

# **Immigration Law**

## **Fall 2014**

Thursday Night  
6:15-9:30

Professor Joseph H. Rosen  
1875 Old Alabama Rd, Suite 720  
Roswell, Georgia 30076  
JOE@JHROSENLA.W.COM  
678-461-6046

**First Class Assignment:** To be read and prepared for on August 28, 2014

**PLEASE NOTE THAT ON THE FIRST SCHEDULED CLASS DAY (August 21, 2014) PROFESSOR ROSEN WILL BE OUT OF THE COUNTRY, SO THE CLASS WILL NOT MEET. TRADITIONALLY, ONE CLASS PER SEMESTER IS WAIVED IN LIEU OF STUDENTS EITHER PARTICIPATING IN A CITIZENSHIP ENROLLMENT DAY, ATTENDING A SESSION OF IMMIGRATION COURT, OR ASSISTING IN A PRO BONO IMMIGRATION EFFORT. THAT ACTIVITY WILL BE THE MAKEUP FOR THE FIRST DAY OF CLASS**

**READING** Immigration and Nationality Law: Problems and Strategies. Pages 1-120

Overview

Welcome to Immigration Law. What is Immigration Law? What are varieties and Forms of Immigration Practice? Immigration law and the U.S. Constitution.

Be prepared to participate in group solutions to the following problems:

- 1-1 Page 19
- 1-2 Page 58
- 1-3 Page 66

**Immigration Priorities Exercise** – In addition to the above, please complete the exercise on the following pages prior to the first class and come prepared to discuss your choices.

**ATLANTA'S JOHN MARSHALL LAW SCHOOL**

Summer 2014

Professor Joseph H. Rosen

**IMMIGRATION PRIORITIES EXERCISE**

You are working as a Staff Assistant to Congress putting together the new Immigration Bills.

There will be a maximum number of visas that will be authorized. The number is locked in at 100,000 per year.

First, rank the following applicants for admission to legal immigration status from 1st priority downward.

Second, decide how many of the applicants in each group will you admit? In other words, from your ranked list will you allow admission to none, to all or to some number in between for each group; i.e. 50,000 athletes or 500 athletes?

Be prepared to discuss and explain your decisions.

\_\_\_\_\_ Foreign National is the spouse of a U.S. citizen and has three U.S. citizen children.  
Foreign National entered the country legally, but is now illegal.

\_\_\_\_\_ Foreign National is the spouse of a U.S. citizen and has three U.S. citizen children.  
Foreign National walked across the Canadian border and entered illegally.

\_\_\_\_\_ Foreign National is a highly skilled scientist with no relatives in the United States.

\_\_\_\_\_ Foreign National owns a large and successful business that she wishes to expand into the United States.

\_\_\_\_\_ Foreign National is an agricultural laborer who never finished high school.

\_\_\_\_\_ Foreign National is an outstanding basketball player who has been drafted by an NBA team.

\_\_\_\_\_ Foreign National is an experienced nurse with no relatives in the United States.

\_\_\_\_\_ Foreign National, now age 22, was brought to the United States on a tourist visa by a parent at age three from a country with an Islamic fundamentalist government. She speaks the language of her home country, but has not returned there since her arrival in the United States. She just graduated from high school with honors.

