

CUYAMACA COLLEGE
COURSE OUTLINE OF RECORD

Paralegal Studies 180 – Introduction to Immigration Law

2 hours lecture, 2 units

Catalog Description

Overview of the subject of immigration law, including historical background, nonimmigrant visas, asylum and other humanitarian relief, Family sponsored immigration, employment sponsored immigration, grounds of inadmissibility and deportation, Immigration Court Practice, Citizenship and Naturalization, and immigration enforcement.

Prerequisite

“C” grade or higher or “Pass” in PARA 100 or equivalent

Recommended Preparation

Familiarity with Canvas learning platform, basic computing, rudimentary understanding of sources of law.

Entrance Skills

Without the following skills, competencies and/or knowledge, students entering this course will be highly unlikely to succeed:

- 1) Have a basic understanding of the American legal system.
- 2) Be familiar with basic legal concepts and basic legal vocabulary.
- 3) Understand the judicial system as to Federal court structure.
- 4) Understand the judicial system as to the administrative system.
- 5) Demonstrate knowledge of the major substantive areas of the law and how they differ from procedural law.
- 6) Understand the importance of keeping track of billable hours and the ability to do so.
- 7) Understand the importance of ethics and the rules of Professional Responsibility.

Course Content

- 1) Historical Background
 - a. History of Immigration Law and Policy
 - b. Immigration System Today
 - c. Sources of Immigration Law
 1. Constitution
 2. Primary Sources
 - (1) Statutes
 - (2) Regulations
 - (3) Case Law
 3. Secondary Sources
 - (1) Websites
 - (2) Agency Guidance
 - (3) International Law
 - (4) Treatises
 - d. Basic Immigration Documents and Forms
 1. Nonimmigrant Visa
 2. I-94 Record Card
 3. Immigrant Visa

4. Resident Alien Card
 5. Employment Authorization Card
- e. Determining Immigration Status
- 2) Nonimmigrant Visas
 - a. Differences between nonimmigrant and immigrant visas
 - b. Visa Application Process
 - c. Obtaining nonimmigrant visa stamp
 - d. Changing or extending nonimmigrant status
 - e. Nonimmigrant Visas that do not automatically grant employment authorization
 1. B-1, B-2
 2. Student Visas
 3. Exchange Visas
 - f. Nonimmigrant Visas for Intracompany Transferees
 1. E-1, E-2 Treaty Traders and Treaty Investors
 2. L-1A, L-1B- Intracompany Transfer Managers/ Executives and Specialized Knowledge
 3. H-1B, and H1-B1 Professional Specialty Occupations (Including Singapore and Chile)
 4. E-3 Occupations from Australia
 - g. Nonimmigrant Visas for Extraordinary Ability, Religious Workers, and Ancillary Activities
 1. O-1A- Sciences, Education, Business or Athletics
 2. O-1B Motion Picture or Television Industry
 3. P-1 Athletes
 4. P-2 and P-3 Artists and Entertainers
 5. R-1 Religious Workers
 6. H-2 Temporary Nonimmigrant Workers
- 3) Asylum and Humanitarian Relief
 - a. Overview and Sources for Asylum
 - b. Asylum Procedure, Protocols, and Benefits
 1. Credible and Reasonable Fear Interviews
 2. Withholding of Removal
 3. Convention Against Torture
 4. Temporary Protected Status and deferred enforcement departure
 - c. Refugees
 - d. Special Visas for Iraqis and Afghans
 - e. Humanitarian Parole
- 4) Family Sponsored Immigration and Permanent Residence Status
 - a. Relative Petition
 1. Termination of Immigrant Petitions
 2. Petitioner Death
 3. Compiling the Packet
 - b. Adjustment of Status to become a Lawful Permanent Resident
 - c. Consular Processing
 - d. Post Interview
- 5) Employment-Based and Self-Sponsored Immigration
 - a. Sources of Law
 - b. Requirements for Permanent Residency
 - c. EB-2 Advanced Degree Professionals, EB-3 Skilled Workers, PERM Process
 1. Procedure
 2. Exceptions
 - d. EB-4 Certain Special Immigrants including religious workers
 - e. EB-5 Investor Visa
- 6) Immigrant Relief for Vulnerable Populations
 - a. Overview and Sources of law
 - b. Qualifying Criteria for Relief
 - c. Compiling VAWA Petition

