

## DETAILED TABLE OF CONTENTS

PREFACE.....	ix
INDEX.....	259
 <b>CHAPTER 1: THE ADMINISTRATION AND DEVELOPMENT OF IMMIGRATION LAW AND IMMIGRANTS' RIGHTS UNDER THE CONSTITUTION..... 1</b>	
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 .....	5
From the Revolution to the Civil War.....	5
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) .....	14
Legal Reforms (Early 1990s) .....	15
Restriction—AEDPA and IIRAIRA (End of the 20th Century)..	16
Human Rights and Business Efficiency (2000) .....	18
Security (Post-9/11).....	18
Immigrants and the U.S. Constitution .....	24
Conflicts Between Federal and State Laws: Preemption .....	27
 <b>CHAPTER 2: INADMISSIBILITY, DEPORTABILITY, WAIVERS, AND RELIEF FROM REMOVAL .....</b> 31	
Overview .....	31
Application of the Inadmissibility and Deportability Provisions.....	32
Search, Seizure, and Arrest .....	36

Returning Lawful Permanent Residents.....	39
Parole.....	40
Prehearing Detention.....	40
Detention of Persons in Removal Proceedings .....	43
Post–Removal Order Detention .....	44
Other Issues Related to Detention.....	44
Alternatives to Detention .....	46
Burdens of Proof .....	47
Expedited Removal .....	48
Regular Removal Hearing .....	51
Prosecutorial Discretion .....	53
Summary Removal for Non–LPR Aggravated Felons.....	55
Terrorist Removal Hearing.....	56
Grounds of Inadmissibility/Deportability and Waivers .....	57
Waiver Procedure .....	58
Health-Related Grounds.....	60
Criminal Grounds .....	61
What Is a Conviction for Purposes of Inadmissibility and Deportability? .....	62
Aggravated Felony .....	64
Crimes Involving Moral Turpitude .....	65
Controlled Substances .....	67
Firearms Offenses .....	68
Other Criminal-Related Provisions .....	68
Other Deportable Offenses .....	69
Security and Foreign-Policy Grounds .....	71
Economic Grounds .....	74
Immigration Law Violations .....	77
Quasi-Criminal and Moral Grounds.....	81
Miscellaneous Grounds .....	82
Additional Relief from Removal.....	84
Temporary Relief .....	85
Permanent Relief .....	86

<b>CHAPTER 3: PROTECTION FROM HARM .....</b>	93
Overview .....	93
The Standards of the Refugee Definition and Bars from Meeting It .	98
Refugee Procedures.....	107
Asylum Procedures .....	109
Other Legislation Affecting Asylum.....	109
Withholding of Removal.....	110
Convention Against Torture.....	111
Temporary Protected Status (TPS) and Other Humanitarian Forms of Relief.....	112
<b>CHAPTER 4: NONIMMIGRANT VISAS: TEMPORARY ADMISSION TO THE UNITED STATES .....</b>	117
Overview .....	117
Doctrine of Dual Intent .....	119
Visa Application and Admission Procedure .....	120
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 Visas .....	129

Work or Business .....	130
B-1 .....	130
E Visas.....	130
H Visas .....	131
H-1B .....	131
H-2A and H-2B .....	133
H-3.....	134
I Visas.....	135
L Visas.....	135
O Visas .....	136
P Visas.....	137
Q Visas .....	137
R Visas .....	138
TN Visas.....	138
Law-Enforcement–Related Visas.....	140
S Visas.....	140
T Visas.....	141
U Visas .....	141
Governmental or Quasi-Governmental .....	141
A Visas .....	142
G Visas .....	142
Miscellaneous .....	142
 <b>CHAPTER 5: IMMIGRANT VISAS: LAWFUL PERMANENT RESIDENCE.....</b>	<b>145</b>
Overview .....	145
The Petition Requirement.....	147
Routes to Permanent Residency .....	148
Immigrant Visa Process .....	148
Adjustment of Status .....	148
Quotas.....	150
Family-Based Immigrants .....	151
Recognized Family Relationships .....	154
Spouse .....	154
Child .....	156

Parent.....	158
Sibling .....	158
Preservation of Benefits for Children of Immigrants.....	158
Employment-Based Immigrants.....	159
Employment Preferences.....	159
First Preference (EB-1). ....	159
Second Preference (EB-2).....	161
Third Preference (EB-3).....	161
Fourth Preference (EB-4).....	162
Fifth Preference (EB-5).....	162
Labor Certification Procedures .....	165
Diversity Immigrants.....	168
Special Relief Programs Granting Permanent Residency .....	169
Visa Processing Procedures .....	170
Immigrant Visa Processing. ....	170
Adjustment of Status.....	171
Revocation of Petitions .....	171
Loss of Permanent Residency .....	172
 <b>CHAPTER 6: ADMINISTRATIVE AND JUDICIAL REVIEW.....</b>	<b>175</b>
Overview .....	175
Administrative Review.....	176
Admissions Process.....	177
Asylum. ....	177
Claims to U.S. Citizenship. ....	178
Discretionary Relief from Removal. ....	178
Employment-Based Preference Petitions and Employment-Related Nonimmigrant Visa Classifications..	179
Employer Sanctions.....	179
Extension of Status.....	179
Family-Based Preference Petitions. ....	179
Labor Certification. ....	179
Naturalization and Revocation. ....	179

Nonimmigrant Change of Status.....	180
Nonimmigrant Visa Petitions.....	180
Overseas Visa Petitions.....	180
Temporary Protected Status (TPS).....	181
Waivers.....	181
Administrative Appeals Office.....	181
Motions to Reopen or Reconsider .....	182
Appeals to the BIA.....	185
Review by the Attorney General or Secretary of Homeland Security .....	185
Judicial Review .....	186
Petitions for Review of Final Orders of Removal.....	189
Review in Matters Other than Removal .....	191
Matters Not Reviewable.....	192
Review in “Nonreviewable” Matters .....	193
Deference and Judicial Review .....	195
More on the Scope of Judicial Review.....	196
<b>CHAPTER 7: U.S. CITIZENSHIP.....</b>	<b>199</b>
Overview .....	199
Citizenship vs. Permanent Residency .....	199
Acquiring Citizenship .....	200
Citizenship at Birth.....	201
Citizenship through Naturalization .....	203
Other Naturalization Programs.....	205
Naturalization Decisions and Oath Administration .....	205
Derivative Citizenship.....	206
Loss of Citizenship .....	206
Voluntary Relinquishment .....	207
Denaturalization .....	208
Citizenship Procedure .....	209
<b>Appendices</b>	
Key Definitions and Concepts.....	211

**TABLE OF CONTENTS**

xvii

Abbreviations and Acronyms.....	227
Immigrant Classifications and Visas.....	235
Nonimmigrant Visa Classifications .....	241
Conversion Table: 8 USC to INA .....	245
Selected Bibliography and Electronic Resources.....	247