

Immigration Law (440A)

Spring 2025

Class Schedule:

- **Day:** Wednesday
- **Time:** 6:30 PM - 9:40 PM

Instructors:

- **Adjunct Professor Julie Mitchell**
 - Phone: (213) 604-7029
 - Email: jmitchell@carecen-la.org
- **Adjunct Professor Stephanie Barrera**
 - Phone: (562) 417-3107
 - Email: sbarrera@carecen-la.org

Office Hours:

- Wednesday afternoons by appointment

COURSE DESCRIPTION

This course offers a comprehensive exploration of immigration law and practice, delving into the legal, historical, and political factors that shape U.S. immigration policy. Designed to equip students with a deep understanding of both the substantive and procedural aspects of this dynamic field, the course also includes analysis of current immigration events that frequently make headlines.

Key Topics Covered:

- History of immigration law and the constitutional basis for regulating immigration
- Structure of the immigration bureaucracy and roles of various federal agencies
- Admission of immigrants and non-immigrants into the U.S., including common visas and application procedures
- Deportation/removal procedures and laws
- Grounds of inadmissibility, grounds of removal/deportability, and relief from removal
- Asylum and refugee law and procedures
- Humanitarian forms of immigration relief
- Citizenship, naturalization, and expatriation
- Immigration federalism and the role of executive action/discretion in the immigration system

A significant portion of this course delves into the intricate and evolving landscape of the Immigration and Nationality Act of 1952 (INA), enriched by its numerous amendments and implementing regulations. While we will explore international law and compare immigration policies from other countries, our primary focus will be on the U.S. immigration system. Given the intense national spotlight on immigration, this course offers a dynamic forum for engaging discussions on current policies and real-time analysis of legislative changes and policy proposals as they unfold.

LEARNING GOALS

After completion of this course, you should be able to competently:

1. **Analyze** federal immigration statutes, regulations, case law, and other legal authorities relevant to immigration law.
2. **Apply** relevant statutes, standards, principles, and rules to hypothetical and unfamiliar fact patterns.
3. **Understand and Critically Evaluate** the principles and policies underlying our current and historical immigration law systems.
4. **Communicate Effectively** both orally and in writing, presenting appropriate legal and factual arguments for each side of controversies involving common immigration law issues.
5. **Engage with Immigrant Clients** both orally and in writing, including those with limited formal education, regarding their eligibility for immigration relief and effective case preparation.

WESTERN STATE COLLEGE OF LAW – PROGRAMMATIC LEARNING OUTCOMES

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion

practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

COURSE MATERIALS

The following materials are **required** for this course:

- **Textbook:** Stephen H. Legomsky & David B. Thronson, *Immigration and Refugee Law and Policy* (7th ed. 2018).

Note: Throughout the course, we will also reference the Immigration & Nationality Act (INA) and immigration regulations. While printed texts are available, they are not necessary. Free copies of the INA and immigration regulations can be accessed online at www.uscis.gov.

GRADING AND LIST OF ASSIGNMENTS

Immigration Law is an elective course. If you are pursuing the Immigration Law Certificate, this course is required to obtain the certificate. Additionally, Immigration Law satisfies the elective component of the Criminal Law Practice Certificate. Please note that this course does not fulfill the Upper Level Writing Requirement.

Evaluation Criteria

Your grade in this course will be based on the following components:

1. **Class Preparation, Participation, and Teamwork (20% of grade):**
 - Active participation and professionalism are highly valued. Assigned readings will vary and may be substantial at times. You are expected to come to class prepared and engage in discussions about the material every week.
2. **Immigration News Briefing (10% of grade):**
 - Starting in week 2, each class will begin with an "Immigration News Briefing." Each student will be assigned a date to present a current immigration issue from the news. You must email a link to the news article to the professor at least 72 hours before class. The professor will forward the article to the class. During class, you will summarize the article and lead a short discussion relating it to relevant coursework or policy issues.

3. Volunteer Assignment (10% of grade):

- Participation in one in-person immigration workshop is required to apply client interviewing and legal analysis skills. The workshop is tentatively scheduled for **Saturday, March 29th at California State University, Long Beach** from **9:00 AM to 1:00 PM**. If you cannot attend, inform the professor in advance and find an alternative volunteer opportunity that provides similar experience.

