

## PREFACE

This manual was originally written in response to the enactment in 1996 of the Anti-Terrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Those laws were motivated at least in part by fear and prejudice against people who are not white. They authorize mandatory detention of individuals who are neither a danger to our community nor a flight risk, and mandatory deportation of individuals who are leading peaceful and productive lives in the United States. Those laws laid the groundwork for policies and practices that imprison refugees fleeing persecution, tear apart immigrant families, and purport to strip federal courts from reviewing the abuses inflicted on our immigrant communities. The unfair and oppressive immigration policies and practices that we see today are the fruits of the 1996 laws.

As any immigration practitioner knows, the U.S. immigration system today is broken. There are lengthy and unjustified delays in adjudication; meritorious applications are denied; humanitarian protection for people fleeing persecution has been decimated; people are held in immigration prisons without reasonable justification; children are torn apart from their parents; and good families are destroyed. These injustices fall heavily on our immigrant communities who are also primarily people of color. In recent years, the brokenness of our immigration system has made these injustices shockingly clear.

We as immigration lawyers are called on to try to fix at least some of the brokenness in our immigration system – including not only the hardships that fall one-by-one on individual immigrants and their families, but also the systematic devaluation and degradation of immigrant communities. The purpose of this book is two-fold. This book aims to provide immigration lawyers fighting against these injustices with some useful tools – an overview of some of the issues that typically arise in litigating cases against the government, some ideas on how one might respond to arguments made by the government, and citations to helpful case law. And second, hopefully this book will encourage more lawyers to join the movement that is trying to put an end to the abuses that are being inflicted on our immigrant communities, so that we can live in a world in which we can say: “We have come a long way from the days when fear and prejudice toward alien races were the guiding forces behind our immigration laws.”<sup>1</sup>

Robert Pauw  
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<sup>1</sup> *Lennon v. INS*, 527 F.2d 187, 188 (2d Cir. 1975).