

SISKIND'S IMMIGRATION BULLETIN
November 16, 2001

E-mail subscribers as of 10 October 2001: 30,159 persons (50 states/144 countries). Published by Greg Siskind, partner at the Immigration Law Offices of Siskind, Susser, Haas & Devine, Attorneys at Law; telephone: 800-748-3819, 901-737-3194 or 615-345-0225; facsimile: 800-684-1267, email: gsiskind@visalaw.com, WWW home page: <http://www.visalaw.com>.

SSHD serves immigration clients throughout the world from its offices in the US, Canada and the People's Republic of China. To schedule a telephone or in-person consultation with the firm, go to <http://www.visalaw.com/intake.html>. Editors: Amy Ballentine and Greg Siskind. Contributors: Marc Topoleski, Karen Weinstock, and Simon Bieber.

To receive a free e-mail subscription to Siskind's Immigration Bulletin, fill out the form at <http://www.visalaw.com/subscribe2.html>. To unsubscribe, send your request to visalaw-unsubscribe@topica.com.

To subscribe to the free Siskind's Immigration Professional Newsletter, go to <http://www.visalaw.com/sip-intro.html>.

**Are you a jobseeker looking for an employer to sponsor your work visa?
Are you an employer or recruiter who can benefit from free online job
posting? Visit [Visajobs.com](http://www.visajobs.com), the online career network, and create your
new account (<http://www.visajobs.com>).**

1. OPENERS
2. LEGISLATIVE UPDATE
3. INS ANNOUNCES RESTRUCTURING PLANS
4. NEW RULE ON MONITORING ATTORNEY-CLIENT CONVERSATIONS
ANGERS RIGHTS ADVOCATES
5. STATE DEPARTMENT ANNOUNCES NEW SECURITY MEASURES
TARGETED AT ARAB AND MUSLIM MEN
6. BUSH AUTHORIZES MILITARY COURTS TO TRY NONCITIZENS
ACCUSED OF TERRORISM
7. ATTACK ON AMERICA – IMMIGRATION UPDATE
8. BORDER NEWS
9. NEWS FROM THE COURTS
10. GOVERNMENT PROCESSING TIMES
11. NEWS BYTES

12. THE ABC'S OF IMMIGRATION – INADMISSIBILITY – PREVIOUS DEPORTATION OR UNLAWFUL PRESENCE
 13. INTERNATIONAL ROUND-UP
 14. HEARING ON USE OF SECRET EVIDENCE GAINS NEW IMPORTANCE AFTER SEPTEMBER 11TH
 15. INS STATISCIAL REPORT SHOWS DRAMATIC IMPACT OF SEPTEMBER 11TH ATTACKS
 16. GUEST COMMENTARY: FOR ZION I SHALL NOT BE SILENT, BY GARY ENDELMAN
 17. STATE DEPARTMENT VISA BULLETIN – DECEMBER 2001
-

1. OPENERS

Dear Readers:

A number of important immigration stories broke this week. But the one that will probably have the longest term impact on our immigration system is the decision to break up the INS into two separate bureaus. Under the Justice Department's plan, the INS will split into an enforcement division and a services division. Each will have a separate commission ultimately under the supervision of an immigration "czar". The plan is designed to head off a more dramatic proposal circulating in Congress that would actually split the INS into two agencies completely independent of each other and not under common control. I'm an optimist by nature and believe that this can only help matters. The INS has essentially been paralyzed for years because it has been unable to resolve its conflicting missions. The agency will hopefully be able to do a better job enforcing the laws and processing applications under the new system. But whether this is better than completing splitting the agency up is a matter of debate and we could see quite a fight between the Administration and Congress on this question.

Another big news item broke last weekend and we sent out an emergency alert regarding the matter. The State Department will now be requiring a security hold on non-immigrant visa applications for men between 16 and 45 from a number of Arab and Muslim countries. The security checks will mean that applications will be delayed by up to three weeks. While this presents an inconvenience for applicants, it is hard to see how the US could continue with its minimal background checks for visa applicants after the September 11th attacks. Ideally, technology will help to make the checks go faster. The issue of profiling is controversial, but when it comes to national security, the tradeoff seems to be more acceptable. We should also not kid ourselves. The entire visa application process is, and always has been, a matter of profiling. Consular officers develop profiles they use

everyday to determine who is a better candidate for a visa and who should be denied.

The Bush Administration announced a controversial policy of eavesdropping on attorney-client conversations for people being detained in the post-September 11th roundups. The Administration also announced that military tribunals will try criminal cases arising from the terrorism investigation. Since most, if not all, of the defendants and witnesses affected are immigrants, the question arises of just how much protection immigrants should have under the Constitution. Both of these policies are likely to be challenged in the courts and I would not be surprised if the matters are settled by the US Supreme Court.

We also have coverage of other news and we have our regular features including and ABCs of Immigration article on inadmissibility based on a previous deportation, the latest State Department Visa Bulletin and Government Processing Times, a guest article by Gary Endelman and News From the Courts.

Siskind, Susser, Haas & Devine has been in the news this past week. KPMG, one of the world's largest consulting firms, interviewed me as part of a story on the nursing shortage. You can see the article by going to www.visalaw.com/news . Speaking of the nursing shortage, you can read more about this and other health care immigration matters in our most recent issue of Visalaw.com Health Care Immigration News. We've just posted the latest issue on our web site at <http://www.visalaw.com/IMG/newsletter.html>.

If you have quick immigration questions to ask, you are invited to join me in my weekly chat on immigration law on Monster.com. The chats take place at 5 pm eastern time every Monday.

If you would like a telephone consultation with me to discuss your immigration case, just go to <http://www.visalaw.com/intake.html> or call my assistant Leslie Grandberry at 800-748-3819 or 901-737-3194. We have had a very positive response to our new fee structure that lowers the cost for shorter consultations.

Have a great weekend -

Greg Siskind

2. LEGISLATIVE UPDATE

This week the House and Senate agreed to a final bill on funding the Commerce, Justice and State Departments for fiscal year 2002. The bill provides more than \$2.7 billion in funding for INS border and enforcement activities, and \$631 million for provision of services and benefits. This funding level assumes that the INS will collect about \$2.1 billion in fees for services. About 57 percent of the money spent by the INS comes from fees, but only about 23 percent is dedicated to providing services.

Other immigration related aspects of the funding bill include a 18-month extension of the Hmong Veterans Naturalization Act, while allows members of the Hmong ethnic group who fought on behalf of the US during the Vietnam War to take an oral rather than written citizenship exam. The INS is also authorized to grant posthumous naturalization to victims of the September 11th tragedy who had pending naturalization applications.

As part of his campaign in support of H.R. 3231, the Immigration Reform and Accountability Act of 2001, Rep. James Sensenbrenner (R-WI) recently toured the San Ysidro port of entry in California, the busiest in the nation. The bill would split the INS into two separate agencies, one for services and one for enforcement. The idea of splitting the agency has been growing in popularity for the past few years. INS officials say such a drastic measure is not needed, and that any necessary reforms can be accomplished within the existing agency. For example, INS Commissioner James Ziglar recently proposed creating assigning two directors to each INS district office, one to focus on service and the other on enforcement. A detailed summary of the INS' own plans for reorganization is included later in this newsletter.

[H.R. 3286](#), the Securing America from Terrorist Entries Act, introduced by Rep. Dave Weldon (R-FL), would create a moratorium on issuing visas to nationals of Afghanistan, Algeria, Egypt, Lebanon, Saudi Arabia, Somalia, the United Arab Emirates and Yemen. The moratorium would end only after the Attorney General certifies that the country has machine readable passports.

HOUSE OF REPRESENTATIVES		
Bill Number	Title/Description	Legislative Actions
<u>H.R. 22</u>	Would delay the legal effect of an agreement signed by an undocumented immigrant admitting	Introduced by Rep. LaTourette (R-OH) on 01/03/2001, referred to

	that they are in the US without authorization and seeking voluntary departure for 72 hours, except in cases where the immigrant met with an attorney or other legal representative before signing such an agreement.	Committee on the Judiciary; 02/12/2001 referred to the Immigration Subcommittee
<u>H.R. 26</u>	Baseball Diplomacy Act; would suspend the application of laws prohibiting dealings between the US and Cuba to Cuban nationals who are entering the US to play professional baseball.	Introduced by Rep. Serrano (D-NY) on 01/03/2001, referred to Committee on the Judiciary and Committee on International Relations; 02/12/2001 referred to the Immigration Subcommittee; 3/13/2001 Referred to House subcommittee
<u>H.R. 35</u>	The Illegal Foreign Contributions Prohibition Act of 2001, would prohibit campaign contributions from anyone who is not a citizen or national of the US.	Introduced by Rep. Doug Bereuter (R-NE) on 01/03/2001, referred to the Committee on House Administration
<u>H.R. 87</u>	The Keeping Families Together Act of 2001, would return some sections of immigration law to their status before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.	Introduced by Rep. Filner (D-CA) on 01/03/2001, referred to the Committee on the Judiciary; 02/12/2001 referred to Immigration Subcommittee
<u>H.R. 133</u>	Would amend the Immigration and Nationality Act so that people on whose behalf a family-based immigrant petition has been filed do not have to wait longer to obtain a visa because they move from the second to the first preference through the naturalization of a parent or spouse.	Introduced by Rep. Mink (D-HI) on 01/03/2001, referred to the Committee on the Judiciary; 02/12/2001 referred to Immigration Subcommittee
<u>H.R. 171</u>	The Fairness to Immigrant Veterans Act of 2001, would eliminate the application of some of the harsher of	Introduced by Rep. Jose Serrano (D-NY) on 01/03/2001, referred to

	the 1996 immigration laws to immigrants who have served in the US armed forces.	Committee on the Judiciary; 02/12/2001 referred to Immigration Subcommittee
<u>H.R. 190</u>	Would create a law that denied citizenship to those born in the US to a mother who is not a citizen or permanent resident of the US.	Introduced by Rep. Bob Stump (R-AZ) on 01/03/2001, referred to Committee on the Judiciary; 02/12/2001 referred to Immigration Subcommittee
<u>H.R. 329</u>	Would establish an INS office in Nashville, TN.	Introduced by Rep. Bob Clement (D-TN) on 01/31/2001, referred to the Committee on the Judiciary; 02/12/2001 referred to Immigration Subcommittee
<u>H.R. 340</u>	The Excellence and Accountability in Education Act, would provide additional funding for programs designed to educate migratory students, including English instruction.	Introduced by Rep. George Miller (D-CA) on 01/31/2001, referred to the Committee on Education and the Workforce; 3/29/2001 House committee /subcommittee actions
<u>H.R. 345</u>	The Public Education Reinvestment, Reinvention and Responsibility Act, would amend and fund numerous programs relating to the education of immigrant children.	Introduced by Rep. Tim Roemer (D-IN) on 01/31/2001; 3/29/2001 House committee /subcommittee actions
<u>H.R. 348</u>	The Central American and Haitian Adjustment Act of 1999, would make nationals of El Salvador, Guatemala, Honduras and Haiti eligible for relief under the Nicaraguan Adjustment and Central American Relief Act, and would extend the deadline for NACARA applications until 2003.	Introduced by Rep. Luis Gutierrez (D-IL) on 01/31/2001, referred to the Committee on the Judiciary; 02/16/2001 referred to Immigration Subcommittee
<u>H.R. 357</u>	The Liberian Refugee Immigration Protection Act of 2001, would allow Liberian nationals who obtained or were eligible to obtain Temporary Protected Status in the US to	Introduced by Rep. Patrick Kennedy (D-RI) on 01/31/2001, referred to the Committee on the