- \_\_\_\_\_ Foreign National is the adopted teenage child of a U.S. citizen with juvenile delinquency adjudication for possession of marijuana. She is illegally in the U.S.
- \_\_\_\_\_ Foreign national is illegally in the U.S. and is a victim of domestic violence by her U.S. citizen husband who has assisted the police in the prosecution of her abuser.
- \_\_\_\_\_ Foreign national is illegally in the U.S. and is a victim of domestic violence by her husband who is illegally in the U.S. She has assisted the police in the prosecution of her abuser.
- \_\_\_\_\_ Foreign national came to the United States six ago with a student visa to complete a Ph.D. program. They became involved in a same-sex relationship with a U.S. citizen five years ago. Recently, she and her partner traveled to New York and were married. Her student visa is about to expire and she wants to remain permanently in the United States.
- \_\_\_\_\_ Foreign National is illegally in the U.S. She is a 15-year-old girl who was smuggled into the United States and forced to work at a brothel for several months before being freed during a police raid.
- \_\_\_\_\_ Foreign National is a 15-year-old boy who was smuggled into the United States and forced to work long hours on an isolated farm where his documents and wages were withheld.
- \_\_\_\_\_ Foreign National is the aging parent of a legal permanent resident.
- \_\_\_\_\_ Foreign National is the aging parent of a U.S. citizen.
- \_\_\_\_\_ Foreign National is illegally in the U.S. and is the spouse of a U.S. citizen. The U.S. citizen spouse is almost finished serving a prison sentence for a felony conviction for drug trafficking.
- \_\_\_\_\_ Foreign National entered the country illegally and gave birth to a child, a U.S. citizen, who was born with severe physical disabilities. The child is three years old.
- \_\_\_\_\_ Foreign National is the adult sibling of a U.S. citizen and has a spouse and five minor children.

\_\_\_\_\_ Foreign National participated in a failed military coup to overthrow a brutal dictator in her home country and claims that she will be tortured if returned to her native country.

\_\_\_\_\_ Foreign National, who is illegally in the U.S. is a 6-year-old girl who claims she will be subjected to female gender mutilation if returned to her native country.

\_\_\_\_\_ Foreign National W is the mother of the above child and is illegally in the U.S.

\_\_\_\_\_ Foreign National has a BA degree from a foreign university in Special Education

\_\_\_\_\_ Foreign National has a BA degree from a U.S. university in Special Education

\_\_\_\_\_ Foreign National came to the United States two years ago with her young son and husband. Husband is on a student visa and has several years left in his Ph.D. program. Foreign National has been the primary caretaker for her son. She and her husband were recently divorced.

**FOR THE FOLLOWING CIRCUMSTANCES, INDICATE HOW LONG IF AT ALL YOU WOULD BAR THE PERSON FROM THE U.S. UNDER WHAT CIRCUMSTANCES IF ANY WOULD YOU WAIVE THE BAR (I.E. FACTUAL, RELATIVE BASED, CHARACTER, EQUITIES, ETC.)**

Renewed a Georgia driver's license by checking they were a U.S. citizen to avoid driving without a license.

Walked across the border and remained in U.S. for two years

Legally entered the U.S. and overstayed their authorized time for two years.

Walked across the border, remained in U.S. for five years,

Legally entered the U.S. and then overstayed their authorized time for five years.

Previously deported from the U.S.

Previously in the U.S. without authority for five years, then left the U.S. to attend parent's funeral and walked back into the U.S. without inspection.

Convicted of possession of one ounce of marijuana.

Convicted of possession of two ounces of marijuana.

Convicted of shoplifting a \$ 2 candy bar and placed on two years probation with no suspended jail term.

Convicted of shoplifting a \$ 2 candy bar and placed on one years probation with a suspended jail term of twelve months

Used false social security card to legally get employment to support three children. Filed income taxes every year.

At age seventeen bought a counterfeit green card to use for identity

Smuggled their brother into the U.S.

Smuggled their spouse into the U.S.

Smuggled their fiancé into the U.S.

Convicted of one DUI in 2013.

Convicted of two DUI's.

Convicted of ten DUI's . The last one was in 2000

\*\*\*\*\* COURSE POLICIES BELOW \*\*\*\*\*

## **IMMIGRATION LAW**

### **FALL 2014 COURSE POLICIES**

**ADJUNCT PROFESSOR JOSEPH H. ROSEN**

#### **OFFICE:**

**1875 Old Alabama Rd, Suite 720**

**Roswell, GA 30076**

**TELEPHONE 678-461-6046**

**EMAIL: JOE@JHROSENLAWS.COM**

#### **Teaching Schedule:**

Tuesday & Thursday evening; 6:15 PM-9:30 P.M.

#### **Appointments:**

I am available to meet with students by appointment. Please contact me by email to set up an appointment. I can meet students either at my daytime office or in the adjunct faculty offices prior to class.

