

Forced Migration Clinic Summer 2024

4 Credits

Instructor : Doug Smith

Location: all classes and client and community engagement in or out of:

The Right to Immigration Institute (TRII)/ Dignidad at 14B Felton Street, Waltham, MA 02453. Buses and commuter rail stop at or within a block. Parking is available and free.

Office (TRII) phone: 781-209-0183

Doug's personal cell: 781-254-8056. Responds well to texts and WhatsApp Hours

10-20 hours a week on task. Times Tu/Th 11-1; other times TBA

dlsmith@brandeis.edu or dlsmith@therighttoimmigration.org

Learning objectives: This is an independent clinical legal education course in which students will explore efficacy in social change (defined mostly as creating, fostering or preserving changes in institutions, laws and roles as well as facilitating individual and group autonomy, with particular emphasis on legal advocacy, mobilizing, organizing, lobbying, popular education, media strategies and policy making in the areas of immigration and immigrant human rights— hereinafter, “efficacy and autonomy”). We will discuss the skills, values, concepts, history and attitudes applicable to means for social change, but all seem to share reliance on listening or interviewing, witnessing, negotiating, research and documentation, storytelling, advising and evaluation, so we will return to each of these skills areas in different contexts throughout the semester through lenses of power relations, cognition, identity and how social institutions and roles are recreated or changed by social practices and interactions, individual initiatives and group solidarities. Advocacy and organizing and policy shops, I expect we will find, are learning organizations that thrive on reiterated collaborative planning and reflection on experience, so that is the primary method through which all these skills, concepts, values and experienced will be learned, and perhaps internalized. Through hi-fidelity simulation exercises and work with clients and communities on real world, high stakes cases and causes, students will learn advocacy, popular education and organizing skills (we will discuss the extent to which they might be applicable to other policy areas) and develop an understanding of how the interactions of institutions, roles, stories, rules, norms and customs contribute to the creation of migration and migrant integration systems in the world today as well as how law and policy affect identity, communities and group solidarities. We will return to the original organizing “efficacy and autonomy” questions with which we started in this course, and consider whether we have, together, developed the concepts, skills, attitudes, experience and values to adequately start moving towards answers to those questions.

About this course

This clinical legal education course engages students in a clinical experience in Immigration and Human Rights, exploring the relationships of law, community and individuals and social change both in top-down fashion-- by applying the lessons learned from reading, lectures and discussions to the role of a human rights advocate-- and in ground-up fashion- by working within an established and committed community movement lawyering shop—to bring the lessons of

being involved in law building as a social phenomenon and observations of the relations of law and community. What does that look like in practice? Students in this clinical experience will learn the skills, values, concepts and values of immigration and human rights, and develop concepts and critiques of sovereignty, human rights, community, nationalism and identity, do assignments that are graded, work together and independently and discuss course materials just like in other courses, but you will do so in the role of an international human rights attorney, organizer, advocate, or policymaker in simulated and real world cases and causes in a community movement law shop we construct together. It turns out that learning in role is a really good way to learn about immigration and human rights dynamics, histories, doctrines and theories: the immense responsibility of representing others in crises is a terrific motivator as well as a valuable experience in itself. Learning in role is also a great way to learn skills such as legal research and writing (in a variety of forms and to diverse audiences), appellate advocacy, storying, measuring social change or self-assessment, and to explore values such as power, justice, collaboration and conscientiousness. But learning in role on simulated and real cases might be the only way to learn important skills, transferable to all sorts of careers and experiences, like interviewing, negotiation, fact investigation, witnessing, game-theoretic strategic storying, counseling or learning to learn from experience, and to experience and apply concepts like ends-means thinking, making consequential decision under radical uncertainty, cultivating subversive or professional identities, cultural competencies, team building, organizing, popular education, advancing social justice, or reflective learning. It might just be the only way to understand how law-in-practice works, how to come to understand legal systems and their roles in society and how law and policy and social movements interact as a complex adaptive system to create change or keep unjust status quo in place; that is, how legal systems work to create societies, communities and identities and vice versa. Throughout we are helping people engage in real world immigration and human rights problem solving and experiencing creative risk-taking in a supportive, safe environment where you are not only allowed, but positively encouraged to experiment, safely fail and learn from experience. Students are helping real people out of human rights crises and helping to construct that law-and-society system we observe and learn about in class. There is also a lot of joy, and more than a little disappointment in students' investing themselves in marginalized communities.

