FAMILY IMMIGRATION LAW

COURSE NUMBER 564

SPRING 2020

PROFESSOR MAURICE HEW, JR.
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THE PROFESSOR

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*Board Certified, Immigration and Nationality Law, Texas Board of Legal Specialization,

*Rank, Full Professor.

THE BEST WAY FOR THE STUDENT TO CONTACT ME IS BY SENDING ME AN EMAIL TO THE ABOVE ADDRESS.

COURSE DELIVERY

This is an online course. I will be using the bluejeans platform. I have previously sent a link to each student’s email for admissions to the class.

Here is a link. https://tsu.bluejeans.com/834970518
COURSE BOOKS & MATERIAL

Students will be required to research Immigration cases, statutes, and regulations. Students will also be assigned cases to read and study, to learn how family immigration laws are applied. Students will also be required to review miscellaneous memorandums and documents. Students might also be required to review the laws of foreign countries.

The course textbook is the Immigration Law Handbook ISBN: 97815221-7479-0 published by Lexis Nexis. I will be using the 2020 version unless I receive a 2021 version during the semester. The Immigration and Nationality Act that we will be studying was passed by Congress in 1952 as amended. Having the same book will help find the specific statute and regulation more efficiently as I will also reference page numbers in the text.

There will be a final examination. You will be able to use your Immigration Law Handbook during the final examination.
COURSE DESCRIPTION & LEARNING OBJECTIVES

DESCRIPTION:

This three-hour course explores the theories, procedures, and practices relating to US family-based immigration laws, as interpreted and applied by courts, tribunals, and government officials. This course will not address immigration forms or requests filed with the Department of Homeland Security to request immigration benefits and any references to immigration forms will be incidental.

Consistent class preparation and participation are essential to acquire an understanding of this topic; students will have assigned readings as background for class discussion and analysis of problems presented. The final grade will be based on class participation, a midterm, and the final examination.

LEARNING OBJECTIVES: In this course entitled “family immigration law,” I intend to teach the students the following:

- Sources of Family Immigration Law
- Immigration Law terms of Art including but not limited to: Immediate Relatives vs preference classifications, Parent, Father, or Mother, Child, Son, or daughter, Stepchildren, Legitimated children, Adopted Children, Orphans, siblings, Widows, marriages, divorces, legal separations, physical separations, lawful permanent residents, conditional residents, employment authorization documents, unlawful presence v out of status, permanent bars, etc.
- The Differences between Adjustment of status and consular processing.
- Grounds of Inadmissibility and Waivers.
- Legal Ethics
- Lawyering skills
- Special Immigrant Juvenile Status
- The Violence Against Women’s Act, The Immigration marriage Fraud ACT; Aging Out and the Child Status Protection Act; The Adam Walsh Act
- Filing Motions and Appeals
- Cancellation of Removal B, exceptional and Extremely Unusual Hardship
STUDENT LEARNING OUTCOMES

During the course of the class and by the end of the class, students should be better equipped to engage in factual development and analysis, legal analysis and reasoning, legal research, problem solving, and written and oral communication in the legal context of family immigration law.
**Grading**

Class participation is encouraged. Class participation can account for up to 5% of the student’s total course grade.

There will be one midterm examination for this course which will account for 50% of the total course grade. The midterm will be timed and written.

There will be one final examination which will account for 45% of the total course grade. This final examination will be timed and written.
ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean’s office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you as soon as it has been made aware of your situation. Also, please contact Dean Virgie Mouton (Student Affairs) if you require any special accommodations regarding any of the assignments, including, but not limited to, extensions, note-takers, etc. You must contact Dean Mouton before the related assignment is due.

Dean Mouton Assistant Dean for Student Development and Academic Support Phone: (713) 313-7909
Email: vmouton@tmslaw.tsu.edu
PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Every student is expected to attend and participate during the class. Preparation for and participation in class is essential for students to master the materials which will be covered in class. Classroom discussions and working through hypotheticals are part of the legal process. It prepares the student for the final examination and the practice of law. I am allowed to factor participation into the grade determination. See grading on page 7 for participation points.

**Students will be expected to turn their camera’s on during the class to receive attendance points.**

I will follow the law school Dean’s mandate to turn in my attendance sheets every Friday.

The student handbook reveals that the Dean’s office has the discretion to reduce a final grade for failing to attend class. I have no discretion to reduce a grade or override the Dean’s decision.
ACADEMIC CALENDAR

SPRING SEMESTER 2021 SPRING SEMESTER 2021 (SEVENTY DAYS OF CLASSES)
First Day of Class Monday January 11, 2021
Last Day to ADD/DROP Wednesday January 13, 2021
M L K Holiday (No Classes) Monday January 18, 2021
Purge of all unpaid course selections Wednesday February 4, 2021
Mid Term Examinations Mon – Friday March 8– 12, 2021
Holiday (University Closed) Thursday-Sunday April 1 - 4, 2021
Last Day to Drop a Class Monday April 5, 2021
Last Day of Classes Wednesday April 21, 2021
First Year Professors’ Grades due Wednesday April 21, 2021
Reading Period (No Classes) Thursday – Sunday April 22 – 25, 2021
Final Examinations Mon- Fri April 26 – May 7, 2021
Hooding Ceremony Friday May 7, 2021
Commencement Saturday May 8, 2021
Please note that the calendar events and/or dates are subject to change. Updated November 11, 2020

POLICIES & PROCEDURES

NOTE FROM THE PROFESSOR:

This syllabus is a living document and subject to change at the discretion of the professor without proper notice to the student.

