

PREFACE

As this book comes closer to being finalized, the debate continues to rage over immigration “reform.” For those of us who have spent most of our lives studying immigration law, this debate has been a regular ritual. This year, the “debate” has left many scars. Immigrants are cast by some as the source of all of our greatest fears and failures. On the other hand, for the first time in recent memory, the immigrant not only has acquired a face but a distinctive voice. It is only with the human face of immigration will there be hope that the laws ultimately enacted will be, in fact, just and equitable.

One of the fundamental flaws of our system is the judicially sanctioned notion that there are barely any limits to the congressional power over immigration legislation. It is reinforced by our legal system’s reluctance to incorporate international human rights principles as part of our domestic jurisprudence. This leaves us with a situation in which the courts countenance congressional enactments unheard of in any other area of the law.

In the more than 25 years of teaching immigration law in law schools and lecturing on the subject before a variety of audiences, I have been struck by several things. Whether the audience consists of law students, lawyers new to the field, or non-lawyers, they all find themselves in a mental collision between what is expected and what is real. The consequence of this confusion makes it difficult to fully grasp the subject of immigration law. The study of this immigration maze takes one on a labyrinthine journey that often defies all notions of logic or reason.

As I tell my students, the law—and especially immigration law—has a tremendous impact on the lives of human beings. Every rule, every interpretation, every decision to take on or prosecute a case will have a lasting human impact, and that is especially true in immigration law. Therefore, the need to get it right, to do justice is so profoundly important—for, as to paraphrase Justice Louis D. Brandeis, to deport a person is to take away from them all that makes life worth living.

I have endeavored in this book to distill immigration law into its most essential elements and principles. While I have done this to make the subject easily understandable for those who are new to the field, I hope that it also can be a tool for those with much broader knowledge. At the same time, this book is not meant to answer every question but to provide the reader with the basics, to shine the light a little bit brighter to help you get through the labyrinth—a labyrinth described by Justice Irving Kaufman as bearing resemblance to King Minos’ ancient Crete. A quick route to finding one’s way through this labyrinth are other books published by AILA, most notably *Kurzman’s Immigration Law Sourcebook*.

I would be remiss if I did not mention Dale Schwartz as one of the inspirations for doing this book, and to Randy Auerbach who has been there to make it all happen. I am indebted to the watchful eye of so many people who have looked over various drafts and sections of this book. My students, who, over a number of years have been subjected to various versions and have given me helpful suggestions, deserve special thanks. Special thanks are reserved to the library staff at University of California, Hastings—Grace Takatani and Julie Horst, who do not realize how much they helped to locate those hard to find sources. My warmest thanks and appreciation go to Anna Gallagher, Jerome Ingber, Nancy Lawrence, Amy Novick, Michael Olivas, and Jose Pertierra. This book could not have been completed without the *tour de force* of editors from AILA—Stephanie L. Browning, Tatia L. Gordon-Troy, and Silvia S. Wang. Their unlimited patience and wise counsel have greatly improved this project. Finally, to Karen Musalo my life partner, best friend, and inspiration, without whom none of this could have happened. All this being said, I assume full responsibility for any errors that might have found their way into this book.

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