

**SISKIND'S IMMIGRATION BULLETIN**  
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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](mailto:gsiskind@visalaw.com), WWW home page: <http://www.visalaw.com>.

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## 1. OPENERS

Dear Readers:

Earlier this week I had the opportunity to go to Washington and visit with members of the House of Representatives and the Senate regarding immigration matters. There are a variety of issues that are relevant these days - Section 245i, refugee processing, health care workers, amnesty legislation, etc. The exercise was important to me mainly to measure how sentiments toward immigration stand nearly six months since September 11th. At this point, security issues still dominate the immigration debate. But my feeling is that there is a cautious openness toward re-engaging in the discussions going on in immigration prior to the September attacks.

One issue that arose shortly before my trip is the sudden danger facing the US Department of Agriculture's J waiver program for doctors. This is a program that allows doctors to avoid the two-year home residency requirement many of them face after their training and allows them to remain in the US in exchange for three years of service working in a medically underserved rural community. I'll be writing more about this in our health care immigration newsletter, which comes out next week. You can subscribe to this free publication by going to <http://www.visalaw.com/IMG/resources.html>. But the big favor I am asking readers for is in identifying people across the country who can attest to how USDA waivers helped their communities. Congress needs to hear how real people have benefited from the USDA program. If you are interested in helping with this effort, please email me at [USDA@visalaw.com](mailto:USDA@visalaw.com).

This week we include an ABCs of Immigration feature on refugee processing. We also include our regular features this week including reports of several new immigration court cases, Border News, Ask Visalaw.com, Attack on America and Legislative Update.

We appreciate hearing from hundreds of you every week who have questions or are interested in hiring our law firm to handle your immigration work. We want to remind you of the various ways you can communicate with us:

- telephone or in person consultation (go to <http://www.visalaw.com/intake.html> or call 800-748-3819 or 901-737-3194 and ask for my assistant for scheduling)
- online individual chats (go to our main web page at [www.visalaw.com](http://www.visalaw.com) and click on the chat link)
- weekly group chats at Monster.com
- email at [gsiskind@visalaw.com](mailto:gsiskind@visalaw.com)

Many people also do not realize that our law firm is typically capable of handling immigration matters anywhere in North America so please don't assume that just because we don't have an office in your home town we can't handle your work.

Hope you have a great weekend,

Greg Siskind

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## 2. LEGISLATIVE UPDATE

Last week the Senate voted, 96 to 1, to restore food stamp benefits to legal immigrants who have been permanent residents for at least five years. The move was supported by President Bush, and is expected to benefit about 260,000 people. Part of the 1996 welfare reform act eliminated most immigrants from food stamp eligibility. Since then, a number of exceptions have been created.

HOUSE OF REPRESENTATIVES		
Bill Number	Title/Description	Legislative Actions
<a href="#">H.R. 22</a>	Would delay the legal effect of an agreement signed by an undocumented immigrant admitting that they are in the US without authorization and seeking voluntary departure for 72 hours, except in cases where the immigrant met with	Introduced by Rep. LaTourette (R-OH) on 01/03/2001, referred to Committee on the Judiciary; 02/12/2001 referred to the Immigration

	an attorney or other legal representative before signing such an agreement.	Subcommittee
<a href="#"><u>H.R. 26</u></a>	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
<a href="#"><u>H.R. 35</u></a>	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
<a href="#"><u>H.R. 87</u></a>	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
<a href="#"><u>H.R. 133</u></a>	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
<a href="#"><u>H.R. 171</u></a>	The Fairness to Immigrant Veterans Act of 2001, would eliminate the application of some of the harsher of the 1996 immigration laws to immigrants who have served in the US armed forces.	Introduced by Rep. Jose Serrano (D-NY) on 01/03/2001, referred to Committee on the Judiciary; 02/12/2001 referred to Immigration Subcommittee

		<b>Subcommittee</b>
<a href="#"><u>H.R. 190</u></a>	<b>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.</b>	<b>Introduced by Rep. Bob Stump (R-AZ) on 01/03/2001, referred to Committee on the Judiciary; 02/12/2001 referred to Immigration Subcommittee</b>
<a href="#"><u>H.R. 329</u></a>	<b>Would establish an INS office in Nashville, TN.</b>	<b>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</b>
<a href="#"><u>H.R. 340</u></a>	<b>The Excellence and Accountability in Education Act, would provide additional funding for programs designed to educate migratory students, including English instruction.</b>	<b>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</b>
<a href="#"><u>H.R. 345</u></a>	<b>The Public Education Reinvestment, Reinvention and Responsibility Act, would amend and fund numerous programs relating to the education of immigrant children.</b>	<b>Introduced by Rep. Tim Roemer (D-IN) on 01/31/2001; 3/29/2001 House committee /subcommittee actions</b>
<a href="#"><u>H.R. 348</u></a>	<b>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.</b>	<b>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</b>
<a href="#"><u>H.R. 357</u></a>	<b>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 adjust their status to lawful permanent resident.</b>	<b>Introduced by Rep. Patrick Kennedy (D-RI) on 01/31/2001, referred to the Committee on the Judiciary; 02/12/2001 referred to Immigration Subcommittee</b>

		Subcommittee
<a href="#"><u>H.R. 500</u></a>	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
<a href="#"><u>H.R. 505</u></a>	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
<a href="#"><u>H.R. 531</u></a>	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

<a href="#"><u>H.R. 544</u></a>	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
<a href="#"><u>H.R. 654</u></a>	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
<a href="#"><u>H.R. 690</u></a>	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
<a href="#"><u>H.R. 707</u></a>	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
<a href="#"><u>H.R. 720</u></a>	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
<a href="#"><u>H.R. 814</u></a>	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
<a href="#"><u>H.R. 875</u></a>	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
<a href="#"><u>H.R. 945</u></a>	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
<a href="#"><u>H.R. 957</u></a>	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
<a href="#"><u>H.R. 964</u></a>	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><a href="#"><u>H.R. 1028</u></a></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><a href="#"><u>H.R. 1195</u></a></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><a href="#"><u>H.R. 1209</u></a></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><a href="#"><u>H.R. 1242</u></a></p>	<p>Would extend the filing deadline for section 245(i) until October 31, 2001. Earlier, Rep. Charles Rangel (D-NY) introduced a bill (<a href="#"><u>H.R. 1195</u></a>) 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><a href="#"><u>H.R. 1266</u></a></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><a href="#"><u>H.R. 1306</u></a></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><a href="#"><u>H.R. 1327</u></a></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><a href="#"><u>H.R. 1345</u></a></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><a href="#"><u>H.R. 1449</u></a></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><a href="#"><u>H.R. 1452</u></a></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>

<a href="#"><u>H.R. 1560</u></a>	<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>
<a href="#"><u>H.R. 1561</u></a>	<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>
<a href="#"><u>H.R. 1562</u></a>	<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>
<a href="#"><u>H.R. 1563</u></a>	<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>
<a href="#"><u>H.R. 1571</u></a>	<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
<a href="#"><u>H.R. 1572</u></a>	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
<a href="#"><u>H.R. 1582</u></a>	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
<a href="#"><u>H.R. 1615</u></a>	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
<a href="#"><u>H.R. 1616</u></a>	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
<a href="#"><u>H.R. 1713</u></a>	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

