

**IMMIGRATION LAW  
440A  
Spring 2015  
Tuesdays and Thursdays, 1-2:30  
Room TBD**

**Professor Jennifer Lee Koh**  
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Office Hours: TBD

### **COURSE DESCRIPTION**

This course surveys the legal, historical, and political considerations that shape U.S. immigration law. The course will review the constitutional basis for regulating immigration into the United States, and, to some extent, the constitutional rights of noncitizens in the country; the contours of the immigration bureaucracy, including the roles played by various federal agencies in immigration decisions; the admission of nonimmigrants (i.e., temporary visitors) and immigrants into the U.S.; the deportation and exclusion of nonimmigrants and immigrants; refugee and asylum law; administrative and judicial review; citizenship and naturalization; undocumented migration; and the role of executive discretion in the formulation of immigration law and policy.

Much of the course focuses on the comprehensive immigration law, the Immigration and Nationality Act of 1952 (“INA”), as amended by numerous laws (including the 1996 Anti-Terrorist and Effective Death Penalty Act (“AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”), the 2001 USA PATRIOT Act, and the 2005 REAL ID Act) and its implementing regulations. Although comparisons to immigration law and policy of other countries, as well as various sources of international law, are drawn upon from time to time, the primary focus of this class is immigration law in the U.S.

### **LEARNING GOALS**

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

1. Understand, and think critically about, the principles and policies behind our current and past system of immigration law.
2. Analyze the federal immigration statute, regulations, case law and other legal authorities relevant to immigration law.
3. Gain exposure to the substantive and procedural aspects of immigration law practice.
4. Apply the relevant statutes, standards, principles, and rules when presented in hypothetical and unfamiliar fact patterns.
5. Communicate, both orally and in writing, appropriate legal and factual arguments in support of each side of controversies involving commonly encountered issues in immigration law.

### **LEXIS BLACKBOARD**

I will post class-related material and announcements on Blackboard, the online program administered by Lexis Nexis. Please be sure that you are registered to use Blackboard. If you

have any questions about using this program, or to get registered, please contact Scott Frey or Lei Zhang in the library. They can be reached at (714) 459-1111 or via email.

### **COURSE MATERIALS**

The following course materials are *required*:

- 1) Stephen H. Legomsky & Cristina M. Rodriguez, Immigration and Refugee Law and Policy (6th ed. 2014).
- 2) Immigration & Nationality Act, 2014 (American Immigration Lawyers Association, 2014)

I have been told that the Legomsky/Rodriguez text will not be shipped until January 12, so I have made the first four classes' worth of readings available on the course's Blackboard page. Please order the bound version of the Immigration & Nationality Act directly through the American Immigration Lawyers Association at [agora.aila.org](http://agora.aila.org), and please be sure to receive the student discount rate of \$55.00.

The assigned readings should keep you sufficiently busy and I recommend that you read the assigned material, including statutory references, several times before turning elsewhere. But if you want to read supplementary materials, either to understand a topic better or to identify a research paper topic, the most thorough reference work for immigration practice is the multi-volume treatise by Charles Gordon, Stanley Mailman, & Stephen Yale-Loehr, Immigration Law and Procedure (Matthew Bender), which is available in the Immigration Clinic library. (This treatise appears on several "essential materials" lists). Another common practice-based book is by Ira Kurzban, Immigration Law Sourcebook, which is also in the Immigration Clinic library. For current immigration information, an excellent online resource is *Bender's Immigration Bulletin* (available at [www.bibdaily.com](http://www.bibdaily.com)), which also appears as a weekly print publication.

### **GRADING AND LIST OF ASSIGNMENTS**

Immigration Law is an elective course. Please note that, in a change from prior years, Immigration Law does *not* satisfy the Upper Level Writing Requirement. If you are a candidate for the Immigration Law Certificate, then Immigration Law is a required course in order to obtain the Certificate. Immigration Law also satisfies the elective component of the Criminal Law Practice Certificate. The course is excellent preparation for taking the Immigration Clinic (which is a 5-credit course in which students represent real-life clients in immigration matters, and involves an application process).

Your final grade will be based on a combination of the final exam, class participation/teamwork, and a small writing assignment that will require you to engage in and analyze an out-of-class experience with immigration law (described below). The grading components are described in more detail below:

- ***Class Preparation, Participation and Teamwork (20% of grade):***<sup>1</sup> Like the rest of the faculty, I expect you to come to class prepared. I value in-class contributions, professionalism, and volunteering. Throughout the course you will be assigned problems and exercises to work on in teams that will be created during the first week of class. A portion of this grade will be based upon your contribution to your team's efforts as set out in the evaluations submitted periodically by your team members and my observations during class sessions.
- ***Experience-Based Memo (20% of grade):*** You will also be required to prepare a written memo that is based on a real-life encounter that you have with immigration law. More information about the experience-based memo is forthcoming, but examples of the experiences you may use to prepare this memo include (and are not limited to) the following: volunteering at a naturalization fair or immigration intake clinic; observing a full morning or afternoon of immigration court hearings; participating in the trip to the U.S.-Mexico border that I plan to organize in the spring (date TBD); interviewing an immigration lawyer (including preparation of a detailed interview outline). This assignment is NOT akin to a "journaling" experience. Instead, as with the other assignments, the memo will require you to research and analyze legal authorities. The last date on which this memo may be submitted is Friday, May 8.
- ***Final Examination (60% of grade):*** The final examination will likely consist of a combination of multiple choice, short answer, and essays. It will likely be a three-hour exam in which you are able to bring your notes and a copy of the Immigration and Nationality Act. Please note that for the past several years, Immigration Law has been offered as an Upper Level Writing Requirement course (and is no longer designated for the ULWR), and so we do not have past exams on file. You should expect to receive plenty of practice problems before the final exam, though.

### **APPOINTMENTS AND OFFICE HOURS**

I will hold office hours regularly during the week, but will schedule these office hours after the first week of classes. You can also schedule an appointment by contacting me directly at [jkoh@wsulaw.edu](mailto:jkoh@wsulaw.edu). I am happy to discuss the course, written assignments, career paths, law school, the Immigration Clinic, the Immigration Law Certificate, or anything else of interest to you. My office is in the Immigration Clinic on the third floor of the main building.

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<sup>1</sup> Although I will be taking attendance, it is always your own responsibility to keep track of your absences. Absences, if at all occurring, should be reserved for exceptional circumstances. If you have missed or will miss class, please review a classmate's notes and the class Powerpoint slides and see me as soon as possible after the absence if you still have questions about the material. In accordance with the WSCL academic policy and as described in the Student Handbook, a student who misses more than 4 (four) 90-minute class sessions will be withdrawn from class.

## 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 Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto: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 Associate Dean of Students Charles Sheppard at [csheppard@wsulaw.edu](mailto:csheppard@wsulaw.edu) or (714) 459-1152. Complaints will be handled in accordance with the College of Law's Policy against Discrimination and Harassment.

## SYLLABUS

I have provided the topics that I expect to cover for the semester, as well as readings to be covered for the first few weeks of the semester. I will update the syllabus as we go along. Keep in mind that it is difficult to anticipate how long it will take to discuss each topic and occasionally we may spend more time on a topic than initially anticipated. Accordingly, we may need to make adjustments to the syllabus throughout the semester.

As you will soon learn (or may already know), immigration law is primarily governed by one large, sprawling statute: the Immigration and Nationality Act, or INA. Familiarity with the INA is critical to success in this course, or in immigration practice generally. Where I have assigned a section of the INA that contains subsections, then you should read all of the subsections (e.g., if INA § 212(a) is assigned, then please read all of the subsections of 212(a)). The INA is a complicated statute, and it is difficult to read in isolation. You should therefore read the assigned sections of the INA **when they are referenced in the casebook**, even if I have not specifically assigned them.

The casebook contains a number of hypothetical fact patterns ("problems"), many of which will be discussed in class. I have designated specific problems for you to be prepared to discuss. Many of the problems will require you to engage in a detailed analysis of the statute and apply the principle or rule from the reading to a new, hypothetical fact pattern. It is very difficult to be prepared in class, or to have a sophisticated discussion of the problem, if you are working from memory or if your preparation was vague. Therefore, for each problem, I highly

recommend that you bring to class a set of typewritten answers, along with a record of the sources you consulted to answer the problem.

**CLASS 1     January 13, 2015: Introduction & Overview**

**Blackboard:**

- Chapter 1 of Legomsky & Rodriguez: pp. 1-17, 22-33, 41-47, 56-67
- Excerpt from Benson et al, *Immigration and Nationality Law: Problems and Strategies* (2013) (all)

Prior to class, take the PBS, The New Americans, Immigration Myths and Realities Quiz:  
<http://www.pbs.org/independentlens/newamericans/quiz.html>

**CLASS 2     January 15, 2015: Immigration Law and the U.S. Constitution**

**Blackboard:**

- Chapter 2 of Legomsky & Rodriguez: pp. 1-33

**CLASS 3     January 20, 2015: Immigration Law and the U.S. Constitution**

**Blackboard:**

- Chapter 2 of Legomsky & Rodriguez: pp. 33-63

**CLASS 4     January 22, 2015: Immigration Law and the Role of States/Localities**

**Blackboard:**

- Chapter 2 of Legomsky & Rodriguez: pp. 100-102, 106-132

**Syllabus to be updated!**

Immigrant Priorities  
Non-Immigrant Visas  
Admission and Exclusion  
Deportation Procedure  
Removal from Relief  
Asylum and Refugee Law  
Undocumented Migration  
Administrative Relief