

WASHINGTON UPDATE

Volume 7, Number 8, June 17, 2003

IN THIS ISSUE...

- House Judiciary Committee Scrutinizes Justice Department Activities
- Visa Delays Provoke Congressional Attention
- House and Senate Vote to Expand Immigration Benefits for Members of the Military
- Hill Briefings Focus on Curtailment of Civil Liberties Post 9/11
- Senate Committees Vet Homeland Security Nominees
- As Details Emerge on 'US VISIT', Significant Questions Remain Unanswered
- Proposed Legislation Would Impose Restrictions on the L-1 Visa Program
- Senate Bill Would Ensure Protection for Unaccompanied Alien Children
- Illinois, Oklahoma, and Washington Pass In-State Tuition Laws
- Recently Introduced Legislation
- Media Spotlight: Members and Staff in the News
- Upcoming Hearings and Events
- Did You Know?

House Judiciary Committee Scrutinizes Justice Department Activities

Attorney General John Ashcroft testified before the full House Judiciary Committee in a lengthy, five-hour oversight hearing on June 5. Mr. Ashcroft addressed a broad range of law enforcement topics, including a variety of immigration-related issues. The Committee Members peppered Mr. Ashcroft with questions regarding the findings of the Office of Inspector General (OIG) report on post-9/11 detentions, the implementation of the PATRIOT Act, local law enforcement of civil immigration laws, and enemy combatant designations. Despite the OIG report's scathing criticism of the DOJ's handling of post-9/11 detentions, including extensive delays in charging individuals, obstruction of right to counsel in many cases, and the hold until cleared policy, Mr. Ashcroft continued to assert that all of the Department's actions were lawful and appropriate.

Unfortunately, the format of the hearing, five minutes per Member with no opportunity for follow-up, resulted in numerous important questions remaining unanswered or incompletely answered. For example, Mr. Ashcroft did not respond to questions from Representative Linda Sanchez (D-CA) regarding a recent DOJ opinion that state and local police possess inherent authority to enforce civil immigration laws. That legal opinion, which has not been released to the public, reversed the Department's longstanding position. Mr. Ashcroft failed to comment on the source of that authority and on when the public might be privy to the text of the opinion.

Although the Members of the Committee failed to get responses from Mr. Ashcroft on a number of important immigration issues, a woman in the audience stood up during the Hearing and voiced her opinion about the miscarriage of justice confronting Haitian detainees as a result of Mr. Ashcroft's ruling regarding mandatory detention of Haitian asylum seekers in *Matter of D-J*. Unfortunately, Mr. Ashcroft declined to respond.

Senator Orrin Hatch (R-UT), chair of the Senate Judiciary Committee, called an oversight hearing on the OIG's report that is scheduled take place on June 25. This hearing is especially welcome and long overdue, given that both Republican and Democratic Senators have criticized the Committee for insufficiently exercising its oversight responsibilities.

Visa Delays Provoke Congressional Attention

The House Small Business Committee, on June 4, held a hearing on the visa approval backlog and its impact on small business. This hearing follows widespread concern about the impact of these delays highlighted in the media and in a letter sent to the Department of State and the Department of Homeland Security from the Americans for Better Borders (ABB) coalition of which AILA is a member.

The letter called on the Secretaries of State and Homeland Security to balance increased security initiatives with policies that realistically improve commerce and facilitate travel. Specifically, ABB expressed concern with the administration's push to implement the US VISIT without sufficient funding and before the program is thoroughly vetted. Also of concern was the DOS initiative to increase interviews at consular posts. This policy would double or triple interviews without providing for additional funding, personnel, technology or facilities. ABB instead urged the Secretaries to promote programs that would identify low-risk travelers and speed their entry, thereby freeing resources for additional security on those who are unknown or present a higher risk.

The purpose of the hearing was to better understand the business community's reliance on our visa/visitor program, and more specifically: the current status of the backlog and delay; any actions taken by the Department of State or the Federal Bureau of Investigations to ensure that applications are given the strict scrutiny they deserve while keeping commercial objectives in mind; and potential impact on American's competitiveness if current levels of delay become the permanent state of play in doing business with the United States.

Palma Yanni, AILA's then-President Elect, testified at the hearing, along with: Janice L. Jacobs - Deputy Assistant Secretary for Visa Services - Department of State; Robert J. Garrity - Deputy Assistant Director - Federal Bureau of Investigation; Mr. Gary Shapiro of the Consumer Electronics Association; Chip Storie of Cincinnati Machine Inc.; William McHale of Kanawha Scales and Systems, Inc; and William A. Reinsch of the National Foreign Trade Council, Inc.

