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DAVID WEISSBRODT  
LAURA DANIELSON

# Immigration Law and Procedure

in a  
nut  
shell

6th Edition

 WEST®

# **IMMIGRATION LAW AND PROCEDURE IN A NUTSHELL**

**SIXTH EDITION**

By

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## PREFACE

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This brief text is designed to assist students in obtaining an overview of the material that might be expected to be found in a course on immigration law and procedure.

When the first edition of this Nutshell was written, there did not yet exist a standard casebook on immigration law and it was unclear what substance belonged in a course on immigration law and procedure. At that time only a few law schools considered immigration law worthy of a course. Since then many major law schools have decided to offer immigration law courses and three principal coursebooks have been published: Thomas Alexander Aleinikoff et al., *Immigration and Citizenship: Process and Policy* (6th ed. 2008); Richard Boswell, *Immigration and Nationality Law: Cases and Materials* (4th ed. 2010); and Stephen Legomsky and Cristina M. Rodriguez, *Immigration and Refugee Law and Policy* (5th ed. 2009, 2010 Update). It was gratifying to see that several parts of this Nutshell were reprinted and other views reflected in those coursebooks.

This Nutshell presents the information that a student should want to know about the immigration process as it functions in the United States. With the enactment of new immigration statutes in 1996,

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2001, 2002, 2005, and 2010, immigration law and procedures have undergone significant change. In addition to those legislative changes, political upheaval throughout the world has made immigration a far more visible and controversial issue—leading, in turn, to a constantly evolving body of laws, regulations, decisions, and policies. The sixth edition of this text is organized in six parts to reflect these changes and make them as comprehensible and accessible as possible.

The *first* part—chapters 1 through 4—provides a general overview of the history, constitutional source, and institutional structure of immigration law. In addition to tracing the evolution of immigration law and history in the U.S., the first part discusses the increasing recognition of the federal power to regulate immigration and describes the federal agencies and congressional committees responsible for the formulation and implementation of immigration law.

The *second* part—chapters 5 through 7—covers the various standards and application procedures for immigrant, nonimmigrant, and student visas. It should be noted, however, that this Nutshell does not attempt to serve as a manual for practitioners or potential immigrants and should not be considered legal advice.

In part *three*, chapters 8 and 9 explain the grounds for requiring a non-citizen to depart from the United States and the procedures for removal and denial of admission.

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In the *fourth* part, chapters 10 and 11 discuss refugee and asylum issues and summarize international law as it relates to immigration.

Because immigration law is ultimately founded upon the relationship between the individual and the state, part *five*—chapters 12 and 13—focuses on citizenship and the rights of non-citizens in the United States.

Part *six*—chapters 14 through 17—identifies several ethical issues which immigration lawyers confront and which may help to clarify for students the nature of the immigration process. Chapters 16 and 17 contain a brief conclusion and a bibliography.

The authors wish to thank several present and former law students who assisted in the preparation of this Nutshell. The students who assisted with the first, second, third, and fourth editions are identified in those respective editions. The authors wish to thank Mila Gumin, Chas Higgins, and Nathaniel Nesbitt for their help in connection with the present sixth edition. Mary Rumsey provided valuable bibliographical assistance—especially on the last chapter. Nicole Gruhot and Janina Urman did excellent secretarial work to make the sixth edition possible.

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## *PREFACE*

for what remains in this book and what the Nutshell format required to be deleted.

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LAURA DANIELSON

Minneapolis, Minnesota  
August 2010



## EXPLANATORY NOTES

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We have attempted to follow the format of other Nutshell volumes. Accordingly, cases have been cited only where they represent relatively significant landmarks or where they clarify key issues. The text ordinarily contains only the name of the case, the court of decision, and the date. The student will find the full citation in the Table of Authorities, which follows the Outline. Due to limitations of space and format, some cases are omitted where they would have supported statements in the text and one case is often cited where many others would have been usable as authority.

Immigration law is based considerably upon statutes and regulations. Hence, the text contains frequent references to the principal statutes and regulations, but for reasons of space the citations have been abbreviated in the text. Where both a statute and regulation appear relevant, only the statute is cited. The Table of Authorities contains fuller references to cases, statutes, regulations, and other relevant material.

Because the Nutshell format does not admit footnotes, this volume often omits references to secondary material and other sources, even where such citations clearly exist. The bibliography in the last chapter attempts to redress this problem by

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listing at least most of the principal sources for the use of the serious student who may want to read more.

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