

**Immigration Litigation Clinic**  
**FALL SYLLABUS**

Antonin Scalia Law School  
LAW 203 (4 credits)  
Thursdays 1:50-3:50 p.m.  
Legal Aid Justice Center

**Professors**

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**Clinic Overview**

The Immigration Litigation Clinic is a legal clinic in its third year at ASLS. Students will meet for a 2-hour seminar once a week, virtual or in-person team supervision, and virtual and in-person client and case work. Virtual client work may be conducted in person as well as via video chat (Zoom, WhatsApp, etc.) or by phone. All students should have or set up a Google Voice number for contacting clients.

In this clinic, students will represent clients in a range of immigration litigation matters before the immigration courts in Northern Virginia (Annandale and Sterling), the Board of Immigration Appeals in Falls Church, the federal district court in Alexandria, and/or the U.S. Court of Appeals for the Fourth Circuit. This clinic may also include work on immigration-related federal litigation cases and submitting comments on proposed federal regulations. The focus of clinic students' efforts is their casework outside the classroom on behalf of immigrant clients.

The Immigration Litigation Clinic is year-long, and open to second and third-year Law students.

**Office Hours**

To be arranged with your Clinic Supervisor. In addition to any lectures or class meetings, you will be required to attend weekly individual case reviews with your Clinic Supervisor. These will take place via Zoom or in-person, according to the preferences of instructors and students.

We are regularly available at additional times by appointment, and available by phone and email. We are not available outside of normal working hours, so please do not expect responses to emails or calls in the evenings or on the weekends.

**Course Materials**

No textbooks are required for this course. Readings will be provided to you by handout, links, Westlaw/LexisNexis, or books on reserve at the Law Library.

## **Course Requirements**

### 1) Attendance and class participation

NOTE: Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should a student anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), please immediately contact the Assistant Dean, Student Academic Affairs.

### 2) Preparation for and participation at supervision meetings

### 3) Client representation and case work

### 4) Confidentiality and sensitivity with clients

### 5) Communicating with your supervisor with respect to representations, counseling, and intakes

Note: Plan to spend approximately 10 hours of work *per week* on casework *in addition* to your weekly seminar and readings. You should be available to do approximately 120 hours of case work (including legal research, etc.) and record it in LAJC's case management system (Justice Server) by the end of the semester. Please bring your laptop to every class, every supervision meeting, and every client meeting or intake.

## **Learning Outcomes**

By the end of the course, students should have acquired/be able to:

- Conduct client interviews effectively
- Write legal declarations
- Understand the structure of the immigration system
- Understand the basic elements of asylum, Withholding of Removal, CAT, immigration detention and bond, and draft briefing in support of legal claims
- Gather and effectively utilize evidence to support a legal claim

Presenting a case at a hearing in the immigration court depends on the court's scheduling of the clinic's cases and cannot be guaranteed to every student.

## **Assignments**

### 1) Course Readings & Assignments

Week 1 assignments should be completed *prior* to the first class. Syllabus is subject to change. Professors will email students with any changes to the syllabus.

### 2) Client representation

Includes meeting with clients, gathering and presenting facts of client cases, client counseling, keeping meticulous case notes, documenting time, and work product/legal writing.

### 3) Court observation

If a student is unable to attend court hearings in person, we have included video assignments to take the place of court observation.

### 4) Self-Evaluations

Students will be expected to complete a short mid-semester and end of semester self-evaluation in the form of reflection papers.

## **Grading**

There will be no final exam. The grade will consist of 30% class participation during seminar; 20% participation and preparation for supervision meetings, including case reviews during seminar; and 50% case work product. Work product includes written case work, including case notes, timekeeping and client representation (25%), and also includes client interviews, client preparation, and, if applicable, representation of clients in immigration court (25%).

## **Instructor Expectations & Course Rules and Structure**

- Students must complete and submit a pre-clinic student survey and promptly provide their availability for client work for the Fall Semester to clinic instructors.
- For virtual meetings and seminars, videos must be on. Active participation is expected.
- Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by the clinic director. This is extremely important as confidential case information will frequently be discussed during class.

