

## PREFACE

In 2005, AILA asked me to participate in a panel along with Matt Guadagno and Royal Berg on private bills, pardons, and discretion during AILA's annual conference in Salt Lake City. I was tasked with preparing the sections on private bills, and began at that point to think quite a bit about the importance of private bills in immigration practice. As a young attorney, I was fortunate to practice at a time when there was still quite a bit of relief available to noncitizens, including those with criminal convictions. Since the passage of many restrictive immigration laws in the 1990s, I look nostalgically to those days when immigration judges considered all of the facts in my clients' cases and granted much-deserved relief to them. Attorneys practicing today must be especially creative in representing clients with complicated cases, and face many more legal obstacles than we faced in our early practices.

In preparing to write this book, I sent out an inquiry to AILA members asking them to share their experiences, and received quite a few responses. Many members told me that they had informally shared information on strategies they pursued in seeking a private bill or pardon, or in negotiating with the government for a favorable exercise of discretion. All who responded were pleased that AILA was going to publish a book on these "Hail Mary" defenses, as it provides a tool with the relevant information needed to pursue these remedies. As I have told many students who I have taught these past few years, there are great laws on the books—unfortunately, governments sometimes forget to pay attention to them. As difficult as these "Hail Mary" defenses are, there are procedures available to be studied and used in aggressively representing your client.

The book is divided into seven chapters. The first four chapters address issues relating to private bills. Chapters 5 and 6 discuss pardons. Chapter 7 focuses on deferred action and other forms of prosecutorial discretion. The appendices include rules governing private bills, statistics relating to private bills, a copy of the federal pardon application, a list of state pardon laws with contact information for practitioners to refer to in preparing their cases, and a bibliography.

Given the difficulties in obtaining relief under the Immigration and Nationality Act for many clients, it is important to consider the alternatives of private legislation, pardons, and prosecutorial discretion. These alternatives are not easy to pursue but must be considered in representing clients for whom little relief is available.

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