

GEORGE MASON UNIVERSITY SCHOOL OF LAW
FOUNDATIONS OF IMMIGRATION LAW
LAW 235
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Adjunct Professors:

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Required Texts:

Anne J. Greer and Teresa L. Donovan
Foundations of Immigration Law. 2008

Bender's Immigration and Nationality Act Pamphlet. 2008

Grading Method:

Grading will be based on the following:

Class participation	15%	
Application Exercise	15%	(Topic assigned March 23 and due on April 22)
Final exam	70%	

Case Preparation Guidelines:

The text, *Foundations of Immigration Law*, consists of a series of topic narratives and administrative and judicial cases that cover the fundamentals of immigration law. Please be able to outline the case according to the following format. In addition, there are specific questions contained in the text that accompany each case.

1. Identify the type of immigration proceeding	We will study several different forms of immigration proceeding, e.g., visa petition proceedings and removal proceedings. You will need to understand the type of proceeding involved.
2. Procedural posture	Explain the procedural posture of the case, including identifying the forum in which the case began and tracing its progress to different levels of administrative and judicial review, as applicable.
3. Relevant charges in cases that involve removal, exclusion or deportation proceedings	Identify the grounds of inadmissibility or deportation charged. Be able to specify the statutory sections.
4. Forms of relief from removal	Identify any forms of relief that the alien requested. Be able to specify the statutory sections.
5. Facts	Summarize the relevant facts.
6. Issue identification.	Identify the issues on appeal, and the parties' legal arguments for each issue.
7. Legal Analysis	Evaluate the Board or court's analysis of the legal arguments raised.
8. Outcome	Identify the holding(s) of the Board or the court on each issue.

Class Assignments:

DATE	TOPIC STATUTORY CITES	MATERIALS TO BE READ BEFORE CLASS
1-7-09	History Sections of the Act: 212(a) 237(a)	Text: Chapter 1 <i>Ping v. United States</i> , 130 U.S. 581 (1889). <i>Ting v. United States</i> , 149 U.S. 698 (1893). <i>Yamataya v. Fisher</i> , 189 U.S. 86 (1903).
1-12-09	Foundation Cases	<i>United States Ex. Rel. Knauff v. Shaughnessy</i> , 338 U.S. 537 (1950). <i>Shaughnessy v. United States Ex Rel. Mezei</i> , 345 U.S. 206 (1953). <i>Zadvydas v. Davis</i> , 533 U.S. 678 (2001).
1-14-09	Foundation Cases	<i>Harisiades v. Shaughnessy</i> , 342 U.S. 580 (1952). <i>Kleindienst v. Mandel</i> , 408 U.S. 753 (1972).
1-19-09	No Class	
1-21-09	Introduction Nonimmigrant visas (NIV) B-1, E-1 & E-2 Sections of the Act: 101(a)(15)(B), (E), 217	Text: Chapter 2 <i>Matter of Hira</i> , 11 I&N Dec. 824 (BIA 1965). <i>Lauvik v. INS</i> , 910 F.2d 658 (9th Cir. 1990).
1-26-09	Continuation of NIV Sections of the Act: 101(a)(15)(H) and (L) 101(a)(44) 212(n) 214(b), (c)(2) (g), (h) and (i)	Text: Chapter 2 <i>Shanti, Inc. v. Reno</i> , 36 F.Supp.2d 1151 (1999). <i>Matter of Chartier</i> , 16 I&N Dec. 284 (BIA 1977).