**COVID HEALTH & SAFETY REQUIREMENTS:** Please refer to the most up-to-date University policies. If students meet with clients in person at the LAJC office, students and clients must follow the policies laid out in the LAJC clinic manual or provided by your supervisor. Please consult with your supervisor to obtain permission to meet with a client in person and review current COVID protocols.

## **LAJC Clinic Policies**

### **Integration into the Law Firm**

Students in the clinic are members of the Legal Aid Justice Center (LAJC) team and operate as agents of our office. Students should be familiar with LAJC and can learn about the organization on our website, including about our mission, our programs, our leadership and staff, and our office locations: <https://www.justice4all.org/>.

### **Professional Conduct**

As students working under the supervision and bar license of practicing attorneys at LAJC, students are obligated to follow the [Virginia Rules of Professional Conduct](#). These include, but are not limited to, the following obligations:

#### 1. CONFIDENTIALITY

All information received and all work done on behalf of LAJC shall be considered confidential. Discussions concerning client information or work shall occur only with authorized individuals and only in a manner that protects the confidentiality of the material discussed. This includes information about impact campaigns, strategy, investigations, and internal firm operations.

## 2. PROMPT AND DILIGENT REPRESENTATION

Students are responsible for thoroughly investigating matters, both factual and legal, raised by the client. Clinic assignments should be completed promptly. Procrastination is a significant disservice to the client and the legal case.

### Student Availability

Students are expected to generally be available to respond to time-sensitive clinic matters that arise during the semester. Students must inform their supervising attorney if they will be without cell service or WiFi for a significant period of time during business hours. In such situations, the student and supervising attorney will make arrangements to have the students' cases covered during the absences.

Students are responsible for frequently checking phone messages and e-mail regarding clinic cases.

## 3. CLIENT COMMUNICATIONS

### Student Role

When students open any case or begin working on a case that is already open, students should introduce themselves and explain their role to the client. Client consent to student representation is a part of our standard retainer agreement, but students should also execute a “Consent to Student Representation” form if they anticipate using their practice certificate or think the client could benefit from additional clarification on their role.

Students should explain to their clients that most of the work on their case will be done by the student. Students must explain that an attorney will provide supervision, and share their supervisor's contact information. Students should ensure that clients understand that they are not lawyers.

In general, students should follow LAJC’s case handling procedures and communicate honestly and frequently with their clients.

### Accommodations and Nondiscrimination

It LAJC policy that our office shall take reasonable steps to provide Limited English Proficient (LEP) persons with meaningful access to all programs and activities conducted by LAJC. This policy is based on the principle that it is OUR responsibility—not our clients’ responsibility—to ensure that communications are not impaired by the limited English proficiency of individuals seeking our services. During intake, clients’ English proficiency and preferred language should be recorded in the corresponding fields in JusticeServer. Students should not use clients’ family members, friends, or others who may accompany clients as interpreters--particularly children or significant others--for any substantive communications. Supervisors can assist in securing an interpreter for client communications.

Likewise, it is the policy of LAJC to take reasonable steps to provide accommodations to persons with disabilities to ensure they have access to our programs and activities. Students must be

mindful when choosing mode of communication, setting in-person meetings, and asking clients to complete tasks whether the client may need modifications or accommodations to fully participate in their legal case and access LAJC's services.

Students needing class-specific accommodations to be able to fully and meaningfully participate in the course, please contact one of the clinic professors.

#### 4. MAINTENANCE & INTEGRITY OF CLIENT FILES

##### File Maintenance

All files should be organized, easy to read, and up to date. A client file should be maintained in such fashion that a staff member of LAJC, called upon to substitute for an absent law student, may review the file and become completely informed and current with the client's situation. Cross-references to materials kept in other locations should be clear and easy to understand.

Student work product will be stored in case files that are accessible to the LAJC team (including other students and interns) for the purpose of client representation and advocacy. Participation in clinic constitutes consent to share this information for this purpose.

