

# WASHINGTON UPDATE

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### **Congress Reconvenes, Lame-Duck Session Expected**

Congress returned from its August recess in early September and began debate immediately on legislation to implement the recommendations of the National Commission on Terrorist Attacks upon the United States. And like their colleagues before them in the 107<sup>th</sup> Congress, members of the 108<sup>th</sup> Congress are expected to reconvene in Washington after Election Day to attend to unfinished legislative business, including any outstanding appropriations measures. AILA is hopeful that, among other initiatives that AILA supports, Congress will pass and the President will sign AgJobs and the DREAM Act before the 108<sup>th</sup> Congress officially ends. Also of concern is the need for access to H-1B and H-2B visas. With the debate continuing over these and other important issues, AILA members still have the opportunity to weigh in and advocate for positive changes in immigration. The articles below contain key points and provide online tools to assist AILA members and our coalition partners in their advocacy efforts on these and other priority issues.

### **Legislation Introduced to Implement the 9/11 Commission's Recommendations**

Congress, on September 7, introduced the first major bill to implement the recommendations of the National Commission on Terrorist Attacks upon the United States (9/11 Commission). Several other bills are expected to be introduced in the next few weeks. These bills follow the July release of the Commission's final report that offers an account of the circumstances surrounding the September 11, 2001 terrorist attacks and makes recommendations designed to guard against future attacks.

The chief sponsors of the bill introduced on September 7 are Senators John McCain (R-AZ), Joseph Lieberman (D-CT), Arlen Specter (R-PA), and Evan Bayh (D-IN), and Representatives Christopher Shays (R-CT) and Carolyn Maloney (D-NY). Representative Nancy Pelosi and other

House Democrats quickly followed with H.R. 5024 that laid out their vision for reform modeled on the 9/11 Commission's report. Still other legislation is expected to be introduced shortly, including legislation introduced by Senators Susan Collins (R-ME) and Joseph Lieberman (D-CT) that would address only the intelligence committee reorganization and the information-sharing recommendations of the Commission. We expect the Collins/Lieberman bill to be marked up next week with extensive Senate floor debate on the measure to follow. House Republicans also are expected to introduce a bill next week.

Whatever legislation Congress passes and the President signs has the potential to profoundly impact our immigration system by initiating changes in diverse areas that include border security and entry-exit systems, identification security, travel to the United States, training, technology, and database capacity. Given the importance of the issues, Congress must vigorously and carefully debate these measures. If done hastily, with inadequate discussion and understanding of the issues, any measures enacted into law could have the unintended consequence of hurting our security and making our immigration processes even more dysfunctional than they are today. Congress and the Administration need to keep in mind the Commission's admonition that the "border and immigration system of the United States must remain a visible manifestation of our belief in freedom, democracy, global economic growth, and the rule of law, yet serve equally well as a vital element of counterterrorism."

AILA strongly supports the Commission's admonition and will analyze any legislation based on how these measures address the following concerns:

1. **From a security and immigration perspective it is important to have a system that can deliver on its "basic commitments."** The Commission notes that "an immigration system not able to deliver on its basic commitments" was one of the "two systematic weaknesses" that "came together in our border system's inability to contribute to an effective defense against the 9/11 attacks." As Congress looks to implement the Commission's recommendations, it must include provisions that will enable the federal agencies in charge of immigration to deliver on basic commitments. Such provisions must include sufficient funding for adjudications and border security initiatives, adequate training of all officials charged with carrying out U.S. immigration law, sufficient staffing to carry out initiatives, sufficient funding for needed technologies, and rigorous civil liberties, due process, and privacy protections.
2. **To most effectively enhance security, the U.S. must strengthen its intelligence capacity and create a multi-layered border with several tiers of protection.** The Commission report repeatedly underscores that enhancing our intelligence capacity is essential if we are to make this nation safer. Such enhancement was a central component of the Enhanced Border Security and Visa Entry Reform Act (PL 107-173) that was signed into law after the 9/11 terrorist attacks. That measure set our nation on the right track, recognizing that enhanced intelligence capacity is essential to any successful efforts to secure our borders. Equally central is the development of layers of protection that keep targeted people from entering the U.S. Such measures are more effective and easier to implement than are measures that focus on persons after they enter the U.S. The Commission notes that "the further away from our borders that screening occurs, the more security benefits we gain." To implement such a layered border, Congress and the Administration must, among other actions, direct more money to our consulates, ensure the accuracy of watchlists and create a process that allows the deletion of names that do not belong on such lists, mandate adequate and consistent training for all involved in the implementation of immigration law, and ensure that ports-of-entry receive sufficient funding and are adequately staffed with well-trained officers with

access to accurate, functioning, and interoperable databases. The goal in all cases is to ensure, as the Commission recommends, that “our border screening system should check people efficiently and welcome friends.”