<p><a href="#"><u>H.R. 1726</u></a></p>	<p>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.</p>	<p>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</p>
<p><a href="#"><u>H.R. 1806</u></a></p>	<p>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.</p>	<p>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</p>
<p>H.R.1840</p>	<p>To extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.</p>	<p>Sponsor: Rep Davis, Tom(introduced 5/15/2001); 10/31/2001 Referred to Senate committee; 12/13/2001 Placed on Senate Legislative Calendar under General Orders. Calendar No. 288.</p>
<p>H.R.1885</p>	<p>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.</p>	<p>Introduced by George Gekas; 9/6/2001 Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.</p>
<p><a href="#"><u>H.R. 1892</u></a></p>	<p>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.</p>	<p>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 (<a href="#"><u>text</u></a> as reported); 7/24/2001 Referred to Senate committee; 12/20/2001</p>

		Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent. (consideration: CR <a href="#">S14064-14065</a> ; text as passed Senate: CR <a href="#">S14064</a> )
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 for other purposes.	Sponsor: Rep Lofgren, Zoe(introduced 5/17/2001); (See also S. 121); 5/30/2001 Referred to House subcommittee
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
<a href="#">H.R. 1918</a>	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
<a href="#">H.R. 1984</a>	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
<a href="#">H.R. 1996</a>	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
<a href="#"><u>H.R. 2030</u></a>	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
<a href="#"><u>H.R. 2113</u></a>	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.	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
H.R.2155	To amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes.	Sponsor: Rep Flake, Jeff(introduced 6/13/2001); 7/16/2001 Referred to House subcommittee
<a href="#"><u>H.R. 2162</u></a>	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.	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
H.R.2256	To amend the Public Health Service Act to establish a 5-year pilot program under which health care providers are reimbursed by the	Sponsor: Rep Kolbe, Jim(introduced 6/20/2001); 7/16/2001 Referred to House

	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.	subcommittee
H.R.2276	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.	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
HR 2277	To provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.	Sponsor: Rep Gekas, George W.(introduced 6/21/2001); 12/20/2001 Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.; 12/20/2001 Cleared for White House; 1/16/2002 Became Public Law No: 107-124.
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 <a href="#">H5357-5358</a> ); 9/6/2001 Received in the Senate; 10/16/2001 Referred to Senate committee; 12/20/2001 Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.; 12/20/2001 Cleared for White House.; 1/4/2002 Presented to President;

		1/16/2002 Became Public Law No: 107-125.
<a href="#"><u>H.R. 2348</u></a>	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 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.	Sponsor: Rep Tancredo, Thomas G.(introduced 8/1/2001); 8/1/2001 Referred to House committee; 9/10/2001 Referred to House subcommittee

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

<b>H.R.2984</b>	<b>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.</b>	<b>Sponsor: Rep Andrews, Robert E.(introduced 10/2/2001); 10/2/2001 Referred to House committee; 11/27/2001 Referred to House subcommittee</b>
<b>H.R.3002</b>	<b>To provide for the establishment of an alien nonimmigrant student tracking system.</b>	<b>Sponsor: Rep Sweeney, John E.(introduced 10/2/2001); 10/2/2001 Referred to House committee; 11/27/2001 Referred to House subcommittee</b>
<b>H.R.3016</b>	<b>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.</b>	<b>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.</b>
<b>HR 3030</b>	<b>To extend the basic pilot program for employment eligibility verification, and for other purposes.</b>	<b>Sponsor: Rep Latham, Tom(introduced 10/4/2001); 12/20/2001 Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.; 12/20/2001 Cleared for White House; 1/4/2002 Presented to President; 1/16/2002 Signed by President; 1/16/2002</b>

		Became Public Law No: 107-128.
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; 11/27/2001 Referred to House subcommittee
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; 11/27/2001 Referred to House subcommittee
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; 11/27/2001 Referred to House subcommittee
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; 11/27/2001 Referred to House subcommittee
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 <a href="#">S10990-11060</a> ); 10/26/2001 Signed by

		<b>President Bush into law</b>
<b>H.R.3179</b>	<b>For the relief of certain aliens who were aboard the Golden Venture.</b>	<b>Sponsor: Rep Platts, Todd Russell(introduced 10/30/2001) Private bill; 10/30/2001 Referred to House subcommittee</b>
<b>H.R.3181</b>	<b>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.</b>	<b>Sponsor: Rep Bilirakis, Michael(introduced 10/30/2001); 10/30/2001 Referred to House committee; 11/27/2001 Referred to House subcommittee</b>
<b>H.R.3205</b>	<b>To enhance the border security of the United States, and for other purposes.</b>	<b>Sponsor: Rep Conyers, John, Jr.(introduced 11/1/2001); 11/1/2001 Referred to House committee; 11/8/2001 Referred to House subcommittee; 11/27/2001 Referred to House subcommittee</b>
<b>H.R.3221</b>	<b>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.</b>	<b>Sponsor: Rep Roukema, Marge(introduced 11/1/2001); 11/1/2001 Referred to House committee; 11/27/2001 Referred to House subcommittee</b>
<b>H.R.3222</b>	<b>To limit the number of H1-B nonimmigrant visas issued in any fiscal year.</b>	<b>Sponsor: Rep Tancredo, Thomas G.(introduced 11/1/2001); 11/1/2001 Referred to House committee; 11/27/2001 Referred to House subcommittee</b>
<b>H.R.3229</b>	<b>To enhance the security of the international borders of the United States.</b>	<b>Sponsor: Rep Gallegly, Elton(introduced 11/6/2001); 11/6/2001 Referred to House committee; 11/7/2001 Referred to House</b>

		subcommittee; 11/27/2001 Referred to House subcommittee
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; 11/9/2001 Referred to House subcommittee; 11/15/2001 House committee/subcommittee actions: Subcommittee Hearings Held.
H.R.3286	To provide for a temporary moratorium on visas for certain aliens, and for other purposes.	Sponsor: Rep Weldon, Dave(introduced 11/13/2001); 11/14/2001 Referred to House subcommittee; 11/27/2001 Referred to House subcommittee
H.R.3356	For the relief of Mohamed Abshir Musse, Mariam Musse Gul, Abdullahi Mohamed Abshir, and Madina Mohamed Abshir.	Sponsor: Rep Petri, Thomas E.(introduced 11/27/2001) Private bill; 12/5/2001 Referred to House subcommittee
H.R.3416	To amend title 49, United States Code, to permit the hiring as security screening personnel of legal immigrants who have filed for naturalization before September 11, 2001.	Sponsor: Rep Mink, Patsy T.(introduced 12/5/2001); 12/6/2001 Referred to House subcommittee
H.R.3487	To amend the Public Health Service Act with respect to health professions programs regarding the field of nursing.	Sponsor: Rep Bilirakis, Michael(introduced 12/13/2001); 12/20/2001 Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time; 1/23/2002 Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No.

