

INTRODUCTION TO U.S. IMMIGRATION LAW

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Online Course - American University Washington College of Law

July 6 – September 10, 2020

OBJECTIVES

Through their participation in this course, the students will learn:

1. The knowledge base necessary to understand the key provisions of immigration law, the Immigration and Nationality Act (INA), and the different entities that have jurisdiction over immigration matters;
2. The basic steps and the procedures for entering the U.S. with a permanent or temporary visa;
3. Categories of individuals for whom entry is prohibited, and those who are subject to deportation;
4. An overview of the deportation process, different forms of relief, and the types of prosecutorial discretion that exist in U.S. immigration law;
5. The treatment of refugees, asylum seekers, and other individuals seeking humanitarian relief under U.S. law; and,
6. Laws and regulations related to obtaining U.S. citizenship.

COURSE COVERAGE & DISCLAIMER

U.S. immigration law is an exceptionally broad body of law. This course aims to provide a basic overview of key agencies, systems, and processes. However, each of the 12 modules below could easily be a course unto itself.

This course will be useful for legal and non-legal professionals and others who wish to obtain this kind of basic overview of U.S. immigration law. Please note that this course and its accompanying completion certificate:

- WILL NOT fully prepare you for the day-to-day practice of immigration law. This course will certainly provide a helpful introduction to those who wish to practice in the field. However, as an introductory course designed for a broad audience, many of the scenarios that arise in practice simply cannot be covered.
- WILL NOT grant you permission to practice immigration law or represent clients in the U.S. There are specific practice rules for the Immigration Court and immigration agencies. As a general matter, to represent someone as an attorney on a U.S. immigration law matter, you must be member of the bar of a U.S. state or possession, territory, commonwealth, or of the District of Columbia. Similarly, taking this certificate course will not allow non-attorneys to represent clients on immigration matters. Unless

authorized by a specific practice rule, such representation constitutes the unauthorized practice of law.

- WILL NOT grant you a visa or any other legal status in the U.S.
- WILL NOT provide an opportunity to receive individualized immigration advice. Many of us have immigration law-related questions that arise in our own lives and families. These are best handled by an attorney in the context of a comprehensive consultation. Because their role is as your instructors (and not your legal representatives), Professor Rathod and Professor Goel will not be able to provide individualized consultations on personal immigration questions. Of course, general questions are welcome as we explore the different course topics.

GRADING & CERTIFICATE OF COMPLETION

This course is graded on a pass-fail basis. To successfully complete the course, students must carefully review all course content (including readings, lectures, and supplemental videos). Students must also participate in **all** discussion threads and obtain an overall score at least 75% on the quizzes. There is no final exam.

COURSE SYLLABUS

Each module will include either a live or recorded lecture, along with readings and short supplemental videos. Additionally, for a few of the modules, you will be asked to contribute to a discussion thread. Finally, all of the modules have a quiz containing short answer, multiple choice, and/or true-false questions. Please aim to complete the assignments by the end date of the date range for that module.

Modules will be available to you, per the schedule indicated below. Modules accompanied by a live lecture will open earlier, to allow you time to prepare prior to the live lecture.

Modules	Topics	Assignments
Module 1 July 5-10	Introduction to the course Live session: Monday, July 6, 7:00PM-8:45PM EST (105 minutes)	<ul style="list-style-type: none">• Login and participate in the course forum• Review assigned readings & videos• Complete the quiz Readings: <ul style="list-style-type: none">• Kevin Johnson et al., Understanding Immigration Law (excerpts)• <i>Chae Chan Ping v. U.S.</i> (excerpt)• Migration Policy Institute, <i>U.S. Immigration Policy Under Trump: Deep Changes and Lasting Impacts</i> (p. 2-16 only)