Yes, there is reading, discussion, projects and assignments just like any other class. But this might be a little different, and perhaps a little uncomfortable, at first: Students will work, in teams, on an entire simulated asylum and Torture Convention case from initial intake and triage to (many) client interviews, research, talk to (simulated) witnesses, submit an application, conduct a hearing, engage in a trial, administrative appeal and two court appeals, ending at (a simulated) Supreme Court. Students will practice bits and pieces of other simulated cases. Students

During this clinical legal education course (“clinic”), students will immerse themselves in Waltham’s immigrant community and gain appreciation of how the U.S. immigration system, and by extension all legal systems, work in the societies of which they form a part. Students will practice, and employ in real-life/ high stakes settings, the skills, values, concepts and attitudes required to be effective advocates for social change, and learn to realistically assess the efficacy

of social change efforts. In particular, clinic students will develop a range of practical skills leading to effective advocacy on behalf of marginalized groups: interviewing, fact investigation, issue-framing, negotiation, witnessing, organizing, legal research, counseling, strategic storying and representation in actual hearings. These skills will be developed through a process that will give students a generalizable framework upon which to learn from experience; that is, through ends/means goal-directed critical collaboration and decision-making in an environment in which they will be encouraged to take risks and safely try out behaviors and actions in a faculty-directed legal studies laboratory: The Right to Immigration Institute (TRII). TRII was established by Brandeis students in 2016 and has grown since into an internationally-recognized laboratory for undergraduate student learning in a high-quality, cutting edge movement law shop that has become a critical part of Waltham's immigrant communities. TRII offers in person (in its safe and large offices designed as a student clinical law office). TRII focus on relationships as the platform for social change implies an emphasis on reflective social change praxis developed in intentionally structured individual and group meetings. Thus, a highlight of the program is student collaboration with diverse individuals, community organizations and public agencies dedicated to addressing human rights concerns in the immigration process. Students will work directly with The Right to Immigration Institute (TRII), a non-profit, student-driven agency, that trains and supervises students and community leaders as they represent migrants in immigration proceedings. In so doing, students will collaborate with interdisciplinary teams that include medical/health experts, psychological counselors, and country-specific experts. TRII's strong links with advocacy groups will help build student competencies for resolving immigration conflict and effectively fostering social change led by impacted communities. Participants in the clinic will meet regularly with immigration judges, attorneys, human rights advocates, and community leaders, country experts, and treating physicians and psychiatrists who are recognized among the world's leading experts on torture survivors of complex trauma.

The immigration process draws on both legal and liberal arts' fields of expertise. By learning U.S. immigration law "from the inside," working within the immigration system, students are able to explore how legal systems work in action, while understanding the limits of legal concepts, analysis and remedies. Additional study of human rights norms opens up the field of international treaties and global justice standards. By studying immigration as a process, students learn to examine the law in its social context—understanding social, cultural, economic, and political factors. Along with knowledge and understanding, students acquire practical advocacy skills, allowing them to represent clients in real-life proceedings. The purpose is to promote a more just system, consistent with human rights norms and the needs of changing communities while learning advocacy skills, values and concepts applicable to any social justice arena and critiquing currently fashionable theories of social change.

In addition to fulfilling the stated mission of the Legal Studies Department—that students are given real-world opportunities to understand law-in-action as a social phenomenon—and the Department's recently-enacted imperative to foster anti-racism and encourage interactions with diverse individuals and groups, this clinic helps fill urgent needs in local Waltham-based communities, to which Brandeis students can contribute. In many cases, applicants for immigration relief are unrepresented, in all cases, facing highly-experienced adversaries in US

officials. The result is a distorted legal landscape which presents hostile terrain for all who follow.

A word about DOJ-recognized organizations, international human rights lawyers, and DOJ-accredited immigration representatives

The Department of Justice (DOJ) allows for representation by non-attorneys who are accredited to work for DOJ-recognized non-profit immigrant advocacy organization (TRII is a DOJ recognized immigrant advocacy movement law shop)—one of the few such available possibilities for legal advocacy by trained undergraduate or graduate students. **Clinic students may apply for DOJ accreditation during the program** to represent applicants in proceedings, hearings, trials and appeals involving refugee status, asylum, and other matters. **There is no requirement or expectation that students will apply to become DOJ-accredited representatives who will continue their advocacy with TRII** and will have the opportunity to continue to work with TRII after the semester as continuing volunteers, as interns or as fully accredited immigration representatives themselves.