	Protected Status in the US to adjust their status to lawful permanent resident.	Judiciary; 02/12/2001 referred to Immigration Subcommittee
<u>H.R. 500</u>	The U.S. Employee, Family Unity, and Legalization Act, would change the registry date from the current January 1, 1972 to February 6, 1996 and provide for the update of the registry date for six years. The law would eliminate the retroactive application of new grounds for deportation when the offense occurred before it was a reason for deportation and would amend the definition of aggravated felony It would also require that for other offenses to be considered aggravated felonies a sentence of at least one year actually be imposed and not simply be a possibility. The law would eliminate the three and ten-year bars on readmission that currently apply to people who have failed to maintain valid immigration status in the US. It would amend the recently created V visa to allow spouses and children of permanent residents to enter the US to achieve family unity immediately.	Introduced by Rep. Luis Guittierrez (D-IL) on 02/07/2001, referred to the Committee on the Judiciary
<u>H.R. 505</u>	The Alien Unaccompanied Minor Adjustment and Protection Act of 2001, would amend the Immigration and Nationality Act to provide for the adjustment of status of alien children who arrive in the US without their parents. The bill would also create a panel of advisors independent of the INS who would serve as guardians ad litem to the unaccompanied children.	Introduced by Rep. Alcee Hastings (D-FL) on 02/07/2001, referred to the Committee on the Judiciary; 02/23/2001 referred to Immigration Subcommittee
<u>H.R. 531</u>	Would grant Salvadoran nationals in the US since January 13, 2001, the date a massive earthquake hit El Salvador, temporary protected status for one year	Introduced by Rep. Howard Berman (D-CA) on 02/08/2001, referred to the Committee on the Judiciary; 02/23/2001 referred to Immigration Subcommittee

<u>H.R. 544</u>	Would require the INS to create regulations outlining the situations in which gender-based persecution can for the basis for a valid asylum claim.	Introduced by Rep. Carolyn Maloney (D-NY) on 02/08/2001, referred to the Committee on the Judiciary; 02/16/2001 referred to Immigration Subcommittee
<u>H.R. 654</u>	The Immigration Services Consumer Protection Act of 2001, would create criminal penalties for immigration consultants who do not have a license from the INS and do not provide written agreements for the clients outlining the services to be rendered.	Introduced by Rep. Luis Gutierrez (D-IL) on 02/14/2001, referred to the Committee on the Judiciary; 03/02/2001 referred to Immigration Subcommittee
<u>H.R. 690</u>	The Permanent Partners Immigration Act of 2001, would provide full immigration benefits to same-sex couples.	Introduced by Rep. Jerrold Nadler (D-NY) on 02/14/2001, referred to the Committee on the Judiciary; 03/02/2001 referred to Immigration Subcommittee
<u>H.R. 707</u>	The Central American and Haitian Adjustment Act of 1999, would amend the Nicaraguan Adjustment and Central American Relief Act to extend the application period through 2003, and would also allow Guatemalans, Salvadorans and Haitians to apply under the more favorable provisions that currently apply to Nicaraguans.	Introduced by Rep. Christopher Smith (R-NJ) on 02/14/2001, referred to the Committee on the Judiciary; 03/02/2001 referred to Immigration Subcommittee
<u>H.R. 720</u>	The Alien Children Protection Act of 2001, would make unaccompanied alien children eligible for temporary protected status, would require the INS to detain such children in appropriate facilities, and would allow such children to apply for permanent residency after five years.	Introduced by Rep. David Wu (D-OR) on 02/14/2001, referred to the Committee on the Judiciary; 03/02/2001 referred to Immigration Subcommittee
<u>H.R. 814</u>	would eliminate the annual limits on the number of spouses of permanent residents that could immigrate to the US.	Introduced by Rep. Robert Andrews (D-NJ) on 03/01/2001, referred to the Committee on the Judiciary; 03/09/2001

		referred to the Subcommittee on Immigration
<u>H.R. 875</u>	The Restoration of Women's Citizenship Act, would restore US citizenship to women who lost it solely because they married a foreign national prior to September 22, 1922, and died before December 24, 1952, when the Immigration and Nationality Act was changed to eliminate this provision. Such a bill could help children and grandchildren of these women gain legal status in the US.	Introduced by Rep. Anna Eshoo (D-CA) on 03/06/2001, referred to the Committee on the Judiciary; 3/9/2001 referred to the Subcommittee on Immigration
<u>H.R. 945</u>	The Andean Adjustment Act of 2001, would allow nationals of Colombia and Peru to apply for adjustment of status even if they have had previous immigration status or employment violations. To be eligible, the person must have been in the US on December 1, 1995 and have been physically present for one year after that date.	Introduced by Rep. Lincoln Diaz-Balart (R-FL) on 03/08/2001, referred to the Committee on the Judiciary; 3/20/2001 Referred to House subcommittee
<u>H.R. 957</u>	Would increase the number of positions in the INS dedicated to combating immigrants smuggling. It would also sharply increase the sentences for those convicted of immigrant smuggling.	Introduced by Rep. Ric Keller (R-FL) on 03/08/2001, referred to the Committee on the Judiciary; 3/20/2001 Referred to House subcommittee
<u>H.R. 964</u>	The Senior Citizenship Act of 2001, would create an exemption from the English language requirement for naturalization for people over 65, and would allow them to take the civics examination in the language of their choice.	Introduced by Rep. Jerrold Nadler (D-NY) on 03/08/2001, referred to the Committee on the Judiciary; 3/20/2001 Referred to House subcommittee
H.R.993	To improve the prevention and punishment of criminal smuggling, transporting, and harboring of aliens, and for other purposes	Sponsor: Rep Keller, Ric(introduced 3/13/2001); 3/20/2001 Referred to House subcommittee

<p><u>H.R. 1028</u></p>	<p>Would amend the Immigration and Nationality Act to eliminate the presumption that a filed immigrant visa petition is evidence of the intent to abandon one's residence in applications for student and visitor visas by spouses and children of permanent residents.</p>	<p>Introduced by Rep. Frank Pallone (D-NJ) on 03/14/2001, referred to the Committee on the Judiciary; 4/19/2001 Referred to House subcommittee</p>
<p><u>H.R. 1195</u></p>	<p>Would extend the filing deadline under section 245(i) until April 30, 2002</p>	<p>Introduced by Rep. Charles Rangel (D-NY) on 03/22/2001, referred to the Committee on the Judiciary; 4/19/2001 Referred to House subcommittee</p>
<p><u>H.R. 1209</u></p>	<p>The Child Status Protection Act of 2001, would eliminate the problem of children of applicants for green cards "aging out," that is, turning 21 during the pendency of the application and thus no longer being eligible as a derivative. Under the bill, the age of a child would be determined by its age at the time the green card application was filed.</p>	<p>Introduced by Rep. George Gekas (R-PA) on 03/26/2001, referred to the Committee on the Judiciary; 6/7/2001 Referred to Senate committee</p>
<p><u>H.R. 1242</u></p>	<p>Would extend the filing deadline for section 245(i) until October 31, 2001. Earlier, Rep. Charles Rangel (D-NY) introduced a bill (<u>H.R. 1195</u>) that would extend the deadline until April 30, 2002.</p>	<p>Introduced by Rep. Peter King (R-NY) on 03/27/2001, referred to the Committee on the Judiciary; 4/19/2001 Referred to House subcommittee</p>
<p><u>H.R. 1266</u></p>	<p>The Secret Evidence Repeal Act of 2001, would amend the Immigration and Nationality Act to reform the way in which classified evidence is used in immigration proceedings. It would allow such evidence to be used only in cases opposing an application for admission, to deny discretionary relief from removal, and if the ground of deportation is participation in terrorist activities.</p>	<p>Introduced by Rep. David Bonior (D-MI) on 03/28/2001, referred to the Committee on the Judiciary; 4/19/2001 Referred to House subcommittee</p>