In her testimony, Ms. Yanni focused on delays that take place at both the consulates and the Bureau of Citizenship and Immigration Services (BCIS) and the two reasons that largely explain them: the introduction of processes for the sake of having processes, with little regard for their effectiveness or impact; and inadequate funding for adjudications which, if not properly responded to, will leave these backlogs unaddressed.

While acknowledging that security must be a priority, Ms. Yanni argued that security must be pursued rationally, its processes must take into account the need to keep trade and business flowing, and that these uncertain economic times are when we most need America's leading employers—small businesses—to flourish. They cannot do so if their position in the international marketplace is undermined by bureaucratic delays, lack of coordination, inadequate funding for adjudications, and a culture of “no.” In her written testimony, Ms. Yanni gave examples of delays and their impact:

- A Mexican national trying to establish a small business in the United States that initially would hire about 10 Americans cannot get started because the owner was faced with a “hit” in the CLASS database, due to an identity error caused by the double last names commonly used by Mexicans. He had to be fingerprinted, and the fingerprints sent to the FBI. He’s been told to expect a minimum of 3 to 4 months for a reply from the FBI. In the meantime, this business is losing contracts for export work from the intended U.S. operation. It should be noted that this individual has been issued three U.S. visas in the past, and has no criminal record.
- A California biotech research company submitted an H-1B petition to the BCIS in November 2002 on behalf of a Russian scientist, to participate in a six-month collaborative program starting July 1, 2003. The petition was not approved until May 28, 2003, and now the scientist would face another delay awaiting visa processing in Moscow, which undoubtedly would include a lengthy “Technical Alert List” check. But this no longer matters: the project has been cancelled because this key participant would not be able to arrive on time. Yes, the company could have paid \$1,000 for faster processing, but as is true for so many small businesses, this extra amount would have demolished the budget for the project.
- A small U.S. business that manufactures forensic document authentication software is missing key contract bidding opportunities because of the unexpected wait for a key manager from its overseas parent to obtain a visa interview.
- A small company operating small-town behavioral health centers has been desperately searching for a psychiatrist willing to serve in these areas. They finally located a doctor who was completing residency training in the United States, but before they could even petition to the INS/BCIS for him, they had to have waived a requirement that he return to his home country of Jordan for two years. That waiver, which first had to be cleared through the Agriculture Department and then the State Department, took one full year at those agencies, during which time the State Department conducted a “CLASS” database check. The company decided it could pay the \$1,000 premium processing fee for the H-1B petition, but this turned out to be wasted money because the then-INS refused to complete processing of the waiver under premium processing. The waiver took seven months to clear INS. At the end of April this year, the petition and waiver were finally approved and the doctor applied for the visa. He has been told that the visa will take a few months because the State Department must once again run a security check on him. This small business, and the small-town communities it serves, have waited for more than 2 years for this physician, and will still have to wait several months more.

House and Senate Vote to Expand Immigration Benefits for Members of the Military

The House and Senate, on June 4, both voted overwhelmingly for bills that would facilitate immigrants in the military becoming U.S. citizens. Both bills also provide important immigration benefits to noncitizen family members of soldiers who die while serving in our country’s Armed Forces. While the bills are similar and address the same basic issues, the Senate version provides more comprehensive benefits to soldiers and their families. For example, the Senate bill: expands accelerated naturalization benefits to certain members of the Ready Reserves; allows noncitizen parents of deceased soldiers to obtain immigration benefits regardless of whether they were present in the U.S. at the time of the death; and authorizes waivers to family members with prior minor immigration status violations. Senators Reid (D-NE) and Kennedy (D- MA) were the lead

sponsors in the Senate. Lead House sponsors were: Representatives Solis (D-CA) and Frost (D-TX).

The House bill (H.R. 1954) passed in a stand-alone floor vote under suspension of the rules. The Senate bill initially passed by voice vote as an amendment to the Department of Defense (DOD) Authorization bill (S. 1050). In a maneuver to retain jurisdiction over final bill language, the Senate Judiciary Committee, on June 12, marked-up and passed by a 19-0 vote the bill that the Senate already had passed as part of the DOD bill. The bill must now go back to the full Senate for consideration as a stand-alone bill. Since the Senate already approved the identical language when it was a provision in the DOD bill, this vote should be a formality. Bill supporters said they hope to negotiate language with the House to avoid a conference.

Hill Briefings Focus on Curtailment of Civil Liberties Post 9/11

Over the last several weeks, several briefings have been held on the Hill to discuss civil liberties issues that have resulted from post-9/11 executive actions. Representative Mike Honda (D-CA) held a briefing on May 21 entitled "Past and Present: Safeguarding American Civil Liberties." The purpose of this hearing was to learn from our history of World War II wartime internment and civil liberties violations, and to gain a better understanding of the experiences of various communities today, especially in light of the September 11 terrorist attacks. The briefing heard testimony from two panels. The first panel included internees and representatives of the Japanese American, German American and Italian American communities. Judith Golub, from AILA's Advocacy Department, joined representatives from the Arab American Institute, South Asian American Leaders of Tomorrow, the National Council of Pakistani Americans, the Sikh Media Watch and Resource Task Force, and the Lawyers Committee on Human Rights to address current restrictive measures affecting immigration, registration, asylum and refugee policies.

