AILA

WASHINGTON UPDATE

Volume 7, Number 10, August 11, 2003

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August Recess Provides Opportune Time to Meet with Lawmakers

Many Senators and Representatives will be in their states/districts during the August recess. The recess offers a great opportunity to meet with them on important issues including comprehensive immigration reform, the DREAM Act, the L and H visas, due process and civil liberties protections, and immigration in the Department of Homeland Security. Please contact the AILA Advocacy staff for information. Members of Congress will return to Washington, D.C. the first week of September.

Bipartisan DREAM Act Introduced in Senate

Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL) introduced the bipartisan Development, Relief, and Education for Alien Minors (DREAM) Act of 2003 (S. 1545) on July 31. The introduction of the DREAM Act is an important step toward helping deserving children reach their potential and our nation gain innumerable benefits.

The DREAM Act would amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit states, once again, to determine residency for in-state tuition purposes. The DREAM Act also would grant conditional permanent resident status to young people who came to the U.S. before the age of 16, have good moral character, have lived in the U.S. at least five

years at the time of enactment, and have graduated from high school. To have the conditional status lifted, individuals would have to satisfy any one of the following three requirements within six years of his or her high school graduation:

- Graduate from a two-year college or pursuing a Bachelor's or higher degree and be in good standing for at least two years (graduation from certain one-year occupational programs administered by accredited non-profit or public schools would also satisfy this condition); or

- Serve in the US Armed Forces for at least two years and, if discharged, have received an honorable discharge; or

- Perform at least 910 hours of volunteer community service in a program approved by the Combined Federal Campaign or by the Secretary of DHS.

The fundamental difference between the DREAM Act of 2003 and its predecessor legislation from 2002 (S. 1291, 107th Congress), is the addition of the requirements listed above and the exclusion of certain age requirements previously included in the legislation.

The DREAM Act of 2003 recognizes that some of our best and brightest students are prevented from reaching their potential. Thousands of young people each year are prevented from pursuing their dreams of going to college because they have no immigration status and, without the option of in-state tuition, lack sufficient resources. The young people who would benefit from this legislation have done nothing wrong. Yet they are being severely punished.

With the introduction of the DREAM Act, the Senate has joined the House in seeking a remedy for deserving children. Representatives Chris Cannon (R-UT), Howard Berman (D-CA), and Lucille Roybal-Allard (D-CA) introduced the Student Adjustment Act, H.R. 1684, on April 9.

Senate Immigration Subcommittee Examines L-1 Visa Program

The Senate Judiciary Committee's Subcommittee on Immigration and Border Security held a hearing on July 29 on "The L-1 Visa and American Interests in the 21st Century Global Economy." The purpose of the hearing was to provide lawmakers with a clearer understanding of L visa program and its use by the business community, as well as to discern, through the testimony of American workers, areas of concern with this visa category.

Those testifying at the hearing included: former AILA General Counsel and Past President, Daryl R. Buffenstein, on behalf of the Global Personnel Alliance; AILA Business Committee Chair, Stephen Yale-Loehr, in his capacity as adjunct professor of law at Cornell University; Patricia Fluno, Former Siemens Technologies employee; Michael W. Galdea, Executive Director, Professional Employees Section, AFL-CIO; Beth R. Verman, President, Systems Staffing Group, and Member, National Association of Computer Consultant Businesses; and Austin T. Fragomen, Jr., Managing Partner, Fragomen, Del Ray, Bernsen & Loewy, P.C.

The hearing follows recent media scrutiny of the L visa, as well as a spate of recently introduced legislation that would impose excessive restrictions on the L visa category. Reportedly, some L visas recently were granted under which the L-1B visa holder was assigned to a third party site, was not using specialized knowledge, and was not under the control of the petitioning employer. These visas appear to have been erroneously granted, since using an L-1B visa for that purpose is clearly forbidden under both current law and State Department guidance. Anecdotal reports

indicate that the State Department already has taken steps to deny L-1B visas under such facts. The recent flurry of activity and scrutiny surrounding the L program appears to be a direct result of this limited incident, and, more generally, of the continued sluggish domestic economy and the new reality of an increasingly global economy and attendant workforce.

Mr. Yale-Loehr testimony provided an overview of the L program and injected empirical data on the scope and use of the L visa category into a debate that has been fueled largely by anecdotal evidence. Mr. Yale-Loehr highlighted the following points in his testimony:

- L-1 usage statistics: The L-1 visa is, and historically has been, used less frequently than the H-1B category. During fiscal year 2001, the peak year for L and H visa usage, the State Department issued 59,384 L-1 visas. This number represented only 37% of the H-1B visas issued the same year and represented less than 1% of all nonimmigrant visas issued that year.

- Difference in purpose between H and L visa categories: H-1B visas exist to allow employers to hire foreign professionals in specialty occupations to provide needed specialized or unique skills, to relieve temporary worker shortages in a specific professional area, or to provide global market expertise. The eligibility for this visa is based upon the visa applicant's degree in the specialty occupation. The L visa, however, exists for the more narrow purpose of allowing international companies to transfer managers, executives and employees with specialized knowledge to their U.S.–based operations or affiliated company. No degree or other external benchmarks must be met for L-1 eligibility because an applicant's general educational qualifications are irrelevant to this visa category. Instead, this category contemplates factors pertinent to enhancing an international business's flexibility and productivity, such as the length and type of specific experience gained with the affiliated business entity.

- Globalization: Mr. Yale-Loehr raised some of the hard questions Congress will have to address on the issue of globalization. Within this context, he also opined that the L-1 visa category, if properly administered and monitored, encourages foreign investment in the U.S. and thus serves to retain and create domestic jobs.

- L-1 Visas and allegations of U.S. worker displacement: Mr. Yale-Loehr clarified that current immigration law prohibits using an L-1 visa to place a foreign national alongside the workforce of a third party as simple contract labor under the control of the third party, performing the same kind of work done by the third party's employees and displacing U.S. employees.

While Mr. Yale-Loehr provided the academic framework for understanding the L visa category, Daryl Buffenstein discussed the job-generating effects of this visa. He noted that states vigorously recruit employment-generating foreign investment, and that the L-1 visa is the vehicle that brings much of this investment to the U.S. Such investment accounts for approximately 6.5 million current jobs in the United States, he added. Considering that L-1 visa holders represent a small fraction of the workforce for most businesses and that, to date, L-1 visa issuance has yet to reach 60,000 visas issued in any given year, the job-creation benefit of this visa category becomes evident.

