

WASHINGTON UPDATE

Volume 8, Number 1, January 23, 2004

IN THIS ISSUE...

- Immigration Reform Gets a Boost
- Civil Liberties and Due Process Bill Coming Soon
- Congress Sends Massive Spending Package to the President
- First Phase of US VISIT Underway
- President Signs Measure Reauthorizing Trafficking Victims Protection Act
- DREAM Act Moving Forward
- J-1 Physician Waiver Program Reinstated with New Restrictions
- President Delegates Entry- and Exit-Related Authority to DHS and DOS
- Nearly 67 Percent of Available H-1B Visas Used During First Quarter of FY 2004
- DHS Publishes Notice of Its Privacy Impact Assessment and Privacy Policy for US-VISIT
- California Driver's License Update
- Recently Introduced Legislation
- Media Spotlight: Members and Staff in the News
- Did You Know?

Immigration Reform Gets a Boost

The need to reform our immigration laws recently got a boost with President Bush's announcement of his immigration reform plan and the introduction in the Senate of the first comprehensive immigration reform bill introduced in Congress. Other bills are expected to be introduced which *Update* will report on in upcoming issues.

The Administration's reform proposal is centered on an uncapped temporary worker program intended to "match willing foreign workers with willing U.S. employers when no Americans can be found to fill the job." The program would grant program participants temporary legal status and authorize working participants to remain in the U.S. for three years, with their participation renewable for an unspecified period. Initially, the program would be open to both undocumented people as well as foreign workers living abroad (with the program restricted to those outside of the U.S. at some future, unspecified date). American employers would have to make reasonable efforts to find U.S. workers. Under this proposal, participants would be allowed to travel back and forth between their countries of origin and "enjoy the same protections that American workers have with respect to wages and employment rights." The proposal also includes incentives for people to return to their home countries and calls for increased workplace enforcement as well as an unspecified increase in legal immigration.

While these and other general provisions of the plan are known, much is still unclear (partially because this proposal has not yet taken legislative form). What is unknown or unclear to date about this plan could spell the difference between a proposal that works and one that does not. For instance, it is unclear if the proposal would create meaningful access to permanent legal

status because, while it would not prohibit temporary workers from applying for legal permanent residency, it would allow them to do so only under existing immigration law. The question thus remains whether the Administration's plan would adequately deal with the three-year, ten-year, and permanent bars, as well as the grounds of inadmissibility that put road blocks in the way of undocumented people using this program to adjust. It also is unclear if the proposal adequately addresses other major concerns such as the long backlogs in legal immigration. The proposal would allow temporary worker program participants who seek to remain in America to pursue citizenship, and calls for a "reasonable increase in the annual limit of legal immigration" for others who seek to immigrate to this country. These temporary workers would be placed in line behind those already in line. However, unless current law is changed, the process to become a legal permanent resident could take decades for these temporary workers. Finally, the proposal is silent on the pressing issue of family backlog reductions. Our current immigration system is characterized by long backlogs that keep close family members separated for as long as 20 years.

Senators Chuck Hagel (R-NE) and Tom Daschle (D-SD) introduced S. 2010, the Immigration Reform Act of 2004: Strengthening Americas' National Security, Economy, and Families" on January 22, 2004. The Immigration Reform Act is the only initiative introduced to date that includes all three components necessary for comprehensive immigration reform: family reunification through family backlog reduction; a new temporary worker program; and access to an earned adjustment for eligible people already living and working in the U.S. This bill takes on the hard issues and proposes solutions. While we have some concerns with some of the bill's provisions, the Immigration Reform Act is a giant step forward to help us achieve the goal of creating an immigration system that reflects our nation's values, our traditions, and our needs.

The Immigration Reform Act addresses the issue of family reunification with the following provisions: immediate relatives are no longer subtracted from the 480,000 cap on family-based immigration; the spouses and minor children of legal permanent residents are reclassified as immediate relatives; grounds of inadmissibility are addressed; and derivative eligibility is expanded for all immediate relatives.

The bill includes an earned adjustment for those who meet several requirements including: physical presence for five years prior to the bill's introduction; successful fulfillment of a past work requirement (working at least three of the five years preceding introduction) and a prospective work requirement (at least one year following enactment); payment of income taxes or entry into an agreement with the IRS to pay all outstanding liabilities; and payment of a \$1,000 fee. Other provisions of this earned adjustment include: spouses and minor children are eligible to adjust with the principal applicant; administrative and judicial review provisions are included in recognition of the problems generated by past laws, as are certain waivers and grounds of inadmissibility; and, to encourage employer participation, employers are not subject to civil and criminal tax liability related to the employment of these individuals. Those workers who meet the physical presence requirement, but not the work requirement of the earned adjustment, are eligible for a transitional worker status of three years and would be granted employment authorization and permission to travel, and would be eligible to adjust status to permanent resident.

The Immigration Act of 2004 also includes a "Willing Worker" program that revolves around a needed reform of the current H-2B program and the creation of a new H-2C program. The bill reforms the H-2B program as follows: it caps the program at 100,000 for five years, after which the numbers revert to 66,000; admission of H-2B visa holders is limited to nine months in any twelve-month period (with a maximum of 36 months in any 48-month period); and, with some exceptions, it does not allow portability. The new H-2C program is a two-year program

renewable for another two years. It is capped at 250,000 annually, and sunsets five years after regulations are issued. Portability is allowed after three months, with exceptions for earlier transfers allowed under certain circumstances. An attestation is required for both visas, with employers having to meet certain U.S. worker recruitment requirements. Dual intent is allowed in both visas and derivative status is available for both as well. The bill's worker protection provisions include a complaint-driven procedure in which the DOL and the Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) will investigate claims and provide for mediation, and in certain instances hearings and further appeals. Employer groups and unions can petition for these workers. The bill also creates a commission to review the impact of the program and a report on wage determinations. Petition and filing fees for each worker are on a sliding scale, based on the number of the employer's employees.