<p>1-28-09</p>	<p>Continuation of NIV: O-1, P-1</p> <p>Sections of the Act: 101(a)(15)(O) and (P) 248</p>	<p>Text: Chapter 2</p> <p>Problems, pages 141-42.</p>
<p>2-2-09</p>	<p>Family-based (FB) immigrant visas</p> <p>Sections of the Act: 201(b)(2)(A)(i) 101(b)(1) 203(a) and (d) 216(b) and (c)</p>	<p>Text: Chapter 3</p> <p><i>Fiallo v. Bell</i>, 430 U.S. 787 (1977).</p> <p><i>Matter of Laureano</i>, 19 I&N Dec. 1 (BIA 1983).</p> <p><i>Matter of Torres</i>, 22 I&N Dec. 28 (BIA 1998).</p> <p><i>Matter of Anderson</i>, 20 I&N Dec. 888 (BIA 1998).</p> <p>Problems.</p>
<p>2-4-09</p>	<p>Continuation of FB visas</p> <hr/> <p>EB visas Section 203(b) of the Act</p>	<hr/> <p>Introduction</p> <p><i>Chart: A Comparison of Several Employment Based Immigrant Visas</i></p> <p>8 C.F.R. § 204.5 <i>Petitions for Employment Based Immigrants</i></p>
<p>2-9-09</p>	<p>Employment-based (EB) immigrant visas:</p> <p>EB-1; EB-2; national interest waiver</p>	<p>Text: Chapter 3</p> <p><i>Muni v. INS</i>, 891 F. Supp. 440 (N.D. Ill. 1995).</p> <p><i>Snapnames.com, Inc. v. Chertoff</i>, 2006 WL 3491005 (D. Or. 2006).</p>
<p>2-11-09</p>	<p>Continuation of EB visas:</p> <p>EB-3; Labor certification process; visa petition process</p> <p>Sections of the Act: 203(b)(3) 212(a)(5)(A)(i)(I) and (II)</p>	<p>Text: Chapter 3</p> <p><i>Hoosier Care, Inc. v Chertoff</i>, 482 F.3d 987 (7th Cir. 2007).</p> <p>Problems, pages 141-42.</p>

<p>2-16-09</p>	<p>Grounds of inadmissibility & corresponding waivers: health-related & criminal grounds of inadmissibility</p> <p>Sections of the Act: 101(a)(13)(A), (B), and (C) 212(a)(2) 212(d)(3) 212(h)</p>	<p>Text: Chapter 4</p> <p><i>Matter of K-</i>, 7 I&N Dec. 549 (BIA 1957).</p> <p><i>Matter of Michel</i>, 21 I&N Dec. 1101(BIA 1998).</p> <p><i>Matter of Hranka</i>, 16 I&N Dec. 491 (BIA 1976).</p> <p>Problems, pages 204-05.</p>
<p>2-18-09</p>	<p>Continuation of inadmissibility: terrorism related illegal entrants and immigration violators</p> <p>Sections of the Act: 212(a)(3)(B) 212(a)(6) 212(d)(11) 212(i)</p>	<p>Text: Chapter 4</p> <p><i>Matter of S-K-</i>, 23 I&N Dec. 936 (BIA 2006).</p> <p><i>Matter of S-K-</i>, 24 I&N Dec. 475 (BIA 2008).</p> <p><i>Matter of Cervantes</i>, 22 I&N Dec. 560 (BIA 1999).</p> <p>Problems, pages 209-10.</p>
<p>2-23-09</p>	<p>Continuation of inadmissibility: documentation requirements; aliens previously removed</p> <p>Sections of the Act: 212(a)(5) 212(a)(7) 212(a)(9) 212(k) 217</p>	<p>Text: Chapter 4</p> <p><i>Matter of Rodarte</i>, 23 I&N Dec. 905 (BIA 2006).</p> <p>Problems, page 214.</p>
<p>2-25-09</p>	<p>Admission Process & Acquisition of LPR Status</p> <p>Sections of the Act: 211 212(a)(7)(A) and (B) 221 235(a) 291</p>	<p>Text: Chapter 5</p> <p><i>Atunnise v. Mukasey</i>, 523 F.3d 830 (7th Cir. 2008).</p> <p>Problems, pages 277-78.</p>

