

Course Syllabus
Immigration & Family Law – FINAL Revised 09 2020
University of Houston Law Center
Fall 2020

Profs. Rosemary Vega and Janet Heppard

Course Description:

In this class, students will work individually and in groups to find legal solutions to hypothetical situations where immigration and family law intersect (e.g. marriage, divorce, adoption, domestic violence, the Hague Convention and Suits Affecting the Parent Child Relationship). Students will study family-based immigration law and learn how it relates to representation of individuals in family court. They will develop practical skills that will enable them to successfully represent clients who are seeking immigration benefits through a family member. Students will learn the practical aspects of representation of non-citizens in family court.

Course Materials: Materials posted on **Blackboard**

Laptops: Students must bring their laptops to class as there will be times when they will be using them for class exercises.

Attendance Policy: Students are expected to attend and be prepared for each class. The University of Houston Law Center has a minimum 80% attendance policy for students. Students who attend fewer than the minimum percentage of required classes may be automatically dropped from the course.

Learning Outcomes for this Course:

- Increased knowledge of the intersection of Immigration and Family Law
- Development of Interviewing and Counseling Skills
- Improvement in legal writing skills
- Mastery of relevant substantive law in areas including Family Law and Immigration Law
- Increased knowledge of stress management skills
- Recognition of the benefits of cultural competence in the legal field
- Enhanced knowledge in law practice management

Assessment:

Your final grade will be determined as follows:

65% in-class final exam, 30% take home assignments, 5% class participation. For the final exam, 1 single-sided, double-spaced pages of notes will be allowed.

Final Exam: Exam Date: 12/16/2020 – time to be announced – online final

Expectations:

Be present in class: for ZOOM classes cameras should be on at all times unless you have been excused

Be on-time to class

Ask questions: ZOOM classes >> raise the blue hand if you have a question

OR ask your question in the chat box

Maintain a schedule to get your class work done (in all classes)

Keep your eye on the prize ... and the end of the semester

Office Hours:

To meet with the professors regarding the class, students should email them with available dates and times. rvega5@central.uh.edu and jheppard@uh.edu (meetings can be in person, by phone, or via ZOOM or other virtual online program)

Chosen Names and Preferred Pronouns:

We want to address each of you in a manner that corresponds to your identity. Although mistakes happen, chosen names and preferred pronouns—including non-binary ones such as they|them|their—must be respected in my classroom. Please feel free to reach out to us at any time if you want to make me aware of your chosen name or preferred pronoun or if you have concerns about how we or your classmates address you.

Diversity, Inclusion, and Wellness

This is an inclusive learning space.

At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you'll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to your professors. We want to be a resource for you. If you feel more comfortable speaking with someone besides us, Student Services is an excellent resource: 713-743-2182.

University Sexual Misconduct Policy:

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University System's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf (antidiscrimination)

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

Note: 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) 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

Required Language

Face Covering Policy (required for courses with a face-to-face component)

To reduce the spread of COVID-19, the University [requires face coverings](#) on campus including classrooms for both faculty and students. Face coverings must cover your mouth and nose and be worn throughout the class session. A mask with a valve is not considered an adequate face covering and should not be used, as it can expel exhaled air, increasing the risk to others. Eating or drinking during class is discouraged and is not an excuse for removing the face covering for any extended length of time. For additional information on the use of face coverings, please see [Face Covering FAQs](#). Failure to comply with the requirement to wear a face covering in class will result in your being asked to leave the classroom immediately and a disciplinary referral through the Dean of Students Office. Requests for accommodations relating to the face covering policy may be directed to the [Center for Students with DisABILITIES \(CSD\)](#).

Required Daily Health Self-Assessment (required for courses with a face-to-face component)

Your presence in class each session means that you have completed a daily self-assessment of your health/exposure and you:

- Are NOT exhibiting any [Coronavirus Symptoms](#)
- Have NOT tested positive for COVID-19
- Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see [COVID-19 Diagnosis/Symptoms Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19.

Recording of Class (required for all courses)

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to

comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes (required for all courses)

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through (*specify how students will be notified of changes*).