Civil Liberties and Due Process Bill Coming Soon

Members of both the Senate and House have signaled their intent to introduce a bill in the near term that will address certain post-9/11 policies that have undermined the due process rights and civil liberties of noncitizens. While a number of bills have been introduced in response to civil liberties concerns with post-9/11 policies affecting citizens, those initiatives have avoided the even more questionable policies that have impacted noncitizens. These policies include: the open-ended detentions of noncitizens without charges; the denial of bond to whole classes of non-citizens without regard to individual circumstances; imposition of criminal penalties for minor technical paperwork violations; and the secret arrest of whole classes of individuals including blanket closure of case dockets. AILA firmly supports policies that improve our security, but measures such as those noted above do nothing of the sort. Indeed, by deviating from this country's rich tradition of protecting individual rights, these measures alienate immigrant communities in the U.S. and our allies abroad and waste precious resources, thus undermining rather than enhancing the stability and security of our country.

Although a specific introduction date has not been set, AILA is extremely pleased that Congress will be seriously entertaining legislative solutions to these critical concerns. Among other things, these bills will: limit the government's ability to close immigration hearings without a specific showing of need; require the government to file charges and notify detainees of the charges within a set period of time or bring them before an immigration judge; obligate the government to consider bond on a case-by-case basis; terminate the failed and discriminatory NSEERS program; and create an independent immigration court system.

We will provide further details on this bill as soon as more information becomes available. AILA looks forward to working with the Senate and House to ensure that these important measures are enacted.

Congress Sends Massive Spending Package to the President

Congress, on January 22, cleared for the President one of the largest consolidated spending bills ever moved through Congress. The \$820 billion omnibus spending package (H.R. 2673; H. Rep. 108-401) provides funding to 11 cabinet departments and a variety of federal agencies for fiscal year (FY 2004). The measure includes \$328 billion in discretionary spending for federal departments and agencies, as well as thousands of provisions earmarking funds for state and local projects.

The Senate cleared the omnibus measure on January 22 by a 65-28 vote, nearly four months after the fiscal year began and only after an intensely partisan process. The House cleared the bill on December 8, by a vote of 242-176. President Bush has indicated that he will sign the measure into law, presumably before the January 31 expiration of the continuing resolution that is currently keeping the government in operation.

Since the creation last year of the Department of Homeland Security (DHS), a large portion of immigration-related funding is now contained in a separate DHS appropriations bill. However, the omnibus bill continues to fund a number of immigration-related agencies and programs, such as the EOIR (Justice Department), refugee programs (Department of Health and Human Services), consular/visa programs (State Department), and labor certification and worksite enforcement programs (Department of Labor) (DOL). With regard to the latter, once the President signs H.R. 2673 the DOL's budget will be in place and the agency expects to forward its long-awaited "PERM" regulation to the OMB for clearance, a process which could take up to 90 days. Assuming the regulation is cleared, it will be sent to the Federal Register for publication.

In related news, President Bush, also on January 22, previewed his FY 2005 budget request, which includes, among other things, a proposed 9.7 percent increase in homeland security funding. "I'm going to submit a budget to Congress next month, which will include spending of \$30 billion for homeland security," announced Bush. "That's...almost three times the amount that we were spending prior to September 11, 2001." (as reported by *CQ Homeland Security*, Jan. 22, 2004).

First Phase of US VISIT Underway

The Department of Homeland Security (DHS) has begun implementing the United States Visitor and Immigrant Status Indicator Technology (US VISIT) program to function as the new automated entry-exit system. Through the use of US VISIT, border inspectors will record the entry and exit of nonimmigrant visa holders traveling to the United States.

US VISIT is DHS's name for the entry-exit system originally mandated by Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) (P.L. 104-208) as an instrument to track visa overstayers and interdict terrorists. However, since its inception, there has been serious doubt about the ability of such a system to prevent terrorism. In 1998, a Senate Judiciary Committee Report (No. 105-197) found that, "implementing an automated entry-exit control system has absolutely nothing to do with countering drug trafficking, with halting the entry of terrorists into the United States, or with any other illegal activity at or near the borders. An automated entry-exit control system will at best provide information only on those who have overstayed their visas."

The first phase of US VISIT became operational at 14 seaports and 115 airports across the country on January 5. Nonimmigrant visa holders entering at one of these ports will each undergo the standard inspection process and simultaneously will be processed through the US VISIT system, termed "visited" by DHS officials. Baltimore-Washington International Airport and the Miami Seaport will serve as the pilot sites for testing the US VISIT exit procedures. Reportedly, the limited number of ports with exit capabilities is due to inadequate funding for US VISIT. DHS is using the time until more funding is available to continue examining various technologies for the exit procedures.

US VISIT, at this time, only applies to nonimmigrant visa holders. Legal permanent residents, visa waiver participants, and Canadian citizens entering the United States without a visa will not be enrolled into the program. DHS has not announced how it will handle Mexican laser visa holders since these individuals do not need an I-94 card to enter the U.S. for a limited amount of time if they only travel within a limited distance from the Mexican border.

