

**IMMIGRATION LAW (440A)**  
**Spring 2022**  
**Thursday, 6:20PM-9:10PM**

**Adjunct Professor Julie Mitchell**  
(213) 604-7029  
[jmitchell@carecen-la.org](mailto:jmitchell@carecen-la.org)  
Office Hours: Thursday afternoons  
by appointment

### **COURSE DESCRIPTION**

This course provides an overview of immigration law and practice. The course surveys the legal, historical, and political considerations that shape U.S. immigration law. It is also a practical course to assist the student in understanding both the substantive and procedural aspects of practicing in this dynamic area of law. The course will involve analysis of immigration events that frequently appear in the news. As this course is only a semester long, the student will get the basics of many areas of immigration including:

- History of immigration law and constitutional basis for regulating immigration;
- Contours of the immigration bureaucracy and roles of the various federal agencies involved in immigration decisions;
- Admission of immigrant and non-immigrants into the U.S, understanding the common visas in each category and procedure for applications;
- Deportation/removal procedure and law;
- Grounds of inadmissibility, grounds of removal/deportability, and relief from removal;
- Asylum and refugee law and procedure;
- Humanitarian forms of immigration relief;
- Citizenship and naturalization, and expatriation;
- Immigration federalism and the role of executive action/discretion in the immigration system.

A significant portion of the course focuses on the Immigration and Nationality Act of 1952 (“INA”), as amended by numerous laws and their implementing regulations. While international law and comparisons to immigration law and policy of other countries may be referenced, this class focuses primarily on immigration law in the U.S. In light of the heightened focus on immigration in the national debate, the course will provide a space for dialogue about immigration policy in the news and address changes in the law and policy proposals as they occur, to the extent possible.

## LEARNING GOALS<sup>1</sup>

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

1. Analyze the federal immigration statute, regulations, case law and other legal authorities relevant to immigration law.
2. Apply the relevant statutes, standards, principles, and rules when presented in hypothetical and unfamiliar fact patterns.
3. Understand, and think critically about, the principles and policies behind our current and past system of immigration law.

---

<sup>1</sup> 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.

4. 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.
5. Communicate, both orally and in writing, with immigrant clients (including those with limited formal education) regarding prospective eligibility for immigration relief and matters related to effective case preparation.

### **COURSE MATERIALS**

The following course materials are *required*:

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

The following course materials are *recommended*:

Aleinikoff, Martin, Motomura, Fullerton, and Stumpf, Immigration and Nationality Laws of the United States: Selected Statutes, Regulations, Forms, 2020.

Note: The above text is a printed version of the Immigration & Nationality Act (INA) and immigration regulations, which we will regularly reference in class. You may also use the AILA version of this printed text: American Immigration Lawyers Association (AILA), Immigration & Nationality Act + Immigration Regulations (CFR). We will not begin to use INA + regulations until week 3. Although the INA is available in a free online version ([www.uscis.gov](http://www.uscis.gov)), I strongly recommend that you use a printed version for class.

The assigned readings are significant and will keep you sufficiently busy. I recommend that you read the assigned material, including statutory references, multiple times before turning elsewhere. If you want to read supplementary materials, 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). By far the most common practice-based book is the Immigration Law Sourcebook by Ira Kurzban, which is also in the Immigration Clinic library. For current immigration information, an online resource is *Bender’s Immigration Bulletin* (available at [www.bibdaily.com](http://www.bibdaily.com)).

## GRADING AND LIST OF ASSIGNMENTS

Immigration Law is an elective course. 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. Please note that Immigration Law does *not* satisfy the Upper Level Writing Requirement.

The course will be graded according to the following evaluation criteria:

- ***Class Preparation, Participation and Teamwork (25% of grade):***<sup>2</sup> Like the rest of the faculty, I value in-class contributions and professionalism. Assigned reading will vary from week to week and may be substantial on occasion. Nonetheless, I expect you to come to class prepared. I aim for all classes to include substantial dialogue about the assigned material and expect all students to participate in class discussion every week. We will also conduct several in-class exercises, including simulated client interviews, which will be factored into the class participation grading.
- ***Immigration News Briefing (5% of grade):*** Each student will receive a date to present a current immigration issue that has been discussed in the news. Beginning in week 2, class will begin with an “Immigration News Briefing”. The assigned student will give a summary of the news item, relating the information to relevant coursework or policy issues that have been discussed. The student will lead a short class discussion following the news briefing. Students are required to submit an electronic copy to their classmates in anticipation of their presentation on their assigned day. More information will be provided during Class 1.
- ***Immigration Workshop: (10% of grade):*** I greatly value volunteerism. Students will apply client interviewing and legal analysis skills from the class by participating in an immigration workshop. Date, time and location TBD.
- ***Immigration Presentations (10% of grade):*** An important component of practicing immigration law is being able to communicate complex immigration laws to diverse immigrant groups. At the beginning of the semester, students will select their topic for a 10-minute community-based presentation on a select immigration topic. Presentations will take place throughout the semester.
- ***Final Examination (50% of grade):*** The final examination will 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 the textbook, INA and regulations.

---

<sup>2</sup> While I take 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 two (2) class sessions will be withdrawn from class.

## **APPOINTMENTS AND OFFICE HOURS**

I will hold office by appointment on Thursday afternoons. You may schedule an appointment by contacting me directly at [jmitchell@carecen-la.org](mailto:jmitchell@carecen-la.org). I am 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](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 Dean Allen Easley at [aeasley@wsulaw.edu](mailto:aeasley@wsulaw.edu) or (714) 459-1168. 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 throughout the semester. However, I will update the syllabus as we progress and assigned readings may change. Check in with me before getting more than a week ahead on the readings. 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. Please expect occasional adjustments to the syllabus throughout the semester.

