IMMIGRATION COURT PRACTICE MANUAL

IMMIGRATION COURT PRACTICE MANUAL SERVES AS A CRUCIAL GUIDE FOR ATTORNEYS, RESPONDENTS, AND ANYONE INVOLVED IN IMMIGRATION PROCEEDINGS IN THE UNITED STATES. THIS COMPREHENSIVE MANUAL OUTLINES THE PROCEDURES, RULES, AND BEST PRACTICES THAT GOVERN THE OPERATIONS OF IMMIGRATION COURT, ENSURING FAIR AND ORDERLY HEARINGS. WHETHER YOU ARE A LEGAL PROFESSIONAL, A PETITIONER, OR SIMPLY INTERESTED IN UNDERSTANDING THE INTRICACIES OF IMMIGRATION LAW, KNOWING HOW TO NAVIGATE THE IMMIGRATION COURT PRACTICE MANUAL CAN SIGNIFICANTLY IMPACT CASE OUTCOMES. THIS ARTICLE EXPLORES THE STRUCTURE AND PURPOSE OF THE MANUAL, KEY PROCEDURAL REQUIREMENTS, FILING PROCESSES, COURTROOM ETIQUETTE, AND PRACTICAL TIPS FOR COMPLIANCE. READERS WILL DISCOVER ESSENTIAL GUIDANCE ON PREPARING DOCUMENTS, PRESENTING EVIDENCE, AND UNDERSTANDING THE ROLES OF IMMIGRATION JUDGES AND STAFF. BY MASTERING THE CONTENTS AND PRINCIPLES OF THE IMMIGRATION COURT PRACTICE MANUAL, INDIVIDUALS CAN ENHANCE THEIR CONFIDENCE AND EFFECTIVENESS IN IMMIGRATION PROCEEDINGS. THE INFORMATION PROVIDED IS TAILORED TO SUPPORT BOTH NEWCOMERS AND EXPERIENCED PRACTITIONERS, MAKING IT AN INVALUABLE RESOURCE FOR ANYONE INVOLVED IN IMMIGRATION LAW.

- OVERVIEW OF THE IMMIGRATION COURT PRACTICE MANUAL
- Purpose and Structure of the Manual
- KEY PROCEDURAL REQUIREMENTS
- FILING AND DOCUMENT SUBMISSION GUIDELINES
- COURTROOM CONDUCT AND ETIQUETTE
- COMMON CHALLENGES AND SOLUTIONS
- PRACTICAL TIPS FOR COMPLIANCE
- CONCLUSION

OVERVIEW OF THE IMMIGRATION COURT PRACTICE MANUAL

THE IMMIGRATION COURT PRACTICE MANUAL IS AN AUTHORITATIVE RESOURCE THAT SETS FORTH THE RULES AND PROCEDURES FOR IMMIGRATION COURT PROCEEDINGS NATIONWIDE. DEVELOPED AND MAINTAINED BY THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR), THE MANUAL ENSURES CONSISTENCY AND TRANSPARENCY IN HOW CASES ARE MANAGED. IT COVERS EVERY ASPECT OF THE PROCESS, FROM INITIAL FILINGS TO APPEALS, AND IS REGULARLY UPDATED TO REFLECT CHANGES IN LAW AND PROCEDURE. LEGAL PROFESSIONALS, RESPONDENTS, AND ADVOCATES RELY ON THE MANUAL TO NAVIGATE COMPLEX IMMIGRATION CASES, AS IT PROVIDES INDISPENSABLE PROCEDURAL GUIDANCE AND CLARIFIES EXPECTATIONS FOR ALL PARTIES.