Senators Feingold (D-WI), Kennedy (D-MA), and Leahy (D-VT), on June 2, co-sponsored an informational briefing for congressional staffers on post-9/11 legislation and executive actions that have impacted civil liberties. Marshall Fitz, of the AILA Advocacy Department, joined colleagues from the American-Arab Anti-Discrimination Committee, the American Civil Liberties Union, the Center for National Security Studies, Human Rights Watch, the National Council of La Raza, and the Open Society Institute to address the following issues: (1) secret arrests and secret immigration hearings; (2) expanded powers of detention; (3) FBI anti-terrorism authorities and expanded surveillance; (4) detention of Material witnesses; (5) expanding immigration enforcement powers beyond trained immigration officials; and (5) due process for immigrants and the Board of Immigration Appeals.

On June 4, AILA joined with grassroots and other national organizations (including the American-Arab Anti-Discrimination Committee, American Civil Liberties Union, Council on American-Islamic Relations, Hate Free Zone Campaign of Washington, National Immigration Project of the National Lawyers Guild, and Washington Defenders Association) to host an event entitled "Justice for All -- A nationwide public forum on selective enforcement post- 9/11." The forum garnered national attention and had an impressive turnout including representatives from the media, the public, and Members of Congress. Individuals came from California, Florida, New York, Michigan, New Jersey, Texas and Washington state to tell their personal stories about how they have been affected by post-9/11 initiatives, including: detention, special registration, targeted community FBI interviews, deputization of local police as INS officers, and new airport policies. After listening to these emotional and moving testimonies, Senators Kennedy, Cantwell (D-WA), and Durbin (D-IL) as well as Representatives McDermott (D-WA), Honda, and Inslee

(D-WA) all praised the witnesses' courage and expressed solidarity in the effort to protect civil liberties.

Senate Committees Vet Homeland Security Nominees

The Senate Governmental Affairs Committee, on June 5, held a confirmation hearing on the nomination of Michael Garcia for the position of Assistant Secretary, Bureau of Immigration and Customs Enforcement. During the hearing, Mr. Garcia stated that the US VISIT system is his top priority and that his Bureau already has begun implementing some of the recommendations outlined in the DOJ Office of Inspector General report on post-9/11 detentions. Advocates were somewhat surprised that the nomination was referred to the Governmental Affairs Committee rather than the Judiciary Committee, which has jurisdiction over immigration and naturalization. Members of the Judiciary Committee have, in fact, requested that the nomination be referred to that Committee for further consideration.

On June 6, the Senate Judiciary Committee held a confirmation hearing on Eduardo Aguirre's nomination to the position of Director, Bureau of Citizenship and Immigration Services. During his testimony, Mr. Aguirre said his "inherent sensitivity to immigration issues" was formed by his arrival in the U.S as a 15-year-old Cuban refugee. He also stated his aim to create a world-class bureau that excels in customer service, and specifically, to reduce substantially case backlogs and district office waiting lines. On June 12, the Committee voted 19-0 in favor of the nomination, which next moves to the Senate floor for a vote.

As Details Emerge on 'US VISIT', Significant Questions Remain Unanswered

Asa Hutchinson, Under Secretary for the Border and Transportation Directorate for the Department of Homeland Security (DHS), on May 19, announced new details regarding development of the United States Visitor and Immigrant Status Indicator Technology program (US VISIT), the automated entry/exit system that is scheduled to be implemented at our nation's borders. However, significant design and funding questions remain outstanding.

Pursuant to US VISIT, foreign visitors' travel documents will be scanned, a photo and fingerprint will be taken, and their identities will be checked against databases such as IBIS and the watch lists. Departure procedures will include identity verification and creation of a record of departure.

US VISIT will be implemented in phases, with the first phase set to be operational at our airports and seaports by the end of this year. According to DHS, US VISIT will only apply to nonimmigrant visa holders. Foreign nationals entering the U.S. under the Visa Waiver Program would not be processed by US VISIT, and Canadians will not be required to have travel documents unless Congress revisits present policy.

The design, as proposed, will likely cause disruptive delays at our nation's airports and seaports. It could triple or quadruple the interview time that is currently in place at ports of entry. The resultant delays would undermine a vital component in increased security—efficiency. Furthermore, it is improbable that the separate databases from the three immigration bureaus will be integrated into US VISIT by the time that system is deployed. The system will thus suffer from twin perils, inefficiency *and* inaccuracy.

