

# IMMIGRATION LAW 593

Spring 2019

Interim Dean and Professor of Law Cindy Galway Buys

**Meeting Place and Times:** Room 206  
Mondays and Wednesdays: 3:00-4:15 p.m.

**Contact Info:**

Office 134

Office phone: 618-453-8743

E-mail: [cbuys@siu.edu](mailto:cbuys@siu.edu)

Office Hours: MW 2-3 p.m. or by appointment (email is the best way to set up an appointment. You may email me directly or contact my assistant, Michele Tourville at [tville@siu.edu](mailto:tville@siu.edu)). I am also available for questions immediately after class.

**Course Description:**

This course introduces students to the laws, regulations, practices, and policies governing the ability of non-United States (U.S.) citizens to enter and remain in the United States either temporarily (as nonimmigrants) or permanently (as immigrants). In studying immigration law, students will develop a better understanding of several other areas of law, such as constitutional law, administrative law, and U.S. foreign relations law. Students also will gain insight into the political, legal, economic, and social history of this country since developments in immigration law largely reflect the larger political, legal, economic, and social context. Finally, students will gain valuable practical skill in statutory and regulatory interpretation and application as well as client interviewing and counseling.

**Learning Objectives:** By the end of this course, I expect students will be able to:

1. Identify the bases upon which the United States admits non-U.S. citizens either temporarily or permanently and the procedures for admissions;
2. Identify the bases upon which non-U.S. citizens may be denied entry or removed from the U.S. and the procedures for removal;
3. Identify and apply relevant provisions of the complex and intricate statutory and regulatory framework governing immigration to specific fact patterns;
4. Analyze the roles and powers of the different branches of government in the development and implementation of immigration law and policy; and
5. Discuss and critique the underlying political, social, and economic context which often drives the formulation of immigration law and policy historically and today and the role of attorneys in that process.

**Required Reading:**

Most of the reading assignments for this course will be drawn from Legomsky & Thronson, *Immigration and Refugee Law and Policy* (Foundation Press 7th ed. 2019), and the documents supplement, Alienikoff, et al., *Immigration and Nationality Laws of the United States: Selected Statutes, Regulations and Forms* (West)

Other reading assignments may be distributed in class or posted on TWEN directly or through web links. In particular, there is a wealth of information available on the website of the United States Citizenship and Immigration Services website: [www.uscis.gov](http://www.uscis.gov).

The **first reading assignment** for Tuesday, January 14, 2019 is Legomsky, pp. 1-27; U.S. Constitution, Article I, §§ 8, 9 (Docs Supp.).

**Class Attendance and Preparation:**

You are expected to attend classes on a regular basis. Absences in excess of six (6) classes will be dealt with in accordance with the law school rules and are likely to result in a grade reduction or withdrawal from the course. Attendance will be taken daily. You are responsible for making sure you sign in each day and for keeping track of your absences. Being on time demonstrates professionalism as well as respect for your professor and your classmates. If you enter the room after the class has begun, you may not sign the attendance sheet. Your signature on the attendance sheet constitutes a representation that you have read the assigned material and are prepared to discuss it in an intelligent fashion. If you are called on and you are unprepared, you may be marked as absent for that class.

If you are unprepared for class but would like to attend and receive the benefit of the class discussion: (1) do not sign the attendance sheet; (2) give the professor a note at the start of class with your name and the date. A day of “noting out” counts as one of your permitted absences.

After the first unit, a few students will be assigned as “experts” for the material on each day. If you are an “expert” for the day, you must read the assigned material, prepare *written* answers to any assigned problems (which will be collected from time to time), and be prepared to discuss the material in an intelligent fashion. Please note that on the list of “Reading Assignments” there usually will be one or more questions relating to main ideas for that day’s assigned readings. The student “experts” also should have read, thought about, and be prepared to discuss the question(s) for the day. If an “expert” is not adequately prepared, the student will be marked as absent for that day. If you cannot be present on your assigned day, you may trade days with another student, as long as you notify the professor before class or at the start of class.