<p><u>H.R. 1306</u></p>	<p>The Wire Transfer Fairness and Disclosure Act of 2001, would amend the Electronic Fund Transfer Act to require disclosure of exchange rates in international money transfers. Many immigrants and advocates feel that transfer services change unfairly high and hidden rates of exchange, and numerous lawsuits have been filed over the matter.</p>	<p>Introduced by Rep. Luis Gutierrez (D-IL) on 03/29/2001, referred to the House Committee on Financial Services, 4/10/2001 referred to the Subcommittee on Financial Institutions and Consumer Credit; 4/10/2001 Referred to House subcommittee.</p>
<p><u>H.R. 1327</u></p>	<p>Would prohibit H-2A agricultural workers from filing suit against their employer except in the state where the employer resides or has its principal place of business.</p>	<p>Introduced by Rep. Ed Whitfield (R-KY) on 03/29/2001, referred to the Committee on the Judiciary; 4/19/2001 Referred to House subcommittee</p>
<p><u>H.R. 1345</u></p>	<p>The Consular Review Act of 2001, would call for the creation of a Board of Visa Appeals with the authority to review decisions of consular officers denying visas.</p>	<p>Introduced by Rep. Barney Frank (D-MA) on 04/03/2001, referred to the Committee on the Judiciary; 4/19/2001 Referred to House subcommittee</p>
<p><u>H.R. 1449</u></p>	<p>The Anti-Atrocity Alien Deportation Act, would amend the Immigration and Nationality Act to make people who have engaged in torture or committed war crimes inadmissible and deportable. It would also establish a special Justice Department office focused on enforcing the provision.</p>	<p>Introduced by Rep. Mark Foley (R-FL) on 04/04/2001, referred to the Committee on the Judiciary; 4/19/2001 Referred to House subcommittee</p>
<p><u>H.R. 1452</u></p>	<p>The Family Reunification Act of 2001, would restore many of the laws dealing with deportation to their pre-1996 state.</p>	<p>Introduced by Rep. Barney Frank (D-MA) on 04/04/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House subcommittee</p>

<p><u>H.R. 1560</u></p>	<p>The Increase in Numerical Limitation for Asylees Adjustment Act of 2001, would increase the annual limit on the number of asylees who can be granted adjustment of status from 10,000 to 25,000.</p>	<p>Introduced by Rep. Sheila Jackson-Lee (D-TX) on 04/24/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House subcommittee Title</p>
<p><u>H.R. 1561</u></p>	<p>The Date of Registry and Legal Amnesty Restoration Act of 2001, would change the registry date from January 1, 1972 to January 1, 1986 and advance the date by one year in each of the five following years.</p>	<p>Introduced by Rep. Sheila Jackson-Lee (D-TX) on 04/24/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House subcommittee</p>
<p><u>H.R. 1562</u></p>	<p>The Immigration Restructuring and Accountability Act of 2001, would split the INS into two separate agencies, the Bureau of Immigration Service and the Bureau of Immigration Enforcement and, would create an Office of the Associate Attorney General for Immigration Affairs to coordinate functions between the two agencies.</p>	<p>introduced by Rep. Sheila Jackson-Lee (D-TX) on 04/24/2001, referred to the Committee on the Judiciary, and to the Committee on Government Reform; 5/9/2001 Referred to House subcommittee</p>
<p><u>H.R. 1563</u></p>	<p>The Preserving Educational Opportunities for Immigrant Children Act of 2001, would eliminate restrictions on the ability of the states to authorize in state tuition to undocumented children attending state universities. It would also restore eligible for social services for immigrant children to their status before the 1996 welfare reform law.</p>	<p>Introduced by Rep. Sheila Jackson-Lee (D-TX) on 04/24/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House subcommittee</p>
<p><u>H.R. 1571</u></p>	<p>The Alien Child Protection and Deferred Enforced Departure Family Unity Act of 2001, would authorize the adjustment of status of children under 12 who have no legally recognized parent. It would also authorize the issuance of an order of</p>	<p>Introduced by Rep. Major Owens (D-NY) on 04/24/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House subcommittee</p>

	deferred enforced departure for parents of US citizen children under 18.	subcommittee
<u>H.R. 1572</u>	the Worker Amnesty and Opportunity Act of 2001, would allow undocumented immigrants who have been in the US for 10 years and are either sponsored by a labor organization to work in an area with worker shortages, are eligible to attend university, or are at least 65 years old.	Introduced by Rep. Major Owens (D-NY) on 04/24/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House subcommittee
<u>H.R. 1582</u>	The Immigrant Children's Educational Advancement and Dropout Prevention Act of 2001, would provide for the adjustment of status of deportable aliens under age 21 who have been in the US for at least five years and are in high school or college.	Introduced by Rep. Luiz Gutierrez (D-IL) on 04/25/2001, referred to the Committee on the Judiciary, and to the Committee on Education and the Workforce; 6/27/2001 Referred to House subcommittee
<u>H.R. 1615</u>	Would extend the section 245(i) deadline until April 30, 2002	Introduced by Rep. Sheila Jackson-Lee (D-TX) on 04/26/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House subcommittee
<u>H.R. 1616</u>	The Veterans' Citizenship Act of 2001, would authorize the filing of naturalization applicants by immigrants who have completed three years of service in the US armed forces after obtaining permanent residence.	Introduced by Rep. Ric Keller (R-FL) on 04/26/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House subcommittee
<u>H.R. 1713</u>	Would make section 245(i) permanent.	Introduced by Rep. Luis Gutierrez (D-IL) on 05/03/2001, referred to the Committee on the Judiciary; 5/30/2001 Referred to House subcommittee

<u>H.R. 1726</u>	Would provide for the adjustment of status of nationals of Montserrat who were granted Temporary Protected Status when it was first offered in the fall of 1997.	Introduced by Rep. Major Owens (D-NY) on 05/03/2001, referred to the Committee on the Judiciary; 5/30/2001 Referred to House subcommittee
<u>H.R. 1806</u>	The Liberian Refugee Immigration Fairness Act of 2001, would allow Liberian nationals in the US continuously since January 1, 2001 to apply for adjustment of status. Applicants would not be subject to the public charge ground of inadmissibility or those relating to status violations while in the US.	Introduced by Rep. Patrick Kennedy (D-RI) on 05/10/2001, referred to the Committee on the Judiciary; 5/30/2001 Referred to House subcommittee
H.R.1840	To extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.	Sponsor: Rep Davis, Tom(introduced 5/15/2001); 10/31/2001 Referred to Senate committee
H.R.1885	To expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes.	Introduced by George Gekas; 9/6/2001 Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
<u>H.R. 1892</u>	The Family Sponsor Immigration Act of 2001, would allow the substitution of a sponsor for purposes of the affidavit of support when the original sponsor of the immigrant has died. The new sponsor must be a close family member, and it must also be determined that the underlying immigrant visa petition should not be revoked.	Introduced by Rep. Ken Calvert (R-CA) on 05/17/2001, referred to the Committee on the Judiciary, 07/10/2001 reported to whole House (<u>text</u> as reported); 7/24/2001 Referred to Senate committee
H.R.1904	To establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and	Sponsor: Rep Lofgren, Zoe(introduced 5/17/2001); (See also S. 121); 5/30/2001 Referred to House subcommittee

	for other purposes.	
H.R.1910	To deny Federal public benefits to individuals who were participants in Nazi persecution	Sponsor: Rep Saxton, Jim(introduced 5/17/2001); 5/30/2001 Referred to House subcommittee
<u>H.R. 1918</u>	The Student Adjustment Act of 2001, would amend the Immigration and Nationality Act to allow states to determine whether a foreign national is a resident of the state for in-state tuition purposes. It would also allow children under 21 who are in US schools to apply for adjustment of status.	Introduced by Rep. Chris Cannon (R-UT) on 05/21/2001, referred to the Committee on the Judiciary, and to the Committee on Education and the Workforce; 7/20/2001 Referred to House subcommittee
<u>H.R. 1984</u>	The English Language Unity Act of 2001, would make English the official language of the US.	Introduced by Rep. Bob Barr (R-GA) on 05/24/2001, referred to the Committee on Education and the Workforce, and to the Committee on the Judiciary; 7/25/2001 Referred to House subcommittee
<u>H.R. 1996</u>	The Civil Rights for International Travelers Act, would forbid US Customs officers from engaging in racial profiling in determining which people seeking entry to the US to search.	Introduced by Rep. John Lewis (D-GA) on 05/24/2001, referred to the Committee on Ways and Means; 6/4/2001 Referred to House subcommittee
<u>H.R. 2030</u>	Would prohibit the issuance of a visa to physicians from the People's Republic of China who are seeking entry to the US to study organ and tissue transplantation.	Introduced by Ileana Ros-Lehtinen (R-FL) on 05/25/2001, referred to the Committee on the Judiciary; 6/18/2001 Referred to House subcommittee

<p><u>H.R. 2113</u></p>	<p>The Secret Evidence Against Lawful Aliens Repeal Act of 2001, would prohibit the use of secret evidence, that is, evidence that the alien is not permitted to see, in deportation proceedings against people who are lawfully in the US. Under the bill, the procedures dealing with the use of classified evidence in criminal proceedings would be made applicable in removal proceedings about legal immigrants.</p>	<p>Introduced by Rep. Dana Rohrabacher (R-CA) on 06/07/2001, referred to the Committee on the Judiciary; 6/18/2001 Referred to House subcommittee</p>
<p><u>H.R. 2162</u></p>	<p>The Paso al Norte National Museum of Immigration History Act, would provide for the creation of a national museum in El Paso, Texas that would commemorate immigration to the US from Mexico and Central America.</p>	<p>Introduced by Rep. Silvestre Reyes (D-TX) on 06/13/2001, referred to the Committee on Education and the Workforce, and to the Committee on the Judiciary; 6/18/2001 Referred to House subcommittee; 8/20/2001 Referred to House subcommittee</p>
<p>H.R.2256</p>	<p>To amend the Public Health Service Act to establish a 5-year pilot program under which health care providers are reimbursed by the Secretary of Health and Human Services for the costs associated with providing emergency medical care to aliens who are not lawfully present in the United States and are not detained by any law enforcement authority, and for other purposes.</p>	<p>Sponsor: Rep Kolbe, Jim(introduced 6/20/2001); 7/16/2001 Referred to House subcommittee</p>
<p>H.R.2276</p>	<p>To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien.</p>	<p>Sponsor: Rep Gekas, George W.(introduced 6/21/2001); 6/27/2001 House committee/subcommittee actions: Forwarded by Subcommittee to Full Committee by Voice Vote</p>

