

PREFACE

This is the first book-length study of the American Competitiveness in the Twenty-First Century Act of 2001 (AC21).¹ The fact is surprising, given the length of time that has elapsed since AC21 became law and the profound effect the act's provisions continue to have on the day-to-day practice of immigration practitioners, but not inexplicable. The government agencies involved in the immigration process continue to exhibit an inability or unwillingness to express their views through policy guidance on how AC21's provisions should be implemented in other than in a fragmentary manner, and the right that U.S. Citizenship and Immigration Services (USCIS) has reserved for itself to change its mind on any point of law or practice whenever it wishes, have largely discouraged the immigration bar from attempting a comprehensive single-source analysis of this law.

It is the authors' hope that the publication of this book may, to some small degree, serve as an impetus to USCIS to promulgate regulations implementing AC21. The appearance of such regulations may of course serve to render the contents of this book moot, but this would be a small price to pay to give practitioners the certainty they deserve in interpreting AC21's provisions for the benefit of their clients.

We do not presume to offer the final word on AC21. We understand that the richness of its text may accommodate differing interpretations and that a number of things—including further legislation, agency rulemaking, and judicial and administrative decisions—may happen to negate or undermine the views we have expressed here. We thus look forward to reading or hearing what other practitioners have to say on the subject, and to any future developments that may shape the manner in which AC21 impacts our practices.

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January 2009

¹ Pub. L. No. 106-313, §§101-16, 114 Stat. 1251, 1251-62.