



India
New Delhi

RESEARCH METHODS IN IMMIGRATION LAW

J. Michael Goodson Law Library
Lauren Collins
Head of Reference Services

ROADMAP

- ✘ What makes Immigration Law research complex
- ✘ Secondary Sources & Wexis combined databases
- ✘ Sources of Primary Law
- ✘ Putting it together

WHAT SETS IMMIGRATION RESEARCH APART

- ✘ Several, sometimes inconsistent, Congressional enactments
- ✘ Various agencies with regulatory power since 9/11
- ✘ Application of State and Federal law
- ✘ Not high earning cases; research costs matter!

EXECUTIVE DEPARTMENTS WITH AUTHORITY

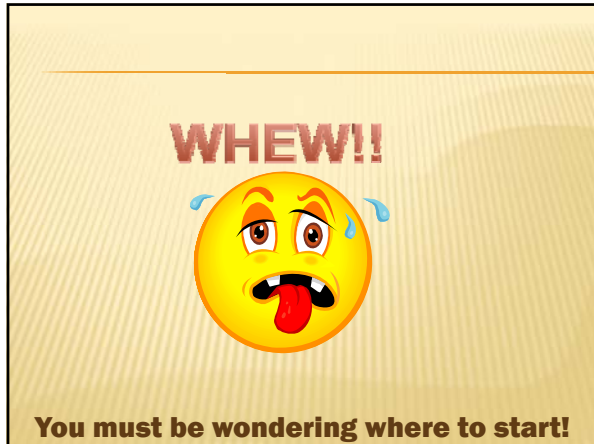
- ✘ **Homeland Security:** Primary authority since dissolution of INS
 - + Citizenship & Immigration Services
 - + Customs & Boarder Protection
 - + Immigration & Customs Enforcement
 - + Asylum Adjudication
- ✘ **Department of State:** Retains some authority of visa issuance
- ✘ **Department of Justice**
 - + Runs immigration court system
 - + Handles employment discrimination matters
- ✘ **Department of Labor:** Considers effect on workforce
- ✘ **Department of Health and Human Services:** Some authority over unaccompanied minors and pre-entry exams

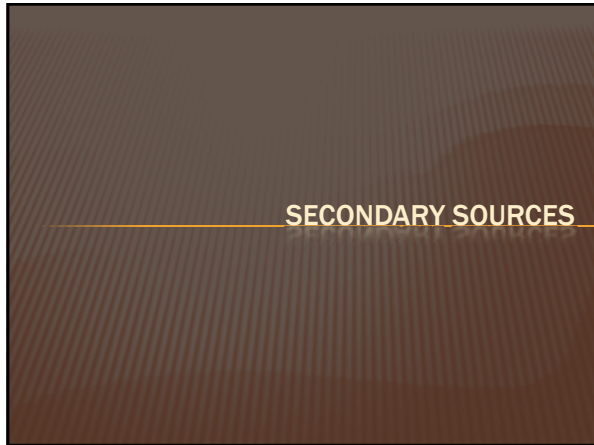
GOVERNING LAWS

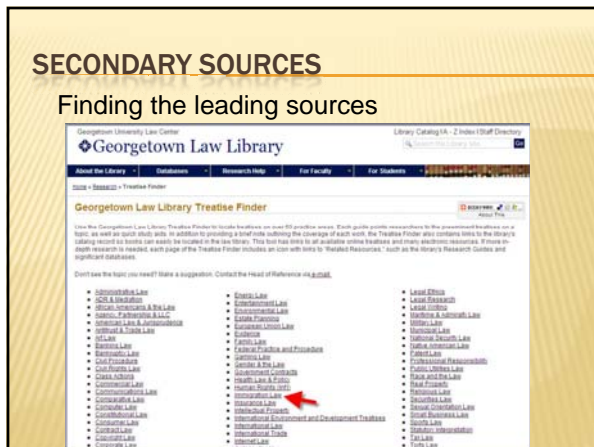
- ✘ **Constitution: Article I, § 8** – gives Congress its authority
- ✘ **United States Code**
 - + **Title 8: Aliens & Nationality**
 - ✘ Chapter 12: Immigration and Nationality
 - ✘ Chapter 13: Immigration and Naturalization Services
 - ✘ Chapter 14: Restricting Welfare and Public Benefits for all Aliens
 - + **Title 18: Criminal Law and Procedure**
 - ✘ Chapter 69: Nationality and Citizenship
 - + An area where there is Private Law

