

IMMIGRATION LAW CLINIC FALL 2022
Course LAW 6940

Juan P. Caballero

105F Bruton-Geer Hall
Caballero@law.ufl.edu
Clinic Email: caballero.j@uflawclinics.org
Office: (352) 273-0800
Cell: (813) 943-2009

Seminar Class Time and Location: Thursdays, 3:30 p.m. to 5:30 p.m.
MLAC – 213

Office Hours: Thursdays, 1:20 PM – 3:20 PM and upon request
Course Canvas: Immigration Clinic, LAW 6940, Fall 2022

COURSE OVERVIEW

The Immigration Clinic provides low income immigrants assistance with affirmative humanitarian immigration petitions and removal defense. Student clinicians will be responsible for preparing and managing immigration cases at many different stages of proceedings. Student clinicians will also attend a weekly seminar that focuses substantive law, legal ethics, and structured discussions about clinic cases while also developing lawyering skills and case strategy. A critical component of the class is participation in mock and moot exercises aimed at developing core abilities like interviewing, counseling, and courtroom skills.

A. COURSE GOALS AND LEARNING OBJECTIVES

1. Students will effectively represent clients

- Maintain effective client communication, responding to client in a timely and appropriate manner and keeping client apprised of case developments;
- Appreciate client differences and respond empathically to client needs;
- Listen to and engage with the client throughout representation;
- Demonstrate effective client interviewing and counseling skills;
- Avoid losing sight of the client in the client's case; and
- Recognize ethical issues when they arise and reflectively apply relevant principles and rules to reach an appropriate resolution;

2. *Students will gain immigration law knowledge:*

- Understand immigration law and the processes that apply to each client's case;
- Formulate legal-factual theories to help clients solve their problems;
- Learn to sift through unstructured scenarios to identify and organize relevant facts;
- Employ substantive law and procedural rules to marshal facts into probative and persuasive advocacy.

3. *Students will improve written and verbal communication skills:*

- Employ effective written and oral advocacy in all written casework including filings with USCIS, EOIR, clients, professors and other third parties, including electronic communications;
- Use persuasive arguments, citing relevant authority and distinguishing apparently adverse authority;
- Demonstrate thorough preparation and editing of written advocacy;
- Demonstrate thorough preparation of oral communication;
- Understanding of the facts, theory of the case, law, and applicable rules and procedures in written and oral communication.

4. *Students will develop independent work ethic & professionalism:*

- Take responsibility for representing your clients;
- Demonstrate initiative—take charge of your work while consulting with supervisors—do not wait to be told what to do;
- Demonstrate thoughtful consideration of case related issues BEFORE asking questions of supervisor;
- Submit work to supervisor that has been thoroughly edited and proofread, not first or even second drafts;
- Conceptualize client representation as problem solving, generate, explore, and implement creative solutions to client problems;
- Develop the skills of a reflective practitioner including assessing critically on own performance and being open and able to learn from feedback and critique;
- Develop an ability to work effectively across barriers such as class, race, and culture;
- Work collaboratively with other professionals, including social workers, educators, and psychologists to help your client; and
- Understand and appreciate the roles, ethical obligations, and approaches that are appropriate to different professions, and how the lawyer's role is similar to and different from other professionals' roles.

5. *Students will gain case management & productivity skills:*

- Demonstrate knowledge of the client's case in terms of facts and procedural status;
- Maintain case files and case logs, in an organized manner;
- Demonstrate time management by effectively using clinic time to advance cases;
- Meet deadlines for case work and all other tasks;
- Follow all office procedures;
- Come to supervision meetings on time and prepared;
- Keep supervisors informed of all pertinent case developments;
- Maintain open and honest communication with the supervisor;
- Treat others with civility in all interpersonal interactions; and
- Work effectively with partners and as part of the clinic group.

B. COURSE MATERIALS

There is no required textbook for this class. All required reading for class are available in on the course Canvas page or otherwise publicly accessible; all INA and CFR readings are available via the law school's AILA Link.

C. ADDITIONAL RESOURCES

In addition to your readings for the seminar, you will likely need to use reference materials over the course of the semester. The law clinic houses several physical reference materials available to all student clinicians. In addition to physical books, you may also access immigration reference materials through the Law Library's AILA Link account, which is available here:

ailalink.aila.org

In order to access the account, you must either be on the Law School Wi-Fi, or using the Law School VPN.

D. STUDENT HOURS

Clinical Hour Requirement:	130 hours per semester ¹
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This averages to approximately 11 hours per week. As with any client-related work, you can expect that your workload will fluctuate throughout the term. Your Clinic Hours include attendance in

¹Clinic courses require an amount of work reasonably approximating 42.5 hours of student work per credit.

seminar as well as time spent preparing for the seminar and working on cases. You should monitor your hours closely and not allow yourself to fall behind—it is your responsibility to speak with your supervisor in the event that you do not have sufficient assigned work.

