



Immigration Basics

Practising Law Institute

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Topics

- Understand the evolution and creation of different pathways for non-immigrants and immigrants and the significance of immigrant intent.
- Recognize the import and impact of quotas and priority dates.
- Distinguish the morass of agencies involved in this practice area.
- Assess the latest legislative, administrative, and litigation developments.

The Current Immigration Problem

- ❑ The current employment-based system has inadequate avenues for non-citizens to seek permanent residence.
- ❑ There are inadequate temporary visas to cope with US employers' need for workers at the professional and lower skilled levels (i.e. the limited number of H-1B and H-2B visas.)
- ❑ The family immigration preferences have limited annual allotments resulting in waits of several years for loved ones to join citizens or permanent residents in the US.

The Current Immigration Problem

- Comprehensive Immigration Reform:
 - Regularize the status of 12 million undocumented immigrants.
 - Create legal pathways for future workers.

- Alternative View under President Trump:
 - Remove as many undocumented immigrants through enforcement or attrition.
 - Curb legal immigration through travel bans, denying more visa petitions, changing definition of public charge and removing prosecutorial discretion.
 - Replace current system with a merits-based system with less emphasis on family immigration.

Immigration Under Biden

- ❑ The Biden administration views immigration and immigrants as an asset to the nation.
- ❑ Biden rescinded many of Trump's executive orders like the Muslim and African ban, fortified DACA, placed a 100 day pause of removals, established new enforcement priorities.
- ❑ USCIS has been unable to manage the crushing delays in processing applications.
- ❑ Continued to use Title 42 to turn back asylum seekers, but also implemented humanitarian parole programs.

Immigration under Biden

- ❑ Judges have blocked Biden's initiatives such as withdrawing the Migration Protection Protocols and enforcement priorities.
- ❑ The Supreme Court allowed Biden to withdraw MPP, and will soon decide on the enforcement priorities.
- ❑ Lower courts have ruled that DACA is unlawful.
- ❑ Supreme Court has stayed district court decision terminating use of Title 42 to block asylum seekers.
- ❑ Texas has sued to block Humanitarian Parole program.



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Poll: 1. How do we deal with the undocumented population in the US?

Brief History of U.S. Immigration Law

- We are a “nation of immigrants.” (with the exception of those descended from Native Americans and enslaved Africans).
- But each new immigrant group tends to want to “pull up the bridge” behind them after they have already settled.
- Despite such tendencies, early policies toward immigration left it virtually unrestricted.

Early Immigration Laws

- 1790—First naturalization act restricts citizenship to “free white persons.”
- 1798—Alien and Sedition Acts authorized President to expel any alien he deemed dangerous (Sedition Act expired.)
- 1840’s-1920’s—Largest scale immigration, driven by Irish potato famine, German depression, and industrial revolution.

Early Immigration Laws

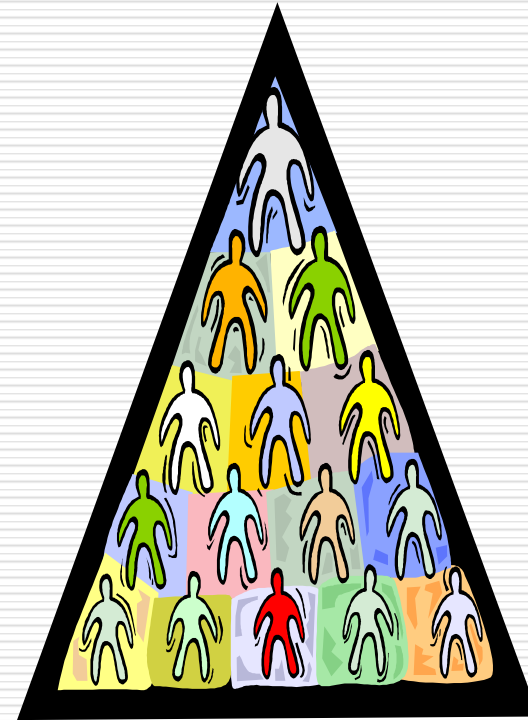
- During a span of 6 decades, Ellis Island welcomed 71% of all immigrants.
- Nearly 25% of all Americans can trace their ancestry by way of Ellis Island.

Early Immigration Laws

- Pelican Island off the coast of Galveston and Angel Island off the West Coast near San Francisco also served as quarantine stations.
- 1875—First federal legislation excluding paupers, criminals, and those likely to become “public charges”.