Only those nonimmigrant visa holders departing from ports with exit capabilities will be required to complete departure procedures before departing the United States. Although DHS has indicated that it intends to be flexible with these exit requirements in the early stages of US VISIT, ambiguity regarding this flexibility concerns many immigration practitioners.

Expansion of US VISIT at airports and seaports is expected to continue throughout 2004. Unless Congress acts to delay the implementation deadlines, DHS will be required by law to expand the entry-exit program to the top 50 high traffic land border ports by December 31, 2004, and to the remaining ports of entry by December 31, 2005. Questions remain as to whether DHS has enough time and funding to properly expand the program. A government task force determined that a fully developed, operational entry-exit system would require extensive additions to existing ports' infrastructure in order not to impede the flow of traffic and goods. Proper implementation is also expected to cost billions of dollars.

If US VISIT is going to work, it must be sufficiently funded, functional, reliable and efficient with access to databases that give accurate information on a visa holder's status. Without adequate public notice on how to comply with these US VISIT requirements, and without a grace period for exit control, US VISIT will not operate properly and will impede the flow of people that is essential to our economic well-being.

In conjunction with US VISIT, all consular posts abroad will be required to issue biometric visas by October 26, 2004. Two digital index finger prints and a photo will be taken of visa applicants, and their information will be checked against the Automated Biometric Identification System (IDENT) database.

President Signs Measure Reauthorizing Trafficking Victims Protection Act

President Bush signed legislation on December 19, 2003, authorizing appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000 (TVPA) (H.R. 2620, Pub. L. No. 108-193, the Trafficking Victims Protection Reauthorization Act of 2003). The House of Representatives approved the legislation on November 4 by a vote of 422-1. The Senate followed on December 9, passing the bill by unanimous consent.

The new law makes several modifications to the immigration provisions of the TVPA. Specifically, the legislation: (1) amends 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) increases 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) adds unmarried siblings under age 18 to the family members of a trafficking victim eligible for a "T" visa; (4) makes the public charge ground for inadmissibility under a "T" visa inapplicable to trafficking victims; and (5) eliminates the aging out of "T" visa applicants.

The law also directs the President to establish programs of border interdiction outside the United States by providing grants to foreign nongovernmental organizations that provide for transit

shelters operating at key border crossings, and help train survivors of trafficking in persons to educate and train border guards, officials, and other law enforcement officials to: (1) identify traffickers and victims of severe forms of trafficking; (2) treat such victims appropriately; and (3) monitor the implementation of border interdiction programs, including helping in the identification of such victims to stop the cross-border transit of victims.

DREAM Act Moving Forward

As a result of President Bush's recently released immigration reform proposal, and the bipartisan comprehensive immigration reform legislation sponsored by Senators Chuck Hagel (R-NE) and Tom Daschle (D-SD), the Senate DREAM Act (S. 1545) is picking up momentum as the second session of the 108th Congress gets underway. The DREAM Act is being mentioned in the context of most discussions on comprehensive immigration reform, and is often characterized as a modest reform proposal having a good chance of passing this year. The immigrant community is now anxiously awaiting President Bush's public support for this urgently needed and worthy legislation.

Passed out of the Senate Judiciary Committee by a strong 16-3 vote in November, the DREAM Act currently has 42 cosponsors. The House Student Adjustment Act (HR 1684) has 118 cosponsors.

J-1 Physician Waiver Program Reinstated with New Restrictions

Under the J-1 Exchange Visitor Program, visa holders are typically subject to a two-year foreign residence requirement before they are eligible to return to the United States. A waiver of this home residency requirement is available for physicians who will be providing care in a medically underserved area. This waiver program, which is managed by the Department of Health and Human Services (HHS), unexpectedly shut down for several months in 2003, and was revived in December 2003 for the duration of fiscal year 2004. Concurrent with its revival, several new rules were incorporated into the program that will significantly narrow the available pool of facilities eligible to apply for waivers on behalf of J-1 physicians.

Under the new rules, only facilities in certain Health Professional Shortage Areas will qualify. Previously, the program was open to facilities in any Health Professional Shortage Area as well as Medically Underserved Areas. In addition, the definition of qualifying facilities has been narrowed to the following: health centers that fall under the Public Health Service Act; rural facilities as defined by the Social Security Act; and Native American/Alaskan Native tribal facilities.

HHS launched this restrictive program at the same time as the American Medical Association announced that the U.S. is experiencing a serious physician shortage. Considering that under the previous, more lenient, program only 43 applications for J-1 waivers were submitted, serious questions remain regarding HHS's motivation to further restrict the program.

President Delegates Entry- and Exit-Related Authority to DHS and DOS

In an effort to better manage and control the arrival and departure of persons from the United States, the President, on December 30, 2003, delegated his authority under INA § 215 to the Secretaries of Homeland Security and State. Section 215 concerns travel documentation for both aliens and U.S. citizens. The President delegated to the Secretary of Homeland Security his discretionary powers under § 215(a) (relating to actions deemed unlawful with respect to entering

or exiting the United States), although the Secretary's authority is limited in that he may not issue, amend, or revoke any rules, regulations, or orders without the agreement of the Secretary of State.