In order for an entry-exit system to work, it must enhance our security and allow the flow of people and goods to support our economy, and also be adequately funded. The GAO recently

reported that DHS has not disclosed sufficient information about the capabilities, costs, benefits and delivery dates for the program to enable it to assess its prospects for success.

The U.S. government needs to appropriate billions of dollars to purchase real estate, upgrade facilities, develop technological capabilities, and hire inspectors to manage the program. Additional millions of dollars are needed to fully address current staffing shortages of inspectors at ports of entry and supply all ports with basic technology such as document readers. With a preliminary estimated price tag of billions of dollars, the \$380 million appropriated in fiscal year 2003 is grossly insufficient to fund even the beginning of this system.

While having a system in place soon is desirable, having a functional and reliable program is necessary. US VISIT's current proposed implementation plan does not appear to be adequately funded and the design does not take into account the realities at our ports of entry. Before the entry-exit system is implemented, database studies and reports should be completed on the feasibility of every aspect of the program. The Administration and Congress should use that information to develop a comprehensive plan that provides adequate funding, resources and appropriate deadlines. Both also should evaluate whether the same level of security could be obtained through increased intelligence and database security checks performed outside the country.

AILA has outlined its concerns with the design and implementation of US VISIT in a recent press release. The release can be found on either AILA.org or AILA's InfoNet, document number 03052240.

Proposed Legislation Would Impose Restrictions on the L-1 Visa Program

Since its creation in 1970, the L-1 visa for intracompany transferees has been a vehicle for job creation and business investment that has proven essential to the American economy. Used by large and small companies alike, the L-1 visa allows American-based companies to bring qualified personnel from their operations abroad to the U.S. to either fill important executive or managerial positions, or utilize their specialized knowledge of the company's operations, products, procedures, and services. The L-1 visa also has allowed foreign-based companies to invest in the U.S. economy by establishing and expanding business operations here. It is the principal immigration vehicle by which foreign companies build U.S. factories, open offices, and hire many thousands of U.S. workers to staff their U.S. operations, as the following examples suggest:

- A worldwide petrochemical company, based in Houston, used the L-1 visa to bring from its operations in France one of its engineers with very particular knowledge about the company's engineering processes and products to work on a major U.S. initiative.
- An Illinois-based manufacturer of industrial and construction equipment wanted to upgrade and tailor the design of its product line for sale in foreign markets. In order to meet this objective, a Design Engineer from the company's German subsidiary, who possessed critical expertise in the engineering aspects of key components, was brought in using the L-1 visa for a 2-year period in order to guide the U.S. design and engineering.

Despite the numerous advantages of the L-1 visa, the program recently has been attacked, largely as a result of allegations raised in the media. These allegations prompted Representative John Mica (R-FL), on May 19, to introduce H.R. 2154, a bill that would limit the scope of the L visa program for intracompany transferees. Although the legislation seeks to address worker

displacement, its provisions are overreaching and would prohibit legitimate and necessary uses of the L-1 visa. In addition, the bill also seeks a legislative fix in cases in which the L visa program already precludes such abuse. Many of the concerns cited resulted not from any deficiency with the L visa program, but from certain U.S. consulates incorrectly implementing the law. The State Department has since taken steps to remedy this situation. The agency's action reportedly has resulted in increased scrutiny of all L-1 visa applications at the consulates.

The L-1 visa is a vital tool for both U.S. companies who have an international presence, and international firms looking to expand their offices to the U.S. If Congress unnecessarily limits the legitimate use of the L visa program, both foreign investment in the U.S. and the work of international companies based in the U.S. would be impeded, with the consequence that American jobs will be lost rather than protected.

Senate Bill Would Ensure Protection for Unaccompanied Alien Children

Senators Diane Feinstein (D-CA), Sam Brownback (R-KS), and George Voinovich (R-OH), introduced the Unaccompanied Alien Child Protection Act, S. 1129, on May 22. S. 1129 would address many of the problems facing the over 5,000 noncitizen children found in the U.S. each year who are unaccompanied by a parent or legal guardian. These children include asylum seekers as well as children who have been smuggled into the country and who may be forced into sweatshop labor or sexual servitude, and often are unable to understand the legal process and are without a guardian to guide them through the process. Some of the more important provisions of S.1129 include:

- Ensuring that unaccompanied alien children have access to counsel during immigration proceedings;
- Providing the Office of Refugee Resettlement (ORR) with the authority to appoint guardians ad litem to unaccompanied alien children when it believes such appointment is appropriate; and
- Establishing minimum standards for the care and custody of unaccompanied alien children.

