

**IMMIGRATION LAW
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2024
LAW 6296**

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Seminar Class Time and Location: Monday-Friday 9:00 AM– 10:25 PM
HH –285D

Office Hours: Mon. & Wed.
10:30-11:30 AM

COURSE DESCRIPTION AND 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

STUDENT 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.

REQUIRED READING MATERIALS:

The following course materials are required:

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

¹ ISBN: 1640207341

2024 SUPPLEMENT TO THE SEVENTH EDITION OF IMMIGRATION AND REFUGEE LAW AND POLICY (Foundation Press 2023) (posted to Canvas in PDF format – **no purchase needed**)

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.

COURSE EXPECTATIONS AND GRADING EVALUATION:

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

Class Participation	5%
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 wherein students will be “on call” during select days. While you may only be “on call” for one day of the week, I hope to foster an active dialog with all the students in the course and everyone is encouraged to ask questions of the materials. I have divided you into three groups, as follows: • Group 1: Surnames beginning with letters “A” through “M” • Group 2: Surnames beginning with letters “N” through “Z”	
Canvas Discussion: White Lies	5%

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.

Students are responsible for reviewing the relevant material and posting responses to the discussion questions presented. Students may post new comments or they may respond to other students comments. There is no minimum word length to these posts; as with your in class contributions, I am interested in the substance of your contribution, not the quantity. To this end, I will be reviewing all posts for substantive engagement with the materials the form the basis of the discussion as well as engagement with your colleagues' posts.

Canvas Discussion: Detention by Design	5%
<i>See supra</i>	
Midterm Assignment	25%
Students will be tasked with preparing an asylum application on behalf of a fictitious client. For additional information, see the “assignments” tab on Canvas after October 9, 2024.	
Final Exam	60%
The final examination will consist of a three-hour, limited open book exam comprised of three parts that test different skills a short-answer section that tests objective knowledge across the course and an essay section that tests mastery of the theoretical dimension of the course.	
The exam will be cumulative and it will draw on <i>all</i> material discussed throughout the semester.	

CLASS ATTENDANCE AND MAKEUP 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 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>.

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. [*Each weekly class is approximately 3 hours in length, requiring at least 6 hours of preparation*] outside of class including reading the assigned materials, writing critical analyses, and developing your final paper.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

Week 1.	Aug. 19	Moral Dimensions of Immigration Control • Supplement, pp. 1-3 • Legomsky, pp. 27-38
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		Politics of Immigration - Legomsky pp 84 – 90 <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.
	Aug. 21	Immigration, Race, Culture and Language - Legomsky pp. 38-58 - Supplement pp. 3-6 Limits to the Federal Immigration Power, Foundation Cases, - Legomsky pp. 127-151 - Supplement pp. 8-10
Week 2.	Aug. 26	Procedural Due Process and Substantive Applications in Deportation Cases Legomsky pp. 151-192
	Aug. 28	<i>Trump v. Hawaii</i> - Legomsky pp. 192-216 - Supplement pp. 12-18 - INA §§ 202(a)(1)(a) and 212(f) - Exec. Order No. 13769, <i>Protecting the Nation From Foreign Terrorist Entry Into the United States</i>, 82 Fed. Reg. 8977 (January 27, 2017)(skim), posted on D2L and available at link below: https://www.federalregister.gov/documents/2017/02/01/2017-02281/protecting-the-nation-from-foreign-terrorist-entry-into-the-united-states - Proclamation No. 9645, <i>Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats</i>, 82 Fed. Reg. 45161 (Sept. 24, 2017) (skim), posted on D2L and available at link below: https://www.federalregister.gov/documents/2017/09/27/2017-20899/enhancing-vetting-capabilities-and-processes-for-detecting-attempted-entry-into-the-united-states-by - NO BAN Act (skim) https://www.congress.gov/bill/117th-congress/house-bill/1333/text <i>Additional Assignment:</i> Podcast Discussion- White Lies Podcast (Assignment available on Canvas “Discussions” tab)
Week 3.	Sept. 2	Labor Day No Class
	Sept. 4	Intro to Immigration Detention - Legomsky pp. 228-267 - INA §§ 236(c) and 241(a)(6) <i>Additional Assignment:</i>