Mr. Buffenstein also illustrated how companies rely upon this visa category as a vehicle for facilitating the competitiveness of U.S. companies vis à vis international markets. He explained

that the L-1 visa program is a means by which American companies can transfer technology and procedures from their international offices to their U.S. operations, thereby preserving jobs in America. Similarly, the L visa program permits employees with expertise in foreign markets, operating conditions, and consumer preferences to transfer to a company's U.S.-based facility, thereby maintaining the latter's competitiveness in the global marketplace.

In his testimony, Mr. Buffenstein cautioned that any alteration to the L visa program must be crafted in such a way that it does not impede the states' ability to attract foreign investment. He urged Subcommittee members to refrain from imposing overly broad restrictions on the L program, and to focus instead on the discreet areas that may need fine-tuning. "What we need here is a surgical instrument to look at the problem and devise legislation, not a sledgehammer that will knock off every company from its competitive advantage," he stated.

At the conclusion of the hearing, Subcommittee Chair Saxby Chambliss (R-GA) indicated that there would be legislation on the L visa category but cautioned "we must be careful not to impose overly burdensome requirements on U.S. businesses."

Lawmakers Introduce Legislation to Restrict the L and H Visa Categories

Representative Nancy Johnson (D-CT) and Senator Chris Dodd (D-CT) introduced identical bills in the House and Senate entitled the "USA Jobs Protection Act of 2003" on July 24. The companion bills, H.R. 2849 and S. 1452, would alter substantially the L and H-1B visa programs and would negatively impact the productive use of these visas.

H.R.2849/S. 1452 would require labor attestations that include lay-off protections for U.S. workers and a prohibition on the outsourcing of L-1 visa holders. Petitions for an L-1B visa would require an additional application stating that the employer has taken good faith steps to recruit US workers for the position. The proposed legislation would also increase the work experience requirement with the foreign employer from one year to two years and would cut the duration of stay for L visa holders (including permissible extensions) by two years. (Many of these requirements were also included in L visa legislation recently introduced by Representatives John Mica (R-FL) (H.R. 2154) and Rosa De Lauro (D-CT) (H.R. 2702).)

These measures are overreaching and, in an attempt to address the problem of U.S. worker displacement, would prohibit legitimate and necessary uses of the L visa. Such unnecessary restraints would hamper the L visa program's ability to facilitate foreign investment and job retention and creation, resulting in more American jobs lost than preserved.

In addition to the proposed changes to the L program, the Dodd and Johnson bills also propose several changes to the H visa program. Namely, the bills would treat all H-1B employers as "H-1B dependant" employers and would attempt to limit the placement of H-1B workers at third party sites for six months before or after the lay-off of a U.S. worker. These additional burdens, originally intended to apply only to employers who use a relatively high number of H-1B workers, would subject all H-1B petitions to additional bureaucratic review and delays.

Also troubling is the Dodd and Johnson bills' linkage of the H and L program. Although both these programs allow foreign nationals to come to the U.S. to work on a temporary basis, they are distinctly different programs with distinctly different purposes. The L-1 visa category is designed for the narrow purpose of helping international companies transfer managers, executives and key personnel with specialized knowledge to assist affiliated U.S.-based operations. L visa holders

are individuals who have knowledge and experience with the foreign company's procedures and products, and their ability in the broader marketplace is irrelevant.

By contrast, the H-1B visa category is intended to permit a U.S. employer to hire a highly educated professional to provide needed expertise, unique skills, or to relieve temporary worker shortages in a specific professional occupation. The mandates attached to these two programs should differ, reflecting the differing purposes of these two visas. Comparing them to one another will merely result in negating the different yet equally important purposes for which each is intended.

Legislation Implementing Free Trade Agreements Awaits President's Signature, Includes New H-1B1 Visa Category

Both the House and the Senate recently passed legislation to implement new Free Trade Agreements (FTAs) with Chile and Singapore, with President Bush expected to sign the bills in the near future. The United States-Singapore Free Trade Agreement Implementation Act (H.R. 2739) passed the House by a vote of 270-156 on July 24, with approval by the Senate following on July 31 by a vote of 66-31. The United States-Chile Free Trade Agreement Implementation Act (H.R. 2738) passed the House by a vote of 272-155, and the Senate by a vote of 66-32, also on July 24 and 31, respectively.

As we reported previously (see 7 *Washington Update* No. 9, July 14, 2003), both the Chilean and the Singaporean FTAs address the temporary entry of individuals for business purposes. Such entrants include Business Visitors, Traders and Investors, Intra-Company Transferees, and Professionals. With regard to the latter, the implementing legislation provides a new visa category, the H-1B1, for the entry into the United States of Chilean and Singaporean professionals. The Office of the United States Trade Representative provides the following additional details:

- The number of U.S. professionals allowed entry into Chile and Singapore is not limited under these FTAs, while the number of Chilean professionals in the United States is limited to 1400 and the number of Singaporean professionals to 5400.

- The United States will be able to collect fees for professionals allowed entry. Both FTAs have language that requires Parties to set fees so that they do not "unduly impair or delay trade in goods or services."

- The agreements permit the United States to require attestations modeled after core elements of the Labor Condition Application of the current U.S. H-1B visa program to certify that the employer sponsoring an applicant will:

    - Pay the prevailing wage or higher
    - Notify employees of intent to hire a foreign worker
    - Provide a safe working environment
    - Certify there is no strike or lockout in place at the worksite

In addition, the implementing legislation:

- Ensures that the Chile and Singapore professionals categories come under the H-1B umbrella, as H-1B1.

- Clarifies that the Chile and Singapore H-1B1 professionals categories are capped, and that these individuals will count under the overall H-1B program cap.

- Ensures that the same level fees can be charged for H-1B and H-1B1 visas.

- Confirms that the attestation requirements are modeled on the Labor Condition Application provisions in the H-1B program, allowing a party to require certification of compliance with a party's labor and immigration laws prior to entry.

- Requires that, similar to the H-1B program, a new attestation must be filed every 3 years for each H-1B1 professional.

- Mandates that after 5 renewals, any subsequent renewal for an H-1B1 professional will count against the overall H-1B cap.

