

SYLLABUS - UH LAW CENTER

IMMIGRATION CLINIC I & II –

FALL SEMESTER 2022

Course Component and Case Rounds

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Case Rounds

Premised on the medical model, case rounds help students strategize about their cases with the help of the professors and also fellow students during class. For case rounds this semester, please be ready to converse about the cases assigned to you. You will be asked to present the status of your cases. You should provide a bit of the background of the case. You may be asked to discuss what arguments or research you think will be required to win your case. We will discuss the theory of the case; be ready to be asked about the details of the file. Please “learn your file” so you will be able to answer questions posed by the supervising attorney and/or fellow students. The “file” will be accessible to you on Sharepoint. If certain documents need to be scanned they will be provided to you, so you will be up to date on all materials for each client.

Preparation

Please be sure to read the materials relevant to the topics for each class. These materials are located on the Sharepoint under course materials. Read those carefully. We will call upon students who should be prepared and ready to discuss the materials and/or cases. If you wish to read more about any particular topic or prepare more for any specific case, read the appropriate section in Kurzban's Immigration Law Sourcebook. This resource has chapters and further information relating to all topics covering immigration law.

Practical Skills Training

After case rounds are completed in a given class, if time allows, we will have presentations on certain practical topics, for example: how to properly assist a client with an affidavit, confidentiality issues, interviewing skills, ethical issues in immigration practice, etc.

Outreaches

There will be opportunity for outreaches (in person and virtual). All students (both Clinic I and II) are required to do 2 outreach this semester. Prof. Sheffy will keep a record of all the outreaches done by students.

Grades

Your grade will be determined based on your performance on the cases assigned to you, as evidenced by your documents, your ability to work with your fellow students, meetings with supervising attorneys, as well as your Student Logs (in your Sharepoint student folders) class participation, and journals. For more information on grades, please see your Student Manual discussed during orientation. The Sharepoint has all your materials under FALL 2022 in Sharepoint, "Course Materials By Semester."

Assessments and Outcomes:

Through this course, students will be able to: (1) demonstrate understanding immigration laws and procedures; (2) represent real clients and engage in legal analysis and reasoning to solve real immigration issues under the direct supervision of licensed attorneys/professors; (3) develop written and oral communication related to Immigration Law; (4) reflect on the concept of ethical practice and professionalism in the lawyer's role in representing immigrants with their legal issues; and finally (5) recognize the direction in which the law in this area is developing and be cognizant of various possibilities for reform.

NOTE: There is a 48-hour rule concerning sending out any work to be filed with the court or any administrative agency. This should not be construed to mean that you should ignore deadlines imposed by your supervising attorneys in the event they would like drafts or other worked turned in earlier than 48 hours. All work must be turned in to your professor for their review by the deadlines *set by the professor* and no work product should be sent outside the Clinic, e.g. client letters, CIS, immigration court and BIA filings without the approval and signature of the professor. If a professor does not have enough time to review your work before it is mailed out and you miss the 48 hour deadline this will greatly adversely affect your grade.

Prof. Vega will be reviewing your Student Logs as well as your case files in the Sharepoint in order to determine your grade. He will also ask for input from Profs. Sheffy and Aisenberg.

Journals

Please see the Student Manual for details regarding the contents of a journal. *Email your journals to all professors at the beginning of designated classes.*

Docketwise

Docketwise is a web-based system where client information is inputted. Docketwise is a web-based program should be used frequently so that anyone on any particular case can be advised what is going on in that case. Docketwise is not only a case management system for immigration, but a forms program to assist you with client applications.

My Case

MyCase is also a web-based management system used by all the clinics. Please see the Immigration Clinic Student Handbook in the Sharepoint. Remember to **keep all your time** in My Case. You will be required to print out all your time for each case and show the time sheets to your supervising professors at the time of the mid-semester review meeting and also at the time of your

final meeting (end of semester) with your supervising professors. **Also you are required to create a “new case” with your name in which you will save all your non-billable time.**

Class Attendance: Class attendance is mandatory unless otherwise excused with the written permission of Professor Vega. Please use Zoom etiquette when attending classes, if the class is via zoom or if you need to attend via zoom. Be sure to have your video on during class, unless there is some reason to turn off the video. Please advise your professor of the reason for the lack of video in a confidential email.