S. 1129 builds on provisions of the Homeland Security Act of 2002, which transferred the care and custody of these children to the ORR, within the Department of Health and Human Services.

Illinois, Oklahoma, and Washington Pass In-State Tuition Laws

Illinois, Oklahoma, and Washington states, in May, joined four other states to pass legislation that circumvents an unwise federal prohibition and allows public universities to offer in-state tuition to undocumented children. In addition to the fact that these children have overcome substantial obstacles and have worked hard for the opportunity to go to college, states are increasingly concluding that providing these benefits is in their economic interest because it will increase tax revenues and decrease criminal justice and welfare expenses.

In addition to fighting for these state-level bills, advocates are continuing to push for federal legislation that would return authority to the states to decide who is eligible for in-state tuition and would help normalize the immigration status of undocumented children. On June 10th, thousands of activists across America contacted their elected officials and President Bush urging them to support the Student Adjustment Act, H.R. 1684, and pressing the Senate to reintroduce the DREAM Act. Coined the "Click N Call" day of action, this event demonstrated the widespread grassroots support for this important legislation that would give thousands of

deserving children the opportunity to realize their educational dreams and to legalize their immigration status.

Congressman Tancredo Declared Anti-Hispanic

Representative Tom Tancredo (R-CO), on May 22, held a press conference to announce the introduction of a resolution against *Matricula Consular* cards (consular identification cards). This resolution states that Congress disapproves of final rules promulgated by the Treasury Department on April 30 permitting financial institutions to accept certain forms of identification from noncitizens, including the *Matricula Consular* card. In addition to the Department of Treasury, over 800 police departments and 100 cities have endorsed the use of the *Matricula* as a valid and reliable form of identification.

During the press conference, Representative Tancredo held up a controversial poster-sized mock *Matricula* card with Mexican President Vicente Fox pictured prominently. Under President Fox's picture was the caption, "Office for the Issuance of Illegal Alien ID." It also listed the citizenship of his parents as "Unknown" and Fox's occupation as "El Presidente." Representative Ruben Hinajosa (D-TX) was quoted as saying that this use of the President's picture was "anti-Hispanic." The Mexican Embassy issued a statement saying that "it is lamentable and reprehensible that a member of Congress would insist on resorting to these types of attitudes to make an argument with which we certainly disagree," and that the "issuance of consular identification is a right of the government of Mexico."

AILA strongly supports the use of the *Matricula Consular* card because it is a secure form of identification that allows Mexican immigrants a safe avenue through which to enter the financial mainstream and it provides law enforcement officials with a reliable means to identify members of their community.

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. 2435, introduced on June 11 by Representative Linda Sanchez (D-CA), would amend the INA to provide for compensation to states incarcerating undocumented aliens charged with a felony or two or more misdemeanors.

H.R. 2364, the Caribbean Amnesty and Relief Act, introduced on June 5 by Representative Eliot Engel (D-NY), would provide for the adjustment of status of certain Caribbean nationals who have been physically present in the U.S. since September 30, 1996. The legislation would also establish a "Visa Fairness Commission" within the Bureau of Citizenship and Immigration Services tasked with gathering empirical data on economic and racial profiling by consular affairs personnel at U.S. embassies and by Customs and immigration inspectors at U.S. ports of entry.

H.R. 2359, the Basic Pilot Extension Act of 2003, introduced on June 11 by Representative Ken Calvert (R-CA), would amend § 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by extending from 6 to 11 years the basic pilot program for employment eligibility verification. The bill would also broaden the permissible uses of the

employment eligibility verification system by permitting its use to transmit citizenship or immigration status information, in addition to identity and employment eligibility information.

H.R. 2330, the Burmese Freedom and Democracy Act of 2003, introduced on June 4 by Representative Tom Lantos (D-CA), seeks to strengthen Burma's democratic forces and support by recognizing the National League of Democracy as the legitimate representative of the Burmese people. While not an immigration bill per se, H.R. 2330 would authorize the President to deny visas and entry to the former and present leadership of the (Burmese) State Peace and Development Council or the Union Solidarity Development Association. In addition, the bill would require the Secretary of State to coordinate biannually with representatives of the European Union to ensure that an individual who is banned from obtaining a visa by the European Union is also banned from receiving a visa from the United States. The bill is a companion measure to S. 1182, discussed below, and is similar to S. 1215.

H.R. 2258, the Hispanic Health Improvement Act of 2003, introduced on May 22 by Representative Ciro Rodriguez (D-TX), would provide programs and activities to support the health of Hispanic individuals. Among other things, the legislation would provide states the option of covering legal immigrant children and pregnant women under the Medicaid and SCHIP programs. The bill is a companion measure to S. 1159, noted below.