For the applicants and their communities, immigration proceedings can become life-or-death issues. With proper guidance and training, this community clinical experience offers students a chance to make an enormous difference in the lives of vulnerable populations.

Course Materials

The primary text for this course is the cases and causes, simulated and real (“live client,”) you work on, the clients and communities you work with and your own observations of system interactions and reflection on experience. But there are books to buy and more to read.

There will be lawyering and theoretics-of-social-change- practices readings, films, and media to help us develop shared vocabularies and shared experiences to inform our institutional critiques, discussions and exercises, as well as background instruction on the relationships among legal institutions, roles, rules (and their near adjacents: habits and practices) on the one hand, and individuals and communities on the other.

Training consists of an intensive clinical experience in law and social change, with students taking on the immense responsibility of having a client under the close direct supervision of the program’s faculty. Clinical legal education relies upon the experience of representation as the main text for learning, and has been validated as a means of instruction sufficiently powerful to provide the motivation and rich contextual fabric for testing theories about law and social change.

There are two popular and short books to purchase or borrow for this course: there are copies on reserve in the library, and they are both widely available used or new.

All-American Nativism, Daniel Denvir, 2020, ISBN # 9781786637

The Dispossessed, John Washington, 2020, ISBN 9781788734721

There are two textbooks that will be helpful to have on hand.

TRII has a limited number of licenses for Immigration Advocates Network, *A Guide for Immigration Advocates (22nd Ed.)*(2020). We also have hard copies on site.

There is also an open-use textbook on Immigration Law you can download (legally)(hereinafter, “IAN Guide”)

Kit Johnson, *Immigration Law: An Open Casebook* (published July 10, 2022)(hereinafter,

“Johnson.” Students can get the Johnson book free in Word or in pdf. You can buy it for \$14 if you want.

All other required materials will be distributed through the course web site, including international treaties and documents --such as the International Convention on the Treatment of Refugees, the Protocol Concerning the Treatment of Refugees--United States statutes and regulations implementing international obligations, reported cases, films, articles, and reports of the lived experience of migrants

Methods: The course would be taught through a mix of lecture, discussion, student participatory exercises and reflective practice on real-world cases and causes for real-life clients and communities. Participatory exercises may incorporate reading materials or media on, say interviewing a client who is a non-citizen and retelling their story, the collective wisdom, such as it is, on presenting claims to a government agency or conducting trials before an immigration judge, or an appeal to a Board of Immigration Appeals, an advocacy letter to the UN High Commissioner for Refugees or a presentation on a private bill proposal to member of Congress or preparing for testimony before an agency or legislative body on an immigration policy proposal. We will also meet with social movement actors and work through the repertoires employed by social movement actors and the elements of their policy creation in relation to immigration and human rights.

Course progression

The clinic is designed as a “spiral curriculum” built around the listening, witnessing, research, fact investigation and storytelling skills of public advocacy, starting from the big, fuzzy, intractable problems of human migrations, and then revisiting the central questions, skills, values and concepts in greater depth at several points within the semester-long program, and culminating in students developing a research agenda based on their experience.

First class: Clinical Legal Education Bootcamp

To be read before first class:

Johnson Chapter 1.

Olúfẹ̀mi O. Táíwò, *Being-in-the-Room Privilege: Elite Capture and Epistemic Deference*, 108 THE PHILOSOPHER No. 4 (2020)(ON LATTE)

Smith, *Order (for Free) in the Court* (2008) (on Latte, it's short)

Smith, *An Overview of U.S. Immigration Policy* (2018)(on Latte, even shorter)

Smith, *Authentic Advocacy* (2022)(excerpts on Latte).

