

IMMIGRATION LAW CLINIC SPRING 2023
Course LAW 6940

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Seminar Class Time and Location: Tuesdays, 9:00 am to 10:25 am
Thursdays, 9:00 am to 10:25 am
MLAC – 210

Office Hours: Tuesdays, 10:30-11:30 am;
Thursdays, 1:30-11:30 am; or
upon request

Course Canvas: [Immigration Clinic - Prof. Caballero \(LAW6940, Class 13964\)](#)

COURSE DESCRIPTION & OBJECTIVES

The Immigration Clinic provides legal assistance to indigent non-citizens 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 bi-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 class readings are available on the course Canvas page or otherwise publicly accessible.

In addition to your readings for the seminar, you will 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 the physical books in the clinic offices, 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.

C. 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.

D. STUDENT HOURS

Clinical Hour Requirement:	270 hours per semester ¹
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This averages to approximately 20 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 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. CLASS ATTENDANCE POLICY

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed 2 absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. 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](#).

UF Law respects students' [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

¹ Clinic courses require an amount of work reasonably approximating 45 hours across the semester per credit. *UF Law Student Handbook & Academic Policies*, Credit Hour Policy, available at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>. See also *Standards*, American Bar Association, Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK, available here https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2022-2023/22-23-standard-ch3.pdf.

i. Baker County Detention Facility Visit

We have launched 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.

F. ELECTRONICS ETIQUETTE POLICY

Students may *not* use laptops, tablets, or other electronic note-taking devices during the bi-weekly seminar. While laptops are powerful tools for accessing information, they are also powerful distractions in the classroom.² Numerous studies have established that handwriting notes elevates completeness over comprehension. Writing by hand requires one to understand, synthesize, and summarize the content they are recording.³ While taking notes by hand leads to imperfect recordings, this deeper processing of the information leads to improved retention and recall.

Moreover, the bi-weekly seminar is structured to emphasize student discussion and to serve as a problem-solving forum. The goal of these weekly seminars is primarily to advance students' conceptual understanding of legal skills and substantive legal concepts; verbatim transcriptions of the seminar discussion are counterproductive to this effort. Laptops can be distractions for their users in the classroom *and* for their nearby peers.⁴ I encourage everyone to actively participate in the class discussions and to take notes in their own words.

2 See Faria Sana et al., *Laptop multitasking hinders classroom learning for both users and nearby peers*, 62 Computers & Education 24, March 2013, <https://doi.org/10.1016/j.compedu.2012.10.003>; Carrie B. Fried, *In-class Laptop Use and Its Effects on Student Learning*, 50 Computers & Education 906, April 2008, <https://doi.org/10.1016/j.compedu.2006.09.006>.

3 Susan Payne Carter et al., *The impact of computer usage on academic performance: Evidence from a randomized trial at the United States Military Academy*, 56 Economics of Education Review 118, 2017, <https://blueprintedn.com/wp-content/uploads/2016/05/Blueprint-Research-2016-Carter-Greenberg-and-Walker.pdf>; Pam A. Mueller and Daniel M. Oppenheimer, *The Pen is Mightier THan the Keyboard: Advanages of Longhand Over Laptop Note Taking*, 25(6) Psychological Science, April 2014, <https://doi.org/10.1177/0956797614524581>. Helene Hembrooke and Geri Gay, *The Laptop and the Lecture: The Effects of Multitasking in Learning Environments*, 15 Journal of Computing in Higher Education 46, 2003, <https://www.scribd.com/document/90874776/The-Laptop-and-the-Lecture-the-Effects-of-Multitasking-in-Learning-Environments>.

4 See Faria Sana et al., *Laptop multitasking hinders classroom learning for both users and nearby peers*, 62 Computers & Education 24, March 2013, <https://doi.org/10.1016/j.compedu.2012.10.003>; Carrie B. Fried, *In-class Laptop Use and Its Effects on Student Learning*, 50 Computers & Education 906, April 2008, <https://doi.org/10.1016/j.compedu.2006.09.006>.

Use of laptops, tablets, and other note taking technology is prohibited during the bi-weekly seminar, with two exceptions. Exceptions to the prohibition on laptops and tablets in class include:

- (1) students who request an accommodation, or
- (2) students who come to my office hours and explain why they want to use a laptop or tablet in seminar.