The President also designated to the Secretary of State his discretionary authority under § 215(a) and (b) as those subsections pertain to citizens of the United States, including those functions concerning United States passports. Section 215(b) makes it unlawful for U.S. citizens to depart from or enter the U.S. unless they are in possession of a valid U.S. passport. In addition, the president included within this delegation to the Secretary of State the power to amend or revoke part 46 of title 22, Code of Federal Regulations, which pertains to the control of foreign nationals departing from the U.S. Like the Secretary of Homeland Security, the Secretary of State's authority is partially restricted since he may not issue, amend, or revoke any rules, regulations, or orders without first consulting with the Secretary of Homeland Security.

Nearly 67 Percent of Available H-1B Visas Used During First Quarter of FY 2004

U.S. Citizenship and Immigration Services (USCIS) announced in a January 21, 2004 press release that, based upon its tabulations for the first quarter of fiscal year (FY) 2004, 43,500 H-1B cases that could count against the 65,000 cap have either been approved or are in the queue for adjudication. This figure is about 67 percent of the total number of H-1B visas available this fiscal year. The cap, which had been elevated to 195,000 for three years as a result of the American Competitiveness in the 21st Century Act (PL 106-313), reverted back to 65,000 at the beginning of FY 2004, on October 1, 2003. See AILA InfoNet Doc. No. 04012210 to view the press release.

DHS Publishes Notice of Its Privacy Impact Assessment and Privacy Policy for US-VISIT

On January 5, 2004, the Department of Homeland Security (DHS) promulgated an interim rule implementing the first phase of the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT, Increment 1). In connection with this program, and in accordance with § 208 of the E-Government Act of 2002, which requires federal agencies to conduct a privacy impact assessment (PIA) when they use information technology to collect new information, the DHS conducted a Privacy Impact Assessment of US-VISIT, which was published on January 4, 2004. Because § 208 of the E-Government Act requires federal agencies to make PIAs publicly available through their Web sites, publication in the Federal Register, or other means, attached as appendices to this notice were the Department's Executive Summary of the PIA, the PIA, and the Privacy Policy for the US-VISIT Program, Increment 1. (69 FR 2608, 1/16/04, see AILA InfoNet Doc. No. 04012146).

California Driver's License Update

In late November, the California Legislature repealed a California bill (SB 60), set to go into effect in early January, that would have granted undocumented immigrants access to driver's licenses. Senator Gil Cedilla (D-Los Angeles), author of SB 60, spearheaded the Democrats' support of the bill's repeal. Mr. Cedilla made clear, however, that he plans to work with Governor Schwarzenegger to modify the bill in a way that would assuage some of Governor's stated concerns. Mr. Cedilla has stated that he aims to introduce a revised version of the bill in January.

AILA believes that granting immigrants access to driver's licenses will increase their incentive to seek driver's education and insurance, thus making our roads safer. Granting these individuals

access to driver's licenses also will discourage the need to use fraudulent documents, essentially bankrupting the fraudulent document cottage industry and making us all safer from those who want to do us harm.

Recently Introduced Legislation

The following is a brief description of newly introduced, immigration-related legislation, in reverse chronological order and by chamber. AILA will report further on these bills as they move through the legislative process.

House Legislation

H.R. 3722, the Undocumented Alien Emergency Medical Assistance Amendments of 2004, introduced on January 21, 2004, by Representative Dana Rohrabacher (R-CA), would amend § 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to impose conditions on federal reimbursement of emergency health services furnished to undocumented individuals.

H.R. 3701, introduced on January 20, 2004, by Representative Robert Andrews (D-NJ), H.R. 3701 would amend and extend the "V" visa program for spouses and children of legal permanent residents. Specifically, the legislation would extend the program by making eligible for "V" nonimmigrant status an alien who is the beneficiary of an immigrant visa petition filed before January 1, 2011. Under current law, the petition must have been filed by the date of enactment of the Legal Immigration Family Equity (LIFE) Act. Moreover, under current law, the immigrant visa petition must have been pending for at least three years or, if the petition has been approved, three or more years must have elapsed since its filing date for the beneficiary to be eligible for V nonimmigrant status. The legislation would shorten those time periods to six months.

H.R. 3674, the Financial Customer Identification Verification Improvement Act, introduced on December 8 by Representative Scott Garrett (R-NJ), would amend Title 31 USC § 5318 to prohibit the use of identification issued by foreign governments, other than passports, for purposes of verifying the identity of a person who opens an account at a financial institution.

H.R. 3651, the Alien Accountability Act of 2003, introduced on December 8 by Representative Darrell Issa (R-CA), purports to provide "incentives" for aliens unlawfully present in the United States to register with the Secretary of Homeland Security, and immunity from criminal prosecution for the employers of such aliens if the employer pays all taxes and penalties associated with the unlawful employment.

Senate Legislation

S. 2010, the Immigration Reform Act of 2004: Strengthening America's National Security, Economy, and Families, introduced on January 22, 2004, by Senators Chuck Hagel (R-NE) and Tom Daschle (D-SD), is the only immigration reform initiative introduced to date that includes all three components necessary for comprehensive immigration reform: family reunification through family backlog reduction; a new temporary worker program; and access to an earned adjustment for eligible people already living and working in the U.S. For a more in-depth discussion of this legislation, see the lead article in this *Update*.

MEDIA SPOTLIGHT: Members and Staff in the News

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).

Investor’s Business Daily quoted **Bob Deasy** (Philadelphia) in a January 23 article about foreign tech workers finding jobs stateside in healthier economy. **Jeanne Butterfield** (National) was quoted in a January 23 *Los Angeles Times* article on U.S. Border Patrol agents who assailed President Bush’s immigration plan as a “slap in the face.” **Carl Shusterman** (Southern California) was quoted in the January issue of *Hospitals and Health Networks* with regard to the effect on hospitals when the H-1B cap is reached.

