

DETAILED TABLE OF CONTENTS

About the Author.....	vii
Summary of Contents.....	ix
Preface.....	xi
Subject-Matter Index.....	253

CHAPTER 1: THE ADMINISTRATION AND DEVELOPMENT OF IMMIGRATION

LAW AND IMMIGRANTS’ RIGHTS UNDER THE CONSTITUTION	1
The Study of Immigration Law	1
Ethics and the Practice of Immigration Law.....	2
Agencies Involved in the Administration of the Immigration Laws	3
A Brief History of Immigration	6
From the Revolution to the Civil War	6
Post-Civil War	7
Restrictionism—Turn of the Century	7
The McCarran-Walter Act of 1952 and Its Aftermath	10
1960s Reform—Immigration Act of 1965	11
Worldwide Quota, the Refugee Act, and the Select Commission (Late 1970s–Early 1980s)	12
Enforcement: IRCA and IMFA (Late 1980s).....	13
Legal Reforms (Early 1990s)	14
Restriction—AEDPA and IIRAIRA (End of the 20th Century)	15
Human Rights and Business Efficiency (2000).....	17
Security (Post-9/11).....	17
DACA and Executive Relief for Some of the Undocumented	19
Trump and Biden Administrations	21
Immigrants and the U.S. Constitution	26
Conflicts between Federal and State Laws: Preemption.....	29

CHAPTER 2: INADMISSIBILITY, DEPORTABILITY, WAIVERS, AND

RELIEF FROM REMOVAL	33
Overview.....	33
Application of the Inadmissibility and Deportability Provisions	34

Search, Seizure, and Arrest.....	38
Returning Lawful Permanent Residents (LPRs)	41
Parole	42
Prehearing Detention	43
Detention of Persons in Removal Proceedings.....	45
Post-Removal Order Detention	46
Other Issues Related to Detention	46
Alternatives to Detention.....	48
Prosecutorial Discretion	49
DACA and Prosecutorial Discretion	51
Burdens of Proof.....	52
Expedited Removal.....	53
Regular Removal Hearing	55
Summary Removal for Non-LPR Aggravated Felons.....	58
Terrorist Removal Hearing.....	58
Grounds of Inadmissibility/Deportability and Waivers	60
Waiver Procedure	61
Health-Related Grounds	62
Criminal Grounds	63
What Is a Conviction for Purposes of Inadmissibility and Deportability?.....	64
Aggravated Felony	65
Crimes Involving Moral Turpitude (CIMT).....	66
Controlled Substances	68
Firearms Offenses.....	69
Other Criminal-Related Provisions	69
Other Deportable Offenses	69
Security and Foreign-Policy Grounds	72
Economic Grounds	74
Immigration Law Violations	77
Quasi-Criminal and Moral Grounds	80
Miscellaneous Grounds	82
Additional Relief from Removal	83
Temporary Relief.....	84
Permanent Relief	85

DETAILED TABLE OF CONTENTS	xv
Chart 1: Grounds of Inadmissibility and Deportability	88
Chart 2: Factors and Grounds for Waivers	90
CHAPTER 3: PROTECTION FROM HARM.....	93
Overview.....	93
Revised Asylum Procedure	98
The Standards of the Refugee Definition and Bars from Meeting It.....	98
Refugee Procedures	106
Asylum Procedures	108
Other Legislation Affecting Asylum	109
Withholding of Removal	109
Convention Against Torture (CAT).....	110
Temporary Protected Status (TPS) and Other Humanitarian Forms of Relief.....	112
CHAPTER 4: NONIMMIGRANT VISAS: TEMPORARY ADMISSION TO THE UNITED STATES.....	117
Overview.....	117
Doctrine of Dual Intent.....	119
Visa Application and Admission Procedure.....	119
Advisory Opinions.....	121
Extension and Change of Status	122
Extension and Reinstatement of Status	122
Change of Status.....	123
Transition to Permanent Residence: Adjustment of Status.....	124
Visa Waiver Program.....	124
Categories of Nonimmigrant Visas.....	126
Tourism.....	126
B-1	126
B-2.....	126
Educational	126
F-1	127
J-1	128
M-1	128
Special and Family-Related Visas.....	128
K Visas	129

