

GEORGE MASON SCHOOL OF LAW  
Immigration Law  
Law 235

**Syllabus (August 5, 2009 version)**

**Adjunct Professor:**

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**NO CLASS ON AUGUST 20.** Due to a previously scheduled conflict, there will be no class on Thursday August 20 and the first meeting of the class will occur on Tuesday August 25. At that class, we will discuss options for making up the missed class.

**Required Texts:**

*Immigration and Citizenship: Process and Policy*, 6<sup>th</sup> Edition, 2008 (Text)  
Aleinikoff, Martin, Motomura, and Fullerton

*Immigration and Nationality Law of the United States*, 2009 edition (Supplement)  
Aleinikoff, Martin, Motomura, and Fullerton

While most of the reading for the class will be from the Text and Supplement, there will be some assigned reading from other sources, usually federal court cases or Board of Immigration Appeals (BIA) cases. Note that the BIA cases are available in the FIM-BIA Westlaw database and on the BIA webpage at [http://www.usdoj.gov/eoir/vll/intdec/lib\\_indecitnet.html](http://www.usdoj.gov/eoir/vll/intdec/lib_indecitnet.html).

**Grading:**

Final Exam: 85%  
Class Participation: 15%

**Final Exam:**

The main portion of the grade will come from a final exam currently scheduled for Monday December 14 at 6 pm. The exam will involve hypothetical situations which will require you to apply to immigration law provisions discussed in the class to the hypotheticals. I will provide examples of types of questions that will be asked as we get closer to the exam. The exam will be closed book except that you may bring the Supplement book, *Immigration and Nationality Law of the United States*, 2009 edition, and any notes you have added to that book. You cannot add additional pages to the book.

**Class Participation:**

Class participation will be a key part of this class, constituting 15% of the grade. I expect that students complete the required readings before each class. However, I understand

that there can be other priorities, both academic and personal, during a semester that will make it difficult to thoroughly read the materials. Therefore, each student can have 2 classes during the semester when I will not call on you and not count that against your class participation. However, **you must notify me before class** if you intend to take a pass for that day either by (a) emailing me at nicholasperry@earthlink.net before 6 pm on the day of the class or (b) telling me in person before the class. If you do not alert me before hand, any lack of preparedness will count against your class participation grade.

Immigration law is considered to be complex, and it is expected that you may not fully understand some of the readings even if done thoroughly. The key factor in determining class participation grade is effort.

### **General Discussion of Materials to be Covered:**

We will look at the history and legal foundations of immigration law, as well as key constitutional (e.g., relationship between due process and right to counsel) and process issues (e.g., obtaining a visa, removal proceedings). The more substantive areas will include refugee and asylum, criminal immigration provisions, and U.S. citizenship. We will also discuss the national security authorities under immigration law and how these tools are used to prevent terrorist aliens from remaining in the country. Since regulations are so important in immigration law, the study of immigration law will inherently touch upon the regulatory process of administrative law (although it is not necessary for you to have taken administrative law for this class).

Immigration law is often considered to be a complicated area of law or, in the words of a Second Circuit decision, the “labyrinthine character of modern immigration law”—“a maze of hyper-technical statutes and regulations.” *Drax v. Reno*, 338 F.3d 98, 99 (2d. Cir. 2003). The class is intended to make key areas understandable so you have a foundation to understand the law as it (currently) exists. Because this is a survey class, there will be significant areas that we either do not cover or do not cover thoroughly.

Immigration law is based on statute, principally the Immigration and Nationality Act of 1952, as (many, many times) amended, and implementing regulations. Therefore, the law you learn in class could easily change in future. Indeed, there is a current effort from Congress and the Obama Administration to comprehensively revise the immigration laws and, as appropriate, we will discuss those efforts to the degree they develop in the semester.

**N.B.**-Since statutes and regulations are key to immigration law, statutory and regulatory provisions are key aspects of the readings for the course.

Note that the only assignments listed currently are for the first seven classes. Additional assignments will be posted shortly.

The most useful Westlaw databases for immigration law research are FIM-CS (covering federal cases dealing with immigration), FIM-BIA (covering BIA and Attorney General

decisions), and FIM-TP (covering immigration-related law review articles, texts and periodicals).

There are several good additional sources of immigration law available in book form and on-line. Unless noted in the syllabus, there are not required reading but may be useful in better understanding of the material.