Early Immigration Laws

- Over time, additional qualitative controls were implemented, thereby excluding:
 - Polygamists
 - Anarchists
 - The feeble-minded
 - The insane
 - Those with certain diseases



Early Immigration Laws

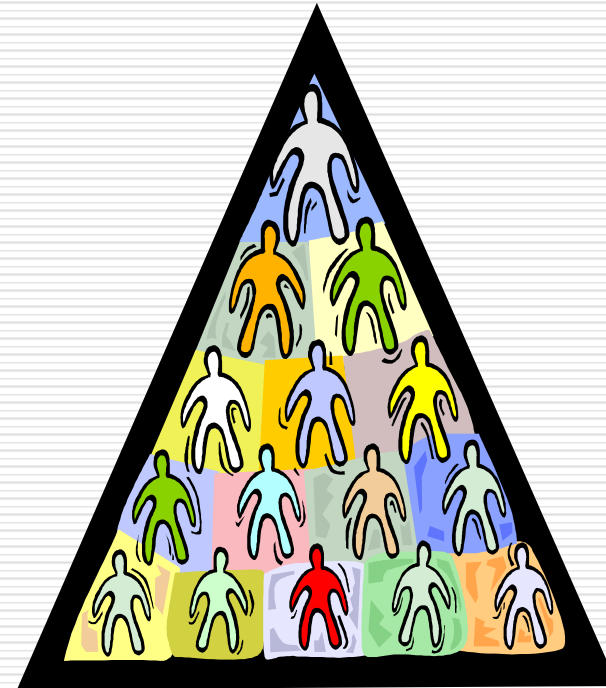
- 1882—Chinese Exclusion Act—First overtly racist restrictions. This act was not abolished until World War II.
- World War I era—First quantitative restrictions on immigration appeared first as temporary measures, followed by permanent quotas enacted in 1923.



Immigration & Nationality Act of 1952

- 1952—The Immigration & Nationality Act represented the first attempt to coordinate all existing immigration laws into a single statute.
 - Qualitative controls
 - National origin quota system
 - First preference system for certain categories

- Once the quota system was enacted, preferences became inevitable.



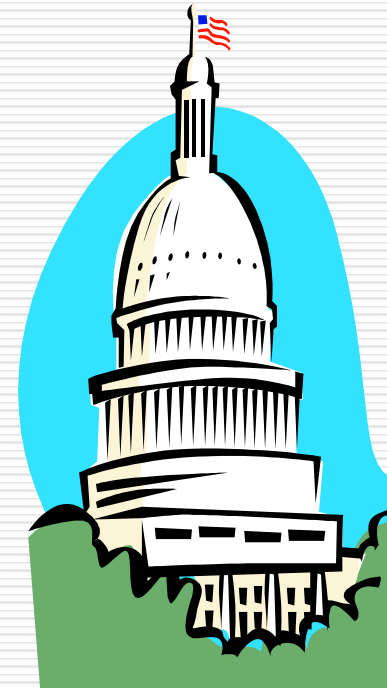
Immigration Act of 1965

- ❑ The Immigration Act of 1965 was a major development in U.S. immigration law.
- ❑ The act abolished the national origin system.
- ❑ Per-country limitations were implemented instead.
- ❑ Shifted burden of proof in labor certification cases.



Immigration Reform & Control Act of 1986 (IRCA)

- ❑ Also known as Simpson-Mazzoli/Rodino Bill.
- ❑ Represented major change in U.S. immigration philosophy.
- ❑ For the first time, Congress imposed employer sanctions on businesses hiring unauthorized workers.
- ❑ Provided a one-time amnesty for out-of-status foreign nationals in the U.S. before January 1, 1982.



Immigration Act of 1990

- ❑ Also known as “IMMACT 90.”
- ❑ Signed into law by President George H. W. Bush.
- ❑ Increased legal immigration by 35%.
- ❑ Created extraordinary ability, outstanding researcher/professor, & national interest waiver exemptions from the labor certification requirement.
- ❑ “Green card visa lottery”—Provided the first diversity program for countries traditionally underrepresented, e.g., Ireland.



Illegal Immigration Reform & Immigrant Responsibility Act of 1996

- ❑ Also known as "IIRIRA."
- ❑ Punitive immigration law passed during Clinton administration.
- ❑ Imposed significant penalties for immigration violations, reversing a trend toward expanding due process for foreign nationals in the United States.
- ❑ Introduced the concept of "unlawful presence" and the 3- and 10-year bars to admissibility.



Legal Immigration Family Equity Act (LIFE)

- ❑ Extended INA 245(i) provision to April 30, 2001 as well as retained the ability to grandfather under 245(i) if a labor certification or immigrant visa petition was filed on or before April 30, 2001.
- ❑ Established K-3 visa for spouses/children of USC who seek to enter while awaiting I-130.

Legal Immigration Family Equity Act (LIFE)

- ❑ Established V visa for spouses and children of LPRs for I-130 petitions filed on or before December 21, 2000.
- ❑ Provided for adjustment of status of persons who filed for late legalization under *CSS v. Meese*, *LULAC v. INS* or *Zambrano v. INA* under section 245A.

