

**IMMIGRATION LAW
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2023
LAW 6296**

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Class Time and Location: Mon., Tues, Wed.
1:45 PM - 2:40 PM
HH 270

Office Hours: Mon. & Wed
Noon-1 PM or upon request

Course Canvas: [Fall 2023 Immigration Law \(LAW6296\)](#)

COURSE DESCRIPTION & OBJECTIVES

This course provides an overview of immigration law and practice. The course surveys the legal, historical, and political considerations that shape modern 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.

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

A. LEARNING OBJECTIVES

At the end of this course, students should be able to:

- Students will analyze and apply the constitutional, statutory, and practical frameworks that govern the admission, exclusion, deportation, and naturalization of noncitizens in the United States.
- Students will evaluate U.S. immigration law and policy and critique current law and proposals for reform.
- Students will demonstrate the ability to analyze the interaction of immigration law with other areas of law such as criminal and family law.

B. COURSE MATERIALS

The following course materials are required:

Stephen H. Legomsky & David B. Thronson, *Immigration and Refugee Law and Policy* (7th ed. 2018).¹

The following course materials are recommended:

Aleinikoff, Martin, Motomura, Fullerton, and Stumpf, *Immigration and Nationality Laws of the United States: Selected Statutes, Regulations, Forms*, 2020.²

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). Although the INA is available in a free online version at www.uscis.gov and ailalink.aila.org,³ 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) and the *Immigration Law Sourcebook* by Ira Kurzban. For current immigration information, an online resource is Bender's Immigration Bulletin (available at www.bibdaily.com).

Please be sure to register for the Canvas course and have any additional materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

C. ABA OUT-OF-CLASS HOURS REQUIREMENTS:

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction.

D. GRADING AND ATTENDANCE

Grades will be based on your final examination and class participation as follows:

¹ ISBN: 1640207341

² ISBN: 1684679699

³ Ailalink is a subscription service offered through the law school. In order to access it, you must either be on the Law School Wi-Fi, or using the Law School VPN.

Class Participation (10% of grade)

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. Class performance will be evaluated based on the quality, not the quantity, of your contributions.

I will be using a “panel” system. I have divided you into three groups, as follows:

- Group 1: Surnames beginning with letters “A” through “I”
- Group 2: Surnames beginning with letters “E” through “R”
- Group 3: Surnames beginning with letters “S” through “Z”

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.

Final Examination (85% of grade)

The final examination will consist of a three-hour, limited open book exam comprised of three parts that test different skills: (1) a short-answer section that tests objective knowledge across the course (20 percent); (2) an “issue spotter” section that tests lawyering skills (30 percent); and (3) an essay section that tests mastery of the theoretical dimension of the course (30 percent).

Students will only be allowed to bring up to 10 pages (single sided) of notes to the exam.

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](#).

F. 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.

Reading Assignments

Immigration law and practice is constantly evolving, even in the absence of major political shifts. We will adjust and discuss ongoing developments as appropriate throughout the semester. Please expect the required reading assignments below to be altered and supplemented at various points throughout the semester and plan to adjust your reading to reflect changes announced in class.

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. 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.

Week 1.	Class 1. Mon., Aug. 21 • Legomsky pp. 13-27 [The Immigration Debate] • Legomsky pp. 27 – 38 [Moral Dimensions of Immigration Control] • Legomsky pp 84 – 90 [politics of immigration] <i>Additional Assignment</i> • Immigration Priorities Exercise – Please complete the exercise on the following pages prior to the first class and come prepared to discuss your decisions.
	Class 2. Tues., Aug. 22 • Legomsky pp. 107 – 127 [Immigration and the Constitution]
	Class 3. Wed., Aug. 23 • Legomsky pp. 127 – 169 [Limits to the Federal Immigration Power]
Week 2.	Class 4. Mon., Aug. 28 • Legomsky pp. 175 – 216 [Substantive Applications of Plenary Power]
	Class 5. Tues., Aug. 29 • Legomsky pp. 228 – 49 [Immigration Detention] • INA §241(a)(6)
	Class 6. Wed., Aug. 30 • Legomsky pp. 249 – 87 [Immigration Detention] • INA § 236(c) • (skim) Brief of Amici Curiae for Americans for Immigrant Justice, et al. as Amici Curiae, <i>Jennings v. Rodriguez</i>, 583 US __ (2018), available at https://www.prolongeddettentionstories.org
Week 3.	<i>Mon., Sept. 4 – Labor Day</i> <i>No Class</i>