		• Podcast Discussion- Detention by Design (Assignment available on Canvas “Discussions” tab)
Week 4.	Sept. 9	Immigrant Priorities, Quotas and Preferences • Supplement p. 52 • Legomsky pp. 325-334 Family Immigration Basics • Legomsky pp. 338-347 (work through problems 3 and 4 on pp. 346-347) • Supplement p. 53 • INA §§ 201 (skim), 202 (skim), 203(a) (read closely), 203(d)-(h), 204(a) • Department of State, most recent Visa Bulletin https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html
	Sept. 11	Family Immigration, Spouses • Legomsky pp. 347-371 (work through problems 5 to 11 on pp. 367-368) • <i>Matter of P. Singh</i>, 27 I&N Dec. 598 (BIA Aug. 23, 2019) (skim) (posted to Canvas) • INA §§ 101(a)(15)(K), 204(a)(2), (c) & (g), 216 (read closely) • 8 CFR §§ 216.4 & 216.5 (skim) • Review USCIS Forms I-130 and I-130A https://www.uscis.gov/i-130
Week 5.	Sept. 16	Family Immigration, Spouses • Legomsky pp. 347-371 (work through problems 5 to 11 on pp. 367-368) • <i>Matter of P. Singh</i>, 27 I&N Dec. 598 (BIA Aug. 23, 2019) (skim) (posted to Canvas) • INA §§ 101(a)(15)(K), 204(a)(2), (c) & (g), 216 (read closely) • 8 CFR §§ 216.4 & 216.5 (skim) • Review USCIS Forms I-130 and I-130A https://www.uscis.gov/i-130
	Sept. 18	Economic Impact of Immigration • Legomsky pp. 64-77 (skim) • Supplement pp. 6-7 • Employment-Based Immigration, Legomsky pp. 386-405, 408-412 (skim) • Proclamation No. 10014, <i>Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak</i>, 85 Fed. Reg. 23441 (Apr. 22, 2020) (skim), https://www.govinfo.gov/content/pkg/FR-2020-04-27/pdf/2020-09068.pdf • <i>A Proclamation on Revoking Proclamation 10014</i> (Feb. 24, 2022), available at https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/a-proclamation-on-revoking-proclamation-10014/ • INA §§ 203(b)(1)-(3), 212(a)(5), 8 C.F.R. §§ 204.5 & 656.21 (skim) • Browse https://www.onetonline.org/link/summary/23-1011.00 and https://www.onetonline.org/link/summary/37-2012.00
Week 6.	Sept. 23	Employment-Based Immigration • Legomsky pp. 412-430

		• Supplement p. 39-40 (last item) Diversity Immigration, • Legomsky pp. 430-438 • American Immigration Council, <i>The RAISE Act: What Lies Beneath the Proposed Points System?</i>, 2017 (posted to D2L). Calculate the points that would apply to you from chart on pages 3 and 4.) • AILA, <i>Summary of Provisions of The Fairness for High-Skilled Immigrants Act HR1044-S386</i> (posted to D2L) • Elizabeth F. Cohen, <i>Immigration Restriction's Unintended Consequences</i>, The Atlantic, Mar. 13, 2019 (posted to D2L) • INA §§ 203(b)(4)-(5), 203(c)
	Sept. 25	Nonimmigrant Priorities, Commercial Categories • Legomsky pp. 439-477 • Supplement, pp. 57-61 • NAFSA, <i>H-1B Interim Final Rule on Strengthening the H-1B Nonimmigrant Visa Classification Program</i> (skim) https://www.nafsa.org/regulatory-information/h-1b-interim-final-rule-strengthening-h-1b-nonimmigrant-visa-classification • <i>Biden Administration Lifts Rule to Narrow H-1B Definition of “Specialty Occupation,”</i> Nat’l L. Rev. (May 27, 2021), https://www.natlawreview.com/article/biden-administration-lifts-rule-to-narrow-h-1b-definition-specialty-occupation • INA §§ 101(a)(15) (skim all, focus on subsections B2, H, L), 214(b) Nonimmigrant Priorities, Education, Tourists & Others • Legomsky pp. 483-507 • Supplement pp. 61-64 • INA §§ 101(a)(15) (focus on subsections B1, F, J, T, U)
Week 7.	Sept. 30	Refugees • Legomsky pp. 1133-1160 • Supplement p. 205 Asylum and Nonrefoulement • Legomsky pp. 1160-1178 • INA § 101(a)(42), 207, 208, 241(b)(3) • Visit https://www.unhcr.org/stories.html. Read at least five stories of your choosing. Come to class prepared to discuss the stories you chose.
	Oct. 2	Asylum and Nonrefoulement (cont.) • Legomsky pp. 1178-1220 • Supplement pp. 206-215 • Visit http://humanizandoladeportacion.ucdavis.edu/en/2019/11/24/223-flee-to-live/. Come to class prepared to discuss
Week 8.	Oct. 7	Asylum and Nonrefoulement • Legomsky pp. 1220-1264 • Supplement pp. 2015-223

