

# Immigration Law and Procedure

Summer 2010  
T/Th 1:15-3:45

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## Office Hours

Tuesdays 10-11:30 and other times by appointment.

## Course Materials

**Required:** Stephen H. Legomsky, Immigration Law and Refugee Policy, Foundation Press, 5<sup>th</sup> ed. 2009 (referred to in syllabus as “CB”).

*Much of the material we will be covering can be found in the 4th edition. However, we will be covering some material that is only in the new edition, and the pagination is different so it will take some work to locate the reading assignments even where the material is the same. If you are willing to put in the additional work necessary to adapt the old edition, it is OK to use it. However, you will have to consult a copy of the new edition before doing each assignment so that you can figure out where the existing material is located and photocopy whatever new material is assigned.*

**Recommended:** Aleinikoff, Martin, Motomura, and Fullerton, Immigration and Nationality Laws of the United States: Selected Statutes, Regulations and Forms.

*We will be referring frequently to statutes and regulations throughout the course, and you will need to be able to consult them during the final exam. These materials are publicly available on Westlaw and Lexis and at [www.uscis.gov](http://www.uscis.gov). If you are very diligent, you could print out copies as you go along and compile them in a notebook (you won't be able to consult electronic versions during the exam). However, your life will be much easier if you've got everything in bound form. If you plan on doing an immigration-related co-op or eventually working in immigration law, I strongly suggest investing in a copy of the statute. Any edition from 2006 to the present will be fine for the purposes of this course.*

Additional materials will be posted on the course TWEN site throughout the quarter. You must register to access the documents on TWEN.

# Requirements

## 1) Attendance and class participation

## 2) Personal migration history

Write a brief (1-2 page, single spaced) description of your own, and/or your family's, migration history. When and under what circumstances did you or your family members come to the United States? Feel free to include migration histories in countries other than the United States, as appropriate. If this question does not apply to your family or you do not have access to information about family migration between nation states, you may also write about family history of migration within the United States.

This assignment must be turned in via TWEN by noon on June 14. If you would like anything in your paper to remain confidential, please indicate this on your submission. Otherwise, I may make reference to your paper in class, where relevant to the covered topics.

## 3) Hypotheticals

I will be assigning problems from the casebook throughout the quarter. Please come to class prepared to discuss them. As indicated on the syllabus, written answers (in note form – no need for anything formal) must be submitted via TWEN at noon on the day we will be discussing them.

## 4) Research assignment

Our class on August 3 will focus on research methods. In preparation for the class, you will complete a research exercise.

## 5) Open book final exam

### Optional: Immigration Court observation

I will be arranging an opportunity for you to visit Boston Immigration Court and observe removal proceedings. More details to follow.

# Syllabus

- June 1:**           **Introduction to Immigration Law, Overview of the Course**  
Read CB pp 1-24
- June 3:**           **Sources of, and Limits to, the Federal Immigration Power (part I)**  
Read CB 113-123 (introductory material and Chae Chan Ping); 132-147 (Ekiu, Fong Yue Ting)
- June 8:**           **Sources of, and Limits to, the Federal Immigration Power (part II)**  
Read CB 155-166 (Mezei and notes); 171-173 (Yamataya); 177-195 (Harisiades and notes); 244-245 (“Segregation’s Last Stronghold”)
- June 10:**          **Fundamentals of Quotas and Preferences; Family-Based Immigration (part I)**  
Read CB 250-270 (introductory material and Adams v. Howerton); 282-291 (marriage fraud)  
INA §§ 203(a); 204; 216  
*Do problems 3 and 4 on p. 267 and problems 5-11 on pp. 286-288; **written answers must be submitted via TWEN by noon.***
- June 14:**          **Family migration history due at noon.** Please submit via TWEN.
- June 15:**          **Family-Based Immigration (part II)**  
Read CB pp. 291-304 (Matter of Mourillon; notes on adoption and family unification policy); 407-410 (introductory material and Moss);  
INA §§ 101(b) (definition of “child”);  
*Do problems 12-15 on pp. 297-98; **written answers must be submitted via TWEN by noon.***
- June 17:**          **Employment-Based Immigration**  
Guest speaker: *Jane Chiang, Esq., Sedna Law (Quincy, MA)*  
Readings TBA  
*Hypotheticals to be posted on TWEN; be prepared to discuss in class.*
- June 22:**          **Other Non-Immigrant Visas; Visa Petitions/Applications**  
Read CB 393-397 (students); 404-407 (Healy & Goodchild). Skim CB 463-69 (historical material). Read CB 469- 473 (visa petitions); 480(bottom)-487 (visa applications); 493(bottom)-496 (Sague).  
INA § 214(a),(b). Skim INA §§ 221, 222.
- June 24:**          **CLASS WILL NOT MEET – WE WILL HAVE A MAKE-UP CLASS ON FRIDAY, JULY 9 AT 1:30 P.M.**