	Class 7. Tues., Sept. 5 • Legomsky pp. 325 – 334 [Immigrant Priorities, Quotas and Preferences] • Legomsky pp. 338 – 347 [Family Immigration Basics] • INA §§ 201 (skim), 202 (skim), 203(a), 203(d) – (h), 204(a), 101(a)(15)(V) • Department of State, Visa Bulletin (distributed in class)
	Class 8. Wed., Sept. 6 • Legomsky pp. 347 – 371 [Family Immigration, Spouses] (answer problems 5 to 11 on pp. 367 – 368) • INA §§ 101(a)(15)(K), 204(a)(2), (c) & (g), 216 • USCIS Form I-130 (distributed in class) • 8 CFR §§ 216.1 – 216.5 (skim)
Week 4.	Class 9. Mon., Sept. 11 • Legomsky pp. 372 – 386 [Family Immigration, Other Family Members] (answer problems 12 to 15 on p. 379) • INA §§ 101(b)(1) & (2), 203(a), 203(d) – (h)
	Class 10. Tues., Sept. 12 • Legomsky pp. 64 – 77 [Economic Impact of Immigration] (skim) • Legomsky pp. 386 – 405 [Employment-Based Immigration] • INA §§ 203(b)(1) – (3), 212(a)(5) • 8 C.F.R. § 204.5 • 20 C.F.R. § 656.21
	Class 11. Wed., Sept. 13 • Legomsky pp. 408 – 430 [Employment-Based Immigration] • INA § 203(b)(4) – (5)
Week 5.	Class 12. Mon., Sept. 18 • Legomsky pp. 430 – 438 [Diversity Immigration] • INA § 203(c)
	Class 13. Tues., Sept. 19 • Legomsky pp. 439 – 477 [Nonimmigrant Priorities, Commercial Categories] • INA §§ 101(a)(15), 214(b)
	Class 14. Wed., Sept. 20 • Legomsky pp. 483 – 507 [Nonimmigrant Priorities, Education, Tourists & Others] • INA §§ 101(a)(15), 214(b)
Week 6.	Class 15. Mon., Sept. 25 • Legomsky pp. 513 – 543 [Grounds of Exclusion] • INA §§ 101(a)(13)(B), 212, 236(c) and 241(a)(6)
	Class 16. Tues., Sept. 26

	• Legomsky pp. 543 – 563 [Grounds of Exclusion] • INA §§ 101(a)(13)(B), 212, 213A
	Class 17. Wed., Sept 27 • Legomsky pp. 564 – 580 [Grounds of Exclusion] • INA §§ 101(a)(13)(B), 212, 213A
Week 7.	Class 18. Mon., Oct. 2 • Legomsky pp. 581 – 602 [Admission Procedure] • INA §§ 202(a)(1)(A), 101(a)(13), 212(f)
	Class 19. Tues., Oct. 3 • Legomsky pp. 602 – 628 [Visa Applications] • INA §§ 221, 222, 235(b) and 217
	Class 20. Wed., Oct. 4 Adjustment of Status • Legomsky pp. 634 – 640 [Adjustment of Status] • INA §§ 245, 101(a)(13) • William R. Yates, Associate Director for Operations, Immigration and Naturalization Service, <i>Clarification of Certain Eligibility Requirements Pertaining to an Application to Adjust Status under Section 245(i) of the Immigration and Nationality Act</i> (Mar. 9, 2005), posted on Canvas
Week 8.	Class 21. Mon., Oct. 9 • Legomsky pp. 865 – 889 [Deportation Procedures Overview] • INA §§ 101(a)(13), 101(a)(48), 237(a)
	Class 22. Tues., Oct. 10 • Legomsky pp. 641 – 678 [Deportability Grounds] • INA §§ 101(a)(13), 101(a)(48), 237(a)
	Class 23. Wed., Oct. 11 • Legomsky pp. 679 – 708 [Deportability Grounds, Criminal Related Grounds] • INA § 237(a)(2)
Week 9.	Class 24. Mon., Oct. 16 • Legomsky pp. 708 – 748 [Deportability Grounds, Aggravated Felony] • INA § 101(a)(43)
	Class 25. Tues., Oct. 17 • Legomsky pp. 748 – 771 [Deportability Grounds, CIMT, Drug Offenses, National Security] • INA § 237(a)(2)

	Class 26. Wed., Oct. 18 • Legomsky pp. 773 – 802 [Relief from Removal, Cancellation of Removal] • INA §§ 240A, 240B, 249
Week 10.	Class 27. Mon., Oct. 23 • Legomsky pp. 803 – 849 [Relief from Deportation, Prosecutorial Discretion]
	Class 28. Tues., Oct. 24 • Legomsky pp. 849 – 864 [Relief from Deportation, Voluntary Departure]
	Class 29. Wed., Oct. 25 • Legomsky pp. 1133 – 1160 [Refugees] • INA §§ 101(a)(42), 207
Week 11.	Class 30. Mon., Oct. 30 • Legomsky pp. 1160 – 1178 [Asylum and Nonrefoulement] • INA §§ 208, 241(b)(3)
	Class 31. Tues., Oct. 31 • Legomsky pp. 1178 – 1214 [Asylum and Nonrefoulement]
	Class 32. Wed., Nov. 1 • Legomsky pp. 1214 – 1254 [Asylum and Nonrefoulement]
Week 12.	Class 33. Mon., Nov. 6 • Legomsky pp. 1254 – 1270 [Asylum and Nonrefoulement]
	Class 34. Tues., Nov. 7 • Legomsky pp. 1281 – 1306 [Asylum and Nonrefoulement, Methods of Proof]
	Class 35. Wed., Nov. 8 • Legomsky pp. 1318 – 1361 [Discouraging Access to the Asylum Process] • 8 C.F.R. § 208.16
Week 13.	Class 36. Mon., Nov. 13 • Legomsky pp. 1370 – 1399 [Beyond Persecution] • 8 C.F.R. §§ 208.17, 208.18
	Class 37. Tues., Nov. 14 • Legomsky pp. 1513 – 1539, 1563 – 1580 [Citizenship] • INA §§ 101(f)(6), 301, 309

	Class 38. Wed., Nov. 15 • Legomsky pp. 1539 – 1563 [Citizenship] • INA §§ 311 to 316, 320, 322, 334
Week 14.	Class 39. Mon. Nov. 20 Last Class • Review