MORE GOVERNING LAWS

- ✘ **Code of Federal Regulations**
 - + Aliens and Nationality Regs: Title 8
 - + Homeland Security: Chapter I
 - + DOJ Review: Chapter V
 - + Justice Dept Regs: Title 28, pts. 44, 68 and o:
 - + Labor Dept Regs: Title 20, 655 & 656, Title 29, 500 & 501
 - + Health & Human Serv Regs: Title 42, pt. 34
 - + State Dept Regs: Title 20, pt. 40-42; Title 22, pt. 7, 50-51, 62-65







ONCE YOU FIND ONE YOU LIKE

Use your subject headings to find other useful resources or browse the stacks.

KEEPING UP TO DATE

- ✦ Austin T. Fragomen et al., **Immigration Law and Business** KF4819 .F7 [Westlaw (IMLB)] (Also see Immigration Law & Crimes, Immigration Law and the Family by Nat'l Imm Project of the Nat'l Lawyers' Guild)
- ✦ Charles Gordon and Stanley Mailman, **Immigration Law and Procedure, Rev. ed.** KF4819.G62 1988 [Lexis (IMMLAW)]
- ✦ **Immigration Law Service, 2d** KF4815 .I45 [Westlaw (IMMLS2d)]
- ✦ **Interpreter Releases** KF4700 .A15 A54 (1985 -) [Westlaw (INTERREL)]
- ✦ Daniel M. Kowalski, ed., **Bender's Immigration Bulletin**, KF4802 .G664 [<http://bibdaily.com/>]

JOURNALS DEVOTED TO IMMIGRATION

- ✘ *Georgetown Immigration Law Journal*. Washington, D.C.: Georgetown Univ. Law. Ctr. (1985 -)
- ✘ *Immigration and Nationality Law Review*. Buffalo, N.Y.: William S. Hein & Co. (1976 -) [University of Cincinnati]
- ✘ *Immigration Business News and Comment*. St. Paul, MN: West Group. (1999 -) [on Westlaw since 2001; previously called *Immigration Law Report*]

Don't forget that many general journals include articles related to immigration. Additionally, there are journals on related topics such as refugees, asylum and human rights.

CURRENT INDEX TO LEGAL PERIODICALS

The screenshot shows the Duke Law Library website with a navigation menu on the left and a main content area titled 'Legal Databases & Links'. The content area is organized into a grid of links for various legal topics. A red arrow points to the 'Current Index to Legal Periodicals' link under the 'Finding Articles & Papers' column.

General Law Databases	Foreign & International Law Resources	Finding Articles & Papers	Legal Links	Library Links
BNA Publications	Back Online	Current Links	Audio Case Files	Catalogs
COB Business & Finance Library	Comparative & International Law Links	Current Index to Legal Periodicals	CPLI	Duke University Libraries
COB Medicare & Medicaid Guide	Contributions of the Countries & Territories of the World	EuroOnline	Comparative & International Law	More Research Databases
COB Tax Research	Foreign Law Guide	Index to Foreign Legal Periodicals	Federal Law	Reference Resources
Contributions of the United States: National & State	Index to Foreign Legal Periodicals	Index to Legal Periodicals	Intellectual Property Law	Research Guides
LexisNexis	International Law in Domestic Courts	Index to Legal Periodicals Retros	Legal Blogs	Triangle Research Libraries Network

CURRENT INDEX TO LEGAL PERIODICALS

The screenshot shows the 'Current Index to Legal Periodicals' page on the Duke Law Library website. It includes a description of the service and a list of recent articles. A browser window is overlaid on the page, showing the URL: http://depts.washington.edu/scjlp/scjlp3.cgi

Current Index to Legal Periodicals
 Current Index to Legal Periodicals (CJLP), prepared by the Marian Gould Gallagher Law Library, University of Washington School of Law, is a weekly current awareness service covering over 500 legal publications. Both subject access and full table of contents are listed with links to the full text. See LexisNexis and LexisNexis when available. Duke Law Faculty can also register to receive weekly email notification of new scholarship for specific subject areas or journals. Please contact Reference for questions about these services.