- June 29: Admission Procedure and Adjustment of Status**  
 503-513 (admission procedure; adjustment of status); additional material to be posted on TWEN  
 INA §§235, 245(a)-(i).  
 Do problems 3-7 on pp. 512-513; **written answers must be submitted via TWEN by noon.**
- July 1: CLASS WILL NOT MEET – WE WILL HAVE A MAKE-UP CLASS ON FRIDAY, JULY 23 AT 1:30 P.M.**
- July 6: Non-Criminal Grounds of Inadmissibility/Deportability; Waivers**  
 Read CB 514-516; 420-439 (skim the historical material); 443-44; 461-62; 522-523; 544-545  
 Additional reading to be posted on TWEN  
 INA § 212(a) (but skip § 212(a)(2))  
 Do problems 1-5 on pp. 435-436; **written answers must be submitted via TWEN by noon.**
- July 8: Immigration Consequences of Crimes (part I)**  
 All reading material to be posted on TWEN:  
 Aleinikoff casebook pp. 734-744; American Justice Through Immigrant Eyes, pp. 23-31; Matter of Silva-Trevino  
 INA §§ 101(a)(13), (48); 212(a)(2); 212(h); 237
- July 9: MAKE-UP CLASS, 1:30 P.M.**  
**Immigration Consequences of Crimes (part II)**  
*In-class film: Sentenced Home*  
 Readings TBA
- July 13: Immigration Consequences of Crimes (part III)**  
 All reading material to be posted on TWEN:  
 Aleinikoff casebook pp. 745-54 and 761-69 (Leocal, Lopez); Matter of Collado;  
 INA § 101(a)(43)
- July 15: Relief from Removal**  
 Read CB 593-608; 618-622; 629-637  
 Additional reading to be posted on TWEN: INS v. St. Cyr (parts I and III)  
 INA §§ 240A, 240B  
 Do problems 1-2 on p. 601 and problem 4 on p. 605; **written answers must be submitted via TWEN by noon.**
- July 20: Removal Procedure and Judicial Review**  
 Read CB 648-59 (removal proceedings); 668-671 (representation); 732-738 (Woodby); 744-771 (administrative review; motions to reopen; judicial review)  
 INA §§ 239; 240

- July 22: Asylum, Withholding, Convention Against Torture (part I)**  
 Read CB 869-872; 892-901; 916-922; 931-932; 940-943; 950-955; 974-976 (Acosta, Elias-Zacarias, Toboso-Alfonso, Fatin, )  
 INA §§ 101(a)(42); 208; 241(b)(3)  
*Do Problems 1-5 on pp 998-999; written answers must be submitted via TWEN by noon.*
- July 23: MAKE-UP CLASS, 1:30 P.M.**  
*In-class film: Well-Founded Fear*  
 Readings TBA
- July 27: Asylum, Withholding, Convention Against Torture (part II)**  
 Read 1002(bottom)-1009; 1016-21; 1025-29; 1044 (bottom) -46 (top); 1095-98; 1114-1119 (Damaize-Job, Carballe)
- July 29: VAWA Self-Petitions; U and T VISAS**  
 Readings TBA
- August 3: Research methods**  
 Assignment TBA
- August 5: Detention**  
 Read CB 206-239 (Zadvydas; Kim)
- August 10: Citizenship**  
 Read CB 1288-1296; 1300-1302; bottom of 1305-1308; 1313-17  
 INA §§ 301; 309; 316; 320  
*Do Problems 1-3 on p. 1296; written answers must be submitted via TWEN by noon.*
- August 12: Review and Wrap Up**