

**SYLLABUS**  
**Immigration Law (5389)**  
**University of Houston Law Center**  
**Professor: Geoffrey Hoffman**  
**Fall 2018**  
**Aug. 20-Nov. 26**

Welcome to Immigration Law! Please be sure to read the materials as they are assigned before each class. Our primary text will be Stephen H. Legomsky and Cristina M. Rodriguez, Immigration and Refugee Law and Policy (6th ed. Foundation Press 2015). I will also provide other materials, as necessary, which touch upon more recent cases and materials that I have prepared. The Legomsky-Rodriguez book is our starting point for class discussion. We will also discuss current issues in the news concerning immigration law and policy. I intend for this to be a discussion class; thus, I encourage your interaction and input during each and every class. We will meet Mondays and Wednesdays from 4:00 – 5:30 p.m. Location: TBA.

I am a professor and practicing attorney and director of the Immigration Clinic at the UH Law Center. I work daily as an attorney and am currently working on cases. While previously in private practice, I handled a wide variety of immigration cases. Before coming to UH, I practiced in a law firm devoted to all types of immigration practice and also specialized in immigration-related federal district court cases and appeals among other areas. Because of my background, I will be discussing various actual cases I've worked on (with client names withheld as appropriate). Some of you may have taken a clinical course at UH or you may have experience as a clerk or student attorney and therefore may also offer your own real world experiences in law practice. I also welcome your discussion of your own legal experiences or background during class to the extent they impact the fundamental concepts of immigration law we'll be learning this semester. I will provide you with hypos and other practical examples from my experience as an attorney throughout the course.

Throughout the semester, if you wish to read more about any particular topic or prepare more for a specific class, you may also reference appropriate sections of Kurzban's Immigration Law Sourcebook. This is an excellent resource which is available through the AILA.org website or in our law library. This resource has chapters and further information relating to all the topics we will be covering. For example, you may consult Kurzban's Chapter 10 for further materials on judicial review; Chapter 8 on relief from removal; Chapter 4 on asylum; Chapter 3 on admission and removal, etc.

*Assessments and Outcomes:* Your grade is determined as follows: (i) class participation; (ii) a written closed book final exam (80%); and (iii) 2-3 short written assignments throughout the semester (20%) (note alternative to the second paper will be a "Special Topics" presentation discussed below). Short assignments will be designed to give you an opportunity to react to issues, respond to questions, as well as explore the policy implications concerning the detailed legal rules and standards we will be learning about this semester.

Through this course, students will be able to: (1) demonstrate understanding immigration laws and procedures; (2) engage in legal analysis and reasoning, problem-solving through written hypotheticals, and written and oral communication related to Immigration Law; (3) reflect on the concept of ethical practice and professionalism in the lawyer's role in representing immigrants with their legal issues; and finally (4) recognize the direction in which the law in this area is developing and be cognizant of various possibilities for reform.

**NOTE: Students may volunteer to give a 15 minute presentation on any one of the listed “special topics” (see Table of Topics in this Syllabus) spaced throughout the semester. Volunteering to do so will eliminate the requirement to do the second short written assignment. Please take a look at the syllabus and let me know by the first week of class if you would like to volunteer to give one or more “special topic” presentation(s) later in this course.**

You may miss up to 2 classes without excuse. If you miss more than 2 classes please see me or email as soon as practicable. If you miss more than 2 classes without excuse you may not be able to take the final exam.

Immigration Law, unlike some other areas of the law, is cumulative. For example, the portion of the course having to do with deportation depends on the antecedent subject of inadmissibility. The sources of law you will learn about at the beginning of the course are a prerequisite for understanding the procedures and operation of the immigration laws which will be covered throughout the course. Most importantly, immigration law is complex. It has been compared in its complexity second only to tax law. Because of this complexity the field is also self-referential and interdependent. A good understanding of the various “steps” we will take during this summer session will help you considerably in understanding the “big picture” at the end of the course. Such an understanding will help you immeasurably in doing well in the course and in your career as an immigration attorney or as an attorney in whatever field you choose.

As required by UHLC policy, I reserve the right to alter any final grade by a half-letter based upon class participation. I may ask for volunteers during class. I may also call on students so that everyone must be ready to discuss the materials and prepared for each class.

In the schedule below, I've indicated the topic for each day. (See Table of Topics showing daily topics on the last page of this syllabus). Many of the main cases are identified here with the appropriate page numbers where you can find them in the book. However, you are responsible for all material in the book if it is assigned and not just for cases mentioned in the syllabus. I've provided case names in the syllabus for your ease of reference only.

Discussion of the cases and/or the materials handed out in class may extend over to the following day if we do not finish our discussion for any particular day. Finally, while this course is meant to cover immigration law we will not cover business topics or cover them only in passing. This is because there is another course which you can take devoted solely to business immigration.