4. Immigration Presentations (10% of grade):

- At the beginning of the semester, you will select a topic for a 15-20 minute community-based presentation on an immigration topic. Presentations will take place on **April 16th**. This exercise aims to enhance your ability to communicate complex immigration laws to diverse immigrant groups.

5. Final Examination (50% of grade):

- The final exam will be an in-person exam and will include multiple-choice questions, short answers, and essays. You may use your notes, textbook, INA, and regulations.

APPOINTMENTS AND OFFICE HOURS

We will hold office hours by appointment on Wednesday afternoons. To schedule an appointment, please contact either Professor Mitchell at jmitchell@carecen-la.org or Professor Barrera at sbarrera@carecen-la.org. We are happy to discuss the course, assignments, policy issues, and career opportunities.

DISABILITY SERVICES STATEMENT

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore,

students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law’s “Policy against Discrimination and Harassment.”

SYLLABUS

We have outlined the topics and readings we plan to cover throughout the semester. However, please note that the syllabus may be updated as we progress, and assigned readings may change. We recommend checking in with us before getting more than a week ahead on the readings. It is challenging to predict the exact time needed to discuss each topic, and occasionally, we may spend more time on certain subjects than initially anticipated. Therefore, please expect occasional adjustments to the syllabus.

Immigration law is primarily governed by the comprehensive Immigration and Nationality Act (INA). Familiarity with the INA is crucial for success in this course and in the practice of immigration law. When a section of the INA with subsections is assigned (e.g., INA § 212(a)), you should read all the subsections. The INA is complex and difficult to read in isolation, so you should read the assigned sections when they are referenced in the casebook, even if not specifically assigned.

The casebook includes several hypothetical fact patterns ("problems"), some of which will be discussed in class. We have designated specific problems for you to prepare. These problems often require detailed analysis of the statute and application of principles or rules to new, hypothetical scenarios. To be well-prepared for class discussions, we recommend bringing your notes and a record of the sources you consulted for each problem.

You should expect to spend at least **6 hours per week** outside of class on readings, exercises, note-taking, review, assignments, and other preparations. This is a rough estimate, and you may find that some weeks require more or less time.

Weekly Schedule

WEEK 1: January 15, 2025

- **Instructor:** Professor Mitchell
- **Topics:** Introduction, Constitutional Foundations
- **Reading:**
 - Legomsky & Thronson (“L & T”): 1-27, 107-147

WEEK 2: January 22, 2025

- **Instructor:** Professor Barrera
- **Topics:** Immigration & Detention, Public Charge
- **Reading:**

- L & T: 151-186 (through note 5); 228-266
- ILRC Public Charge Practice Advisory: <https://www.ilrc.org/sites/default/files/resources/may2022publicchargefinal2.pdf>
- ILRC Public Charge Update: <https://www.ilrc.org/latest-on-public-charge>
- Optional: <https://www.prolongeddetentionstories.org>

WEEK 3: January 29, 2025

- **Instructor:** Professor Mitchell
- **Topics:** Immigrant Priorities: Quota System and Family-Based Immigration
- **Reading:**
 - L & T: 325-347 (Problems 1, 3, 4); 362-386 (Problems 8 & 9 on p. 367; Problem 13 on p. 379)
 - INA §§ 201 (skim), 202 (skim), 203 (skim), 204(a)(1)(A)(i)-(iii); 216
 - Before class, find and skim the February 2023 Visa Bulletin. Be resourceful (hint: Google!)