##### Timekeeping

It is very important for students to keep an accurate record of the time spent on each client's case and a record of the activities performed. Clinic students use the LAJC timekeeping database to record time. Please record all activities. Even activities that may seem insignificant at the time may end up being important (such as attempting to call someone and not being able to leave a message).

Students also need to keep track of time spent on clinic generally. In addition to time spent on client matters, clinic time may include reading for clinic, weekly journals, attending clinic-related events like guest speakers and court observation, and working on clinic-related tasks such as policy work or outreach.

LAJC keeps time in increments of tenths of an hour. So, the minimum time you spend on any activity should be .1 of an hour. Thus, for example, if you make a phone call and leave a message, record that time as taking .1 of an hour.

#### 5. CONFLICTS OF INTEREST

LAJC intake workers conduct a conflict-of-interest check during the initial intake with the prospective client to determine if any conflict exists with a present or prior LAJC client. When assigned a case, students are responsible for identifying any personal conflicts of interest. Further, LAJC has a continuing obligation to avoid conflicts. At any time, if a potential conflict is discovered, students should report it to their supervising attorney.

## **Logistics**

### **Mileage and Expense Reimbursement**

LAJC will reimburse student mileage when the purpose of the travel is necessary to advance a client's case. Travel with the primary purpose of student education (such as court observation of a case the student has not personally worked on) is not reimbursable.

To obtain travel reimbursement, students must email their supervisors within a week of travel and include the date of travel, the addresses (to/from), the case number, and the purpose.

Students generally should not use their personal funds for costs associated with client representation. In the event this happens, such as to pay a filing fee or to mail documents, students must email their supervisors within a week of the expense and include the receipt, the case number, and the purpose.

## COURSE OUTLINE AND READINGS

### **Week 1 (Aug 24)**

- Clinic Introduction, Expectations and Logistics
- Introduction to LAJC databases (sharepoint, case management system, etc.)
- Overview of immigration system and immigration agencies
- Team and case assignments

### **Assignments**

#### **Required:**

- Carefully review the syllabus and the LAJC Resources SharePoint site. Pay special attention to instructions about:
  - Case Management and Time Recording
  - LAJC operations (hours, printing/templates, etc.)
- Immigration basics
  - *How the United States Immigration System Works*, American Immigration Council (Aug. 2016), [https://www.americanimmigrationcouncil.org/sites/default/files/research/how\\_the\\_united\\_states\\_immigration\\_system\\_works\\_0.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/how_the_united_states_immigration_system_works_0.pdf)
  - *Why Don't They Just Get In Line? There is No Line for Many Unauthorized Immigrants*, American Immigration Council (Aug. 2016), [https://www.americanimmigrationcouncil.org/sites/default/files/research/why\\_do\\_not\\_they\\_just\\_get\\_in\\_line\\_and\\_come\\_legally.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/why_do_not_they_just_get_in_line_and_come_legally.pdf)
  - Rutgers Research Guide: Administrative Structure of the Immigration System, <https://libguides.law.rutgers.edu/c.php?g=858689&p=6152301>

### **Week 2 (Aug. 31)**

- Asylum, withholding, CAT

### **Assignments**

#### **Required Readings**

- 8 U.S.C. § 1101(a)(42)(A) - definition of “refugee”
- 8 U.S.C. § 1158
- *Asylum in the United States*, American Immigration Council (Aug. 2022), [https://www.americanimmigrationcouncil.org/sites/default/files/research/asylum\\_in\\_the\\_united\\_states\\_0.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/asylum_in_the_united_states_0.pdf)
- American Immigration Council, *The Difference Between Asylum and Withholding of Removal*, (Oct. 6, 2020), <https://www.americanimmigrationcouncil.org/research/asylum-withholding-of-removal>

#### **Optional video explainers:**

- Well-founded fear (3:09): <https://www.youtube.com/watch?v=yxFL55MDp6k&list=PLLxxzZq76ixxL4Umxuyp9mqwvdWwWG682&index=4>

