

Love, Grace, and the Immigration Laws

Proposal for 2014 Nootbaar Conference, *Love and Law*

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Abstract

In the modern immigration debate, the voices of Evangelical Christians have grown louder in recent years. To some degree, the Evangelical Christian discourse on immigration has mirrored secular politics, in the sense that two general views appear to have emerged, both of which are grounded in Biblical authority. One collection of voices takes a pro-immigrant view, pointing to scriptural directives to love the alien, extend hospitality, and value the inherent worth of all human beings without regard to political boundaries. Another side takes a more restrictionist view by emphasizing scriptural passages regarding the rule of law, obedience to civil authorities, and individual responsibilities to one's immediate family and community.

This Article takes the position that including Christian perspectives on the immigration laws is a welcome development, and in doing so joins the broader body of literature that embraces the relationship between Christianity and the law. Without asserting that a unitary Christian view on immigration necessarily should exist, the Article suggests that the evangelical Christian conversation on immigration has not adequately incorporated the otherwise fundamental evangelical Christian belief in divine grace. Grace – what C.S. Lewis referred to as the key distinguisher of Christianity in comparison to other world religions – involves the notion that Christians are ultimately accepted and loved by God, not because of their own good works, but because of the sacrificial love of God as seen through cross of Jesus Christ. Grace is inextricably linked to other fundamental Christian values, such as *agape* love and social justice. The Article then explores the relationship between grace and the immigration laws. It discusses how placing the Christian belief in grace at the center of the Evangelical conversation on immigration might affect the discourse. The Article then asks how placing grace at the center of one's analysis might affect a substantive critique of the immigration laws, with a focus on two areas: first, the unavailability of discretionary relief in the immigration laws, and second, the long-standing doctrine that deportation is not punishment and the role of lawyers in providing legal advocacy and representation to noncitizens at risk of removal.

Proposal

I would be happy to either present an early draft of the paper or to participate in a panel organized around the relationship between immigration law and agape love/Christianity, and/or the relationship between Christian grace, love and the law. (I understand that Professor Michael

Scaperlanda will also be presenting an immigration-related paper. I will confess that I have not had an opportunity to touch base with Professor Scaperlanda about a panel possibility, although he and I will be participating in a panel at the annual LatCrit conference in early October on Christian churches and immigration advocacy, and I plan to explore the idea with him then).

Bio

Professor Jennifer Koh is an Associate Professor of Law and Director of the Immigration Clinic at Western State College of Law in Fullerton, California, where she also teaches Administrative Law and Immigration Law. Prior to joining Western State, she was a Clinical Lecturer and Cooley Godward Kronish Fellow at Stanford Law School, where she supervised students in the Immigrants' Rights Clinic. Earlier in her career, she was the director of a community lawyering project at New York City-based nonprofit Sanctuary for Families, a litigation associate at the law firm WilmerHale, and a law clerk to the late Eugene Nickerson of the Eastern District of New York. Professor Koh's scholarship focuses on the intersection of the criminal and immigration laws, the due process rights of immigrants, clinical pedagogy, and – most recently – the relationship between Christian grace and the immigration laws. Her scholarship has appeared (or will appear) in journals such as the *Florida Law Review*, *North Carolina Law Review*, *Georgetown Immigration Law Journal*, and *the Clinical Law Review*. She received her J.D. from Columbia Law School, where she was a senior editor of the *Columbia Law Review*, and her B.A. from Yale University. She currently attends NewSong Church in Irvine, California.