H.R.2278	To provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.	Sponsor: Rep Gekas, George W.(introduced 6/21/2001); 9/5/2001 Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H5357-5358); 9/6/2001 Received in the Senate; 10/16/2001 Referred to Senate committee
H.R. 2348	The Tohono O'odham Citizenship Act of 2001, would make members of the Tohono O'odham Nation US citizens even if they were born in Mexico.	Introduced by Rep. Ed Pastor (D-AZ) on 06/27/2001, referred to the Committee on the Judiciary; 6/27/2001 Referred to House committee; 7/16/2001 Referred to House subcommittee
H.R.2690	To amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees.	Rep Radanovich, George P.(introduced 7/31/2001); 7/31/2001 Referred to House committee; 9/10/2001 Referred to House subcommittee
HR 2705	To modify the requirements applicable to the admission into the United States of H-1C nonimmigrant registered nurses, and for other purposes	Sponsor: Rep Jackson-Lee, Sheila (introduced 8/1/2001) Latest Major Action: 9/10/2001 Referred to House subcommittee
H.R.2712	Mass Immigration Reduction Act of 2001 - Provides that during a specified immigration moratorium period: (1) employment-based immigrant visas shall be reduced, and family-sponsored and diversity immigrant visas shall be eliminated; (2) immigrant status shall be granted only to children and spouses of U.S. citizens or priority workers; (3) refugee admissions and asylee adjustments shall be limited to 25,000	Sponsor: Rep Tancredo, Thomas G.(introduced 8/1/2001); 8/1/2001 Referred to House committee; 9/10/2001 Referred to House subcommittee

	per year; and (4) an alien shall be required to renounce citizenship or nationality of any other country in order to be naturalized as a U.S. citizen.	
H.R. 2713	To amend the Immigration and Nationality Act to permit the Attorney General to create a record of lawful admission for permanent residence for certain aliens who entered the United States at least 15 years prior to the application date.	Sponsor: Rep Waters, Maxine(introduced 8/1/2001); 8/1/2001 Referred to House committee; 9/10/2001 Referred to House subcommittee
H.R.2809	To increase the total number of nonimmigrant visas that may be issued to nurses under section 101(a)(15)(H)(i)(c) of the Immigration and Nationality Act in each fiscal year, to increase the number of such visas that may be allocated for employment in States with larger populations, and to exempt locally-owned hospitals in health professional shortage areas from certain requirements applicable to employment of physicians and nurses admitted under section 101(a)(15)(H)(i)(b) of such Act.	Sponsor: Rep Reyes, Silvestre(introduced 8/2/2001); 8/2/2001 Referred to House committee; 9/10/2001 Referred to House subcommittee
H.R.2897	To provide for the granting of posthumous citizenship to certain aliens lawfully admitted for permanent residence who died as a result of the hijackings of 4 commercial aircraft, the attacks on the World Trade Center, or the attack on the Pentagon, on September 11, 2001, and for other purposes.	Sponsor: Rep Serrano, Jose E.(introduced 9/14/2001); 9/28/2001 Referred to House subcommittee
H.R.2928	To amend the Immigration and Nationality Act to provide for the removal of aliens who aid or abet a terrorist organization or an individual who has conducted, is conducting, or is planning to conduct a terrorist activity.	Sponsor: Rep Andrews, Robert E.(introduced 9/21/2001); 9/28/2001 Referred to House subcommittee

H.R.2965	To amend the Immigration and Nationality Act to provide for the exchange of information by electronic means between the Federal Bureau of Investigation and other Federal agencies.	Sponsor: Rep Shays, Christopher(introduced 9/25/2001); 9/28/2001 Referred to House subcommittee
H.R.2984	To amend the Immigration and Nationality Act to ensure that aliens provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act are counted, for purposes of determining whether the numerical limitation on the provision of such status has been reached, in a manner that is accurate, fair, and takes into account only those aliens who actually commence employment as such a nonimmigrant.	Sponsor: Rep Andrews, Robert E.(introduced 10/2/2001); 10/2/2001 Referred to House committee
H.R.3002	To provide for the establishment of an alien nonimmigrant student tracking system.	Sponsor: Rep Sweeney, John E.(introduced 10/2/2001); 10/2/2001 Referred to House committee
H.R.3016	To amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strengthen security at certain nuclear facilities, and for other purposes.	Sponsor: Rep Tauzin, W. J. (Billy)(introduced 10/3/2001); 10/16/2001 House preparation for floor: Placed on the Union Calendar, Calendar No. 148.; 11/6/2001 Supplemental report filed by the Committee on Energy and Commerce, H. Rept. 107-231, Part II.
H.R.3033	To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the appropriation of funds for the program to collect information relating to nonimmigrant foreign students and to provide for a GAO review of such program.	Sponsor: Rep McCollum, Betty(introduced 10/4/2001); 10/4/2001 Referred to House committee

H.R.3043	To provide for the establishment of an alien nonimmigrant student tracking system.	Sponsor: Rep Sweeney, John E.(introduced 10/4/2001); 10/4/2001 Referred to House committee
H.R.3052	To amend the Immigration and Nationality Act to require that nonimmigrant visa applicants provide fingerprints.	Sponsor: Rep Green, Gene(introduced 10/5/2001); 10/5/2001 Referred to House committee
H.R.3077	To improve procedures with respect to the admission to, and departure from, the United States of aliens.	Sponsor: Rep Castle, Michael N.(introduced 10/10/2001); 10/10/2001 Referred to House committee
H.R.3162	To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.	Sponsor: Rep Sensenbrenner, F. James, Jr.(introduced 10/23/2001); 10/25/2001 Passed/agreed to in Senate: Passed Senate without amendment by Yea-Nay Vote. 98 - 1. Record Vote Number: 313. (consideration: CR S10990-11060); 10/26/2001 Signed by President Bush into law
H.R.3179	For the relief of certain aliens who were aboard the Golden Venture.	Sponsor: Rep Platts, Todd Russell(introduced 10/30/2001) Private bill; 10/30/2001 Referred to House subcommittee
H.R.3181	To establish a temporary moratorium on the issuance of visas for nonimmigrant foreign students and other exchange program participants, to improve procedures for issuance of nonimmigrant student visas, and to enhance procedures for admission at ports of entry to the United States.	Sponsor: Rep Bilirakis, Michael(introduced 10/30/2001); 10/30/2001 Referred to House committee

H.R.3205	To enhance the border security of the United States, and for other purposes.	Sponsor: Rep Conyers, John, Jr.(introduced 11/1/2001); 11/1/2001 Referred to House committee
H.R.3221	To establish a temporary moratorium on the issuance of visas for nonimmigrant foreign students and other exchange program participants and to improve reporting requirements for universities under the foreign student monitoring program.	Sponsor: Rep Roukema, Marge(introduced 11/1/2001); 11/1/2001 Referred to House committee
H.R.3222	To limit the number of H1-B nonimmigrant visas issued in any fiscal year.	Sponsor: Rep Tancredo, Thomas G.(introduced 11/1/2001); 11/1/2001 Referred to House committee
H.R.3229	To enhance the security of the international borders of the United States.	Sponsor: Rep Gallegly, Elton(introduced 11/6/2001); 11/6/2001 Referred to House committee
H.R.3231	To replace the Immigration and Naturalization Service with the Agency for Immigration Affairs, and for other purposes.	Sponsor: Rep Sensenbrenner, F. James, Jr.(introduced 11/6/2001); 11/6/2001 Referred to House committee
SENATE		
<u>S. 19</u>	The Protecting Civil Rights for All Americans, includes a provision directing the Attorney General to conduct a nationwide study of traffic stops. Among the factors that would be examined are whether a person's immigration status was an issue in the stop.	Introduced by Sen. Tom Daschle (D-SD) on 01/22/2001, referred to the Committee on the Judiciary
<u>S.56</u>	Would amend the Immigration and Nationality Act to include children born in the Philippines and Japan to US citizen fathers as immediate relatives for	Introduced by Sen. Daniel Inouye (D-HI) on 01/22/2001, referred to the Committee on the Judiciary

	immigration purposes.	
<u>S. 121</u>	The Unaccompanied Alien Child Protection Act of 2001, would create an Office of Children's Services to deal with issues relating to unaccompanied immigrant children.	introduced by Sen. Dianne Feinstein (D-CA) and Bob Graham (D-FL) on 01/22/2001, referred to the Committee on the Judiciary
<u>S. 169</u>	The Criminal State Alien Assistance Program II and Local Medical Emergency Reimbursement Act, would provide federal dollars to reimburse states for some of the costs associated with undocumented immigrants.	Introduced by Sen. Jon Kyl (R-AZ) on 01/24/2001, referred to the Committee on the Judiciary;
<u>S. 226</u>	The Northern Border States Council Act, would establish a council of northern states and Canada to address trade and immigration issues.	Introduced by Sen. Olympia Snowe (R-ME) on 01/31/2001, referred to the Committee on the Judiciary
<u>S. 269</u>	The Immigrants to New Americans Act, would create a program within the Department of Education that would provide funding for schools and local organizations to provide immigrants students and their families with services necessary to help them fully participate in American society.	Introduced by Sen. Max Cleland (D-GA) on 2/07/2001, referred to the Committee on Health, Education, Labor, and Pensions
<u>S. 329</u>	The Peopling of America Theme Study Act, would require the Secretary of the Interior to conduct a study of historic landmarks related to immigration to the US.	Introduced by Sen. Daniel Akaka (D-HI) on 02/14/2001, referred to the Committee on Energy and Natural Resources; 6/5/2001 Placed on Senate Legislative Calendar under General Orders. Calendar No. 59.; 8/3/2001 Passed/agreed to

		<p>in Senate: Passed Senate without amendment by Unanimous Consent. (consideration: CR S8995-8996; text: CR S8995-8996); 9/6/2001 House committee/subcommittee actions: Executive Comment Requested from Interior.</p>
S. 439	<p>Would establish an INS office in Nashville, Tennessee. See also H.R. 329</p>	<p>Introduced by Sen. Bill Frist (R-TN) On 03/01/2001, referred to the Committee on the Judiciary</p>
S.507	<p>A bill to implement further the Act (Public Law 94-241) approving the covenant to establish a commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.</p>	<p>Sponsor: Sen Murkowski, Frank H.(introduced 3/9/2001); 6/5/2001 Placed on Senate Legislative Calendar under General Orders. Calendar No. 63.</p>
S. 562	<p>The Working Families Registry Act, would move the date for the registry, a means by which long time undocumented residents can obtain permanent residence from January 1, 1972 to January 1, 1986. It would also update the registry date for the next five years.</p>	<p>Introduced by Sen. Harry Reid (D-NV) on 03/19/2001, referred to the Committee on the Judiciary</p>
S.644	<p>A bill to authorize the establishment of a suboffice of the Immigration and Naturalization Service in Fort Smith, Arkansas.</p>	<p>Sponsor: Sen Hutchinson, Y. Tim(introduced 3/29/2001); 3/29/2001 Referred to Senate committee</p>
S. 656	<p>The Liberian Refugee Immigration Fairness Act of 2001, would allow Liberian nationals in the US on January 1, 2001 to apply for adjustment of status. People convicted of an aggravated felony or two or more crimes of moral</p>	<p>Introduced by Sen. Harry Reid (D-NV) on 03/29/2001, referred to the Committee on the Judiciary</p>

