

PREFACE

Many years ago, in a case involving the government's efforts to deport John Lennon from the United States, the Second Circuit stated: "We have come a long way from the days when fear and prejudice toward alien races were the guiding forces behind our immigration laws."¹ Unfortunately that statement is no longer true today. Current U.S. immigration laws and policies are ugly. They are based on fear and prejudice toward "aliens."² They cannot be called reasonable, fair or just. Every year hundreds of thousands of noncitizens are deported from the United States. Lawyers who represent these people and get to know them and their families know that these are good people. Like ourselves, they are people who live peaceably and productively in their communities and who strive to provide good care and support for their U.S. citizen family members.

Part of the purpose of this book is to convince readers that in spite of the position taken by administrative agencies to the contrary, our federal courts still maintain the authority to oversee and correct unfair and unjust immigration policies. Hopefully more and more lawyers will be encouraged to litigate immigration cases that cry out for justice, even when those cases at the outset look difficult or impossible. Then, perhaps, one day we will again be able to say that we are no longer living in "the days when fear and prejudice toward aliens races were the guiding forces behind our immigration laws." Or, in the words of John Lennon:

Imagine all the people living life in peace ...
Imagine all the people sharing all the world ...
You may say I'm a dreamer
But I'm not the only one
I hope some day you'll join us
And the world will be as one.³

Robert Pauw
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¹ *Lennon v. INS*, 527 F.2d 187, 188 (2d Cir. 1975).

² Some "thought leaders" use the term "alien" to dehumanize other people living in our communities – typically people of other races or religions regarded as different and undesirable. As the Sixth Circuit noted: "using the term 'alien' to refer to other human beings is offensive and demeaning." *Flores v. USCIS*, 718 F.3d 548, 551, n. 1 (6th Cir. 2013).

³ John Lennon, "Imagine" (1971).