Some of your clinic work will take place in the clinic, but some of your work can or must be done elsewhere; you are allowed to count hours of clinic work that you do outside the clinic building. You are expected to track time spent on case work via CLIO.

E. CONFIDENTIALITY & PROFESSIONALISM

Remember that we operate a law office. That means that the cloak of confidentiality and attorney client privilege must surround everything we do with regard to clients and their cases.

- **DO NOT** place clinic work on computers or drives to which others have access.
- **DO NOT** discuss your cases with people who are not in the clinic. Moreover, when you discuss cases with appropriate people, do it in a manner which minimizes the chances of being overheard.
- **TAKE CARE** with any email communication regarding client matters to ensure confidentiality. In addition, remember that when speaking with others who are legitimately involved in the case, such as relatives, witnesses, or opposing counsel, you must be especially cautious not to disclose confidential client information and to always talk about your client in a professional and respectful manner.

The manner in which you interact with others and present your client's case reflects on both your client and you as a professional.

It is very important that you document all of your work in the CLIO for each client. **YOU ARE EXPECTED TO DOCUMENT ALL WORK-RELATED MATTERS USING CLIO.** This is good professional practice for many reasons and it will affect your grade. You will not always be available to answer questions about a particular client's case. To state the obvious, you are in the clinic for only one semester, but your clients' lives and legal issues continue. Copy all memoranda to your faculty supervisor and any co-counsel.

Remember that your written work—whether it involves filling out a simple application or drafting a brief—reflects on the clinic and, more importantly, on your clients. You are expected to take ownership and responsibility for your work. You must always prepare documents well in advance of deadlines for supervisor review.

F. CLINIC MAILBOX, EMAIL, AND PHONE MESSAGES

Most case communications, except in emergencies, will be through your clinic mailbox or clinic email. Do not use your personal email to communicate with clients. Please follow the guidelines below:

- **Store all case files in the appropriate folders on the Clinic S-Drive and CLIO.** The S-drive serves as a repository for all the clinic case files and it is imperative that I and future clinicians have access to all necessary forms and documents related to a client.
- **All correspondence with clients and parties outside of the clinic MUST be sent from your clinic email account.** You may use your personal UF email addresses for correspondence with your supervisor, but all clinic communication with other third parties, including your client, must be sent using your clinic email. In addition, you MUST copy your supervisor on all client-related emails.
- **Check your email and clinic email every day and be responsive.** This is crucial. Emails from supervisors, clients, and caseworkers should never linger for more than twenty-four hours without response.
- **Return all phone calls in a timely manner.** You may want to set aside some specific times that you will be in the clinic every week and then advise people involved in your cases, so that they can more easily reach you. If you are sick or for some other legitimate reason will be away from the clinic for several days, please let us know as soon as practicable.

G. BAKER COUNTY DETENTION FACILITY VISIT

We are launching a new project in conjunction with other law schools and immigration legal service organizations to provide legal representation to immigrants detained at the Baker County Facility. To this end, the clinic will organize a clinic trip to visit the detention center and meet with individuals detained in these facilities. Attendance is highly encouraged, but not mandatory. I will notify you of the date of the detention center visit.

H. EVALUATION

The Immigration Clinic is pass/fail, however, successful completion of this clinic requires a great deal of effort in both the classroom work and the representation component. As a student clinician, you will be expected to put forth a great amount of effort because clients are depending on you. This includes timely class attendance, completed homework, class preparation and participation. Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals

or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students here.”

I. ACCOMADATIONS

Students who experience learning barriers and would like to request academic accommodations should connect with the [Disability Resource Center](#). It is important for students to share their accommodation letter with myself and discuss their access needs as early as possible in the semester.

WEEKLY SEMINAR SCHEDULE²

Seminar 1

Thursday, August 25, 2022

Orientation & Immigration 101

Readings:

- R. Mark Frey, A Brief Overview of Forms of Relief in Removal Proceedings (American Immigration Lawyers Association, 2016)
- American Immigration Council, *How the United States Immigration System Works*
- William P. Quigley, A Letter to a Law Student Interested in Social Justice, 1 DePaul J. for Soc. Just. 1 (2007) [optional]

Seminar 2

Thursday, September 1

Interviewing & Meeting Clients for the First Time

Reading:

- *NYU Lawyering*, Interviewing a Client
- David A. Binder et al., Lawyers as Counselors: A Client Centered Approach, Chapters 7, Theory Development Questioning—Pursuing Helpful Evidence (3d ed. 2012).
- Stephen Ellmann, et al, Truth or Consequences, in LAWYERS AND CLIENTS: CRITICAL ISSUES IN INTERVIEWING AND COUNSELING (2010) [optional]