- Requires all Singaporean and Chilean H-1B1 professionals to overcome the presumption of immigrant intent, which is a higher threshold than H-1B visa holders meet.

- Provides important protections regarding labor disputes by allowing the United States to deny temporary entry to a Chilean or Singaporean business person whose activities in the United States require employment authorization, if admission might interfere with an ongoing labor dispute.

The Chile and Singapore Statements of Administrative Action:

- Clarify that "specialty occupation" in the H-1B1 program will be interpreted in a manner similar to the way the term "specialty occupation" is defined in the H-1B statute.

- Acknowledge that with sections of the H-1B program set to expire in September 2003, if the Congress extends or modifies provisions of the H-1B program, the Congress may make corresponding modifications to the amendments to the Immigration and Nationality Act made by the implementing bills, to the extent consistent with the obligations of the United States under these free trade agreements.

Kolbe-Flake Bill Would Create New Nonimmigrant Worker Categories

Arizona Republican Representatives Jim Kolbe and Jeff Flake and Senator John McCain introduced the Border Security and Immigration Improvement Act of 2003 (H.R. 2899/S.1461) on July 25, 2003. AILA commends these Members of Congress for recognizing the positive contributions of immigrants and the need to reform a broken system. We also commend them for recognizing that we cannot secure our borders until we reform our immigration system and we look forward to working with them to improve their bill.

Any successful and comprehensive immigration reform package requires three components: legalization for undocumented immigrants living and working in the U.S.; a new worker program that would legalize future flows of essential workers; and a reduction of the backlogs in family-based immigrant visas. H.R. 2899/S.1461 address the first two components, legalization and future worker flows, but fails to deal with the related problems created by the third issue, family immigration backlogs. These extensive backlogs, which range from five to twenty years,

undermine principles of family unity and create an incentive for desperate family members to enter the country illegally to rejoin their loved ones. In addition, this measure appears to encompass those who would fall under the current H-2A, H2-B and H-1B programs (without terminating these programs). We strongly believe that this bill should not cover agricultural workers or foreign professionals, and instead should focus on service sector employees.

Among other provisions, the Act would establish a program authorizing undocumented workers who entered and were working in the U.S. before August 1, 2003, to adjust their status to a new nonimmigrant visa classification, H-4B. The spouse and children of an H-4B worker who satisfied all but the employment requirements would be eligible for derivative status. In addition to an application fee, individuals eligible to normalize their status under this program would be subject to a steep penalty payment ($1,500). This is an unprecedented fee and AILA believes that it may create too high a bar for some otherwise eligible people, given the socio-economic profile of the workers in question. AILA also is concerned that the H-4B workers would not be eligible to adjust status directly to permanent residence. Instead, they would be required to work in the U.S. for a three-year period at which time they could change status to H-4A (see below). During this time, they presumably would be ineligible to leave and reenter the U.S. due to the 3 and 10 year bars triggered by prior unlawful presence. In all, it could be anywhere from 3-9 years before they could become legal permanent residents.

The Act also would create a new temporary worker visa category (H-4A). The worker's employer would initiate the process by filing a petition on the individual's behalf. The petition filing fee would be $1,000 for companies employing more than 500 workers and $500 for companies with fewer employees. Before hiring an H-4A worker, the employer would be required to recruit U.S. workers (citizens and immigrants) exclusively for at least fourteen days through a computerized "job registry" to be established by the Department of Labor. Thereafter, the employer would be obligated to confirm the identity and employment authorization of a foreign worker through an electronic employment eligibility confirmation system.

Although the registry and confirmation system are interesting concepts, they raise more questions than they answer. A system of this size and scope has not yet been developed that works effectively and can easily correct mistakes. How will U.S. workers and foreign workers, many of whom lack direct access to the Internet, gain access to this registry? How would U.S. workers gain access within 14 days? What system would be implemented to ensure that this information is easily accessible? Does this proposal envision working with other countries to develop the database, recruit workers, and monitor use? How will matches be made between employers and employees?

AILA is further concerned that the H-4A worker's spouse and children would ***not*** be eligible for derivative status (except that a child could qualify for derivative status if both parents are H-4A workers or one H-4A worker parent has sole custody over the child). AILA believes that the failure to accord derivative status to immediate relatives of H-4A workers is a critical flaw in this bill.

Congress Holds Hearings on Visa Procedures; DOS Initiatives Exacerbate Delays

The House Government Reform Committee on July 10 held a hearing to examine the impact of new visa and passport requirements on foreign travel to the U.S. The Committee heard testimony from both government officials and the private sector, including: Janice L. Jacobs, Deputy Assistant Secretary for Visa Services, Department of State; Michael D. Cronin, Associate Commissioner, Immigration Policy and Programs, Bureau of Customs and Border Protection

(BCBP); Robert J. Garrity, Jr., Acting Assistant Director, Records Management Division, FBI; John Marks, National Chair, Travel Industry Association; Randel K. Johnson, Vice President of Labor, Immigration and Employee Benefits, U.S. Chamber of Commerce; and Richard Pettler, Partner, Fragomen, Del Rey, Bernsen & Loewy, P.C.

A hearing by the Senate Judiciary Committee's Subcommittee on Immigration and Border Security followed on July 15 to examine information sharing and enforcement in the visa issuance process. Testimony was presented by Jess T. Ford, Director, International Affairs Division, General Accounting Office; Janice L. Jacobs, Deputy Assistant Secretary, Visa Services, Department of State; Michael T. Dougherty, Director of Operations, Bureau of Immigration and Customs Enforcement, Department of Homeland Security; and Jayson P. Ahern, Assistant Commissioner, Bureau of Customs and Border Protection, Department of Homeland Security.

Since September 11, the Department of State (DOS) has implemented new security checks and increased the number of enforcement agencies involved in these checks. This new procedure, combined with additional security measures, has substantially increased delays in visa issuance. The delays are disrupting American businesses, educational institutions and significantly reducing tourism to America.

DOS interim regulations that took effect on August 1 essentially codifies the Department's post-9/11 policy of restricting the instances in which the interview of a nonimmigrant visa applicant may be waived. The result of this action will be an increase in interviews at the U.S. consulates, further exacerbating existing delays in visa issuances. Along with this added burden on the consulates, a DOS cable, released in May, indicated that posts will be expected to use existing resources to handle this increased workload.

