

# **Introduction & Sources**

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Brief Guide  
Immigration Law & Sources

# What is immigration law?

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- ❑ Body of statutory, regulatory, and case law that regulates the **admission** and the **removal** of **aliens**
- ❑ "**Alien**" = Noncitizen
- ❑ "**Admission**" = Lawful entry into USA after inspection and authorization
- ❑ **Removal**

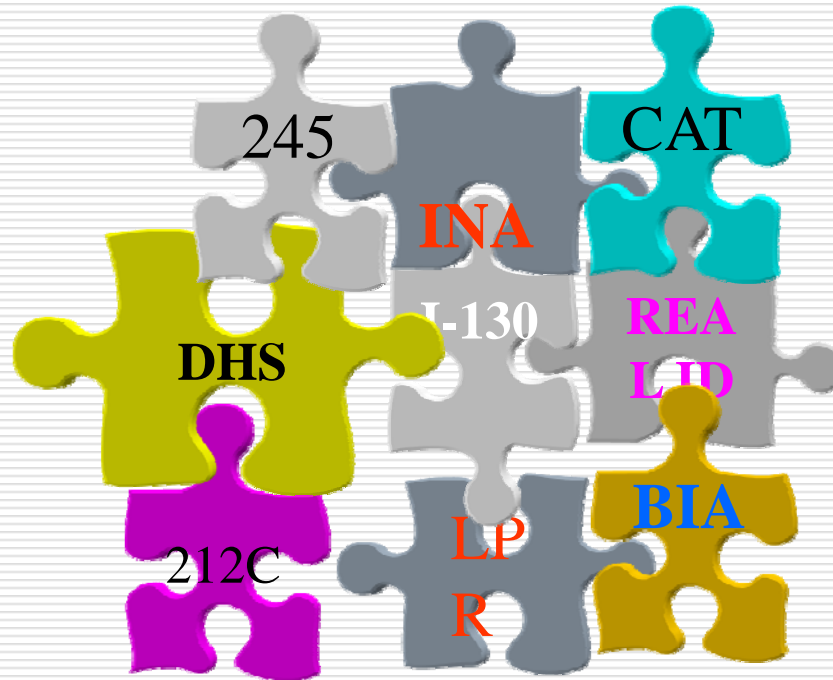
# Vocabulary

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- **LPR** = Lawful Permanent Resident
  - **LPR** = "Immigrant"
  - **"Green Card"** = I-551 = LPR
  - **Nonimmigrant**
  - **Asylum – Asylee**
  - **Refugee**
  - **Removal | Deportation | Exclusion**
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# What is immigration law?

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# **View from the courts**

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**COURT:** I've always heard about how complicated the immigration laws were, and I've never had an opportunity to get into them until this case. But it seems to me if someone -- it's almost sadistic how complicated they are, and the different mazes you have to walk through to do this or that. I'm sure there is some good valid reason for it, but it's awfully hard to untangle these rules and regulations.

**GOV'T ATTORNEY:** It is a specialized area of law.

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# **View from the courts**

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**“The current structure of deportation law, greatly complicated by rapid amendments and loop-hole plugging, is now something closer to a many-layered archeological dig than a rational construct. The regime is badly in need of an overhaul.”**

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# Overview of the course

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- Introduction
  - Admission of non-citizens
  - Immigration controls
  - Asylum, refugees, CAT
  - Administrative & judicial oversight
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THE CHRISTIAN SCIENCE MONITOR *Bennett*

# Administration of Immigration Laws

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**EOIR**      **BIA**      **ETA**  
**DHS**      **DOS**      **DOL**  
            **DOJ**  
**ICE**      **DOI**      **CBP**  
            **USCIS**      **BALCA**

