

PREFACE

This book is written for practitioners, government officials, judges, students, and everyone interested in a detailed knowledge of immigration law. It is designed to be a quick reference sourcebook to federal and administrative cases, regulations and statutes, and INS/DHS, DOS, and DOL rulings on significant issues in the field. The book represents my research over more than a 20-year period on topics and issues that are relevant to practicing lawyers and students of immigration law.

Although we are fortunate in the immigration field to have a number of outstanding treatises and in-depth reference materials, as a practitioner I was often frustrated by their lengthy explanations when I sought short citations to relevant cases and materials. This sourcebook does not attempt to compete with or be a substitute for any treatise; it is designed to be used to pinpoint the significant cases and references on a particular topic, or as a basis for further research on a particular issue. The book was intentionally written as a briefcase-size resource tool to carry to immigration court or to immigration interviews. (Keeping it briefcase-sized has indeed been a challenge.) In an effort to enhance usability, we have, in this edition, moved the detailed table of contents to the beginning of each chapter (with “bleed tabs” for quicker access), and added in a reference in the header to current part and section number.

The book also is valuable to law students when read in conjunction with an immigration and nationality course and case book. Each chapter previously has been used as a basis for lecture notes in a law school course on immigration and nationality law. The sourcebook contains references to all major cases cited in Aleinikoff, Martin & Motomura’s *Immigration Process and Policy*; Richard Boswell’s *Immigration and Nationality Law: Cases and Materials*; and Stephen Legomsky’s, *Immigration Law and Policy* that are used in the teaching of immigration and nationality law. A student can use the text as an outline to the major areas of immigration law that are developed in his or her immigration law course.

As a guide to practitioners and students, the sourcebook contains the most recent cases and authorities in immigration law. The book will be updated biannually and will continue to contain the latest authorities. Be sure to also check AILA’s Book Update Webpage at www.aila.org/BookUpdates for any corrections or further information. This eleventh edition has incorporated all available regulatory and case citations through April 2008.

References to INS and Attorney General

Readers will notice that the book still includes some references to the now-abolished INS and its officials (*e.g.*, Commissioner). This occurs primarily in historical discussions (*e.g.*, “a memo issued by INS,” “INS has taken the position that...,” etc.). A more difficult call was deciding when it was appropriate to write in the present tense about a DHS position or practice when the position or practice was established during the legacy INS days. This task was further complicated by still-existing references in the statutes and regulations to INS, Commissioner, etc. Similarly, many of the past practices (and current statutory/regulatory provisions) refer to the Attorney General for tasks that are now the responsibility of the Secretary of Homeland Security. I have, accordingly, attempted to balance the desire to accurately track legislative/regulative language with the desire to be as practicably useful as possible. Inevitably, in the process, there probably remain some references to past government agencies or officials that might have been better off

changed to their current counterparts. Readers should keep in mind, in any event, that §1517 of the 2002 Homeland Security Act provides that “[w]ith respect to any function transferred by or under this Act . . . and exercised on or after the effective date of this Act, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary, other official, or component of the Department to which such function is so transferred.”