Seminar 3

Thursday, September 8, 2022

Professional Responsibility & Introduction to Removal Proceedings

Reading:

- Philip Eichorn, Introduction to Removal Proceedings (American Immigration Lawyers Association, 2016)
- Ingrid Eagly & Steven Shafter, Access to Counsel in Immigration Court (American Immigration Council 2016)
- Florida Rules of Professional Responsibility
- *Representing Clients in Immigration Court*, 6th Ed., Chapter 1 (optional)

² Attendance will be taken at each class meeting. Students are allowed two absences during the course of the semester. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#)

The following chart contains the seminars and reading in the tentative order in which we will review them. These modules will all be covered over the course of the class, but their ordering may be re-arranged according to the timing of our cases. The readings may also be supplemented with additional readings over the course of the semester.

Seminar	Reading
Humanitarian Relief – Asylum, Withholding, and Convention Against Torture (CAT)	- INA §§ 208; 241(b)(3) <i>Immigration Law: An Open Casebook</i>, Ch. 11 (excerpt) - NIJC Practice Advisory regarding PSG - Suketa Metha, <i>Annals of Immigration: The Asylum Seeker</i>, The New Yorker, August 1, 2011
Humanitarian Relief: Violence Against Women Act (VAWA): Self-Petition, U-visa, T-visa	- INA §§ 101(a)(15)(T)-(U) 8 C.F.R. §§ 214.11, 214.14 - Veronica Thronson, Domestic Violence and Immigrants in Family Court, <i>Juvenile & Family Court Journal</i>, Winter 2012
Using Narrative in Immigration Law	NYU Lawyering, <i>Developing and Using Facts</i>
Immigration Court Advocacy: Direct and Cross Examination	- Pereira v. Sessions, 138 S. Ct. 2105 (2018) - Simon Azar-Farr, <i>A Synopsis of the Rules of Evidence in Immigration Removal Proceedings</i>, 19 BENDER'S IMMIGR. BULL. 3 (Jan. 2014). - Calderón and Racine, What Every Lawyer Needs to Know About Immigration Law, <i>Practice Before Immigration Courts</i> - Watch Expert Direct Examination and Expert Cross Examination <i>Optional Reading</i> - Dorothy Harbeck, <i>Objections in Immigration Court: Dost Thou Protest Too Much or Too Little?</i>, 5 Stetson J. Advoc. & L. 1 (2018)
Citizenship & Naturalization	- INA §§ 316, 319, 101(f) <i>Representing Clients in Immigration Court</i>, 6th Ed., Ch. 16 - Citizenship Chart from Immigration and Refugee Law and Policy, 7th Ed. https://www.ilrc.org/acquisition-derivation-quick-reference-charts - Sample Form N-400 (Application for Naturalization) <i>Optional Reading</i>

	• Immigrant Legal Resource Center, NATURALIZATION AND U.S. CITIZENSHIP: THE ESSENTIAL LEGAL GUIDE, §§ 3.1 – 3.16 (OPTIONAL)
Cross-Cultural Lawyering	• Sue Bryant & Jean Koh Peters, <i>Five Habits for Cross-Cultural Lawyering</i>, in RACE, CULTURE, PSYCHOLOGY AND LAW (Kimberly Holt Barrett & William H. George, eds., 2005). • James A. Sonne, <i>Cross-Cultural Lawyering and Religion: A Clinical Perspective</i>, 25 Clinical Law Review 223 (2018). • Stephen Ellmann, et al, <i>Interviewing and Counseling Atypical Clients</i>, in LAWYERS AND CLIENTS: CRITICAL ISSUES IN INTERVIEWING AND COUNSELING (2010).
Family Based Immigration	• INA §§ 216; 212(a)(4); 245 • 22 CFR 40.41 • Form I-864 and instructions • Visa bulletin, available at https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html
Immigration Detention	• <i>Getting Off the Assembly Line: Overcoming Immigration Court Obstacles in Individual Cases</i>, Working with a Client in Detention • <i>Immigration Law: An Open Casebook</i>, Chapter 12 (excerpt)
Immigration Law & Federalism	• FL-SB1808 • Press Release, <i>Governor DeSantis Takes Additional Actions to Protect Floridians from Biden's Border Crisis</i> • <i>Immigration Law: An Open Casebook</i>, Ch. 14
Secondary Trauma and Taking Care of Ourselves	• B. Hudnall Stamm, Professional Quality of Life: Compassion, Satisfaction and Fatigue Subscales, R-IV, (2005). • Andrew P. Levin & Scott Greisberg, Vicarious Trauma in Attorneys, 24 Pace L.Rev. 245 (2003). • Skim: Patrick J. Shiltz, On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession, 52 Vand. L. Rev. 871 (1999).

Class Recording Policy: The Office of Student Affairs will continue to record all classes via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. These recordings will be retained only for a short period of time and it is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.