

Version: August 11, 2017 (subject to change)

Immigration Law Fall 2017

Course: Immigration Law, LAW 726-550

Instructor: Elizabeth Keyes ekeyes@ubalt.edu

Room 432 (in clinic suite; entrance is through the second floor clinic reception area)

Office Hours: Mondays 6-7pm, or email to set up an appointment.

Please sign up on TWEN. If no one signs up, I reserve the right to cancel the office hour for that day.

Days/Time: Monday and Wednesday, 4:45-6pm.

I commit to ending class promptly; you must commit to being on time.

Location: Once the semester begins, check the Law School class schedule for the room assignment, as the room is subject to change.



COURSE DESCRIPTION

An introduction to the laws dealing with aliens, i.e., non-immigrants, immigrants, undocumented persons, and refugees. Includes: an examination of the constitutional and statutory provisions and the underlying policies; procedures dealing with specific immigration issues; acquisition and loss of American citizenship; and proposals to reform the present law.

COURSE MATERIALS (REQUIRED)

1. KEVIN JOHNSON, RAQUEL ALDANA, BILL ONG HING, AND LETICIA SAUCEDO, *UNDERSTANDING IMMIGRATION LAW*.
2. IMMIGRATION AND NATIONALITY ACT 2017 (AILA).

All other course materials will be available on TWEN.

STUDENT LEARNING OUTCOMES

By the end of the semester, students will be able to:

- Compare the laws concerning admission of immigrants to those governing the removal of immigrants;
- Evaluate how sections of the immigration statute to apply to particular immigration problems;
- Explain how different sections of the immigration statute relate to each other;
- Distinguish the legal significance of such categories as citizens, immigrants (various categories), nonimmigrants (various categories), and distinguish between admissibility and deportability;
- Explain why a state criminal conviction would or would not make a noncitizen removable;
- Explain the immigration decision-making processes within the Departments of State, Homeland Security, and Justice; and
- Imagine improvements to the immigration law to achieve different administrative goals like efficiency, transparency and procedural fairness.

GRADES

15%: **Immigration Court Visit and Reflection Memo.** Due by end of day (11:59 p.m.) on October 30. Submit via TWEN or by email to ekeyes@ubalt.edu. Instructions for the assignment will be posted to TWEN.

85%: **Final Exam.** There will be an open-book/open-note final exam consisting of a mix of short answers and longer essays.

I will offer an ungraded, *optional* take-home midterm on October 5; I will provide feedback on both your answers and your test-taking techniques. This is a way of assessing how well you are understanding the material, and learning what I look for in exams.

COURSE EXPECTATIONS

Hours: American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other

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academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours. For this course, you should expect an average of six hours weekly of work outside of the classroom; some weeks may be slightly less, others more.

Attendance: Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (5) may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Participation: This course will work best if our examination of the materials we will study includes a considerable amount of lively and thoughtful class discussion, in which a broad cross-section of the class takes part, rather than the same few each day. To encourage the conditions for such class discussions, I will divide the class into four groups (A, B, C, D), each of which will be on call as noted with the readings. You are also encouraged to voluntarily participate on those days when you are not on call. When you are on call, I will expect you to be prepared to discuss and explain all the readings for that day.

COURSE WEBSITE

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

ACADEMIC INTEGRITY

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at

http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

TITLE IX SEXUAL MISCONDUCT AND NONDISCRIMINATION POLICY

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

DISABILITY POLICY

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

COURSE ROADMAP & ASSIGNMENTS

These assignments are subject to change; I will notify you in class if the syllabus changes, and will post any revised syllabus to TWEN promptly.



Roadmap

We begin with the broadest questions, which also happen to be the most constitutionally urgent questions: who belongs in our society? What is the extent of the government's power to regulate migration? And who within government holds which parts of that power?

By Class 6 (approximately), we turn to the main immigration statute, the Immigration and Nationality Act, and work our way through major provisions to understand its structure and the content of modern immigration law (including family-based, employment-based, and humanitarian immigration).

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In the second half of the semester, we turn to the concepts of admissibility and deportability, and pay particular attention to the intersection of the criminal justice and immigration legal systems. We will study how the immigration court process works, and learn about forms of relief for those charged with being removable.



We will end the semester with citizenship and naturalization.

Assignments

DATE & CLASS	TOPIC	ASSIGNMENTS
Aug. 21 Class 1	Intro and Membership: Who Belongs?	<p style="text-align: center;">UNDERSTANDING IMMIGRATION LAW readings are denoted by UIL. Other readings are posted to TWEN.</p> <ul style="list-style-type: none"> • Immigration Priorities Exercise (TWEN) • UIL, pp. 1-8 • Jose Antonio Vargas, <i>My Life as an Undocumented Immigrant</i> (TWEN) • <i>Chae Chan Ping</i> (TWEN): We will cover this in both classes the first week. For the first class, read the case for <i>this</i> question: What modern themes and issues do you see in this 1883 case?
Aug. 23 Class 2	Sources of Fed Imm Power	<ul style="list-style-type: none"> • <i>Watch</i>: Video: Ellis and Angel Islands • UIL, pp. 50-52, 106-114 • <i>Chae Chan Ping</i> (TWEN): this time, read carefully for the legal analysis. • <i>Ekiu</i> and <i>Fong Yue Ting</i> cases (TWEN)
Aug. 28 Class 3	The Travel Ban Case	<ul style="list-style-type: none"> • <i>Hawaii v. Trump</i> (TWEN) • SCOTUS decision summarized (TWEN) • <i>End of Plenary Power?</i> (TWEN) • <i>Overreaching Judges Imperil National Security and Weaken Constitution</i> (TWEN)
Aug. 30 Class 4	Federalism and Increasing State Role	<ul style="list-style-type: none"> • <i>Yick Wo v. Hopkins</i> (TWEN) • <i>Arizona v. US</i> (TWEN) • Sanctuary City reading (TWEN)