In addition to the new interview requirement, all citizens of countries participating in the Visa Waiver Program (VWP) must possess machine-readable passports (MRPs) by October 1, 2003, in order to visit the U.S. under the VWP. Individuals without an MRP will have to apply for a visa at a U.S. consulate, further adding to the consulates' workload. Although the DOS has the authority to postpone the MRP requirement, it has indicated that it is not willing to do so. According to reports from the private sector, the lack of public outreach by the DOS concerning this fast-approaching deadline will deter travel to the United States.

Some Members of Congress have expressed their concern regarding the apparent lack of resources accompanying this mandate. "If the U.S. is going to make this policy change, then the officials implementing it need resources to do the job," stated Representative Henry Waxman (D-CA), ranking member of the House Government Reform Committee, "Appointment systems and public relations strategies are not the answer."

The private sector groups echoed the need for adequate funding and implementation. In addition to current delays associated with security checks, the private sector fears that the results of new requirements, combined with the already notoriously slow security clearance processing, will result in a noticeable reduction in travel to the United States. Indeed, competing industries from other countries already are stepping-up efforts to court this lucrative market.

CLEAR Act Would Have Negative Consequences

Representative Charles Norwood (R-GA), together with cosponsors F. Allen Boyd, Jr. (D-FL), Nathan Deal (R-GA), and Melissa Hart (R-PA), introduced H.R. 2671, the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act of 2003 on July 9, 2003. This bill, which encourages states and localities to pass legislation authorizing their law enforcement officers to enforce immigration laws, demonstrates a fundamental lack of understanding about the challenges and concerns of state and local law enforcement agencies around the country. It attempts to coerce states into passing such legislation by threatening to discontinue federal compensation to states for the costs of incarcerating criminal aliens. Denial of reimbursement for these costs would create significant hardships for states with large immigrant populations such as California, Texas, and New York.

Already stretched thin by budget woes, the last thing state law enforcement agencies want is an expanded mandate to enforce civil immigration laws. The bill purports to address this concern, but in the most unrealistic and problematic of ways. For example, the bill would authorize the Attorney General or the Secretary of Homeland Security to enter into contractual arrangements with states or localities to compensate them for the incarceration of aliens who are out of status. This federal compensation, however, would be funded by diverting 1/3 of the proceeds garnered from immigrant and nonimmigrant petition fees, a frightening prospect for a system that is already under-resourced and suffering from interminable backlogs.

Furthermore, the widespread deputization of local law enforcement officers will undermine the community-based policing initiatives that have been so successful in recent years and will have a serious chilling effect on crime reporting by victims and witnesses. Victims of abuse and other crimes will refuse to come forward if they believe that police officers may inquire about their immigration status. This, in turn, would lead to the perverse result of actually leaving more dangerous criminals out on the streets.

Perhaps most troubling, the CLEAR Act takes the unprecedented step of declaring all immigration status violations to be criminal in nature. Criminalized as such, the Act would require all immigration status violations, however technical or innocuous in nature, to be entered into the National Crime Information Center (NCIC) database. This requirement would undermine rather than enhance national security; by overwhelming the NCIC database with records of minor immigration status infractions that are inherently and historically civil in nature, this provision will make it more difficult for law enforcement to focus on apprehending criminals and terrorists.

House Subcommittee Votes to Extend Religious Worker Program

The House Judiciary Committee's Subcommittee on Immigration, Border Security and Claims voted on July 15 to reauthorize for an additional five years the special immigrant religious worker program, currently set to expire on October 1. The program allows religious organizations in the United States to hire on a permanent basis religious workers from abroad who have been members of the denomination for at least two years and meet certain other criteria. Spouses and children of religious workers are also eligible for visas under the program.

The legislation (HR 2152), introduced by Representative Barney Frank (D-MA) on May 19, was approved by voice vote and now moves to the full Judiciary Committee for further consideration. While no extension has yet to be introduced in the Senate, our Hill supporters expect a bill to be introduced shortly after the August recess.

In light of the approaching September 30, 2003 program sunset, the Bureau of Citizenship and Immigration Services (BCIS) issued a memorandum on July 18 to all Service Centers, Regional Offices, and the Administrative Appeals Office with instructions to expedite the handling of special immigrant cases, including I-360 petitions, I-485 applications, and related notification to Consulates. (see AILA InfoNet Doc. No. 03072911).

Agencies Suspend Transit Without Visa Program

The Department of Homeland Security (DHS) and the Department of State (DOS) on August 2 suspended two programs that allow certain international air passengers to travel through the United States for transit purposes without first obtaining a visa. The programs are known as the Transit Without Visa program (TWOV) and the International-to-International Transit program (ITI).

According to a DHS press release, it is the intention of both departments to reinstate the TWOV and ITI programs "as soon as additional security measures can be implemented to safeguard the programs from terrorists who wish to gain access to the U.S. or U.S. airspace without going through the consular screening process." Officials have already begun the process of identifying possible steps that could be taken to further secure the transit programs. Both agencies are soliciting comments from the public about the action and will reassess the suspension over the next 60 days after reviewing the responses. Current intelligence will also be a factor considered when deciding to re-implement the program.

DHS and DOS will make three exceptions to these actions to accommodate travelers who may be immediately impacted. The three exceptions are: (1) TWOV or ITI passengers in flight at the time the regulation goes into effect will be allowed to continue in transit and depart the U.S. subject to inspection and an evaluation of risk; (2) travelers who purchased their tickets as TWOV or ITI passengers on or before July 24, 2003, and who were scheduled to depart for transit through the U.S. before 12:01 a.m., Tuesday, August 5, 2003, need not obtain a visa to transit the U.S. For any flights scheduled to depart after 12:01 a.m. August 5 that include a stop in the U.S, however, these travelers must now either obtain a visa or change their travel itinerary to exclude a stop in the U.S.; (3) if a person has already traveled through the U.S. as a TWOV or ITI passenger on the first leg of their trip, and uses the return portion of their round trip ticket before 11:00 a.m., August 9, 2003, they will be permitted to make a stop in the U.S. without a visa on the return portion of their trip. They will be processed by U.S. Customs and Border Protection inspectors upon arrival in the United States. If they plan to transit the U.S. after that date and time, however, they must either obtain a visa or change their return itinerary to exclude a stop in the U.S.

