

# WASHINGTON UPDATE

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### **Measure to Extend, Expand Employment Verification Pilot Program Defeated in House; Companion Bill Passes Senate Judiciary Committee**

The House of Representatives, on October 28, declined to pass legislation that would have amended § 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) by extending from six to 11 years the basic pilot program for employment eligibility verification, currently scheduled to sunset on November 30, 2003. The bill, H.R. 2359, would also have extended the program to all 50 states, and would have broadened the permissible uses of the employment eligibility verification system by permitting its use to transmit citizenship or immigration status information, in addition to identity and employment eligibility information. The program currently operates in six states: California, Texas, Florida, New York, Illinois, and Nebraska.

House Leadership had placed H.R. 2359 on the House Suspension Calendar, a streamlined voting procedure that is normally reserved for non-controversial legislation. Under House rules, legislation on the Suspension Calendar cannot be amended and must receive a 2/3 vote for passage. H.R. 2359 garnered 231 yea votes and 170 nay votes, thus falling short of the required 2/3 mark. The measure was sponsored by Representative Ken Calvert (R-CA).

The Senate Judiciary Committee approved a similar bill, S. 1685, by a voice vote on November 6. The Committee did not debate the measure, sponsored by Senator Charles Grassley (R-IA), before approving it.

In January 2002, the Department of Justice issued a program evaluation report mandated by the IIRAIRA that was conducted by two independent private contractors. The report identified

several critical flaws with the employment eligibility verification pilot program, including failure to provide timely and accurate data due, in part, to inaccurate and outdated INS databases. As noted above, however, instead of addressing these fundamental concerns, H.R. 2359 would have expanded the program far beyond the limited employment context initially envisioned and would have permitted states and local governments to use the confirmation system to check the immigration or citizenship status of all U.S. citizens and immigrants who come within their purview. This unwarranted expansion of the program contained no privacy protections and would have exacerbated the privacy problems addressed in the evaluation report. AILA strongly opposes any expansion of this program and applauds House Members for having recognized the bill's flaws. We urge the Senate to follow the House's lead and defeat the measure if and when it moves to the Senate floor for a vote.

### **House Adopts Defense Authorization Bill Conference Report with Military Naturalization Provisions; Senate Approval Expected to Follow**

By a vote of 362-40 (with two members voting present), the House voted on November 7 to adopt the conference report (H. Rpt. 108-354) to the \$400.5 billion defense authorization bill (H.R. 1588) after conferees resolved disputes that stalled the measure for weeks. The Senate is expected to take up and approve the conference report in the very near future.

Title 17 of the conference report provides for naturalization and other immigration benefits for noncitizen military personnel and their family members. Briefly, the conference report would: amend the INA to reduce from three years to one the required minimum period of service in the U.S. Armed Forces to be eligible for benefits; prohibit the imposition of fees relating to naturalization for these individuals; facilitate naturalization proceedings overseas; and extend posthumous benefits to surviving immediate family members of immigrants in the Armed Forces who die while serving their country. The measure would also extend immediate naturalization eligibility to immigrants serving during a period of military hostilities in the Selected Reserve of the Ready Reserve of the Armed Forces (active duty personnel are already eligible for immediate naturalization for service during periods of military hostilities). Finally, the conference report would expedite the process for granting posthumous citizenship to noncitizen military men and women who die during active duty service.

AILA applauds lawmakers for recognizing the extraordinary contribution these noncitizen men and women make by putting their lives on the line for their adopted country, and urges the Senate to adopt the conference report.

### **House Approves Measure Reauthorizing Trafficking Victims Protection Act**

The House of Representatives, on November 4, approved by a vote of 422-1 legislation that would authorize \$200 million for fiscal years 2004 and 2005 for enforcement of the Trafficking Victims Protection Act (TVPA). Among other things, section 4 of the legislation (H.R. 2620) would: (1) amend the INA regarding eligibility for a nonimmigrant "T" visa for trafficking victims to authorize State and local (as well as Federal) law enforcement agencies to certify that a trafficking victim has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking; (2) increase from 15 to 18 the minimum age at which a trafficking victim is required to assist in investigations and prosecutions to be eligible for a "T" visa; (3) add unmarried siblings under age 18 to the family members of a trafficking victim eligible for a "T" visa; and (4) make the public charge ground for inadmissibility under a "T" visa inapplicable to trafficking victims.

