16*

Social Justice Lawyering

- William P. Quigley, Letter to a Law Student Interested in Social Justice, 1 DePaul J. for Soc. Just. 1 (2007)
- Tammi Wong, *Race-Conscious Community Lawyering - Practicing Outside the Box*, 42 CLEARINGHOUSE REV. 165 (2008)

***January 16, 5:30 PM @ Bailey Event Space  
Clinic Commitment Ceremony***

*Wed., Jan. 17*

Case Rounds

- Stages of Rounds Guide
- DUE: Collaboration Agreement

### Week 2.

*Tues., Jan. 23*

Introduction to Removal Proceedings

- *Pereira v. Sessions*, 138 S. Ct. 2105 (2018)
- Philip Eichorn, *Introduction to Removal Proceedings* (American Immigration Lawyers Association, 2016)
- Ingrid Eagly & Steven Shafter, *Access to Counsel in Immigration Court* (American Immigration Council 2016)
- [optional] *Representing Clients in Immigration Court*, 6<sup>th</sup> Ed., Chapter 1
- [optional] Calderón and Racine, What Every Lawyer Needs to Know About Immigration Law, *Practice Before Immigration Courts*

*Wed., Jan. 24*

Legal Research & Writing

- Mark Osbeck, *What is “Good Legal Writing” and Why Does it Matter?*, 4 Drexel L. Rev. 417 (2012)
- DUE: Legal Research Assignment

### **Week 3.**

*Tues., Jan. 30*

Vicarious Trauma in the Legal Profession

\*Guest Speaker: Cynthia Yanez

- Andrew P. Levin & Scott Greisberg, *Vicarious Trauma in Attorneys*, 24 Pace L.Rev. 245 (2003)

*Wed., Jan. 31*

Clinic Rounds

### **Week 4.**

*Tues., Feb. 6*

Immigration Detention

- Immigration Detention: A Legal Overview, Congressional Research Service, Sept. 16, 2019, <https://crsreports.congress.gov>
- [INA § 236 \(8 USC § 1226\)](#)
- [INA 235\(b\) \(8 USC § 1225\)](#)
- [INA § 241 \(a\) \(8 USC § 1231\)](#)

*Wed., Feb. 7*

Immigration Detention (cont.)

- *Getting Off the Assembly Line: Overcoming Immigration Court Obstacles in Individual Cases*, Working with a Client in Detention
- Katie Blankenship ltr. Re. Baker Detention Conditions, Deputy Legal Director, ACLU of Florida, July 26, 2022.
- [OPTIONAL] Ice Detention Standards: Immigration Detention Facilities’ Responsibilities And Detained Individuals’ Rights, American Bar Association (Dec. 2022)

## Week 5.

*Tues., Feb. 13*

Introduction to Categorical & Modified Categorical Approach

- Kathy Brady, *How to Use the Categorical Approach Now*, Immigrant Legal Resource Center, Practice Advisory, 2021.

*Wed., Feb. 15*

Case Rounds

<b>February 16</b> <b>Baker Detention Center Trip</b>
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## Week 6.

*Tues., Feb. 20*

Case Rounds

*Wed., Feb. 23*

Asylum: Introduction

- [INA § 101\(a\)\(42\) \(8 USC § 1101\)](#)
- [INA § 208 \(8 USC § 1158\)](#)
- *INS v. Elias-Zacarias*, 502 U.S. 478 (1992)
- Suketa Metha, *Annals of Immigration: The Asylum Seeker*, The New Yorker, August 1, 2011

## Week 7.

*Tues., Feb. 27*

Asylum: PSG

- [INA § 101\(a\)\(42\) \(8 USC § 1101\)](#)
- *Matter of Acosta*, 19 I. & N. Dec. 211 (BIA 1985)
- NIJC Practice Advisory regarding PSG

*Wed., Feb. 28*

Case Rounds

## Week 8.

*Tues., Mar. 5*

First Person Narratives

- Caplow, *Putting the “I” in Writing: Drafting an A/Effective Personal Statement to Tell a Winning Refugee Story*, 14 J. Legal Writing Inst. 249 (2008)
- [optional] Jessica Mayo, *Court-Mandated Story Time: The Victim Narrative in U.S. Asylum Law*, 89 Wash. U. L. Rev. 1485 (2012)

*Wed., Mar. 6*



Case Rounds

**March 11-15**  
**Spring Break**

**Week 9.**

*Tues., Mar. 19*

Using Narrative in Immigration Law

- NYU Lawyering, *Developing and Using Facts*
- David Lee, *Writing the Statement of Facts*
- Heather Kolinsky, *Storytelling, The Sound of Music, and Special Teams: Revisiting Some Basic Legal Writing Techniques with Fresh Eyes*, 96 Fla. Bar J. 38 (July/Aug. 2022)

*Wed., Mar. 20*

Practicing with AI

- Affirmation in Opposition, *Mata v. Avianca*
- DUE: Family Story Assignment

**Week 10.**

*Tues., Mar. 26*

Violence Against Women Act (VAWA): Self-Petition, U-visa, T-visa

- INA §§ 101(a)(15)(T)-(U)
- 8 C.F.R. §§ 204.2I(1), 214.11, 214.14
- Veronica Thronson, *Domestic Violence and Immigrants in Family Court*, *Juvenile & Family Court Journal*, Winter 2012

*Wed., Mar. 27*

Case Rounds

**Week 11.**

*Tues., Apr. 2*

Withholding, and Convention Against Torture (CAT)

- [INA § 241\(b\)\(3\) \[8 USC § 1231\]](#)
- [8 C.F.R. § 1208.16](#)
- [8 C.F.R. § 1208.17](#)
- [8 C.F.R. § 1208.18](#)
- *I.N.S. v. Cardoza-Fonseca*, 480 U.S. 421 (1987)

*Wed., Apr. 3*

Case Rounds

**Week 12.**

*Tues., Apr. 9*

TBD

*Wed., Apr. 10*

Case Rounds

**Week 13.**

*Tues., Apr. 16*

Critical Legal Theory & Client Testimony

- Lucie E. White, Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G., 38 Buff. L. Rev. 1 (1990)

*Wed., Apr. 17 – Final Class*