USA Today quoted **Bill Flynn** (Central Florida) in a January 22 article on the benefits immigrants bring to the U.S. **Gus Shihab** (Ohio) was quoted in a January 22 *Columbus Dispatch* article about the Columbus immigration office locking the bathrooms to the public. *The Atlanta Journal-Constitution* quoted **Bob Beer** (Atlanta) in a January 21 article about President Bush’s immigration reform proposal providing notarios with an opportunity to exploit immigrants. **Akhtar Hussain** (Southern Florida) was quoted in a January 21 *Broward County Business Review* article about his former client who is being charged with terrorism-related activities. **Cyrus Mehta** (New York) was quoted in a January 21 *Newsday* article about a German woman who is not going to be deported despite facing possible deportation after confusion about her advanced parole. **Iona Bray** (Northern California) and **Kelly McCown** (Northern California) were featured in a January 21 *San Jose Mercury News* question and answer article about immigration matters.

David Silk (Southern Florida) was quoted in a January 21 *Miami Herald* article about his client, Bellahouel, who was detained in October 2001 and held for five months on the theory that he might have served food to hijackers and maybe even went to a movie theater with one. **Judy Golub** (National) was quoted in a January 21 *Gannett News Service* article about the newly introduced Immigration Reform Act of 2004. **Cyrus Mehta** (New York) was quoted in a January 21 *Newsday* article about a German woman facing deportation. **Cheryl Little** (Southern Florida) was quoted in a January 21 *Sun-Sentinel* article about the release on bond of Ernesto Josephs, a Haitian minor detained since October 2001. **Joren Lyons** (Northern California) and **Carl Shusterman** (Southern California) were quoted in a January 21 *San Francisco Chronicle* article about a family facing deportation.

The Chicago Daily Law Bulletin quoted **Charles Roth** (Chicago) in a January 20 article about a litigator in a prominent Chicago law firm who is using anti-racketeering laws to sue companies that hire illegal immigrants. **Matthew E. Krieger** (Southern Florida) and **Steve Yale-Loehr** (Upstate New York) were quoted in a January 20 *Miami Herald* article about EB-1 visas.

James Benzoni (Iowa/Nebraska) was quoted in a January 19 *Arizona Republic* article about President Bush’s immigration reform proposal. *The Desert Morning News* quoted **David Littlefield** (Utah) in a January 19 article about a Peruvian doctor facing deportation. **Herbert Igbanugo** (Minnesota/Dakotas), **Jerome Ingber** (Minnesota/Dakotas), **Virgil Wiebe** (Minnesota/Dakotas), **Phillip Fishman** (Minnesota/Dakotas), and **Michele Garnett McKenzie** (Minnesota/Dakotas) were quoted in a January 19 *Minnesota Lawyer* article about recent a U.S. Court of Appeals for the 8th Circuit decision concluding that the streamlined procedures employed by the Bureau of Immigration Appeals (BIA) do not violate an asylum seeker's due process rights. **Mazan Sukkar** (Southern Florida) was quoted in a January 19 *Miami Herald*

article about a state judge who is accused of abusing power by reporting immigrant children. **Svetlana Schreiber** (Ohio) was quoted in a January 19 *Associated Press* article about her client who is facing deportation.

Joanne Macri (Upstate New York) was featured in a January 18 *Buffalo News* article about her participation in a local production of the *Odd Couple*. **Michael Wildes** (New York) was featured in a January 18 *Bergen County Record* article about five landlords who were hit with fines after sweep for illegal housing. *Scripps Howard News Service* quoted **Carl Shusterman** (Southern California) in a January 18 article about a Filipino family that is facing deportation. **Donna Lipinski** (Colorado) was quoted in a January 16 *Associated Press* article about notarios using President Bush's immigration plan to exploit immigrants. **Robert Divine** (Mid-South) was quoted in a January 18 Chattanooga Times Free Press article about Chicago lawyer Howard W. Foster who is suing carpet maker Mohawk Industries claiming managers knowingly hired illegal aliens. **Catherine Haight** (Southern California) was featured in a January 16 broadcast on Fox News about employment sanctions enforcement.

The Associated Press quoted **James Benzoni** (Iowa/Nebraska) in a January 15 article about workers who lost their jobs when the Iowa Turkey Products plant burned and are being refused unemployment benefits because they lack proper documents. **Joy Athanasiou** (Colorado) and **Betsy Bedient** (Colorado) were quoted in a January 15 *Denver Westwood* article about a Mongolian student whose request for reinstatement of his student visa had been denied. **Carl Shusterman** (Southern California) had a letter to the editor about Filipino physicians and nurses coming to the U.S. to work as RNs printed in the January 15 *Los Angeles Times* edition. **Tammy Fox-Isicoff** (Southern Florida) and **Gloria Roa Bodin** (Southern Florida) each had a letter to the editor about an article about EB-1 visas printed in the January 15 *Miami Herald* edition. **Ann Robertson** (Carolinas) was quoted in a January 15 *News and Observer* article about a man who murdered his wife and is to be deported.

Cheryl Little (Southern Florida) was quoted in a January 14 *Miami Herald* article about Haitian teen detainee Ernesto Joseph. **Allen Wernick** (New York) had an op-ed published in the January 14 edition of the *Dallas Morning News*. **Carl Shusterman** (Southern California) was quoted in a January 14 *San Francisco Chronicle* article about a Filipino family who faces deportation.

