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
You must be wondering where to start!

SECONDARY SOURCES

Finding the leading sources

SECONDARY SOURCES
An annotated list that also tells you what is on Lexis or Westlaw.

THERE ARE MANY LISTS LIKE THIS

- Harvard
- Arizona State
- Pace
- Gonzaga

POPULAR SECONDARY SOURCES

- Austin T. Fragomen, Jr. et al., Immigration Legislation Handbook, KF4819 .I485
- Ira. J. Kurzban, Kurzban’s Immigration Law Sourcebook, 11th. ed. KF4819.3 .K87
- Richard A. Boswell and Stephanie L. Browning, ed., Essentials of Immigration Law
- David S. Weissbrodt, Immigration Law and Procedure in a Nutshell, KF 4819.3 .W4 2005 (Reserve)
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)
- Immigration Law Service, 2d, KF4815.I45 [Westlaw (IMMLS2d)]
- Interpreter Releases KF4700 .A15 A54 (1985 -) [Westlaw (INTERREL)]
JOURNALS DEVOTED TO IMMIGRATION


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.
COMPILED RESOURCES

Add a tab
- Read reviews of current issues written by notable practitioners in the area
- Get the latest news
- Conduct primary research in smaller, topically directed databases

A FREE COMPILED RESOURCE
Statutes can also be found using smaller databases
KEEPING ON TOP OF CHANGING STATUTORY LAW

Compiled Legislative Histories

Compiled Legislative History

Legislative History...
A & P ON WESTLAW

CHANGING IMMIGRATION STATUTES

Thomas - Library of Congress Legislative Site

- [http://thomas.loc.gov/](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

- Current bills being considered with status and the position of the association
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
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
Homeland Security current and possible rule changes

CODE OF FEDERAL REGULATIONS
- Many of the looseleaf services include relevant statutes and regulations
- Statutes will lead to regulations promulgated under the statutory authority
- Lots of free access: GPO, regulations.gov
- Update with Federal Register

ADMINISTRATIVE ADJUDICATION
- Board of Immigration Appeals - reviews individual cases
- Office of the Chief Immigration Judge - oversees all immigration courts
- Office of the Chief Administrative Hearing Officer - employment discrimination and sanctions plus document fraud
- Board of Alien Labor Certification Appeals - unfair employment practice
- Office of Immigration Litigation - civil matters
BIA DECISIONS
Lexis: Immigration Precedent Decisions: IMM; BIA (1940 - )
Westlaw: Federal Immigration - Board of Immigration Appeals' Administrative Decisions: FIM-BIA (1940 - )

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OCIJ & OCAHO Offices are in this division
Also on Lexis & Westlaw

BALCA & OALJ DECISIONS
OALJ – Office of Administrative Law Judges, Dept. of Labor
Approximately 250 attorneys and 100 support staff are employed by the Office of Immigration Litigation (OIL).

Attorneys and Non-Attorneys are divided into two sections: OIL 1 and the District Court Section.

The Office of Immigration Litigation has jurisdiction over all civil immigration litigation, and is responsible for the nationwide coordination of immigration matters before the federal district courts and circuit courts of appeals.

Cases reported as federal district court cases normally are.

Executive Orders

- Federal Register
- Weekly Compilation of Presidential Documents
- Whitehouse.gov
- Executive Orders Disposition Tables – search executive orders by president
CASE LAW TRICKS: USING SMALLER DATABASES

Use smaller databases in Lexis & Westlaw

EXAMPLES
STATE LAW CONSIDERATIONS

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

8 U.S.C.S. § 1227(a)(2)(E)
KEEPING UPDATED

What implications does DWI have for client in Texas who fears deportation?
**New Feature**

**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.ailf.org/
- American Immigration Lawyers Association
  http://www.aila.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