Immigration law is governed primarily by one large, sprawling statute: the Immigration and Nationality Act, or INA. Familiarity with the INA is critical to success in this course, and in the practice of immigration law generally. Where I have assigned a section of the INA that contains subsections, 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”), some 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 recommend that you bring to class your notes along with a record of the sources you consulted to answer the problem.

You should expect to spend at least **6 hours** each week outside of class on readings, exercises, note-taking, review, assignments and other class preparation. This is a rough estimate. You will likely find that some weeks you need to spend more (and possibly less) than the estimated amount of time. I appreciate that students have many demands on their time, including other classes, employment, and family. Given the breadth of the subject matter, however, significant reading time is necessary. The class involves substantive law from a practitioner’s perspective, as well as analysis of various constitutional and policy issues. Those who plan to practice immigration law may find this “big picture” perspective rewarding before delving into a career of casework. There is, however, no way to engage in this valuable exercise without a substantial time investment.

### **WEEK 1: January 20, 2022**

#### **Introduction; Constitutional Foundations**

- Reading
  - Legomsky & Thronson (“L & T”): pp. 1-27, 107-146
- Additional Assignment
  - Prior to class, complete the “Immigration Priorities” Exercise (distributed via email)

### **WEEK 2: January 27, 2022**

#### **Immigration Law and the U.S. Constitution; Immigration Detention**

- Reading
  - L & T: 151-186 (through note 5); 192 (beginning at note 11) – 215; 228 – 266.
  - Take some time to review the following website:  
<https://www.prolongeddetentionstories.org>

**WEEK 3: February 3, 2022**

**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 2022 Visa Bulletin. Be resourceful (hint: Google!)

**WEEK 4: February 10, 2022**

**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)
- Classroom presentation: Family-Based Immigration

**WEEK 5: February 17, 2022**

**Admission Procedure**

- Reading
  - L & T: 581 – 597, 602 – 614, 617 – 639 (Problems 4 & 5 on p. 639);
  - INA § 101(a)(13), 221, 245(a)-(i); 235; 291
- Classroom presentation: Employment-Based Immigration & Diversity Immigration

**WEEK 6: February 24, 2022**

**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 7: March 3, 2022**

**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 8: March 10, 2022**

**Inadmissibility/Deportability Review; Relief from Removal**

- Reading
  - L & T: 773 – 856 (problem 2 on p. 782; problem 4 on p. 787; problems 5-6 on p. 854); 861 – 864.
  - INA § 240A, 240B
  - Take a look at the LPR Cancellation of Removal Toolkit, available at [https://pennstatelaw.psu.edu/sites/default/files/Final\\_Toolkit\\_Public.pdf](https://pennstatelaw.psu.edu/sites/default/files/Final_Toolkit_Public.pdf)
- In-class activity
  - Immigrant visa eligibility and grounds of inadmissibility/deportability. Instructions will be distributed prior to class.

**NO CLASS on March 17 for SPRING BREAK.**

**WEEK 9: March 24, 2022**

**Removal Procedure; Access to Counsel Rights of Noncitizens.**

- Reading
  - L & T: 865-906, 913 (beginning at note 7) – 931.
  - INA § 240 (skim), 235; 241(a)(5); 238(b); 240(d); 240(b)(5)
- Classroom presentations: Relief from Removal

**WEEK 10: March 31, 2022**

**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>



- Nicaraguan Adjustment & Central American Relief Act (NACARA) § 203 (skim)

*Instructions for in-class asylum exercise for week 11 distributed at the end of class.*

**WEEK 11: April 7, 2022**

**Refugees, Asylees, and TPS (continued); 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); INA § 244
  - Read the initial Ramos Case: [Ramos v. Nielsen | ACLU of Southern California \(aclusocal.org\)](https://www.aclusocal.org/cases/ramos-v-nielsen)
- In-class activity
  - Asylum applicant interview exercise in groups.
- Classroom presentation: Asylum

**WEEK 12: April 14, 2022**

**Humanitarian Immigration (continued)**

- Reading
  - SB 674: Immigrant Victims of Crime Equity Act Summary by Immigrant Legal Resource Center, available at: [https://www.ilrc.org/sites/default/files/resources/sb\\_674\\_fact\\_sheet\\_final-20161011.pdf](https://www.ilrc.org/sites/default/files/resources/sb_674_fact_sheet_final-20161011.pdf)
  - Immigrants' Rights, Penn State Law School (June 2012). Skim pgs 9-39: <https://pennstatelaw.psu.edu/sites/default/files/Cover%20Page%20and%20Handbook%20FINAL.pdf>

**WEEK 13: April 21, 2022**

**Immigration Federalism & State Action on Immigration; Immigration Legal Fraud**

- Reading
  - L & T: 598 – 601; 293-323
  - 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)
- Classroom presentation
  - Humanitarian Immigration: U Visa, T Visa, S Visa, Special Immigrant Juvenile Status, VAWA.

- Semester review

**WEEK 14: April 28, 2022**

**Citizenship & Naturalization**  
**Guest Lecturer: David Lawlor**

- Reading
  - L & T 1513-1523 (through problem 3); 1539-1558; 1621-1629
  - Citizenship & Naturalization, L & T: 1513 – 1548
  - INA § 316.
- Classroom presentation: Executive Action & DACA

**FINAL EXAM: TBD**