H.R. 2235, the Emergency Immigration Workload Reduction and Homeland Security Enhancement Act of 2003, introduced on May 22 by Representative Sam Graves (R-MO), would suspend: the Visa Waiver Program; adjustment of status; extensions of temporary protected status designations; the allocation of immigrant visas to brothers and sisters of citizens; the allocation of immigrant visas to sons and daughters of citizens; the allocation of immigrant visas to unmarried sons and daughters of permanent residents; the allocation of immigrant visas to diversity immigrants; and the issuance of all nonimmigrant visas.

H.R. 2154, introduced on May 19 by Representative John Mica (R-FL), would amend INA § 214(c)(2) to prevent employers from placing a nonimmigrant intracompany transferee with another employer. Specifically, prospective L-1 employers would be required to file an application with the Secretary of Labor stating that the employer will not place the nonimmigrant with another employer where: (1) the nonimmigrant performs duties at a worksite owned, operated, or controlled by such other employer; and (2) there are indicia of an employment relationship between the nonimmigrant and such other employer. The bill would also require employers to make these "applications" available for public inspection, and the Secretary of Labor would compile and make available for public inspection a list of all such applications, classified by employer and occupation. See article # 7 in this *Update* for further details on H.R. 2154.

H.R. 2152, introduced on May 19 by Representative Barney Frank (D-MA), would amend INA § 101(a)(27)(C)(ii) to extend for an additional five years (through 2008) the special immigrant religious worker program.

H.R. 2137, the Immigrant Children Protection Act of 2003, introduced on May 15 by Representative Kendrick Meek (D-FL), would amend the Homeland Security Act of 2003 with respect to the release of alien children. Specifically, the legislation would provide that each unaccompanied alien child must be charged and transferred from the Department of Homeland Security to the Office of Refugee Resettlement within 72 hours of his or her apprehension, and must be released from custody and placed into the community with a qualified relative or caretaker within 15 days of apprehension. The same requirements would prevail for accompanied

children, with the caveat that the parent of the child or, in the absence of a parent, an accompanying adult family member, must provide written consent to the release. Finally, H.R. 2137 would require the Secretary of Homeland Security to establish personnel training and procedures specifically to deal with the handling of both unaccompanied and accompanied alien children.

H.J. Res. 58, introduced on May 22 by Representative Tom Tancredo (R-CO), is a joint resolution stating that Congress disapproves of final rules promulgated by the Treasury Department on April 30 permitting financial institutions to accept certain forms of identification from noncitizens, including the *Matricula Consular* card.

Senate Legislation

S. 1215, the Burmese Freedom and Democracy Act of 2003, introduced on June 9 by Senator Mitch McConnell (R-KY), seeks to strengthen Burma's democratic forces and support by recognizing the National League of Democracy as the legitimate representative of the Burmese people. While not an immigration bill per se, S. 1215 would authorize the President to deny visas and entry to the former and present leadership of the (Burmese) State Peace and Development Council or the Union Solidarity Development Association. In addition, the bill would require the Secretary of State to coordinate biannually with representatives of the European Union to ensure that an individual who is banned from obtaining a visa by the European Union is also banned from receiving a visa from the United States. The bill is similar to S. 1182 and H.R. 2330.

S. 1182, very similar to S. 1215 above, and also introduced by Senator McConnell on June 4, seeks to strengthen Burma's democratic forces and support by recognizing the National League of Democracy as the legitimate representative of the Burmese people. While not an immigration bill per se, S. 1182 would authorize the President to deny visas and entry to the former and present leadership of the (Burmese) State Peace and Development Council or the Union Solidarity Development Association. In addition, the bill would require the Secretary of State to coordinate biannually with representatives of the European Union to ensure that an individual who is banned from obtaining a visa by the European Union is also banned from receiving a visa from the United States. The bill is a companion measure to H.R. 2330.

S. 1159, the Hispanic Health Improvement Act of 2003, introduced on May 23 by Senator Jeff Bingaman (D-NM), would provide programs and activities to support the health of Hispanic individuals. Among other things, the legislation would provide states the option of covering legal immigrant children and pregnant women under the Medicaid and SCHIP programs. The bill is a companion measure to H.R. 2258, noted above.

S. 1129, the Unaccompanied Alien Child Protection Act of 2003, introduced on May 22 by Senator Dianne Feinstein (D-CA), would build upon the Homeland Security Act, which transferred the care and custody of unaccompanied alien children from the former INS to the Department of Health and Human Services' Office of Refugee Resettlement (ORR). Among other things, the bill would: ensure that unaccompanied alien children have access to counsel; give ORR the authority to provide guardians ad litem to such children; establish minimum standards for the care and custody of unaccompanied alien minors; and strengthen policies for permanent protection of unaccompanied alien children.