The Chicago Tribune quoted **Susan Gzesh** (Chicago) in a January 13 article about restrictionist Dave Gorak. **Dale Schwartz** (Atlanta) and **Charles Kuck** (Atlanta) were quoted in a January 13 *Atlanta Journal-Constitution* article about a local woman who faced deportation. **Jeff Goldman** (New England) was quoted in a January 13 *Boston Globe* article about President Bush's immigration plan. **José Pertierra** (Washington, DC) was featured in a January 13 *Cubadebate* question and answer article about President Bush's immigration plan. **Doug Weigle** (Ohio) and **Steven Rothstein** (Ohio) were quoted in a January 12 *Cincinnati Enquirer* article about President Bush's immigration plan.

Catherine Haight (Southern California) was quoted in a January 12 *Copley News Service* article about companies who hire undocumented workers. **Ramon Rivera** (Upstate New York) was quoted in a January 12 *Post-Standard* article about President Bush's immigration plan. **Jeanne Butterfield** (National) was quoted in a January 12 *Bergen County Record* article about President Bush's immigration plan. **Bassam Messaïke** (Mid-South) was quoted in a January 12 *Times-Picayune* article about U.S. VISIT. **Julie Pearl** (Northern California) was quoted in a January 12 *Chicago Tribune* article about President Bush's immigration plan. **José Pertierra** (Washington, DC) was quoted in a January 12 *Sun-Sentinel* article about President Bush's immigration plan.

Judy Flanagan (Arizona) was quoted in a January 11 *Arizona Republic* article about President Bush's immigration plan. *The Boston Globe* quoted **Kenneth Liebman** (New England) in a January 11 article about President Bush's immigration plan. **Bob Divine** (Mid-South) was quoted in a January 11 *Chattanooga Times-Free Press* article about President Bush's immigration plan. **Judy Golub** (National) was quoted in a January 11 *Journal-News* article about U.S. VISIT. **Jeanne Butterfield** (National) was quoted in a January 11 *Portland Press Herald* article about President Bush's immigration plan. **Jerry Chapman** (Carolinas) was quoted in a January 11 *Richmond Times-Dispatch* article about President Bush's immigration plan. **Carl Shusterman** (Southern California) was quoted by the *Philadelphia Inquirer* on January 11 about the job hurdles foreign nurses face when seeking employment in the U.S.

John Estrella (National) was quoted in a January 11 *San Francisco Chronicle* article about permanent relationships failing to receive legal recognition under immigration laws. **Catherine Haight** (Southern California) and **Peter Larrabee** (San Diego) were quoted in a January 11 *San Diego Tribune* article about employer sanctions. **Attacta Kelly** (Carolinas) was quoted in a January 11 *News and Observer* article about the implications of President Bush's immigration plan. **Jorge Rivera** (Southern Florida) was quoted in a January 11 *Miami Herald* article about ankle monitors for immigrants.

Sohail Mohammed (New Jersey) was quoted in a January 10 *Associated Press* article about how Muslims felt singled out during the orange alert. **Robert Yarra** (Northern California) was featured in a January 10 *Fresno Bee* article about the reprieve of deportation of a family he represented. **Michael Maggio** (Washington, DC) was quoted in a January 10 *Washington Post* article about President Bush's immigration plan. **Judy Golub** (National) was quoted in a January 10 *Congressional Quarterly* article about President Bush's immigration plan.

The Commercial Appeal quoted **Greg Siskind** (Mid-South) in a January 9 article about President Bush's immigration plan. **Carl Falstrom** (Northern California), **Marc Van Der Hout** (Northern California) and **Roxana Bacon** (Arizona) were quoted in a January 9 *Legal Intelligencer* article on President Bush's immigration plan. **Bob Beer** (Atlanta) was quoted in a January 9 *The Times* about President Bush's immigration plan. **Melanie Ryan** (New England) and **Ron Abramson** (New England) were quoted in a January 9 *Associated Press* article about how immigrants should understand that President Bush's immigration plan is not law. **Judy Golub** (National) was quoted in a January 9 *Los Angeles Times* article about President Bush's immigration plan. **Allen Wernick** (New York) was quoted in a January 9 Daily News question and answer article about President Bush's immigration plan. **Matthew E. Krieger** (Southern Florida) and **Steve Yale-Loehr** (Upstate New York) were quoted in a January 9 *Miami Herald* article about EB-1 visas. **Bob Beer** (Atlanta) was quoted in a January 9 *Gainesville Times* article about President Bush's immigration plan.

Harold Cook (Texas) and **Roy Petty** (Texas) were quoted in a January 8 *Arkansas Democrat-Gazette* article about President Bush's immigration plan. **Wael Ahmad** (Mid-South) was quoted in a January 8 *Lexington Times* article about President Bush's immigration plan. **Karen Caco** (Southern Florida) was quoted in a January 8 *News-Press* article on President Bush's immigration plan. **Elizabeth Trinidad** (New Jersey) was quoted in a January 8 *Philadelphia Inquirer* article about President Bush's immigration plan. **Bob Deasy** (Philadelphia) was quoted in a January 8 *Pittsburgh Post-Gazette* article about President Bush's immigration plan. **Meredith Brown** (Southern California) was quoted in a January 8 *Voice of America* broadcast about President Bush's immigration plan. **Emilia Banuelos** (Arizona) was quoted in a January 8 *Arizona Republic* article about President Bush's immigration plan. **Carl Shusterman** (Southern

California) was quoted in a January 8 *La Opinion* article about President Bush's immigration plan.