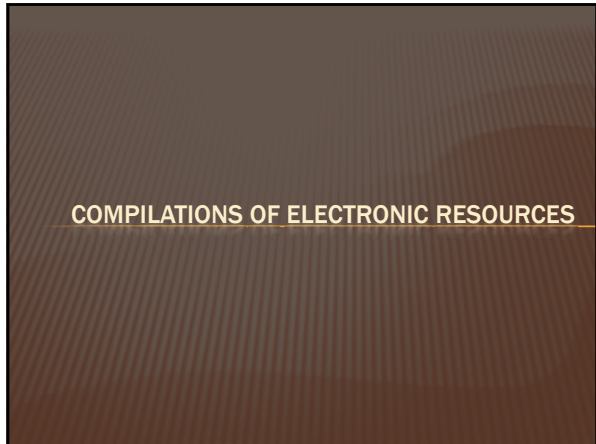
CURRENT INDEX TO LEGAL PERIODICALS
 Marian Gould Gallagher Law Library
 University of Washington
 Helen Pike, Information Specialist
 Sue Sorum, Editor
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 Six to Chelms - March 27, 2009

IMMIGRATION LAW

Hull, Matthew R. Border fiction: does an analogy to immigration law alleviate Fourth Amendment anxiety? 78 *Mea. L.J.* 363-380 (2008). [LEXIS] [WESTLAW]

Olsen, Rigel C. Between a rock and a hard place: landlords, Latinos, and illegal immigrant employees, and housing discrimination. 63 *Yves. L. Rev.* 55-123 (2009). [LEXIS] [WESTLAW]

Wagner, Peter D. Note. *S.M. Long & v. Gonzalez*: how the Second Circuit overruled the Board of Immigration Appeals and denied asylum to the spouses of one-child policy victims. 2008 *Long & v. Gonzalez*, 494 F.3d 296.

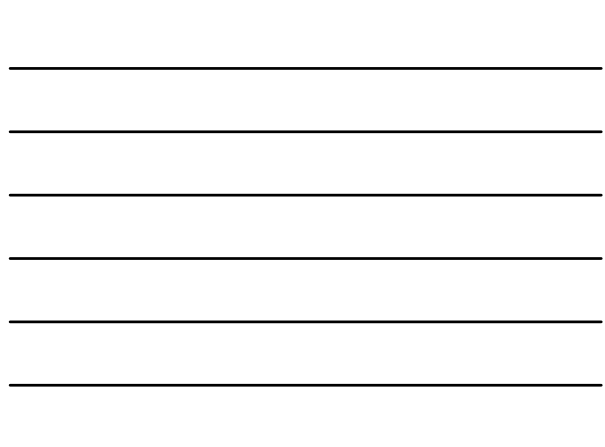
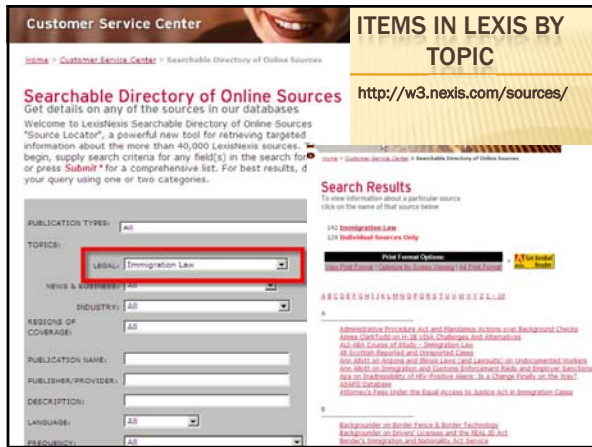






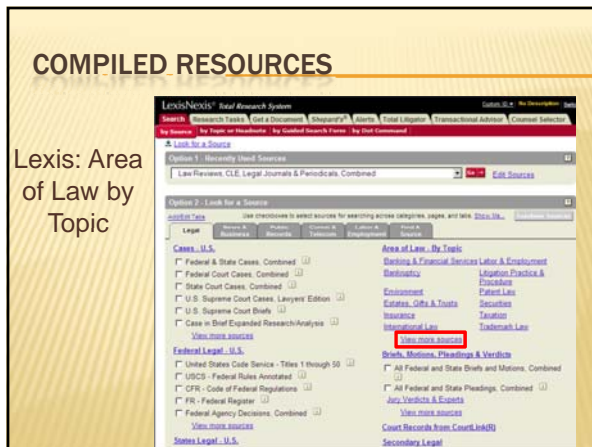
COMPILED RESOURCES

Westlaw Immigration Law Tabs



COMPILED RESOURCES

Lexis: Area of Law by Topic



A & P ON WESTLAW

Scope: HOMERIC-LH | Summaries | Contents | Citation Formats | Searching and Alerts | Related Research | Legal History

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Homeland Security Act of 2002 Legislative History

Coverage: 2002

Constant Highlights:

Comprehensive legislative history of the Homeland Security Act of 2002, including committee reports, transcripts of floor debates, and related bills.

