

The University of Akron, School of Law
Adjunct Professor Farhad Sethna
Fall 2016

Immigration Law: 9200:699:801

Syllabus Part I – Introduction and Policies

In today's politically charged world, it seems that Immigration issues touch upon every facet of our lives: from the issues we would expect it relates to: employment in the agricultural and construction industries, to those where we might scarcely expect its' influence: domestic relations, banking and healthcare.

Intertwined with immigration law and policy – especially after 9-11 and now, considering the various terrorist or other incidences of mass violence – is the issue of national security.

Given that Congress is so highly fractured, the Supreme Court is short one deciding member, and that the President's authority to enact any meaningful executive action has been curbed, the direction immigration law takes in this election year and in the future is far from clear. As students, you will learn to analyze and use what is known and available, rather than to focus on what might be or what one might hope for.

Learning Objectives

A student successfully completing this course should be able to:

- Explain the nature of federal agencies and their relationships to the 3 branches,
- Explain the source of agency authority and the nature of agency functions, particularly policy development,
- Describe applicable legal rules and principles and make effective arguments in the various areas of immigration law,
- Analyze cases involving real and hypothetical clients and determine what the best course of action might be to achieve their goals or remedy their problems,
- Identify the various principles governing access to judicial review and standard of review, explain when those principles apply, and make appropriate arguments on all of those issues.

Running the Class

a. Text and syllabus. The text is Boswell, Essentials of Immigration Law, 4th Ed. (AILA Publications, June 2016). I will distribute a list of reading, group, and individual assignments, which is subject to change as we go along. There may also be additional materials, which I will post to my blog, which is discussed below.

b. Attendance. Attendance is absolutely crucial. Do not miss more than 2 classes. If you do, I may lower your grade or drop you from the course. If you miss more than 2 classes, you will need good excuses for all of them, not just for the 3d miss, so don't miss any if you can help it.

If you will be absent, please let me know beforehand, if at all possible.

If you miss a class, it is your responsibility to turn in whatever assignment may have been assigned to you, as well as obtain the notes from your fellow classmates.

c. Be on time. We are scheduled to begin at 6:30 PM on Mondays in Room 141 (subject to change) at the School of Law. Our class is scheduled to run till 9:30 PM

d. I am planning a class visit to the Cleveland offices of the USCIS (United States Citizenship and Immigration Services), USICE (United States Immigration and Customs Enforcement) and EOIR (Executive office for Immigration Review (Immigration Court)) some time over the week of November 14. The date is TBA, depending on the agencies' availability. I anticipate the visit will take an entire afternoon, so please plan accordingly. Typically, we meet around 1:00 PM and then continue to 4:00 or 5:00 PM. This semester will be different, since USCIS and USICE will no longer be co-located in the Federal Building in downtown Cleveland. I will provide more details for our class visit as the semester proceeds. The class trip to Cleveland counts as a class period, so attendance is counted.

I will be out of the country on Monday, October 17, and we will NOT have class that evening. Our visit to the agencies and court in Cleveland will make up for the missed class.

e. Preparation and participation. I expect you to be fully prepared and ready to participate fully in all classes. This is a joint effort. It will not succeed unless you meet that standard.

Now, assuming you're prepared and have thought somewhat about the material, don't worry about being wrong. I want you to be thoughtful and creative, rather than correct, but I do expect you to develop your thoughts based on careful reading and analysis of the materials.

f. Supplemental reading materials and exercises on my website: my blog is at

www.immigration-america.com .

Click on the first item in first item on the right column – “Akron Law – Immigration Class”. I will be arranging materials by topic. It is your responsibility to read the text and the supplementary materials before coming to class. Complete and turn in any exercises that may be prescribed before the deadline.

g. Class presentations and reports:

Please use your names, and NOT your student ID's – since we may be circulating these documents for the entire class to use as a future resource, I do not want to disclose your Student ID numbers.

HOWEVER – PLEASE NOTE: I do not want anyone to use their names in their final exam submission – use only your Student ID number to identify your final exam response.

h. Pre-and-Post Class Exercises and Quizzes. I will post brief exercises and quizzes to my website as appropriate. These exercises and quizzes will not affect your grades, but you would be well advised to complete them. Since this is the first time I am teaching the class in this 3-hour format, I am making decisions on how to make this learning experience meaningful for you, what works, and what does not.

i. Specific Assignments. This is a problem-oriented course. I will frequently assign specific students or particular groups of students to argue positions or to report their analysis of the various immigration-related topics. Such assignments will be due as papers and presentations to the class.

j. Exam or paper. There will be a final exam or paper that I will set – I expect it to cover our entire semester of materials and discussion. At this time, I am anticipating a take home exam, to be made available on December 5, 2016. See below for my assessment and grading process.