PURPOSE AND STRUCTURE OF THE MANUAL

GOALS OF THE IMMIGRATION COURT PRACTICE MANUAL

The immigration court practice manual aims to promote efficiency, fairness, and clarity in all immigration court proceedings. By detailing step-by-step procedures and establishing uniform standards, the manual reduces confusion and ensures that cases are handled consistently across jurisdictions. Its primary goals include:

• STANDARDIZING PROCEDURES FOR CASE MANAGEMENT AND HEARINGS

- DEFINING ROLES AND RESPONSIBILITIES OF PARTIES AND COURT PERSONNEL.
- ENSURING COMPLIANCE WITH FEDERAL IMMIGRATION LAWS AND REGULATIONS
- IMPROVING ACCESS TO JUSTICE FOR RESPONDENTS AND PRACTITIONERS

ORGANIZATION OF THE MANUAL

THE IMMIGRATION COURT PRACTICE MANUAL IS DIVIDED INTO CLEARLY DEFINED SECTIONS AND CHAPTERS THAT COVER DISTINCT STAGES OF IMMIGRATION PROCEEDINGS. THESE SECTIONS ADDRESS TOPICS SUCH AS PRELIMINARY MATTERS, MOTIONS, EVIDENCE, HEARINGS, APPEALS, AND MORE. THE MANUAL ALSO INCLUDES APPENDICES WITH SAMPLE FORMS, CHECKLISTS, AND USEFUL REFERENCE MATERIALS. EACH CHAPTER PROVIDES DETAILED GUIDANCE ON SPECIFIC PROCEDURES, DEADLINES, AND REQUIRED DOCUMENTS, MAKING IT EASY FOR USERS TO FIND RELEVANT INFORMATION QUICKLY.

KEY PROCEDURAL REQUIREMENTS

CASE INITIATION AND SCHEDULING

LAUNCHING A CASE IN IMMIGRATION COURT INVOLVES STRICT PROCEDURAL REQUIREMENTS OUTLINED IN THE MANUAL. THE PROCESS TYPICALLY BEGINS WITH THE FILING OF A NOTICE TO APPEAR (NTA), WHICH INITIATES REMOVAL PROCEEDINGS. THE MANUAL SPECIFIES THE FORMAT, CONTENT, AND SERVICE REQUIREMENTS FOR NTAS AND OTHER INITIAL FILINGS. IT ALSO DETAILS HOW CASES ARE SCHEDULED, INCLUDING MASTER CALENDAR HEARINGS AND INDIVIDUAL HEARINGS, ENSURING THAT ALL PARTIES ARE PROPERLY NOTIFIED AND PREPARED.

MOTIONS AND REQUESTS

The immigration court practice manual provides comprehensive instructions for submitting motions and requests during proceedings. This includes motions to continue, change venue, terminate proceedings, or reopen cases. Each motion must adhere to specific formatting, timing, and service rules, as outlined in the manual. Failure to comply can result in delays or adverse rulings, so careful attention to these requirements is essential.

FILING AND DOCUMENT SUBMISSION GUIDELINES

FORMAT AND REQUIREMENTS FOR SUBMISSIONS

PROPER FILING AND DOCUMENT SUBMISSION ARE FUNDAMENTAL ASPECTS OF IMMIGRATION COURT PRACTICE. THE MANUAL PRESCRIBES EXACT FORMATTING RULES FOR BRIEFS, EVIDENCE, AND OTHER DOCUMENTS, INCLUDING PAGE LIMITS, FONT SIZE, AND COVER SHEETS. ALL SUBMISSIONS MUST BE LEGIBLE, ORGANIZED, AND INCLUDE REQUIRED IDENTIFYING INFORMATION. THE MANUAL ALSO ADDRESSES ELECTRONIC FILING OPTIONS, WHICH ARE INCREASINGLY COMMON IN MODERN IMMIGRATION COURTS.

DEADLINES AND SERVICE OF DOCUMENTS

TIMELY SUBMISSION OF DOCUMENTS IS CRITICAL. THE MANUAL OUTLINES STRICT DEADLINES FOR FILINGS, RESPONSES, AND

APPEALS, WHICH VARY DEPENDING ON THE TYPE OF PROCEEDING. IT ALSO EXPLAINS SERVICE REQUIREMENTS, ENSURING THAT ALL PARTIES RECEIVE COPIES OF FILED DOCUMENTS. FAILURE TO MEET DEADLINES OR PROPERLY SERVE DOCUMENTS CAN JEOPARDIZE A CASE, MAKING ADHERENCE TO THESE GUIDELINES A TOP PRIORITY.

