

IMMIGRATION LAW

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Fall 2010

Course Materials

The casebook is ALEINIKOFF, MARTIN, MOTOMURA, & FULLERTON, IMMIGRATION AND CITIZENSHIP: PROCESS AND POLICY (6th ed. 2008), together with the 2010 statutory supplement: ALEINIKOFF, MARTIN, MOTOMURA & FULLERTON, IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES: SELECTED STATUTES, REGULATIONS AND FORMS. In addition, I'm making available on TWEN an electronic file containing the casebook's August 2010 Update.

Change to Course Schedule

There will be no class on Thursday, September 9, because of the religious holiday. Instead, in addition to our regularly scheduled classes, we'll meet at 1:25 p.m. on Monday, September 20 in Room 1515. There's no good way to make up a cancelled class, and I'm aware that two of you won't be able to come because you have other course obligations (in the Asylum & Immigration Law Clinic or in Prof. Morrison's seminar). Nonetheless, this appears to be one of the least bad times to schedule a make-up class for this group. Folks who can't attend should get in touch with me about going over the material in office hours or otherwise.

Outside Viewing

I'm placing a copy of the documentary *Well-Founded Fear* on course reserve; it's about two hours long. It's also available on YouTube (in twelve segments, at http://www.youtube.com/view_play_list?p=D198FBBD0E9EED99), and, in the event that any of you have Netflix subscriptions, you can get it that way as well. Watch it before our October 28 class.

Office Hours

My phone number is 7-3942. You can reach me most easily and reliably by email, at weinberg@wayne.edu. My office hours this semester are Tuesday 3:00-4:00, Wednesday 2:15-3:15, and Thursday 11:30-12:30 & 3:00-4:00.

Examination

The final exam will be limited open-book. That is, you will be allowed to consult only the casebook, the statutory supplement, a printout of the casebook update, an English-language dictionary, and any materials prepared by you. You will have three hours to write your answers. The final examination will determine your grade, subject to the adjustment I describe below. You may take the exam either using a laptop (and the EBB software), or the old-fashioned way.

Attendance and Grading Policy

Before each class meeting, I will set out a copy of the seating chart, dated for that day. If you are prepared and ready to participate in class discussion, you can circle your name on the chart. If you do so for 80% of our classes, starting on September 2, I will automatically raise your final grade. (Folks who earn an A on the exam will not necessarily get a bump to A+.) If you circle your name on a given day, of course, you need to actually *be* prepared; if it turns out that you weren't, you forfeit your eligibility for the bump. Whether or not you circle your name, please sit in the seat you've selected on the chart, so that I can monitor attendance (as the ABA requires). I reserve the right to lower grades in egregious cases.

August 31 CITIZENSHIP: *introduction; dual nationality; acquisition of citizenship by birth*

- Casebook 1-30 & 90-94

September 2 CITIZENSHIP: *acquisition of citizenship by birth (continued); naturalization*

- Casebook 30-63; Update 2.
- Work out the problems on p. 46. You'll need to consult §§ 301 & 309 of the Immigration and Nationality Act (INA), in the statutory supplement. Also: think about the exercise on pp. 53-54 (though you needn't produce an actual draft).

September 7 CITIZENSHIP: *naturalization (continued)*
FOUNDATIONS OF THE IMMIGRATION POWER: *immigration history*

- Casebook 63-71, 82-85; Update 2.
- Work out the three problems on p. 63. Doing so will require you to read through a sizable chunk of the Immigration and Nationality Act (as listed on p. 63), so don't leave it for the last minute. For problem 1, don't forget to look at INA § 334 regarding the timing of applications.
- Casebook 157-92; Update 3.

September 14 FOUNDATIONS OF THE IMMIGRATION POWER: *constitutional sources; moral constraints*

- Casebook 192-99, 210-12, 246-66

September 16 IMMIGRATION AGENCIES AND COURTS
ADMISSIONS: *overview of immigrant admissions*

- Casebook 267-95; Update 4
- Casebook 296-313, Update 5
- Review INA §§ 101(b), 201 & 203 and do the problems on p. 299-300. To estimate the wait for various visa categories, you'll need to look at the State Department's Visa Bulletin -- you can find the September 2010 bulletin at http://travel.state.gov/visa/bulletin/bulletin_5113.html . Note the differences between the Sept. 2010 chart and the one on p. 310 of the casebook, taken from the June 2007 bulletin.

September 20 ADMISSIONS: *immigration based on marriage*

- Casebook 326-50
- Review INA § 216, and do the problems on p. 343-44.

September 21 ADMISSIONS: *employment-based immigration*

- Casebook 358-96; Update 5.
- Think through the problems on pp. 361-62 & 385-86.