#### **Class Preparation and Participation:**

Class preparation is essential. Every student must be prepared for every class. Preparation includes reading the material, identifying questions you have regarding the material, thinking through the material, and preparing problems/hypotheticals as assigned. A student who is not prepared for class may be counted as absent for that class period.

Every student is expected to participate during class. Preparation for and participation in class are essential in order for you to master the material which will be covered in class. Classroom discussion and working through hypotheticals are part of the legal process. It prepares you the student for the class exams and for the practice of law. **If a student is unprepared in class on two occasions as evidenced by responses to questions about assigned reading, their final grade will be reduced by a half of a grade (i.e. from B+ to B, or B to B-) Subsequent unprepareds will further reduce the grade.**

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 as absent for that class.

**Textbook:**

Title: Immigration and Nationality Law: Problems and Strategies

Author: Veronica M. Jeffers, Lenni Beth Benson/NYLS; Lindsay Curcio & Stephen W Yale-Loehr (Adj Cornell Law School)

Publisher: Lexis Nexis

Edition: First 2013

**ISBN:**

Hardbound book 9781422422168

Loose leaf book 9781422472811

Ebook 9780327179535 [ can be ordered on the LexisNexis online bookstore, also from other sources- Amazon, etc ]

**Attendance:**

Regular and punctual class attendance is mandatory. Per school policy, if you miss more than 20% of the Immigration Law classes, you will be academically withdrawn and automatically given a "W/F" for the course. See John Marshall School of Law Student handbook, Section 601 (2001) if you are more than fifteen (15) minutes late or leave more than fifteen minutes early, the late arrival or early departure will be counted as ½ of an absence.

In this course, the third class that you are absent will trigger the 20% rule. I have no power of dispensation to allow you extra excused absences.

When you do miss a class, it is your responsibility to get notes from a classmate. You will be required to meet any deadlines of the course regardless of missed classes.

**Taping of Classes:**

You may not tape record or otherwise electronically record the class.

**TWEN:**

TWEN will be used extensively during Immigration law. You are responsible for all materials, announcements, and assignments posted on TWEN. All course material will be posted on TWEN. Within the first week of the semester, you must access TWEN and enter an email address which you use on a regular basis. I will use TWEN to communicate with you.

**\*\*\*\*\* SYLLABUS BELOW \*\*\*\*\***

---

## **IMMIGRATION LAW/FALL 2014**

### **SYLLABUS**

**ADJUNCT PROFESSOR JOSEPH H. ROSEN**

#### **OFFICE:**

1875 Old Alabama Rd. Suite 720

Roswell, GA 30076

**TELEPHONE** 678-461-6046

**EMAIL:** JOE@JHROSENLAW.COM

#### **REQUIRED TEXT:**

1. Immigration and Nationality Law: Problems and Strategies 1st Edition, 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

#### **RECOMMENDED TEXT:**

**None**

The final exam will be closed book.

**COURSE DESCRIPTION:** The course will focus upon U.S. immigration and naturalization law and will concentrate on practice, and procedures. The course will focus on the actual practice of immigration law and will concentrate on laws, regulations, and processes and procedures directly affecting immigration for family and business purposes. The course will provide an overview of what foreign nationals encounter in coming to the United States, the ethical issues encountered in an immigration law practice, admissibility to the U.S. and an introduction to the roles played in the immigration process by the U.S. Department of Homeland Security, the U.S. Department of Labor, and the U.S. Department of Justice.



## **COURSE OBJECTIVES**

- (1) In regard to DHS, DOJ, and DOL, be able to identify their responsibilities regarding U.S. Immigration 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.
- (3) Identify and know the elements and types of the following Nonimmigrant categories; visitors for pleasure, students, temporary employment, and exchange visitors.
- (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.

**COURSE GOALS:** To introduce the student to U.S. agencies that process and decide immigration matters; familiarize students with the forms, required evidence, and applicable laws and regulations relating to foreign nationals entering or remaining in the U.S.; introduce students to the practical aspects of operating an immigration law practice and review ethical considerations related to the practice of immigration law.