- DOCUMENTS MUST BE FILED WITH THE APPROPRIATE IMMIGRATION COURT
- ALL SUBMISSIONS SHOULD INCLUDE A CERTIFICATE OF SERVICE
- ORIGINALS AND COPIES MAY BE REQUIRED, DEPENDING ON THE DOCUMENT TYPE
- LATE FILINGS ARE GENERALLY NOT ACCEPTED WITHOUT A VALID EXPLANATION
- ELECTRONIC SUBMISSIONS MUST COMPLY WITH EOIR SPECIFICATIONS

COURTROOM CONDUCT AND ETIQUETTE

EXPECTATIONS FOR ATTORNEYS AND RESPONDENTS

THE IMMIGRATION COURT PRACTICE MANUAL EMPHASIZES PROFESSIONAL CONDUCT AND PROPER ETIQUETTE IN THE COURTROOM. ATTORNEYS ARE EXPECTED TO TREAT THE COURT AND OPPOSING PARTIES WITH RESPECT, FOLLOW ALL PROCEDURAL RULES, AND PRESENT THEIR CASES CLEARLY AND ETHICALLY. RESPONDENTS SHOULD BE PREPARED TO ANSWER QUESTIONS, PROVIDE TRUTHFUL TESTIMONY, AND FOLLOW INSTRUCTIONS FROM THE IMMIGRATION JUDGE.

ROLE OF THE IMMIGRATION JUDGE

IMMIGRATION JUDGES OVERSEE PROCEEDINGS AND ENSURE THAT THEY ARE CONDUCTED ACCORDING TO LAW AND THE PRACTICE MANUAL. JUDGES HAVE BROAD DISCRETION TO MANAGE HEARINGS, RULE ON MOTIONS, AND ENFORCE COMPLIANCE WITH COURT PROCEDURES. THE MANUAL OUTLINES THE JUDGE'S RESPONSIBILITIES, INCLUDING MAINTAINING ORDER, RESOLVING DISPUTES, AND SAFEGUARDING THE RIGHTS OF ALL PARTIES.

COMMON CHALLENGES AND SOLUTIONS

ADDRESSING PROCEDURAL ERRORS

PROCEDURAL ERRORS ARE A COMMON CHALLENGE IN IMMIGRATION COURT. THESE CAN INCLUDE MISSED DEADLINES, IMPROPER SERVICE, OR INCOMPLETE FILINGS. THE IMMIGRATION COURT PRACTICE MANUAL OFFERS GUIDANCE ON CORRECTING MISTAKES, SUCH AS SUBMITTING AMENDED DOCUMENTS OR FILING MOTIONS TO REOPEN OR RECONSIDER. UNDERSTANDING THESE PROCEDURES IS VITAL FOR AVOIDING COSTLY ERRORS AND MAINTAINING CASE INTEGRITY.

MANAGING COMPLEX CASES

COMPLEX IMMIGRATION CASES OFTEN INVOLVE MULTIPLE PARTIES, EXTENSIVE EVIDENCE, AND INTRICATE LEGAL ISSUES. THE MANUAL PROVIDES CLEAR STRATEGIES FOR MANAGING SUCH CASES, INCLUDING ORGANIZING EXHIBITS, COORDINATING WITNESSES, AND REQUESTING CONTINUANCES WHEN NECESSARY. FOLLOWING THESE BEST PRACTICES HELPS ENSURE THAT COMPLEX MATTERS

PRACTICAL TIPS FOR COMPLIANCE

STAYING UPDATED WITH CHANGES

IMMIGRATION LAW AND COURT PROCEDURES ARE CONSTANTLY EVOLVING. REGULARLY REVIEWING UPDATES TO THE IMMIGRATION COURT PRACTICE MANUAL IS ESSENTIAL FOR STAYING COMPLIANT. PRACTITIONERS SHOULD SUBSCRIBE TO EOIR NOTICES, ATTEND TRAINING SESSIONS, AND CONSULT CURRENT VERSIONS OF THE MANUAL BEFORE FILING OR APPEARING IN COURT.

USING CHECKLISTS AND SAMPLE FORMS

The manual includes practical tools such as checklists and sample forms to aid compliance. These resources help ensure that all required steps are completed and documents are submitted correctly. Utilizing these tools can reduce errors and streamline case preparation.