Government Executive Magazine quoted **Judy Golub** (National) in a January 8 article about concerns raised over accuracy of FBI terrorist databanks. **Sujeet Mohanty** (New Jersey) was quoted in a January 8 *Courier-Post* article about President Bush's immigration plan. **Jeanne Butterfield** (National) was quoted in a January 8 *Dallas Morning News* article about President Bush's immigration plan. She was also quoted in a January 8 *Denver Post* article about the same subject. **Mira Mdivani** (Kansas/Missouri) was quoted in a January 8 *Kansas City Star* article about President Bush's immigration plan.

Jack Pinnix (Carolinas) was quoted in a January 8 *News and Observer* article about President Bush's immigration plan. *The News and Record* quoted **Jerry Chapman** (Carolinas) in a January 8 article about President Bush's immigration plan. **Amy Peck** (Iowa/Nebraska) was quoted in a January 8 *Omaha World Herald* article about President Bush's immigration plan. **Raquel Hecht** (Oregon) was quoted in a January 8 *Register Guard* article about President Bush's immigration plan. **Tommy Baer** (Washington, DC) was quoted in a January 8 *Richmond Times-Dispatch* article about President Bush's immigration plan. **Jeanne Butterfield** (National) was quoted in a January 8 *San Francisco Chronicle* article on President Bush's immigration plan. **Bill Flynn** (Central Florida) was quoted in a January 8 *St. Petersburg Times* article about President Bush's immigration plan. **José Pertierra** (Washington, DC) was quoted in a January 8 *La Jornada* article about President Bush's immigration plan.

The Atlanta Journal-Constitution quoted **Charles Kuck** (Atlanta) and **Bob Beer** (Atlanta) in a January 7 article about President Bush's immigration plan. **Timothy Murphy** (Southern Florida) was quoted in a January 6 *Sun-Sentinel* article about U.S. VISIT. **Michael Moore** (New England) and **Michael Boyle** (New England) were quoted in a January 4 *Hartford Courant* article about Moore's client who had been detained in the post- 9/11 round-up of immigrants. **Sohail Mohammed** (New Jersey) was quoted in a January 1 *Associated Press* article about FBI asking Muslims to report suspicious activity during the nation's high terror alert status.

Palma Yanni (Washington, DC) was quoted in a January 7 *Fresno Bee* article about the drop in the number of student visas issued. **Jeanne Butterfield** (National) was quoted in a January 6 *Knight-Ridder News Service* article about U.S. VISIT. **Crystal Williams** (National) and **Richard Iandoli** (New England) were quoted by the *Boston Globe* in a January 6 article about U.S. VISIT. *The Christian Science Monitor* quoted **Judy Golub** (National) in a January 6 article about U.S. VISIT. **Ali Golchin** (Southern California) was quoted in a January 6 *Copley News Service* about U.S. VISIT. **AILA** was featured in a *New York Times* article on January 5 about its involvement in a coalition of news and legal organizations that sought public access to information about post-Sept 11 detention case that was before Supreme Court.

David Leopold (Ohio) was quoted in a December 31 *Associated Press* article about a woman whose husband was deported to Jordan faces deportation to Venezuela, leaving her in a quandary over her three children who are U.S. citizens. **John Ovink** (Southern Florida) was quoted in a December 29 *St. Petersburg Times* article about the DREAM Act and AgJobs Bill. **Jeanne Butterfield** (National) was quoted in a December 29 *Voice of America* broadcast about tethering immigrants.

Judy Golub (National) was quoted in a December 28 *Chicago Sun-Times* article about the contribution immigrants make in the military. **Robert Yarra** (Northern California) was quoted in a December 28 *Fresno Bee* article about his client who is facing deportation.

Rehim "Ray" Babaoglu (Mid-South) was quoted in a December 27 *Associated Press* article about the burgeoning caseload in the southeastern immigration courts. **David Shomloo** (Oregon) was featured in a December 27 *Associated Press* article about his clients who were detained pursuant to DHS' Operation Predator. *The Oregonian* featured **David Shomloo** (Oregon) and **Stephen Manning** (Oregon) in a December 27 article about their clients who were detained under DHS' Operation Predator.

Carolyn Choi (Santa Clara) and **Carole Mesrobian** (Santa Clara) were quoted in a December 24 *San Jose Mercury News* question and answer article about immigration. **Ira Kurzban** (Southern Florida) was quoted in a December 23 *Miami Herald* article about a federal worker and two accomplices who made more than \$1 million by selling bogus work permits to immigrants.

Media General News Service quoted **Jerry Chapman** (Carolinas) in a December 22 article about the necessity of having immigration reform. **Marshall Fitz** (National) was quoted in a December 22 *Associated Press* article about an undocumented immigrant who filed a claim for unpaid wages and won in federal court. **Alan Wernick** (Southern Florida) was quoted in a December 21 *Sun-Sentinel* article about the US VISIT program. **David Swaim** (Texas), in the December 21 *Dallas Morning News*, had a letter to the editor published about the need for immigration reform.

