

IMMIGRATION LAW  
COURSE NUMBER 755  
ROOM 107  
FALL 2019

PROFESSOR  
MAURICE HEW, JR.

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# **THE PROFESSOR**

**NAME:** Professor Maurice Hew, Jr.\*

\*Board Certified, Immigration and Nationality Law, Texas Board of Legal Specialization, Licensed by the States of Texas and Louisiana, several Federal District and Circuit Courts and the United States Supreme Court.

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**EMAIL:** Maurice.Hew@tmslaw.tsu.edu

**OFFICE LOCATION:** TMSLAW 215

**OFFICE HOURS:**

**Tuesdays and Thursdays 11 am-1pm.**

I am available to meet with students by appointment. Please contact me by email to set up an appointment.

## **NOTE FROM THE PROFESSOR: POLICY AND PROCEDURES**

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.

This document is a living document and is subject to change by the professor without notice to the students.

# COURSE BOOKS & MATERIAL

## Required

- 1) Immigration and Nationality Law: Problems and Strategies, published 2013, Authors; Lenni Benson, Lindsay Curcio, Veronica Jeffers, Stephen Yale-Loehr. Casebook ISBN: 978-1-4224-2216-8; Looseleaf ISBN: 978-1-4224-7281-1; eBook ISBN: 978-0-3271-7953-5, Publisher: Matthew Bender & Company, member of LexisNexis

### 2) IMMIGRATION AND NATIONALITY LAW AND REGULATIONS

You will need a copy of the immigration law and regulations to complete this course, the examination, etc. **There will be an open statute and regulations book final examination at the end of the semester. You cannot complete the examination without the book.**

You can probably use any current set of laws and regulations, but I will be using the Immigration and Nationality Law Handbook 2019 Edition, published by LexisNexis ISBN: 978-1-5221-7479-0

### 3) OTHERS

There will be some cases and other materials not in the casebook or the codebook that you will also be expected to read. I will notify you at the appropriate times.

## **COURSE DESCRIPTION**

This 3 hours elective course is designed to introduce students to the many facets of immigration law including the federal immigration power, citizenship, admissions, family, and employment-based immigration, deportation/removal, refugees and asylum, employer sanctions, and anti-discrimination and other current topics in the great immigration debate. We will study the history of immigration law and policy, constitutional and international law foundations underlying Congressional statutes and regulations, the administrative process and the role of courts in immigration litigation. Student learning will be assessed through class participation, court observations or written summaries, and a final examination.

### **LEARNING OBJECTIVES:**

At the end of this course, the student should be familiar with the U.S. agencies that process and decide immigration matters; conduct immigration research and gain fact identification skills as the student works to develop and strengthen hypothetical cases to prepare for filing with administrative agencies of government; prepare the students to address the practical aspects of operating an immigration law practice; and review ethical considerations related to the practice of immigration law.

## **STUDENT LEARNING SKILL**

- (1) In regards, to DHS, DOJ, State, and DOL, be able to identify their responsibilities regarding U.S. Immigration and nationality law and to be able to identify which organization in each Agency performs which function;
- (2) Know the basic constitutional framework for immigration laws by reading and being able to identify the historical, core Immigration Law cases and understand their current applications;
- (3) Identify and know the elements and types of Nonimmigrant categories;
- (4) Identify and know the elements and types of the following Immigrant Categories; family, permanent employment, asylee & refugee, and diversity lottery, with emphasis on family and permanent employment.
- (5) Distinguish between citizenship by birth and naturalization. Identify the differences and requirements under U.S. law of jus soli and jus sanguinis, know the requirements for naturalization.
- (6) Be able to conduct a client interview, gather facts, outline a course of action supported by relevant authorities and assist a client with informed consent decisions.
- (7) Distinguish between inadmissibility and removability and know the requirements for certain relief applications.

## GRADING

### 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. If a student is unprepared in class on two occasions as evidenced by responses to questions about assigned readings, their final grade will be reduced by half of a grade. For example, a C+ to a C. Subsequent unpreparations will further reduce the students' final grade.

The attendance policy mirrors the TMSLAW rules.