According to the press release, the top five countries from which TWOV passengers arrived in the United States in 2002 were Brazil, Mexico, Korea, the Philippines, and Peru. The greatest number of TWOV and ITI passengers transited the U.S. through airports in Los Angeles, Miami, New York, Dallas and Houston.

While the number of passengers affected by the suspension of the TWOV program is not large, the potential impact on the already overwhelmed U.S. consular offices could be great. According to DHS, in 2001, a total of 1.4 million passengers made one stop in the United States without a visa and 360,000 passengers who made more than one stop. The Travel Industry Association of America stated that last year, 42 million foreign visitors came to the U.S. by all means of travel.

To view the DHS press release and accompanying Frequently Asked Questions (FAQ), see AILA InfoNet Doc. No. 03080442.

Secretary of Homeland Security Extends TPS Designations for Somalia, Liberia

In separate Federal Register notices, the Department of Homeland Security recently announced the Secretary of Homeland Security's decision to extend the TPS designations of both Somalia and Liberia for another 12 months, based upon a recent review of conditions within those countries.

The extension of TPS for Somalia is effective September 17, 2003, and will remain in effect until September 17, 2004. The Attorney General first designated Somalia under the TPS program on September 16, 1991, based upon ongoing armed conflict occurring within the country, and has extended the designation annually since that date (including a redesignation in 2001). (Note that the authority to render TPS designations recently shifted from the Attorney General to the Secretary of Homeland Security upon the transition of the INS into the new Department of Homeland Security). As justification for the extension, the Federal Register notice states that the current situations in southern and northeast Somalia continue to pose a significant risk of harm for Somalis who would be returning from the United States. In addition, the notice continues, Somalia's institutions are not able to adequately address the demands of a ravaged population, nor would they be able to document or accommodate a large volume of returns.

The 60-day re-registration period for Somalia began July 21 and will remain in effect until September 19. The Federal Register notice containing the re-registration instructions can be viewed on the InfoNet at: AILA InfoNet Doc. No. 03072140. An estimated 360 Somali nationals are eligible for re-registration under the TPS program.

The extension of TPS for Liberia is effective from October 1, 2003, to October 1, 2004. While Liberia has an extensive history under the TPS program, that country was most recently re-designated for TPS on October 1, 2002, based upon escalating armed conflict between government security forces and rebel groups. The 60-day re-registration period for Liberia began August 6 and will remain in effect until October 6. The Federal Register notice containing the re-registration instructions, can be viewed on the InfoNet at: AILA InfoNet Doc. No. 03080610. There are approximately 2,700 Liberian nationals eligible for re-registration under the TPS program.

AILA Supports the Use of the *Matricula Consular* as a Security Tool

The U.S. Department of the Treasury on May 9, 2003 issued final regulations implementing Section 326 of the USA PATRIOT Act. Section 326 added a new subsection (l) to 31 U.S.C. 5318 of the Bank Secrecy Act that requires the Secretary of the Treasury to prescribe regulations "setting forth the minimum standards for financial institutions and their customers regarding the identity of the customer that shall apply in connection with the opening of an account at a financial institution." The May 2003 final regulations essentially permit banks and other financial institutions to decide what documents they will accept as proof of identity before opening a bank account.

This interpretation was an important breakthrough for noncitizens whose only form of identification was a consular identification card such as the *matricula consular*. However, restrictionist officials and groups who are opposed to financial institutions' acceptance by of consular identification cards pressured the Treasury Department to reopen the issue. On July 1,

the Treasury Department, in an unusual move, solicited additional public comment concerning this portion of the final regulations. More than 75% of the approximately 14,000 comments received supported the continued use of the consular ID card.

In an additional development, House Immigration Subcommittee Chair John Hostettler (R-IN) and Representative Elton Gallegly (R-CA) proposed an amendment to H.R. 1950, the Foreign Affairs Authorization Act, which would require the Secretary of State to regulate the issuance of consular identification cards. The hastily introduced and ill-conceived amendment passed by a vote of 226-198.

AILA supports the use of the *matricula consular* as an appropriate and useful identification document and is hopeful that the Treasury Department will retain the language of the May 2003 final rule. The consular identification cards do not establish, nor are they recognized as establishing, any type of U.S. immigration status. The Mexican consular identification card will help foster, and is consistent with, our national security needs of establishing an identity and address for those living in the United States. In addition, credible financial institutions' use of consular identification cards increases potential compliance with financial reporting and security-related regulations. Police departments also need to be able to identify those reporting crimes, and having such identity documentation encourages victims to report crimes, which enhances the safety of our communities.

AILA believes the new security features included in the consular identification cards create the basis for further security-related cooperation between the U.S. and Mexico and meet the threshold requirements of a secure identification document, which could potentially incorporate biometrics in the future, if advisable.

AILA Member Appointed Citizenship and Immigration Ombudsman

Secretary of Homeland Security Tom Ridge announced the appointment of AILA member Prakash Khatri to serve as the Citizenship and Immigration Ombudsman at the Department of Homeland Security. Mr. Khatri was the Manager for Immigration and Visa Processing for the Walt Disney World Company. Before joining Disney, Mr. Khatri ran a private immigration law practice. Mr. Khatri holds a B.A. from Stetson University and a J.D. from the Stetson College of Law.

As background, the Homeland Security Act of 2002 (Pub. L. No. 107-296) established, for the first time, an Office of Ombudsman within the new Bureau of Citizenship and Immigration Services (BCIS). According to a Department of Homeland Security press release, "this position is responsible for fostering positive liaison activities related to Citizenship and Immigration by making recommendations to resolve justified complaints and for establishing formal and informal channels for exchanging information between the Department of Homeland Security and other entities and for providing policy, planning, and program advice to the Secretary, Deputy Secretary, office heads and other officials." The Ombudsman is also responsible for submitting annual reports to Congress on problems and improvements in services within the BCIS.