Another critical component to well-functioning borders and ports-of-entry is access to counsel. Such access will not only facilitate the flow of people, but also further important goals the Commission articulates while ensuring that the government’s broad powers to admit or bar noncitizens from entry are not used improperly or arbitrarily. Access to counsel must go hand in hand with enhanced border security, especially because the denial of such access in situations where asylum seekers, business persons, and relatives of U.S. citizens and legal permanent residents may be barred forever from the U.S. without appeal clearly contravenes fundamental due process principles. Furthermore, under current practices, peanuts (for example) have more rights at our ports-of-entry than do people: Unbelievably, counsel is allowed access to deal with commercial issues at our ports, but not to facilitate issues that involve individuals. Such a restriction is senseless and harmful in the current security environment. In all cases, it is important to keep out people who seek to do us harm, not those seeking to come to the U.S. for reasons that people always have come here, including reuniting with family, working, or escaping persecution.

3. **Our nation needs an immigration system that shrinks the haystack by facilitating the entry of “trusted travelers” so we can better focus our resources on those who mean to do us harm.** The 9/11 Commission recognizes the importance of facilitating travel so that resources can be focused on those who mean to do us harm. The Commission urges that the “programs to speed known travelers” be made a “higher priority, permitting inspectors to focus on greater risks.” In addition, because the U.S. cannot shrink the haystack, enhance our security, and secure our borders without reforming our immigration laws, Congress and the Administration also must support reforms that would legalize the status of those currently living and working in the U.S., address the long backlogs in family-based immigration, and create worker programs that allow people to enter and leave the U.S. lawfully (and include labor protections, portability, allow participants to bring their close family members, and offer the possibility of adjustment if the worker would not displace a U.S. worker). During an August Senate Judiciary Committee hearing, Undersecretary Hutchinson of the Department of Homeland Security noted that immigration reform (in the form of worker programs) would enhance security by allowing the government to focus resources on those who mean to do us harm.
4. **Effective security measures must include rigorous civil liberties, due process, and privacy protections.** Immigration-related measures must reflect our nation’s binding commitment to protect civil liberties, due process, and individual privacy. The Commission recognizes the need to reconcile “security with liberty, since the success of one helps protect the other.” In stressing the need to protect civil liberties while enhancing our security, the Commission recommends the creation of a civil liberties board that can look “across the government at the actions we are taking to protect ourselves to ensure that liberty concerns are appropriately considered.” Relatedly, the Commission recommends that guidelines be established for gathering and sharing information in the new security systems which integrate safeguards for privacy and other essential liberties: “While protecting our homeland, Americans should be mindful of threats to vital personal and civil liberties.” The Commission acknowledges the difficult challenge involved in preserving an acceptable balance between security and civil liberties but emphasizes in no uncertain terms the critical importance in vigilantly striving to get it right. As the Commission points out, a fundamental ground rule for that perpetual balancing effort is to place the burden of proof on the executive for

retaining governmental power. The executive must demonstrate “(a) that the power actually materially enhances security and (b) that there is adequate supervision of the executive’s use of the powers to ensure protection of civil liberties.”

5. **Measures designed to enhance our security must include provisions that mandate sufficient funding, an adequate number of well-trained officers, reasonable deadlines, accurate databases, technology that is up to the task, and congressional oversight of implementation.** Our history is riddled with laws that do not take these factors into account. Insufficient funding, impossible deadlines, inadequate training of an inadequate number of officers, and databases that are neither interoperable nor accurate will spell failure. Although reforms are overdue, they need to be carefully developed and implemented, with sufficient resources to be successful. Rigorous planning, incorporation of stakeholder input and management controls typically associated with successful programs also are essential to the proper implementation of initiatives that address the issues the Commission raises. Of special importance in these challenging times is Congress: Our federal elected officials must step up to the plate and vigorously debate any legislation introduced that would implement the 9/11 Commission recommendations, and they must vigorously perform oversight of any enacted measures.
6. **Prioritization is a necessary component.** Legislation seeking to implement the recommendations must reflect a clear, well-conceived process of prioritization. As the Commission notes: “Hard choices must be made in allocating limited resources” and that throughout “the government, nothing has been harder for officials—executive or legislative—than to set priorities, making hard choices in allocating limited resources.” Congress must engage in rigorous risk-based and cost-benefit analysis to ensure that agencies are guided by clear priorities and are not overwhelmed by a flood of unachievable mandates. Such prioritization is absolutely necessary for any measures enacted to achieve the goals articulated by the Commission.
7. **The United States must remain a nation that welcomes people to its shores. Immigration is in our national interest, and a system that works is essential to our national and economic security.** Our immigration system needs to reflect the importance of reuniting families, fulfilling the needs of American business, maintaining America’s economic security (which contributes to our nation’s well-being and national security), protecting refugees and asylees to meet our moral and international obligations and, as the Commission underscores, helping to enhance our security. The U.S. is a nation of immigrants and immigration remains central to who we are and helps to explain our success as a people and a country. Yet the “culture of no” that arose after September 11 and which characterizes too much of the current adjudicatory environment is hurting America and does not embrace the Commission’s charge to “balance security, efficiency, and civil liberties.” Rather, the “culture of no” appears to be one of the “overreactions” the Commission identified that “can impose high costs too—on individuals, our economy, and our beliefs about justice.”