David Chavkin, Theory of the Case, from *Clinical Legal Education: A Textbook for Law School Programs* (Latte)

Binder and Price, *Fact Investigation* (excerpt on Latte)

Nancy Cook, The Call to Witness: From Feminist Narrative Theory to Activist Law Practice (abstract only, 2022 Latte);

Art Spiegelman *Maus & Maus II* (excerpts)

Paul Bergman, *The Safety Model of Cross Examination* (Latte, 1 page)

Jeswald Selacuse *The Art of Advice: How to Give It and How to Take It*. (2 pages, Latte).

Experiential learning

An ends-means model of learning from experience: from goals to objectives, strategy, tactics, logistics, developing options, planning and implementation:

Goals >Objectives>Plans>Barriers>Facilitators>Options>Decision>Implementation>Reflection

Interviewing

Mock interview, Critique of filmed interview

Overview of Immigration Policy History and Introduction to TRII Triage and client selection

Meet with (simulated Client) and discuss whether we will take their case or cause

Negotiation

Mock negotiation

Fact investigation

Prove your identity

Witnessing

Short observation exercise: what is law? Legal Realism, critical legal theories. How do unjust legal systems persist?

Case Theory

Miracle on 34th Street excerpt **Trial**

Practice

Cross-examination discussion

Appellate Practice What

is an appeal?

Counseling

How to create relationships that do not replicate structures of oppression

Finish up: Law and Social Change, the myth of progress, law and the persistence of injustice.

Read Washington, *The Dispossessed*.

Week 2: Interview and Introduction to Refugee Law and Human Rights To

be read before class:

IAN Guide, Unit 2, §§ 2.1-2.4; Unit 14

Johnson, Chapter 11

Linda Hunt, *Inventing Human Rights: A History* (2008) (Latte)

8 USC § 1101(42)(Latte)

8 USC §§ 1157, 1158 (Latte)

Movie: *Well-founded Fear*

Interview with Victoria S. (simulation client) After-Action

Review

Week 3 Case theory, A deeper dive into Refugee Law, Country Conditions Research, Citizenship and negotiation

To be read before class: Johnson Chapter 17; IAN Guide §§ 17.2-17.30.

Lucie White: Subordination, Rhetorical Survival and Sunday Shoes Note on the Hearing of Mrs. G., 38 Buffalo L. Rev. 1 (1990)(Latte)

Max Bazerman, Putting Negotiation to Work: The Limits of Lectures (2018)(Latte)
A Better Approach to Decision Making (Latte)

Assignment: Mock negotiation with experts, treating doctors, witness interview
Critique of filmed negotiation, discussion of students' negotiations,
country conditions Research

Competency: Negotiation, Storying, Strategic ends-means planning, using government
forms to tell story to an identified audience

How Taught: Reading, observation, practice, story, reflection on experience; writing I-
589, Affidavit

Week 4 Storying and theory of the case II, Further diving into Refugee Law, Legal Research and Writing, Fact Investigation, Trauma-informed practice.

To be read before class: IAN Unit 8 and Unit 9.

Bill Ong Hing, Jessica Chacon & Kevin Johnson, *Immigration and Social Justice* 867-916
(Latte)

Cardoza Fonseca v. INS (Latte)

INS v. Elias-Zacarias, INS v. Stevic and INS v Aguirre (one Latte document)

A.R.C.G; A-B I (Sessions AG), A-B II (Barr AG), and A-B III (Garland AG) (One Latte
document)

INS v Korbalina (Latte)

Negusie v Holder (Latte)

Assignment: Class discussion, Critique of others' storying (filmed, practice
and written); Writing brief letter for simulated client.

Competency: Storying I: developing & critiquing advocacy stories

How Taught: Observation, reading, collaborative work, decision-making and writing,
evaluation, critique & practice, guided reflection on experience

Week 5 **Witnessing, fact investigation and legal research, case preparation**
TPS,T and U Visas; VAWA Relief, Secondary Traumas, Self-care.

Makau wa Mutua, “Savages, Victims and Saviors: The Metaphor of Human Rights,” 42 Harvard International Law Journal 201 (2001) (Latte)

IAN Guide §§15.1-15.8; 16.1; 5.17-5.22.

Steve Ellman, et. al. “Interviewing and Counseling Atypical Clients.” (2009) (Latte)

Assignment: Observation, prepare client for interview. Class discussion, practice, Mock Hearings.