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. 2949, the International Marriage Broker Regulation Act of 2003, introduced on July 25 by Representative Rick Larsen (D-WA), would regulate international marriage broker activity in the United States and provide certain protections to individuals who utilize the services of international marriage brokers. While not an immigration bill per se, section 2 of H.R. 2949 would amend INA §214(d) to provide that a U.S. citizen or legal permanent resident may not file more than one application for a fiancé(e) visa under INA §101(a)(15)(K) in any one-year period. In addition, section 5 of the bill requires consular officers to disclose to applicants for a fiancé(e) visa information concerning: the illegality of domestic violence in the United States and the availability of resources for victims of such violence; the right of aliens who are victims of domestic violence to self-petition for permanent resident status under the Violence Against Women Act; and any information received from the background check on the petitioner relating to previous convictions for, or acts of, domestic violence, abuse or neglect.

H.R. 2899, the Border Security and Immigration Improvement Act, introduced on July 25 by Arizona Republican Representatives Jim Kolbe and Jeff Flake, would amend the INA to create two new visa categories, one for foreign workers now residing outside the U.S. (H-4A) and one for foreign workers currently residing in the U.S. without authorization (H-4B). For additional details on this legislation, see article number 4 in this Update.

H.R. 2887, the Riayan Tejeda Memorial Act of 2003, introduced on July 24 by Representative Charles Rangel (D-NY), would provide for naturalization through service in a combat zone designated in connection with Operation Iraqi Freedom. The bill would also prohibit the imposition of fees relating to naturalization for beneficiaries of the Act, and would facilitate naturalization proceedings overseas.

H.R. 2870, the Day Laborers Fairness and Protection Act, introduced on July 24 by Representative Luis Gutierrez (D-IL), seeks to ensure that individuals working as day laborers or temporary workers are afforded full protection of, and access to, employment and labor laws that ensure workplace dignity, and would also reduce unfair competitive advantage for firms that abuse day laborers.

H.R. 2853, the USA Jobs Protection Act of 2003, introduced on July 24 by Representative Nancy Johnson (D-CT), would amend the H-1B and L-1 visa programs to increase the monitoring and enforcement authority of the Secretary of Labor over such programs. Among other things, the bill would require L-1 employers to file an attestation with the Department of Labor, and would make the INA's "H-1B-dependent" provisions applicable to all H-1B employers. For additional details on this legislation which AILA opposes, see article number 3 in this Update.

H.R. 2849, the Colombian Temporary Protected Status Act of 2003, introduced on July 24 by Representative James McGovern (D-MA), would designate Colombia under the temporary protected status (TPS) program.

H.R. 2848, the Pay for All Your Undocumented Procedures (PAY UP!) Act of 2003, introduced on July 24 by Representative Bob Filner (D-CA), would provide for federal custody and federal payment of the costs of emergency ambulance and medical services for aliens attempting to enter the United States without authorization.

H.R. 2843, the Andean Adjustment Act of 2003, introduced on July 24 by Representative Lincoln Diaz-Balart (R-FL), would adjust to lawful permanent resident status eligible nationals of

Colombia or Peru who were physically present in the U.S. on December 31, 1999, and are physically present on the date the application for adjustment is filed.

H.R. 2841, the Terrorist Deportation Act of 2003, introduced on July 23 by Representative Dave Weldon (R-FL), would eliminate the waiver authority relating to the implementation of machine-readable passports and would expand the definition of terrorist activities for purposes of deportation.

H.R. 2807, the Border Health Security Act of 2003, introduced on July 21 by Representative Jim Kolbe (R-AZ), would establish grant programs to improve the health of border area residents and would also provide for bioterrorism preparedness grants.

H.R. 2792, introduced on July 18 by Representative Tom Davis (R-VA), would extend eligibility for refugee status to the unmarried sons and daughters (over 21 years of age) of certain Vietnamese refugees.

H.R. 2759, the Bruce Vento Hmong Veterans Naturalization Act of 2003, introduced on July 16 by Representative Jerry Kleczka (D-WI), would amend section 6 of the Hmong Veterans Naturalization Act of 2000 to extend the deadline for application and payment of fees under the same.

H.R. 2671, the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act of 2003, introduced on July 9 by Representative Charles Norwood (R-GA), would encourage enhanced federal, state and local enforcement of the immigration laws. For a more in-depth discussion of this legislation which AILA opposes, see article number 6 in this Update.

H.R. 2590, introduced on June 24 by Representative Frank Pallone (D-NJ), would amend the INA to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of U.S. permanent resident aliens.

H.R. 2585, the Family Reunification Act of 2003, introduced on June 24 by Representative Barney Frank (D-MA), would amend the INA to permit certain long-term permanent residents to seek cancellation of removal.

H.R. 2536, the Women and Children in Conflict Protection Act of 2003, introduced on June 19 by Representative Nita Lowey (D-NY), seeks to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the U.S. government. While not an immigration bill per se, Title III of H.R. 2536 deals with refugees and internally displaced women and children.

H.R. 2525, the Visitors Interested in Strengthening America (VISA) Act of 2003, introduced on June 19 by Representative Bob Filner (D-CA), would amend INA § 212(d)(4) to permit certain Mexican children, and accompanying adults, to obtain a waiver of the documentation requirements otherwise required to enter the United States as a temporary visitor.

H.R. 2496, the Paso al Norte National Museum of Immigration History Act, introduced on June 17 by Representative Silvestre Reyes (D-TX), would authorize a national museum, including a research center and related visitor facilities, in the city of El Paso, Texas, to commemorate migration at the southern border.

Senate Legislation

S. 1545, the Development, Relief, and Education for Alien Minors (DREAM) Act of 2003, introduced on July 31 by Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL), would amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to again permit states to determine residency for in-state tuition purposes. For a more detailed overview of the DREAM Act, see the first article in this Update.

S. 1510, introduced on July 31 by Senator Patrick Leahy (D-VT), would provide a mechanism for U.S. citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States.

S. 1481, the Congressional Responsibility for Immigration Act, introduced on July 29 by Senator Patrick Leahy (D-VT), would prohibit the application of the trade authorities procedures with respect to any bill implementing a trade agreement between the United States and any other country if the implementing bill contains any provision relating to U.S. immigration laws or the entry of aliens.

IMMIGRATION WORKS!

Media Spotlight: Members and Staff in the News

Steve Yale-Loehr (Upstate New York) and **Cheryl Little** (Southern Florida) were quoted in an August 9 *Associated Press* article about asylum seekers from Haiti who are using false documents to leave that country and are then being charged with impersonating U.S. citizens, as part of a recent crackdown on illegal immigrants since the September 11 terrorist attacks. **Jeffrey Goldman** (New England) was quoted by the *Associated Press* in an August 5 article about an immigration judge who was placed on administrative leave August 4 after complaints that he made jokes about Tarzan to a woman who had been raped and tortured in her native Uganda.