### **House Votes to Defeat Anti-Immigrant Measure**

On September 14th, by a vote of 222-177, the House of Representatives removed a provision from a spending bill that would have prohibited the Treasury Department from implementing regulations that allow financial institutions to accept *matricula consular* identification cards as part of a valid customer identification program. The *matricula consular* is internationally recognized as a valid form of identification, much like the consular registration issued by the U.S. State Department to our citizens living abroad. More than 160 counties, 1,180 police

departments, 377 cities, 33 states and 178 financial institutions support the use of the *matricula consular* as a means to establish identity, reduce crime and violence, improve the U.S. economy, and strengthen our line of defense against terrorists attempting to gain access to our financial institutions.

This vote was the latest in a series of successful attempts to defeat anti-immigrant measures. The defeated measure, authored by Representative John Culberson (R-TX), was originally introduced on July 15 as an amendment to the fiscal year 2005 Transportation, Treasury and Independent Agencies appropriations bill as it passed through the Transportation, Treasury and Independent Agencies Subcommittee of the House Appropriations Committee. Representative Tom Tancredo (R-CO) also has repeatedly introduced restrictionist measures, none of which have advanced in the House.

### **House Subcommittee Votes to Eliminate Diversity Visa Program; Approves I-9 Recordkeeping Bill**

On September 14, the House Judiciary Subcommittee on Immigration and Border Security and Claims marked-up two immigration-related bills, H.R. 775 and H.R. 4306.

The first bill (H.R. 775), introduced by Representative Bob Goodlatte (R-VA), would completely eliminate the diversity visa program, which was created to ensure that our nation benefited from the contributions of a diverse group of immigrants who shared the American dream. At a time when legal immigration channels are needed to improve our national security and regularize our cross border flow, this bill goes in the opposite direction and would eliminate one of the few legal channels by which foreign nationals may migrate to the U.S.

H.R. 775 was approved in the subcommittee by a 5 to 3 vote and referred to the full Judiciary committee for review. Voting for the bill were Chairman John Hostettler (R-IN), Representatives Jeff Flake (R-AZ), Elton Gallegly (R-CA), Steve King (R-IA), and Melissa Hart (R-PA). Voting against the bill were Ranking Member Sheila Jackson Lee (D-TX), Linda Sanchez (D-CA), and Zoe Lofgren (D-CA). It is unclear how or if H.R. 775 will move through Congress. We will report further on any progression this bill may make.

The second bill (H.R. 4306), introduced by Representative Chris Cannon (R-UT), enjoys bipartisan support. This bill would amend section 247A of the Immigration and Nationality Act to allow employers to maintain electronic or paper I-9 forms that verify an employee's work eligibility. An approved amendment to H.R. 4306 also added microfiche and microfilm as permissible forms of retention. This bill was approved by voice vote and referred to the full Judiciary committee for review.

### **H Visa Blackout Imminent**

Unless Congress acts soon, U.S. employers could experience an H visa "blackout" early in fiscal year (FY) 2005 (which begins on October 1, 2004). The FY 2005 H-1B cap is expected to be reached shortly after the start of the fiscal year, and the H-2B cap is likely to be reached in early January if not sooner. Take action by contacting your Senators and Representatives. Details follow.

H-1B Relief Urgently Needed. As of August 18, U.S. Citizenship and Immigration Services (USCIS) reportedly had received 45,900 petitions that will count against the FY 2005 cap of 65,000. At this rate, the FY 2005 cap could be hit by the start of the upcoming fiscal year.

Without relief, employers could be barred from petitioning for new H-1Bs for almost all of FY 2005. This H-1B blackout will follow on the heels of the seven-month blackout that occurred after the FY 2004 cap was reached five months into that fiscal year.

Without access to H-1B visas, U.S. employers will be unable to hire the professional staff they need—often recent graduates from the top U.S. universities with Masters and Ph.D. degrees in math and the sciences—to develop new products, engage in groundbreaking research, implement new projects, expand operations, create new jobs, and compete in the global marketplace. There still are not enough U.S. students graduating with advanced degrees to fill these highly specialized positions and, according to the Bureau of Labor Statistics (BLS), the demand for these graduates will only increase. Foreign students represent half of all U.S. graduate enrollments in engineering, math and computer science.