Competency: Advocacy in Dispute Resolution Settings e.g., immigration hearings, IC motion practice, IC trials, appellate advocacy before BIA

How Taught: Observation, Practice, Involvement, Simulated Hearing, reflection on experience

NB: From this point on, if not before, this syllabus is tentative and subject to change in light of developments in law, policy, politics and culture, which might cause us to redirect the discussions and readings that follow, alter the course of readings or trash entirely the readings that follow. For an indication of other representative readings and sources, see attached Latte page from last year’s cohort.

Week 6 Storying, legal research and writing, agency ethics and trial skills

Read before class: Johnson, Chapter 8; IAN Guide; Immigration Court Manual (Latte).
Objections (Latte)

Assignment: Trial Preparation, trial brief, mock trial, Class discussion; Submit applications for accreditation, if desired.

Competency: Storying, Opening Statements, Direct Examination, Cross-examination, Expert testimony, Closing statements, after-action review

How Taught: Reading, discussion, written work, mock trials, reflection on experience

Note: Students who are considering accreditation may submit applications this week.

Week 7: Counseling and advice, Appellate Brief Writing

Read before class: IAN Unit 9, Unit 10; Johnson, Chapter 9. (Mock Trials Continued)
Bellow and Moulton, *The Lawyering Process* (excerpt, Latte). BIA Appellate Manual (Latte).

Assignment: Mock post-trial interviews, Critique of filmed and mock interviews, empathy testing. Write Appellate Brief.

Competency: Counseling, Legal Research, Appellate Advocacy, Legal Writing.

How Taught: Practice, observation, personal experience, reflection on experience

Week 8 Ethics of advocacy, with attention to integrating key skills of lobbying, issue-framing, media relations, grass-roots organizing, and cost-benefit analysis, **Appellate Advocacy**

Assignment: Class discussion, Case Rounds, practice, Moot Court (1st Circuit Appeal)

Competency: Professional development and responsibility in institutions and roles in advocacy, ethics of agency, comparative efficacy in social change; appellate advocacy

How Taught: Lecture, discussion, case rounds, reflection on clinical practice, moot court exercise.

Week 9 **Witnessing and understanding the contexts for legal institutions and roles.** This week will focus on the latest immigration enforcement policies, seen in the context of community organizing and social movements advocacy.

Read before class: Cimini & Smith, Modalities of Social Change (Latte); Cummings, Movement Lawyering (Latte). Paul Tremblay: Acting a very moral kind of God (Latte).

Assignment: Case Rounds Discussion, Observation. Meetings with organizers and activists.

Competency: Office management/Professionalism, organizing, witnessing, systems analysis.

How Taught: Discussion, Observation & reflection on experience

Assignment: Case Rounds, Supervision and Feedback, Class discussion

Competency: Organizing, identifying leaders, Coalition building, Power assessment, Direct action, holding meetings, Developing networks, Public advocacy

Week 10: Immigrant Rights and Immigrant Movements, Witness, Law and Social Movements, Legal Mobilization, Ethics, Professional Regulation and Wrap Up

Before-class readings: IAN Guide, Unit 19;

Smith and Cimini, An Immigrant Rights Case Study (2021)(Latte)

Nicholls, *The Immigrant Rights Movement* (2019)(excerpts on Latte)
Gordon, *Suburban Sweat Shops* (2007)(excerpts on Latte).

WhorulesAmerica.net (G. William Domhoff's website)(current)
hooks, *Teaching to Transgress* (Latte)
brown, *Emergent Strategy* (Latte) Check out: Just
Futures Web Site
Movement Law Lab web site
Rebellious Lawyering web site

Gordon, "We Make the Road by Walking"

Lopez, Don't we like them illegal (Latte)

UN Report of Human Rights Approaches to Irregular Immigration (Latte)

Yick Wo v Hopkins (Latte)

Hoffman Plastics summary file (Latte)

Plyler v Doe (Latte)

Scott Cummings, *Law and Social Movements*

Sameer Ashar, *Social Movements and Law*

Employment, Tax, Public Benefits, Crime, Health Care and Cultural Issues. Economic effects.

Assignment: Case Rounds, Journal entry, Latte Discussion Board.

Competency: System Dynamics, Critical Consciousness, Organizing, popular education

How Taught: Readings, discussion, practice, involvement, reflection on experience

Read before class: Johnson Chapter 6. IAN Guide Unit 3A & 3B Guest speaker.