Karen Weinstock (Atlanta) had an Op-Ed published in the August 4 edition of the *Atlanta Journal-Constitution* about immigrants' fears in post-September 11th America. **Tammy Fox-Isicoff** (Southern Florida) and **Palma Yanni** (Washington, DC) were both quoted in an August 3 *Miami Herald* article about the growing number of businesses, hospitals and colleges that say the strict rules adopted after September 11, for getting U.S. visas are causing them hardships in bringing in foreign workers, patients, scholars and students. The *Cleveland Plain Dealer* quoted **Svetlana Schreiber** (Ohio) in an August 3 article about her client who is seeking asylum. **Greg Siskind** (Mid-South) had an Op-Ed published in the August 2 edition of *USA Today* in which he opposed a permanent halt to the transit without visa program.

Joyce Antila Phipps (New Jersey) was featured in an August 1 *Courier-News* article about the commemoration the 40th anniversary of the march on Washington. The *Sacramento Bee* quoted **Douglas Lehrman** (Northern California) in an August 1 article about the new requirement for face-to-face interviews when applying for a visa.

Paul Zulkie, Carlina Tapia-Ruano, Alexandra Baranyk, Roy Berg, Susan Fortin-Brown, **Richard Hanus, Christopher Helt, Marian Ming** (Chicago) and **Lucas Guttentag** (Northern California) were quoted in an article in the August *Chicago Lawyer* that focused on the "new era of immigration law" due to the "net" of tighter enforcement since the September 11 terrorist attacks. **Michael Maggio, Jose Pertierra, Denyse Sabagh, Paul Virtue** (Washington, D.C), and **Jeanne Butterfield** and **Judith Golub** (National) were featured in a July/August article in the

Washington Lawyer that focused on the "costs to our reputation as the land of the free" of recent federal legislation and government reorganization that is supposed to make us more secure.

John Nechman (Texas) was quoted in the July/August issue of *TXTriangle* in which he discusses the Permanent Partners Immigration Act. **Jack Pinnix** (Carolinas) was featured in the July issue of *Business North Carolina* which discussed his tenure as AILA president and his immigration practice.

Daryl Buffenstein (Atlanta) and **Steve Yale-Loehr** (Upstate New York) were quoted in a July 29 *Cox News Service* article about their testimony before the U.S. Senate on the use of L-1 visas. **Lisa Brodyaga** (Texas) was quoted in a July 28 *Houston Chronicle* article about current and former federal prosecutors asking for tougher human smuggling laws. The *Connecticut Law Tribune* quoted **Michael Boyle** (Connecticut) in a July 28 article about the release of two immigrants who sat in jail for months after their sentences had expired.

Michael Maggio (Washington, DC), **Deborah Sanders** (Washington, DC), **Denise Hammond** (Washington, DC) and **José Pertierra** (Washington, DC) all were featured writers of articles about immigration in the July/August issue of *Legal Times.* **Eleanor Pelta** (Washington, DC) was also featured in the Moving On section of the July/August issue of the *Legal Times.*

Sohail Mohammed (New Jersey) **Tariq Syed** (Washington, DC), **Antoinette Rizzi** (Washington, DC), and **Kamal Nawash** (Washington, DC) were quoted in a July 28 *Washington Post* article about immigrants fearing deportation after Special Registration. **Carol Dvorkin** (Northern California) was quoted in a July 28 *Monterey County Herald* article about her client, Giacomo Licata, who is being held on a federal aggravated felony charge at a federal detention center in Arizona, awaiting deportation to Italy. Licata was born in Sicily 42 years ago and immigrated with his family at the age of 2. He has lived on the Monterey Peninsula ever since. He has never been back to Italy and speaks no Italian.

Newsday quoted **Cyrus Mehta** (New York) in a July 27 question and answer article about immigration. **Josephine Gagliardi** (Central Florida) was quoted in a July 27 *Fort Myers News-Press* article about the difficulties in immigrating to the U.S. post-September 11. On the same date, she was also quoted in another *News-Press* article about the benefits that the diversity of immigrants is bringing to Southwest Florida. **Denyse Sabagh** (Washington, DC) was quoted in a July 27 *Denver Post* article about the indefinite detention of immigrants held on minor immigration violations.

Donna Lipinski (Colorado) was quoted in a July 26 *Rocky Mountain News* article about an estimated 2,000 Indonesians in Colorado who have overstayed their visas and face deportation to their homeland. The *Associated Press* quoted **Nita Itchhaporia** (Santa Clara) in a July 26 article about the need for Indian Americans to become more active in politics. **Kelly McCown** (Northern California) was quoted by the *San Jose Mercury News* in a July 25 article about no grace periods between employers for H-1B visa holders.

The Detroit Free-Press featured **Reginald Pacis** (Michigan) in a July 24 "People Making News" article, which announced he is the AILA Chapter Chair for Michigan. The *Detroit Free Press* quoted **Jeanne Butterfield** (National) in a July 24 article about the government's blocking the deportation of 11 men and one woman who entered the country on fraudulent visas they got from a Dearborn immigration consultant. **Robert Birach** (Michigan) was quoted by the *Detroit Free Press* in a July 23 article about the new trial program of tethering immigrant deportees. The *San*

Jose Mercury News quoted **Navid Dayzad** (Northern California) in a July 23 article about tips for noncitizens traveling outside the U.S.

Jo Anne Alderstein (New York) was quoted in a July 23 *United Press International* article about the repatriation of Cuban refugees. **Navid Dayzad** (Northern California) was quoted in the *San Jose Mercury News* on July 23 regarding a seminar he recently conducted on travel issues and the advice he relayed for foreign nationals traveling this summer.

The *Houston Chronicle* quoted **Nancy Falgout** (Texas) in a July 22 article about a couple from Texas that assists the undocumented immigrants who come through Texas. The *Chicago Tribune* quoted **Mark Thomas** (Chicago) in a July 22 article about granting temporary protective status to Iraqis.