Even if you are not the assigned “expert” for the day, you should prepare written answers to the assigned problems because that is what we will spend much of our class time discussing and because the exam will contain problems very similar to those we do in class together.

We likely will participate in one or two simulation exercises during the semester, which will require some preparation outside of class. Barring extraordinary circumstances, you must attend class on the day of a simulation exercise.

**Workload Expectations:**

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work required to earn one credit hour of law school credit. Pursuant to these standards, each credit hour should reasonably approximate one hour of in-class instruction and two hours of out-of-class work per week for fifteen weeks. Accordingly, for this three-credit-hour class, you should spend approximately three hours per week in class and at least six hours per week preparing for class or engaging in other class-related activities.

**TWEN (The West Education Network):**

You should register for this course on TWEN before or during the first week of classes. This syllabus and the reading assignments will be posted on TWEN, as well as other relevant material and information. You will be expected to check TWEN at least weekly and are responsible for any materials posted on TWEN. Be sure to list an e-mail address that you check regularly so that you receive class-related e-mails sent through TWEN.

**Class Recordings:**

This class will be recorded, but you must have professor permission to view the recording. Viewing a recording of the class does not count as being present in the class, unless the professor has made a special exception.

**Professional Behavior:**

You are expected to be courteous and respectful to everyone in the class at all times, including conduct both in and out of the classroom and on social media. During this class, we will discuss many topics on which personal and political views are likely to vary greatly. In order to test ideas, I strongly encourage open discussion and the expression of different viewpoints in a professional, respectful, and civil manner.

While in the classroom, you are expected to keep distractions to a minimum, to turn off any noise-making devices, and to give the class your full attention. You are welcome to use laptops in the classroom for note-taking and other authorized tasks. However, other uses of technological devices are likely to be distracting and possibly even offensive to other persons in the classroom and are therefore prohibited. If laptops and other electronic devices are being used inappropriately, they may be banned from the classroom. If it is absolutely necessary for you to leave the classroom while class is in session, please do not disrupt the class upon entering or exiting the room.

**Evaluation:**

Your grade will consist of three parts as follows:

First, you will be expected to participate in a Know Your Rights visit to the Pulaski Co. Detention Center in Ullin, IL in February or March. If you have not been before, you must attend a training session before going to the detention center. While there, you will interview one or more immigration detainees. You will write a client letter in the form of a Multistate

Performance Test (MPT) that analyzes a detainee's situation and provides your best advice as to possible legal options. This assignment will count as approximately 30% of your final grade. If you have a conflict on mornings of the visits and it is not possible for you to make any of the trips to the detention center, contact the professor to make arrangements for an alternate assignment.

Second, there will be a three-hour cumulative timed final examination (worth approximately 60% of your grade). I also reserve the right to administer other short graded or ungraded assignments during the semester. Ungraded or S/U assignments must be completed in a satisfactory and timely manner to receive credit for the course. **The final examination in this class is scheduled for Tuesday, April 30 at 1:15 p.m.**

Third, your class participation will count towards the final 10% of your grade. Class participation points are awarded in my discretion based on both the quality and quantity of a student's participation in the class discussion as well as above average attendance. You can earn participation points by asking thoughtful questions, answering questions in class, demonstrating good preparation, and sharing relevant immigration law-related news with the class.

#### **Statement on Collaboration and Plagiarism:**

In this class, there will be some assignments where collaboration is allowed and even encouraged and others where it is not. As a general rule, other than graded assignments, you are allowed to discuss assignments with any other student currently in the class, but you are not allowed to rely on any written materials from any other person.

Plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

**Emergency Procedures.** Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at [www.bert.siu.edu](http://www.bert.siu.edu), Department of Safety's website [www.dps.siu.edu](http://www.dps.siu.edu) (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility. If you have any questions about emergency procedures, please contact Judi Ray ([judiray@siu.edu](mailto:judiray@siu.edu)).

## **Disability Policy**

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must go to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. <http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

## **Saluki Cares**

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or [siucares@siu.edu](mailto:siucares@siu.edu), <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is [judiray@siu.edu](mailto:judiray@siu.edu), and her phone number is 618-453-3135.