WEEK 4: February 5, 2025

- **Instructor:** Professor Mitchell
- **Topics:** Immigrant Priorities: Employment-Based Immigration; Diversity Immigration; Nonimmigrant Visas
- **Reading:**
 - L & T: 386-408, 412-452, 506-512
 - INA §§ 203(b)(1)-(5), 212(a)(5), 101(a)(15) (skim sections 101(a)(15)(T) and 101(a)(15)(U), which will be covered in-depth later in the class)

WEEK 5: February 12, 2025

- **Instructor:** Professor Barrera
- **Topics:** Exclusion/Inadmissibility Grounds
- **Reading:**
 - L & T: 513-542 (problems 1, 3, 5); 543-579 (problem 7 on p. 550; 9, 10, and 11 on p. 572)
 - INA §§ 212(a), 212(h); 221, 245(a), 101(a)(13), 291, 235

WEEK 6: February 19, 2025

- **Instructor:** Professor Barrera
- **Topics:** Grounds of Deportability
- **Reading:**
 - L & T: 684-755 (Problems 14, 15 & 16 on p. 751-52, problems 18, 19 & 21 on p. 754-55)
 - INA §§ 237(a); 101(a)(43), 101(a)(48)(B)

WEEK 7: February 26, 2025

- **Instructor:** Professor Mitchell

- **Topics:** Humanitarian Immigration Introduction: U Visa, T Visa, S Visa, Special Immigrant Juvenile Status, VAWA
- **Reading:**
 - L & T: 1278-1288; 1291 (beginning at second paragraph from bottom) - 1294; 1404-1418
 - INA §§ 101(a)(15)(S), (T) and (U); 244

WEEK 8: March 5, 2025

- **Instructor:** Professor Barrera
- **Topics:** Refugees, Asylees, & Temporary Protected Status
- **Reading:**
 - L & T: 1133-1138, 1144 (beginning at last paragraph) - 1190; 1250-1270; 1391-1399
 - Susan Bibler Coutin, *Falling Outside: Excavating the History of Central American Asylum Seekers*, *Law & Social Inquiry* 36 (3), 569-596 (Summer 2011), available at: <https://escholarship.org/content/qt2pv4d9nj/qt2pv4d9nj.pdf>
 - Read the latest about TPS litigation: <https://www.uscis.gov/humanitarian/update-on-ramos-v-nielsen>

NO CLASS on March 12 for SPRING BREAK.

WEEK 9: March 19, 2025

- **Instructor:** Professor Mitchell
- **Topics:** Citizenship (Derived & Acquired), Naturalization, Deferred Action for Childhood Arrivals (DACA), Advance Parole
- **Reading:**
 - L & T: 1513-1523 (through problem 3); 1539-1558
 - INA § 316
 - L & T: 805-809
 - DACA Litigation: *Texas et al. v. United States of America et al.*, No. 21-40680 (5th Cir. 2022) <https://www.ca5.uscourts.gov/opinions/pub/21/21-40680-CV0.pdf>
 - ILRC Advance Parole Practice Advisory: <https://www.ilrc.org/sites/default/files/resources/8-31advanceparoleunderdaca.pdf>

WEEK 10: March 26, 2025

CLASS CANCELLED FOR WORKSHOP ON SATURDAY, MARCH 29th

WEEK 11: April 2, 2025

- **Instructor:** Professor Barrera
- **Topics:** Relief from Removal; Removal Procedure; Access to Counsel Rights of Noncitizens
- **Reading:**
 - L & T: 773-803; 849-856; 861-864; 865-876; 925-930
 - INA §§ 240 (skim), 235; 241(a)(5); 238(b); 240(d); 240(b)(5)

- INA §§ 240A, 240B
- LPR Cancellation of Removal Toolkit:
<https://pennstatelaw.psu.edu/sites/default/files/FinalToolkitPublic.pdf>

WEEK 12: April 9, 2025

- **Instructor:** Professor Barrera
- **Topics:** Immigration Federalism & State Action on Immigration; Immigration Legal Fraud; Admission Procedure
- **Reading:**
 - L & T: 598-601
 - American University Washington College of Law and the Catholic Legal Immigration Network, Inc., *Stopping Immigration Services Scams: A Tool for Advocates and Lawmakers* (2017). Available at:
<https://cliniclegal.org/resources/stopping-immigration-services-scams-tool-advocates-and-lawmakers> (skim)
 - L & T: 602-614; 628-639

WEEK 13: April 16, 2025

- **Instructors:** Professor Mitchell and Professor Barrera
- **Topics:** Immigration Presentations

WEEK 14: April 23, 2025

- **Instructor:** Professor Mitchell
- **Topics:** Semester Review

FINAL EXAM: TBD