- d. Removal of Conditions for Abused Conditional Lawful Permanent Residents
- e. Compare U and T nonimmigrants and process
- f. U nonimmigrant status, victims of enumerated crimes
 - 1. Compiling the petition
 - 2. Benefits
 - 3. Confidentiality and Removal Proceedings
 - 4. Adjustment of Status
- g. T Nonimmigrant Status- Severe forms of Human trafficking
 - 1. Applying
 - 2. Benefits
 - 3. Removal Proceeding
 - 4. Adjustment of Status
- h. Special Immigrant Juvenile Status
 - 1. Filing Application
 - 2. Children in custody of DHHS and Office of Refugee Resettlement
- i. Deferred Action for Childhood Arrivals (DACA)
- j. Central American Minors Refugee/ Parole Program (ORCAM)
- 7) Grounds for Inadmissibility and Deportation
 - a. Concepts of admission and deportation
 - b. Grounds for inadmissibility
 - c. Grounds of Deportation
 - d. Inadmissibility v Deportation
 - e. Agencies involved in Inadmissibility and Deportation Decision Making
- 8) Immigration Court Practice and Relief from Removal
 - a. The Removal Process
 - b. Immigration Court Hearings
 - c. Expedited Removal Proceedings
 - d. Detention
 - e. Motion Practice in Immigration Court
 - f. Administrative Closure
 - g. Appeals Practice
 - h. Federal Court Practice
 - i. Relief from Removal Proceedings
 - j. NACARA and Other Forms of Cancellation of Removal
- 9) Citizenship and Naturalization
 - a. Overview of Citizenship
 - b. Birthright citizenship
 - 1. Modifications to the Constitution v Case Law
 - c. Citizenship through Naturalization
 - 1. Requirements
 - 2. Process
 - d. Derivative Citizenship
 - e. Citizenship by Acquisition
 - f. Loss of Citizenship
- 10) Immigration Practice and Professionalism
 - a. Types of Immigration Practices
 - b. Conducting Intake
 - c. Case Assessment
 - d. Representation Agreements
 - e. Gathering Evidence
 - f. Examining Options
 - g. Managing Immigration Case- Responding to USCIS
 - h. Filing System
 - i. Ethical Issues

- j. Conflict of Interest
 - k. Special Professional Conduct Rules for Practitioners of Immigration Law
 - l. Assisting Pro Se clients
- 11) Immigration Enforcement
- a. Enforcement Action and Consular Processing
 - b. Enforcement within the US
 - c. Enforcement within the Workplace

Course Objectives

Students will be able to:

- 1) Demonstrate an understanding of, and properly use, legal terminology.
- 2) Recognize potential ethical problems in the areas of immigration.
- 3) Produce court documents or legal instruments used in the specialty area.
- 4) Identify different types of visas status and applications.
- 5) Demonstrate mastery of technology relevant to the specialty area.
- 6) Demonstrate writing and speaking skills necessary to communicate in a professional setting.

Method of Evaluation

A grading system will be established by the instructor and implemented uniformly. Grades will be based on demonstrated proficiency in the subject matter determined by multiple measurements for evaluation, one of which must be essay exams, skills demonstration or, where appropriate, the symbol system.

- 1) Written documents, legal instruments or essays
- 2) Examinations (written)
- 3) Discussion groups through posting boards with discussion questions or other vehicle to evaluate student's use of legal terminology and effective verbal communication

Special Materials Required of Student

Computer or device with consistent internet access or regular time scheduled in a computer lab on campus.

Minimum Instructional Facilities

Computer Lab access for students on a regular basis.

Method of Instruction

- 1) Reading lecture materials or viewing lectures, and participating in discussions or chats
- 2) Group assignments
- 3) Assignments include completing application forms, discussion of problems and situations, reviewing case law, and finding answers to hypotheticals using the Title 8 of the United States Code

Out-of-Class Assignments

- 1) **Reading:** materials on visa categories, grounds of inadmissibility and deportation, immigration court procedures, and citizenship/naturalization requirements; case law, statutes, regulations, and agency guidance relevant to immigration applications, relief options, and ethical issues.
- 2) **Writing:** draft immigration legal documents and USCIS correspondence; prepare petitions or application packets and writing scenarios that demonstrate proper understanding of client options; draft client communications regarding an immigration case using correct legal terminology.
- 3) **Other:** review sample cases to identify proper visa categories, relief options, or procedural steps; participate in discussion activities applying immigration terminology and ethical reasoning.

Texts and References

- 1) Required (representative example): A. Gansallo and J. Bernstein-Baker, Understanding Immigration Law and Practice, 3rd Edition, Aspen 2023.

2) Supplemental: United States Code Title 8

Student Learning Outcomes

Upon successful completion of this course, students will be able to:

- 1) Describe and identify various applications and status, demonstrating understanding of, and properly use, immigration legal terminology to accomplish compiling and application packet or legal instrument used in immigration (Work-Based Learning Outcome).
- 2) Recognize and identify potential ethical problems in immigration legal practice.
- 3) Communicate effectively both orally and in writing in a professional legal setting using the proper legal terminology.