Changes in Immigration Law after September 11, 2001

- 1. USA Patriot Act:
October 26, 2001**
- 2. Homeland Security
Act: November 25,
2002**
- 3. Real ID Act: May
2005**



USA Patriot Act

- More stringent rules imposed on suspected terrorists, terrorist organizations and activity
 - U.S. Secretary of State has power to designate terrorist groups.
 - Funding and supporting terrorist organizations and activities is a deportable offense.
 - Attorney General can certify and detain non-citizen as terrorist.
- Strict enforcement of non-immigrant and visa rules
 - DHS and State Dept. have access to FBI criminal history records.
 - DHS must develop verification technology to identify visa applicants and those seeking to enter U.S., and implement integrated entry and exit data system (US-VISIT program).
 - DHS must implement Student and Exchange Visitor Information System (SEVIS) program.
 - Countries participating in the visa waiver program must issue machine-readable passports.

Post 9/11 Rules of DOJ

- Rule increasing from 24 to 48 hours the time INS can detain a non-citizen without charges, and for reasonable additional periods under “emergency” or “extraordinary circumstances.”
- Memo dated September 21, 2001 from Chief Immigration Judge Michael Creppy mandating secret deportation hearings of certain individuals in deportation hearings.
- Rule authorizing INS prosecuting attorney to override decision of Immigration Judge who releases a non-citizen on bail.

Post 9/11 rules of DOJ

- ❑ Absconders Program targeted over 300,000 people with outstanding deportation orders. However, federal and local law enforcement were directed to selectively focus on the 5,000 absconders who are Middle Easterners or Muslim.
- ❑ Special Alien Registration Program between 2002 and 2003. This rule required noncitizens of mainly countries with significant Islamic populations to register at local immigration offices. Those who were in violation of status were put into removal proceedings.
- ❑ Obama administration dismantled Registration rules prior to Trump administration taking over.

Homeland Security Act

Department of Homeland Security created

<http://www.dhs.gov/>

- ❑ **INS abolished and moved to DHS**
- ❑ **Immigration functions split into 3 entities**
 - *U.S. Citizenship and Immigration Services (USCIS)* <http://uscis.gov/>
 - *Customs and Border Protection (CBP)*
<http://www.cbp.gov/>
 - *Immigration and Customs Enforcement (ICE)*
<http://www.ice.gov/>
- ❑ **Attorney General still governs Executive Office of Immigration Review (EOIR) and Board of Immigration Appeals**



Real ID Act

- ❑ Sets new driver's license standards for improved security.
- ❑ Aims to prevent terrorists from being granted asylum
 - Material support issue
- ❑ Clarifies rules related to inadmissibility and removal grounds to prevent terrorism.
- ❑ Provides for construction of a San Diego border fence and increases technological surveillance of the border.
- ❑ Limits judicial review of immigration decisions.

Executive Immigration Actions under Obama

- ❑ Deferred action for Childhood Arrivals (DACA). Recently held to be unlawful under the APA by Judge Hanen, but the order has been stayed.
- ❑ Expanded Deferred Action for Childhood Arrivals who came under the age of 16 before 1/1/2010 and Deferred Action for Parents. This was blocked by the court.
- ❑ Expanded Provisional Waiver rule that would allow beneficiaries of approved I-130/I-140 petitions to seek hardship waivers in US to overcome 3/10 bars before proceeding for consular processing.
- ❑ Clarify parole rules:
 - Parole for talented entrepreneurs.
 - Parole in place to immediate relatives of citizens or LPRs who seek to enlist in US military.
 - Departure under advance parole does not trigger 3/10 bars.

Executive Immigration Actions under Obama

- Supported high skilled business and workers
 - Created dual priority dates in Visa Bulletin.
 - High Skilled Worker rule that keep valid long-standing petitions valid for purpose of capturing priority date and seeking H-1B extensions beyond 6th year.
 - Extend STEM OPT to 24 months.

Executive Immigration Actions under Obama

- Supported high skilled business and workers (cont.)
 - Clarify standard for National Interest Waiver for promoting greater use.
 - Policy memo on clear guidance on L-1B specialized knowledge.
 - Policy memo on job portability – what constitutes “same or similar” job.

Executive Immigration Actions under Trump

- ❑ Enhanced enforcement on Southern Border, tried to build wall.
- ❑ Expanded Secure Communities program and replace with Priority Enforcement program.
- ❑ Family separations over summer of 2018.
- ❑ Restricted asylum – especially for DV survivors. Used Covid to halt asylum at border under Title 42. (This is followed by Biden too).