<p>3-2-09</p>	<p>Adjustment of Status</p> <p>Sections of the Act: 245 248 101(a)(27)</p>	<p>Text: Chapter 5</p> <p><i>Bolvito v. Mukasey</i>, 527 F.3d 428 (5th Cir. 2008).</p>
<p>3-4-09</p>	<p>Grounds of Deportability</p> <p>Sections of the Act: 237(a) 101(a)(13)(A), (B) and (C) 101(a)(43)(A) - (U)</p>	<p>Text: Chapter 6</p> <p><i>Matter of Lopez-Meza</i>, 22 I&N Dec. 1188 (BIA 2000).</p> <p><i>Flores-Arellano v. INS</i>, 5 F.3d 360 (9th Cir. 1993).</p> <p><i>Matter of Batista-Hernandez</i>, 21 I&N Dec. 955 (BIA 1997).</p> <p>Problems.</p>
<p>3-9-09 3-11-09</p>	<p>Spring Break</p>	
<p>3-16-09</p>	<p>Continuation of deportability:</p>	<p><i>Matter of Onyido</i>, 21 I&N Dec. 552 (BIA 1999).</p> <p><i>Matter of Ramos</i>, 23 I&N Dec. 336 (BIA 2002).</p> <p><i>Matter of Vasquez-Muniz</i>, 23 I&N Dec. 207 (BIA 2002).</p>
<p>3-18-09</p>	<p>Conviction</p> <p>Sections of the Act: 101(a)(48)(A) and (B)</p>	<p>Text: Chapter 7</p> <p><i>Matter of Punu</i>, 22 I&N Dec. 224 (BIA 1998).</p> <p><i>Matter of Roldan</i>, 22 I&N Dec. 512 (BIA 1999).</p> <p>Problems.</p>

<p>3-23-09</p>	<p>Relief from Removal: cancellation of removal</p> <p>Sections of the Act: 240(A)</p>	<p>Text: Chapter 8</p> <p><i>Matter of Koloamantangi</i>, 23 I&N Dec. 548 (BIA 2003).</p> <p><i>Matter of Blancas-Lara</i>, 23 I&N Dec. 458 (BIA 2002).</p> <p><i>Matter of Campos-Torres</i>, 22 I&N Dec. 1289 (BIA 2000).</p> <p><i>Matter of C-V-T</i>, 22 I&N Dec. 7 (BIA 1998).</p> <p><i>Matter of Monreal</i>, 23 I&N Dec. 56 (BIA 2001).</p> <p>Problems.</p>
<p>3-25-09</p>	<p>Relief from Removal: voluntary departure</p> <p>Sections of the Act: 240B</p>	<p>Text: Chapter 9</p> <p>8 C.F.R. § 1240.26</p> <p><i>Matter of Arguelles</i>, 22 I&N Dec. 811 (BIA 1999).</p> <p><i>Matter of Cordova</i>, 22 I&N Dec. 966 (BIA 1999).</p> <p><i>Matter of Ocampo</i>, 22 I&N Dec. 1301 (BIA 2000).</p>
<p>3-30-09</p>	<p>Relief from Removal: adjustment of status</p> <p>Sections of the Act: 245(a), (c) and (e)</p>	<p>Text: Chapter 10</p> <p><i>Matter of Mendez</i>, 21 I&N Dec. 296 (BIA 1996).</p> <p><i>Matter of Velarde</i>, 23 I&N Dec. 253 (BIA 2002).</p>
<p>4-1-09</p>	<p>Protection from Removal: asylum, withholding of removal, and Convention Against Torture</p> <p>Asylum: standard of proof; past persecution; well-founded fear of persecution</p> <p>Sections of the Act: 101(a)(42) 208(a) 241(b)(3)</p>	<p>Text: Chapter 11</p> <p><i>Matter of D-I-M-</i>, 24 I&N Dec. 448 (BIA 2008).</p> <p><i>Matter of S-A-K- & H-A-H-</i>, 24 I&N Dec. 464 (BIA 2008).</p> <p><i>Matter of Mogharrabi</i>, 19 I&N Dec. 439 (BIA 1987).</p>