Federal Immigration Legislative History

Coverage: Public Law 110-53

Constant Highlights:

Congressional committee reports setting out the legislative history of public laws related to immigration, as reported in U.S. Code Congressional and Administrative News (USCAN). From 1949 through 2008, the database contains all congressional committee reports, including reports on bills that did not become law. Presidential signing statements from 1980 to present, issued at the time the president signed a bill into law, are also included.

Others



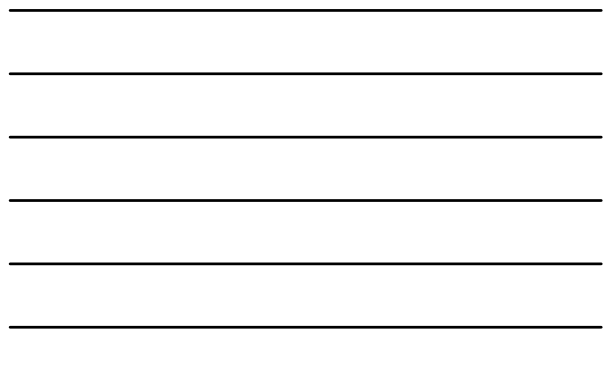
CHANGING IMMIGRATION STATUTES

Thomas - Library of Congress Legislative Site

- ✗ <http://thomas.loc.gov/>
- ✗ Includes bill summary, full text of bills, text of amendments, full text of laws as finally passed,, links to reports and related bills, lists of co-sponsors

American Immigration Lawyers' Association Current Legislation

- ✗ <http://capwiz.com/aila2/issues/bills/>
- ✗ Current bills being considered with status and the position of the association



The LIBRARY OF CONGRESS THOMAS

The Library of Congress > THOMAS Home

THOMAS
In the spirit of Thomas Jefferson, legislative information from the Library of Congress

HRL1: The American Recovery and Reinvestment Act (stimulus bill)
HRL106: Helpline Families Save Their Homes Act (homeowner rescue bill)

What's new for the 111th Congress

Legislation in Current Congress

Search Bill Summary & Status

Word/Phrase | Bill Number

SEARCH

Browse Bills by Sponsor

Select a Representative | GO

Select a Senator | GO

Find More Legislation

Search Multiple Previous Congresses

Repealed Bills

Public Laws

Current Activity

- Veterans of Congress
- Congressional Record Latest Daily Digest
- On the House Floor
- Schedules, Calendars

Learn

Find More Legislation

- Search Multiple Previous Congresses
- Cabinet Nominations
- Appropriations Bills
- Public Laws

Other Legislative Activity

- Congressional Record
- Committee Reports
- Search Presidential Nominations
- Treaties
- Roll Call Votes



THE IMPORTANCE OF PRIVATE LAW

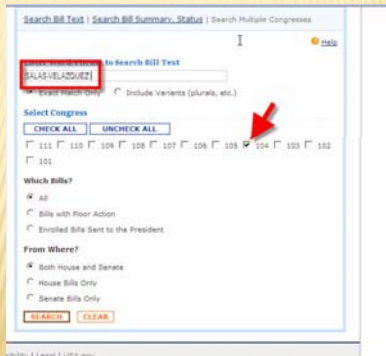
Laws passed by Congress affecting one or a few people. Commonly covers:

- ✗ Property issues
- ✗ Pay issues for gov't employees
- ✗ and, yes, Immigration

Found:

- ✗ GPO Access
- ✗ Statutes at Large
- ✗ NOT Selected for USCAAN publication

SEARCHING FOR PRIVATE LAW





ADMINISTRATIVE REGULATION & REVIEW

REGULATIONS

- ✦ Federal Register – daily record of administrative work
 - + Contains:
 - ✦ Contents and preliminary pages
 - ✦ CFR Parts Affected in this issue
 - ✦ Final Rules & Regulations
 - ✦ Proposed Rules
 - ✦ Notices
 - ✦ Presidential Documents
 - ✦ Reader Aids
 - ✦ Corrections
 - + Practitioners often browse for changes in their areas