I am an immigration lawyer and professor. I must advise clients on the current state of the law and regulations and I am here to teach the students the laws and regulations. I am not an immigration politician and I am not here to have endless debates on why an executive’s policy is correct or wrong.

You may not tape, record, or otherwise electronically record this class.

Cell phones, pagers, computer alarms, and other noise making devices must be turned off during class. Students who disrupt the class will be asked to leave and will be counted absent for that class.

WHAT DOES THE TERM “AABBCC” mean? Answer: However, Congress chose to define it, until the courts interpret the term differently. Is the term uniform among the circuits? Yes, but it does not mean the definition is the same. How does the Supreme Court define the term? Stop giving legal terms of art your own commonsense definitions. Look them up.
READING ASSIGNMENTS

JANUARY

1) January 11  Introduction to Family Based Immigration Law
Sources of Law for Family Based Immigration Law
Legal Ethics
What is a permanent resident alien?

Overview of the application process for permanent Residence.

BEGIN DEFINITIONS

2) January 13  Immediate relatives INA§201(b)(2)
Preference Classifications INA§203(a)(1-4)
Please review the State Department’s visa bulletin for the month of January 2018.

3) January 18  MLK holiday

4) January 20  Child

INA§101(b)(1) Unmarried and under the age of 21
INA§101(b)(1)(A) Wedlock
Retroactivity,
Fiallo v Bell, 430 U.S. 787 (1977).
INA§101(c)

5) January 25  Stepchildren INA §101(b)(1)(B)
AGE/OUT and the Child Status Protection Act(CSPA)
Out of wedlock

“Active parental interest”

7) February 1

Legitimation 101§101(b)(1)(C)

8) February 3

Illegitimate 101§(b)(1)(D)

HAGUE CONVENTION v NONCONVENTION ADOPTIONS

9) February 8

Adoptions INA§101(b)(1)(E)

10)February 10

Orphans 101(b)(1)(f)

11) February 15

Spouse

12) February 17

**Marriage**

13) February 22

**Siblings**

14) February 24

**Widows**

15) March 1

**Adam Walsh Act**

16) March 3

**Nonimmigrant v Immigrant Intent**

30/60 day rule 9 FAM 40.63 N4.7
In Re Patel, 19 I&N Dec. 774 (BIA 1988).

**CONSULAR PROCESSING v ADJUSTMENT OF STATUS**

18) March 8

**Adjustment of status INA § 245 v Consular Processing**
Exceptions to the bars INA § 245(c)
19) March 10   INA §245(i) waiver, Entry without inspection

20) March 15  Non-Immigrant visas


   Change of status INA§248

   Extension of status

   U/T/V visas

   Please review statutes and regulations regarding U/T/V nonimmigrant visas.

21) March 17  Arriving alien/Parole

   INA$101(a)(13); INA$212(d)(5);  8 CFR§1.1 (arriving alien);
   8 CFR§1001.1(q)

   Conditional Parole

22) March 22  Death of petitioner


23) March 24  Revocation of petitions

   INA §205; 8 CFR§§205.1 (Automatic) & 205.2(Revocation on notice); Matter of Zaidan, 19 I&N Dec. 297 (BIA 1985)

   Ghaly v INS, 48 F.3d 1426 (7th Cir. 1995).

GROUNDs OF INADMISSIBILITY

25) March 29  Health Related Grounds and Waivers

   INA §212(a)(1)
   22 CFR §40.11

   9 F.A.M. 302.2
INA § 212(I) Fraud or willful misrepresentation of material fact


26) March 31

INA § 212(a)(2) Crimes involving moral turpitude

“Domestic Violence”

INA § 212(a)(2)(H)(ii) Beneficiaries of Trafficking
INA § 212(a)(2)(H)(iii) Sons and daughters’ exception

27) April 5

CIMT (continued)

Blanco v Holder, 624 F.3d 265 (5th Cir. 2010).
Silva Trevino, 742 F.3d 197 (5th Cir. 2014).

Aggravated Felony Sexual Abuse of a minor


INA § 212(h)
Martinez v Mukasey, 519 F.3d 532 (5th Cir. 2008).

28) APRIL 7

INA § 212(a)(4) PUBLIC CHARGE

Evidence to support, Residency requirements, 40 quarters,

Poverty guidelines, Joint sponsors
INA § 213(A), 8 CFR§ 213a.1, 8 CFR§213a.2
29) April 12

INA §212(a)(6) Illegal Entrants and Immigrant Violators

Exceptions
Minors
VAWA Self Petitioners/ Battered Women and Children

30) April 14

INA § 212(a)(9) 3/10 Bars of inadmissibility
Provisional I-601 A waivers 8 CFR§212.7(E)

31) April 19

Motions and Appeals

Administrative closure


Please review the statutes and regulations regarding appeals, including jurisdiction and jurisdiction preclusion over decisions on relative petitions.

32) April 21

Fiance’ v. Fiancee’ nonimmigrant visas (K)
Please review statutes and regulations relating to nonimmigrant K visas.


Conditional permanent residence status INA §216


Military


33) bonus

Special Immigrant Juvenile Status

Please review the immigration statutes and regulations relating to SIJS.
Please review the Texas State Statutes as they define abuse, abandonment, and neglect.

Greene, “Paying Special Attention: The Changing Strategies For SIJS,” Immigration Briefings, (December 2016.)

Violence against women’s Act (VAWA).

WRAP-UP