MEDIA SPOTLIGHT: Members and Staff in the News

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

The *Herald Sun* quoted **Judy Golub** (National) in a June 12 article about the denial of re-entry to several Pakistani men who inadvertently failed to register for Special Registration before departing the U.S. On June 11, **Daryl Buffenstein** (Atlanta) was quoted by the *Cox News Service* in an article about the reduced number of “no-match” letters that have been sent out this year by the Social Security Administration.

On June 9, **Sohail Mohammed** (New Jersey) was interviewed by *MSNBC* about student deportations and the NSEERS program. And, the *San Jose Mercury News* quoted **Marshall Fitz** (National) on June 9 about the stereotyping employed by the FBI when investigating immigrants post September 11th.

On June 8, **Marshall Fitz** (National) was quoted by the *Fresno Bee* in an article about the long delays in waiting for legal permanent residency. And, on June 5, **Jeanne Butterfield** (National) was quoted by *MSNBC* in a news piece about the DOJ Inspector General’s report on the detention policies of the Department of Justice post September 11th. She was quoted again on June 4 by the *New York Times* and on June 3 by the *Associated Press* on the same subject. Also on June 4, **Crystal Williams** (National) and **David Leopold** (Ohio) were quoted by the *Christian Science Monitor* in an article about the DOJ Inspector General’s report.

Leonor Perretta (Utah) was quoted by the *Deseret News* on June 4 in an article about the Student Adjustment Act. On May 28, **Kathleen Walker** (Texas) was quoted by the *Cybercast News Service* about the class action suit filed by legal permanent residents against the Department of Homeland Security. **Jerry Burns** (Arizona) was interviewed by the *East Valley Tribune* on May 28 in an article about in-state tuition for children of undocumented immigrants.

Miryam Antunez de Mayolo (Iowa/Nebraska) was quoted by the *Dubuque Telegraph Herald* on May 26 in an article about the case of a 33-year-old legal permanent resident who is going to defend himself against multiple charges, including dumping hazardous waste in the Mississippi River. In addition, on May 26, *Computerworld* featured an article that quotes **Vic Goel** (Washington, D.C.) on proposed legislation sponsored by Representative Mica (R-FL) that would curb the use of L-1 visas.

On May 25, **Greg Siskind** (Louisiana/Mid-South) was quoted in an article by the *San Francisco Chronicle* about the technology industry’s use of L-1 visas. *The Miami Herald*, on May 24, featured the policy brief by **Walter Ewing** (AILF) in an Op-Ed, which calls for sensible, and comprehensive immigration reform that would make legality the norm. On May 22, **Ben Johnson** (AILF) was interviewed, along with Pat Buchanan, on *MSNBC/Chris Matthew’s Hardball* about whether citizens groups have the right stuff to patrol our southern border and the need for immigration reform.

Luis J. Perez-Eguiarte (Atlanta) was quoted in an *Atlanta Journal-Constitution* article on May 21 about the strain on the relationship between the U.S. and Latin American countries. In addition, on May 21, **Marc Van Der Hout** (Northern California) was quoted by the *San Jose Mercury News* in an article in which Ninth Circuit Court of Appeals gave the government 15 days to produce 30 pages of classified documents that it used in detaining and denying political asylum to 45-year-old Harpal Singh, a former Bay Area Sikh activist. On May 22, the *Congressional*

Quarterly quoted AILA's press release in which AILA expressed reservations over the new U.S. VISIT system implemented by the Department of Homeland Security.

The *Associated Press* quoted **Marshall Fitz** (National) on May 20 in an article about local police enforcing immigration laws. In addition, on May 20, **Crystal Williams** (National) was quoted in the *Miami Herald* in an article about the government's new policy of fingerprinting and photographing every visitor to the U.S.

In its May 2003 issue, *The Progressive Magazine* quoted **Mayra Calo** (Central Florida), **B. John Ovink** (Central Florida), **Julie Dinnerstein** (New York) and **Crystal Williams** (National) in an extensive article about Special Registration and how immigration authorities bar attorneys from accompanying their clients during interviews. On May 15, **Marshall Fitz** (National) was quoted in a *San Jose Mercury News* article about a case before the Ninth Circuit Court of Appeals in which the court considered whether a U.S. Justice Department board can continue to deny appeals of deportation orders for immigrants without any legal explanation.

Jacob Monty (Texas) was interviewed on May 14 on *CNN / Wolf Blitzer Reports* about the smuggled immigrants who were found in the truck trailer in Victoria, Texas. **David Wright** (Northern California) was quoted in a Question and Answer article in the *San Jose Mercury News* on May 14. In addition, on May 14, **Raquel Fonte** (Southern California) was quoted in a *Los Angeles Times* article in which she discussed the crackdown on those who pose as immigration attorneys or consultants.