		306.
H.R.3505	To provide for transitional employment eligibility for qualified lawful permanent resident alien airport security screeners until their naturalization process is completed, and to expedite that process.	Sponsor: Rep Solis, Hilda L.(introduced 12/17/2001); 12/17/2001 Referred to House committee; 12/18/2001 Referred to House subcommittee; 1/14/2002 Referred to House subcommittee
H.R.3515	To ensure that aliens studying in the United States comply with the terms and conditions applicable to such study, and for other purposes.	Sponsor: Rep Miller, George(introduced 12/18/2001); 12/18/2001 Referred to House committee; 1/14/2002 Referred to House subcommittee
H.R.3525	To enhance the border security of the United States, and for other purposes.	Sponsor: Rep Sensenbrenner, F. James, Jr.(introduced 12/19/2001); 12/20/2001 Referred to Senate committee
H.R.3555	To prevent, prepare for, and respond to the threat of terrorism in America, and for other purposes.	Sponsor: Rep Menendez, Robert(introduced 12/20/2001); 12/20/2001 Referred to House committee; 12/28/2001 Referred to House subcommittee
<b>SENATE</b>		
<a href="#">S. 19</a>	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

<a href="#"><u>S.56</u></a>	Would amend the Immigration and Nationality Act to include children born in the Philippines and Japan to US citizen fathers as immediate relatives for immigration purposes.	Introduced by Sen. Daniel Inouye (D-HI) on 01/22/2001, referred to the Committee on the Judiciary
<a href="#"><u>S. 121</u></a>	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
<a href="#"><u>S. 169</u></a>	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;
<a href="#"><u>S. 226</u></a>	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
<a href="#"><u>S. 269</u></a>	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
<a href="#"><u>S. 329</u></a>	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

		<p>Orders. Calendar No. 59.; 8/3/2001 Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent. (consideration: CR <a href="#">S8995-8996</a>; text: CR <a href="#">S8995-8996</a>); 9/6/2001 House committee/subcommittee actions: Executive Comment Requested from Interior.</p>
<a href="#">S. 439</a>	<p>Would establish an INS office in Nashville, Tennessee. See also <a href="#">H.R. 329</a></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>
<a href="#">S. 562</a>	<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>
<a href="#">S. 656</a>	<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</p>	<p>Introduced by Sen. Harry Reid (D-NV) on 03/29/2001, referred to the Committee on the Judiciary; 3/29/2001 Referred to Senate</p>

	convicted of an aggravated felony or two or more crimes of moral turpitude would not be eligible, but would exempt applicants from some requirements for immigration, including that they properly entered the US.	Referred to Senate committee
<a href="#">S. 672</a>	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.	Introduced by Sen. Dianne Feinstein (D-CA) on 04/02/2001, referred to the Committee on the Judiciary
S.702	A bill for the relief of Gao Zhan.	Sponsor: Sen Allen, George(introduced 4/5/2001); 4/5/2001 Referred to Senate committee
<a href="#">S. 778</a>	Would extend the section 245(i) deadline to April 30, 2002.	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 <a href="#">H.R. 1885</a> .
<a href="#">S. 799</a>	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	Introduced by Sen. Richard Durbin (D-IL) on 04/30/2001, referred to the Committee on Finance; 4/30/2001 Referred to Senate committee

	conducting a search.	
<a href="#"><u>S. 862</u></a>	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; 5/10/2001 Referred to Senate committee
<a href="#"><u>S. 864</u></a>	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; 5/10/2001 Referred to Senate committee
<a href="#"><u>S. 884</u></a>	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; 5/15/2001 Referred to Senate committee
<a href="#"><u>S. 887</u></a>	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; 5/15/2001 Referred to Senate committee
<a href="#"><u>S. 939</u></a>	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; 5/23/2001 Referred to Senate committee
<a href="#"><u>S. 955</u></a>	A bill to provide comprehensive reform of the 1996 immigration	Introduced by Senators Edward Kennedy (D-MA)

	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 established by the 1996 laws; and restoring due process, proportionality, judicial discretion, and judicial review to immigration law.	Edward Kennedy (D-MA), Bob Graham (D-FL), on 05/24/01; 5/24/2001 Referred to Senate committee
<a href="#">S. 1149</a>	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.1399	A bill to prevent identity theft, and for other purposes.	Sponsor: Sen Feinstein, Dianne(introduced 9/4/2001); 9/4/2001 Referred to Senate committee
S.1400	A bill 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	Sponsor: Sen Kyl, Jon(introduced 9/4/2001); 12/20/2001 Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.

	biometric identifier matching the appropriate biometric characteristic of the alien.	(text as passed Senate: CR <a href="#">S14082</a> ); 1/23/2002 Referred to House committee
S.1406	A bill for the relief of Tanian Unzueta.	Sponsor: Sen Durbin, Richard J.(introduced 9/5/2001) Private bill; 9/5/2001 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	A bill to amend title 49, United States Code, to regulate the training of aliens to operate jet-propelled aircraft, and for other purposes.	Sen Snowe, Olympia J.(introduced 9/21/2001); 9/21/2001 Referred to Senate committee
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 <a href="#">S10604-10630</a> ) (On October 30, 2001, the Senate vitiated previous passage of <a href="#">S.1510</a> . <a href="#">H.R. 3162</a> , the USA PATRIOT Act, incorporated provisions of two earlier anti-terrorism bills: <a href="#">H.R. 2975</a> , which passed the House on October 12, 2001; and <a href="#">S. 1510</a> . Provisions of <a href="#">H.R. 3004</a> , the Financial Anti-Terrorism Act, were incorporated as Title III in <a href="#">H.R. 3162</a> . <a href="#">H.R. 3162</a> became Public Law 107-56 on October 26, 2001.)
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

<b>S.1627</b>	<b>A bill to enhance the security of the international borders of the United States.</b>	<b>Sponsor: Sen Feinstein, Dianne(introduced 11/1/2001); 11/1/2001 Referred to Senate committee</b>
<b>S 1733</b>	<b>A bill to develop and implement a unified electronic data system to enhance access to information that is relevant to determine whether to issue a visa or admit an alien to the United States, and for other purposes.</b>	<b>Sponsor: Sen Edwards, John (introduced 11/27/2001); 11/27/2001 Referred to Senate committee</b>
<b>S.1749</b>	<b>A bill to enhance the border security of the United States, and for other purposes.</b>	<b>Sponsor: Sen Kennedy, Edward M.(introduced 11/30/2001); 11/30/2001 Referred to Senate committee</b>
<b>S.1774</b>	<b>A bill to accord honorary citizenship to the alien victims of September 11, 2001, terrorist attacks against the United States and to provide for the granting of citizenship to the alien spouses and children of certain victims of such attacks.</b>	<b>Sponsor: Sen Corzine, Jon(introduced 12/5/2001); 12/5/2001 Referred to Senate committee</b>
<b>S.1776</b>	<b>A bill to provide for the naturalization of Deena Gilbey.</b>	<b>Sponsor: Sen Corzine, Jon(introduced 12/5/2001) Private bill; 12/5/2001 Referred to Senate committee</b>
<b>S.1829</b>	<b>A bill to provide for transitional employment eligibility for qualified lawful permanent resident alien airport security screeners until their naturalization process is completed, and to expedite that process.</b>	<b>Sponsor: Sen Feinstein, Dianne(introduced 12/14/2001); 12/14/2001 Referred to Senate committee</b>
<b>S.1859</b>	<b>A bill to extend the deadline for granting posthumous citizenship to individuals who die while on active-duty service in the Armed Forces.</b>	<b>Sponsor: Sen Schumer, Charles E.(introduced 12/19/2001); 12/19/2001 Referred to Senate committee</b>

