



# **Beyond Deportation: The Role of Prosecutorial Discretion in Immigration Cases (Citizenship and Migration in the Americas)**

*Shoba Sivaprasad Wadhia*

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When

Beatles star John Lennon faced deportation from the U.S. in the 1970s, his lawyer Leon Wildes made a groundbreaking argument. He argued that Lennon should be granted “nonpriority” status pursuant to INS’s (now DHS’s) policy of prosecutorial discretion. In U.S.

immigration law, the

agency exercises prosecutorial discretion favorably when it refrains from enforcing the full scope of immigration law. A prosecutorial discretion grant is

important to an agency seeking to focus its priorities on the “truly dangerous”

in order to conserve resources and to bring compassion into immigration

enforcement. The Lennon case marked the first moment that the immigration

agency’s prosecutorial discretion policy became public knowledge. Today,

the concept of prosecutorial discretion is more widely known in light of the

Obama Administration’s Deferred Action for Childhood Arrivals or DACA program,

a record number of deportations and a stalemate in Congress to move immigration

reform.

*Beyond*

*Deportation* is

the first book to comprehensively describe the history, theory, and application

of prosecutorial discretion in immigration law. It provides a rich

history of the role of

prosecutorial discretion in the immigration system and unveils the powerful

role it plays in protecting

individuals from deportation and saving the government resources. Shoba

Sivaprasad Wadhia draws on her years of experience as an immigration attorney,

policy leader, and law

professor to advocate for a bolder standard on prosecutorial discretion,

greater mechanisms for accountability when such standards are ignored, improved

transparency about the cases involving prosecutorial discretion, and

recognition of “deferred action” in the law as a formal benefit.

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