- Persecution (3:54)  
<https://www.youtube.com/watch?v=mgHAgkoS1kI&list=PLLxxzZq76ixxL4Umxuyp9mqwvdWwWG682>
- On account of (1:44):  
<https://www.youtube.com/watch?v=7xtc4TdWCTc&list=PLLxxzZq76ixxL4Umxuyp9mqwvdWwWG682&index=5>
- One-year filing deadline (3:33):  
<https://www.youtube.com/watch?v=cGAFxeIuAJo&list=PLLxxzZq76ixxL4Umxuyp9mqwvdWwWG682&index=2>
- **Optional Reading related to court observation:** Representing Clients at the Master Calendar Hearing, ILRC, [Microsoft Word - Representing Clients at the Master Calendar Hearing FINAL \(ilrc.org\)](#)

### **Week 3 (Sept. 7)**

- Asylum: PSGs (Particular Social Groups) & Nexus
- Share with class:
  - Present all possible PSGs in your case and the two cases you found that support or undermine your claim
  - Identify strengths and weaknesses of the nexus arguments for each PSG
  - Identify facts that support “nexus” for each PSG
  - Identify what kinds of country conditions evidence you need and for what purpose

### **Assignments**

#### **Case-related work and research:**

- PSGs
  - Identify all possible PSGs in your case
  - Identify what facts you need to develop to support each PSG
  - Find the three most recent BIA or Fourth Circuit cases that relate to that PSG (or an analogous PSG)
  - Identify any pitfalls in cases where the court or BIA rejected the PSG
  - Identify the strengths and weaknesses of the potential PSGs in your case
- Nexus
  - List out the facts that support the “nexus” element

#### **Required reading:**

- *Zavaleta-Policiano v. Sessions*, 873 F.3d 241, 246-47 (4th Cir. 2017)
- Fourth Circuit Law on Asylum, Withholding, and CAT (Jan. 2023, AILA)
- Look through: [PSGs Tracking Sheet - Google Drive](#)
- Familiarize with / search here: [Immigration Review Podcast | Kurzban Kurzban Tetzeli & Pratt P.A. \(kktplaw.com\)](#)
- Read through your case file – focus on any declarations already prepared and the I-589, case notes in case management system

## **Week 4 (Sept 14)**

- Client relationships & effective advocacy
- Interviewing & declaration writing

### Assignments

#### **Assignments:**

- Declaration preparation:
  - If your case already has a drafted declaration, identify how it needs to be supplemented and updated
  - If your case does not have a declaration already prepared, identify what information needs to be in the declaration
- Interview preparation:
  - Write out what questions you are going to ask your client at the interview
- Identify any other witness declarations you want to include in your case
- Make a plan for your first client meeting, if you have not yet met with your client

#### **Required Readings:**

- Establishing a Trauma-Informed Client Relationship, [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-33/october-2014/establishing-a-trauma-informed-lawyer-client-relationship/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-33/october-2014/establishing-a-trauma-informed-lawyer-client-relationship/)
- Effective advocacy (read 2)
  - Arin Reeves, *The Ineffectiveness of Efficiency: Interrupting Cognitive Biases for Critical Thought*, American Bar Association (2015), available at [https://www.americanbar.org/groups/judicial/publications/judges\\_journal/2015/fall/the\\_ineffectiveness\\_of\\_efficiency\\_interrupting\\_cognitive\\_biases\\_for\\_critical\\_thought/](https://www.americanbar.org/groups/judicial/publications/judges_journal/2015/fall/the_ineffectiveness_of_efficiency_interrupting_cognitive_biases_for_critical_thought/)
  - Peggy McIntosh, *White Privilege: Unpacking the Invisible Knapsack*, excerpt (1988), available at: <https://www.racialequitytools.org/resourcefiles/mcintosh.pdf>.
  - Refocusing Your Lens: How To Build An Anti-racist Law Practice, AILA 2023 Conference Presentation (saved in Readings folder)
- Client interviews (skim 2)
  - Marjorie Corman Aaron, *Client Science: Advice for Lawyers on Initial Client Interviews* (2013), [https://scholarship.law.uc.edu/cgi/viewcontent.cgi?article=1345&context=fac\\_pubs](https://scholarship.law.uc.edu/cgi/viewcontent.cgi?article=1345&context=fac_pubs)
  - Essential Lawyering Skills (available on Sharepoint/in shared drive): <https://legalaidjusticecenter.sharepoint.com/:b:/r/sites/GMUImmigrationLitigationClinic2020-21/Shared%20Documents/Readings/Client%20Intakes%20%26%20Interviews/Essential%20Lawyering%20Skills%20Ch8.pdf?csf=1&web=1&e=PvZdIQ>
  - Angela McCaffrey, *Don't Get Lost In Translation: Teaching Law Students To Work With Language Interpreters*, 6 Clinical L. Rev. 347 (2000) (excerpts): <https://legalaidjusticecenter.sharepoint.com/:b:/r/sites/GMUImmigrationLitigationClinic2020->