CONCLUSION

MASTERING THE IMMIGRATION COURT PRACTICE MANUAL IS ESSENTIAL FOR ANYONE INVOLVED IN IMMIGRATION PROCEEDINGS. BY UNDERSTANDING ITS STRUCTURE, FOLLOWING PROCEDURAL REQUIREMENTS, AND UTILIZING PROVIDED RESOURCES, PRACTITIONERS AND RESPONDENTS CAN NAVIGATE THE COMPLEXITIES OF IMMIGRATION COURT WITH CONFIDENCE. THE MANUAL SERVES AS A RELIABLE FOUNDATION FOR FAIR, EFFICIENT, AND CONSISTENT CASE MANAGEMENT, MAKING IT INDISPENSABLE TO SUCCESSFUL OUTCOMES IN IMMIGRATION LAW.

Q: WHAT IS THE IMMIGRATION COURT PRACTICE MANUAL?

A: THE IMMIGRATION COURT PRACTICE MANUAL IS AN OFFICIAL PUBLICATION BY THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR) THAT LAYS OUT THE RULES, PROCEDURES, AND BEST PRACTICES FOR HANDLING CASES IN IMMIGRATION COURT.

Q: WHO SHOULD USE THE IMMIGRATION COURT PRACTICE MANUAL?

A: ATTORNEYS, LEGAL REPRESENTATIVES, RESPONDENTS, AND ANYONE INVOLVED IN IMMIGRATION COURT PROCEEDINGS SHOULD USE THE MANUAL TO UNDERSTAND PROCEDURAL REQUIREMENTS AND ENSURE COMPLIANCE.

Q: How often is the immigration court practice manual updated?

A: THE MANUAL IS UPDATED PERIODICALLY TO REFLECT CHANGES IN IMMIGRATION LAWS, REGULATIONS, AND COURT PROCEDURES. USERS SHOULD ALWAYS CONSULT THE LATEST VERSION BEFORE FILING OR APPEARING IN COURT.

Q: WHAT ARE COMMON MISTAKES WHEN USING THE IMMIGRATION COURT PRACTICE MANUAL?

A: COMMON MISTAKES INCLUDE MISSING FILING DEADLINES, IMPROPER FORMATTING OF DOCUMENTS, AND INCORRECT SERVICE OF PAPERS. FOLLOWING THE MANUAL CLOSELY HELPS AVOID THESE ERRORS.

Q: DOES THE IMMIGRATION COURT PRACTICE MANUAL COVER ELECTRONIC FILING?

A: YES, THE MANUAL INCLUDES GUIDELINES FOR ELECTRONIC FILING AND SUBMISSION OF DOCUMENTS, WHICH ARE INCREASINGLY USED IN IMMIGRATION COURT PROCEEDINGS.

Q: WHAT TYPES OF DOCUMENTS REQUIRE CERTIFICATES OF SERVICE?

A: MOST FILINGS, INCLUDING BRIEFS, MOTIONS, AND EVIDENCE SUBMISSIONS, REQUIRE A CERTIFICATE OF SERVICE TO CONFIRM THAT COPIES HAVE BEEN PROVIDED TO ALL PARTIES.

Q: CAN RESPONDENTS REPRESENT THEMSELVES IN IMMIGRATION COURT?

A: YES, RESPONDENTS MAY REPRESENT THEMSELVES (PRO SE), BUT IT IS RECOMMENDED THAT THEY REVIEW THE IMMIGRATION COURT PRACTICE MANUAL TO UNDERSTAND ALL PROCEDURAL REQUIREMENTS.

Q: WHAT ROLE DOES THE IMMIGRATION JUDGE PLAY ACCORDING TO THE MANUAL?

A: THE MANUAL EXPLAINS THAT IMMIGRATION JUDGES ARE RESPONSIBLE FOR MANAGING HEARINGS, RULING ON MOTIONS, AND ENSURING ALL PARTIES COMPLY WITH COURT PROCEDURES.

Q: WHAT SHOULD PRACTITIONERS DO TO STAY COMPLIANT WITH THE MANUAL'S REQUIREMENTS?

A: PRACTITIONERS SHOULD REGULARLY REVIEW UPDATES TO THE MANUAL, USE PROVIDED CHECKLISTS AND FORMS, AND CONSULT EOIR NOTICES TO ENSURE ONGOING COMPLIANCE.