S.1864	A bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes	Sponsor: Sen Mikulski, Barbara A.(introduced 12/20/2001); 12/20/2001 Passed/agreed to in Senate: Introduced in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent. (consideration: CR <a href="#">S14065</a> ); 1/23/2002 Referred to House committee; 2/4/2002 Referred to House subcommittee
S.1878	A bill to establish programs to address the health care needs of residents of the United States-Mexico Border Area, and for other purposes	Sponsor: Sen Hutchison, Kay Bailey(introduced 12/20/2001) ; 12/20/2001 Referred to Senate committee
S.1889	A bill 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: Sen Hatch, Orrin G.(introduced 12/20/2001); 12/20/2001 Referred to Senate committee
S.1890	A bill to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.	Sponsor: Sen Hatch, Orrin G.(introduced 12/20/2001); 12/20/2001 Referred to Senate committee
S.1891	A bill to extend the basic pilot program for employment eligibility verification, and for other purposes.	Sponsor: Sen Hatch, Orrin G.(introduced 12/20/2001); 12/20/2001 Referred to Senate committee

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### **3. SENATE COMMITTEE REVIEWS REFUGEE PROGRAM**

**This week the Senate Judiciary Committee held a hearing titled “Empty Seats on the Lifeboat: Are there Problems with the US Refugee Program.” Statements from two Senators, Patrick Leahy (D-VT) and Orrin Hatch (R-UT) were presented. Hatch, while commending US efforts to assist refugees, focused on the refugee program as a potential security threat to the US, saying that it should be altered to include enhanced security checks and to provide greater protection to INS and State Department personnel overseas. Leahy, on the other hand, focused on the likely possibility that because of delays in refugee processing since September 11<sup>th</sup>, nowhere near the 70,000 authorized refugee slots will be used this year. He focused on the need, now more than ever, for the US to affirm its historic commitment to helping refugees, and expressed the hope that the Bush administration would follow through on recent promises by INS Commissioner James Ziglar to allocate the resources necessary to ensure that all 70,000 refugee slots are used.**

**INS Commissioner James Ziglar was one of those testifying before the committee. He reaffirmed his commitment to doing everything in his power to grant admission to 70,000 refugees this year. Ziglar said that while INS officers that visit various areas to conduct refugee interviews had been recalled immediately after September 11<sup>th</sup>, many have been redeployed, with 12 in Africa and a number still awaiting placement in Belgrade, Cairo, and Islamabad. In addition, Ziglar announced plans to increase financial resources for refugee processing and to hire and train more people to conduct refugee interviews. In addition, the INS and State Department are working on ensuring that the places in which the interviews are conducted are as secure as possible, a factor that has had a significant decline in the number of refugees processed since September 11<sup>th</sup>. He also announced plans to improve refugee processing so that people who currently do not even get to meet with an INS officer are afforded a full opportunity at seeking refuge.**

**Also testifying was Arthur Dewey, the Assistant Secretary of State for the Bureau of Population, Refugees and Migration. He noted that prior to September 11<sup>th</sup>, significant overhauls were being planned for refugee resettlement programs, primarily because it was obvious that the costs of resettling refugees were not being met. After September 11<sup>th</sup>, the focus became improved security. Nonetheless, according to Secretary Dewey, the State Department remains committed to assisting refugees make new lives in the US.**

**Two members of the refugee advocacy community testified, Lenny Glickman, the Chairman of Refugee Council USA, and Bill Frelick, the Director of Policy for the US Committee for Refugees.**

The Refugee Council USA is a coalition of nongovernmental organizations dedicated to assisting and protecting refugees. Mr. Glickman began by praising the historic commitment to refugees, but like Secretary Dewey, noted that there were significant problems in the refugee program well before September 11<sup>th</sup>. In 1993, 120,000 refugees were admitted to the US. In fiscal year 2001, despite a ceiling of 80,000, only 69,000 refugees were resettled in the US. While praising statements from government officials showing commitment to improving refugee programs, he expressed concern that not enough money has been requested for refugee programs. President Bush's fiscal year 2003 budget requests only \$705 million, down \$10 million from 2002. While advocacy groups are looking at ways to make refugee processing more efficient, increased security measures will doubtless increase costs.

Finally, Bill Frelick made a number of substantive recommendations to improve refugee processing. One is to overhaul the State Department's classification system for prioritizing refugees for processing. While all refugees meet the same standard of a well-founded fear of persecution, prioritizing among them reflects humanitarian concerns. According to Frelick, the first category, which has come to encompass nearly all refugee claimants, should be limited to include those most in need of assistance and those facing the most dangerous situations. The second group covers people of particular concern to the US, but perhaps not to the rest of the world. Most groups in this category spring from Cold War conflicts, which should be changed to reflect current international concerns. He also recommended expanding the category for family reunification to include all refugees, not just those from the six countries currently designated. Finally, he recommended the creation of categories for at-risk women and for refugees who are physically or mentally disabled or who have been victims of torture.

Those in the refugee community hope that by working together to the common goal of protecting innocent people, the US government and the nongovernmental organizations that work with refugees can make the US refugee processing more efficient and at the same time more responsive to international crises.

Testimony and statements are available online at <http://judiciary.senate.gov/beta/hearing.cfm?id=150>.

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#### **4. JUSTICE DEPARTMENT STEPS UP EFFORTS TO LOCATE MIDDLE EASTERNERS FACING DEPORTATION ORDERS**

**The Washington Post recently obtained a January memo from the Department of Justice in which federal agents are instructed to take all possible measures to charge Middle Eastern immigrants with criminal offenses rather than simply deport them. The effort is part of a larger INS plan to focus on deporting those who have ignored deportation orders, which itself will focus first on people from the Middle East. There are an estimated 314,000 absconders, the vast majority of whom are from Mexico and Latin American countries, and only about 6,000 from countries identified as Al-Qaeda strongholds.**

**Officials say they began the effort this week, focusing on arresting about 1,000 people, mostly from the Middle East and Pakistan, who were ordered deported because of felony convictions. Special teams consisting of agents from the INS, FBI and the Marshals Service have been created to perform the arrests.**

**Even if there is no crime with which to charge the person arrested beyond failure to report for deportation, agents are instructed to thoroughly interrogate the person to obtain information that could help with the terrorist investigation and to prevent future acts of terrorism. This information will be added to the growing database of information learned from the questioning of the hundreds of detainees and thousands of young men from designated countries.**

**The plan has met with criticism from a number of civil liberties organizations, which claim that the government is simply engaging in racial profiling in lieu of meaningful but difficult investigations. They worry that not only will the government not obtain much useful information, they will damage the reputations of those caught up in the investigation, which could be a serious problem for them after they are deported. In addition, the lengths to which the government has gone to keep this latest effort secret concern many. According to the memo, "This Initiative will not entail any official notice to either the public or the absconders."**

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## **5. ACLU OBTAINS INFORMATION ON SEPTEMBER 11TH DETAINEES**

**The American Civil Liberties Union recently announced that it has the names of 300 of the 460 detainees held by the INS. The information came not from the Department of Justice, which has steadfastly refused to release any identifying information about the detainees, but from foreign governments whose citizens are being detained. The ACLU is reviewing the information to determine whether anyone has been denied their rights to an attorney and to assistance from their consulate.**

**In related news, the ACLU has obtained a document from the INS that**

provides information about the treatment of the detainees. Issued in response to the ACLU's request under the Freedom of Information Act, the 118 page "Special Interest List" is heavily redacted, making public only the country of birth and dates of arrest, detention and the filing of charges.