Sept. 6 Class 5	National Security	<ul style="list-style-type: none"> • UIL, pp. 57 (bottom)-62 (top); pp. 181-185 • <i>Knauff</i> and <i>Mezei</i> excerpts (TWEN)
Sept. 11 Class 6	INA Structure and Administrative Overview	<ul style="list-style-type: none"> • <i>Watch: The Immigration Hotel</i> (video) • UIL, pp. 177-91, 225-30 • INA § 101 (skim generally, read 101(a)(15) more closely)
Sept. 13 Class 7	Quotas, Numbers, and Backlogs	<ul style="list-style-type: none"> • INA §§ 201, 202 • Visa Bulletin (link on TWEN) • Mae Ngai, <i>Reforming Immigration Law for Good</i> (TWEN) • Waitlist Problems (TWEN)
Sept. 18 Class 8	Employment Based Immigration	<ul style="list-style-type: none"> • UIL, pp. 237-44 • INA §212(a)(5) • <i>Matter of Information Industries</i> (TWEN) • <i>NYSDOT</i> case (TWEN)
Sept. 20 Class 9	Immigrant Worker Issues	<ul style="list-style-type: none"> • UIL, pp. 62-68, 149-53 • <i>Immigration and Workers</i>(TWEN) • <i>Picked Apart</i> (TWEN) • <i>Immigrant Workers Being Deported</i> (TWEN)
Sept. 25 Class 10	FB: Spouses, children, derivatives	<ul style="list-style-type: none"> • UIL, pp. 230-36, 248-50 (top) • Other readings to be determined
Sept. 27 Class 11	FB: Marriage fraud, VAWA	<ul style="list-style-type: none"> • UIL, pp. 230-36, 248-50 • Case to be determined
Oct. 2 Class 12	Asylum	<ul style="list-style-type: none"> • INA § 208 • <i>Unsettled Journeys</i> (TWEN) • <i>INS v. Elias-Zacarias</i> (TWEN)
Oct. 4 Class 13	Asylum	<ul style="list-style-type: none"> • 8 C.F.R. 1208.13 • <i>Hernandez-Avalos v. Lynch</i> (TWEN)
Oct. 9 Class 14	TPS, DACA and other “liminal” statuses	<ul style="list-style-type: none"> • UIL, pp. 143-49; 260-62 • <i>Unconventional Refugees</i> (TWEN) • Amicus Brief, <i>U.S. v. Texas</i> (TWEN)
Oct. 11 Class 15	Admission: Process and Concepts	<ul style="list-style-type: none"> • UIL, pp. 285-308

Oct. 16 Class 16	Admissibility and Deportability Grounds	<ul style="list-style-type: none"> • UIL, pp. 264-83; 314-20 • INA § 212, 237 (peruse—be able to identify the various main categories of inadmissibility and deportability; for now, do not delve into the details)
Oct. 18 Class 17	Criminal analysis	<ul style="list-style-type: none"> • Read INA 212(a)(2) and 237(a)(2) carefully • Immigration Consequences of Criminal Activity (TWEN)
Oct. 23 Class 18	Criminal analysis	<ul style="list-style-type: none"> • Watch Two Crimmigration Videos (on TWEN) • Case to be determined
Oct. 25 Class 19	Enforcement and Detention	<ul style="list-style-type: none"> • UIL, pp. 164-71; 357-62; 392-402; 407-15 • INA § 236 • Zadvydas v. Davis (TWEN) • Demore v. Kim (TWEN) • Note: You have less than a week left to visit immigration court and write your reflection memo.
Oct. 30 Class 20	Judicial Review	<ul style="list-style-type: none"> • UIL, pp. 196-204 (top); 218-224 • <i>Kerry v. Din</i> (TWEN) • Essay on <i>Kerry v. Din</i> (TWEN)
Oct. 31	Immigration Court Reflection due by the end of the day (11:59 p.m.).	
Nov. 1 Class 21	Immigration Court and Removal Procedure	<ul style="list-style-type: none"> • UIL, pp. 334-44 • Immigration Trial Handbook: Evidence (TWEN) • <i>Matter of S-M-J-</i> (TWEN)
Nov. 6 Class 22	In-Class Simulation (Part I: Removability)	<ul style="list-style-type: none"> • Simulation materials (will be posted to TWEN)
Nov. 8 Class 23	Cancellation of Removal	<ul style="list-style-type: none"> • UIL, pp. 320-24 • INA § 240A(a), (b) • Other reading to be assigned
Nov. 13 Class 24	Cancellation of Removal and Voluntary Departure	<ul style="list-style-type: none"> • Case to be assigned • INA § 240B
Nov. 15 Class 25	Catch-Up and Simulation Preparation	<ul style="list-style-type: none"> • Simulation materials (will be posted to TWEN)
Nov. 20 Class 26	In-Class Simulation (Part II)	<ul style="list-style-type: none"> • Simulation materials (will be posted to TWEN)
Nov. 22	NO CLASS	Thanksgiving break
Nov. 27 Class 27	Topic to be determined	<ul style="list-style-type: none"> • Readings TBD

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Nov. 29 Class 28	Naturalization and Citizenship	<ul style="list-style-type: none">• UIL, pp. 460-67; 469-80• <i>Wong Kim Ark</i> (TWEN)• <i>Sessions v. Morales-Santana</i> (TWEN)
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