September 23 ADMISSIONS: *nonimmigrants*

- Casebook 396-407, 417-52; Update 5.
- In the exercise on p. 399-400, which nonimmigrant category is best for the engineer? How does the vice president's situation differ from his? What about the vice president's spouse and kids? You'll want to consult INA § 214 and the relevant definitions in INA § 101(a)(15).

September 28 ADMISSIONS: *proposals for reform*

- Casebook 452-62, 474-76, 480-83, 487bottom-507

September 30 ADMISSIONS: *inadmissibility*

- Casebook 507-23
- Do problems 1 through 4 on p. 512, problem 6 on pp. 519-20, and problems 7, 8, and 9 on p. 522. Focus on both inadmissibility and waivers; you'll need to look at § 212(a) for the inadmissibility grounds, and at the rest of § 212 for waiver possibilities. For problem 3, you'll also need to ask whether C is seeking "admission" to the U.S. at all -- what statutory section covers that?

October 5 ADMISSIONS: *inadmissibility (continued)*

- Casebook 523-32; Update 5-6.
- Work through the exercise on p. 529-30 (it'll help to read through Form I-864, in the Supp., to see what's asked of the sponsor, and you'll need to get an income figure from Form I-864P).
- Casebook 532-33, 554-56, 564-84; Update 6-7; Casebook 585-89
- Do problems 11 & 13 on pp. 554-55. As the casebook indicates, the key statutory provision here is INA § 212(a)(3).

October 7 ADMISSION PROCEDURES: *due process; historical admission procedures*

- Casebook 590-642
- Do the exercise on pp. 624-25.

October 12 ADMISSION PROCEDURES: *modern admission procedures; adjustment of status*

- Casebook 642-76
- Do the exercise on pp. 658-59. Be sure to consult the INA sections listed above the box on 658.

- October 14** ADMISSION PROCEDURES: *expedited removal*
DEPORTABILITY AND RELIEF FROM REMOVAL: *constitutional limits*
- Casebook 676-718
- October 19** DEPORTABILITY & RELIEF FROM REMOVAL: *statutory grounds*
- Casebook 725-50; Update 8-19
 - Do problems 1 through 3 on p. 730, and problems 4 through 7 on the top of p. 734. For problems 1-3, the key statutory provisions are those identified on pp. 727-30: INA §§ 212(a), 237(a), and 101(a)(13).
- October 21** DEPORTABILITY AND RELIEF FROM REMOVAL: *more statutory grounds*
- Casebook 750-75; Update 19-33
 - Think about the exercises on pp. 769 & 774 (but you need not draft actual language).
- October 26** DEPORTABILITY AND RELIEF FROM REMOVAL: *cancellation of removal*
- Casebook 775-80, 789-802
 - What result in the Hernandez family scenario on pp. 790-92? As the casebook indicates, the key statutory section here is INA § 240A. Do problems 8 through 14 on pp. 793-94.
- October 28** ASYLUM: *introduction; what is "persecution"?*
- Casebook 828-69; Update 34
 - Read INA §§ 101(a)(42), 208, 209(b), 209(c) and 241(b)(3), and Form I-589 in the statutory supplement.
- November 2** ASYLUM: *what is "persecution"?* (cont'd); *the "on account of" nexus*
- Casebook 870-94
 - Think about the exercises on pp. 883-84 and 894.
- November 4** ASYLUM: *protected grounds*
- Casebook 895-929; Update 34-39
 - Think about the exercise on pp. 896-97.
- November 9** ASYLUM: *limitations; the Convention Against Torture*
- Casebook 929-40bottom; Update 39-42; Casebook 944-56
 - Think about the exercise on p. 956.
- November 11** ENFORCEMENT AND REMOVAL: *right to counsel (?); the immigration judge; motions to reopen or reconsider; removals based on criminal convictions*
- Casebook 1027-46, 1064-77, 1092-97; Update 43-45, 49-50
 - Think about the exercise on p. 1097.
- November 16** ENFORCEMENT AND REMOVAL: *detention*
- Casebook 1097-1135; Update 50-58

November 18 ENFORCEMENT AND REMOVAL: *detention (con't); judicial review*

- Casebook 1135-54, 1168-79; Update 58-61

November 23 UNAUTHORIZED MIGRANTS: *unauthorized migration as a historical and social process; border enforcement; interior enforcement*

- Casebook 1286-1328; Update 62
- Do problems 1 through 4 on pp. 1328. Be sure to consult INA §§ 274A & 274B and 8 C.F.R. Part 274a, as the casebook specifies.

November 30 UNAUTHORIZED MIGRANTS: *interior enforcement*

- Casebook 1329-54; Update 62