Q: WHERE CAN ONE FIND SAMPLE FORMS AND CHECKLISTS FOR IMMIGRATION COURT FILINGS?

A: Sample forms and checklists are included in the appendices of the immigration court practice manual, providing valuable tools for preparing and submitting documents accurately.

Immigration Court Practice Manual

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Immigration Court Practice Manual: Your Essential Guide to Navigating the Complexities of Immigration

Law

Navigating the intricate world of immigration law can feel like traversing a labyrinth. For attorneys, advocates, and even those representing themselves, understanding the procedures and intricacies of immigration court is paramount. This comprehensive guide serves as your practical Immigration Court Practice Manual, providing essential insights and strategies to successfully navigate this challenging legal landscape. We'll cover key aspects of immigration court procedure, offering a roadmap to effectively represent your clients or yourself.

H2: Understanding the Structure and Jurisdiction of Immigration Courts

Immigration courts, overseen by the Executive Office for Immigration Review (EOIR), are specialized courts within the Department of Justice. Unlike traditional civil or criminal courts, immigration courts deal specifically with matters related to the admission, exclusion, deportation, and removal of non-citizens from the United States. Understanding this distinct jurisdiction is crucial for effective representation.

H3: Key Players in Immigration Court Proceedings

Successfully navigating immigration court requires understanding the roles of various participants:

Immigration Judge (IJ): The IJ presides over the hearing, makes rulings on evidence, and ultimately issues decisions on the case.

Immigration Attorney (or Accredited Representative): Represents the non-citizen, providing legal advice, preparing the case, and presenting arguments before the IJ.

Government Attorney (Prosecutor): Represents the Department of Homeland Security (DHS) and presents the government's case for removal.

Witness: Individuals who can provide testimony relevant to the case.

H3: The Immigration Court Process: A Step-by-Step Guide

The immigration court process generally follows these stages:

- 1. Notice to Appear (NTA): The initial document initiating the removal proceedings.
- 2. Master Calendar Hearing: An initial hearing to establish jurisdiction and set the case for further proceedings.
- 3. Individual Hearing: A full hearing where evidence is presented, witnesses testify, and arguments are made.
- 4. Decision: The IJ renders a decision, which can include granting relief, ordering removal, or continuing the case.
- 5. Appeal: If the decision is unfavorable, an appeal can be filed with the Board of Immigration Appeals (BIA) and potentially the federal courts.

H2: Essential Tools and Resources for Effective Representation

Effective representation in immigration court requires meticulous preparation and a strong understanding of relevant laws and regulations. Here are some essential tools and resources:

Immigration and Nationality Act (INA): The primary law governing immigration in the United States. EOIR Procedures: Understanding the specific rules and procedures of the immigration courts is critical.

Case Law: Familiarize yourself with relevant court decisions impacting immigration law.

Forms: Properly completing and submitting all necessary forms is essential.

Evidence: Gathering and presenting credible evidence is vital for a successful case.

H2: Mastering Key Legal Strategies in Immigration Court

Successfully arguing a case before an immigration judge requires strategic thinking and a thorough understanding of applicable law. Here are some key legal strategies:

Affirmative Defenses: Utilizing legal defenses like asylum, withholding of removal, or cancellation of removal, depending on the client's circumstances.

Challenges to Removal Proceedings: Arguing against the government's case by challenging the admissibility of evidence or demonstrating procedural errors.

Relief from Removal: Exploring all available avenues for relief from removal, including waivers and adjustments of status.

H3: Effective Case Management and Client Communication

Effective case management is crucial. This includes:

Thorough client intake: Gathering all relevant information from the client.

Organized record-keeping: Maintaining detailed records of all communications, filings, and court proceedings.

Regular client communication: Keeping the client informed throughout the process.

H2: Ethical Considerations in Immigration Court Practice

Attorneys and representatives have a professional and ethical responsibility to ensure fair and ethical representation. Understanding and adhering to ethical guidelines is paramount. This includes:

Confidentiality: Protecting the client's sensitive information.

Competence: Maintaining a high level of legal knowledge and skill. Candor: Being honest and truthful in all dealings with the court.