The San Francisco Chronicle quoted **Jeptha Evans** (Northern California) in a December 20 article about an undocumented immigrant who filed a claim for unpaid wages and won in federal court. **Michael Boyle** (New England) was quoted in a December 20 *New Haven Register* article about his LPR client who has lived in the US for 43 years and is being detained for an aggravated felony charge that happened 18 years ago. **Michael Bander** (Southern Florida) was quoted in a December 20 *Miami Herald* article about DHS' concerted effort to track down corrupt foreign officials and business executives in South Florida.

Mercedes Cano (New York) was quoted in a December 18 *New York Daily News* article about scam artists promising green cards for a fee. **Scott Devore** (Southern Florida) was quoted in a December 18 *Palm Beach Post* article about his client who is facing deportation. **Lucas Guttentag** (Southern California) was quoted in a December 17 *Washington Post* article about DHS's plans to add the names of undocumented immigrants and foreign students to an FBI database designed primarily to help police apprehend wanted criminals.

Angela Ferguson (Kansas/Missouri) had an op-ed about the DREAM Act published in the December 16 *Kansas City Star*. **Bob Deasy** (Ohio) was quoted in the December 15 edition of *American Medical News* about an Ohio surgeon who was one of a handful of foreign-born transplant surgeons in the United States who have been denied work visas. Dr. Lal's employer was forced to suspend kidney transplants last July. **Margaret Stock** (New York) and **Ben Johnson** (AILF) were featured in a December 15 *Congressional Quarterly* article about their report, *THE LESSONS OF 9/11: A Failure of Intelligence, Not Immigration Law*, which blames intelligence failures — not weaknesses in U.S. immigration policy — for allowing the Sept. 11 hijackers to enter the United States.

Carl Shusterman (Southern California) was featured in a December 14 *KTLA* broadcast about his clients who faced deportation to Guatemala and Mexico, with the effect of splitting up their family — Senator Dianne Feinstein (D-CA) has intervened and introduced legislation preventing their deportation. *The Miami Herald* quoted **Michael Bander** (Southern Florida) and **Tammy Fox-Isicoff** (Southern Florida) in a December 14 article about the head of the Miami naturalization office. **S. Austin Johnson** (Utah) was quoted in a December 14 *Associated Press*

article about his client, the mother of a Brigham Young University student stranded in his family's native country, who will be deported.

The Riverside Press-Enterprise quoted **Danielle Polen** (National) in a December 13 article about the Alien Accountability Act, legislation introduced by Representative Daryl Issa (R-CA). **Carl Shusterman** (Southern California) was featured in a December 12 *Los Angeles Times* article about his clients who faced deportation to Guatemala and Mexico, with the effect of splitting up their family – Senator Dianne Feinstein (D-CA) has intervened and introduced legislation preventing their deportation. **Elda James** (New England) was quoted in a December 11 *Boston Globe* article about a manufacturer of a video game that encourages players to "kill all the Haitians."

Katherine Culiton (Washington, DC) was quoted in a December 10 *Gannett News Service* article about an agreement that would allow millions of Mexicans to return home and collect U.S. Social Security benefits. *The Atlanta Journal-Constitution* quoted **Charles Kuck** (Atlanta) in a December 10 article about how some requirements of Special Registration are very much in effect. **José Pertierra** (Washington, DC) was quoted in a December 10 *Florida Sun-Sentinel* article about the family of Elian Gonzalez suing federal employees alleging that six federal agents were unnecessarily violent. **Barbara Lutes** (Colorado) was quoted in a December 10 *Denver Post* article about the reprieve from deportation that the parents of a young immigrant who died of leukemia received.

Elifu Massel (New York) and **Robert Divine** (New York) were quoted in a December 8 *CityLimits.org* article about detained immigrants being shipped to Oakdale, Louisiana. **Andre Michniak** and **Steve Converse** (Philadelphia) were quoted in a December 8 *Daily Record* article about Andre's client, a legal permanent resident, who was detained pending deportation after the government accused him of an illegal re-entry. *The Chicago Tribune* quoted **Fred Tsao** (Chicago) in a December 8 article about the suspension of some provisions of Special Registration. **Steffani Powell** (Mid-South) was quoted in a December 8 *Louisville Courier* article about her clients who waited 5 years to reunite after marrying. **Lynn Calder** (Carolinas) was quoted in a December 8 *Raleigh News* article about her client who has been detained pursuant to DHS' Operation Predator.

Fredericksburg.com quoted **Mark Rhoads** (Washington, DC) in a December 7 article about Virginia's new driver's license requirements. **Elizabeth Trinidad** (New Jersey) was quoted in a December 7 *Press of Atlantic City* article about the DREAM Act. **David Leopold** (Ohio) was quoted in a December 7 *Denver Post* article about Department of Homeland Security's expansion of a controversial national prison system that detains immigrants facing possible deportation. **Lilia Velasquez** (San Diego) was quoted in a December 6 *San Diego Union Tribune* article about the U.S. immigration service closing its public information office in downtown San Diego.

The *Akron Beacon Journal* quoted **Farhad Sethna** (Ohio) in a December 5 article about his client who has been detained without charges for 14 months. **Robert Jobe** (Northern California) was quoted in a December 5 *Tri-Valley Herald* article after the U.S. Court of Appeals for the Ninth Circuit had ordered immigration officials to release his client, a Union City Sikh activist.

Did You Know?

“The Supreme Court made it easier this week for the government to drape a cloak of secrecy over the imprisonment of people accused of crimes when it rejected an appeal seeking the identity of hundreds of men rounded up after the September 11 attacks. The freedom of all Americans is diminished.”

--*New York Times* (Editorial), January 14, 2004

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