Meetings with your Supervising Attorneys: Please see the Student Manual. You must check in with your supervising attorneys on a weekly basis on each active case you have. An “active” case is defined as a case where there is currently some project with a due date or an on-going project: for example, a brief, research memo, court filing, etc. The meetings do not have to be long but you must keep each supervising attorney advised, and updated, on the progress on your cases on a weekly basis. *Remember, you must commit to a minimum of 10 hours (not including 2 hours for class) in which you will be (virtually) “in” the clinic. Your block schedule is your commitment and will enable us to find you when you are in the clinic.*

REMEMBER TO READ YOUR MATERIALS PROVIDED TO YOU DURING ORIENTATION AS WELL AS COURSE MATERIALS ON THE SHAREPOINT PRIOR TO THE CLASS IN WHICH THE VARIOUS TOPICS ARE DISCUSSED.

Important: Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html

Commitment to Diversity, Equity and Inclusion: At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you’ll be treated with respect and dignity, and where everyone is provided equitable opportunity to participate, to contribute, and to succeed.

In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran’s status, sex, sexual orientation, gender identity,

gender expression, political affiliation, marital status and other diverse identities that we each bring to class. Our class is richer for this diversity.

Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your colleagues. I encourage you to speak up and to share your views, but also understand that you are doing so in a learning environment in which we're all expected to engage respectfully and with regard to the dignity of all others.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource: 713-743-2182. Finally, I encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Diversity and Inclusion committee. You can contact the committee at UHLCD&I@uh.edu. Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of this course for you personally, or for other students or student groups.

Preferred Name / Pronoun Syllabus Statement: I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.

UH Email

Email communications related to this course will be sent to your Exchange email account which each University of Houston student receives. The Exchange mail server can be accessed via Outlook, which provides a single location for organizing and managing day-to-day information, from email and calendars to contacts and task lists. Exchange email accounts can be accessed by logging into Office 365 with your Cougarnet credentials or through Access UH. Additional assistance can be found at the Get Help page.

Helpful Information

COVID-19 Updates: <https://uh.edu/covid-19/>

Coogs Care: <https://www.uh.edu/dsaes/coogscare/>

Laptop Checkout Requests:

<https://www.uh.edu/infotech/about/planning/offcampus/index.php#do-you-need-a-laptop>

Health FAQs: <https://uh.edu/covid-19/faq/health-wellness-prevention-faqs/>

Student Health Center: <https://uh.edu/class/english/lcc/current-students/student-healthcenter/index.php>

Class 1 - August 23

Fundamentals of Immigration Law; Asylum, Withholding and CAT-Prof. Vega

Skills: Understanding the key law sections and regulations, and important cases surrounding asylum. Researching case law. How do you plan an asylum case? Developing a Theory of the Case. What facts are important? Affidavits and their Pitfalls. The Best Strategies to win cases.

For Background review see Kurzban's Immigration Law Sourcebook or Essentials of Asylum Law (red) by the ILRC. **Review the Asylum and Removal folders in the Sharepoint under Course Materials for FALL 2021. Review the EOIR Practice Manual online** so you can locate the EOIR website when you need it and look at the Appendices and click on Table of Contents. Review: basic information regarding EOIR procedures and websites, to be discussed in class.

Background and Recommended Reading: Build and Manage Your Successful Immigration Law Practice (Without Losing Your Mind) by Ruby Powers, Esq., an excellent resource by a friend of our clinic, go to <http://agora.aila.org/product/detail/4003>.

For Further Excellent Background reading: Bob Etnyre's Immigration Briefings article (to be provided via email) and which will also be available on Sharepoint in "Course Materials By Semester."

Class 2 - August 30

Crime Victims; U Visas and VAWA I -360/AOS; Cancellation of Removal-VAWA – Profs. Sheffy & Aisenberg

****Crime Victim Game****

Reading: Powerpoint and other materials to be provided

Class 3 – September 6

Discuss Legal Writing relating to Immigration Law w/ Professor Vega

Practice Skills: Briefs and Motions. Using the EOIR and BIA Practice Manuals, students may write parts of briefs and full motions in class based on fact patterns.

Class 4 – September 13

Working with Translators and Discuss important cases in Immigration Law and CASE ROUNDS- all Professors

BE PREPARED TO DISCUSS YOUR CASES with all Professors

Class 5 – September 20

Practical Skills Involving Client Interviewing and Confidentiality –All Professors

Students should be prepared to practice their interviewing skills; also we will discuss ethical issues concerning all aspects of client interaction and confidentiality. We will have in-class interviewing exercises.

*****Journal Entry # 1 due before this class starts*****

Class 6 - September 27

Effective Communication Skills for Attorneys (Profs. Vega/Aisenberg/Sheffy)

Setting limits with clients, negotiating fees (for private practice), giving your clients feedback to calm their anxiety, etc. In the clinic, we will discuss with how to deal with obtain information from clients, how to be firm in setting timelines for clients, how to lower client's anxiety levels, etc. We will discuss secondary trauma which is a problem for any professional dealing with clients who have experienced a great deal of pain and suffering.