Based on this information, it appears that some of the detainees were held for weeks, and in a few cases, months, before being charged. INS regulations state that a person should be charged within 48 hours of their detention, "except in the event of emergency or other extraordinary circumstance in which case a determination will be made within an additional reasonable period of time."

According to an ACLU review of the information, in 415 cases, charges were filed either before arrest or within 48 hours. In 70 cases, charges were filed within one week of arrest. In 134 cases, more than a week passed between arrest and the filing of charges. The INS has provided slightly different information. According to the INS, in 59 percent of cases, charges were filed within seven days. In 15 percent of cases, charges were filed within one month, and in 2 percent of cases, charges were not filed for more than 30 days.

In addition to lengthy waits for charging documents to be issued, in a number of cases, the INS presented the documents to the immigrants but failed to file them in court. When this happens, the person must be released.

The ACLU has filed a follow-up request seeking a less redacted version of the information.

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## 6. NEW CENSUS BUREAU DATA SHOWS CONTINUED GROWTH IN IMMIGRANT POPULATION

The Census Bureau recently released updated information on the foreign-born population of the US. The information reflects the US population as of March 2000. Ten percent, or 28.4 million, of the population was not born here, the highest percentage since 1930. It reflects a 44 percent increase over the 1990 number of 19.8 million.

Slightly more than half of the foreign-born population is from Latin American countries, and a quarter are from Asian nations. Only 15 percent are from Europe, a significant decline from the levels in 1970, when 62 percent of immigrants listed Europe as their place of origin.

Six states, California (8.8 million), New York (3.6 million), Florida (2.8 million), Texas (2.4 million), New Jersey (1.2 million), and Illinois (1.2

million), accounted for 70 percent of the foreign-born population in the US. The cities with the largest foreign-born population are all in these states. Los Angeles (4.7 million), New York (4.7 million), San Francisco (2.0 million), Miami (1.6 million) and Chicago (1.1 million) are home to half of the foreign-born population.

Overall, the percentage of immigrants who have high school diplomas is lower than among the native born population, 67 percent compared to 87 percent. Among immigrant groups, Africans had the highest rate of high school completion, 95 percent, followed by Asia (84 percent), Europe (81 percent) and Latin American (50 percent).

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## **7. ATTACK ON AMERICA – IMMIGRATION UPDATE**

According to representatives of a number of governments whose citizens have been detained since September 11th, it has become clear why so few detainees requested assistance from their consulates. According to a number of people who have been released or deported, they were told that if they signed an agreement waiving their right to consular assistance, to an attorney and to a deportation hearing, they would quickly be allowed to return home through a process known as voluntary departure. However, many people who agreed to the arrangement languished in detention for months before finally being allowed to return home.

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Last weekend INS agents arrested six pilots and two airport workers on charges that they had paid up to \$25,000 to obtain fraudulent documents that allowed them to gain employment. All of those arrested are natives of Venezuela living in Broward County, Florida. Officials say they believe that these arrests will only be the first in what is being called an “organized conspiracy.” The investigation into the case began last summer, but took on new urgency after September 11<sup>th</sup>. Officials say there is no evidence that those arrested are connected to terrorist activities, but do call the incident a breach of national security.

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## **8. BORDER NEWS**

A little-noticed part of the fiscal year 2003 budget President Bush presented to Congress last week would eliminate the State Criminal Alien

**Assistance Program. The program, which currently receives \$565 million in funding, reimburses states for some of their costs in incarcerating undocumented immigrants. According to the budget, the reason for the elimination of the program is that it “contributes little to reducing violent crime.” A number of lawmakers from border areas, where local jails are dependent on the funding, said that they would not allow the program to be eliminated. They argue that the point of the program is not to reduce crime, but to reimburse states for some of the costs associated with undocumented immigration, which only the federal government can deal with.**

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**According to INS statistics, fewer undocumented immigrants were arrested during the first four months of fiscal year 2002 than during any other four-month period for the past 17 years. The number arrested, 181,497, was down 45 percent from the same period a year ago.**

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## **9. NEWS FROM THE COURTS**

### **Gerbier v. Holmes, Third Circuit**

**In this case, the court broke with a number of other courts of appeals in determining how a state drug conviction should be treated for deportation purposes.**

**David Gerbier, a citizen of Haiti, became a permanent resident of the US in 1984. In 1996 he was arrested in Delaware on charges of possession of marijuana and in 1997, pled guilty, receiving a sentence of three years probation. Later in 1997 he was arrested on charges of trafficking cocaine. He pled guilty and received a sentence of six months in a boot camp and at least two and one half years probation. While he was still in state custody, in 1999, the INS began deportation proceedings against him, charging that the trafficking offense was an aggravated felony, and that the marijuana possession conviction, while not an aggravated felony, was a basis for deportation.**

**At his hearing before an immigration judge, the judge determined Gerbier had not committed an aggravated felony, but was deportable for the convictions involving controlled substances. However, the judge granted**

**Gerbier's application for cancellation of removal. The INS appealed the decision to the Board of Immigration Appeals. The Board found that, because under federal law, the trafficking conviction would have been a felony, and that because of the prior marijuana conviction he would have been sentenced to more than one year in prison and was thus an aggravated felon and ineligible for cancellation of removal. In February 2000, Gerbier was deported to Haiti where he still remains at a detention facility. Gerbier filed a petition for a writ of habeas corpus with the federal district court, which upheld the decision of the BIA. Gerbier then appealed to the Third Circuit.**

**Under the Immigration and Nationality Act, offenses that are treated as felonies under the federal Controlled Substances Act are aggravated felonies. Because state convictions can give rise to deportation, it must be determined whether the state offense would be an aggravated felony under federal law. The Third Circuit found that there were two possible ways of examining this issue. One is to examine the state offense as if it were a "hypothetical federal felony," that is, to look at the circumstances of the offense and the state statute under which the conviction was obtained, and determine if it would be treated as a felony by a federal court. The second is to look to the federal Sentencing Guidelines. Under this approach, any offense, whether treated as a felony or a misdemeanor by the jurisdiction of conviction, and even if punishable only as a misdemeanor under the Controlled Substances Act, would be an aggravated felony. The Third Circuit rejected this approach, finding that to be an aggravated felony, the offense must be treated as a felony under federal law.**

**The court then applied this rule to Gerbier's case. While his 1997 conviction was obtained under a statute labeled "trafficking in cocaine," the statute also covered simple possession of cocaine. In making his plea, Gerbier pled guilty only to possession of cocaine. Because the offense did not involve trafficking, it must be punishable as a felony under federal law. The court found that the proper federal statute under which to analyze Gerbier's conviction was the simple possession statute. Under this statute, a sentence of not greater than one year can be imposed. The INS relied on the previous marijuana conviction to say that a federal court would have enhanced the sentence for cocaine possession, but the court rejected this, noting that there were insufficient procedural safeguards in the state's use of this conviction in the second conviction, and certainly fewer than Gerbier would have received in a federal prosecution.**

**Therefore, the court found that Gerbier would only have been convicted of a misdemeanor under federal law and ordered that he be allowed to submit another application for cancellation of removal.**

**The opinion is available online at**

<http://www.ca3.uscourts.gov/opinions/002335.txt>.