Complicating matters is the fact that legislation implementing the free trade agreements (FTAs) with Chile and Singapore reduced the size of the H-1B cap to 58,200 visas per fiscal year—the most restrictive that this cap has ever been. According to the law, any numbers unused under those FTAs at fiscal year's end are added back into the quota, but can only be used for adjudications during the first 45 days of the new fiscal year. Given the bureaucratic delays and inefficiencies inherent in USCIS, it remains unclear if the agency will be able to add back these leftover numbers into the overall cap on a timely basis.

If we cannot keep this U.S.-educated talent in the U.S., our competitors abroad will profit. Several European countries recently have updated their immigration laws to attract highly educated talent. A workable H-1B program that gives U.S. employers the access they need to highly educated professionals will keep the world's brightest minds in the U.S. and help retain American jobs.

Action Needed: To avoid this H-1B blackout it is imperative to reach out to Members of Congress and let them know that the H-1B visa is a tool to keep the U.S. economy vibrant and jobs in America. Exempting graduates from U.S. Masters and Ph.D. programs is a sensible way to provide employers access to these professionals. To send a letter to Congress urging Members to support increased access to H-1B foreign professionals, go to:  
[http://capwiz.com/aila2/mail/oneclick\\_compose/?alertid=5183421](http://capwiz.com/aila2/mail/oneclick_compose/?alertid=5183421).

Broaden the H-2B Fix. Without equitable relief from a numerical cap limiting the H-2B visa category, it is likely that the 66,000 limit will be reached by or before January 2005, thereby cutting off the supply of H-2B workers for all seasonal employers. The lack of H-2B workers could economically devastate industries and communities nationwide by forcing American employers to shut their doors and disrupting the winter and summer vacation plans of hard-working American families.

Last year the H-2B visa cap was reached in early March 2004. As a result of the resounding outcry from summer employers across the nation, several “fixes” were introduced in Congress. However, all that has been achieved thus far is a narrow fix introduced by Senator Ted Stevens (R-AK) as an amendment to the 2005 Department of Defense Appropriations Act (H.R. 4613, Pub. L. No. 108-287). This fix exempted fish roe processors, technicians, and supervisors from the H-2B cap. Although this narrow H-2B cap exemption is an important success for the fish roe industry, a broader fix is needed to save the myriad other seasonal industries that rely on the availability of H-2B workers to fill seasonal vacancies.

The jobs H-2B seasonal workers perform include staffing restaurants and hotels, landscaping, food production, and staffing ski resorts. H-2B visa holders also fill seasonal niche occupations including flying and repairing helicopters designed to fight summer forest fires, as well as completing the rosters of minor league baseball and hockey teams.

Action Needed: In order to prevent an H-2B blackout, let your elected officials know that broader access to H-2B visas is imperative. To send a letter urging your Senators and Representative to increase access to H-2B seasonal workers, go to:  
[http://capwiz.com/aila2/mail/oneclick\\_compose/?alertid=5462641](http://capwiz.com/aila2/mail/oneclick_compose/?alertid=5462641)

### **Bipartisan DREAM/Student Adjustment Act and AgJobs Legislation Await Senate Action**

As reported in previous *Updates*, the DREAM/Student Adjustment Act and AgJobs legislation still await Senate action in spite of the strong bipartisan support both bills enjoy.

The Development, Relief, and Education for Alien Minors (DREAM) Act (S 1545/HR1684) has 48 Senate and 147 House cosponsors. In the Senate, the DREAM Act was reported out of the Judiciary Committee in October 2003 by a 16-3 vote. In the House, Representative Steve King (R-IA) introduced an amendment to the Labor HHS Appropriations bill (H.R. 5006) that would prohibit federal education funds from being expended in contravention of Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The amendment was passed by a voice vote, but as no state is currently in violation of Section 505, it is hoped that this superfluous and politically motivated amendment will be stripped out of the bill before it becomes law.

The Agricultural Jobs, Opportunity, Benefits, and Security Act (AgJobs) (S. 1645/H.R. 3142) currently has 62 Senate and 121 House cosponsors. Senate Majority Leader Bill Frist (R-TN), reportedly at the direction of the White House, prevented the Senate from considering this bill as an amendment to legislation to reform class-action lawsuits (S. 2062). In preventing AgJobs and other amendments from being considered, Senator Frist essentially was forced to abandon moving the class action legislation.

Despite attempts to slow the momentum of these fair and modest reform bills, these bills continue to build support on Capitol Hill and in the communities. The DREAM Act and AgJobs have been endorsed by more than 400 organizations, including employer, labor, religious, student and Latino groups. The time is now for Congress to move these modest reform bills as the first steps toward more comprehensive reform measures that are needed to fix our broken immigration system.