CASE ROUNDS ON SELECTED CASES - BE PREPARED TO DISCUSS YOUR CASES with all Professors

CLASS 7 - Oct. 4

Credible/Reasonable Fear/ Bond and other Motion Practice before Immigration Court Read before Class: Handouts to be emailed) (All Professors)

- Credible Fear Determinations 8 CFR § 1208.30
- Reasonable Fear Determinations 8 CFR § 1208.31
- Change of Venue 8 CFR § 1003.20
- Bond Hearings 8 CFR § 1003.19

CLASS 8 – Oct. 11

Secondary Trauma Class

Tentative Guest Speaker: TBA

Note: Secondary trauma, also called “vicarious trauma,” can occur when a professional is exposed to their client’s traumatic experiences. This can occur through the client’s stories, affidavits, the application process itself, their testimony, or in interviewing the client in the course of the representation. Sometimes the experiences of this secondary trauma can be debilitating. It is important for students, and barred attorneys alike, to learn to identify the signs of secondary trauma, to develop effective coping mechanisms, and also learn ways to help their fellow colleagues and others professionals affected by the difficult process of representing these vulnerable clients. The speaker for this class has extensive experience in dealing with the biological, psychological and social bases for secondary trauma.

Mid-Semester Logs must be done by this week. *Schedule times to meet with Prof. Vega for your mid-semester review this week. Remember to do mid-semester letters for all clients and mid-semester memos on each case as well as hours for each case.*

CLASS 9 – Oct. 18

Grounds of Inadmissibility. Grounds of Deportability (all Profs.)

Looking at section 212 and 237 of the Immigration and Nationality Act

Journal entry # 2 due before class today

CASE ROUNDS ON SELECTED CASES - BE PREPARED TO DISCUSS YOUR CASES with all Professors

Class 10 – Oct. 25

Adjustment of Status. Consular Processing. Waivers of Inadmissibility (all Profs)

Practice Skills: Asking the Right Questions, Preparing the adjustment application. Preparing Waivers. Preparing for the consular interview. Understanding that different rules apply to different people.

Class 11 – Nov. 1

Cross Examination and Direct Examination exercises (all Profs)

We will practice direct examination and cross-examination and discuss the importance of preparing your witness.

Class 12 – Nov. 8

Immigration Court Proceedings. Individual Hearings; Judicial Review (Profs. Vega, Aisenberg, Sheffy)

Practical Skills: Procedural Issues in Merits Hearings. Preparing for and defending your clients' rights in proceedings. Effective techniques for representing your clients.

Read Materials on Removal Proceedings / Experts/ Bob Etnyre Immigration Briefings article

In-Class Case Scenario(s). Practical Skills Training:

Be prepared to act as counsel for Respondent, Judge, the interpreter, a witness and/or trial attorney.

Journal # 3 due before class today

CASE ROUNDS ON SELECTED CASES - BE PREPARED TO DISCUSS YOUR CASES with all Professors

Class 13 –Nov. 15

Family Based Immigration (Prof. Vega)

Practice Skills: Determining the importance of family relationships. Statutory definitions of children and spouses. What questions to ask, how to prepare the applications. In-class exercises using Visa Bulletin as well as hypothetical situations.

Class 14 – Nov. 22 (LAST CLASS)

Naturalization and Citizenship. (Prof. Vega)

Topics: Semester Review – Closing Letters and Closing/Transfer Memos – Closing Files –All files closed and all revised end of semester memoranda done by today. All Self-Evaluations must

be emailed to Professors Vega and Heard, Clinical Legal Education Director as well as other professors. *Meet with Professor Vega for your final exit interview this week and next week.*

Beginning week of this week you will meet with Prof. Vega this week for final End of Semester (EOS) interviews.

PLEASE DO NOT FORGET TO TURN IN YOUR JOURNAL ENTRIES WHEN DUE. THE TIMELINESS OF YOUR JOURNAL ENTRIES AND YOUR ADHERENCE TO DUE DATES WILL FACTOR INTO YOUR FINAL GRADE, AS WELL AS THE QUALITY OF WORK.

(PLEASE REMEMBER THAT YOUR FINAL STUDENT E-LOGS MUST BE COMPLETED BY LAST DAY OF CLASS). You must put all final documents in the client's Sharepoint folder *and* your student folder.

All work must be in final draft form completed before you see Prof. Vega and final revisions, if any, due by the end of this week.

Be sure to also meet w/ all your other professors as well.

YOUR SELF-EVALUATION IS DUE TO ALL IMMIGRATION CLINIC PROFESSORS VIA EMAIL BY THE LAST DAY OF CLASSES. THANK YOU!!