Executive Action Under Trump

- ❑ Travel bans 1 and 2, along with new immigrant visa and work visa bans based on Covid.
- ❑ Unsuccessfully cancelled DACA as Supreme Court held cancellation violated APA.
- ❑ Created more obstacles for legal immigration.
- ❑ Cancelled TPS programs for some countries but courts pushed back.

Executive Actions under Trump

- ❑ Interviews for employment-based adjustment applicants.
- ❑ No deference to prior adjudications at time of renewal.
- ❑ Attempted to rescind work authorization for dependent H-4 spouses.
- ❑ Restricted authority of Immigration Judges. Curbed asylum based on DV.

Executive Actions under Trump

- ❑ Changed FAM guidance so that inconsistent acts within 90 days of entry will be presumed to be fraud or misrepresentation.
- ❑ Used Buy American Hire American EO to block legal immigration.
- ❑ Changed definition to public charge as a way to restrict legal immigration.
- ❑ State Department promulgated rule to combat birth tourism.

Biden's First Day Executive Actions

- ❑ [Revocation](#) of the [Muslim and African travel bans](#).
- ❑ [100-day pause](#) on deportations and rescission of the January 2017 Trump [order](#) announcing all-out enforcement without any prioritization
- ❑ [Declaration of the end](#) of the "[national emergency](#)" at the southern border
- ❑ [Halt](#) in [border wall construction](#)
- ❑ Preservation of and [plans to "fortify"](#) the [DACA initiative](#)
- ❑ [Suspension of new enrollments](#) in the [Migrant Protection Protocols](#) program
- ❑ [Extension of Deferred Enforced Departure \(DED\)](#) for Liberians for 18 months.
- ❑ [Halt](#) of President Trump's [plan](#) to exclude noncitizens from the census and apportionment of congressional representatives.
- ❑ [Review of any pending regulatory actions](#) for possible withdrawal and delay of effective dates of regulations that were published but have not yet taken effect.

Additional Biden Executive Actions

- ❑ Rescinded Buy American Hire American EO.
- ❑ Withdrew Trump's public charge rule.
- ❑ Postponed DOL high wage rule by 60 days and reopened comment period.
- ❑ Rescinded immigrant and nonimmigrant travel bans.
- ❑ Rescinded Matter of AB that restricted asylum for DV survivors.
- ❑ Rescinded Matter of Castro Tum allowing IJs to administratively close cases.
- ❑ Brought back deference policy to prior adjudications.

Additional Biden Executive Actions

- ❑ Waive nonimmigrant interviews at US Consulates for many categories.
- ❑ Relax nonimmigrant intent for international students when applying for F and J visas.
- ❑ Extend STEM OPT for 24 months.
- ❑ Provide more pathways for STEM students to get O-1 visas and National Interest Waivers.
- ❑ Work authorization of L-2 and E-2 spouses incident to status, H-4 EAD can get auto extension.

Additional Biden Executive Actions

- ❑ Expanded Humanitarian Parole for Ukraine, Venezuela, Cuba, Nicaragua and Haiti but kept Title 42 expulsions.
- ❑ Rescinded Matter of Z-R-Z-C to make it easier for TPS recipients to travel and adjust status in the US.
- ❑ Automatic extension of conditional green card for 24 months after I-751 and I-829 applications are filed.

Biden's Legislative Proposals

- ❑ Inflation Reduction Act 2022 contained no new immigration proposals.
- ❑ Prior proposals would have granted legalization or parole to people who entered US before Jan 1, 2011 – would have benefitted DACA, TPS and other undocumented persons.
- ❑ Also would have recaptured visa numbers, provided relief to backlogged skilled immigrant workers.

Biden's US Citizenship Act of 2021 Proposal

- ❑ Provide worker protections and improvements to the employment verification process.
- ❑ Clear employment-based visa backlogs by not counting family members, recapture unused visas, reduce lengthy wait times, and eliminate per-country visa caps.
- ❑ Make it easier for graduates of U.S. universities with advanced STEM degrees to stay in the United States.
- ❑ Create an earned roadmap to citizenship for undocumented individuals, allowing undocumented persons to apply for temporary legal status and apply for a green card after five years if they pass criminal and national security background checks and pay their taxes. DACA "Dreamers," temporary protected status beneficiaries, and immigrant farmworkers who meet specific requirements would be eligible for green cards immediately. After three years, all green card holders who pass additional checks and demonstrate knowledge of English and U.S. civics could apply for U.S. citizenship. Applicants must be physically present in the United States on or before January 1, 2021. A waiver is included for certain family unity or other humanitarian purposes.
- ❑ Reform family-based immigration.