Class participation	5%
Court observations and written summaries	15%*
Final examinations	80%

At the student's convenience, the student is expected to attend immigration court and provide a written summary of their observations. There are at least two immigration courts in Houston, but the Downtown court is located at 600 Jefferson Street Suite 900 Houston, TX 77002. The written summary should provide a summary of what the student observed and the student's reflection on the immigration court process. This assignment will be due the week after midterm examinations.

As an alternate, at the student's choice, a student can write a memorandum of law addressing one of the fact patterns in the text for a midterm examination grade. If the student chooses this option, the student must work ahead and pick a problem that we have not yet addressed.

THE FORMAT FOR YOUR EXAMINATION WILL LARGELY BE HYPOTHETICAL ESSAYS AND BLUE BOOKS. THIS WILL BE A TIMED IN CLASS EXAMINATION. THE DATE AND TIME OF THE EXAMINATION WILL BE THE DATE AND TIME SCHEDULED BY THE DEAN'S OFFICE. THIS WILL BE AN OPEN CODE BOOK EXAMINATION. YOU WILL NOT BE ABLE TO COMPLETE THE FINAL EXAMINATION WITHOUT A CODE BOOK.

## **ACCOMMODATIONS**

If you desire, please notify me in confidence about any mental or physical impairment that might need special accommodations with Dean Mouton and direct her whether you want her to discuss these issues with me.



## ACADEMIC CALENDAR

This Course Meets on Tuesdays and Thursdays from 1:00-2:15 P.M. Room 107

First Day of Classes	August 19, 2019
Midterm Examinations	October 14-18, 2019
Thanksgiving Break	November 28-29, 2019
Last Day of Classes	November 26, 2019
Reading Days	November 30, 2019-December 1, 2019
Exam Period	December 2-13, 2019

<b>August</b>	<b>20, 22, 27, 29</b>	<b>(4)</b>
<b>September</b>	<b>3, 5, 10, 12, 17, 19, 24, 26</b>	<b>(8)</b>
<b>October</b>	<b>3,5,10,12,17,19,24,26,31</b>	<b>(9)</b>
<b>November</b>	<b>2,7,9,14,16,21,23,28,30</b>	<b><u>(9)</u></b>

**Total Class Meetings: 29**

## ASSIGNMENTS

### 1. August 20, 2019: Introduction

Syllabus and What do immigration lawyers do?

### 2. August 22, 2019: Overview

**READING: Immigration & Nationality Law Text, pp. 1-20.**

Organizational structure & immigration components of the Department of Homeland Security, the U.S. Department of Labor, and the Department of State; immigration terminology, immigration documentation, and historical background of U.S. immigration. Conduct of initial Client consultations

PROBLEM 1-1 p.19

CLASS EXERCISE-Immigrant Priorities

### 3. August 27, 2019 Immigration Law and the Constitution

Sources of Federal Immigration Power

READINGS Immigration & Nationality Law: Pages 33-57.

PROBLEMS 1-2 p.58; 1-3 p. 66

Be prepared to discuss the following cases.

*Chae Chan Ping v. U.S.*, 130 US 581 (1889).

*Fong Yue Ting v. U.S.*, 149 US 698 (1893).

*Hoffman Plastics v. NLRB* , 535 US 137(2002).

### 4. August 29, 2019

Problems 1-2 P.58; Employer sanctions and I-9 audits

Please review the I-9 forms and be prepared to discuss.

**5. September 3, 2019: Rights and Procedures at the border and within the U.S.**

READING Immigration & Nationality Law: Pages 123-238

PROBLEMS 2-1 p.130, 2-2 p. 137, 2-4 p.189, 2-6 p. 232

Be prepared to discuss the following cases.

*Meng Li v. Eddy*, 259 F.3d 1132(9<sup>th</sup> Cir. 2001).

*Yamataya v. Fisher*, 189 US 86 (1903).

