

CASE BRIEF

CASE CITATIONS

INS v. Chadha 462 U.S. 919

Facts of Case

The case involved Chadha, a nonimmigrant on a student visa lawfully admitted to the United States. He was joined in the petition by Immigration and Naturalization Services (INS). There were deportation proceedings going on against the respondent on the expiration of his visa and no more justification for his stay in the country. Attorney General was the competent authority to decide the matter; however, the Constitution gave Congress the powers to veto any decision of the Attorney General in deportation proceedings. The Attorney General suspended proceedings against Chadha in deportation proceedings, but the decision was vetoed by Congress. The deportation proceedings went ahead. Preferring an appeal to the Court of Appeals, Chadha, the appellee challenged the constitutionality of section 244 (c) (2) of the Immigration and Nationality Act, which granted Congress the suspension and overriding powers over the decision of the Attorney General.

Procedural History

In this case, the Attorney General used his powers to allow the appellee and other non-citizens who lawfully entered the US to remain in the country even after the expiration of their visas. Resultantly, an Immigration Judge suspended the deportation proceedings. However, as Congress was empowered to overrule these decisions of the Attorney General under the Immigration and Nationality Act, the decision in these cases was vetoed in Congress. The decision of veto by Congress was communicated to the Immigration Judge. Resultantly, the

deportation proceedings against the respondent were reopened, culminating in deportation orders against the same. Preferring an appeal to the Board of Immigration Appeals, the respondent came up with the plea that the very Act granting suspension powers to Congress was unconstitutional. The appeal got rejected at this forum; then, the appellee filed an appeal in the Court of Appeals. The Court of Appeals allowed the appeal to assume the authority to decide on the constitutionality of federal and state legislative actions.

Legal Issues

Whether The Immigration and Nationalization Act was against the constitutional rules and principles and thus unconstitutional? Whether any Congressional proceeding could cause an executive action to be reversed?

Statement of Rule

The appellee wanted to invoke the reviewing powers of the court to challenge the constitutionality of 244 (c) (2) of the Immigration and Nationality Act.

Policy

The concept of the Separation of Powers is at the core of the American Constitution. The Constitution also granted the powers of judicial review extended to the Courts enabling them to determine the constitutionality of the executive and legislative actions.

Reasoning Applied by the Court

The first question before the Court of Appeals was to ascertain the question of jurisdiction. The court decided that every party to the case is the interested and injured party and can seek relief, and even if the appellee had other statutory relief, the right to challenge the constitutionality of

the said law could not be taken away by any person affected by it. Given the fact that the US or any of its agencies (INS) was a party to the case, the Court of Appeals exercised its appellate jurisdiction. Article-1 of the US Constitution is about the separation of powers, and the Court of Appeals applied to make out the point that the authority delegated to the Attorney General by Congress could not be undone by other legislative actions. The Attorney General exercised authority under this law through the Department of Justice. The delegated authority can only be revoked by legislating on the specific issue.

The decision of the Court

The Congressional veto provision in section 244(c)(2) of INS does not have constitutional justification requiring it to be severed from the Act. The concept of separation of powers requires that Congress is not empowered to suspend the Attorney General's orders.

Concurrence (Powell J.)

Powell J. concurred with the majority decision regarding violation of the principle of separation of powers on the part of Congress by interfering with the authority of the Attorney General and of the courts. However, Powell J. further stated that the legislative veto exercised by Congress was a useful tool to control the delegation of powers to executive authorities.

Dissent (White J.)

White J. dissented with the majority decision by explaining the effectiveness of congressional legislative actions in controlling the operations of executive and operational agencies. He further stated that this decision of this case would affect the legal position of other statutes and that it would be detrimental to this established practice.



ScholarlyHelp