Biden's 2021 Immigration Proposals

- ❑ Increase diversity visas from 55,000 to 80,000.
- ❑ Promote immigrant and refugee integration and citizenship.
- ❑ Prioritize border controls that include technology and infrastructure improvements.
- ❑ Manage the border and provide various resources to protect border communities.
- ❑ Crack down on criminal organizations.
- ❑ Address underlying regional causes of migration.
- ❑ Reform immigration courts.
- ❑ Support asylum seekers and other vulnerable populations.
- ❑ Change the word "alien" to "noncitizen" in U.S. immigration laws.

Notable Supreme Court Cases Involving Immigration in 2021

□ Johnson v. Guzman-Chavez, 141 S.Ct. 2271 (2021), https://www.supremecourt.gov/opinions/20pdf/19-897_c07d.pdf

Held: 8 USC § 1231, not § 1226, governs the detention of noncitizens subject to reinstated orders of removal who are applying for withholding of removal.

□ Sanchez v. Mayorkas, 141 S.Ct. 1809 (2021), https://www.supremecourt.gov/opinions/20pdf/20-315_q713.pdf

Held: Noncitizens granted TPS are not considered admitted under 8 USC 1254a(f)(4) for purposes of qualifying for adjustment of status.

□ Garland v. Ming Dai, 141 S.Ct. 1669 (2021), https://www.supremecourt.gov/opinions/20pdf/19-1155_new_197d.pdf

Held: Court of Appeal should not presume credibility when neither IJ nor BIA have not made an adverse ruling on credibility.

Notable Supreme Court Decisions in 2021

- Niz Chavez v. Garland, 141 S.Ct. 1474 (2021), https://www.supremecourt.gov/opinions/20pdf/19-863_new_5426.pdf

Held: Subsequent notice of hearing does not perfect defective Notice to Appear.

- Pereida v. Wilkinson, 141 S.Ct. 754 (2021), https://www.supremecourt.gov/opinions/20pdf/19-438_j4el.pdf

Held: Burden of proof is on respondent in removal proceedings to establish eligibility for relief under a divisible criminal statute.

Notable Supreme Court Decisions in 2022

- In *Arizona et al v. Mayorkas*, https://www.supremecourt.gov/opinions/22pdf/22a544_n758.pdf, the Supreme Court has stayed the district court's decision setting aside Title 42.
- In *Biden v. Texas*, 597 U.S. ____ (2022), https://www.supremecourt.gov/opinions/21pdf/20-322_m6hn.pdf, the Supreme Court **found** that (1) the district court did not have the jurisdiction to issue an injunction stopping MPP because of INA [§ 1252\(f\)\(1\)](#); (2) that DHS has the discretionary authority to return an alien arriving on land to Mexico because the text of the statute says "may"; and (3) that the October 2021 memo was a valid agency action.
- In *Patel v. Garland*, 596 U.S. ____ (2022), https://www.supremecourt.gov/opinions/21pdf/20-979_h3ci.pdf, the Supreme Court held that federal courts lack jurisdiction to review factual findings made by the executive branch during deportation proceedings.

Notable Supreme Court Decisions in 2022

- In *Johnson v. Arteaga-Martinez*, 596 US __ (2022), https://www.supremecourt.gov/opinions/21pdf/19-896_2135.pdf, Supreme Court overturned precedent requiring a bond hearing if a person in ongoing immigration proceedings is detained longer than six months, claiming the U.S. government is not obligated to provide one.
- In *Garland v. Aleman Gonzalez*, 596 US __ (2022), https://www.supremecourt.gov/opinions/21pdf/20-322_m6hn.pdf, Supreme Court also ruled that in challenging detention, immigrants cannot seek classwide injunctive relief.
- *Egbert v. Boule* , 596 U.S. ____ (2022), https://www.supremecourt.gov/opinions/21pdf/21-147_g31h.pdf, Supreme Court declined to extend *Bivens v. Six Unknown Federal Narcotics Agents* to permit a Fourth Amendment excessive force claim or a First Amendment retaliation claim against a Border Patrol agent.

Live Content Slide

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Poll: 2. Do you agree or disagree with this statement? If a president cannot pass immigration legislation through Congress, the president may do so through executive actions.

Some Terminology

- Alien or Noncitizen**
- Nonimmigrant v. Immigrant**
- Entry v. Admission**
- Removal v. Exclusion/Deportation**
- Visa v. Status**
- Consular Processing v. Adjustment of Status**

Nonimmigrant visas

- ❑ Nonimmigrant visas are issued to persons who wish to enter the US for a specific purpose and for temporary periods of time.
- ❑ The most common nonimmigrant visas are the B-2 tourist visa or the B-1 business visa.
- ❑ Other commonly utilized visas are the student F visa, the J visa for exchange visitors and foreign medical graduates and the H-1B visa for persons who are employed by companies in the US for professional jobs.