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### US v. Cervantes-Navas, Fifth Circuit

In this case, the court ruled that a law providing a shorter residency requirement for parents of illegitimate children to pass citizenship than for parents of legitimate children was not unconstitutional.

Roberto Cervantes-Nava was found guilty of illegally reentering the US following deportation. He attempted to avoid sentencing and a second deportation by asserting a claim to US citizenship. His mother was born in the US in 1923 and lived here until she was 11 years old, when she moved to Mexico. In 1952, she began working in the US, living here during the week and returning to Mexico on weekends. In 1957, Cervantes-Navas was born. In 1965, his mother filed an application for a certificate of citizenship for him, which was denied because she did not have the required physical presence in the US (at least five years after age 14).

Cervantes-Navas agreed that his mother did not meet the physical presence requirement to pass citizenship to him, but argued that because, if he had been illegitimate, he would have been eligible for citizenship, the law was unconstitutional.

The court ruled that even if the law was unconstitutional, Cervantes-Navas was still deportable. According to the court, a finding of unconstitutionality would have resulted either in the entire Immigration and Nationality Act being struck down, or in the striking down of the more lenient residency requirements for mothers of illegitimate children, neither of which would have resulting in Cervantes-Navas being granted citizenship.

Therefore, the court upheld the sentence.

The opinion is available online at  
<http://www.ilw.com/lawyers/immigdaily/cases/2002,0206-Cervantes.shtm>.

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### Gui v. INS, Ninth Circuit

In this case, the court found that the immigration judge had improperly concluded that an asylum applicant's testimony was not credible.

Alexandru Gui, a citizen of Romania, applied for asylum in the US in 1992.

In his asylum application, he said he came from a family with a long history of opposing the communist government of Romania that had long been persecuted by the government. To avoid persecution, Gui joined the Communist Party, but withdrew his membership after the dictatorship of Nicolae Ceausescu was overthrown in 1989. While believing that the new government, run by a Communist Party functionary, was still antidemocratic and essentially communist, Gui became a political activist. His activities brought him to the attention of the police, and he was repeatedly questioned, and his telephone was tapped, his mail read, and his home searched. On two separate occasions, he was the victim of hit and run accidents, a common method of the secret police of trying to kill those who opposed the government. Believing that his life was in danger, he fled the country. After he left, family members were harassed. In addition to his personal story, Gui presented substantial evidence showing that Communists retained control of the government of Romania.

The immigration judge denied the asylum application, finding that Gui was not a credible witness. The judge disbelieved his statements about his phone being tapped and his stories about the hit and run accidents, and found that he would not face danger if returned to Romania, arguing that if the government had wanted to kill him, it had opportunity to do so in the past and did not. The Board of Immigration Appeals concurred in the credibility determination, and affirmed the denial of asylum. Gui appealed to the Ninth Circuit.

For an appellate court to uphold an adverse credibility determination, it must be supported by substantial evidence and specific findings. The court found the immigration judge's doubts about the telephone tapping to be unwarranted. According to the judge, if a person knew their phone was tapped, they would not discuss sensitive issues. The Ninth Circuit found that there was no evidence Gui had discussed sensitive issues, only that what he heard while being questioned by police led him to believe that his phone was being tapped.

Regarding the hit and run accidents, the immigration judge had focused on the fact that Gui had not been able to provide authorities with enough evidence to allow them to complete a thorough investigation, ignoring the factors that led Gui to conclude that they were intentional and in themselves acts of persecution. The court found that instead of providing a specific reason to disbelieve Gui's testimony regarding the accidents, the judge had substituted his own opinions on how a government would silence a dissident.

The court found the immigration judge's finding that if the government of Romania had wanted to persecute Gui, he would not be alive to pursue asylum in the US defied logic, noting that there are measures short of

murder to silence people. Therefore, the court reversed the adverse credibility determination.

Moving on to the asylum claim, the Ninth Circuit found that Gui had established past persecution, giving rise to a rebuttable presumption that he would face persecution if returned to Romania. Before the immigration judge, the only evidence presented by the government was a 1995 State Department country report on Romania, which the court found insufficient to rebut the presumption of persecution. The court therefore found that Gui was eligible for asylum, and remanded the case for the Attorney General to exercise discretion in determining whether to grant it.

The opinion is available online at

<http://caselaw.1p.findlaw.com/data2/circumstances/9th/0070287p.pdf>.

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## 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 January 31, 2002:

Application/Petition Type	Date of Cases Pending Initial Adjudication
I-90 Replacement Card	01/04/02
I-90-A SAW	01/23/02
I-102 Replacement of Arrival Document	11/19/01
I-129	12/20/01
I-130 Immediate Relative	10/17/01
I-130 other	10/16/00
I-131 Advanced Parole	01/14/02

<b>I-131 Reentry Permit</b>	<b>10/19/01</b>
<b>I-131 Ref. Travel Doc.</b>	<b>12/31/01</b>
<b>I-140 Immigrant Worker</b>	<b>12/12/01</b>
<b>I-360 Pet. for Widow/Spec. Imm.</b>	<b>06/01/01</b>
<b>I-485 Adjustment</b>	<b>02/10/01</b>
<b>I-485 Asylee</b>	<b>06/02/98</b>
<b>I-485 Refugee</b>	<b>02/10/01</b>
<b>I-485 HRIFA</b>	<b>11/01/99</b>
<b>I-539 Change/Extend NI Status -</b>	<b>12/12/01</b>
<b>I-724 All Waivers</b>	<b>10/22/01</b>
<b>I-730 Refugee/Asylee Relative Petition</b>	<b>11/05/01</b>
<b>I-751 Remove Conditions</b>	<b>07/10/01</b>
<b>I-765 (c)(8) Initial</b>	<b>01/28/02</b>
<b>I-765 Employment Authorization-Other</b>	<b>11/16/01</b>
<b>I-765(c)(9)</b>	<b>01/14/02</b>
<b>I-817 Family Unity</b>	<b>10/23/01</b>
<b>I-821 TPS</b>	<b>07/30/01</b>
<b>I-824 Actions on Approved Petitions</b>	<b>06/19/01</b>
<b>N-400 Naturalization – Initial Processing</b>	<b>Not adjudicated</b>

Source: [American Immigration Lawyers Association](#)

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## 11. NEWS BYTES

Two men who were arrested last month as part of an audit into employee records at the Seattle-Tacoma International Airport have been charged with immigration violations. They had jobs that gave them top security clearance with unrestricted access to airplanes. Neither has been accused of any terrorist connections, but officials say the ease with which they were able to obtain their jobs shows the need for improved integration of government databases. Their names were run through an FBI database, and because neither had criminal convictions, they passed. If the FBI had had access to INS information about visa overstays, they would likely have been discovered.