	Oct. 9	Barring or Discouraging Access to the Asylum Process • Legomsky pp. 1318-1361 • Supplement pp. 224-249 • Joseph R. Biden, President, <i>A Proclamation on Securing the Border</i> (June 4, 2024), https://www.whitehouse.gov/briefing-room/presidential-actions/2024/06/04/a-proclamation-on-securing-the-border/ <i>Additional Assignment:</i> • Midterm Assignment: Asylum Petition (Please check the “Assignments” tab on Canvas). Due October 15 at 11:59 PM
Week 9.	Oct. 14	Beyond Persecution • Legomsky pp. 1370-1399 • Supplement pp. 250-251 • 8 C.F.R. §§ 208.16, 208.17, 208.18
	Oct. 16	Grounds of Exclusion • Legomsky pp. 513-543 • INA §§ 101(a)(13)(B), 212 (focus on (a)(6) and (a)(9))
Week 10.	Oct. 21	Grounds of Exclusion (cont.) • Legomsky pp. 543-573, • Supplement pp. 65-71 • Legomsky pp. 577-580 • Supplement pp. 73-96 • INA §§ 212 (focus on (a)(3), (a)(4)), 213A • Browse USCIS Form I-864, Affidavit of Support Under Section 213A of the INA, https://www.uscis.gov/sites/default/files/document/forms/i-864.pdf • USCIS Form I-864P, 2020 HHS Poverty Guidelines for Affidavit of Support, https://www.uscis.gov/i-864p
	Oct. 23	Admission Procedure, VAWA Self-Petitions • Legomsky pp. 587-97, 602-610, 628-633 • Supplement pp. 97-100 • INA §§ 202(a)(1)(A) (read closely), 235(b)(1), 101(a)(13), 212(f), skim §§ 221, 222, and 217
Week 11.	Oct. 28	Adjustment of Status • Legomsky pp. 634-640 • INA §§ 101(a)(13), 245 (focus on (a), (c), (i)) • 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)
	Oct. 30	Deportability Grounds • Legomsky pp. 641-678

		• Supplement p. 82 (1st two items) Deportation Procedures Overview • Legomsky pp. 865-889 • Supplement pp. 130-134 • INA §§ 101(a)(13), 101(a)(48), 237(a)
Week 12.	Nov. 4	Deportability Grounds: Criminal Related Grounds • Legomsky pp. 679-708 • Supplement p. 101 • INA § 237(a)(2)
	Nov. 6	Deportability Grounds: Criminal Related Grounds (cont.) • Legomsky pp. 708-748 • Supplement, p. 82-83 • INA §§ 101(a)(43), 237(a)(2)
Week 13.	Nov. 11	Deportability Grounds: Criminal Related Grounds (cont.) • Legomsky pp. 748-771 • Supplement p. 102 • INA §§ 101(a)(43), 237(a)(2)
	Nov. 13	Relief from Removal: Cancellation of Removal • Legomsky pp. 773-802 • Supplement, p. 104-112 • INA §§ 240A, 240B, 249
Week 14.	Nov. 18	Citizenship • Legomsky pp. 1513-1539 • Supplement pp. 263-265 • INA §§ 101(f)(6), 301, 309
	Nov. 19	<i>[constructive Monday]</i> Citizenship (cont.) • Legomsky pp. 1539-1563 • Supplement pp. 265 • INA §§ 311 to 316, 320, 322, 334
	Nov. 20	Review