Nonimmigrant Visas

- ❑ Section 214(b) allows a consular officer to determine that every applicant for a nonimmigrant visa is presumed to be an immigrant unless he or she can establish otherwise.
- ❑ Most nonimmigrants must show that they have no intention of abandoning their foreign residence during their stay in the US.
- ❑ Some visas such as the H-1B or L visa allow for dual intent.

Overview of Legal Immigration

□ FAMILY-BASED IMMIGRATION –

A US citizen or Green Card holder can sponsor his or her close family members for permanent residence.

□ EMPLOYMENT-BASED IMMIGRATION –

A US employer can sponsor a foreign national employee for permanent residence.

Overview of Legal Immigration

- ❑ REFUGEE OR POLITICAL ASYLUM – A person outside the US can seek protection as a refugee or within the US through political asylum. S/he must prove a well-founded fear of persecution on one of the following grounds: race, religion, nationality, membership in a social group or political opinion.
- ❑ DIVERSITY PROGRAM - The US issues 50,000 green cards through a lottery program every year. Nationals of countries with high immigration rates, such as India, are excluded.

Family Preference Final Action Dates – February 2023

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1 –Adult son or daughter	01DEC14	01DEC14	01DEC14	01APR01	01MAR12
F2A – spouse + minor child	C	C	C	C	C
F2B – son or daughter	22SEP15	22SEP15	22SEP15	01JUN01	22OCT11
F3 – married children	22NOV08	22NOV08	22NOV08	01NOV97	08JUN02
F4 - siblings	22MAR07	22MAR07	15SEP05	01AUG00	22AUG02

Family Preference Dates for Filing – February 2023

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	08AUG16	08AUG16	08AUG16	01DEC02	22APR15
F2A	C	C	C	C	C
F2B	01JAN17	01JAN17	01JAN17	01JAN02	01OCT13
F3	08NOV09	08NOV09	08NOV09	15JUN01	08NOV03
F4	15DEC07	15DEC07	22FEB06	01APR01	22APR04

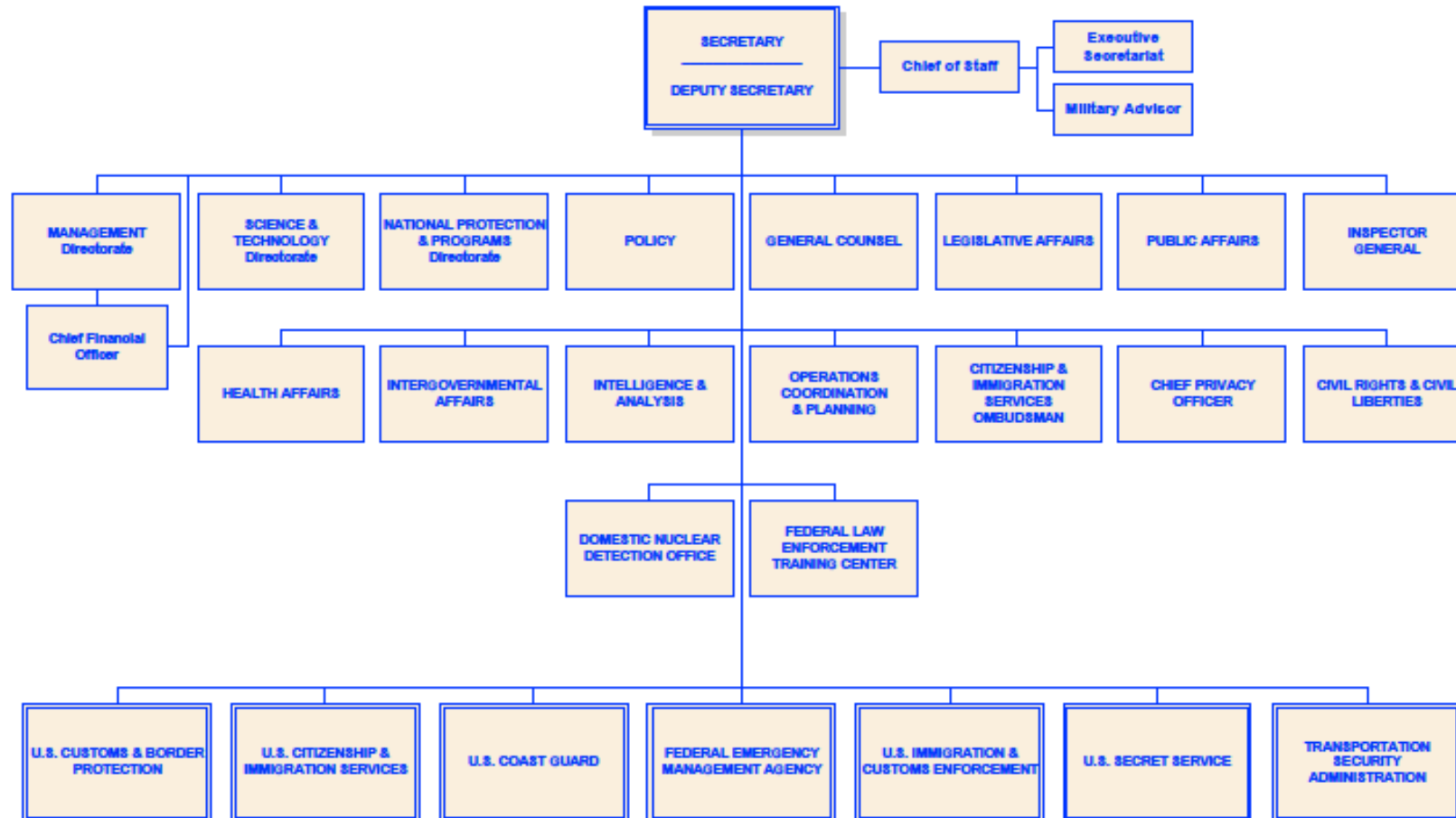
Employment Preference Final Action Dates – February 2023