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At a recent telephone conference between the INS Vermont Service Center and the American Immigration Lawyers Association, the INS announced that it will accept applications for employment authorization from spouses of L-1 visa holders on Form I-765. When filling in the basis upon which work authorization should be granted, the applicant should indicate (a)(18). Currently, this code is not in use, and is not part of the INS computer system. Until the system is updated, the Service Center will process the fee and hold the application. VSC also noted that because only the Texas Service Center processes applications for E visas, all applications for employment authorization for E-2 spouses should be sent there.

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Over the past few years, Iowa has become a hot bed of activity for anti-immigrant groups. A number of groups have erected billboards blaming everything from crime to urban sprawl on immigration. Recently, however, a group tried to change this trend. More than 1,200 Catholic nuns have contributed to a fund to purchase billboards designed to welcome new immigrants to the state and to remind long-time residents of their immigrant roots.

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This Monday Robert Porges and his wife, Sheery Lu Porges, pled guilty to filing more than 1,000 fraudulent asylum applications on behalf of Chinese immigrants. According to Porges, he was aware that the stories told to him by his clients were not true, and that he deliberately did not investigate to discover the truth. In addition, the couple provided information about the

immigrants' whereabouts to smugglers to whom the immigrants owed a fee, in exchange for the smugglers agreement to steer potential clients to their law firm. They will be sentenced later this year, but current charges call for minimum sentences of at least six years. Because of the fraud, the government is in the process of reviewing thousands of asylum applications.

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## 12. THE ABC'S OF IMMIGRATION – REFUGEE PROCESSING

This week the Senate Immigration Subcommittee held a hearing into possible problems with the US refugee program. Since September 11<sup>th</sup>, refugee processing has been featured in many news reports, and we thought this would be an appropriate time to provide information about the procedures by which a person is granted refugee status and admitted to the US.

The first step in refugee processing is the annual designation of a limit on the number of refugees that will be admitted during the year. In most years, the President announces this number shortly before the beginning of the fiscal year, October 1. Last year, however, with the review of the refugee program in the wake of the events of September 11<sup>th</sup>, the 70,000 limit was not announced until December. The second step is obtaining classification as a refugee, and the final step is being admitted to the US.

To be classified as a refugee, the person must make an application for refugee status at an INS office overseas. The INS has designated a number of US Consulates to accept refugee applications, because there are a limited number of INS offices overseas. These Consulates are located in Djibouti, Buenos Aires, Bangkok, Athens, Cairo, Gaborne, Havana, Hong Kong, Belgrade, Islamabad, Khartoum, Mexico City, Jakarta, Frankfurt, Karachi, Kinshasa, Panama City, Kuala Lumpur, Geneva, New Delhi, Lusaka, Rio de Janeiro, Manila, Madrid, Mogadishu, San Jose, Naha, Rome, Nairobi, Seoul, Vienna, Singapore and Tokyo. Other consulates are not able to process refugee applications without obtaining special permission from the State Department, and are instructed to refer cases to either the local government or to the United Nations High Commissioner for Refugees.

The refugee application consists of fingerprints, biographic information, and a Form I-590, Registration for Classification as Refugee. In most cases, applicants are assisted in preparing their applications by various

nongovernmental organizations. After receiving the application, the INS or State Department runs a security check on each applicant, as well as an investigation into whether they have a criminal record. If the application was filed with the INS, and the applicant appears eligible for refugee status, they are interviewed by the INS. If the application was submitted to the State Department, applications are put through initial review, and when there are a sufficient number of people waiting for interviews, the INS is notified. The agency then sends personnel, known as “circuit riders,” to the consulates where the interviews will be conducted.

After passing the interview portion, the applicant is required to take a medical examination. The section of the Immigration and Nationality Act dealing with refugees allows for the waiver of health related grounds of inadmissibility, but given the public health implications of many diseases, these waivers are often difficult to obtain.

In addition to the medical exam, the refugee applicant must obtain a sponsor. In most cases, the sponsor is a nongovernmental organization, such as the Hebrew Immigrant Aid Society, the Lutheran Immigration and Refugee Service, and Catholic Social Services. Among the duties of the sponsor are to ensure that the refugee will be provided with transportation to the US, and that once in the US, will be provided with assistance in resettling here.

When the refugee applies for admission to the US, they enter not as a permanent resident, but in a unique conditional status. They are allowed to work, and unlike most immigrants, can receive a variety of social services such as food stamps and healthcare. After one year in the US, they are allowed to apply for adjustment of status.

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### 13.ASK VISALAW.COM

**Q - I am a student from Mexico that is interested in a residency program in the us. I'm looking for an attorney to get a working visa so I can get money from my residency. What do I need for this; I'm finishing my medicine school in 2005 but I am going to make the USMLE step 1 in October (2002).**

**A - There are two visas available for medical residents. One is called a J-1 visa. It is usually the easier to secure, and residency programs typically handle the paperwork without an attorney. There is a serious disadvantage to this visa, however. It comes with a requirement that you go back to your home country for two years after your residency program. Even if this is your current plan, you may find that your intentions change once you are here. Also, a relatively recent requirement that one pass a skills**

assessment first is becoming a problem. The assessment is only offered in Philadelphia, Pennsylvania and many doctors are having trouble getting visitor visas for the purpose of coming to the US for the assessment. We hear that the assessment may be offered overseas in the future, however. The better option is often the H-1B visa, which, while it is more complicated and has more requirements, is the more flexible visa and you have the ability to remain in the US when your residency program is over. Not every residency program will sponsor your H-1B visa. This is often because it is more expensive and time consuming, not because it is in your best interest.

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**Q - My question is on behalf of my brother-in-law. He is on Student Visa and his parents are Permanent Residents. Can they sponsor him for a permanent resident visa so that his status gets adjusted to a permanent one?**

**A - His parents can sponsor him for a green card. Unfortunately, the wait will be very long - typically several years. They can shorten the wait by becoming citizens, however.**

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**Q - What is the benefit, if any, for filing a Form I-824 (Application for Action on an Approved Application) with the INS on an H-1B visa so that the INS will notify a consulate, port of entry, or pre-flight inspection office of this approval?**

**A - Usually this is not necessary because a consulate will typically accept a case with just the I-797 approval notice presented by the applicant. In some cases, the consulate will not accept this, so the I-824 may be needed. But this would be unusual.**

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**Q- Can I, a U.S. citizen sponser my 5 year old step daughter in applying for residency?**

**A - Yes. Since the child became your stepdaughter before age 18, she is treated the same way as a biological child.**

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## 14. INTERNATIONAL ROUNDUP

## **Canadian Judge Accused of Sleeping Through Hearings**

**A Canadian refugee-tribunal judge has been accused of falling asleep during hearings. “Justice can be blind, but it’s not supposed to be asleep,” says Richard Kurland, a lawyer and immigration policy researcher. Appeals have been filed over denials of refugee status made by Najib Tahiri based on the argument that he fell asleep during hearings, making it impossible for him the aptly judge a case. The appeals stated that Mr. Tahiri was silent for extended periods of time and appeared to be asleep. In a federal court it was ruled that that long periods of silence are not sufficient proof that Najib Tahiri was in fact asleep. However, new hearings were ordered anyway.**