## **COURSE SCHEDULE AND READING ASSIGNMENTS:**

The reading assignment for each class is listed below. Students are expected to have read the assignment prior to class and be prepared to discuss the issues raised in the reading assignment during that class period.

Modifications and additions to the syllabus and reading assignments will be announced in class or posted on TWEN.

**PLEASE NOTE THAT ON THE FIRST SCHEDULED CLASS DAY (August 21, 2014) PROFESSOR ROSEN WILL BE OUT OF THE COUNTRY, SO THE CLASS WILL NOT MEET. TRADITIONALLY, ONE CLASS PER SEMESTER IS WAIVED IN LIEU OF STUDENTS EITHER PARTICIPATING IN A CITIZENSHIP ENROLLMENT DAY, ATTENDING A SESSION OF IMMIGRATION COURT, OR ASSISTING IN A PRO BONO IMMIGRATION EFFORT. THAT ACTIVITY WILL BE THE MAKEUP FOR THE FIRST DAY OF CLASS**

## **DATE   ASSIGNMENT**

CLASS 1      August 18

PLEASE NOTE THAT ON THE FIRST SCHEDULED CLASS DAY (August 21, 2014) PROFESSOR ROSEN WILL BE OUT OF THE COUNTRY, SO THE CLASS WILL NOT MEET. TRADITIONALLY, ONE CLASS PER SEMESTER IS WAIVED IN LIEU OF STUDENTS EITHER PARTICIPATING IN A CITIZENSHIP ENROLLMENT DAY, ATTENDING A SESSION OF IMMIGRATION COURT, OR ASSISTING IN A PRO BONO IMMIGRATION EFFORT. THAT ACTIVITY WILL BE THE MAKEUP FOR THE FIRST DAY OF CLASS

CLASS 2      August 28

Overview

**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**

READING-              Immigration & Nationality Law: Pages 1-32

PROBLEM              1-1 p.19

CLASS EXERCISE-Immigrant Priorities

CLASS 3      September 4

### **IMMIGRATION AND THE CONSTITUTION**

#### **SOURCES OF FEDERAL IMMIGRATION POWER**

READING              Immigration & Nationality Law: Pages 33-122

PROBLEMS            1-2 p.58

1-3 p. 66

Be prepared to discuss the following cases.

Chae Chan Ping v. U.S.

Fong Yue Ting v. U.S.

Hoffman Plastics v. NLRB

Chamber of Commerce v. Whiting

CLASS 4, & 5      September 11, September 18

**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

Be prepared to discuss the following cases.

Meng Li v. Eddy

Yamataya v. Shaughnessy

Shaughnessy v. U.S. Mezei

CLASS 6, 7, 8 & 9    September 25, October 2, 9, & 16

**NON-IMMIGRANT VISA CATEGORIES**

READING              Immigration & Nationality Law: Pages 239-380

PROBLEMS            3-1 p.274

3-2 p.289

3-2-2 p.329

3-3 p. 331

3-4 p. 346

3-6 p. 371

Be prepared to discuss the following cases.

Lauvik v. INS

In Re Ibrahim

In Re Healy

In Re Hira

In Re (The Case of the Specialty Occupation and the L.A. Auto Show)

In re (The Case of Extraordinary Ability o the Arts and Entertainment Field)

CLASS 10,11, & 12 October 23 & 30, November 6

### **IMMIGRANT VISA CATEGORIES**

READING Immigration & Nationality Law: Pages 393-

PROBLEMS 4-1 p.415

4-2 p. 431

4-4 p.478

4-5 p.480

4-12 p.525

4-13 p. 535

Be prepared to discuss the following cases.

De Rodriguez v. Holder

In Re Hall

CLASS 13, & 14    November 13 & 20

**CITIZENSHIP & NATURALIZATION**

READING            Immigration & Nationality Law:

Pages 975-1018

PROBLEMS        9-1 p.975

9-2 p.979

9-3 p.980

9-4 p.982

9-5 p.985

9-19 p. 1018

Be prepared to discuss the following cases.

U.S. v. Flores-Villar

In Re Guzman-Gomez

Kungys v. U.S.