

# **Shark Infested Waters**

## **Procedural Due Process in Constitutional Immigration Law**

**Immigration and the Constitution**

**Volume III**

**Edited By**  
**Gabriel J. Chin, Victor C. Romero,**  
**Michael A. Scaperlanda**



# **Shark Infested Waters Procedural Due Process In Constitutional Immigration Law**

**Gabriel Jackson Chin, Victor C.  
Romero, Michael A. Scaperlanda**

## **Shark Infested Waters Procedural Due Process In Constitutional Immigration Law:**

*Encyclopedia of American Civil Liberties* Paul Finkelman, 2021-02-25 Originally published in 2006 the Encyclopedia of American Civil Liberties is a comprehensive 3 volume set covering a broad range of topics in the subject of American Civil Liberties The book covers the topic from numerous different areas including freedom of speech press religion assembly and petition The Encyclopedia also addresses areas such as the Constitution the Bill of Rights slavery censorship crime and war The book s multidisciplinary approach will make it an ideal library reference resource for lawyers scholars and students

*Immigration and the Constitution: Shark infested waters : procedural due process in constitutional immigration law* Gabriel Jackson Chin, Victor C. Romero, Michael A. Scaperlanda, 2000      *Between Two Worlds* Robin Judd, 2023-12-05 Facing the harrowing task of rebuilding a life in the wake of the Holocaust many Jewish survivors community and religious leaders and Allied soldiers viewed marriage between Jewish women and military personnel as a way to move forward after unspeakable loss Proponents believed that these unions were more than just a ticket out of war torn Europe they would help the Jewish people repopulate after the attempted annihilation of European Jewry Historian Robin Judd whose grandmother survived the Holocaust and married an American soldier after liberation introduces us to the Jewish women who lived through genocide and went on to wed American Canadian and British military personnel after the war      **Routledge**

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Conference, 2000      **The New York Times Index** , 1973      **The US Supreme Court and Immigration** Belhassen Ennouri, 2022 In the first part of this work I emphasized that the general trend of judicial self restraint rests on two main pillars The first is deference to congress and the second is deference to the executive From one hand the U S Supreme Court deferred to the Congress mainly through its own invented plenary power doctrine which was established in the end of the 19th century and it is still in force today in spite of all the negative repercussions that coupled its enforcement mainly on institutional immigration law and on alien s constitutional rights From the other hand the Court deferred to the executive branch through different modes of deference like chevron and pre chevron deference modes Although these modes of deference can have important reasons that support their use these modes created side effects mainly the superficial and mechanic reading of the law while ignoring widely international humanitarian law and international human rights

instruments In the second part where I treated the trend of relative activism I noticed that this activism has two main expressions The first is that the Supreme Court read the constitution sometimes generously for the alien to ensure non discrimination on the basis of alienage and to secure procedural due process in deportation Nevertheless these constitutional guarantees remain widely precarious as they are conditioned with some presence related requirements and because of the inherently limited nature of these guarantees that could have never stopped the plenary power doctrine for example The second expression of this relative activism is that the Court tried to engage into statutory interpretations to promote alien s status And that was only feasible through the implementation of canons of statutory interpretation like the avoidance canon and rule of lenity in immigration among others In doing so the U S Supreme Court revealed to be relatively activist in the protection of aliens However this statutory protection had as main shortcomings that it produced unpredictable temporary and awkward solutions to the wider problems of immigration Nevertheless debate continues to prove the positive effect of this statutory protection as producing long term predictable solutions

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