To send a letter to President Bush urging him to support the Senate and House AgJobs Act of 2003, click on: [http://capwiz.com/aila2/mail/oneclick\\_compose/?alertid=6130536](http://capwiz.com/aila2/mail/oneclick_compose/?alertid=6130536)

To send a letter to your Senators and Representatives urging them to support and co-sponsor the DREAM Act and Student Adjustment Act of 2003, click on:  
[http://capwiz.com/aila2/mail/oneclick\\_compose/?alertid=3059346](http://capwiz.com/aila2/mail/oneclick_compose/?alertid=3059346)

### **Immigrants' Rights Advocates Rally in Support of Battered Asylum Seeker (*Matter of R-A*)**

During the week of August 16, immigrants' rights advocates around the country organized a letter-writing campaign, among other activities, in support of Rodi Alvarado's asylum application. Over 30,000 letters, e-mails, and faxes were sent to the Bush Administration in

support of Rodi Alvarado, a Guatemalan woman who was persecuted at the hands of her abusive husband, with the Guatemalan government refusing to protect her. Ms. Alvarado's case has been pending for nearly ten years and AILA and our coalition partners are urging Attorney General John Ashcroft to immediately make a decision to grant her asylum. Such a decision in favor of Ms. Alvarado will help ensure that women who flee from trafficking, domestic violence, honor-killing and other gender-related abuses continue to have the opportunity to receive asylum in the United States.

Letters of support are still needed! Please send a letter to the President and Attorney General Ashcroft and urge them to expedite a final decision in favor of Rodi Alvarado, thus ensuring that women and girls who flee gender-related persecution can receive safe haven in this country. For a model letter, go to [http://capwiz.com/aila2/mail/oneclick\\_compose/?alertid=5347311](http://capwiz.com/aila2/mail/oneclick_compose/?alertid=5347311)

### **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 if and when they move through the legislative process.

#### House Legislation

H.R. 5058, introduced on September 9 by Representative E. Clay Shaw, Jr. (R-FL), would amend the Immigration and Nationality Act to permit alien children receiving medical treatment in the United States to be classified as immediate relatives to avoid extreme hardship to themselves or their immediate relative alien parents.

H.R. 5040, the 9/11 Commission Report Implementation Act of 2004, introduced on September 9 by Representative Christopher Shays (R-CT), would implement the various recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission). Senator John McCain introduced the Senate companion bill (S. 2774). For a more detailed report on this legislation, see the first article in this *Update*.

H.R. 5024, the 9/11 Commission Recommendations Implementation Act of 2004, introduced on September 8 by Representative Nancy Pelosi (D-CA), is another of the several bills being offered to implement the recommendations of the 9/11 Commission.

H.J. Res. 104, a joint resolution introduced on September 15 by Representative Dana Rohrabacher (R-CA), proposes an amendment to the Constitution of the United States to make eligible for the Office of President a person who is not a natural born citizen of the United States but has been a United States citizen for at least 20 years.

#### Senate Legislation

S. 2792, introduced on September 13 by Senator Susan Collins (R-ME), would amend INA § 214(c)(4)(A)(1) to permit foreign athletes to receive nonimmigrant alien status under certain conditions.

S. 2774, the 9/11 Commission Report Implementation Act of 2004, introduced on September 8 by Senator John McCain (R-AZ), would implement the various recommendations of the 9/11 Commission. Representative Christopher Shays introduced the House companion bill (H.R. 5040). For a more detailed report on this legislation, see the first article in this *Update*.

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

Federal agencies have issued a variety of new regulations and notices in recent weeks, impacting everything from the US-VISIT program to social security numbers for F-1 students. A brief summary of these items follows.

### Department of Homeland Security

Interim Rule Expands, Amends US-VISIT. Effective September 30, the interim rule expands the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program to the 50 most highly trafficked land border ports of entry in the United States. These 50 land borders will be integrated into the US-VISIT program following identification in Notices published in the Federal Register, with all 50 ports of entry to be identified no later than December 31, 2004.