BROWSING THE FEDERAL REGISTER

The screenshot shows the Federal Register website. At the top, it says 'U.S. GOVERNMENT PRINTING OFFICE | Keeping America Informed'. Below that, there's a search bar and navigation links. The main content area is titled 'FEDERAL REGISTER' and includes a description of the publication. There's a section for 'Today's issue of the Federal Register' with a calendar view showing 'March 13, Friday' and 'March 16, Monday'. Below that, there are several entries with links to PDF and Text versions. One entry is highlighted with a red box and a red arrow pointing to its PDF link: '1001 Application for Suspension of Declaration of Special Rule Cancellation of Renewal' (Pages 11124 - 11124 (FR DOC # 09-0620)).

BIA DECISIONS

[Attorney General & BIA Precedent Decisions, US DOJ](#) (1955 [Vol 8] -)

HeinOnline, Administrative Decisions under Immigration & Nationality Laws (1940-2006) [[U.S. Federal Agency Documents, Decisions, and Appeals Library](#)]

Lexis: *Immigration Precedent Decisions: IMMIG; BIA* (1940 -)

Westlaw: *Federal Immigration - Board of Immigration Appeals' Administrative Decisions: FIM-BIA* (1940 -)

Bender's Immigration Case Reporter. New York, NY.; Matthew Bender, (1984 -): Monthly updated practitioners resource



EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

OIJ & OCAHO Offices are in this division

Virtual Law Library Also on Lexis & Westlaw

EOIR Virtual Law Library (VLL)

Welcome. This site serves as a complement to the Law Library and Immigration Research Center (LIRC) located within the Headquarters complex of the Executive Office for Immigration Review (EOIR).

New Additions to the VLL
Last Update: March 20, 2009 11:05 AM

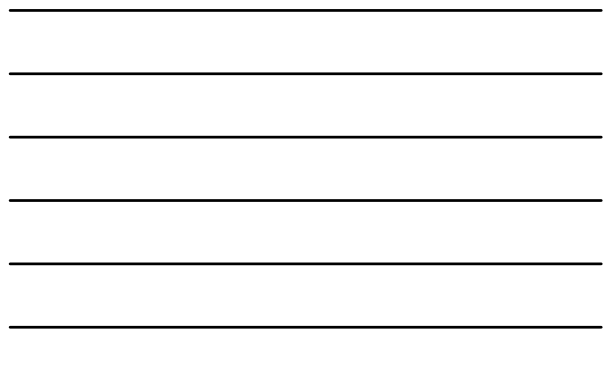
(To be placed on an awaiting list for AEBIA Precedent Decisions, please visit the [AEBIA](#) page.)

- Matter of FORNIA-VIDAL, 24 I&N Dec. 228 (BIA 2009)
- Matter of W-A-B, 24 I&N Dec. 222 (BIA 2009)
- Matter of Jose ADRIAN AQUINO, 24 I&N Dec. 242 (BIA 2009)
- Federal Register: Documents Acceptable for Employment Eligibility Verification: Correction (March 11, 2009)
- Cyberlaw Index Volume 18 - 14 (IIR 2009) This document is searchable. Use the [Index](#) "tool" feature.
- Federal Register: Documents Acceptable for Employment Eligibility Verification: February 3, 2009
- Federal Register: United States Visitor and Immigrant Status Indicator Technology Program: 100-10177: Extension of Additional Allowance (10-10177) Authority To Collect Biometric Data from Applicants of Travelers and Exemptions to the 30 Hour Right to Refused and Border Patrol of Entry (March 24, 2009)
- Federal Register: Establishment of a Derivative Program: Correcting Amendment: January 16, 2009
- Federal Register: Documents Acceptable for Employment Eligibility Verification: Correction (January 16, 2009)

Related Links

- U.S. Department of State: [FOIA Request](#), [About FOIA Requests](#), [Request FOIA Request](#), [FOIA Request Informational](#), [FOIA Request](#)
- US Constitution on Religious Freedom 2008 Report
- Immigration Courts: [Administrative Courts and Courts of Appeals](#), [Immigration Courts](#)
- Practitioner: [Immigration & Administration](#), [EOIR](#), [EOIR](#)

Please send comments or suggestions regarding this site to [the VLL Staff](#)



BALCA & OALJ DECISIONS

OALJ – Office of Administrative Law Judges, Dept. of Labor

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

March 27, 2009 Search: AFDALJ for: SEARCH

Office of Administrative Law Judges

Don't search for ALJ Decisions by Case Number, Name or Date

OALJ Case Number (yyyy/aaa/nnnnn) [] Go

Claimant/Complainant: [] Go

Employer/Respondent: [] Go

Decision Date (mm/dd/yyyy): [] Go

Note: Default search only covers ALJ Decisions from the fall of 2009 forward. For older ALJ Decisions and AEB Decisions use [Fulltext Search](#) to browse the library collection case.

