

**The University of Akron, School of Law
Adjunct Professor Farhad Sethna
Fall 2020**

Immigration Law: 9200 699 - 801 (74142)

WHEN: Monday Evenings, 6:30 – 9:30 PM: August 24 – November 23, 2020 (also see d.(I))

WHERE: LAW SCHOOL ROOM 140

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.

With the regime in Washington, the political will on immigration has changed from a “status quo” attitude to “no, no, no!” 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. Text is my own self-authored immigration law textbook, which I have updated (as best as possible, given the ever-changing nature of the subject!) It is posted to my blog, at www.immigration-america.com, click on the first item in the column of topics on the right hand side: “Akron Law – Immigration Class”, to access the materials chapter by chapter as well as any supplementary materials, for example, cases that you will be assigned to read and prepare to discuss in class. 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 also post to my blog, which is discussed further 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 Monday, August 24, 2020 in Room 140 at the School of Law. Our class is scheduled to run till 9:30 PM.

d.(I) I have planned 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)) the week of November 16-20, 2020. DATE IS TO BE ARRANGED – right now I am planning for Wednesday, November 18, 2020. I anticipate the visit will take about 6 hours, so please plan accordingly. As in past years, we will meet at 10:00 AM at USCIS, 11:45 AM at EOIR and then 2:00 PM at USICE (Brooklyn Heights, OH). We have had difficulty getting to ICE and the Immigration Court in the past because of their ever changing policies and reluctance to interact with the public. All three are in different locations; the Law School has been very generous and paid for rental of a 15-passenger van. I will provide more details and addresses for our class visit as the semester proceeds. The class trip to Cleveland counts as a non-mandatory class period, and in prior classes, students have evaluated it as one of the best experiences of this class, so your attendance is encouraged!

d. (II) Naturalization Ceremony: as I am the Akron Bar Association chairperson of the Constitution Day Committee, this year we will observe Constitution Day by swearing in new citizens at the main branch (South Main Street) of the Akron Public Library, Thursday, September 17. The program starts at 6:00 PM and will run through approximately 7:30 PM. As it is an evening program but not on a class day, this is a non-mandatory event, but if you can, please plan to attend and participate. Details to follow. You will also be preparing a short presentation/paper on a new citizen's immigration experience; see below.

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, any cases linked to that chapter or particular reading, and any 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 either for review or to use as a future resource, I do not want you 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 EXAM ID number to identify your final exam response.

h. Pre-and-Post Class Exercises and Quizzes. I may 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 only the second 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. If I choose to evaluate your knowledge in the subject via an exam, I will provide a take home exam, to be made available on the last day of class. 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 EXAM 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 (the year) Immigration Law” followed by a few words about the subject of your email (for example – “Fall 20XX - Assignment for November xx, 20xx”)

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.

PLEASE NOTE: FOR ALL CLASS ASSIGNMENTS, USE ONLY YOUR STUDENT ID NUMBER.

ON YOUR FINAL EXAM, YOU SHOULD USE ONLY YOUR EXAM ID NUMBER TO ENSURE ANONYMITY.

Class participation and assignments: 30%

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.

The first of your assignments (not graded, since attendance is optional) will be to interview a new citizen at the Constitution Day program (Thursday, September 17, 2020 at the Akron Public Library auditorium, 60 S High Street, Akron, at 6:00 PM). Talk to a new immigrant. Ask them to tell you their immigration story – for example, ask the questions, including but not limited to: where they came from, their background, why they came to the US, the difficulties they experienced in their immigration journey, why they wanted to become US Citizens, and what they expect to do with their newly awarded status.

Assignment Format: Two pages maximum, typed, 12 point font, margins no greater than 1” per side. Single spaced. ALL assignments will be single spaced unless otherwise instructed. The final exam/assignment will be double spaced. Email it to me in MS Word format: fsethna@immigration-america.com

Email subject: Assignment (x) – title (Example – Naturalization) – Student ID# – Immigration Law Fall 2019

Be sure to type ONLY your Student ID number on any submission (other than your final exam, on which you will write ONLY your EXAM ID).

Please note: I will have at least three other assignments for you as the semester carries on.

Group presentation: 20%

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 25% of your grade.

Individual presentation: 25%

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 (tourist or visitor);
- Work-authorized non-immigrant visa types and process to obtain the same;
- Marriage to a citizen of that country (permanent residence through marriage);
- That country’s deportation process, including Detention while in the deportation process;

- Permanent residence (equivalent to the US “Green Card”), naturalization and citizenship.

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 10% of your grade.

Client interview and final take home exam: 25%

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.

You will be completing a take-home assignment – it will be open book, and you will turn in the assignment to the law school one week after it is given to you. You will receive your assignment on the last day of class – November 23, 2020, and you will turn it in [hardcopy] on Friday, December 4, 2020 by 5:00 PM at the Law School office.. You will need to type your exam; if an immigration form will be needed, you will need to complete it singlespaced, within the parameters of the form, and a paper – also typewritten – DOUBLE SPACED – no more than 1” (One Inch) margins at each edge of the page - in a PDF format. I will have full and complete instructions on the day I provide you with your assignment.

COVID-19:

All of the above may be an online experience if COVID invades our lives again and causes disruption in classes at the law school. Let’s hope not. Students – even if COVIC intervenes, I will not permit it to rule my class. I will teach SYNCHRONOUSLY every Monday evening as scheduled. We will work in 25 minutes segments, with a 5-minute break every 25 minutes. You will still work in groups as needed for the above group assignment. Technology makes such interaction possible. Let’s go forward and learn some immigration law, and while we’re about it, conquer this disease too!

(last update JUNE-26-2020)