	<p>turpitude would not be eligible, but would exempt applicants from some requirements for immigration, including that they properly entered the US.</p>	
<p><u>S. 672</u></p>	<p>The Alien Child Status Protection Act, would eliminate the problem of children ageing out while their parents' application for immigration is pending. Currently, if a child turns 21 before the application is approved, they are no longer eligible to immigrate with their parents. This bill would allow them to immigrate so long as the parents' application was filed before the child turned 21.</p>	<p>Introduced by Sen. Dianne Feinstein (D-CA) on 04/02/2001, referred to the Committee on the Judiciary</p>
<p>S.702</p>	<p>A bill for the relief of Gao Zhan.</p>	<p>Sponsor: Sen Allen, George(introduced 4/5/2001); 4/5/2001 Referred to Senate committee</p>
<p><u>S. 778</u></p>	<p>Would extend the section 245(i) deadline to April 30, 2002.</p>	<p>Introduced by Sen. Chuck Hagel (R-NE) on 04/26/2001, referred to the Committee on the Judiciary; 7/26/2001 Placed on Senate Legislative Calendar under General Orders. Calendar No. 104; 9/6/2001 Senate floor actions: See also <u>H.R. 1885</u>.</p>
<p><u>S. 799</u></p>	<p>The Reasonable Search Standards Act, would prohibit the use of racial and other discriminatory profiling by the US Customs Service. The law would address the concern that non-whites are singled out for inspection upon entry to the US by requiring Customs officials to have specific information of suspected wrongdoing before conducting a search.</p>	<p>Introduced by Sen. Richard Durbin (D-IL) on 04/30/2001, referred to the Committee on Finance</p>

<u>S. 862</u>	The State Criminal Alien Assistance Program Reauthorization Act of 2001, would provide \$750 million a year from 2002 to 2006 to state and local governments to cover the costs associated with prosecuting and jailing undocumented immigrants.	Introduced by Sen. Dianne Feinstein (D-CA) on 05/10/2001, referred to the Committee on the Judiciary
<u>S. 864</u>	The Anti-Atrocity Alien Deportation Act of 2001, would create a ground of inadmissibility based on commission of torture, extrajudicial killing and violations of religious freedom. It would also create an office within the Justice Department dedicated to the removal of such people from the US.	Introduced by Sen. Patrick Leahy (D-VT) on 05/10/2001, referred to the Committee on the Judiciary
<u>S. 884</u>	The Southwest Border Port-of-Entry Infrastructure Improvement Act, calls for a study of the current infrastructure at ports-of-entry and would establish a fund for improvements and technological developments.	Introduced by Sen. Pete Domenici (R-NM) on 05/15/2001, referred to the Committee on Finance
<u>S. 887</u>	The Torture Victims Relief Act of 2001, would provide \$75 million in funding for torture victims over the next three years.	Introduced by Sen. Paul Wellstone (D-MN) on 05/15/2001, referred to the Committee on the Judiciary
<u>S. 939</u>	Would amend the Immigration and Nationality Act to confer automatic citizenship on adopted children of US citizens serving in the military overseas.	Introduced by Sen. Kay Bailey Hutchison (R-TX) on 05/23/2001, referred to the Committee on the Judiciary
<u>S 955</u>	A bill to provide comprehensive reform of the 1996 immigration laws, including: the elimination of mandatory and indefinite detention; eliminating the bars to admissibility for unlawful presence; restoring waivers of certain grounds on inadmissibility	Introduced by Senators Edward Kennedy (D-MA), Bob Graham (D-FL), on 05/24/01; 5/24/2001 Referred to Senate committee

	established by the 1996 laws; and restoring due process, proportionality, judicial discretion, and judicial review to immigration law.	
<u>S. 1149</u>	The Culinary Worker Relief Act, would create a special nonimmigrant visa for foreign nationals seeking to come to the US as specialty cooks and related food service workers.	Introduced by Sen. Harry Reid (D-NV) on 06/29/2001, referred to the Committee on the Judiciary; 6/29/2001 Referred to Senate committee
S 1259	A bill to amend the Immigration and Nationality Act with respect to the admission of nonimmigrant nurses.	Sponsor: Sen Brownback, Sam(introduced 7/27/2001) Latest Major Action: 7/27/2001 Referred to Senate committee
S.1265	A bill to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children.	Sponsor: Sen Durbin, Richard J.(introduced 7/27/2001); 7/27/2001 Referred to Senate committee
S.1311	A bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture	Sponsor: Sen Leahy, Patrick J.(introduced 8/2/2001); 8/2/2001 Referred to Senate committee
S.1424	A bill to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants.	Sponsor: Sen Kennedy, Edward M.(introduced 9/13/2001); 10/1/2001 Became Public Law No: 107-45.
S.1442	A bill to amend the Immigration and Nationality Act to impose a limitation on the wage that the Secretary of Labor may require an employer to pay an alien who is an H-2A nonimmigrant agricultural worker.	Sponsor: Sen Miller, Zell(introduced 9/20/2001); 9/20/2001 Referred to Senate committee

S.1452	A bill to provide for electronic access by the Department of State and Immigration and Naturalization Service to certain information in the criminal history records of the Federal Bureau of Investigation to determine whether or not a visa applicant or applicant for admission has a criminal record	Sponsor: Sen Kennedy, Edward M.(introduced 9/21/2001); 9/21/2001 Referred to Senate committee
S. 1455	Require background checks on foreign nationals seeking advanced flight or jet aircraft training, and for other purposes.	Introduced by Senator Snowe (R-ME),
S.1467	A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees.	Sponsor: Sen Wellstone, Paul D.(introduced 9/26/2001); 9/26/2001 Referred to Senate committee
S.1491	A bill to provide for the establishment and implementation of a fingerprint processing system to be used whenever a visa is issued to an alien.	Sponsor: Sen Snowe, Olympia J.(introduced 10/3/2001); 10/3/2001 Referred to Senate committee
S.1510	A bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.	Sponsor: Sen Daschle, Thomas A.(introduced 10/4/2001); 10/11/2001 Passed/agreed to in Senate: Passed Senate without amendment by Yea-Nay Vote. 96 - 1. Record Vote Number: 302. (text: CR S10604-10630)
S.1518	A bill to improve procedures with respect to the admission to, and departure from, the United States of aliens.	Sponsor: Sen Bond, Christopher S.(introduced 10/9/2001); 10/9/2001 Referred to Senate committee

S.1618	A bill to enhance the border security of the United States, and for other purposes.	Sen Kennedy, Edward M.(introduced 11/1/2001); 11/1/2001 Referred to Senate committee
S.1627	A bill to enhance the security of the international borders of the United States.	Sponsor: Sen Feinstein, Dianne(introduced 11/1/2001); 11/1/2001 Referred to Senate committee

3. INS ANNOUNCES RESTRUCTURING PLANS

This week Attorney General John Ashcroft announced that the INS will be restructured. The move, which will occur at the administrative level, will separate service and enforcement functions, long a goal of INS critics. Over the past few years, many members of Congress have introduced bills to split the INS, including most recently Rep. James Sensenbrenner (R-MI), whose bill was introduced last week. According to Ashcroft, the current plan was in the final stages well before the events of September 11th, although those events have certainly made restructuring a topic of more widespread concern than it otherwise would have been.

Officials in the Bush Administration say that the move follows through on a Bush campaign promise to improve the way the US welcomes immigrants to the country. Of course, many expect the split to focus on enforcement, given the reaction to the September 11th terrorist attacks. The INS has come under tremendous fire for not being able to provide accurate information about all 19 of the hijackers. Improving enforcement will be a major part of the proposed restructuring, a fact that was emphasized by Ashcroft when he announced the plan. Ashcroft stated that there is “concern that the INS has been hindered by the current structure of the agency to perform its responsibilities.”

Under the restructuring plan, which is to be completed by September 30, 2003, the INS would remain a single, unified agency, but two separate chains of command would be created. A Bureau of Immigration Enforcement would be responsible for border security, investigations and intelligence, while a Bureau of Immigration Services would process applications for immigration benefits. According to INS Commissioner James Ziglar, who opposes splitting the INS into two distinct agencies, this plan will help the agency provide better service and better enforcement, without sacrificing the ability for the two aspects to be coordinated.

Among the most immediate changes would be a fundamental change in the chain of command. Currently, all personnel report to the District Director, whether the issue is enforcement, service or detention and removal. A new structure would be created in which Border Patrol issues are reported directly to the chief of the Border Patrol, adjudications issues are reported directly to an Associate Commissioner, and detention issues are reported directly to the detention and removal headquarters. Other features that are expected to be in place quickly are an Ombudsman to deal with complaints about enforcement and an Office of Customer Relations to deal with

adjudications problems. Eventually, the current system in which the country is divided into regions and districts under the supervision of a single director will be replaced by six service areas and nine enforcement areas.

While many have met the INS' proposal with at least tentative approval, some members of Congress have already rejected it. House Judiciary Committee Chairman James Sensenbrenner (R-WI), who recently introduced a bill to split the INS into two separate agencies, called the INS plan "inadequate," saying that it did not go far enough to address the underlying problems that plague the agency.