Assignment: Reading, Discussion, Observation, Regulatory Reform, Big Case Strategies. Looking into other programs.

Check out: Center for Human Rights and Constitutional Law web site

Competency: Office management, Systems analysis, efficacy & autonomy

How Taught: Talk, Observation & experience, guest speaker

Movie: *The Fight*

Read before class: IAN Guide Unit 13 & Unit 18

Assignment: Case Rounds, Readings, Discussion, Imagining Adjacent Possible Ways of Enacting Movement Law; Individual and Team Supervision and Feedback, Paper test

Competency: Understands of differing definitions of law and how law works through legal system's institutions and roles

How Taught: Research, discussion, virtual field trips

Readings: Documenting Human Rights Abuses
Immigration Italy Spain file (Latte)
Family immigration Canada and US (Latte)
Calavita 2 (Latte)
Closing the door on immigration to South Africa (Latte)
Eritrean Refugees in Israel (Latte)
Israeli Immigration file (Latte)

Week 14: Immigration Policy Debates and Taking Action for the Future Case

Study: Human Trafficking.
Case Study: former child soldiers
Immigration, crime and enforcement
Wadhia, My Latest FOIA adventure (Latte)
Readings: Dreamers Graphic (Latte)
Tarrow (Latte)
Gordon: Policy Campaign File (Latte) Movie:

St. Judy, Ice Box, or The Infiltrators.

Current controversies and proposals for change in immigration policies. Advocacy at the intersection of immigration and human rights: innovations and assessment. Student presentations?

Readings: TBA

Unit Exercise: Symposium

Guest speaker(s) Ongoing:

½ hour team or individual meetings with clinical supervisor, whose job it is to help you articulate choices and generalize from experience.

Case Rounds each week, in which all TRII participants, lawyers, accredited representatives, students, volunteers and community leaders, discuss ongoing cases and causes and developments in law, policies and social movements.

Office work: it's often active, joyful, chaotic, busy, exciting, and productive. You are welcome to the office 24/7, but you are required to complete at least 160 time-on-task hours. Some of these hours might be completed off-site.

Assessment:

There are just three things you have to do to thrive in this course. First, show up. In addition to class participation, which will include active participation in several exercises, as well as

showing up to class on time and coming prepared, being present (including avoiding cell phone, tablet, or similar distracting instruments, chatting, email or the Google), and creating space for others to participate, as well as possibly short reactions to course materials shared online, there will be two ½ hour individual or team meetings with the course instructor to discuss cases, causes, office goings-on, and ongoing learning, and a case rounds session each week. Students seeking accreditation need to put in at least 120 hours in the office to apply for DOJ immigration representative accreditation. Most students put in 160- 180 and above time-on-task hours, which excludes commuting times, foosball, and fooling around--- which are all important getting there, team-building, collaboration and buy-in, but nevertheless we don't count them.

Second, you have to be active and willing to experiment and risk failure. This is often a challenge for elite college students, which all of you are.

Assessment (and grades) and feedback offered in response to how you talk and write about the factors listed in the attached outcomes assessment for, not how you perform, and certainly not the results reached in pursuing cases and causes. We have no interest, and you will not have time, for so-called, “busy work.” So, no tests. You will write in journals, in government forms, in motions and briefs to court, and in documenting human rights abuses. But this work is collaborative—not competitive. You will also be working with live clients and real legal decision-makers (asylum officers, judges, ICE attorneys, legislators): the work is uneven and unpredictable. Every student will face different challenges and opportunities to shine. Moreover, because we are dealing with real clients in crisis, we don't want students performing for grades. Rather, with live clients as well as with simulated cases in causes, we encourage students' creatively experimenting in advocacy by creating conditions in which students can safely fail—generate learning opportunities in our terminology. Look at the attached list for prompts (it is long and may be daunting at first, but you will see that we will hit most of the prompts on the list in discussing the cases and causes on which you or your colleagues are working); assessment and formative feedback will be based on how you talk about client's goals and objectives, how you developed options, engaged in joint decision-making, implemented strategy, tactics and logistics, and reflected on their efficacy and autonomy outcomes. For example, if you explain choices as the product of considered choices, even a failure to consider choices, you get full credit. You will see that the idea is that you become comfortable explaining how you anticipated and planned actions and how you assess the efficacy of each plan/action/outcome: never on whether you succeed (whatever that means) or fail to thrive (ditto) on any particular task. We are working in collaboration with marginalized communities, and success is never guaranteed so learning to regroup and re-strategize is part of the toolkit we are trying to develop.