In addition, H.R. 2620 would prohibit the Secretary of State, the Secretary of Homeland Security, or any other official or employee of the Department of State or the Department of Homeland Security from permitting use by, or disclosure to, anyone, other than a sworn officer or employee of one of such Departments for legitimate Department purposes, of any information that relates to an alien who has properly filed a bona fide application for, or been granted, a "T" visa or nonimmigrant status as a trafficking victim. That prohibition would terminate when a "T" visa application is denied and all opportunities for appeal of the denial have been exhausted. The disclosure of such information would be permitted in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce, and to law enforcement officials solely for a legitimate law enforcement purpose, such as: (1) data exchange under the Immigration and Nationality Act with the Directors of the Federal Bureau of Investigation and the Central Intelligence Agency and internal security officers; (2) interface of the integrated entry and exit data system under the USA PATRIOT Act of 2001 with law enforcement databases for use by Federal law enforcement to identify and detain individuals who pose a threat to U.S. national security; and (3) the interoperable electronic data system under the Enhanced Border Security and Visa Entry Reform Act of 2002.

### **Senate Committee Approves Measure Barring Human Rights Abusers from U.S.**

The Senate Judiciary Committee, on November 6, approved by a voice vote legislation that would amend the INA to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable. The Anti-Atrocity Alien Deportation Act of 2003 (S. 710) would also establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under the INA with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad.

Prior to approving the bill, the Committee adopted an amendment in the nature of a substitute offered by the bill's sponsor, Senator Patrick Leahy (D-VT), that would make human rights abusers ineligible for asylum or refugee statuses. In addition, the Committee approved an amendment offered by Senator Russell Feingold (D-WI) that would require the Attorney General and the Secretary of Homeland Security to file an implementation report within 180 days of the bill's enactment.

Representative Mark Foley (R-FL) introduced companion legislation in the House (H.R. 1440) on March 26.

### **NSEERS Deadline for Annual Re-Registration Approaching**

The federal government implemented a highly controversial initiative last year called the National Security Entry-Exit Registration System ("NSEERS"). NSEERS requires certain nonimmigrants to be fingerprinted and photographed by the immigration service and imposes certain additional reporting requirements on subject individuals. The program has two principal components: call-in registration for certain male nonimmigrants (16 years and older) who were admitted to the U.S. on or before a certain date; and port of entry registration for other individuals fitting certain profiles who seek admission to the U.S. after September 11, 2002. Pursuant to the call-in program, citizens and nationals from 25 countries were obligated to appear before an immigration officer during staggered call-in registration periods between November 15, 2002, and April 25, 2003. Of the 80,000-plus individuals who appeared for call-in registration, more than 13,000 have been placed in deportation proceedings for immigration status violations while none have been charged with a terrorist-related offense.

Unfortunately, the NSEERS program did not expire on April 25, 2003, with the close of the last registration period. All individuals who registered under NSEERS are obligated to re-register each year. Such individuals must appear before an immigration official within 10 days of the anniversary of their initial registration (i.e. during the period running from 10 days before to 10 days after the anniversary). Detailed information concerning the annual re-registration requirements can be found on the American Civil Liberties Union website at: <http://www.aclu.org/Files/OpenFile.cfm?id=14196>

AILA strongly objects to the NSEERS initiative both in concept and implementation. Styled as a national security program, this measure has served only to alienate the very immigrant communities from which we need assistance and cooperation in this battle against terrorism. By adding tens of thousands of innocent NSEERS registrants to the nation's haystack of security concerns, we only diminish our chances of actually identifying real terrorist threats. Among AILA's specific objections to the program are the following: (1) the call-in program lacks statutory authority; (2) it profiles immigrants on the basis of religion (24 of the 25 subject countries are predominantly Muslim) rather than on the basis of specific suspicious behavior; (3) it fails to make us safer and threatens long-term national interests by marginalizing immigrant communities and straining relations abroad; and (4) implementation of the program has failed basic "good government" standards regarding notice, consistency and reasonableness.

Encouraging reports in the media indicate that DHS officials have been evaluating the program and may consider eliminating the re-registration requirements. AILA strongly encourages DHS to terminate this failed program and to focus its counterterrorism efforts and resources on measures that could actually enhance our safety.

### **DHS Demonstrates US VISIT Prototype, Significant Questions Remain Unanswered**

On October 28, the Department of Homeland Security (DHS) exhibited the entry/exit procedures that will be in place for the first implementation phase of the United States Visitor and Immigrant Status Indicator Technology program (US VISIT).

