

IMMIGRATION ENFORCEMENT & DEFENSE COURSE ABBREVIATED SYLLABUS

Spring 2025

Credit Hours: Two (2) Credit Hours

COURSE DESCRIPTION:

Immigration enforcement and immigration defense are two sides of the same coin. Both have been topics of national security, humanitarian and economic debate for decades. The course will place emphasis on the investigation, prosecution, and defense of immigration administrative and criminal violations. Additionally, the course will introduce students to the many issues at the intersection of immigration and criminal law providing the knowledge necessary to recognize and analyze potential immigration consequences of criminal convictions.

GENERAL DISCUSSION OF MATERIAL TO BE COVERED:

1. Immigration Law and Criminal Law Generally: INS and Reorganization After 9/11; Federal Power and Jurisdiction; Regulation of Aliens in the United States; “Entry” and “Admission”; Visas Generally; Citizenship and Naturalization; Immigration Court and Proceedings.

2. Immigration Law: Immigration Applications; Waivers; Relief; Notice to Appear; Detention; Removal (Deportation) Hearings; Determining Relief; BIA Appeals; Judicial Review of ICE and EOIR; Removals Without Hearings; Deportation; Relief; Voluntary Departure; Adjusting Status; Cancellation of Removal; Asylum; Suspension of Deportation; Waivers.

3. Visas: Nonimmigrant Visas; Immigrant Visas; B-1, B-2, E-1, E-2, F-1, H-1B, H-2A, H-2B, H-3, I, J-1, K-1, L-1, O, P, Q, R, U.

4. Border Stops and the Functional Equivalent: Border Searches and the Fourth Amendment; *Miranda* and Border Stops; Detention and Arrest at the Border; Searches of Bags, Persons, and Body Cavities; “Border Searches” Not at the Border: Functional Equivalent and Extended Border Searches; Border Checkpoints; Roving Border Patrols; Mail Searches; Searching for Aliens.

5. Aliens and Criminal Convictions (Part I): Immigration Consequences of Criminal Convictions; Advising Aliens of Immigration Consequences; Duty of Trial Court; Duty of Counsel; Deportation and Exclusion; Citizenship; Cultural Concerns.

6. Aliens and Criminal Convictions (Part II): Cooperating Aliens; Immigration Detention for Convictions; Immigration Courts, Prior Convictions, and

Categorical Approach; Criminal Acts Not Resulting in Conviction; Aggravated Felonies Generally; Drug Convictions; Moral Turpitude Misdemeanors and Felonies.

7. Aggravated Felonies: Aggravated Felonies; Convictions Defined and Categorical Approach; Types of Aggravated Felonies; Drug Offenses; Murder, Rape, And Sexual Abuse; Crimes of Violence; Theft and Burglary; Fraud Offenses; Firearms Offenses; Alien Smuggling; Motor Vehicle Offenses.

8. Illegal Entry and Reentry: Elements and Statutory Application; Detention Issues; Preliminary Hearing; Pretrial Motions; Statements; Defendant's Body/Identity; Motions to Dismiss; Statute of Limitations and Speedy Trial; Collateral Attacks on Deportation Proceedings; Exhaustion of Administrative Remedies.

9. Employment Crimes: Crime of Employing Aliens; Hiring and Authorization; "Employees" and "Hiring" Defined; Investigations of Employers; Employer's Verification Requirements; Harboring Aliens; Constitutional Defenses; Good Faith Defense; Compliance Defenses.

10. Marriage, Entrepreneurship and Visa Fraud: Petition Process; "Marriages" and "False Marriages" Under Immigration Law; Investigating Marriages; Criminal Intent; Evidentiary matters; Immigration Document Fraud and False Statements; Perjury; Conspiracy; False Passports; False Statements as to Convictions and Crimes; False Statements as to Prior Deportations;

11. Naturalization fraud and Revocation of Citizenship: Naturalization Fraud; False Claims as to U.S. Citizenship; Fraud and Identity Documents; False Statements in Voting; False Claims for Welfare Benefits; Revocation of Citizenship.

12. Administrative Policies and Statutory Provisions: Deferred Action for Childhood Arrivals (DACA); Deferred Action for Parents of Americans (DAPA); Temporary Protected Status (TPS).