I look forward to a great semester discussing these issues and covering these important topics! It is a great subject and one which is very much in the news and also at the forefront of the social and political issues affecting our nation and the world today.

**Important: Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html)**

### Syllabus

(NOTE: All page references are to the 6<sup>th</sup> edition of the Legomsky book)

**Class location: TBD**

#### Week 1

**Aug. 20 (First Day of Classes)**

TOPIC: Introduction to Immigration Law; Sources of Federal Immigration Power

*Note:* Reading for the first class, pp. 1-10 and Chapter 2 (Intro) and 2A.

CASE: *Chinese Exclusion Case* p. 104

**Aug. 22**

TOPIC: Sources of Federal Immigration Power (continued) and Limits to that Power

Reading: Chapter 2A; Chapter 2B

CASES:

*Ekiu v. US* p. 116

*Fong Yue Ting v. US* p. 118

*Shaughnessy v. U.S. ex. rel. Mezei* p. 137

*The Japanese Immigrant Case (Yamataya v. Fisher)* p. 152

*Harisiades v. Shaughnessy*  
*Kleindienst v. Mandel*

*p. 158*  
*p. 172*

## **Week 2**

**Aug. 27**

TOPIC: (Continue) Sources of Federal Immigration Power (continued) and Limits to that Power

**Aug. 29**

TOPIC: Modern Developments: Limits to the Federal Immigration Power

Reading: Chapter 2B (read to end of Chapter 2)

CASES:

*Francis v. INS*

*p. 174*

*INS v. Chadha*

*p. 181*

*Zadvydas v. Davis*

*p. 186*

*Clark v. Martinez*

*p. 202*

*Demore v. Kim*

*p. 204*

## **HAND OUTS IN CLASS:**

*Carachuri-Rosendo v. Holder* (aggravated felony) H/O

*Padilla v. Kentucky* (right to counsel) H/O

*Lee v. U.S.* (latest on right to counsel, prejudice) H/O

**\*\*\*MONDAY, SEPTEMBER 3 is Labor Day holiday\*\*\***

## **Week 3**

**Sept. 5**

TOPIC: (Continue) Modern Developments: Limits to the Federal Immigration Power

Reading: Chapter 2B (read to end of Chapter 2)

CASES

*Graham v. Richardson*

*p. 229*

*Arizona v. U.S.*

*p. 236*

Also note this week we will discuss the “Travel Ban” cases as a modern test of the federal immigration power; note, will provide H/O of excerpts of relevant materials on the “Travel Ban”

#### **Week 4**

##### **Sept. 10**

TOPIC: Public Benefits and Immigration

Reading: Chapter 12 (focus on these cases; the rest of Chapter – read for background only)

*Cases*

*Hoffman Plastics*

*p. 1202 (Back Pay)*

*Lozano v. City of Hazelton*

*p. 1244 (Housing)*

*Take a look at the further reading about public benefits and immigration in Chapter 12. We will discuss.*

##### **Sept. 12**

TOPIC: A Focus on Education and Immigration

*Case Assigned:*

*Plyler v. Doe*

*p. 1194 (Education)*

*Modern Issues* relating to *Plyler*: Immigration Enforcement at “Sensitive Locations” including schools, hospitals, churches– Discussion

#### **Week 5**

##### **Sept. 17**

TOPIC: Grounds of Inadmissibility: Exclusion Grounds and Waivers

Reading: Chapter 5

##### **Sept. 19**

TOPIC: (Continued) Grounds of Inadmissibility: Exclusion Grounds and Waivers

## **Week 6**

### **Sept. 24**

TOPIC: Grounds of Deportability/Removability

Reading: Chapter 7

### **Sept. 26**

TOPIC: Special Topic “Sanctuary Cities”

H/O = I will provide you with H/O for this topic and further materials

## **Week 7**

### **Oct. 1**

TOPIC: Deportation (now called, “Removal”) Procedures

Reading: Chapter 9 (*I will provide you with the specific cases to focus on for this chapter*).

### **Oct. 3**

TOPIC: Relief from Deportation

Reading: Chapter 8

*We will go over in-class hand-outs regarding Forms of Relief*

SIMULATED REMOVAL HEARING IN CLASS

## **Week 8**

### **Oct. 8**

TOPIC: (Continue) Relief from Deportation

Reading: Chapter 8

*We will go over in-class hand-outs regarding Forms of Relief*

### **Oct. 10**

TOPIC: Refugee and Asylum Law

Reading: Chapter 11 (specific assigned cases only). Because this is such a long chapter, I will provide you with an outline of asylum law in class which will help you to prepare for the final

exam. For the final, you will be responsible for the issues in the outline as well as the cases – not the entire chapter. The following cases will be discussed in class:

<i>Matter of Acosta</i>	p. 922,955
<i>Matter of Izayula</i>	p. 933
<i>INS v. Elias-Zacarias</i>	p. 943
<i>Matter of Tobos-Alfonso</i>	p. 961
<i>Matter of Kasinga</i>	p. 977
<i>Demaize-Job v. INS</i>	p. 995

## *HANDOUT*

### **Week 9**

**Oct. 15**

TOPIC: (Continued) Refugee and Asylum Law

Finish reading of Ch. 11 and discussion asylum and related relief

**Oct. 17**

TOPIC: Special Topic “DACA” especially Legal Consequence of DACA Rescission, see <http://www.hjil.org/wp-content/uploads/Legal-Consequences-of-DACA-Rescission.pdf>

*H/O and further materials will be provided*

### **Week 10**

**Oct. 22**

TOPIC: Special Topic SB-4 / Further TOPIC: Can Immigration status be used against a litigant in a civil case?

We will discuss the latest litigation and court decisions (partially) enjoining the TX statute

*H/O and further materials will be provided*

**Oct. 24**

TOPIC: Special Topic Crimmigration

We will discuss a few of the many hot topics in this important area of immigration law

*H/O and further materials will be provided*

### **Week 11**

**Oct. 29**

TOPIC: (Continue) Special Topic Crimmigration

**Oct. 31**

TOPIC: Special Topic: Detention and Habeas Corpus

*H/O and further materials will be provided*

**Week 12**

**Nov. 5**

TOPIC: Special Topic: Immigration Enforcement Issues

*H/O and further materials will be provided*

**Nov. 7**

TOPIC: Citizenship and Naturalization

Special Topic: Citizenship

I will not assign reading for this day, but instead provide Handout and Powerpoint.

**Week 13**

**Nov. 12**

TOPIC: Federal Courts and Immigration

*H/O and further materials will be provided*

**Nov. 14**

TOPIC: (Continue) Federal Courts and Immigration

**Week 14**

**Nov. 20**

**REVIEW – provide Hypos and discussion**

**\*\*\*THANKSGIVING BREAK November 21-24\*\*\***

**Nov. 26 (Last Class)**

**FINAL REVIEW**

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**Final Exam: (TBD)**

## TABLE OF TOPICS

<u><b>Aug. 20 (First Class)</b></u>  Intro and Sources of Federal Immigration Power	<u><b>Aug. 22</b></u>  Sources of Federal Immigration Power (continued) and Limits to the Federal Immigration Power
<u><b>Aug. 27</b></u>  Sources of Federal Immigration Power (continued) and Limits to the Federal Immigration Power	<u><b>Aug. 29</b></u>  Modern Developments: Limits to the Federal Immigration Power
<u><b>Sept. 3 (Holiday)</b></u>  <u><b>NO CLASS</b></u>	<u><b>Sept. 5</b></u>  Modern Developments: Limits to the Federal Immigration Power
<u><b>Sept. 10</b></u>  Public Benefits and Immigration	<u><b>Sept. 12</b></u>  <i>Plyler v. Doe</i> – Education and Immigration  Special Topic: Immigration law and educational issues
<u><b>Sept. 17</b></u>  Grounds of Inadmissibility	<u><b>Sept. 19</b></u>  Grounds of Inadmissibility (continued)
<u><b>Sept. 24</b></u>  Grounds of Deportability/Removability	<u><b>Sept. 26</b></u>  Special Topic: Sanctuary Cities
<u><b>Oct. 1</b></u>  Deportation (now “Removal”) Procedures	<u><b>Oct. 3</b></u>  Relief from Deportation (now “Removal”)
<u><b>Oct. 8</b></u>  Continue Relief from Deportation (now called “Removal”)	<u><b>Oct. 10</b></u>  Refugees and Asylum Law  Special Topic: Asylum
<u><b>Oct. 15</b></u>  Continue Refugees and Asylum Law  Special Topic: Asylum (2 <sup>nd</sup> opportunity)	<u><b>Oct. 17</b></u>  Special Topic: DACA
<u><b>Oct. 22</b></u>  Special Topics– SB-4 and “Status Coercion” - The Use of Immigration Status in Civil Proceedings	<u><b>Oct. 24</b></u>  Special Topic: Crimmigration

<b><u>Oct. 29</u></b> Special Topic: Crimmigration (continued)	<b><u>Oct. 31</u></b> Detention and Habeas Corpus
<b><u>Nov. 5</u></b> Immigration Enforcement Issues	<b><u>Nov. 7</u></b> Citizenship and Naturalization
<b><u>Nov. 12</u></b> Federal Courts and Immigration	<b><u>Nov. 14</u></b> Federal Courts and Immigration (Continued)
<b><u>Nov. 20</u></b> Review-Hypos and Discussion	<b><u>Nov. 26</u></b> <b><u>FINAL REVIEW (Last Class)</u></b>
<b><u>Final Exam: TBD</u></b>	