

IMMIGRATION LAW 593
Spring 2023
Professor Cindy Galway Buys

Meeting Place and Times: Room 206
Mondays and Wednesdays: 1:30-2:45 p.m.

Contact Info:

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Office Hours: MW 3-4 pm or by appointment

Course Description:

This course introduces students to the laws, regulations, practices, and policies governing the ability of non-United States 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 skills in statutory and regulatory interpretation and application.

Learning Objectives: By the end of this course, I expect students to:

1. Identify the bases upon which the United States admits non-U.S. citizens either temporarily or permanently and become familiar with the procedures for admissions;
2. Identify the grounds upon which non-U.S. citizens may be denied entry or removed from the U.S. and understand the procedures for removal;
3. Apply relevant provisions of the complex and intricate statutory and regulatory framework governing immigration to resolve issues in specific fact patterns involving non-U.S. citizens;
4. Critically analyze the roles and powers of the different branches of government in the development and implementation of immigration law and policy;
5. Recognize, analyze, and resolve some of the difficult ethical issues that face immigration lawyers;
6. Examine assumptions about immigrants and immigration and explore the intersection of race and immigration status; and
7. 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), the 2022 Legomsky Supplement, and the documents supplement, Alienikoff, et al., *Immigration and Nationality Laws of the United States: Selected Statutes, Regulations and Forms* (West).

Other reading assignments will be 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.

The **first reading assignment** for Wednesday, January 18, 2023 is Legomsky, pp. 1-27; U.S. Constitution, Article I, §§ 8, 9.

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 will result in a grade reduction or withdrawal from the course, absent extraordinary circumstances. Attendance will be taken daily. You are responsible for making sure you register your attendance each day and for keeping track of your absences. Being on time demonstrates professionalism as well as respect for your professor and your classmates. Your affirmative mark on the attendance sheet constitutes a representation that you have read the assigned material and are prepared to discuss it in an intelligent fashion. Being prepared also means that you are ready to answer any assigned problems and have completed any written assignments. If I call on you and I judge that you are unprepared, I reserve the right to mark you as absent for that class.

If you are unprepared for class but would like to attend and receive the benefit of the class discussion, you may note that on the attendance poll. 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 the professor may ask to be submitted at the end of that day’s class), 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 the problems 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.

Make-up Classes:

To ensure compliance with ABA Standard 304, this class must hold an additional class session or require an out-of-class assignment due to the Martin Luther King Day holiday. More information regarding the make-up TBA.

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 using Echo360. Links to the recordings will be made available upon request. 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.

Respectful behavior also includes addressing each person as they prefer to be addressed. I prefer to be called Professor Buys in the classroom setting and I use the pronouns she/her/hers. Please let me know if you prefer to be called by a particular name and the pronouns you prefer to use.

Please be courteous to the others in the class by keeping distractions to a minimum, turning off any noise-making devices, and giving the class your full attention. You are expected to use laptops and other devices only for class-related tasks during class. Other uses of technological devices are likely to be distracting and possibly even offensive to other persons in the class and are therefore prohibited. If I believe there is a problem with improper usage of laptops or other electronic devices during class, I reserve the right to take appropriate disciplinary action. If it is absolutely necessary for you to leave the class while it is in session, please do so as discretely as possible to as not to disrupt the class.

Evaluation:

Your grade will consist of three parts as follows:

First, you will take a timed bar-style question (either Multistate Essay Exam (MEE) or Multistate Performance Test (MPT)) that analyzes an immigration issue approximately mid-semester. This assignment will count as approximately 30% of your final grade.

Second, there will be a three-hour cumulative final examination (worth approximately 60% of your grade). The date and time of the final exam is TBD.

I also reserve the right to administer other short graded or ungraded assignments during the semester. All assignments must be completed in a satisfactory and timely manner to receive credit for the course.

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. 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. Failure to complete ungraded assignments in a satisfactory and timely manner will result in a reduction of participation points.

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.

**SYLLABUS ATTACHMENT
SIU SCHOOL OF LAW – SPRING 2023**

EMERGENCY PROCEDURES: We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.

DISABILITY POLICY. SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course 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) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at judiray@siu.edu, or call 618- 453-3135.

COVID-19. SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to pandemicinfor@siu.edu.

SAFETY AWARENESS FACTS AND EDUCATION Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>