<p>Module 2 July 10-15</p>	<p>Basic immigration terminology and federal agencies in the U.S.; introduction to the visa system, exclusion, and deportation</p> <ul style="list-style-type: none"> • Dept. of Homeland Security (DHS) and sub-agencies; other key agencies • “Immigrants” and “Nonimmigrants” • Moving between categories • Visa system; exclusion versus deportation <p><i>Lecture time:</i> 41.5 minutes</p>	<ul style="list-style-type: none"> • Review assigned content (readings & video) • Complete the quiz <p>Readings:</p> <ul style="list-style-type: none"> • Migration Policy Institute, <i>Who Does What in U.S. Immigration System</i> • American Immigration Council, <i>How the United States Immigration System Works</i> <p>Statutes:</p> <ul style="list-style-type: none"> • INA § 201(a)-(b)
<p>Module 3 July 15-20</p>	<p>Employment- and investment- based immigration</p> <ul style="list-style-type: none"> • Permanent visas and the labor certification process • Permanent visas for investors • Temporary visas: A, D, G, H-1, H-2, J, L, O, P, Q • Applying for a visa <p><i>Lecture time:</i> 76 minutes</p>	<ul style="list-style-type: none"> • Review assigned content (readings & videos) • Complete the quiz • Participate in the discussion thread <p>Readings:</p> <ul style="list-style-type: none"> • American Immigration Council, <i>Employment-Based Visa Categories</i> • U.S. Citizenship and Immigration Services, Presentation, <i>Employment-Based Visas</i> <p>Statutes & Forms:</p> <ul style="list-style-type: none"> • INA §§ 203(b), 101(a)(15)(H), 101(a)(27) • Form I-140, Immigrant Petition for Alien Worker • Form I-129, Petition for a Nonimmigrant Worker • Form DS-160, Form DS-260
<p>Module 4 July 20-25</p>	<p>Family-based immigration</p> <ul style="list-style-type: none"> • Category of Immediate Relatives • Other permanent visas based on family relationships • Petitioners, beneficiaries, and derivatives • Visa applications: consular processing and adjustment of status 	<ul style="list-style-type: none"> • Review assigned content (readings & videos) • Prepare questions about the topics covered in the course • Complete quiz (only for those questions not completed during the live lecture) <p>Readings:</p> <ul style="list-style-type: none"> • U.S. Citizenship and Immigration Services, <i>U.S. Citizen Petitioning for Family Members</i>

	<p>Live session: Monday, July 20, 7:00PM-8:45PM EST (105 minutes)</p>	<ul style="list-style-type: none"> U.S. Citizenship and Immigration Services, <i>U.S. Citizen Petitioning for Fiancée</i> <p>Statutes & Forms:</p> <ul style="list-style-type: none"> INA §§ 203(a), (c); 101(a)(15)(K) Form I-130, Petition for Alien Relative
<p>Module 5 July 25-30</p>	<p>Other temporary visas for entering the U.S.</p> <ul style="list-style-type: none"> Visas F, M (students) Visa B (visitors); Visa J (exchange) <p>Lecture time: 62 minutes</p>	<ul style="list-style-type: none"> Review assigned content (readings & videos) Complete quiz <p>Readings:</p> <ul style="list-style-type: none"> Kevin Johnson et al., Understanding Immigration Law - Nonimmigrant Visas USCIS, <i>Change of Status for Nonimmigrants</i> Fragomen et al., Immigration Law and Business (excerpts) <p>Statutes & Forms:</p> <ul style="list-style-type: none"> INA §§ 101(a)(15)(B), (F), (J), (M), 274A, 274C Form I-9, Employment Eligibility Verification M-274, Handbook for Employers
<p>Module 6 July 30- August 6</p>	<p>Legal bases for exclusion and deportation</p> <ul style="list-style-type: none"> Inadmissibility and deportability Inadmissibility grounds Deportability grounds Crimes: convictions, moral turpitude, aggravated felonies <p>Lecture time: 60 minutes</p>	<ul style="list-style-type: none"> Review the assigned content (readings & videos) Participate in the discussion thread Complete quiz <p>Readings:</p> <ul style="list-style-type: none"> CLINIC, <i>Overview of Common Grounds of Inadmissibility and Deportability</i> <i>Padilla v. Kentucky</i> (excerpts) <p>Statutes & Forms:</p> <ul style="list-style-type: none"> INA §§ 212, 237 Form I-601, Application for Waiver of Ground of Inadmissibility
<p>Module 7 August 6-12</p>	<p>Immigration enforcement: from arrest to the judicial process</p> <ul style="list-style-type: none"> Arrest and detention: DHS and local police 	<ul style="list-style-type: none"> Review the assigned content (readings & videos) Complete quiz <p>Readings:</p>