<p>4-6-09</p>	<p>Continuation of asylum: withholding of removal</p> <p>nexus, mixed motive cases, on account of religion, membership in a particular social group</p>	<p>Text: Chapter 11</p> <p><i>INS v. Elias-Zacarias</i>, 502 U.S. 478 (1992).</p> <p><i>Matter of J-B-N- & S-M-</i>, 24 I&N Dec. 208 (BIA 2007).</p> <p><i>Li v. Gonzales</i>, 429 F.3d 1153 (5th Cir. 2005).</p> <p><i>Matter of S-E-G-, et al</i>, 24 I&N Dec. 579 (BIA 2008).</p>
<p>4-8-09</p>	<p>Convention Against Torture; burden of proof issues; application procedures; expedited removal; frivolous asylum applications</p> <p>208(b)(1)(B) 208(d)(4) 241(b)(3)(C)</p>	<p>Text: Chapter 11</p> <p><i>Matter of J-E-</i>, 23 I&N Dec. 291 (BIA 2002).</p> <p><i>Matter of J-Y-C-</i>, 24 I&N Dec. 260 (BIA 2007).</p>
<p>4-13-09</p>	<p>Removal Procedure</p> <p>Sections of the Act: 239 240</p>	<p>Text: Chapter 12</p> <p><i>Matter of G-Y-R-</i>, 23 I&N Dec. 181 (BIA 2002).</p> <p><i>Matter of Lozada</i>, 19 I&N Dec. 637 (BIA 1988).</p> <p><i>Kiareldeen v. Ashcroft</i>, 273 F.3d 542 (3rd Cir. 2001).</p> <p><i>INS v. Lopez-Mendoza</i>, 468 U.S. 1032 (1984).</p>
<p>4-15-09</p>	<p>Motions & Administrative Appellate Review</p> <p>Sections of the Act: 240(a)(6)(A),(B) & (C)</p>	<p>Text: Chapter 13</p> <p>8 C.F.R. § 1003.23, <i>Reopening or reconsideration before the Immigration Court.</i></p> <p><i>INS v. Abudu</i>, 485 U.S. 94 (1988).</p> <p><i>Matter of Cerna</i>, 20 I&N Dec. 399 (BIA 1991).</p> <p>8 C.F.R. § 1003.1, <i>General authorities.</i></p>

4-20-09	Judicial Review Sections of the Act 242	<i>Max-George v. INS</i> , 205 F.3d 194 (5 th Cir. 2000).
4-22-09	Acquisition and loss of United States citizenship; derivative citizenship; naturalization; revocation; expatriation Sections of the Act: 101(c) 301; 309 312, 316, 318, and 334(b)(1) 320 340 349	Text: Chapter 14 <i>Zheng v. Chertoff</i> , 2008 WL 4899342 (E.D. Pa). <i>Matter of Baires</i> , 24 I&N Dec. 467 (BIA 2008). <i>Matter of Acosta Hidalgo</i> , 24 I&N Dec. 103 (BIA 2007).

Application Exercise:

Once an alien's inadmissibility under section 212(a) of the Act or deportability under section 237(a) of the Act has been established, the issue arises of whether the alien is eligible for a form of relief from (or an exception to) removability. You will be assigned to report on a specific section of the Immigration and Nationality Act waiving or excepting removability as listed below.

Your assignment will be to prepare a short paper (4-8 typed pages, double spacing, with appropriate headings) analyzing this section of the statute.

The purpose of this exercise is for you to be able to explain how your statutory waiver/exception provision operates and for what purpose. Your paper should address the following, as applicable:

- Purpose of the waiver
- Statutory bars to eligibility
- Statutory eligibility requirements
- Discretionary requirements, including how discretion is exercised
- Application process, including identifying the forum in which to apply and whether a form (with accompanying documentation) is required
- A hypothetical fact scenario in which an alien would qualify to apply for the waiver or exception

You will need to examine and cite the relevant statutory and regulatory provisions, as well as pertinent case law, from the Board of Immigration Appeals and the federal courts.