



Introduction to Immigration Law Practice E-Learning Course

Welcome

- Introductions
- What Course Covers
- How Course Works

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What CLINIC Does

- Trainings: in-person and e-learning
- Webinars
- Manuals
- Newsletter
- Attorney-of-the-day hotline
- Administrative advocacy
- Subscriber status
- www.cliniclegal.org

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Upcoming CLINIC E-Learning

- Grounds of Inadmissibility
July 8–August 5
- Introduction to Family-Based Immigration
September 4-October 16
- Introduction to Removal Proceedings
September 10-October 8

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Course Outline

- **May 21 - 28:** Introductory Concepts; Legal Research; Conducting Interviews
- **May 29 – June 4:** Inadmissibility and Deportability
- **June 5 - 11:** Overview of Immigrating through Family Relationships
- **June 12 - 18:** Adjustment of Status and Consular Processing
- **June 19 - 25:** Naturalization and Citizenship; BIA R&A
- **June 26 – July 2:** Removal Proceedings; Temporary Protected Status; Deferred Action; Next Steps

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How Course Works

- Overall structure
- Reading
- Exercises
- Question Corner
- Webinars



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Course Website

- <http://www.elearning-cliniclegal.org/>



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IMMIGRATION LAW UNIVERSE

- **US Citizens**
 - By birth in US
 - By acquisition
 - By derivation
 - By naturalization

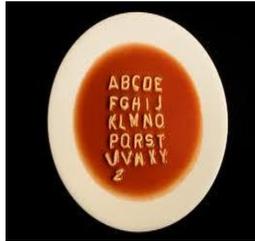
- **Aliens**
 - Immigrants
 - Asylees + refugees
 - Non-immigrants
 - Undocumented



WHO IS A NON-IMMIGRANT?

Visa alphabet soup

- B – tourists
- E – investors
- F – students
- H – temporary workers
- R – religious workers
- U – for victims of crimes



WHO IS “UNDOCUMENTED”?

- Entered U.S. without papers or “without inspection” (EWI)
- Entered U.S. with status but status has expired



Who Enforces Immigration Law?

DHS = Department of Homeland Security

1. U.S. Citizenship and Immigration Services (USCIS) www.uscis.gov
2. U.S. Immigration and Customs Enforcement (USICE) www.ice.gov
3. U.S. Customs and Border Protection (USCBP) www.cbp.gov



Other Statuses

- Asylum and Refugee Status
 - protection from persecution
- Temporary Protected Status
 - Designated countries; humanitarian emergencies
- Deferred Action (DACA)

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Paths to LPR Status

- Family: certain close relatives of USCs, LPRs
 - Includes survivors of d.v. (VAWA cases)
- Employment
- Asylum, refugee status
- U and T status (crime, trafficking victims)
- Diversity lottery (“green card lottery”)
- Misc

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No Path to LPR Status

- Tourists
- Students
- Temporary Protected Status (TPS)
- Deferred Action for Childhood Arrivals (DACA)
- Employment visa, if not sponsored by employer for LPR status

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The Big Picture: What is Immigration Law About?

- Who can come in
- Who may be expelled
- Who is eligible to get benefits or status while in the U.S.

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Legal Authority Created By:

1. Rule passed by government body, e.g. Congress, Department of Homeland Security, Department of State
2. Court decision

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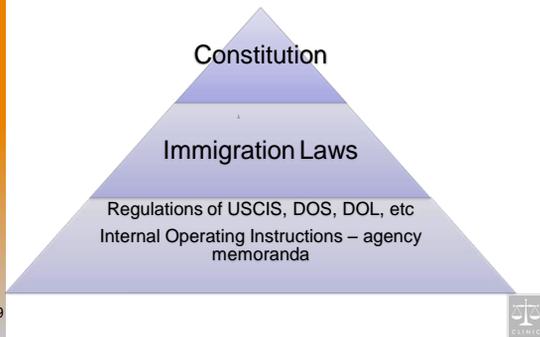
Primary vs. Secondary Sources

- Legal authority consists of **primary** sources, e.g. U.S. Constitution, statute, regulations, published court decisions
- Research tools that analyze or describe the law are **secondary** sources