The first phase of US VISIT will be implemented at our nation's air and seaports. Visa holders entering the U.S. will be processed through US VISIT during primary inspections. Upon entry, the individual's travel documents will be scanned and a digital photo and index fingerprints will be taken and checked against databases such as IBIS and the watch lists. Information will be collected on immigration and citizenship status, nationality, country of residence, and the person's address while in the United States. If a foreign national departs the U.S. from a port with US VISIT exit capabilities, the individual will have to input his or her departure information, visa data and fingerprints into the US VISIT system through an automated self-service kiosk (similar to an ATM machine).

According to DHS, testing of the US VISIT program will begin in the Hartsfield International Airport in Atlanta by the end of 2003, and US VISIT will be operational at select airports and seaports on January 5, 2004. DHS anticipates US VISIT entry capabilities will be in effect at 115 airports and 14 seaports, and US VISIT exit checks will be in effect at roughly 30 airports and the Miami seaport. According to DHS sources, the reduced number of the exit checks was due to a lack of available funding.

Despite the new implementation information and recent demonstration of the US VISIT procedures, questions remain regarding the funding and reliability of the US VISIT program. The

United States General Accounting Office (GAO) has reported that the DHS has not disclosed sufficient information about the capabilities, costs, benefits and delivery dates for the program to enable the GAO to assess its prospects for success. Furthermore, according to a government task force investigating what resources an adequate entry-exit system would need to perform as required, the U.S. government would have to appropriate billions of dollars to purchase real estate, upgrade facilities, develop technological capabilities, and hire inspectors to manage a program that does not clog our borders. Additional millions of dollars are needed to fully address current staffing shortages at ports of entry and to supply all ports with basic technology such as document readers. With a preliminary estimated price tag of billions of dollars, the \$380 million appropriated in fiscal year 2003 is grossly insufficient to fund even the beginning of this system.

Given the increased processing time of visa holders at primary inspection, US VISIT will likely cause disruptive delays at our nation's airports and seaports. Such delays would undermine a vital component of increased security—efficiency. During the DHS demonstration of the US VISIT entry/exit process, several concerns were raised about the automated exit kiosk, including: delays and missed flights resulting from the exit procedures, the visibility and location of these machines, ease of use by foreign travelers, and the measures DHS would take if unwary travelers failed to check-out properly.

In addition to the practical concerns about delays, immigration advocates are also concerned about the reliability of US VISIT. According to a government spokesperson, it is improbable that the separate databases from the three immigration bureaus will be integrated into US VISIT by the time that system is deployed. If that is the case, individuals with pending visa extensions may be erroneously denied entry into the U.S. due to a lack of information sharing between the DHS immigration bureaus.

While having a system in place soon is desirable, having a functional and reliable program is necessary. US VISIT's current proposed implementation plan does not appear to be adequately funded and the design does not take into account the realities at our ports of entry. In the past, Congress gave the Immigration and Naturalization Service (INS) difficult mandates, inadequate funding, and insufficient time to get the job done. For its part, the INS developed programs that did not take into account the realities of the problems the agency was facing. Such deficiencies are evident with US VISIT, given both congressional actions and the implementation plan that DHS has developed.

AILA has outlined its concerns with the design and implementation of US VISIT in a press Release on that subject. The release can be found on either AILA.org or AILA's InfoNet, (see InfoNet Doc. No. 03052240).

### **House Immigration Subcommittee Examines Immigration's Impact on U.S. Workforce**

The House Judiciary Committee's Subcommittee on Immigration, Border Security and Claims convened an oversight hearing on October 30 to examine the impact of immigration on the U.S. workforce. Testifying were: Steve Camarota, Director of Research, Center for Immigration Studies; Professor Vernon Briggs, School of Industrial and Labor Relations, Cornell University; Terry Anderson, radio talk show host in Los Angeles, California; and Daniel T. Griswold, Associate Director of the Cato Institute's Center for Trade Policy Studies.

Although Subcommittee Chairman John Hostettler (R-IN), in his opening statement, set the framework for a debate on economic theory, the unusually spirited hearing quickly turned its main focus to two fundamental issues: the conclusion put forth by the National Research

Council's (NCR) 1997 study on the economic effects of immigration, and suggestions for managing the roughly 8 million undocumented foreign workers in our country.