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	01FEB22	C	01FEB22	C	C
2nd	01NOV22	08JUN19	01NOV22	08OCT11	01NOV22	01NOV22
3rd	C	01AUG18	C	15JUN12	C	C
Other Workers	01JAN20	22DEC13	01JAN20	15JUN12	01JAN20	01JAN20
4th	22JUN22	22JUN22	15MAR18	22JUN22	15SEP20	22JUN22
Certain Religious Workers	22JUN22	22JUN22	15MAR18	22JUN22	15SEP20	22JUN22
5th Unreserved (including C5, T5, I5, R5)	C	22MAR15	C	08NOV19	C	C
5th Set Aside: Rural (20%)	C	C	C	C	C	C
5th Set Aside: High Unemployment (10%)	C	C	C	C	C	C
5th Set Aside: Infrastructure (2%)	C	C	C	C	C	C

Employment Preference Dates for Filing – February 2023

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	01JUN22	C	01JUN22	C	C
2nd	01DEC22	08JUL19	01DEC22	01MAY12	01DEC22	01DEC22
3rd	C	01SEP18	C	01AUG12	C	C
Other Workers	01FEB20	01NOV15	01FEB20	01AUG12	01FEB20	01FEB20
4th	22JUL22	22JUL22	15APR18	22JUL22	15OCT20	22JUL22
Certain Religious Workers	22JUL22	22JUL22	15APR18	22JUL22	15OCT20	22JUL22
5th Unreserved (including C5, T5, I5, R5)	C	01JAN16	C	08DEC19	C	C
5th Set Aside: Rural (20%)	C	C	C	C	C	C
5th Set Aside: High Unemployment (10%)	C	C	C	C	C	C
5th Set Aside: Infrastructure (2%)	C	C	C	C	C	C

U.S. DEPARTMENT OF HOMELAND SECURITY



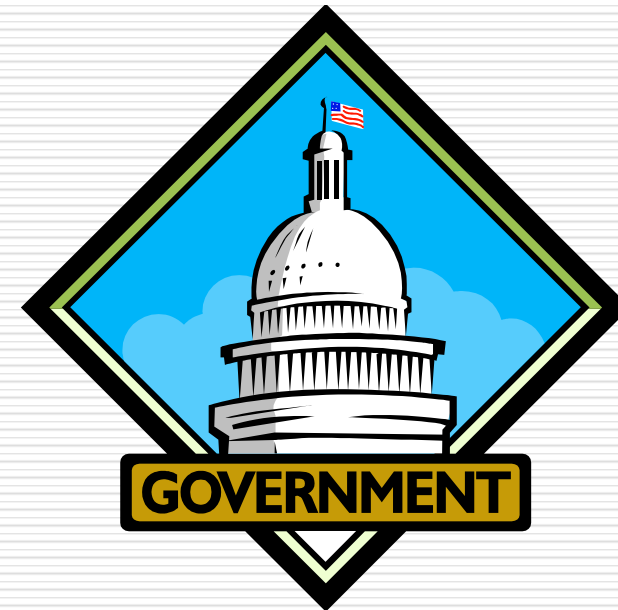
Principal Immigration Functions Not in DHS

- ❑ Executive Office for Immigration Review comprising Immigration Judges and BIA under the Attorney General, DOJ.
- ❑ Office of Refugee Resettlement in charge of unaccompanied minors.
- ❑ Consular officers posted at US missions abroad under Department of State.
- ❑ Department of Labor for Foreign Labor Certification and Labor Condition Applications.