A word about experiential learning, praxis, and DOJ accreditation

The immigration law clinic trains students for certification as accredited immigration representatives, who are authorized to represent immigrants in administrative hearings, immigration court trials and appeals. The instructor supervises students who act as lead representatives in immigration cases. Accreditation would require taking this clinical class,

which includes a thorough grounding in immigration laws and procedures as well as training in interviewing, fact investigation, negotiation, trial preparation, trial practice and appellate practice, also requires 60-100 hours of supervised assisting attorneys or accredited representatives on cases. Students in this clinic will work on pending immigration cases, including interviewing clients and witnesses, fact investigation, country conditions research, legal research, writing of memoranda, legal motions and briefs, and selecting and preparing mental health, medical and country conditions experts, as well as working closely with advocacy organizations and treating and expert medical professionals

Each class will involve a simulated experiential component, in which students apply (under close supervision) a diverse range of skills, concepts and values. Class discussion will articulate the theoretical content required for applying skills effectively. Case rounds will test students' knowledge of immigration law and challenge their social change imaginations as well as provide and active demonstration of different ways to approach representation as they imagine out the likely products of the concepts, values, skills and attitudes each bring to their work.

Students will have the opportunity to work on actual immigration cases and human rights projects and appeals, interacting with attorneys, clients, community and labor rights organizers, housing advocates, educators and medical professionals and human rights activists. They will also learn from already-accredited student immigration representatives involved in TRII projects. The work of TRII is broad, and, to the extent possible, each student's clinical experience will be adjusted to tasks appropriate to that students' interests and academic program, but each student will be expected to spend 60-100 clinical practice on hours on cases, campaigns or group projects over the course of the semester. **Students will have the opportunity, but not the obligation, to become certified to practice (with TRII) in immigration hearings, trials and appeals and thereafter to take on real immigration cases as lead advocates, or to take their certification back to their home institutions and communities.**

Throughout the summer, students will also spend time meeting with immigrants, immigration judges, researchers and advocates, and community leaders. And they will have frequent supervision meetings with the instructor, sometimes with other TRII lawyers and/or DOJ accredited representatives.

This program nicely fosters Brandeis' stated priorities by integrating Brandeis' stated educational priorities in (1) fully integrated experiential learning encouraging risk-taking and with learning captured by the completely validated, thoroughly tested methods of clinical legal education; 2) in which students grapple with ill-defined real world problems in a most hostile terrain; (3) together with an interdisciplinary team of lawyers, accredited representatives, doctors, educators, social workers and organizers; (4) through creative interdisciplinary research and collaboration in an environment designed so that students can safely learn from failures; (5) working together with incredibly diverse communities; (6) honoring Brandeis' founding values in the most high-fidelity way possible by addressing the advocacy and policy needs of refugees here in Waltham and around the world.

That is why the CULJP, the leading international academic organization for undergraduate law and criminal justice programs, has honored TRII for the way it provides a unique environment in which to safely explore the creation, maintenance and subversion of law through the complex adaptive legal systems' interactions of institutions and roles. In announcing its 2019 award for Excellence and Innovation in Interdisciplinary Law and Justice Teaching, the CULJP described this program, "[t]his innovative hands-on course creates a law school clinical experience as a law-in-action laboratory for undergraduate legal studies students, giving them first-hand exposure to law as it operates 'in the raw' and thus forcing them to interrogate their understandings of what law is, how it operates, and what it can be."

A word about TRII

If nonlawyers wish to become accredited to represent immigration clients, they must do so in conjunction with an approved organization, such as Brandeis' in-house recognized organization, TRII, under applicable federal regulations. TRII is not expected to continue as a Brandeis-supported clinic after the summer, but students from any school (or no school at all) will have the opportunity to continue to practice at TRII if they so choose, and they will be the only university-level students eligible to work as DOJ-accredited immigration and human rights legal representatives. DOJ-accredited representatives have all the rights, privileges, duties and responsibilities of lawyers within the immigration system, including signing applications, representing clients through hearings, conducting trials in immigration courts and appellate practice before the Board of Immigration Appeals.

