

Immigration and Nationality Law

Immigration and Nationality Law

Cases and Materials

FIFTH EDITION

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*To my parents Dorothy E. Boswell and William P. Boswell who have taught me
so much about love and the value of all human beings.*

and

To Karen, with love and appreciation for her ever constant support.

R.A.B.

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Acknowledgments

It would not be an exaggeration to say that at no time in the last century has immigration been on the front page more than it is today. At the same time that immigration has played such a dominant force in our political discourse, it is both complex and barely understood. More than 40 years ago the late Judge Irving R. Kaufman of the Second Circuit noted “the striking resemblance between some of the laws we are called upon to interpret and King Minos’s labyrinth in ancient Crete.” *Lok v. INS*, 548 F.3d 37 (2d Cir. 1977). The judge went on to compare the immigration laws with the Internal Revenue Code. Since Judge Kaufman made that observation, the laws have only become more complex and confusing.

All of this is occurring in a time when communication and human interaction is accelerating on a global scale. When a war or natural disaster breaks out immigration laws are implicated. When a US or foreign corporation reorganizes and needs to bring key employees to manage its operations, immigration laws need to be consulted. When a President asserts that the admission of certain foreign nationals implicates our national security, immigration laws are invoked. When a US citizen or resident marries and wishes to live in this country with their foreign spouse, a complicated set of legal and procedural hurdles will need to be overcome. These are but a few examples of how immigration laws impact on our daily lives—this text represents an attempt to aid in making this body of law more accessible.

Since beginning my work in this field I have been constantly moved and inspired by the immigrants and their life stories of perseverance and tenacity. Each person has a story which will resonate with anyone who is open to being inspired. I hope that reading these stories of human migration might lead to a deeper examination and understanding of this complex body of law. Such an examination might yield to more humane immigration laws.

As is the case with any book there are more people to thank than there is space to acknowledge. I will try by first thanking the souls who constitute the flesh and blood behind each case (and hypothetical) which appear on these pages. For each petitioner, respondent, appellant or plaintiff, there are countless other loved ones and family members whose futures were forever changed by the decisions which are represented here. I am indebted to the luminaries of this field who have inspired me and left their indelible marks—the late Charles Gordon, Jack Wasserman, David Carliner and Maurice Roberts. Appreciation and respect are also extended to my friend Ira Kurzban who as a contemporary has been a source of wisdom, encouragement and admiration. I also wish to thank the countless students who I have had the privilege to engage

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Richard A. Boswell