Aileen Josephs (Southern Florida) was quoted in a July 20 *Palm Beach Post* article about a Mayan teenager who is being charged with the death of her newborn baby. **Adam Green** (Southern California) was quoted in a July 20 *Newsday* question and answer article about immigration.

On July 19, the Augusta Chronicle quoted **Myron Kramer** (Atlanta) in an article about a Chinese doctor who, after visiting his dying mother in China, has been unable to obtain a visa to return to his family and his medical research position in Augusta. The *New Jersey Times* quoted **Judy Golub** (National) in a July 19 article about the arrests of undocumented workers on military bases this year, including at Fort Dix and McGuire Air Force Base, prompting calls by three New Jersey congressmen for stronger oversight of people working at defense facilities.

The *Honolulu Advertiser* quoted **KahBo Dye-Chiew** (Hawaii) in a July 18 article about a new Hawaiian law, effective July 1, which allows legal aliens to submit alternative documents such as an in-state student photo identification card, passport or some other government-issued identification document to apply for a driver's license. **Craig Young** (Chicago) was quoted in a July 18 *Quincy Herald-Whig* article about his client, Waldemar Klukowski, who had difficulties obtaining permanent residency.

The *Orlando Weekly* quoted **William Stock** (Philadelphia) in a July 17 article about the arrest and detention of a Palestinian-born entrepreneur. The *Ann Arbor News* quoted **Ashraf Nubani** (Washington, DC) and **Noel Saleh** (Michigan) in a July 16 article about the deportation of their client Rabih Haddad. **Greg Boos** (Washington) was featured in a July 17 *Bellingham Herald* article about receiving the 2003 Advocacy Award from the AILA.

On July 15, *Newsday* featured the immigration workshop given by **Maurice Goldman** (New York). **Nadine Wettstein** (National) was quoted in a July 15 *Recorder* article about U.S. Court of Appeals for the Ninth Circuit turning aside a constitutional challenge to accelerated deportation proceedings. **Kirsten Schlenger** (Northern California) was quoted in San Francisco's *Daily Journal* on July 14 regarding her views on the decision in *Baballah v. Ashcroft*, an asylum case.

Regina Germain (Washington, DC) was quoted in a July 14 *New York Times* article about the use of the anti-torture law to block immigrants' deportation. **Robert Jobe** (Northern California) was quoted in a July 14 *Recorder* article about an Arab Israeli family's grant of asylum. *Newsday* quoted **Jacqueline Baronian** (New York) in a July 13 question and answer article about immigration issues. **Richard Herman** (Ohio) was quoted in a July 13 *Cleveland Plain Dealer*

article about the increasing immigrant population. The *Associated Press* quoted **Judy Golub** (National) in a July 14 article about the decrease in immigrants to the U.S. since September 11.

On July 11, *The Business Journal* published a Letter to the Editor written by **Jerome G. Grzeca** (Wisconsin) in which he responds to the article, "Congress addresses offshore trend in white-collar jobs," published in the Journal on June 27. Grzeca's letter refutes the notion that the use of H and L visas in the United States has somehow led to an increase of offshore outsourcing of information technology jobs. **Glenn Cooper** (Southern Florida) was quoted in a July 10 *Miami Herald* article about the decrease of H-1B visas being issued and the impact the decrease will have on the economy. **Paul Zulkie** (Chicago) was quoted on a June 21 *CBS Meet the Press* program about L-1 visas.

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).

Grassroots Reports

On June 7, 2003, **Steven Thal** (Minnesota), **Mark Silverman** (Northern California), and **Susana DeLeon** (Minnesota) presented a community workshop with various Latino organizations in the Minneapolis area. About 100 people attended. Presentations focused on the DREAM Act and immigration reform including earned adjustment and temporary workers proposals. A march was planned for June 28, in which immigrants would march to the capitol and call for civil rights for immigrants. After the discussion, community representatives of groups, such as Centro Campesino, presented reports on their advocacy efforts. In addition, about 10 volunteer AILA attorneys offered free consultations.

In addition, by a vote of 11-1, the City of Minneapolis passed the INS-City of Minneapolis Separation Ordinance, in which Minneapolis police and other city agencies will continue to cooperate with Department of Homeland Security efforts at safeguarding the nation, but will not double as federal immigration agents. **Susana DeLeon** (Minnesota) spearheaded the effort in close coordination with the National Lawyers Guild. Susana writes: "Over the past several months a work group of us grew through respectful meetings, patience, luck, and collective planning and action into a working coalition whose components are the song of America at its best: immigrant groups (Somalis and Latinos taking the lead this time; Somali Community of Minnesota; Confederation of Somali Community; and Women of Africa! Resource and Development Association; Immigrant Workers Rights Project, Resource Center of the Americas); union leadership and membership; faith based groups such as the Muslim American Society, Jewish Community Action, Sagrado Corazon de Jesus, and ISAIAH; and civil rights/civil liberties/community action groups such as Jobs and Affordable Housing, the Minneapolis Chapter of the NAACP, the Urban Coalition, the Council of Black Minnesotans, Centro Legal, Communities United Against Police Brutality, Women Against Military Madness, Arab-American Discrimination Committee, Minneapolis Bill of Rights Committee, and the Minnesota Chapter of the National Lawyers Guild. And there is nothing so powerful as a song whose time has come!" Well done!

Elizabeth Ricci (Central Florida) participated in AILA's "Immigration Works" campaign on July 4, 2003 at Tom Brown Park in Tallahassee, Florida. Adult visitors took sample naturalization quizzes and registered to vote. Children also participated by coloring an "American Icon." Elizabeth writes: "We had about 150 people stop by our booth. We also offered voter registration, brochures dispelling myths about immigration, had U.S. and world map puzzles for children to play with and held a sample naturalization quiz. Eight out of 10 right answers made

participants eligible to enter our "American Immigrants" framed poster giveaway. We will surely host "Immigration Works" again next Fourth of July."

Note: Please submit reports on grassroots activities for inclusion in "Grassroots Reports" to Judy Golub of the AILA Advocacy Department (jgolub@aila.org).

Did You Know?

"DHS is heavily weighted toward immigration policies that may make sense from an isolated enforcement perspective, but which show little understanding of how America's immigration policy relates to the U.S. economy or society, or to America's place in the world."

--*Who Reports to Whom: Immigration in the New Department of Homeland Security,* American Immigration Law Foundation Immigration Policy Report, August 2003

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