- *Immigration Law and Procedure in a Nutshell* (5<sup>th</sup> edition) (2005) by David S. Weissbrodt & Laura Danielson (available in the law library and for purchase);
- *Immigration Law and Procedure* (LexisNexis/Matthew Bender), a 20-volume treatise on immigration law, by Charles Gordon, Stanley Mailman & Stephen Yale-Loehr (available in the law library, believe it is available on Lexis);
- *Kurzban's Immigration Law Sourcebook* (11<sup>th</sup> edition) (2008) by Ira J. Kurzban, a useful single (expensive) volume intended for immigration practitioners (prior edition available in the law library);
- *Immigration Briefings*, a monthly monograph on immigration law issues (available in the law library and in the IMMIGRBRIEF Westlaw database);
- *Interpreter Releases*, a weekly newsletter that covers current immigration law (available in the law library and in the INTERREL Westlaw database);
- *Bender's Immigration Bulletin*, a twice-monthly newsletter covering current immigration law developments (believe it is available on Lexis);

<b>DATE</b>	<b>TOPIC</b>	<b>MATERIALS TO BE READ BEFORE CLASS</b>
<b>Tues 8/25/09</b>	- Course introduction - History of immigration law - Sources of immigration authority	Text 158-178 (skim only), 178-185, 199-210
<b>Thur 8/27/09</b>	Foundations of immigration law	Text 193-199, 212-232
<b>Tues 9/1/09</b>	Foundations of immigration law - Due process and admission	Text 590-594, 602-624 <i>Kiyemba v. Obama</i> , 555 F.3d 1022 (D.C. Cir. 2009)
<b>Thur 9/3/09</b>	Roles of federal agencies and courts	Text 267-275 (through and including “c. Regulations . . .”), 278-293 (you can skim 288-291) INA § 103(a) & (g)
<b>Tues 9/8/09</b>	Nonimmigrant visas - Intro - B visas - Visa Waiver Program	Text 396-417, 642-644 INA §§ 214(b) (first sentence only), 217(a)-(b)
<b>Thur 9/10/09</b>	Nonimmigrant visas - H1B visas - Other employment-based nonimmigrant visas	Text 417-428 <i>Shanti v. Reno</i> , 36 F.Supp2d 1151 (D. Minn. 1999) (you can skip section “I. Jurisdiction” on pages 1157 to 1161) INA §§ 101(a)(15)(B), (H), 214 (c)(1)(i) 8 CFR § 214.2(h)(4) (pages 747-757 of Supplement)
<b>Tues 9/15/09</b>	Immigrant visas - Intro	Text 296-326 INA §§ 202(a)(1), 101(b)
<b>Thur 9/17/09</b>	Immigrant visas - Family-based including marriage fraud	Assignments forthcoming
<b>Tues 9/22/09</b>	Immigrant visas - Employment-based	Assignments forthcoming
<b>Thur 9/24/09</b>	Removal process - Immigration Judge (IJ), BIA, and Judicial Review	Assignments forthcoming
<b>Tues 9/29/09</b>	Removal process - Non IJ process	Assignments forthcoming
<b>Thur 10/1/09</b>	Removal process - Right to counsel - Ineffective assistance of counsel	Assignments forthcoming

<b>Tues 10/6/09</b>	Removal process - Detention of aliens	Assignments forthcoming
<b>Thur 10/8/09</b>	Grounds of inadmissibility and deportability - Criminal grounds - Health-related grounds	Assignments forthcoming
<b>Tues 10/13/09</b>	<b>No Class.</b> Monday schedule.	
<b>Thur 10/15/09</b>	Grounds of inadmissibility and deportability - Fraud - Past Immigration violations - Visa violations	Assignments forthcoming
<b>Tues 10/20/09</b>	Grounds of inadmissibility and deportability - Terrorism-related - Other national security grounds	Assignments forthcoming
<b>Thur 10/22/09</b>	Special removal and detention authorities for national security cases	Assignments forthcoming
<b>Tues 10/27/09</b>	Immigration benefits - Refugee status - Asylum	Assignments forthcoming
<b>Thur 10/29/09</b>	Immigration benefits - Asylum (cont.) - Withholding of Removal - Convention Against Torture (CAT) protection - Temporary Protected Status	Assignments forthcoming
<b>Tues 11/3/09</b>	Immigration benefits - Adjustment of status	Assignments forthcoming
<b>Thur 11/5/09</b>	Immigration benefits - Cancellation of removal - Voluntary departure	Assignments forthcoming
<b>Tues 11/10/09</b>	Dealing with illegal immigration - Criminal offenses related to immigration	Assignments forthcoming
<b>Thur 11/12/09</b>	Dealing with illegal immigration - Role of States - INA § 287(g) - Secure communities	Assignments forthcoming

<b>Tues 11/17/09</b>	Citizenship - Naturalization	Assignments forthcoming
<b>Thur 11/19/09</b>	Citizenship - Naturalization	Assignments forthcoming
<b>Tues 11/24/09</b>	Citizenship - Derivative and acquired - Loss of nationality	Assignments forthcoming
<b>Thur 11/26/09</b>	<b>No Class.</b> Happy Thanksgiving! Marking early immigration to America	
<b>Tues 12/1/09</b>	Last class – Subject matter TBD	
<b>Mon 12/14/09 6 p.m.</b>	Final Exam	