The interim rule also further defines the population of aliens who are required to provide biometric identifiers and other identifying information under the US-VISIT program. First, the Department of Homeland Security (DHS) may require biometric data collection from nonimmigrant aliens who are visa exempt under the Visa Waiver Program (VWP). While the interim rule provides that DHS has the authority to require Mexican nationals who present a Border Crossing Card (BCC) to provide biometric data upon arrival in, or departure from, the United States, the Secretaries of DHS and the Department of State (DOS) have jointly determined that BCC travelers who are not required to be issued a Form I-94 Arrival/Departure Record at the time of admission are exempt from the US-VISIT biometric data collection requirements. Second, certain officials of the Taipei Economic and Cultural Representative Office are exempt from the US-VISIT biometric data collection requirements. Third, crewmembers applying for landing privileges may be required to provide biometric data under US-VISIT. The interim rule also makes technical changes to US-VISIT as a result of comments received by DHS on the January 5, 2004 interim rule. Finally, DHS solicits public comment on all aspects of the operation of US-VISIT to date, as well as the expansion of US-VISIT pursuant to this interim rule. Written comments must be submitted on or before November 1. (69 FR 53317, 8/31/04, see AILA InfoNet Doc. No. 04090162).

DHS Terminates, Redesignates Liberia Under the TPS Program. The DHS's Bureau of Citizenship and Immigration Services (USCIS), on August 25, published a notice in the Federal Register terminating the current designation of Liberia and redesignating Liberia for Temporary Protected Status (TPS). The redesignation will allow nationals of Liberia who have been continuously physically present in the United States since August 25, 2004, and continuously resided in the United States since October 1, 2002, to apply for TPS. The notice also sets forth procedures necessary for nationals of Liberia (or aliens having no nationality who last habitually resided in Liberia) to register for TPS. All current Liberian TPS beneficiaries who wish to continue to receive TPS benefits will have to register for TPS according to the procedures set forth in the notice. The re-designation of Liberia under the TPS program is effective October 1, 2004, and will remain in effect until October 1, 2005. The registration period begins August 25, 2004, and will remain in effect until February 21, 2005. (69 FR 52297, 8/25/04, see AILA InfoNet Doc. No. 04082465).

DHS Adds Six Ports to US-VISIT; Deletes One Other. The DHS has identified six new sea and air ports of entry for inclusion in US-VISIT. The six new ports are: Albany International Airport, New York; St. Petersburg/Clearwater International Airport, Florida; Port Everglades seaport, Florida; Andrews Air Force Base, Maryland; New York City seaport, New York; and Port

Canaveral, Terminal 10, Florida. In this same notice, DHS also deleted two ports from the exit pilot program: Alfred Whitted Airport in St. Petersburg, Florida; and the seaport in Jacksonville, Florida. A subsequent notice amended this, stating that Jacksonville was inadvertently deleted and so remains a part of US-VISIT. (69 FR 51695, 8/20/04, see AILA InfoNet Doc. No. 04082062). The correction was published at 69 FR 52516, 8/26/04, see AILA InfoNet Doc. No. 04082660.

#### Department of Health and Human

Deadline Announced in Connection with Funding Opportunity Notice for Recently Arrived Refugees. The Department of Health and Human Services' (HHS's) Office of Refugee Resettlement (ORR) modified its Standing Announcement for Services to Recently Arrived Refugees, for the Unanticipated Arrivals priority area, to add a deadline for applications of 10/8/04. (69 FR 51693 8/20/04, see AILA InfoNet Doc. No. 04082063). The original announcement appeared in 69 FR 22276 4/23/04.

#### Social Security Administration

SSA Establishes New Requirements for SSA Issuance to F-1 Students. The Social Security Administration (SSA) issued a final rule on September 13 revising its rules for assigning social security numbers (SSNs) to F-1. Effective October 13, 2004, unless the F-1 student has an employment authorization document (EAD) from the DHS or is authorized by his or her school for curricular practical training (CPT), the F-1 student must provide evidence that he or she has been authorized by the school to work and has secured employment or a promise of employment before the SSA will assign an SSN. (69 FR 55065 9/13/04, see AILA InfoNet Doc. No. 04091415)

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

**Farhad Sethna** (Ohio) was quoted in a September 17 *Akron Beacon Journal* article about his client who was arrested in the aftermath of 9/11 and is being deported. **Marisol Zequeira-Burke** (Southern Florida) was quoted in a September 17 *Sun Sentinel* article about a migrant farming community that has scattered since two powerful hurricanes tore into Florida's agricultural industry. **Beth Stickney** (New England) was featured in a September 16 *Associated Press* article about her client who was to have received a gubernatorial pardon that would have staved off deportation to Cambodia but the pardon has been put on hold following his arrest this week for violating probation. **Jill Nagy** (Upstate New York) was quoted in a September 15 *St. Paul Pioneer Press* article about mail order brides. **Raul Godinez** (Southern California) was interviewed in a September 15 *Voice of America* broadcast about the reality TV show, "Gana La Verde." **Maria Andrade** (At Large) was quoted in a September 15 *Idaho Statesman* article about a civil rights training seminar held in Boise, Idaho.