PLEASE NOTE: I do not want anyone to use their names in their final exam submission – use only your Student ID number to identify your final exam response.

k. Sexual harassment policy. The University of Akron is committed to providing an environment free of all forms of discrimination, including sexual violence and sexual harassment. This includes instances of attempted and/or completed sexual assault, domestic and dating violence, gender-based stalking, and sexual harassment. Additional information, resources, support and the University of Akron protocols for responding to sexual violence are available at uakron.edu/Title-IX.

l. Plagiarism: Do not plagiarize. If you cite from somewhere, please identify the source. Likewise, unless you are working on a group presentation, please do not copy someone else's work either in an assignment or an exam.

m. My availability. My office telephone number is 330-384-8000. E-mail: fsethna@immigration-america.com.

n. E-mail protocol: Please always check your U-Akron email for emails from me. Please ALWAYS use the following to start the subject line subject of any email that you send to me: "Fall 2016 Immigration Law" followed by a few words about the subject of your email (for example – "Assignment for November 15, 2016")

o. We're all adults here. I expect you to be well prepared for class. This topic is not abstract or theoretical. Your clients – should you practice in this area in the future – are real people. Your competency determines their fate.

ASSIGNMENTS, FINAL EXAM and GRADING PROCESS:

I intend that every student coming to the class be prepared and eager to learn about immigration law. Remember, immigration law affects people. It affects real lives. It's not a contractual issue which can be solved by paying someone a sum of money. If you file the wrong application, make the wrong argument, or miss a critical fact or issue, you might very well be ending your client's life in the United States. This is a very substantial burden that you have as a lawyer. Therefore, with this in mind I have developed this system of assignments and grading which I hope will assist you in developing a thorough and detailed knowledge of the subject.

Class participation and assignments: 15%

Participation-Attendance, preparation and contribution to class discussion.

Assignments- I intend to have at least three assignments during the course of this semester. I will provide you with these assignments at least one week in advance. Your response to these assignments will probably be via a word document emailed to me. I will develop and provide the assignments and instructions.

NOTE: I do not want anyone to use their names in any submission – always use your Student ID number to identify your paper.

Group presentation: 30%

I will divide the class into groups. Each group will make a presentation to the whole class. Groups will choose their own topics and turn them into me. You will turn in your selection by the third class of the semester. The presentation will be on a topical and current immigration issue. Presentations must be unique and topics cannot be repeated. Choose at least three topics, in order that you have a fall-back choice in case your first choice is already taken. The presentation must include:

- The issue;
- Background facts, events and perception of the issue;
- Who is a player in the issue? Who is a stakeholder?;
- The outcome of the issue- still pending; political solution; new law, discussion in the political or executive arena, etc.;
- Who is affected by the outcome of the issue? How?
- Conclusion: What are the potential repercussions? How can/could this issue have been avoided or how can/could it have been resolved better?

Presentations must be no more than approximately 15 minutes in duration plus about 5 minutes for questions from the class. You are welcome to prepare power point slides or handouts for the class as well. This presentation will count as 30% of your grade.

Individual presentation: 5%

Each of you will pick a country (not the USA) and analyze its immigration rules briefly for the class. Countries cannot be repeated. You will focus on entry of individuals to that country for:

- Pleasure;
- Work;
- Marriage to a citizen of that country;
- That country's deportation or removal process;
- Permanent residence, naturalization and citizenship.

Presentations must be no more than approximately 10 minutes in duration plus about 5 minutes for questions from the class. You are welcome to prepare power point slides or handouts for the class as well. This presentation will count as 5% of your grade.

Again, please note:

Please use your names, and NOT your student ID's – since we may be circulating these documents for the entire class to use as a future resource, I do not want to disclose your Student ID numbers.

HOWEVER: I do not want anyone to use their names in their final exam submission – use only your Student ID number to identify your final exam response.

Client interview and final take home exam: 50%

I will be bringing a real life client to class whom you will interview for immigration issues. You will then have a week to prepare your final paper in which you will explore the client's immigration background, their immigration issues, and possible solutions to their immigration problems to allow them to remain in the USA.

NOTE: I do not want anyone to use their names in any submission – always use your Student ID number to identify your paper.