Along with the INS restructuring, there was news this week that the Bush Administration is considering creating a single agency dedicated to border enforcement to replace the current scheme in which a number of agencies participate. In an interview with The Washington Post, Homeland Security director Tom Ridge said that the idea has strong backing and could be part of the federal budget Bush proposes in January. While Ridge did not mention the agencies that would be involved, it is likely they would include the Border Patrol, the Customs Service and the Coast Guard. When asked about such a proposal, Ashcroft did not reject it outright, but did appear to prefer keeping the Border Patrol within the INS.

4. NEW RULE ON MONITORING ATTORNEY-CLIENT CONVERSATIONS ANGERS RIGHTS ADVOCATES

News that the Department of Justice has promulgated a rule to allow it to listen in on conversations between attorneys and their clients in detention has appalled and angered attorneys and civil liberties advocates across the country. The rule, which was announced on October 31, went into effect immediately, and applies to any person in federal custody, regardless of whether they have been charged with a crime, and regardless of the federal agency detaining them.

Before this rule, the conversations of federal detainees could be monitored, but not those with their attorneys, because of the importance of attorney-client confidentiality. Now, with a simple certification from the Attorney General that there is a "reasonable suspicion" that a detainee might be using communications with his or her attorney to "facilitate acts of terrorism" conversations and other communications between attorneys and their clients can be monitored without a court order.

The Justice Department says the new rule is a necessary part of the battle against terrorism. Attorneys say it will force attorneys to violate their ethical obligation to keep communications from clients confidential, and

infringes on the constitutional right to counsel. In addition to claims that the new regulation violates the constitutional right to counsel, attorneys also say that it violates the right to be free of unreasonable searches and seizures. The Justice Department maintains that the right to counsel will not be negatively effected because there will be notification whenever a conversation is monitored, and that unless the information so gathered points toward an act of terrorism, it cannot be revealed without the approval of a federal judge.

Sen. Patrick Leahy (D-VT), already upset over the refusal of the Justice Department to release detailed information about those detained in the investigation, sent a letter to Attorney General John Ashcroft expressing his concern “at what appears to be an executive effort to exercise new powers without judicial scrutiny or statutory authorization.”

So far, according to the Justice Department, only 13 people are subject to these new surveillance procedures.

A number of rights advocates are predicting that this matter will ultimately be settled by the Supreme Court.

5. STATE DEPARTMENT ANNOUNCES NEW SECURITY MEASURES TARGETED AT ARAB AND MUSLIM MEN

The State Department recently announced plans to make all male nonimmigrant visa applicants between the ages of 16 and 45 from Arab or Muslim countries subject to increased security checks. Beginning this week, they will be subject to an additional 20-day waiting period during which the State Department will check their names against an FBI database.

In addition to this extra security measure, these applicants will also be required to fill out a new background questionnaire regarding any past service in the military or weapons training, in addition to information about their previous travel and whether the applicant has possessed different passports in the past.

Officials say the new procedure is the result of a compromise between the State and Justice Departments. State Department officials say that immediately after the September 11th attacks, the Justice Department wanted it to completely stop issuing visas to these people. Officials hope that this will be only a temporary measure, and say the additional waiting period should disappear after criminal databases are linked and made available to the State Department.

It appears that the following countries are subject to this new security procedure: Afghanistan, Algeria, Bahrain, Djibouti, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen.

6. BUSH AUTHORIZES MILITARY COURTS TO TRY NONCITIZENS ACCUSED OF TERRORISM

This week President Bush signed a controversial executive order allowing him to designate noncitizens who can be tried for alleged terrorist activities by a military tribunal. Officials were quick to point out that they viewed the order as creating the option of bringing Osama bin Laden and other Al Qaeda members before the tribunal in the event of their capture. They also say that it will prevent potential jurors in the US, who could face problems after passing sentence on a terrorist, and add that the tribunals will be able to keep intelligence gathering methods secret.

A number of liberal and conservative activists expressed concern that the new measure signals a significant expansion of government power. Experts in military and criminal defense law say that the rights of a defendant in a military trial are substantially fewer than in a regular criminal trial. For example, the rules of evidence are not as strict, and the standard of proof is less than a reasonable doubt. Defending the proposal, Vice President Dick Cheney said that accused terrorists do not “deserve the same guarantees and safeguards that would be used for an American citizen.”

Under the order, Bush would be allowed to make a written certification that a noncitizen was either a member of Al Qaeda, the terrorist organization headed by Saudi exile Osama bin Laden, had engaged in acts of international terrorism or had knowingly harbored a terrorist.

Administration officials say that the trials conducted by the tribunals would most likely not be public, and that the tribunals could hold trials abroad, in, for example Pakistan and Afghanistan. Officials said they were already investigating transferring some detainees to military custody.

If used, it would mark the first time since World War II that people who were not servicemen were tried by a military court. During that war, the Supreme Court ruled that German saboteurs could be tried by a military court because they were in the US to wage war against it.

7. ATTACK ON AMERICA – IMMIGRATION UPDATE

Federal officials recently shut down five money transfer services in Minneapolis, saying they believed the services were being used to finance terrorism. Most of the people who used the services are Somali immigrants who sent money home to family. Because the services did not keep records in the way a service such as Western Union does, officials believe they could easily be used to transfer money to terrorists. The immigrants argue that a service like Western Union cannot help them because it has only one outlet in Mogadishu and even people who can make it there often lack identification to retrieve the money sent to them. Officials stress that they do not believe that any Somali immigrants intentionally provided money for terrorist efforts.

The September 11th Fund, set up to help victims of the terrorist attacks, is coming under fire for making a \$171,000 donation to the Legal Aide Society of New York, because it is providing legal services to eight people detained in connection with the investigation into the attacks. The National Legal and Policy Center, a conservative watchdog organization, is criticizing the move, saying that all the money should go to help victims.

The Department of Justice recently announced that it would stop releasing information about the number of people detained in connection with the September 11th investigation. Instead, officials say they will now identify only the number held on immigration violations and the number that are in federal custody. The revised numbers will eliminate people who are being held on state and local criminal law violations. Also, the new numbers will reflect only the total in custody at a given time, not the total that have been detained since the beginning of the investigation.

According to administrators, since September 11th federal investigators have contacted 220 colleges and universities for information about international students, most of them from Middle Eastern countries. In some cases, the students themselves have been interviewed, with questions ranging from their plans after completing their studies to their opinions on Osama bin Laden.

This week the Department of Justice announced that it has a list of 5,000 foreign nationals believed to be in the US that it wants to question with

regard to the September 11th terrorist attacks. Included on the list are all men between the ages of 18 and 33, from specific (but unnamed) countries who entered the US on nonimmigrant visas after January 1, 2000. The interviews will be coordinated by newly created terrorism task forces in each local US Attorneys office. The questioning will be guided by a list provided by the Justice Department outlining what questions can and cannot be asked. Despite these safeguards, rights advocates claim this effort is essentially racial profiling.

8. BORDER NEWS

An agreement under discussion by US and Canadian officials could possibly help to improve security in the two countries. Under the plan, the countries would establish joint security checkpoints overseas, and all information about passengers would be stored in a shared database. Travel between the US and Canada would still be regulated, but officials hope that by doing more screening abroad, the pressure on officials stationed on the border will be decreased.

Later this month, newly appointed Homeland Security chief Tom Ridge will meet with Mexico's top security chief to discuss ways to improve security on the Mexican border. Shortly after the meeting, scheduled for November 19th, a bilateral panel is due to address the same issues. While there is no evidence that any of the 19 hijackers entered the US through Mexico, the director of the Mexican National Migration Institute recently observed that it was highly possible that some of them spent time in Mexico. In addition to making the border secure, officials must also take into account cross border trade. While the migration talks are resuming this month, President Fox has recently stated that because of the September 11th attacks, no overall agreement on legalizing the status of undocumented Mexicans in the US will be reached this year. The week before the attacks, Fox was in Washington, DC, the guest of honor at the first state dinner of the Bush Administration. While in the US, Fox had called for an agreement to be reached by the end of the year.

Officials with the unions representing Border Patrol agents are growing concerned that the long hours agents are working following September 11th may be putting both themselves and others at risk. Many agents are working 20 hours of overtime each week, with at least 100,000 total hours of overtime logged since the terrorist attacks. Efforts are being made to prevent the agents from being burned out, but many are concerned that

agents worn out by two months of 60-hour workweeks could fail to adequately perform their jobs.

Officials this week briefly closed three ports of entry in California after receiving a bomb threat. Several hundred employees were evacuated from the San Ysidro, Otay Mesa and Tecate ports, and all traffic was stopped from entering the US. An hour and a half later, a bomb sweep had revealed nothing and the ports were reopened. This was the first time the California border was closed since September 11th, when it was closed twice.

Over the past couple of weeks, INS inspectors at the San Ysidro port of entry in California report a significant increase in the number of Chaldeans from Iraq seeking entry to the US. In the past week alone, more than 50 were apprehended, most of who are expected to seek asylum. Chaldeans are members of a Christian denomination that claim to have faced persecution in Muslim dominated Iraq.

The National Migration Institute in Mexico recently reported that more than 350,000 Mexican nationals had returned to Mexico from the US since the September 11th terrorist attacks.

9. NEWS FROM THE COURTS

Bejjani V. INS, Sixth Circuit

In this case, the court ruled that the INS could not retroactively apply a law providing for the reinstatement of deportation orders.

Peirrot Bejjani, a native of Lebanon, entered the US in 1983 as a permanent resident. In 1987, he pled guilty to possession of heroin with the intent to distribute, and was sentenced to two years in prison and three on probation. In 1989, the INS placed Bejjani in deportation proceedings. Bejjani admitted the allegations against him, and applied for withholding of deportation. The immigration judge denied his application, and the Board of Immigration Appeals affirmed. Bejjani then left the US in 1996, and after 17 days, reentered. The INS claims he did so by presenting his invalid green card, but Bejjani claimed to have been inspected and admitted.

In 1999, the INS issued a warrant for Bejjani's removal. Bejjani filed a

petition for a writ of habeas corpus, seeking to have the judge order the INS to reconsider his application for withholding of deportation. This application was dismissed. While this was occurring, the INS also reinstated the deportation order. Bejjani contested this, arguing that the provision of law allowing for reinstatement applied only to reentries that occurred after its effective date, April 1, 1997. The INS argued that the relevant date was not the date of his reentry, but the date when the INS began proceedings to reinstate the deportation order. The agency also argued that the court should defer to it in this matter.

