

Immigration Law Assignment
HNRS 204
10 Points, Due in class Tuesday, December 8, 2015

1. For this assignment you will be role playing either someone seeking immigration relief or their attorney in a U.S. immigration court (at least at the beginning of the assignment). You might also take on the role of an attorney for the U.S. or an immigration judge.
2. Students are broken up into pairs – see below. For each pair, one student (the applicant) should be the person seeking immigration relief while the other will be their pro bono attorney. It is up to y'all to decide who will take on which role. It is also up to you to come up with the fictional “facts” of the case. Try to be as realistic as possible though.
3. Be sure to read *Refugee Roulette* (available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=983946), – it is a lengthy report, but most of it is a series of tables and graphs. Read Part I on the Asylum Process very closely and then you can skim the rest to get the gist of it. Basically the asylum system is broken and relies on the whims of individual (very idiosyncratic) judges.
4. Read my short essay on the broken asylum system that can be found in Letters to a Detainee (at http://www.firrp.org/media/florence_booklet_5.pdf). It would be best to read the entire publication if you have a chance.
5. Also, you should watch the documentary Well-Founded Fear - it is available on Vimeo in 3 parts - <http://vimeo.com/46476690>, <http://vimeo.com/46242686>, <http://vimeo.com/44549743>.
6. The applicant with the help of their pro bono attorney must apply for immigration relief by filling out one of the following forms:
 - a. I-589 for asylum and/or Convention against Torture relief
 - b. I-918 for U-Visa relief.Note, the forms and instructions are easily available on the Internet. I will discuss these forms in some detail in class next week. You should also submit appropriate supplemental information.
7. The forms must be filled in completely, to the best of your knowledge. You should make up your name, your biography/history, country of origin, type of persecution or torture, etc. The stuff you make up should be realistic in that it makes sense for your country of origin and its current conditions. (i.e., don't say you are a Tutsi from Mexico, or an Aztec from Indonesia...). You might search the Internet or Lexis / Nexis for ideas.
IMPORTANT NOTE! The I-589 form can be filled out online – but sometimes (depending on operating systems, versions of Adobe Acrobat, and the whims of the gods, you are not able to save your information. After you type in your info, be sure your data is saved, before leaving the webpage. You can fill out the form by hand, but be sure to use the right color of ink. You will turn in your completed form and any supplemental information in a manila file folder when your case is heard on December 8, 2015.
8. If you are filing I-589, browse through the asylum or torture cases decided by the circuit courts to get a sense of the type of case you want to bring and how these cases proceed. From the Library homepage, choose databases, choose L, choose Lexis/Nexis Academic, then under Search by Content Type choose Federal and State cases. You might then search for a country that you are interested in, and the term asylum or Convention against Torture. Be sure to look at Court of Appeals cases. Read a few decisions – the nice thing

is that these are often very short. For those of you filing I-918 forms, you should look for cases on the Internet.

9. You should supplement your application using asylum cases heard from the circuit courts and from any supplemental information (such as Amnesty International, State Department, or Human Rights Watch country reports) you can find on the internet – expect to have a couple of appendices with information about your case that includes any evidence you can “find” such as newspaper accounts, identification cards, evidence of your victimization, etc. Of course, you might need to make up some of this, but try to be realistic. In class I will discuss the types of evidence that can be used.
10. You might be interested in the real immigration judges and how they vote, especially after looking through *Refugee Roulette*. To find out more about IJs, browse and search the TRAC website (see <http://trac.syr.edu/immigration/reports/judgereports/>).
11. NOTE: for the sake of this hypothetical, each of the applicants is being housed in a privately-run immigration detention facility.

Pairs of Students

U.S. Attorneys (Representing the U.S. – Almost always arguing for denial)

- 1.
- 2.
- 3.
- 4.
- 5.

Immigration Judges

1. William Simmons as Judge James Alan DeVitto of Eloy, Arizona (94.8% Denial Rate!)
2. _____ as Judge Harry L. Gastley of Las Vegas, (61.7% Denial Rate)
3. _____ as Judge Paul W. Schmidt of Arlington, VA (16.8% Denial Rate!)
4. _____ as Judge Sean H. Keenan of Tucson, AZ (53% Denial Rate)

Board of Immigration Appeals and Attorney General of the U.S.

1. William Simmons