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Hierarchy of Legal Authority



Immigration and Nationality Act

- INA = Statute
- Written by Congress.
- Amended on ongoing basis.
- Framework but not details.
- Includes most (but not all) laws pertaining to immigration



Regulations

- Written by federal agency implementing federal statutes that agency carries out.
- DHS writes immigration regulations
- 8 CFR= Code of Federal Regulations, Volume 8
- Citations: 8 CFR § 245.2(a)(2)



Statutory and Regulatory Citations

INA: Immigration and Nationality Act

Cites to INA have parallel cites in U.S. Code,

INA § 245 = 8 USC § 1255

CFR: Code of Federal Regulations

Regulation section corresponds to INA section,

Example: regs for INA § 245 are at 8 CFR § 245



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Relationship Between Statute, Regulations, Internal Directives

- Regulations fill in the details
- Regulations can't conflict with statute
- DHS is required to follow its' own regs
- Internal directives fill in gaps in regulations, or provide guidance where there are no regulations

Examples of Internal Directives: CIS Policy Manual, Adjudicator Field Manual



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Court Hierarchy

Administrative Courts

Board of Immigration Appeals

Immigration Court

Judicial Courts

U.S. Supreme Court

U.S. Circuit Courts of Appeals

U.S. District Courts



What do Case Citations Look Like?

BIA CASE CITATION:

Matter of Frentescu, 18 I &N 244 (BIA 1982)

Matter of Masri, Int. Dec. 3419 (BIA 1999)

FEDERAL COURT CASE CITATIONS:

Landon v. Plasencia, 459 U.S. 21(1982)

Pierre v. Rivkind, 643 F. Supp. 669
(S.D. Fla. 1986)

McMullen v. INS, 788 F.2d 591 (9th Cir. 1986)



Internet Research

• USCIS.GOV

Highlights:

Forms and Fees

Links to law

General Info, Q & A
sheets

Statistics

Federal Register Links

• TRAVEL.STATE.GOV

Highlights:

Visa Bulletins

Links to Embassies

Q & A on visas

• USDOJ.GOV/EOIR/

Highlights:

BIA Cases

BIA Roster

Info on Recognition and
Accreditation ²⁶



Legal Citations

- **CFR** = Code of Federal Regulations
- **INA** = Immigration and Nationality Act
- **8 USC § 1127** = 8 U.S. Code § 1127
- **USC § 1255** = INA § 245
- **Regulations for INA § 208** found at 8 CFR § 208



True/False Quiz Review: Top Two Questions Missed

- A person may be deported without a hearing before an immigration judge
TRUE OR FALSE?
- Counseling and completion of immigration forms is the practice of law
TRUE OR FALSE?

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Interviewing Clients: Goals

- Mutual evaluation
- Establish relationship
- Information gathering
- Plan of action

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Components of Interview

1. Clarify client/legal worker relationship:
 - Confidentiality
 - Scope of relationship
2. Build trust
3. Gather facts
4. Make record of interview

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Barriers to Communication

1. Language
2. Culture
3. Trauma
4. Children, elderly, mentally ill
5. Power dynamics; reaction to “authority”

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Evaluating the Case

1. Reviewing relevant facts
2. Explaining the law
3. Identifying goals
4. Explaining risks
5. Choosing a strategy
6. Outlining a course of action

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What you Liked:

- Advocate friendly, welcoming
- Explained concepts in understandable terms
- Identified client's goal – applying for residency
- Consulted expert when unable to resolve legal issue

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What Concerned You:

- Lack of preparation
- Lack of confidentiality (leaving name of client in message to consultant)
- Legal jargon (245i, F4)
- Not enough “open” questions to have client speak and to build rapport
- Lack of pre-interview phone screening
- No discussion of fees, overall process



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Next Steps - Week Two

- Reading on inadmissibility and deportability
- Exercises:
 - How many ways can you be inadmissible?
 - Hypo Review: inadmissible or deportable?
 - Weekly Quiz

HAVE FUN!

- SEE YOU NEXT WEEK.



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Questions?



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