	<ul style="list-style-type: none"> • Detention and searches at borders and ports of entry • Bond and custody determinations • Notice to Appear <p>Lecture time: 38 minutes</p>	<ul style="list-style-type: none"> • Kevin Johnson et al., Understanding Immigration Law: Removal Process • January 2017 Executive Order on Interior Enforcement • Center for Migration Studies, <i>Immigration Detention: Recent Trends and Scholarship</i> • National Immigration Forum, <i>Fact Sheet: Family Separation at the U.S.-Mexico Border</i> <p>Statutes & Forms:</p> <ul style="list-style-type: none"> • INA §§ 235(b), 239, 240 • Form EOIR-28
<p>Module 8 August 12-17</p>	<p>Removal relief: Cancellation of Removal and others</p> <ul style="list-style-type: none"> • Jurisdiction – USCIS and Immigration Court • Cancellation of Removal for LPRs and non-LPRs • Adjustment of status • Voluntary Departure <p>Live session: Thursday, August 13, 7:00PM-8:30PM EST (90 minutes)</p>	<ul style="list-style-type: none"> • Review the assigned content (readings & video) • Prepare questions about the topics covered in the course • Complete quiz (only for those questions not completed during the live lecture) <p>Readings:</p> <ul style="list-style-type: none"> • Kevin Johnson et al., Understanding Immigration Law: Relief from Removal • <i>Matter of C-V-T-</i> (excerpts) • <i>Matter of Recinas</i> (excerpts) <p>Statutes & Forms:</p> <ul style="list-style-type: none"> • INA §§ 240A, 240B, 245 • Form I-485, Application to Register Permanent Residence or Adjust Status • Form EOIR-42A • Form EOIR-42B
<p>Module 9 August 17-22</p>	<p>Enforcement Priorities, Prosecutorial Discretion, DACA, Ongoing Litigation</p> <ul style="list-style-type: none"> • Common forms of prosecutorial discretion • DACA • Ongoing litigation relating to Executive Orders <p>Lecture time: 30 minutes</p>	<ul style="list-style-type: none"> • Review assigned content (readings & videos) • Complete quiz • Participate in the discussion thread <p>Readings:</p> <ul style="list-style-type: none"> • Executive Order on Interior Enforcement (Previously Assigned; Review Section 5) • DHS Secretary Jeh Johnson, Memorandum of Nov. 20, 2014 Regarding Enforcement Priorities • National Immigration Law Center & United We Dream, <i>Frequently Asked Questions Regarding the</i>

		<p><i>Obama Administration's Deferred Action for Childhood Arrivals (DACA) Program</i></p> <ul style="list-style-type: none"> National Immigration Law Center, <i>Status of Current DACA Litigation</i>
<p>Module 10 August 22-26</p>	<p>Asylum, Withholding of Removal, and relief under the Convention Against Torture (CAT)</p> <ul style="list-style-type: none"> Overseas refugee program Asylum Withholding of Removal Relief under the UN CAT <p>Lecture time: 54.5 minutes</p>	<ul style="list-style-type: none"> Review assigned content (readings & videos) Complete quiz <p>Readings:</p> <ul style="list-style-type: none"> American Immigration Council, <i>Overview of U.S. Refugee Law and Policy</i> U.S. Dept of Justice, <i>Asylum and Withholding Relief; Convention Against Torture Protections</i> Immigrant Legal Resource Center, <i>Matter of A-B-Considerations</i> <p>Statutes & Forms:</p> <ul style="list-style-type: none"> INA §§ 207, 208 Form I-589, Application for Asylum and Withholding of Removal
<p>Module 11 August 26-September 2</p>	<p>Other forms of humanitarian relief</p> <ul style="list-style-type: none"> T Visa (human trafficking victims) U Visa (certain crime victims) Temporary Protected Status (TPS) <p>Lecture time: 90.5 minutes</p>	<ul style="list-style-type: none"> Review assigned content (readings & videos) Complete quiz <p>Readings:</p> <ul style="list-style-type: none"> Immigration Policy Center, <i>VAWA Protections for Women; Protections for Crime Victims</i> National Immigration Forum, <i>Fact Sheet: Temporary Protected Status</i> State Justice Institute, <i>Special Immigrant Juvenile Status</i> <p>Statutes & Forms:</p> <ul style="list-style-type: none"> INA § 244 Form I-821, Application for Temporary Protected Status Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant Form I-914, Application for T Nonimmigrant Status Form I-918, Petition for U Nonimmigrant Status

<p>Module 12</p> <p>September 2-10</p>	<p>Naturalization and citizenship</p> <ul style="list-style-type: none"> • <i>Jus soli</i> citizenship • <i>Jus sanguinis</i> citizenship • Naturalization requirements <p><i>Live session:</i> Tuesday, September 8, 7:00PM-8:30PM EST (90 minutes)</p>	<ul style="list-style-type: none"> • Review assigned content (readings & videos) • Complete quiz • Participate in the discussion thread • Complete Course Evaluation <p>Readings:</p> <ul style="list-style-type: none"> • U.S. Citizenship and Immigration Services, <i>I Am a Permanent Resident. How do I Apply for Citizenship?</i> • U.S. Citizenship and Immigration Services, <i>Understanding the Process of Becoming a U.S. Citizen</i> <p>Statutes & Forms:</p> <ul style="list-style-type: none"> • INA §§ 301, 313, 316 • Form N-400, Application for Naturalization • Form N-600, Application for Certificate of Citizenship
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Final Deadline for All Course Assignments: Sunday, September 20, 2020