Sources of Information on Immigration Law

- **The Immigration & Nationality Act (INA)**

- **The Regulations**
 - **8 C.F.R.**
 - **20 C.F.R.**
 - **22 C.F.R.**



Understanding the Numerical Language of the INA

- In U.S. immigration law, almost all statutes are enacted by Congress
- Main statute is the Immigration and Nationality Act (INA), codified as Title 8 of the U.S. Code (U.S.C.)
- Other relevant U.S.C. titles include:
 - Title 20 (Labor Department)
 - Title 22 (State Department)
- Know both terminologies
 - Immigration lawyers – INA sections
 - Courts - 8 U.S.C. sections

Understanding the Numerical Language of the INA cont'd

- Regulations implementing federal laws are published in Federal Register and then codified in Code of Federal Regulations (C.F.R.) – 8 C.F.R. = immigration
- USCIS Policy Manual - <https://www.uscis.gov/policy-manual>

Sources of Information on Immigration Law

- Government Web Sites
- Excellent Source for:
 - Statutes & Regulations
 - Forms, Procedures and Instructions
 - Contact Information
 - Processing Times
 - Policies and Current Events Affecting Immigration



Sources of Information on Immigration Law



- ❑ **U.S. Department of Homeland Security**
<http://www.dhs.gov/dhspublic>
- ❑ **Immigration & Customs Enforcement**
<http://www.ice.gov>
- ❑ **Customs & Border Protection**
<http://www.cbp.gov/>

Sources of Information on Immigration Law



- **U.S. Citizenship & Immigration Services**
<http://uscis.gov/>
- **Statutes & Regulations**
- **Forms**
- **Procedures and Instructions**
- **Contact Information**
- **Processing Times**

Sources of Information on Immigration Law

- **U.S. Department of State**

<http://travel.state.gov/>

- **Links to Embassies & Consulates Worldwide**
- **Application Procedures & Consulate Closings**
- **Warning Messages and Travel Advisories**
- **Public Announcements**
- **Derivative Citizenship and Renunciation**

Sources of Information on Immigration Law

- **U.S. DOL Employment & Training Commission**
<http://atlas.doleta.gov/foreign/>
- **Online Wage Library**
- **LCA Online Application**
- **Occupational Outlook Handbook**
- **OES and SCA Occupational Directories**



Sources of Information on Immigration Law

- **U.S. National Archives & Records Administration (NARA)**

<http://www.archives.gov/>

- **Federal Register, for newly-promulgated regulations**
- **Code of Federal Regulations**
- **Public Laws**
- **Presidential Documents**
- **Research Tools and Information**

Sources of Information on Immigration Law

- **Executive Office for Immigration Review (EOIR)**

<http://www.usdoj.gov/eoir/index.html>

- **BIA Precedent Decisions**
- **BIA Practice Manual**
- **Local Operating Procedures for Immigration Courts Nationwide**
- **Office of the Chief Administrative Hearing Officer Decisions**
- **EOIR Virtual Law Library**



Sources of Information on Immigration Law

FindLaw
for Legal Professionals

<http://findlaw.com/casecode/>

- **Research Tools for Federal Case Law**
- **Federal Statutes and Regulations**
- **State Statutes and Regulations**



Sources of Information on Immigration Law



<http://www.ilw.com/>

- **Practice Pointers**
- **Articles by Immigration Practitioners**
- **Breaking News**
- **Legislative Updates**
- **Continuing Legal Education Resources**

Sources of Information on Immigration Law



<http://www.aila.org/>

- **Advocacy & Legislative Updates**
- **Legal Research**
- **Breaking News, Important Case Law and Regulatory Updates**
- **Government Policy and Interpretive Memoranda**

Sources of Information on Immigration Law



<http://www.aila.org/>

- **Continuing Legal Education Resources**
- **Current Information on Local Office Policies, Procedures, etc.**
- **Access to AILA Mentors**
- **Access to AILA Liaison Assistance**

Sources of Information on Immigration Law

LexisNexis

<http://www.lexis.com> and
<http://www.lexisnexis.com/legalnewsroom/>

- **Gordon, Mailman & Yale-Loehr's Immigration Law and Procedure treatise (20 volumes)**
- **Bender's Immigration Bulletin**
- **Many other primary and secondary sources**
- **Available on CD-ROM and Lexis**
- **Law 360 Online**

Sources of Information on Immigration Law

WestLaw

<http://www.westlaw.com>

- **Interpreter Releases**
- **Immigration Briefings**
- **Many other primary and secondary sources**

Sources of Information on Immigration Law

- ❑ Many free sources of information on immigration news, law, advocacy, and practice.
- ❑ It is easier now than ever to get the latest news, but harder than ever to put it all together.