**The American Immigration Lawyers Association** was featured in a September 14 *Salt Lake Tribune* article about how many immigration lawyers have contributed to Representative Chris Cannon's (R-UT) campaign. The September 14 edition of the *Miami Herald* published a letter to the editor by **Richard Hujber** (Southern Florida) about the need for immigration reform. **Judy Golub** (National) was quoted in a September 13 *Denver Post* article about asylum. **David Leopold** (Ohio) and **Michael Sharon** (Ohio) were quoted in a September 13 *Plain Dealer (Cleveland)* article about Cleveland's USCIS office being the 5th slowest in the nation to process visa applications. **Beth Stickney** (New England) was quoted in a September 13 *Portland Press Herald* article about petitioning for a pardon for her client who faces deportation to Cambodia.

**David Leopold** (Ohio) was quoted in a September 13 *Copley News Service* article about deportation of violent immigrants.

*The Akron Beacon Journal* quoted **David Leopold** (Ohio) in a September 13 article about Federal law enforcement agencies in Ohio which rank as the nation's worst at building prosecutable criminal immigration cases. **Deborah Notkin** (New York) was quoted in a September 12 *New York Times* article about New York's Motor Vehicles Department which has sent out roughly 500,000 letters threatening to suspend the licenses of drivers whose Social Security numbers do not match federal records.

**Mira Mdvani** (Missouri/Kansas) was quoted in a September 10 *Kansas City Star* article about electronic monitoring of immigrants who face deportation hearings. **Arturo Jimenez** (Colorado) was quoted in a September 9 *Denver Post* article about his client who is now acting in movies after struggling for years to obtain permanent residency.

*The Atlanta Journal Constitution* quoted **Daryl Buffenstein** (Atlanta) in a September 8 article about the H-1B cap that is expected to be reached in the near future. **Carl Shusterman** (Southern California) was quoted in a September 6 *Copley News Service* article about Asian immigrants and what attracted them to come to the United States. **Dan Larsson** (Oregon) was quoted in a September 6 *Associated Press* article about his client who has returned to the U.S. after living in the Ukraine for a year because she married a different man than the one listed on her K visa.

**Stephen Yale-Loehr** (Upstate New York), **Dominic Capeci** (Northern California) and **Marc Van Der Hout** (Northern California) were quoted in a September 5 *Sacramento Bee* article about federal circuit courts being buried under a 600 percent increase in deportation and asylum appeals. **Joanne Haag** (Santa Clara) and **Martin Lawler** (Northern California) were featured in a September 5 *San Jose Mercury News* question and answer column about immigration. **Marshall Fitz** (National) and **Brent Renison** (Oregon) were quoted in a September 5 *Mail Tribune* article about the negative effect on immigrant widows who have been married for less than 2 years.

**Doug Weigle** (Ohio) was quoted in a September 4 *Columbus Dispatch* article about the FBI's investigation of the treatment of Mr. Weigle's client while he was jailed for seven months on immigration charges. **Jane Oakes** (Carolinas) was quoted in a September 4 *Associated Press* article about her client who does not have a birth certificate and does not know if she is a U.S. citizen. **Carl Shusterman** (Southern California) had an article published in the September 4 edition of *Medical Management Group Association Connexion Magazine* about immigration rules for international physicians.

**Paul Zulkie** (Chicago) was quoted in a September 3 *Bloomberg News* op-ed about the post-9/11 changes in the immigration system and the difficulties that immigrants face in navigating the DHS bureaucracy. **Stephen Yale-Loehr** (Upstate New York) and **Paul Zulkie** (Chicago) were quoted in a September 3 *Chicago Daily Law Bulletin* article about the increased caseload in the Federal circuit brought on by Department of Justice regulations that were designed to reduce the backlogs of immigration courts. **Marshall Fitz** (National) was quoted in a September 3 *Fresno Bee* article about the case of a man accused of plotting the 1980 assassination of El Salvador's Archbishop Romero. **Donald L. Mooers** (Washington) was quoted in a September 3 *Washington Post* article about Sierra Leoneans losing their eligibility for TPS.

**Cyrus D. Mehta** (New York) was quoted in a September 2 *Interpress Service* article about HIV positive immigrants who hide their HIV status to obtain permanent residency. **Cheryl Little**

(South Florida) and **Lauris Wren** (New York) were featured in a September 2 *Newsday* article about Hofstra Law School's pro-bono Political Asylum Clinic. **Carl Shusterman** (Southern California) was quoted in September 2 *Ventura County Star* article about his clients, sisters who faced deportation and now have a chance to legalize their status. *The Washington Post* quoted **Donald Mooers** (Washington, DC) in a September 1 article about Sierra Leoneans losing temporary protected status.