In a debate with Mr. Briggs, Mr. Griswold clarified for the subcommittee that according to the NCR report on immigration, the most comprehensive study to date on the effect of immigration on the US workforce, the vast majority of American workers benefit from immigration. He explained that the occupations in which the majority of immigrant workers are found creates an hourglass effect—with immigrant workers filling the positions in the highest skilled and lowest skilled occupations. "As a result," concluded Griswold, "immigrants do not typically compete for the kinds of jobs held by the vast majority of American workers." In addition, Mr. Griswold pointed out to the subcommittee that, due to the shrinking of the American workforce and the anticipated creation of 700,000 new low-skilled jobs each year, foreign nationals provide an available source of labor to fill these low-skilled positions.

In response to an assertion that foreign nationals decrease wages for American workers, Mr. Griswold noted that according to a 1995 Labor Department study on the 1996 Immigration Reform and Control Act (IRCA), legalization of undocumented workers would result in increased wages for newly legalized workers and an investment in language skills, education and training. Furthermore, Mr. Griswold pointed out that current U.S. immigration enforcement policy has the effect of trapping undocumented workers in the U.S. If U.S. immigration policy provided legal channels for these individuals to enter the U.S, the result would be a more circular flow of workers who responded to labor demand.

In response to a question posed by Representative Sheila Jackson Lee (D-TX) on the subject of increasing our national security, Mr. Griswold underscored that legalizing the hard-working foreign nationals already present in the U.S. and creating legal channels for handling the need for future immigrant flows would result in improving our national security. In support for this assertion, Mr. Griswold opined that legalization would reduce demand for fraudulent documents and would encourage a vast unknown population to make itself known to the government. These acts would reduce the underground resources available to terrorists and make it more difficult for them to hide in the shadows. In addition, Mr. Griswold stressed that a legalization effort would enable the Department of Homeland Security to redirect an estimated \$3 billion dollars a year away from tracking undocumented workers and towards stopping terrorists.

### **Recently Introduced Legislation**

New immigration-related legislation has been scarce during the last several weeks. The following is a brief description of the two bills that have been introduced since our last *Update*.

H.R. 3439, the JTTF Enhancement Act of 2003, introduced on November 4 by Representative Carolyn Maloney (D-NY), would promote the sharing of personnel between federal law enforcement agencies and other public law enforcement agencies for joint terrorism task forces. While not an immigration bill per se, section 3 of H.R. 3439 would call for increased participation of immigration agents from the Bureau of Citizenship and Immigration Services on such task forces.

H.R. 3425, the Domestic Violence Prevention, Education, and Awareness Act, introduced on October 30 by Representative Hilda Solis (D-CA), would provide grants for public information campaigns to educate racial and ethnic minority communities and immigrant communities about domestic violence.

## **Recent Rulemaking Activity in the Federal Agencies**

Immigration-related rulemaking activity in the various federal agencies has been relatively slow in recent weeks, with the Department of Homeland Security issuing just two new regulations, a brief summary of which follows.

American Institutions of Research Recognized for the Purpose of Preserving Residence for Naturalization Eligibility: U.S. Citizenship and Immigration Services (USCIS), in a final rule dated October 28, amended the agency's regulations at 8 CFR Part 316 by adding Rutgers University, Indiana University, and Harvard University to the list of American institutions of research recognized for the purpose of preserving residence in the United States for naturalization eligibility. The rule also removed the now-dissolved Harvard Institute for International Development from the same list. As background, INA § 316 generally requires that, in order for lawful permanent resident aliens to be eligible for naturalization, they must reside continuously within the United States for at least five years immediately preceding their application for naturalization. However, under certain circumstances resident aliens and their dependents who expect to be continuously absent from the United States for one year or more because of work at one of the American institutions of research recognized as such under the provisions of the INA may be given permission to be absent without interrupting the continuous residence requirement for naturalization. Accordingly, the rule amended the regulations by adding the above-named institutions to the list of recognized American institutions of research, thus making their qualified employees eligible to apply for the continuity of residence exemption benefits of INA § 316(b). As noted, the rule also removed from the list the former Harvard Institute for International Development. Employees who had been conducting research under that institution were absorbed into other programs within Harvard University. The final rule took effect on October 28, 2003. (68 FR 61333, 10/28/03, see AILA InfoNet Doc. No. 03102840).