Crystal Williams (National) and **Jo Anne Adlerstein** (New Jersey) were both quoted in a *New Jersey Law Journal* article on May 12 that concluded that an immigration practice and hours spent don't always translate into money earned. In addition, on May 12, **Michael Maggio** (Washington, DC) was quoted in an article by the *Wilmington News Journal* about the wave of highly educated professional immigrants who have come to the United States seeking opportunity and freedom, only to run into roadblocks that keep them from using their skills and experience to benefit their adopted communities. Finally, on May 12, **Jeff Joseph** (Colorado) was quoted in a *Denver Rocky Mountain News* article, which featured the story of his client, Ciaran Ferry, who is in detention due to his past involvement with the IRA.

Benjamin Trister (Canada) was mentioned in the *Montreal Gazette* on May 11 in an article that discussed the need to immediately regulate the activities of immigration consultants in Canada. In addition, on May 11, **Midori Hills** (New York) was quoted in *Newsday* in a Question and Answer article about immigration. Finally, on May 11, the *Pittsburg Post-Gazette* printed a letter to the editor by **Joel Pfeffer** (Pittsburgh) in which he commends the newspaper for its editorial criticizing the U.S. Supreme Court for allowing the arbitrary detention of legal aliens while immigration officials determine if they should be deported because of criminal convictions.

On May 9, **Jim Mayock** (Northern California) was quoted by the *Associated Press* in an article about tax agency workers facing immigration problems because of a dispute over the agency's payment of immigration and legal fees. In addition, **Andrea Slusser** (Carolinas) was quoted in an article by the *Associated Press* that warned Latinos about direct mail and telemarketing calls that offer a chance to get permanent resident status. Finally, **Gary Segal** (Canada) was featured in an article by the *Toronto Star* that discussed the need to regulate the activities of immigration consultants in Canada.

On May 8, **Benjamin Trister** (Canada) was quoted by *Agence France Presse* in an article in which he urged Immigration Minister Denis Coderre to establish a licensing process for

immigration agents or counsels and to ban Canadian diplomatic missions abroad from dealing with unlicensed agents. In addition, on May 8, **Judy Golub** (National) was quoted in an article by the *Gannett News Service* that summarized the ‘mixed reviews’ on the Department of Homeland Security’s first 100 days.

Upcoming Hearings and Events

June 18: Amnesty International Release of Report on Children in Immigration Detention, National Press Club, 10:00 a.m., Zenger Room, 14 and F Streets NW. Simultaneous press conferences will be held in Miami, Atlanta and Harrisburg, Pa. For more information, contact Jen Corlew at 202-544-0200 ext. 247.

June 18: House Government Reform Committee will hold a hearing entitled “Visa Revocations: Catching the Terrorists Among Us.” 10:00 a.m., 2154 Rayburn House Office Building.

June 18-21: AILA Annual Conference New Orleans, LA

June 19: Subcommittee on Immigration, Border Security, and Claims Subcommittee of House Judiciary Committee will hold an oversight hearing on “The Issuance, Acceptance, and Reliability of Consular Identification Cards.” 2:00 p.m. in Room 2237 of the Rayburn House Office Building.

June 19: House Select Homeland Security Committee (Chairman Cox, R-CA) will hold a hearing entitled “Response to Terrorism: How is the Department of Homeland Security Improving Our Capabilities?” 1:00 p.m., 2318 Rayburn House Office Building.

June 25: Senate Judiciary Committee (Chairman Hatch, R-UT) will hold a hearing on a report on the activities of the Department of Justice following the Sept. 11 attacks with respect to the detention of aliens. 10:00 a.m., 226 Dirksen Senate Office Building.

Did You Know?

I fear that if the mission of the Department of Justice is now primarily to disrupt and prevent, then the questions that will be asked in the Department will no longer focus on whether an action is safely within the bounds of the Constitution and laws, but how close can they get to the line, or how much can they get away with. The recent report of the Inspector General on the treatment of post-September 11 detainees, and the Department of Justice’s reaction to that report, is strong evidence that such an attitude already pervades the Department of Justice.

--Remarks of Former INS Commissioner James Ziglar at the Membership Meeting of the ACLU, June 14, 2003

CONTRIBUTORS

Judith Golub, Senior Director of Advocacy and Public Affairs
Marshall Fitz, Associate Director of Advocacy
Danielle Polen, Legislative and Regulatory Affairs Associate
Joanna Carson, Business Immigration Associate
John Estrella, Advocacy Associate
Julia Roane Hendrix, Media Relations Associate
Kris Benjamin, Legislative Assistant
47AU2030

American Immigration Lawyers Association
918 F Street, N.W.
Washington, D.C. 20004
202-216-2403