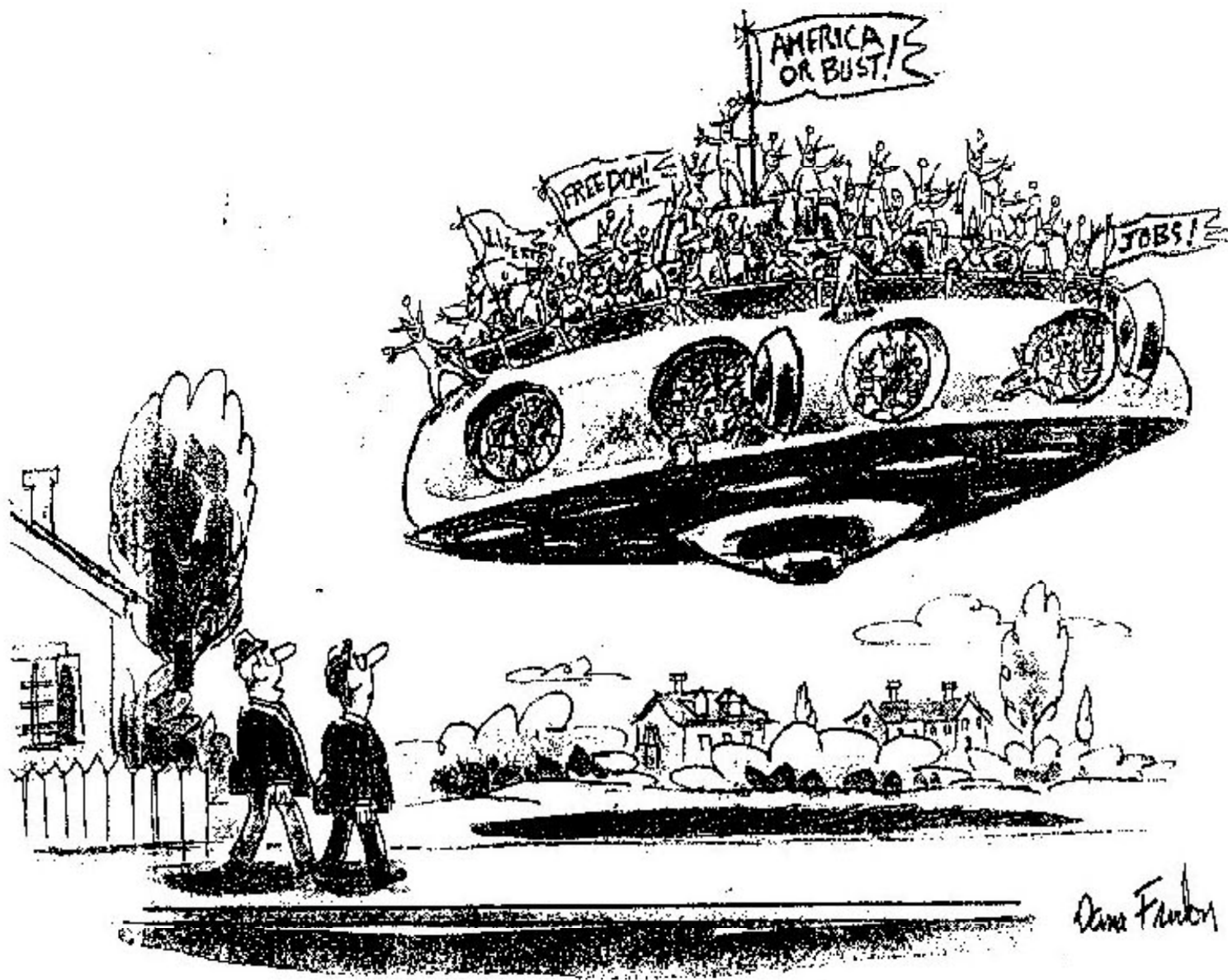
# Administration of Immigration Laws

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## DEPARTMENT OF HOMELAND SECURITY (DHS)

- ❑ U.S. Customs & Border Protection (CBP)
- ❑ U.S. Immigration & Customs Enforcement (ICE)
- ❑ U.S. Citizenship & Immigration Services (USCIS)



*"And yet another headache for the Immigration and Naturalization Service!"*

# Administration of Immigration Laws

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- ❑ **DEPARTMENT OF JUSTICE (DOJ)**
- ❑ **Executive Office for Immigration Review (EOIR)**
- ❑ **Immigration Judges (IJ)**
- ❑ **Board of Immigration Appeals (BIA)**
- ❑ **Office of Immigration Litigation (OIL)**

# Administration of Immigration Laws

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- DEPARTMENT OF STATE (DOS)
  - Consular Officers

# Administration of Immigration Laws

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- DEPARTMENT OF LABOR (DOL)
- The Labor Certification Process

# STATUTORY FRAMEWORK

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- ❑ **1952 – Immigration & Nationality Act (INA)**
- ❑ **1980 – Refugee Act**
- ❑ **1986 – Immigration Reform & Control Act (IRCA)**
- ❑ **1990 – Immigration Act (IMMACT)**
- ❑ **1996 – AEDPA & IIRIRA**
- ❑ **2002 – Homeland Security Act (HSA)**
- ❑ **2005 -- REAL ID Act**

# THE INA

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- [8 U.S.C. §§ 1101 \*et seq.\*](#)
- INA § 101
- Conversion Table

## THE HSA – 116 Stat. 2135

- [6 U.S.C. Chapter 1](#)
  - HSA § 1517
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# IMPLEMENTING REGULATIONS

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- ❑ [8 C.F.R. Chapter I](#) (DHS)
  - ❑ [8 C.F.R. Chapter V](#) (+1000)(EOIR)
  - ❑ [20 C.F.R. 655](#) (DOL)
  - ❑ [22 C.F.R. Parts 41-53](#) (DOS)
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# ADMINISTRATIVE DECISIONS

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- ❑ Board of Immigration Appeals ("BIA")
  - ❑ Administrative Appeals Office ("AAO")
  - ❑ Board of Alien Certification Appeals ("BALCA")
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# Agencies Internal Instructions

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- HANDBOOKS, MEMORANDA, POLICY GUIDANCE
  - OPERATIONS INSTRUCTIONS (OI)
  - FOREIGN AFFAIRS MANUAL
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# OFFICIAL GOVT SITES - DOJ

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- ❑ **Department of Justice**  
[<http://www.usdoj.gov>]
  - ❑ **Executive Office For Immigration Review** [<http://www.usdoj.gov/eoir>]
  - ❑ **Executive Office for U.S. Attorneys -**  
[<http://www.usdoj.gov/usao/eousa>]
  - ❑ **BIA Decisions -**  
[<http://www.usdoj.gov/eoir/vll/libindex.html>]
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# DHS WEB SITES

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## Department of Homeland Security

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

- ❑ U.S. Immigration and Customs Enforcement [<http://www.ice.gov>]
  - ❑ U.S. Customs and Border Protection [<http://www.cbp.gov>]
  - ❑ U.S. Citizenship and Immigration Services [<http://www.uscis.gov>]
  - ❑ US-Visit [<http://www.dhs.gov/us-visit>]
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# DOS WEB SITES

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- ❑ **Department of State**  
[<http://www.state.gov>]
  - ❑ **United States Visa Services**  
[[http://travel.state.gov/visa/visa\\_1750.html](http://travel.state.gov/visa/visa_1750.html)]
  - ❑ The [FAM](#) is available on the FOIA subweb site
  - ❑ The Human Rights Country Reports  
[<http://www.state.gov/g/drl/hr/c1470.htm>]
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