The Sixth Circuit ruled that the issue of the temporal reach of a statute was not an area where it was required to grant deference, because the INS has no special expertise in this area. Addressing the issue for itself, the court found that Congress clearly intended for the reinstatement provision to apply only to reentries after it became effective. The provision that was replaced had retroactive language that was not retained in the new version, even though Congress had explicitly considered doing so. This, combined with the presumption that unless Congress specifies that a law is to be applied retroactively, the law is to be applied only prospectively, led the court to rule that the new reinstatement law could not be applied to cases where the reentry occurred before the effective date of the reinstatement law. Therefore, the court ruled, Bejjani's previous deportation order could not be reinstated.

The opinion is available online at <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=6th&navby=case&no=01a0401p>

10. GOVERNMENT PROCESSING TIMES

Nebraska Service Center Processing Times

Jurisdiction: Alaska, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

The following is the Nebraska Service Center Processing Time Report for the period ending October 31, 2001:

Application/Petition Type	Date of Cases Pending Initial Adjudication

I-90 Replacement Card	00/03/01
I-90-A SAW	10/18/01
I-102 Replacement of Arrival Document	09/18/01
I-129	09/21/01
I-130 Immediate Relative	05/03/01
I-130 other	11/24/99
I-131 Advanced Parole	09/06/01
I-131 Reentry Permit	06/04/01
I-131 Ref. Travel Doc.	09/01/01
I-140 Immigrant Worker	09/10/01
I-360 Pet. for Widow/Spec. Imm.	04/26/01
I-485 Adjustment	10/25/00
I-485 Asylee	06/02/98
I-485 Refugee	08/01/00
I-485 HRIFA	10/01/99
I-539 Change/Extend NI Status -	09/07/01
I-724 All Waivers	06/04/01
I-730 Refugee/Asylee Relative Petition	08/09/01
I-751 Remove Conditions	04/28/01

I-765 (c)(8) Initial	10/09/01
I-765 Employment Authorization-Other	09/18/01
I-765(c)(9)	09/06/01
I-817 Family Unity	06/11/01
I-821 TPS	10/09/01
I-824 Actions on Approved Petitions	04/26/01
N-400 Naturalization – Initial Processing	Not adjudicated

Source: [American Immigration Lawyers Association](#)

11. NEWS BYTES

Last week we reported on the death of a detainee at the INS Krome Detention Center in Miami. More news about the incident is available now. The man is identified as 28-year-old Andre Jean Jude, a Haitian national being held prior to his deportation. Family members and fellow detainees report that earlier on the day of his death, Jude had injured a foot while playing soccer. Jude was in a wheelchair following the accident, and while using the bathroom that night, fell and was taken to the center's medical clinic. The next morning INS officials announced that he had died of a heart attack. Autopsy results indicate that Jude most likely died because of a preexisting abnormal heart condition.

Mexican President Vicente Fox recently traveled to New York in an effort to bring new life to talks dealing with the legalization of undocumented Mexican workers in the US, talks that have stalled following the September 11th terrorist attacks. After months of staunch support, some advocates for Mexican workers in the US are growing concerned that Fox is more concerned with the publicity calls for legalization bring than with actually helping undocumented workers. However, the US-Mexico High Level Working Group on Migration is set to meet in Washington, DC, late this month, the first such meeting since the September 11th terrorist attacks

dramatically shifted the immigration debate. Earlier this year, the group hoped to have a plan to present to US President George W. Bush and Mexican President Vicente Fox by the end of this year. Now, such a timeline is impossible, but officials in both countries stress that the issue remains important.

According to reports from the Guyanese government, the US has denied two government employees visas to attend a professional training conference because of a disagreement between the two countries over deportations. The US claims to have more than 300 Guyanese nationals awaiting deportation, but the Guyanese government disputes the claim that the potential deportees are Guyanese citizens. Moreover, according to Guyanese officials, accepting this many deportees, particularly those who have been convicted of crimes, at one time would create severe problems for the country. The reluctance of Guyana to accept deportees from the US stems from a 1999 incident in which the US mistakenly deported a Jamaican citizen to Guyana, where he remained for more than a year before the error was cleared up.

According to an audit conducted by the Department of Justice's Office of the Inspector General, the INS has drastically mismanaged \$31 million provided for creating an automated entry-exit system. For five years, the INS repeatedly delayed full implementation of the program without providing any information on what the funding was being spent. Such an automated system was mandated in 1996, but responding to business concerns, was reenacted in a modified version in 2000. Currently, such a system is in place at only four airports – Charlotte, Philadelphia, Pittsburgh and St. Louis – and only two airlines participate – TWA and US Airways. According to the report, the INS monitoring of the system is insufficient to determine if it is meeting its goal of tracking people who overstay their visa.

An immigrant smuggler who was driving a van through Colorado carrying 11 undocumented immigrants when it crashed, killing two, was recently sentenced to 30 months in prison. Authorities say that he was travelling at about 80 miles an hour when he fell asleep at the wheel. Because prosecutors could not prove that Eduardo Ramos Modesto was engaged in smuggling for financial profit he escaped a lengthier sentence.

Despite a weakening economy, Mexican workers in the US have sent more money home to family during the first nine months of this year than in all of last year. Based on this trend, experts expect the amount remitted in 2001 to increase 40 percent over last year. Already, \$6.7 billion has been transferred to Mexico, compared to \$6.6 billion last year. The total for 2001 is expected to top \$9.2 billion. Remittances were expected to fall during September, but did not.

Because of the recent anthrax scares, the mailroom at the State Department in Washington, DC has been closed for the past few weeks. According to officials, the mailroom should be reopening soon, but in the meanwhile, people should be prepared for delays in the processing of J-1 waiver applications.

The Chicago based Center for New Community has issued a report noting the exploitation of xenophobia that has grown up since the September 11th attacks by anti-immigrants and white supremacist groups. While it is not yet clear if these efforts have brought new members to their groups, they are engaged in advertising and an all out recruitment campaign. The report also notes that anti-immigrant and white supremacist groups are increasingly working together. Another new trend noted in the report is that such groups are increasingly presenting themselves as policy reform groups, suing the September 11th tragedy to call for a more homogenous United States.

12. THE ABC'S OF IMMIGRATION – INADMISSIBILITY – PREVIOUS DEPORTATION OR UNLAWFUL PRESENCE

A person who was placed in deportation proceedings upon their entry to the US and was ordered deported is inadmissible for a minimum of five years. After a second such deportation, the period of inadmissibility is 20 years. Those who have ever been convicted of an aggravated felony are permanently inadmissible to the US. If the person subject to the deportation order left the US without allowing the deportation to occur, they are inadmissible for 10 years. Again, if it is a second deportation, the period of inadmissibility is 20 years, and if the person has been convicted of an aggravated felony, they are permanently inadmissible.

Along with the above ground of inadmissibility, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act created the concept of “unlawful

presence” and made it a ground of inadmissibility. People who have been unlawfully present in the US for more than 180 days but less than one year are subject to a three year bar on admission, while those who have been unlawfully present for more than a year are inadmissible for ten years. Also, those who have been unlawfully present for more than one year, were deported, and then seek to reenter the US without authorization are permanently inadmissible.

While the 3/10 year bar, as it is commonly known, seems straightforward, issues involved in determining exactly what constitutes unlawful presence make it more complicated. The relevant statute (Section 212(a)(9)(B)(ii) of the Immigration and Nationality Act) defines unlawful presence as presence “in the United States after the expiration of the period of stay authorized by the Attorney General or [presence] in the United States without being admitted or paroled. The INS has not issued regulations to further define the concept, providing only memoranda on the issue, essentially saying that a person begins accruing unlawful presence when they remain in the US past the expiration date of their I-94. Unlawful presence can also be accrued if, in deportation proceedings, the immigration judge determines that there has been a status violation. Those entrants who do not have a date on their I-94, but are instead admitted for the duration of status (primarily students) do not accrue unlawful presence until the INS rules that they have violated their status.

An applicant who was formally admitted or paroled into the US and timely files an application to extend or change their status is given a 120 day grace period following the date on the I-94 during which no unlawful presence will accrue.

There are some exceptions to the 3/10 year-bar. So long as a person is under 18, they will not accrue unlawful presence. People with a bona fide pending asylum application do not accrue unlawful presence, nor do beneficiaries of the family unity program. Other groups that do not accrue unlawful presence include people with pending application for adjustment of status, people in temporary protected status, and people under a grant of deferred enforced departure.

It is possible to obtain a waiver of the 3/10-year bar. To do so, the applicant must demonstrate that if the waiver is not granted, their US citizen or lawful permanent resident spouse or parents would suffer extreme hardship. While this standard is nowhere defined, cases make it clear that the hardship required will not be found in many cases.

13. INTERNATIONAL ROUND-UP

Arab Migration to Europe Affected by War

As the war rages on in Afghanistan, North African Arabs are finding it increasingly difficult to gain entry to Europe. It has been reported that European governments are refusing visas for Arab immigrants. In related news, Arab immigrants already in Europe are reporting increased discrimination. There are fears throughout the international community that Europe is building a wall between itself and the Arab world.

Japan Detains 193

It has been reported that 193 illegal immigrants have been detained on suspicion of violating immigration and refugee laws. Most of those detained, were apprehended in Tokyo's entertainment district, and worked in demolition or in bars. The 193 individuals were natives of different countries, including, 64 Chinese, 62 Malaysian and 48 Indonesian.

Tuvalu Puzzled by Australian Pressure to Accept Refugees

Tuvalu is a tiny island in the South Pacific. Its population is about 11 000 people and it has about 16 miles of land. That means there are approximately 625 people per square mile of land. To further Tuvala's problems, there are concerns that, because of global warming, the island is sinking beneath the rising Pacific. Recently, Tuvala asked Australia to accept Tuvalan citizens amid concern that the island will soon become submerged. Australia denied the request. So it may seem odd that Australia, which has a population density of 4 people/square mile, is asking Tuvala to accept some of the refugees who have been flocking to Australia. Panapa Nelesone, Tuvala Secretary to Government, remarked " We ask them [Australia] for space and now they're sending us their own people."

