

## PREFACE

This manual was originally written in response to the enactment in 1996 of the Anti-Terrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Those laws were motivated, at least in part, by racial animus against people who are not white. They authorize – in cases that affect primarily people of color – mandatory detention of individuals who are neither a danger to our community nor a flight risk, as well as mandatory deportation of individuals who are leading peaceful and productive lives in the United States. Those laws also laid the groundwork for policies and practices that tear apart immigrant families – again, mainly families of color – and that purport to strip federal courts from reviewing the abuses inflicted on our immigrant communities. The racist immigration policies and practices that we see today coming from the current administration are the fruits of those 1996 laws.

As any immigration practitioner knows, today’s U.S. immigration system is broken. There are lengthy and unjustified delays in adjudication; meritorious applications are denied; humanitarian protection for people fleeing persecution has been decimated; people are held in immigration prisons without reasonable justification; children are torn apart from their parents; and good families are being destroyed. The devaluation and degradation of immigrants living in our communities is not new; it is persistent and systematic. The recent policies and proclamations from the current administration have made these injustices shockingly clear.

We as immigration lawyers are called on to try to fix at least some of the brokenness in our immigration system, including not only the hardships that fall on individual immigrants and their families, but also the systematic devaluation and degradation of immigrant communities. The purpose of this book is two-fold. First, it is designed to provide immigration lawyers fighting against these injustices with some useful tools – an overview of some of the issues that typically arise in litigating cases against the government, some ideas on how one might respond to arguments made by the government, and citations to helpful case law. Second, it will hopefully also encourage more lawyers to join the movement that is trying to put an end to the abuses that are being inflicted on our immigrant communities, so that we can live in a world where:

no one would say, “I think we’ll remove all these people from their homes and send them to another country.”<sup>1</sup>

Robert Pauw  
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<sup>1</sup> Louis de Bernieres, *Birds Without Wings* (2004).  
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