*Shaughnessy v United States*, 345 US 206 (1953). “Mezei Case”

**6. September 5, 2019:Non-immigrant visa categories**

**READING Immigration & Nationality Law: Pages 239-273**

Lauvik v. INS

In Re Ibrahim

**7. September 10, 2019**

**Reading Immigration & Nationality Law: Pages 273-307**

Problems 301 p. 274 and 3-2 p.289,

In Re Healy

In Re Hira

In Re Minei

In Re Michael Hertz and Associates

**8. September 12, 2019**

**Reading Immigration & Nationality Law: Pages 307-346**

Problems 3-2-2 p. 329, 3-3 p.331,

**Be prepared to discuss the following cases.**

In Re \_\_\_\_

**9. September 17, 2019**

**Reading: Immigration & Nationality Law: Pages 346-381**

In Re Walsh

Bitar v US DOJ

Problems 3-4 p.346, 3-5 p.360, 3-6 p.371

**10. September 19, 2019**

**Reading Immigration & Nationality Law: Pages 381-392**

Problems 3-7 p. 381, 3-8 p. 383, 3-9 p. 390

**11. September 24, 2019: Immigrant Visa Categories**

**Reading: Immigration & Nationality Law: Pages 393-401**

**Please review visa bulletins from State Department website.**

**12. September 26, 2019**

**Reading: Immigration & Nationality Law: Pages 401-419**

Fiallo v Bell

Problems 4-1 p. 415

**13. October 1, 2019**

**Reading Immigration & Nationality Law: Pages 419-439**

Problems 4-2 p. 431

De Rodriguez v. Holder

In Re Hall

In Re Li

Medina Morales v Ashcroft

United States v Orellana-Blanco

**14. October 3, 2019**

**Reading: Immigration & Nationality Law: Pages 439-478**

De Rodriguez v Holder

Problems 4-3 p. 448, 4-4 p. 478

**15. October 8, 2019: Citizenship and Naturalization**

**Reading: Immigration & Nationality Law: 978-997**

Problems:

9-1 p. 975

9-2 p. 979

9-3 p. 980

9-4 p. 982

9-5 p. 985

9-6 p. 987

**16. October 10, 2019**

**READING: Immigration & Nationality Law: 998-1018**

(9-7)-(9-12)

**Be prepared to discuss the following cases.**

U.S. v. Flores-Villar

In Re Guzman-Gomez

**17. October 15, 2019**

**READING: Immigration & Nationality Law: 537-557**

Delgado v Carmichael

Rosenberg v Fleuti

Kleindienst v Mandel

**18. October 17, 2019**

**Reading: Immigration and Nationality Law 569-576.**

Problem 5-1: Overstay 569

Problem 5-1.2 Withdrawal of Admissions 570

Problem 5-1.3 Overstay Bars on Readmission 570

Problem 5-2 Fraud and Misrepresentation 577

**Kungys v U.S.**

**Maslenjak**

**19. October 22, 2019**

**Reading: Immigration & Nationality Law: 579-600**

**20. October 24, 2019**

**Reading: Immigration & Nationality Law: 579-600**

Problem 5-4 Exploring waivers for criminal grounds 602

Problem 5-5 How inadmissibility can lead to removal 612

**21. October 29, 2019**

**Reading: Immigration & Nationality Law: Pages 626-633**

In re Arrabally and Yerrabelly

**22. October 31, 2019**

**Reading: Immigration & Nationality Law: Pages 635-647**

Problem 6-1 Essentials 639

Problem 6-2 Marriage Fraud 644

**23. November 5, 2019**

**Reading: Immigration & Nationality Law: Pages 647-686**

Problem 6-3 Security Related 647

Problem 6-4 Misrepresentation 660

**24. November 7, 2019**

**Reading: Immigration & Nationality Law: Pages 686-710**

Problem 6-5 Crimmigration Law 686

**25. November 12, 2019**

**Reading: Immigration & Nationality Law: Pages 710-766**

Problem 6-6 Parole 744

**26. November 14, 2019**

Chapter 7 Relief from Removal

**Reading: Immigration & Nationality Law: Pages 767-780**

Problem 7-1 p. 768

**27. November 19, 2019**

**Reading: Immigration & Nationality Law: Pages 780-813**

Problem 7-2 p. 789

**28. November 21, 2019**

**Reading: Immigration & Nationality Law: Pages 813-854**

Problem 7-3 CAT p. 819

Problem 7-4 Carmen's Journey p. 843

**29. November 26, 2019**

Wrap Up