Conclusion

Navigating the complexities of immigration court requires a deep understanding of the legal framework, procedures, and strategies. This Immigration Court Practice Manual aims to provide a comprehensive overview of these essential aspects. While this guide provides valuable information, it's crucial to consult with experienced immigration attorneys for specific legal advice tailored to individual circumstances. Remember that this is a complex area of law, and seeking professional assistance is always recommended.

FAQs:

- 1. Q: Can I represent myself in immigration court? A: While you can represent yourself, it's strongly advised to seek legal counsel due to the complexity of immigration law.
- 2. Q: What happens if I miss a court hearing? A: Missing a hearing can have serious consequences, potentially leading to a default order of removal.
- 3. Q: How long does an immigration court case typically take? A: The length of a case varies greatly depending on the complexity and type of case.
- 4. Q: Where can I find immigration court forms? A: Immigration court forms are typically available on the EOIR website.
- 5. Q: What are my appeal options if I lose my case? A: You generally have the option to appeal to the Board of Immigration Appeals (BIA) and potentially to federal court. However, appeal eligibility is strictly governed by law and not all decisions are appealable.

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same widely shared belief: that Congress, not the President, ought to dictate who may come to the United States and who will be forced to leave. This belief is a myth. In The President and Immigration Law, Adam B. Cox and Cristina M. Rodríguez chronicle the untold story of how, over the course of two centuries, the President became our immigration policymaker-in-chief. Diving deep into the history of American immigration policy from founding-era disputes over deporting sympathizers with France to contemporary debates about asylum-seekers at the Southern border they show how migration crises, real or imagined, have empowered presidents. Far more importantly, they also uncover how the Executive's ordinary power to decide when to enforce the law, and against whom, has become an extraordinarily powerful vehicle for making immigration policy. This pathbreaking account helps us understand how the United States ?has come to run an enormous shadow immigration system-one in which nearly half of all noncitizens in the country are living in violation of the law. It also provides a blueprint for reform, one that accepts rather than laments the role the President plays in shaping the national community, while also outlining strategies to curb the abuse of law enforcement authority in immigration and beyond.

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secondary schools regardless of legal status and changed how the nation approached the conversation about immigration outside the law. Today, as the United States takes steps towards immigration policy reform, Americans are subjected to polarized debates on what the country should do with its illegal or undocumented population. In Immigration Outside the Law, acclaimed immigration law expert Hiroshi Motomura takes a neutral, legally-accurate approach in his attention and responses to the questions surrounding those whom he calls unauthorized migrants. In a reasoned and careful discussion, he seeks to explain why unlawful immigration is such a contentious debate in the United States and to offer suggestions for what should be done about it. He looks at ways in which unauthorized immigrants are becoming part of American society and why it is critical to pave the way for this integration. In the final section of the book, Motomura focuses on practical and politically viable solutions to the problem in three public policy areas: international economic development, domestic economic policy, and educational policy. Amidst the extreme opinions voiced daily in the media, Motomura explains the complicated topic of immigration outside the law in an understandable and refreshingly objective way for students and scholars studying immigration law, policy-makers looking for informed opinions, and any American developing an opinion on this contentious issue--

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COVID-19) Border wall and related litigation; Operation Streamline; worksite enforcement; state and local cooperation Pereira v. Sessions and Niz-Chavez v. Garland (defective Notice to Appear and eligibility for cancellation of removal); cancellation of removal Examination of right to counsel for minors and for non-detained respondents with mental challenges; ineffective assistance of counsel; restrictions imposed by Trump administration on immigration court continuances; problems with distance videoconference hearings New refugee numbers under the Biden administration; past persecution; membership in particular social groups Professors and student will benefit from: Deep background on the social context of immigration law and its enforcement in the context of a sophisticated examination of the technicalities of relevant statutory and administrative law Materials encouraging students to learn relevant law with an eye toward potential advocacy, including litigation strategies, and which challenge students to evaluate critically the mutually constitutive work of race and immigration law Contextual background to understand immigration and immigration enforcement Unique focus on immigration and social justice, as well as public interest immigration lawyering Focus on issues of contemporary relevance, highlighting some of the most contentious areas of immigration law and policy Materials designed to facilitate student understanding of the letter of immigration law, and to encourage students to think creatively about possible reform Integrated critical materials exploring the role of race, class, religion, gender, and disability in immigration law and policy Problems designed to encourage active learning and application of law

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