[21/Shared%20Documents/Readings/Client%20Intakes%20%26%20Interviews/DontGetLostInTranslation.pdf?csf=1&web=1&e=W7iyhT](#)

- Language Line, Tips for Working with Interpreters, <https://www.srln.org/system/files/attachments/12%20Tips%20On%20Working%20Effectively%20With%20An%20Interpreter%20%282005%29.pdf>
- Declaration writing (skim 2)
  - CLINIC Advisory: Preparing an Applicant's Declaration In Support of Asylum <https://cliniclegal.org/resources/family-separation/preparing-applicants-declaration-support-asylum-and-related-relief>
  - Tips for Drafting Client Declarations (in SharePoint)
  - Asylum Declaration Dos and Don'ts, <https://static1.squarespace.com/static/51f154d9e4b04032b931b6ca/t/52430861e4b043cc32392101/1380124769688/Asylum+Declaration+Dos+and+Donts%2C+A+Guide+for+Pro+Bono+Attorneys.pdf>

### **Week 5 (September 21)**

- Bars to Asylum – focusing on Firm Resettlement (H.W.'s case)
- Case timelines - what are we working towards
  - What gets filed with the immigration court and when
  - Evidence, Country Conditions Research, etc.
- Case rounds: Present your team's case to other student teams
  - Are there any potential bars to asylum present in your case?
  - What seem to be the strongest and weakest parts of the cases

### *Assignments*

#### **Required Readings:**

- Bars to asylum, in general
  - [Asylum Bars | USCIS](#)
- Firm resettlement
  - 8 CFR 208.15 (2019)
- Firm resettlement brief – redacted pdf (from former clinic case)

#### **Browse these useful Country Conditions research resources:**

- <https://www.justice.gov/eoir/country-conditions-research>
- <https://libguides.law.villanova.edu/immigration/countryconditions>
- <https://libguides.law.umn.edu/c.php?g=125774&p=2838168>

### **Week 6 (Sept. 28)**

- Brief-writing workshop

*Assignments:* (to be assigned)

## **Week 7 (Oct. 5)**

- Immigration Court and the Mechanics of Removal Proceedings

### Assignments

#### **Required Readings:**

- EOIR practice manual (skim quickly to develop familiarity, focus on big-picture not details), <https://www.justice.gov/eoir/page/file/1084851/download>
- The Immigration Court System, KIND, <https://supportkind.org/wp-content/uploads/2015/04/Chapter-3-The-Immigration-Court-System.pdf>
- Hearing prep: see previous cases for examples, e.g., [GMU Immigration Clinic - Hearing Prep - All Documents \(sharepoint.com\)](#)

#### **Optional Video:**

- Mechanics of Immigration Court Part 3: The Individual Calendar/Merits Hearing, ABA 2022, [https://www.americanbar.org/groups/public\\_interest/immigration/events-and-lecture/mechanics-of-immigration-court-part-three/](https://www.americanbar.org/groups/public_interest/immigration/events-and-lecture/mechanics-of-immigration-court-part-three/)