**Judy Golub** (National) was quoted in the August 31 edition of *The Village Voice* in an article about how immigrant communities are feeling besieged in the wake of the Bush Administration's policies post-9/11. **Cletus Weber** (Washington State) was quoted in an August 28 *Seattle Times* article about how difficult it is for immigrants to find a legal way to stay in the U.S. **Steve Miller** (Washington State) was quoted in an August 28 *Seattle Times* article about the new InfoPass system that will begin operations in Washington State on August 30.

**Elizabeth Leete** (New England) was quoted in an August 27 *Associated Press* article about a new Connecticut computer system that will flag undocumented immigrants and others who use fraudulent documents to obtain driver's licenses. **Angelo Paparelli** (Southern California) and **Cheryl Nance** (Washington State) were quoted in an August 27 *Chicago Tribune* article about the arrest and detention of Majid al-Massari on a 2003 drug-related conviction. *Newsday* published an op-ed by **Margaret Stock** (Upstate New York) on August 27 about the misguided effort to prevent immigrants from getting driver's licenses in the name of national security.

The *CBS Early Show* featured **Victor Nieblas** (Southern California) on August 26 in a discussion with producer Leonard Liberman on the merits of Liberman's show, "Gana La Verde." *The Atlanta Journal-Constitution* quoted **Daryl Buffenstein** (Atlanta) and **Bo Cooper** (Washington, DC) in an August 25 article about the need for H-1B visas. **George N. Miller** (Carolinias) was quoted in an August 24 *Dallas Morning News* article about his client, a Pakistani native, who was arrested last month while filming public buildings in several cities, and was indicted in North Carolina on six counts related to his immigration status.

*The Miami Herald* quoted **Cheryl Little** (South Florida) in an August 24 article about the thousands of Haitian adults and several hundred unaccompanied Haitian children who languished at the U.S. Navy base at Guantanamo Bay, Cuba, many of whom remain in legal limbo, with applications for permanent residence still pending. **Stephen Bander** (South Florida) was quoted in an August 24 *Miami Herald* article about how foreign nurses who work at American hospitals are facing higher hurdles to enter the United States.

*The Legal Times* published an op-ed by **Allison J. Brown** (Washington, DC) August 23 on the need for H-1B and H-2B visas. **Raymond Bolourtchi** (Kansas/Missouri) was quoted in an August 22 *St. Louis Post-Dispatch* article about his 17-year-old client who is facing deportation to Canada after vandalizing a home. **Crystal Williams** (National) was quoted in an August 21 *Charlotte Observer* article about the new InfoPass system that will begin operations in North Carolina.

**Marshall Cohen** (Atlanta) was quoted in an August 20 *Atlanta Journal-Constitution* article about Atlanta Thrasher hockey star Dany Heatley, a Canadian citizen, who may face immigration problems due to a car crash that killed his teammate. **Elissa Steglich** (Chicago) was quoted in an August 20 *Chicago Tribune* article about the United States Conference of Catholic Bishops enlistment of individuals to help in its effort to stop human trafficking. **Deborah Notkin** (New York) was featured in an August 20 *New York Times* article about a hearing held in New York City to address a crackdown on drivers who provide inaccurate Social Security numbers.

*Newhouse News Service* featured **Joan Harris** (Atlanta) in an August 20 story about her client, a U.S. citizen with terminal cancer, who misled border agents about his marriage to his Canadian wife and now his wife is barred from the U.S. **Crystal Williams** (National) was quoted in an August 19 *Newsday* article about the reality show, “Gana La Verde,” and how it holds out false promises for naïve immigrants.

*The Washington Times*, in an August 19 article, featured a letter from the **Southern California Chapter of the American Immigration Lawyers Association** demanding that KCRA-TV pull the reality show, “Gana La Verde” from the airwaves. **Carl Shusterman** (Southern California) was featured on *CNN* on August 19 about his clients, the Luna sisters from Mexico, who are under a removal order and face a permanent bar from re-entering the U.S. **Margaret Stock** (Upstate New York) was quoted in an August 19 *New York Times* article about the issue of whether to license undocumented workers as drivers.

**Carl Shusterman** (Southern California) was quoted in an August 18 *La Opinion* article about his clients, the Luna sisters from Mexico. **Carole Mesrobian** (Santa Clara) and **Randall Caudle** (Northern California) were quoted in an August 16 *San Jose Mercury News* article about the improvement of the San Jose USCIS office.

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

### **Did You Know?**

“Of course, immigration, if we choose to expand it, could also lessen the decline of labor force growth in the United States. As the influx of foreign workers that occurred in response to the tight labor markets of the 1990s demonstrated, U.S. immigration does respond to evolving economic conditions. But to fully offset the effects of the decline in fertility, immigration would have to be much larger than almost all current projections assume.”

--Federal Reserve Board Chairman Alan Greenspan, at a symposium sponsored by the Federal Reserve Bank of Kansas City, Jackson Hole, Wyoming, August 27, 2004

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