Week 1

August 24 and 26: Course Overview

Family Law Definitions of Marriage and Children

Definitions: The Marriage Relationship/Informal Marriage/Bigamy/Paternity

Immigration Law Definitions of Marriage, Children, Fiancé(e)s and Widows(ers);

Week 2

August 31: Visa Bulletin; Priority Dates; Filing a Family-Based Petition

TAKE-HOME ASSIGNMENT due September 23: Draft I-130 Petition based on facts provided.

September 2: Divorce Proceedings in Family Court:

Divorce/Jurisdiction/Custody (Standing/Access/Child Support)/UCCJEA

Week 3

September 7: No Class – Labor Day

September 9: Divorce Proceedings – con'd

TAKE-HOME ASSIGNMENT due October 5: Draft Petition/Counterpetition for divorce based on facts provided.

Week 4

September 14: Child Status Protection Act, Adam Walsh Act, Death of the Petitioner

September 16: Conditional Permanent Resident Status and K-Visas

Week 5

September 21 and 23: Termination of Parental Rights/Adoption in Family Court (including Intercountry Adoptions) and International Adoption basics

Week 6

September 28: Other Applications of the Hague Convention (International Abduction/Enforcement)

September 30: Adjustment of Status

Week 7

October 5: Consular Processing; Accompanying v. Following to Join; Cross-Chargeability

October 7: Inadmissibility Issues: Public Charge, Security related grounds, etc

TAKE-HOME ASSIGNMENT due October 21: I-944: Declaration of Self-Sufficiency (form link to be provided) based on facts provided.

Week 8

October 12: Waivers: Unlawful Presence, Misrepresentation, Provisional Waivers, who does not qualify for a waiver

October 14: Waivers: cont'd

Week 9

Quiz and Review – via ZOOM

October 19: In-Class Quiz

This week will include a quiz (multiple choice and short answer) as a review of what the class has studied so far. The quiz will **not** be graded and will be discussed in class following completion of the quiz. The quizzes will also be turned in at the end of class so that the professors may make comments and then return the quizzes to the students.

Each student will submit one short answer question and one multiple choice question (along with the answers) by email to the professors by **October 12**. These questions may be used in the quiz and will otherwise be used to help review the material covered thus far.

The quiz is designed to help students determine their level of understanding of the course as well as to help the professors focus on where students need more help. If a student does not do well on the quiz, the student should make an appointment with one of the professors so that the professor can help the student better understand the course material.

October 21: Estate Planning (Wills, Powers of Attorney, Authorizations for Nonparent Care of Child, etc) for your Family Immigration Client

TAKE-HOME ASSIGNMENT due November 4: Draft Durable Power of Attorney, Healthcare Power of Attorney for Adult, Healthcare Power of Attorney for child, and an Authorization for Nonparent Care of Child based on facts provided.

Week 10

October 26: Domestic Violence - Texas Family Code: Protective Orders

October 28: Violence Against Women Act petitions (Immigration)

TAKE-HOME ASSIGNMENT due Nov 18: Draft form I-360 and cover letter for VAWA application based on facts provided. You will need to create letterhead, cite to statutes, case law and regulations

Week 11

November 2: Dealing with Stress and Compassion Fatigue – Dr. Ann Webb (J.D., PhD, LCSW –S)

November 4: Special Immigrant Juveniles (Family- SAPCR/Declaratory Judgment)

TAKE HOME ASSIGNMENT IMMIGRATION Due Nov. 30: Write a letter to USCIS for a waiver pursuant to fact pattern distributed in class. You will need to create letterhead, cite to statutes, case law and regulations. Due November 30.

Week 12

November 9: Special Immigrant Juveniles (Immigration)

November 11: Representation of Family Beneficiaries in Removal Proceedings – Mock Hearing

Week 13

November 16: Cuban Adjustment Act

November 18: Professionalism; Managing Difficult and High Maintenance Clients (Immigration and Family)

Week 14

November 23: Interviewing and Counseling – via ZOOM

November 25: Thanksgiving Holiday – no class

Week 15

November 30: Practicing Immigration and Family Law and ethics – via ZOOM – Attorney Ruby Powers (Powers Law Group)

December 2: Review – Last Class – via ZOOM

FINAL EXAM: December 16, 2020 - online
