

**SYLLABUS- Summer Session IV (2013)**  
**Immigration Law (5389)**  
**University of Houston Law Center**  
**Professor: Geoffrey Hoffman**  
**July 8 – August 5, 2013**

Welcome to Immigration Law! Please be sure to read the materials as they are assigned this summer before each class. Our primary text will be Stephen H. Legomsky and Cristina M. Rodriguez, Immigration and Refugee Law and Policy (5th ed. Foundation Press 2009). I will also provide other materials, as necessary, which touch upon more recent cases and materials which I have prepared. The Legomsky 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; therefore, I encourage your interaction and input during each and every class. We will meet from 6:00pm-8:40pm (MTW).

I am a professor and practicing attorney and director of the Immigration Clinic at UH. I work daily as an attorney and am working on cases currently this summer. 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 summer. I will provide you with hypos and other practical examples from my experience as an attorney throughout the course.

Throughout the summer, 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 (13<sup>th</sup> Ed.). 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.

Your grade this summer will be determined as follows: (i) class participation; (ii) a written closed book final exam (80%); and (iii) in-class short assignments (20%). Several short assignments will be provided 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 summer. Depending on the complexity of the issue, you will be permitted to work on the assignments in class and turn them in by the end of the class.

You may miss up to 2 classes without excuse. A sign-up sheet will be provided at the beginning of each class and collected during the first 15 minutes. If you miss more than 2 classes please see me unless of course a present emergency exists. Immigration Law, unlike some other areas of the law, is cumulative. 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 grade 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 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 only briefly discuss business immigration. This is because there is a course which will be taught during the regular school year which will be devoted solely to business immigration.

I look forward to a great summer 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!

## **Syllabus**

**Class location: TBD**

### **Week 1**

**July 8**

TOPIC: Introduction and Sources of Federal Immigration Power

Reading : For the first class, pp. 1-11; Chapter 2A

## July 9

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

Reading: Chapter 2A; Chapter 2B

### CASES:

<i>Ekiu v. US</i>	p. 134
<i>Fong Yue Ting v. US</i>	p. 136
<i>Shaughnessy v. U.S. ex. rel. Mezei</i>	p. 156
<i>The Japanese Immigrant Case (Yamataya v. Fisher)</i>	p. 171
<i>Harisiades v. Shaughnessy</i>	p. 177
<i>Kleindienst v. Mandel</i>	p. 193

## July 10

TOPIC: Modern Developments: Limits to the Federal Immigration Power

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

### CASES:

<i>Francis v. INS</i>	p. 195
<i>INS v. Chadha</i>	p. 201
<i>Zadvydas v. Davis</i>	p.206
<i>Clark v. Martinez</i>	p.223
<i>Demore v. Kim</i>	p. 226

HAND OUT IN CLASS: *Arizona v. U.S.* (SB 1070 case) H/O

## Week 2

## July 15

TOPIC: Modern Developments: Substantive Cracks in Plenary Power over Immigration

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

### HAND OUTS IN CLASS:

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

*Padilla v. Kentucky* (right to counsel) H/O; *Chaidez v. U.S.* (retroactivity) H/O

Finish our discussion of Chapter 2.

## **July 16**

TOPIC: Public Benefits and Immigration

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

*Plyler v. Doe*

*Hoffman Plastics*

*Graham v. Richardson*

*Decanas v. Bica*

*Lozano v. City of Hazelton*

*p. 1194 (Education)*

*p. 1214 (Back Pay)*

*p. 1244 (Welfare)*

*p. 1251 (Employment)*

*p. 1259 (Housing)*

## **July 17**

TOPIC: Exclusion Grounds and Waivers

Reading: Chapter 5 (pp. 420-462)

## **Week 3**

## **July 22**

TOPIC: Grounds of Deportability/Removability

Reading: Chapter 7 (pp. 514-592)

## **July 23**

TOPIC: Deportation Procedure

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

## **July 24**

TOPIC: Relief from Deportation

Reading: Chapter 8 (pp. 593-647)

**SIMULATED REMOVAL HEARING IN CLASS**

## **Week 4**

## **July 29**

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>	<i>pp. 895 &amp; 931</i>
<i>Matter of Izayula</i>	<i>p. 907</i>
<i>INS v. Elias-Zacarias</i>	<i>p. 919</i>
<i>Matter of Tobos-Alfonso</i>	<i>p. 940</i>
<i>Matter of Kasinga</i>	<i>p. 959</i>
<i>Demaize-Job v. INS</i>	<i>p. 1007</i>

### **July 30**

Continued: Refugee and Asylum Law

### **July 31**

TOPIC: Citizenship

Reading: Chapter 13 (pp. 1288-1336); Read only up to end of Chapter 13A; 13B&13C for background only ; I will provide further materials in class

### **Week 5**

#### **Aug 5 (Last Class)**

TOPIC: Federal Courts – Judicial Review Over Immigration Decisions

Reading: Hand out of issues and cases to be provided

REVIEW CLASS WILL BE HELD AT A DATE AND TIME TBD

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**Final Exam:** (TBD)

**TABLE OF TOPICS - DAY BY DAY**

July 8 (first class)  Intro and Sources of Federal Immigration Power	July 9  Sources of Federal Immigration Power (continued) and Limits to the Federal Immigration Power	July 10  Modern Developments: Limits to the Federal Immigration Power
July 15  Modern Developments: Substantive Cracks in Plenary Power over Immigration	July 16  Public Benefits and Immigration	July 17  Grounds of Inadmissibility (Exclusion grounds and waivers)
July 22  Grounds of Deportability (Now Grounds of Removability)	July 23  Deportation Procedure	July 24  Relief from Deportation (now called "Removal")
July 29  Refugees and Asylum Law	July 30  Refugees and Asylum Law Continued	July 31  Citizenship
Aug 5 (Last Day)  Federal Courts-Judicial Review over Immigration Decisions		Aug Exam Date TBD  Location: TBD EXAM (6-9pm)
<b><u>Final Exam Scheduled:</u></b> <b><u>Aug. 2013 TBD</u></b> <b><u>We will have a review</u></b> <b><u>(optional) – special session</u></b> <b><u>Date and Time To Be</u></b> <b><u>Announced</u></b>		