Authorizing Fee Collection to Support the SEVIS Program: On October 27, the Department of Homeland Security (DHS) issued a proposed rule that would amend DHS regulations to provide for the collection of a fee to be paid by certain aliens who are applying for F-1, F-3, J-1, M-1, or M-3 student visas, or for a J-1 visa as an exchange visitor. The rule is necessary to implement § 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which directs that the student information collection system mandated by § 641 (SEVIS) be self-funded by aliens in the visa classifications that are the subject of the information collection. Generally, the rule proposes a fee of \$100, although applicants for certain J-1 exchange programs will pay a reduced fee of \$35, and certain other aliens will be exempt from the fee altogether. The proposed rule explains which aliens will be required to pay the fee, describes the consequences that an alien seeking an F, J, or M nonimmigrant visa faces upon failure to pay the fee, and specifies which aliens are exempt from the fee. The rule notes that the fee is being levied to cover the costs of administering and maintaining the SEVIS system and ensuring compliance by individuals, schools, and organizations with the system's requirements. In addition, the fee will pay for the continued operation of the SEVIS program, and will also generate the funds to hire SEVIS Liaison Officers and other agency officers to ensure compliance with the SEVIS requirements. Written comments must be submitted on or before December 26, 2003. (68 FR 61148, 10/27/03, see AILA InfoNet Doc. No. 03102740).

### **MEDIA SPOTLIGHT: Members and Staff in the News**

**Rick Kessler** (Michigan), **George Mann** (Michigan), **Kirsten Entice** (Michigan), and **Christopher Vreeland** (Michigan) were quoted in a November 5 *Detroit Metro Times* article about unlicensed practitioners of law.

**Palma Yanni** (Washington, DC) was quoted in a November 3 *Newsday* article about the “culture of no” at the Department of Homeland Security. **Jeanne Butterfield** (National) was quoted in a series of articles published on November 3 by the *Detroit News* about the crackdown on Arabs since 9/11. On November 3, the *Sun-Sentinel* published an Op-ed written by **Candace Jean** (Southern Florida) about the treatment of Haitian refugees.

**Mark Koestler** (New York) and **Dolly Hassan** (New York) were featured in a November 2 *Newsday* question and answer article about immigration. **Carl Shusterman** (Southern California) was quoted in a November 1 article about his client, an unusually gifted student who is a U.S. citizen whose family is facing deportation. The article citing **Mr. Shusterman** ran in the *Los Angeles Times*, *Dallas Morning News*, *Arizona Republic* and the *KnoxNews National*.

**Thomas Hochstatter** (Wisconsin), **Crystal Williams** (National) and **Julia Hendrix** (National) were quoted in a November 1 *Milwaukee Journal-Sentinel* article about the deportation of an Ethiopian woman married to a U.S. citizen.

**Charles Kuck** (Atlanta) was featured in an October 31 *Fulton County Daily Report* article about employment authorization cards. **Sharon Dulberg** (Northern California) and **Douglas Lehrman** (Northern California) were quoted in an October 31 *Sacramento Bee* article about Special Registration.

**Raul Labrador** (At Large) was featured in an October 30 *Idaho Statesman* article about proposed immigration legislation. **Jeanne Butterfield** (National) was quoted in an October 30 *Associated Press* article about Special Registration. **Nadine Wettstein** (AILF) was quoted in an October 30 *Broward County Business Review* article about the backlog of appeals to the BIA that has surged over 400 percent in a 12-month period.

**Gerry Chapman** (Carolinas) was quoted in an October 30 *Greensboro News & Record* article about the Wal-Mart raids. **Kamal Nawash** (Washington, DC) was featured in an October 30 *Washington Times* article about his bid for a Virginia Senate seat. He was also featured in an October 30 *Washington Post* article about his bid for the Virginia Senate seat.

On October 29, **Katherine Culliton** (Washington, DC) was quoted by *CNSNews.com* about the Wal-Mart raid. On the same day, she was also quoted in a *Gannett News Service* article about Social Security benefits for Mexicans. In addition, she was quoted by the *Arizona Republic* on October 29 about the CLEAR Act. **Mayra Calo** (Central Florida) was featured in an October 29 *Oracle* article about a lecture she gave about the effects of post-9/11 on Arab-Americans. *The Miami Herald* quoted **Cheryl Little** (Southern Florida) in an October 29 article about the treatment of Haitian refugees. **Alice Yardum-Hunter** (Southern California) was interviewed on October 28 by *KCMO Radio* in Missouri about the Wal-Mart raids. **Kwao Amegashie** (Minnesota/Dakotas) was featured in an October 29 *Associated Press* article about a client who was deported. **Nora Milner** (Southern California) and **Tiffany Markee** (Southern California) were featured in an October 29 *Providence Journal-Bulletin* article about their client who was deported.