Library Collections

- APA/ALJ
- ARB Decisions
- By Date
- By Topic
- BBB Decisions
- Black Lung
- BSC
- ESA and SCA
- DOT
- EPSC
- Immigration
- Longshore
- Non-Respect
- OECEP
- Rules
- Administrative
- WIA and JETA
- Links

Newsletters and Recent Postings

Black Lung

- Blackbook Supplements (March 2009)
- Newsletter (Feb. 2009)

Longshore

- Lien Rights and Settlements: *N.K. v. California United Terminals*, 688 F.2d 629, 630

Advanced Search

FindIt in DOL

News

- Client Name Policy (11/11/07)
- Casefiles Request - Washington, DC
- Subsequent Order
- Subsequent Order
- Public Access Notice
- Social Security Numbers are:
 - 2005 Notice (10/1/05)
 - 2007 Notice (10/1/07)



STATE LAW CONSIDERATIONS

Is negative self-treatment impacting a fetus child neglect in Indiana for purposes of deportation?

STATE LAW CONSIDERATIONS

8 U.S.C. § 1227

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*** CURRENT THROUGH PL 111-10, APPROVED 3/30/2009 ***
*** NOT A GAP OF PL 111-8 ***

TITLE 8. ALIEN AND NATIONALITY
CHAPTER 12. IMMIGRATION AND NATIONALITY
INSPECTION, APPREHENSION, EXAMINATION, EXCLUSION, AND REMOVAL

Go to the United States Code Service Archive Directory

8 U.S.C. § 1227

NITA Commentary:
The National Institute for Trial Advocacy

1227. Deportable alien

(1) Domestic violence, stalking, and child abuse. Any alien who at any time after admission is convicted of a crime of domestic violence, or a crime of child abuse, child neglect, or child abandonment is deportable. For purposes of this clause, the term "domestic violence" means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

8 U.S.C. § 1227(a)(2)(E)

Westlaw

Search: 8 U.S.C. § 1227(a)(2)(E)

Selected Databases: Immigration Law and Crimes (IMLC)

Terms and Connectors: Natural Language

Search Westlaw

1227. Deportable alien

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8 U.S.C. § 1227(a)(2)(E)

FOCUS™ Terms [Research View] [Get a Document] [Shepard's] [Alerts] [Total Legislator] [Transactional Advisor] [Comment Selector]

Search Within [Original Results (1 - 1)] [Advanced]

View One [DOC] [FBI] [Custom] 1 of 1

Book Review | News Link | History Link | Research Tool | Checkbook

8 USC § 1227

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[Go to the United States Code Service Archive Directory](#)

8 USC § 1227

▼ NITA Commentary:
[Review expert commentary from The National Institute for Trial Advocacy](#)

§ 1227. Deportable aliens

Unpublished: Because alien's removal proceedings following his conviction of felony offense of driving while intoxicated (DWI) under [Tex. Penal Code Ann. § 49.09](#), which was deemed aggravated felony and deportable offense, were "completed and final" when he actually was removed, his removal order was legally executed at time court decided subsequent case holding that DWI was not crime of violence (and thus not aggravated felony for deportation purposes), and thus, subsequent decision did not affect his case and his petition for review was denied. [Turbe-Covambias v. Gonzales \(2006, CAS Tex\) 183 Fed Appx 425](#).



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8 USC § 1227

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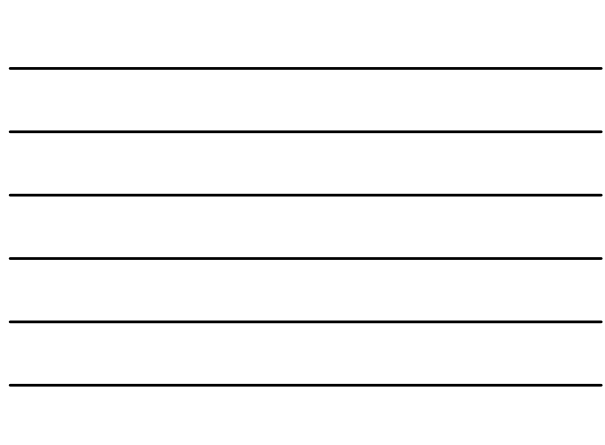
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LEXISNEXIS™ Total Research System [Research View] [Get a Document] [Shepard's] [Alerts] [Total Legislator] [Transactional Advisor] [Comment Selector]