TRII as an organization that has received EOIR recognition to seek accreditation of student immigration representatives. Thus, TRII will be able to designate individual student representatives who are to be accredited. Accreditation procedures are set out in regulations found at 8 C.F.R. §292.2 and 1292.2. Students may be accredited on a partial basis for DHS administrative hearings, or on a full basis for EOIR immigration court trials, for appeals, or for all three. TRII is listed on a roster of legal resources promulgated by DHS. Other sources of case referrals include consulting attorneys and organizations and community outreach by TRII. Since beginning operations in February 2018, TRII has attracted an amazingly diverse and large client base. Students will benefit from the fact that TRII has established formal working relationships including a first-in-the-nation collaborative Medical-Legal-Educational Partnership, the Waltham Wraparound Project, with the Waltham Schools, the Boys and Girls Club, Doc Wayne and Newton Wellesley Hospital, as well as close working relationships with WATCH CDC, which provides referrals and resources and opportunities for collaboration on community organizing efforts, citizenship and ESOL and GED classes, housing, public benefits, and employment cases and campaigns. TRII has very helpful and vibrant cross-referral and reflection relationships with Boston Medical Center's Refugee Health clinic the nation's and perhaps the world's leading torture assessment and treatment center, and Charles River Health Center, as well as local and national immigrant advocacy and worker's center coalitions.

Important Policies and Resources Academic Integrity

Every member of the University community is expected to maintain the highest standards of academic integrity. A student shall not submit work that is falsified or is not the result of the student's own effort. Infringement of academic integrity by a student subjects that student to serious penalties, which may include failure on the assignment, failure in the course, suspension from the University or other sanctions. Please consult [Brandeis University Rights and Responsibilities](#) for all policies and procedures related to academic integrity. Students may be required to submit work via TurnItIn.com or similar software to verify originality. A student who is in doubt regarding standards of academic integrity as they apply to a specific course or assignment should consult the faculty member responsible for that course or assignment before submitting the work. Allegations of alleged academic dishonesty will be forwarded to the Department of Student Rights and Community Standards. Citation and research assistance can be found at [Brandeis Library Guides - Citing Sources](#).

Accommodations

Brandeis seeks to create a learning environment that is welcoming and inclusive of all students, and I want to support you in your learning. If you think you may require disability accommodations, you will need to work with Student Accessibility Support (SAS) (781-736-3470, access@brandeis.edu). You can find helpful student FAQs and other resources on the [SAS website](#), including guidance on how to know whether you might be eligible for support from SAS. If you already have an accommodation letter from SAS, please provide me with a copy as soon as you can so that I can ensure effective implementation of accommodations for this class.

Breaks

Class meetings of 90 minutes include a 10-minute break, while class meetings of 180 minutes include two breaks, at the instructor's discretion. **Classroom Health and Safety**

- Register for the [Brandeis Emergency Notification System](#). Students who receive an emergency notification while attending class should notify their instructor immediately. In the case of a life-threatening emergency, call 911. As a precaution, review [this active shooter information sheet](#).
- Brandeis provides [this shuttle service](#) for traveling across campus or to downtown Waltham, Cambridge and Boston.
- On the Brandeis campus, all students, faculty, staff and guests are required to observe the university's policies on physical distancing and mask-wearing to support the health and safety of all classroom participants. Review up to date [COVID-related health and safety policies](#) regularly.

Course Materials/Books/Apps/Equipment

If you are having difficulty purchasing course materials, please make an appointment with your Student Financial Services or Academic Services advisor to discuss possible funding options, including vouchers for purchases made at the Brandeis Bookstore.

LATTE

LATTE is the Brandeis learning management system. Login using your UNET ID and password. For LATTE help, contact Library@brandeis.edu.

Library

The Brandeis Library collections and staff offer resources and services to support Brandeis students, faculty and staff. Librarians and Specialists from Research & Instructional Services, Public Services, Archives & Special Collections, Sound & Image Media Studios, MakerLab, AutomationLab, and Digital Scholarship Lab are available to help you through consultations and workshops.