14. HEARING ON USE OF SECRET EVIDENCE GAINS NEW IMPORTANCE AFTER SEPTEMBER 11TH

Last week federal officials argued before the Eleventh Circuit Court of Appeals that Mazen al-Najjar, a Palestinian born professor in Florida who was held on secret evidence for more than three and a-half years that a lower court ruling ordering his released should be overturned. Attorneys for Al-Najjar worry that the anti-terrorism legislation passed after

September 11th, while not providing for the use of secret evidence, would influence the government to press for his continued detention.

Al-Najjar was released from detention almost a year ago, after a federal judge ruled that the evidence was not sufficient to warrant his continued detention. Neither al-Najjar nor his attorneys has ever been allowed to see more than a declassified summary of the evidence, which the federal government claims shows that al-Najjar is involved in terrorist support.

Al Najjar came to the US in 19xx on a student visa, which he overstayed. He has been ordered deported for this violation, which he is appealing. While teaching at the University of South Florida, he helped to found the World and Islam Studies Enterprise, which supporters characterize as a think-tank, and the government suspects is a front for terrorist fund raising.

Al-Najjar and his wife, who is also under a deportation order, have three US citizen children. They argue that there is no country to which they can be deported, because Egypt, the last country in which they lived before coming to the US, has made clear it will not accept them. Their attorneys also argue that the allegations of terrorism against them will subject them to persecution if returned to the Middle East.

15. STATISCIAL REPORT SHOWS DRAMATIC IMPACT OF SEPTEMBER 11TH ATTACKS

While the number of undocumented border crossers had been dropping all year, the September 11th attacks appear to have had a dramatic effect. During September 2001, only 59,276 people were apprehended, down from 97,744 in 2000, a 39 percent decrease. During October the decrease was even more dramatic – 37,811 apprehensions this year, compared to 82,632 last year, a 54 percent decrease. During fiscal year 2001 1.2 million people were apprehended, down 400,000 or seven percent from fiscal year 2000. The September terrorist attacks are an obvious reason for the decline, but experts say that there is no single reason for it. In addition to the increased border security and concern about personal safety in the US, the fact that apprehensions had been declining all year indicates that there were long-term reasons for the decline, including a weakening US economy and a better outlook in Mexico.

Experts say that whether improved border security measures put into place since September 11th are truly effective at deterring undocumented crossers will become clearer early next year. The first months of each year are always marked by an increase in the number of people entering the US, many returning after visiting family in Mexico for the holidays. However,

	2001	2000	change	to date	to date	change	
Initial receipts	563,148	583,710	-4	7,318,556	5,483,792	33	5,483,792
Approved	474,427	504,095	-6	5,604,847	4,734,382	18	4,734,328
Denied	43,037	35,159	22	460,840	353,479	30	353,479
Pending	4,115,792	2,928,276	41	4,115,792	2,928,276	41	2,928,276

Naturalization Benefits

	MONTH			FISCAL YEAR			TOTAL FY 2000
	September 2001	September 2000	% change	FY 2001 to date	FY 2000 to date	% change	
Receipts	64,601	50,128	29	501,646	460,916	9	460,916
Approvals	51,477	99,894	-48	613,160	898,315	-32	898,315
Denied	13,033	512,810	-75	218,326	399,670	-45	399,670
Pending	586,850	817,431	-28	586,850	817,431	-28	817,431

Removals

	MONTH			FISCAL YEAR			TOTAL FY 2000
	September 2001	September 2000	% change	FY 2001 to date	FY 2000 to date	% change	
Deportable	2,569	3,993	-36	44,863	48,030	-7	48,030
Inadmissible	7,064	10,801	-35	129,567	137,102	-5	137,102
Total removals	9,633	14,794	-35	174,430	185,132	-6	185,132
Criminal	4,555	5,837	-22	70,166	71,285	-2	71,285

removals							
Non-criminal removals	5,078	8,957	-43	104,264	113,847	-8	113,847

Investigations

	MONTH			FISCAL YEAR			TOTAL FY 2000
	September 2001	September 2000	% change	FY 2001 to date	FY 2000 to date	% change	
Criminal alien cases	3,406	3,184	7	49,370	44,546	11	44,546
Employer cases	53	122	-57	823	1,189	-31	1,189
Fraud cases	91	128	-29	1,843	1,772	4	1,772
Smuggling cases	50	36	39	445	475	-6	475

Asylum

	MONTH			FISCAL YEAR			TOTAL FY 2000
	September 2001	September 2000	% change	FY 2001 to date	FY 2000 to date	% change	
Cases filed	6,466	4,643	39	66,356	49,462	34	49,462
Approved	1,435	1,618	-11	20,651	16,810	23	16,810
Denied	837	675	24	13,044	7,329	78	7,329

Otherwise closed	1,624	1,829	-11	22,718	23,015	-1	23,015
Referred to IJ	1,196	1,128	6	14,296	13,905	3	13,905
Pending	324,242	328,977	-1	324,242	328,977	-1	328,977

**16. GUEST COMMENTARY: FOR ZION I SHALL NOT BE SILENT, BY
GARY ENDELMAN**

DISCLAIMER:

Gary Endelman practices immigration law at BP Amoco Corporation. The opinions expressed in this column are purely personal and do not represent the views or beliefs of BP Amoco Corporation in any way. This article is copyrighted by ILW.COM and is reprinted with permission. You can read other articles by Mr. Endelman, and subscribe to future articles at www.ilw.com.

Now is the time when immigration policy must serve the country. We are making our borders more secure, improving monitoring systems to track the movements of international students and foreign visitors, safeguarding dual use technology against unauthorized transfer, and curtailing visa issuance to nationals of states that sponsor terrorism. But there is no more important weapon to protect the nation than repeal employer sanctions now and forever. What? Reward unlawful behavior in the guise of national security? Get serious.

I am. Start first from the proposition that most, if not all, of the enforcement initiatives listed above will become law. Like a rock rolling inexorably down a steep hill, the political momentum behind these measures has been building since September 11. We who doubt their wisdom best express our concerns by modifying their most ill-conceived aspects, rather than outright opposition that would be a futile, if self-satisfying, exercise in political theatrics. In a larger sense, the argument that the rights of some will be infringed may, on some rare occasions, have to give way to the even more pressing imperative that the nation must be preserved. As Lincoln rightly noted in the midst of an even bloodier conflict when asked to justify the suspension of habeas corpus, "what good is a Constitution without a country?" Advocates of more and better-planned immigration must not be, or be seen by the public at large, as the opponents of stricter enforcement. Who among us can doubt the wisdom of giving those responsible for the public safety the weapons to discharge their sacred trust? Yet, to be truly effective, enforcement must be balanced by positive action that seeks to

integrate those already here into American society so that their individual prosperity redounds to everyone's benefit. Tougher laws honestly enforced are not the enemy of, but the logical precedent for, an enlightened immigration strategy that marries prevention with the creation of opportunity.

America lacks the will or the desire to deport the undocumented, nor would any attempt to do so make sense. Yet the presence of the undocumented is a fact that cannot be ignored or wished away. Their presence reflects nothing so much as the divorce between immigration law and economic reality. These are the people who work at hard, dirty, unglamorous jobs whose performance we all take for granted. Remove these workers, force us to do these same backbreaking tasks, and we will soon realize the importance of their labors. Beyond that, any serious attempt to improve national security, cannot leave the undocumented on the fringes of American life, shut off from both hope and reform, largely immune from government stimulus. Bring them in out of the shadows. We need to know who they are, where they live and what they do. Make them taxpayers whose dollars can finance the security measures forced upon us by events. Give them hope of a better life and allow their children to be healthy and educated. Yes, this rewards them for being here in violation of the law, but it also give them a greater stake in the security of the country and improves the economic bottom line. The essential lesson is that giving these workers a way to participate fully in the economy rewards all of us.

There are those cautious souls who warn against dramatic action or bold suggestions in this troubled time. Keep your head down, they tell us; wait until times get better and the country heals. Then, but not before, try to regain lost ground. The nation does not need such reticence. More than ever, we who love America and yearn for it to honor its heritage as a nation of immigrants must remember the ancient admonition of Ezekiel who, when confronted by skeptics that questioned the wisdom of speaking out on the great controversies of that day, reminded all who heard him of a fundamental truth that calls out to us as well: "For Zion, I shall not be silent."

17. STATE DEPARTMENT VISA BULLETIN – DECEMBER 2001

FAMILY NUMBERS

Family	All Chargeability Areas Except	India	Mexico	Philippines
--------	--------------------------------	-------	--------	-------------

	Those Listed			
1st	01MAR99	01MAR99	22APR94	08JUL88
2A*	22SEP96	22SEP96	22OCT94	22SEP96
2B	22JUN93	22JUN93	22OCT91	22JUN93
3rd	08MAY96	08MAY96	01JUL92	01FEB88
4th	08NOV89	22SEPG88	08NOV89	01NOV79

EMPLOYMENT NUMBERS

Employment- Based	All Chargeability Areas Except Those Listed	INDIA	MEXICO	PHILIPPINES
1st	c	c	c	c
2nd	c	c	c	c
3rd	c	c	c	c
Other Workers	c	c	c	c
4th	c	c	c	c
Certain Religious Workers	c	c	c	c
5th	c	c	c	c
Targeted Employment Areas	c	c	c	c

DV NUMBERS FOR DECEMBER

Region	All DV Chargeability Areas Except Those Listed Separately	
Africa	6,000	
Asia	4,200	Except: Bangladesh AS 2,200
Europe	5,880	
North America (Bahamas)	8	
Oceania	200	
SOUTH AMERICA, CENTRAL AMERICA, and the CARIBBEAN	576	

ADVANCE NOTIFICATION OF RANK CUT-OFFS WHICH WILL APPLY IN JANUARY

Region	All DV Chargeability Areas Except Those Listed Separately	
Africa	AF 6,650	
Asia	AS 5,400	Except: Bangladesh AS 27587
Europe	EU 6,535	
North America (Bahamas)	NA 8	

Oceania	OC 250	
SOUTH AMERICA, CENTRAL AMERICA, and the CARIBBEAN	SA 600	