Search Within [Original Results (1 - 1)] [Advanced]

View One [DOC] [FBI] [Custom] 1 of 1

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8 USC § 1227

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8 USC § 1227

▼ NITA Commentary:
[Review expert commentary from The National Institute for Trial Advocacy](#)

§ 1227. Deportable aliens



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Shepardize®

8 U.S.C. sec. 1227

SHEPARD'S SUMMARY

Unrestricted Shepard's Summary

Citing References:

- Positive Analyses: [Constitutional \(1\)](#), [Followed \(2\)](#)
- Neutral Analyses: [Concurring Opinion \(11\)](#), [Comments \(14\)](#), [Dissenting Op. \(49\)](#), [Interviews \(64\)](#), [Not Applicable \(6\)](#), [Quoted Precedent \(1\)](#), [Retractions \(2\)](#)
- Other Sources: [Law Review \(111\)](#), [Statutes \(270\)](#), [Treaties \(140\)](#), [Other Citations \(2\)](#), [Court Documents \(593\)](#)

[Index - Shepard's reports by court citation](#)

HISTORY

Pending Legislation

New Feature

LexisNexis® Total Research System

View: Index 5 Results

Service Pending Legislation

Citation: From the current session, the following bills propose to amend, repeal, or enact a change to 8 U.S.C. sec. 1227

Below is a list of links to pending legislation documents that reference the Shepardized™ citation:

- 2009 H.R. 373 (AS INTRODUCED IN THE HOUSE), 111th Congress, 1st Session, January 9, 2009
- 2009 S. 424 (AS INTRODUCED IN THE SENATE), 111th Congress, 1st Session, February 12, 2009
- 2009 H.R. 878 (AS INTRODUCED IN THE HOUSE), 111th Congress, 1st Session, February 4, 2009
- 2009 H.R. 1024 (AS INTRODUCED IN THE HOUSE), 111th Congress, 1st Session, February 12, 2009
- 2009 H.R. 1199 (AS INTRODUCED IN THE HOUSE), 111th Congress, 1st Session, February 25, 2009

SEC. 4. DWI AND IMMIGRATION INFORMATION IN THE NATIONAL CRIMINAL INFORMATION CENTER.

(a) Inclusion.--DWT and immigration information in the NCIC--

(1) shall appear as a flag on the wants/warrants page of the NCIC; and

(2) shall be timely and readily available to State and local law enforcement officers while they are in the course of their normal duties.

(b) Mandatory Detention.--A State or local law enforcement officer who finds a flag for a DWI and immigration violation of an alien on the wants/warrants page of the NCIC and who arrests the alien shall detain the alien in a State or local jail until the alien can be transferred to Federal custody.

FREE RESOURCES

KEEP UP WITH STATE LAW CONSIDERATIONS

- ✘ National Conference of State Legislatures – Immigration Policy:

<http://www.ncsl.org/programs/immig/>



ONLINE RESOURCES

- ✘ ABA Commission on Immigration Policy, Practice and Pro Bono <http://www.abanet.org/immigration/>
- ✘ The American Immigration Law Foundation <http://www.aifl.org/>
- ✘ American Immigration Lawyers Association <http://www.aiala.org>
- ✘ Center for Immigration Studies <http://www.cis.org>
- ✘ Heiros Gamos <http://www.hg.org/immigration-law.html>

MORE ONLINE RESOURCES

- ✘ The Federation for American Immigration Reform (FAIR) <http://www.fairus.org/>
- ✘ Immigration and Ethnic History Society <http://www.iehs.org/>
- ✘ National Immigration Forum <http://www.immigrationforum.org>

GENERALLY TRY...

- × Professional Organizations
- × Government Sites
- × Sites Associated with Institutions of Higher Learning
 - + Law Library Web Pages
 - + Institutes of Continuing Legal Education
 - + Law Review & Journal Sites

CAVEATS ABOUT FREE SITES

- × Accuracy
- × Authority
- × Currency
- × Objectivity
- × Coverage

QUESTIONS