*The Wall Street Journal* quoted **Paul Zulkie** (Chicago) in an October 27 article about H-1B visa caps. **Judy Golub** (National) was quoted in an October 27 *Christian Science Monitor* article about the Wal-Mart raids. **Glenda Bunce** (Carolinas) was quoted in an October 27 article about the Peace Corps. **Simon Azar-Farr** (Texas) was quoted in an October 27 *San Antonio Express*

*News* article about his clients' case which will challenge the standards used to determine fraudulent marriages.

*The Metro West Daily News* featured **Peter Cramer** (New England) in an October 26 article about the hardships faced by undocumented workers. **Joshua Bratter** (Southern Florida) was quoted in an October 26 *Miami Herald* article about the DREAM Act. **Gordon Quan** (Texas) was featured in an October 26 *Houston Chronicle* article about his re-election bid for Houston City Council.

**Maria Stephenson** (Mid-South) was quoted in an October 25 *Associated Press* article about the Wal-Mart raids. **John Willshire** (New England) was quoted in an October 25 *Mitford Daily News* article about the Wal-Mart raids. **Ron Russell** (Mid-South) was quoted in an October 25 *Courier-Journal* article about the Wal-Mart raids. **Elizabeth Stern** (Washington, DC) was quoted in an October 25 *Washington Post* article about the Wal-Mart raids.

**Stephen Yale-Loehr** (Upstate New York) was quoted in an October 24 *Dallas Morning News* article about the Wal-Mart raids. He was also quoted in an October 24 *Women's Wear Daily* article about the Wal-Mart raids. **Peter Ashman** (Nevada) was featured in October 23 and October 24 *KVBC-TV* interviews about the Wal-Mart raids. **Annette Brigsted** (New England) was featured in an October 24 *Hartford Courant* article about applying for the DV visa online. **S. Austin Johnson** (Utah) was featured in an October 24 *Deseret News* article about his client who is a student facing a 10-year bar on re-entry to the U.S.

**Katherine Culliton** (Washington, DC) was quoted in an October 21 *Copley News Service* article about Republicans pursuing Latino votes through legislation aimed at reforming immigration. **Stephen Yale-Loehr** (Upstate New York) was quoted in an October 12 *Financial Times* article about recruiting nurses from abroad. **John Estrella** (National) and **Julia Hendrix** (National) were quoted in an October 10 article in *El Sol* about the DREAM Act.

Note: Please submit all articles, letters-to-the-editor, etc. for inclusion in "Members in the News" to Julia Hendrix of the AILA Advocacy Department ([jhendrix@aila.org](mailto:jhendrix@aila.org)).

### **Upcoming Hearings**

**Nov. 13, Thursday:** 2:00 p.m., 226 Dirksen Senate Office Building. The Immigration, Border Security and Citizenship Subcommittee (Chairman Chambliss, R-GA) of Senate Judiciary Committee will hold a hearing titled "State and Local Authority to Enforce Immigration Law: Evaluating a Unified Approach for Stopping Terrorism." Note: This hearing was originally scheduled for Sept. 18, then for Nov. 4.

### **Did You Know?**

"The Administrative Office of the U.S. Courts -- the management arm of the federal judiciary -- reported in September that circuit court appeals from decisions of the Bureau of Immigration Appeals (BIA) surged by nearly 400 percent over a 12-month period ending in March. Court officials said they don't expect the numbers to return to normal any time soon. The appeals generally come from aliens who failed to win relief from deportation orders in their petitions to the BIA. Court officials track the beginning of the unprecedented increase in their appeals to Feb. 6, 2002, when Attorney General John Ashcroft announced procedural reforms designed to clear a BIA backlog of about 56,000 cases by April 2003. A month later, all courts of appeals began to see the fallout from a near-doubling of production by the BIA. In March 2002, appeals from BIA

decisions rose by 48 percent; in April 2002, 73 percent. There is currently a backlog of more than 5,000 appeals.”

--*The National Law Journal*, November 3, 2003

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