G. LEARNING ENVIRONMENT AND PREFERRED NAME

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or phone. I would like to acknowledge your preferred name, and pronouns that reflect your identity. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name. I welcome you to the class and look forward to a rewarding learning adventure together.

You may also change your "Display Name" in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

H. UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

SEMINAR SCHEDULE

	Date	Readings
Week 1	Tuesday, Jan. 17	Orientation & Immigration 101 <i>*In class quiz re. Operating Procedures</i> • R. Mark Frey, A Brief Overview of Forms of Relief in Removal Proceedings (American Immigration Lawyers Association, 2016) • American Immigration Council, <i>How the United States Immigration System Works</i>
	Thursday, Jan. 19	No Class <i>Class is cancelled because I will be in Orlando attending a client naturalization interview.</i>

Week 2	Tuesday, Jan. 24	Meeting & Interviewing Clients • <i>NYU Lawyering</i>, Interviewing a Client • Stephen Ellmann, et al, Truth or Consequences, in <i>LAWYERS AND CLIENTS: CRITICAL ISSUES IN INTERVIEWING AND COUNSELING</i> (2010) • [OPTIONAL] Gay Gellhorn, <i>Law and Language: An Empirically-Based Model for the Opening Moments of Client Interviews</i>, 4 <i>CLINICAL L. REV.</i> 321, 358 (1998).
	Thursday, Jan. 26	Naturalization • INA §§ 316, 319 • Immigrant Legal Resource Center, <i>NATURALIZATION AND U.S. CITIZENSHIP: THE ESSENTIAL LEGAL GUIDE</i>, §§ 3.1 – 3.16 • Sample Form N-400 (Application for Naturalization)
Week 3	Tuesday, Jan. 31	Working Clients & Interpreters • Muneer Ahmad, <i>Interpreting Communities: Lawyering Across Language Difference</i>, 54 <i>UCLA L. Rev.</i> 999 (2007) • David A. Binder et al., <i>Lawyers as Counselors: A Client Centered Approach</i>, Chapters 7, <i>Theory Development Questioning—Pursuing Helpful Evidence</i> (3d ed. 2012).
	Thursday Feb. 2	Introduction to Removal Proceedings <i>*Guest Speaker: Ian D. Fiske, U.S. Immigration and Customs Enforcement Office of Principal Legal Advisor</i> • <i>Pereira v. Sessions</i>, 138 S. Ct. 2105 (2018) • Philip Eichorn, <i>Introduction to Removal Proceedings</i> (American Immigration Lawyers Association, 2016) • Ingrid Eagly & Steven Shafter, <i>Access to Counsel in Immigration Court</i> (American Immigration Council 2016) • [optional] <i>Representing Clients in Immigration Court</i>, 6th Ed., Chapter 1 • [optional] Calderón and Racine, What Every Lawyer Needs to Know About Immigration Law, <i>Practice Before Immigration Courts</i>
	<i>Immigration Court Observation</i> <i>Fri., Feb. 3</i>	
Week 4	Tuesday, Feb. 7	Researching Immigration Topics <i>*Due: Research Assignment</i>

	Thursday, Feb. 9	Introduction to Asylum • INA §§ 101(a)(42); 208 • NIJC Practice Advisory regarding PSG • Suketa Metha, <i>Annals of Immigration: The Asylum Seeker</i>, The New Yorker, August 1, 2011 • <i>Bedoya v. Barr</i>, 981 F.3d 240 (4th Cir. 2020) • Sample Form I-589 • [optional] <i>Immigration Law: An Open Casebook</i>, Ch. 11 (excerpt)
Week 5	Tues. Feb. 14	Introduction to Withholding, and Convention Against Torture (CAT) • INA § 241(b)(3) • 8 C.F.R. § 208.16 • <i>I.N.S. v. Cardoza-Fonseca</i>, 480 U.S. 421 (1987) • Sample Form I-589
	Thurs. Feb 16	Using Narrative in Immigration Law • NYU Lawyering, <i>Developing and Using Facts</i> • Caplow, <i>Putting the "I" in Writing: Drafting an A/Effective Personal Statement to Tell a Winning Refugee Story</i>, 14 J. LEGAL WRITING INST. 249 (2008) • [optional] Jessica Mayo, <i>Court-Mandated Story Time: The Victim Narrative in U.S. Asylum Law</i>, 89 Wash. U. L. Rev. 1485 (2012)
Week 6	Tues. Feb. 21	Drafting Legal Memoranda • Sample Memoranda • Osbeck, Mark. "What is "Good Legal Writing" and Why Does it Matter?" Drexel L. Rev. 4 (2012): 417-66.
	Thurs., Feb. 23	Violence Against Women Act (VAWA): Self-Petition, U-visa, T-visa • INA §§ 101(a)(15)(T)-(U) • 8 C.F.R. §§ 204.2(c)(1), 214.11, 214.14 • Veronica Thronson, <i>Domestic Violence and Immigrants in Family Court</i>, Juvenile & Family Court Journal, Winter 2012