### **DUE OCTOBER 6, 5pm: Mid-semester reflection paper (2-3 pages)**

- Brief list and overview of your cases and your role in each case (explain team division of work)
- Self-evaluation of work so far (effort, time, improvement, strengths, weaknesses)
- Goals for remaining semester
- Goals for next semester

## **Week 8 (Oct. 12)**

Trial skills for immigration court:

- Direct examinations
- Closing arguments
- Evidence in immigration court

### Assignments:

#### **Case prep:**

- Write out a direct examination for each witness

#### **Readings:**

- Hon. Dorothy Harbeck, *Objections in Immigration Court: Dost Though Protest Too Much or Too Little?* (on SharePoint)

- AHR Pro Bono Asylum Manual, Section II.4 (Removal Proceedings & Defensive Applications) (p.35-45) (on SharePoint)
- CLINIC Practice Advisory: Opening Statements and Closing Arguments: <https://cliniclegal.org/file-download/download/public/4197>
- CLINIC Practice Advisory: Direct Examination: <https://cliniclegal.org/resources/litigation/practice-advisory-direct-examination>
- CLINIC Practice Advisory: Rules of Evidence in Immigration Court Proceedings, [Practice Advisory on rules of evidence in removal proceedings 3.13.2020 \(3\).pdf](https://cliniclegal.org/resources/litigation/practice-advisory-rules-of-evidence-in-immigration-court-proceedings-3.13.2020-3.pdf)

Filing deadline for H.W.'s case – Friday, October 13

### **Week 9 (Oct. 19)**

- Troubleshoot case-specific questions

#### *Assignments*

##### **Case prep**

- Write a 1-page outline of your case – theme, elements of asylum with key facts/arguments (will cite to evidence in final version), DHS strongest arguments and your response
- Email professors any case- or asylum-specific questions that you would like to be addressed in class

Filing deadline for H.W.s case – Friday, October 27

### **Week 10 (Oct. 26)**

- Practice closings
- Case rounds
  - What have you completed on your case?
  - What are the key issues?
  - What still needs to be done?

#### *Assignments*

##### **Case prep:**

- Write a closing argument for your case
- Write out a timeline for the remaining tasks to be completed on your case

**COURT OBSERVATION OPPORTUNITY: Master Calendar Hearing L.J.A. & E.D.A. (consolidated case), 8:30 AM (WebEx vs. in-person TBD), IJ Lukose.**

### **Week 11 (Nov. 2)**

- Trauma Stewardship

Assignments

**Readings:**

- Read (or watch) 2-3 selections from the Clinic’s “Resiliency Resources” folder:  
[https://legalaidjusticecenter.sharepoint.com/:f:/s/GMUImmigrationLitigationClinic2020-21/EugeBDfhYUdNvTzDt3n3kRIBx85WzmeDXs4V1q\\_Lyvkt2w?e=fSWT6N](https://legalaidjusticecenter.sharepoint.com/:f:/s/GMUImmigrationLitigationClinic2020-21/EugeBDfhYUdNvTzDt3n3kRIBx85WzmeDXs4V1q_Lyvkt2w?e=fSWT6N)

**Week 12 (Nov. 9)**

- Moot for H.W.’s case

Assignments

- Ensure all case work time entered into case management system

**Individual Hearing for H.W.– Monday, November 13, 1:30 at Annandale IC, IJ Manuel**

**Week 13 (Nov. 16) - Last class**

- Case Review
- Reflections on the semester

Assignments

- Ensure all case work time entered into case management system

**Fall Semester Reflection Paper DUE Wednesday, Dec. 13, 2023**

- 3-5 pages
- Brief list and overview of your cases and your role in each case (explain team division of work)
- Self-evaluation of work so far (effort, time, improvement, strengths, weaknesses)
- Goals for next semester

**Finish any casework as assigned by your supervisor by Dec. 13, 2023**