V Visas129

Work or Business.....130

 B-1130

 E Visas.....130

 H Visas131

 H-1B.....131

 H-2A and H-2B.....133

 H-3134

 I Visas.....134

 L Visas.....135

 O Visas136

 P Visas.....136

 Q Visas137

 R Visas137

 TN Visas.....138

Law-Enforcement– and Victim-Related Visas139

 S Visas.....139

 T Visas.....140

 U Visas140

Governmental or Quasi-Governmental141

 A Visas141

 G Visas141

Miscellaneous142

CHAPTER 5: IMMIGRANT VISAS: LAWFUL PERMANENT RESIDENCE.....143

 Overview.....143

 The Petition Requirement144

 Routes to Permanent Residency145

 Immigrant Visa Process.....146

 Adjustment of Status146

 Quotas148

 Family-Based Immigrants.....148

 Recognized Family Relationships151

 Spouse152

 Child.....154

 Parent.....155

Sibling	155
Preservation of Benefits for Children of Immigrants	156
Employment-Based Immigrants	156
Employment Preferences	157
First Preference (EB-1).	157
Second Preference (EB-2).	158
Third Preference (EB-3).	159
Fourth Preference (EB-4).	159
Fifth Preference (EB-5).	160
Labor Certification Procedures	161
Diversity Immigrants	164
Programs Granting Permanent Residency	165
Visa Processing Procedures	166
Immigrant Visa Processing.	166
Adjustment of Status.	167
Revocation of Petitions	167
Loss of Permanent Residency	168
CHAPTER 6: ADMINISTRATIVE AND JUDICIAL REVIEW	171
Overview	171
Administrative Review	172
Admissions Process.	173
Asylum	173
Claims to U.S. Citizenship.	174
Discretionary Relief from Removal.	174
Employment-Based Preference Petitions and Employment-Related Nonimmigrant Visa Classifications.	175
Employer Sanctions	175
Extension of Status.	175
Family-Based Preference Petitions	175
Labor Certification.	175
Naturalization and Revocation.	175
Nonimmigrant Change of Status.	176
Nonimmigrant Visa Petitions.	176
Overseas Visa Petitions.	176

Temporary Protected Status (TPS).....	177
Waivers.....	177
Administrative Appeals Office.....	177
Motions to Reopen or Reconsider	177
Appeals to the BIA	181
Review by the Attorney General or Secretary of Homeland Security...181	
Judicial Review.....	182
Petitions for Review of Final Orders of Removal	185
Review in Matters Other Than Removal.....	186
Matters Not Reviewable	188
Review in “Nonreviewable” Matters.....	189
Deference and Judicial Review	190
More on the Scope of Judicial Review	191
CHAPTER 7: U.S. CITIZENSHIP	193
Overview.....	193
Citizenship vs. Permanent Residency.....	193
Acquiring Citizenship.....	194
Citizenship at Birth.....	195
Citizenship through Naturalization.....	197
Other Naturalization Programs	198
Naturalization Decisions and Oath Administration.....	199
Derivative Citizenship.....	199
Loss of Citizenship	200
Voluntary Relinquishment.....	200
Denaturalization.....	202
Citizenship Procedure	203
 <i>Appendices</i>	
Appendix 1: Key Definitions and Concepts.....	205
Appendix 2: Abbreviations and Acronyms.....	223
Appendix 3: Immigrant Classifications and Visas.....	231
Appendix 4 : Nonimmigrant Visa Classifications.....	237
Appendix 5 : Conversion Table: 8 USC to INA	241
Appendix 6: Selected Bibliography and Electronic Resources.....	243