

IS AMERICA FULFILLING ITS PROMISE?

SAFEGUARDING LEGAL PROTECTIONS FOR IMMIGRANTS

INTRODUCTION

It is often said, because it is the plain and simple truth, that America is a nation of immigrants. We are uniquely defined and enriched by our immigrant heritage. This is especially so in New York State, which has always been a refuge for immigrants. For well over a century, the Statue of Liberty in New York harbor has stood as a symbol to immigrants of America's welcome and our promise of a better life.

As this book goes to press in the summer of 2019, our country is embroiled in a contentious national debate over immigration policy and enforcement. Citizens and policymakers are grappling with profoundly difficult and complex issues. Should citizenship be granted to the nation's estimated 11 million undocumented immigrants? Is it necessary to construct a wall on the U.S.-Mexico border?

In New York, judges and attorneys are ensuring the rights and freedoms of immigrants. In Washington, by contrast, federal authorities have implemented policies that rip children from the parents of asylum seekers at our southern border and hold them for extended periods in detention facilities.

Children have been placed in frigid, cramped cells, without adequate food and medical treatment. Many have not been provided with soap or toothpaste and have no place to bathe or even wash their hands.

Along with so many other Americans, we at the New York State Bar Association (NYSBA) recoiled in horror as we learned of this treatment of children, which was brought to light by courageous lawyers acting in the highest and noblest traditions of the legal profession.

As lawyers, we know how to debate without dividing and we have an obligation to lead our communities back to the source of this nation's strengths—pluralism, tolerance and diversity. That is the purpose of this book. It presents a comprehensive view of our current immigration policies at the local, state and national levels, and draws a sharp contrast between the state and federal policies.

This book shows how a nation built by immigrants can and should treat those who come to our shores in search of better lives. It draws on the combined efforts of dedicated jurists, law professors, legal service organizations, lawyers and local law enforcement to address today's immigration challenges in a constructive, humane way. Though created and written primarily by lawyers, the book is not just for the legal community. Public officials will find insightful information here as will anyone, lawyer or not, committed to the rule of law.

I want to take this opportunity to thank everyone who made this book possible, including co-editors Scott Fein and Rose Mary Bailly, the authors of individual chapters, NYSBA's Committee on Immigration Representation and the Government Law Center at Albany Law School, which provided a series of chapters that examine various aspects of immigration policy, including granting noncitizens access to public benefits and driver's licenses.

America needs lawyers and their voices now more than ever. Our expertise, practical wisdom and good judgment are qualities sorely needed in these challenging times. I am proud to say that the contributors to this book and the members of the New York State Bar Association have risen to the challenge.

Hank Greenberg
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