Week 7	Tues. Feb. 28	Vicarious Trauma in the Legal Profession <i>*Guest Speaker: Cynthia Yanez</i> Andrew P. Levin & Scott Greisberg, <i>Vicarious Trauma in Attorneys</i>, 24 Pace L.Rev. 245 (2003).
	Thurs. Mar. 2	CASE ROUNDS
Week 8	Tues. Mar. 7	Introduction to “Crimmigration” <i>Padilla v. Kentucky</i>, 559 U.S. 356 (2010) - César Cuauhtémoc García Hernández, <i>Deconstructing Crimmigration</i>, 52 U.C. Davis L. Rev. 197 (2018)
	Thurs. Mar. 9	Introduction to Categorical & Modified Categorical Approach <i>Mathis v. United States</i>, 136 S.Ct. 2243 (2016) <i>Descamps v. United States</i>, 570 U.S. 254 (2013) <i>Moncrieffe v. Holder</i>, 569 U.S. 184 (2013)
<i>Spring Break March 13-17</i>		

Week 9	Tues. Mar. 21	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) • Katie Blankenship ltr. Re. Baker Detention Conditions, Deputy Legal Director, ACLU of Florida, July 26, 2022. • <i>[OPTIONAL] Ice Detention Standards: Immigration Detention Facilities' Responsibilities And Detained Individuals' Rights</i>, American Bar Association (Dec. 2022)
	Thurs. Mar. 23	Immigration Detention – Bond • INA §§ 212(d)(5), 235(b), 236, 241 • <i>Jennings v. Rodriguez</i>, 138 S. Ct. 830 (2018)
	<i>Baker Detention Center Visit</i> Fri., Mar. 24	
Week 10	Tues. Mar. 28	Cros-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). • Stephen Ellmann, et al, <i>Interviewing and Counseling Atypical Clients</i>, in <i>Lawyers and Clients: Critical Issues in Interviewing and Counseling</i> (2010).
	Thurs. Mar. 30	Immigration Law & Federalism • FL-SB1808 • <i>Immigration Law: An Open Casebook</i>, Ch. 14 • Miriam Jordan & Remy Tumin, 'I Ended Up on This Little Island': <i>Migrants Land in Political Drama</i>, NY Times, Sept. 25, 2022. • <i>The 287g Program: An Overview</i>, American Immigration Council
Week 11	Tues. April 4	Careers in Public Interest Law • William P. Quigley, A Letter to a Law Student Interested in Social Justice, 1 DePaul J. for Soc. Just. 1 (2007)

	Thurs. April 6	Immigration Court Advocacy: Direct and Cross Examination • Simon Azar-Farr, <i>A Synopsis of the Rules of Evidence in Immigration Removal Proceedings</i>, 19 BENDER'S IMMIGR. BULL. 3 (Jan. 2014). • Dorothy Harbeck, <i>Objections in Immigration Court: Dost Thou Protest Too Much or Too Little?</i>, 5 Stetson J. Advoc. & L. 1 (2018)
Week 12	Tues. April 11	Critical Legal Theory & Client Testimony • Lucie E. White, <i>Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.</i>, 38 Buff. L. Rev. 1 (1990)
	Thurs. April 13	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
Week 13	Tues. April 18	Working with Experts • Watch Expert Direct Examination and Expert Cross Examination
	Thurs. April 20	Final Class
<i>Exam Period</i> <i>April 28 – May 11</i> <i>All assignments and close out procedures must be completed by the end of the exam period</i>		