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## **90 Nigerians Deported from US, Italy**

**At least 90 Nigerians have been deported from Italy and the US in the past week for violating immigration laws. The Nigerian government, cautious of global views on human trafficking and prostitution, has claimed that the female deportees were not prostitutes, and that many of the deportees were simply in violation of minor immigration laws.**

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## **Detainees Being Sold**

**The Straits Times of Singapore is reporting that some temporary detention camps for illegal immigrants have begun the practice of selling their detainees to plantations or poultry farms to save costs associated with deportation. The report comes at a time when Indonesian legislators have been critical of Malaysian enforcement officers, calling them corrupt.**

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## **Pakistanis Pose as Afghans for Refugee Claims**

**The Australian Bureau of Criminal Intelligence has uncovered a scam whereby Pakistanis are posing as Afghans to get approved for refugee status. It is believed that as many as half the boat people arriving in Australia claiming to be Afghans, could in fact be Pakistanis with forged documents. Authorities believe that Pakistanis are posing as illiterate Afghan farmers to avoid in-depth questioning. Furthermore authorities believe the Pakistanis paid for brief trips to Afghanistan to improve their accents, knowledge of the area and to have pictures taken to use as proof**

of nationality. The scam was uncovered when angry members of Afghan communities in Australia began to complain.

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## **15. GUEST COMMENTARY – TALIBAN PRISONERS IN GUANTANAMO: PRAYING MAY BE THEIR ONLY HOPE, BY PETER A. SCHEY**

**Captured Taliban fighters may not have the rights normally afforded defendants in criminal cases or prisoners of war, but according to U.S. military authorities, they have been provided copies of the Quran and small towels on which to kneel while praying. Under present U.S. policies, praying may be their only hope.**

**The question is what right does the U.S. Government have to transport these prisoners thousands of miles from Afghanistan to a U.S. navy base on Cuba? What legal authority permits them to be held in small outdoor cages, without charges, access to lawyers, or the protections of any domestic or international laws?**

**The Bush Administration, known for its dislike of international laws, argues these fighters are "illegal combatants," and therefore not protected by the Geneva Conventions on prisoners' rights. Perhaps this makes sense, since these prisoners were not captured during a "legal" war. The Bush Administration's war against the Taliban for refusing to hand over Bin Laden, was never "declared" by Congress as required by the Constitution. Instead, its war is being fought based upon several "Executive Orders," unfortunately much the way the Taliban ruled Afghanistan.**

**Legal war or not, the overwhelming majority view is that combatants captured in an international armed conflict are at minimum prisoners of war entitled to the protections of the Geneva Conventions of 1949. This is certainly true of the Taliban fighters, and likely the al Qaeda fighters as well.**

**If the al Qaeda fighters are "illegal combatants" solely because they come from foreign countries, doesn't that make the U.S. soldiers in Afghanistan "illegal combatants" as well? If captured, may they be denied prisoner of war status and flown to be locked in outdoor cages in some al Qaeda hideout in Somalia or the Sudan?**

**U.N. human rights chief Mary Robinson has stated she believes the Taliban and al Qaeda prisoners are entitled to the protections afforded by the Geneva Convention. The International Committee of the Red Cross (ICRC)**

agrees, and has demanded access to the prisoners. Human Rights Watch and Amnesty International have said the prisoners' treatment fails to meet international norms.

Robinson has pointed out that when a prisoner's status is in doubt, under the Geneva protocols, to which the United States is a party, the issue must be determined by an international tribunal. On the other hand, President Bush distrusts international tribunals. Maybe his new Military Tribunals, set up by one of his Executive Orders, all decisions of which are subject to his review, can decide the status of these prisoners. That way he can overrule the decision should it be swayed by well-established international laws.

The Bush Administration has yet to claim that a single prisoner transported to Guantanamo had anything to do with the September 11 attacks on the World Trade Center and the Pentagon. These terrorist attacks killed over 3,000 innocent civilians and were clearly crimes against humanity. Many people believe dropping "Little Boy," the atomic bomb which exploded over Hiroshima on August 6, 1945, and "Fat Man," the bomb dropped on Nagasaki three days later, also were crimes against humanity. Within a year over 100,000 innocent civilians died as a result of those attacks. Would those acts have justified taking U.S. soldiers who had nothing to do with the bombings as prisoners, labeling them "illegal combatants," and transporting them to outdoor cages thousands of miles away?

Brig. Gen. Michael Lehnert, commander of the U.S. forces overseeing the operation in Guantanamo Bay, has stated the Taliban prisoners "spend their days praying, meditating, eating." In apparent disregard of their religious beliefs, their heads and beards have been shaved for "health" reasons. On the up side, it does appear the prisoners have access to medical care. At least one prisoner shot during the fighting has undergone surgery since being transported to Guantanamo Bay.

Nevertheless, Amnesty International says the plan to house prisoners in six feet by eight feet outdoor cages "falls below minimum standards for humane treatment."

But White House Press Secretary Ari Fleischer says that President Bush is satisfied with the prisoners' treatment: "The President is satisfied that they are being treated as Americans would want people to be treated." So in place of the Geneva Conventions we seem to be adhering to a standard established by American public opinion.

Steve Lucas, spokesman for the U.S. Southern Command in Miami, calls the prisoners "suicidally murderous people." This is sure to sway public opinion, and justify treating the prisoners outside of the norms of international law.

**We can rest easy since, as Defense Secretary Donald H. Rumsfeld said a few days ago, we're holding "these folks ... in an environment that is a lot more hospitable than the environments we found them in." That may be true if we found them in caves being bombed by B-52s.**

**The U.S. Government is preparing to hold as many as 2,000 prisoners at Guantanamo Bay. They may eventually be put on trial before President Bush's special military tribunals. No one knows for sure what will happen to them in the future.**

**According to the Geneva Conventions, war prisoners are not supposed to be forced to give information beyond their name, rank, serial number and date of birth. Clearly that standard is not being followed. These prisoners have been and will be questioned about anything and everything they know about the rise and fall of the Taliban. According to the Geneva Conventions prisoners of war must be returned home at the end of "active hostilities." Since there is no formally declared war, it is unclear when the Bush Administration will consider "active hostilities" to have come to an end. If it considers these detainees to be prisoners in the "war against terrorism," President Bush has made clear this war will take many years to win. So these prisoners may have to get used to living in Guantanamo Bay.**

**Concern over the treatment of these prisoners may eventually come from unexpected sources. European diplomats have confidentially expressed concern to the State Department over the prisoners' legal status. The Saudi government has questioned what rules will apply to some of its citizens being held prisoner. Four of the prisoners are British and Foreign Secretary Jack Straw recently said in a BBC interview: "These people . . . are accused of having been members of the most dangerous terrorist organization which the world has ever seen. That does not mean for a second that they do not have rights, and where they are British citizens, it is our responsibility to ensure that they receive those rights." Others have taken a stronger stand. Doug Henderson, a senior Labour Member of Parliament and former armed forces minister, said: "If we're representing civilised society, we've got to uphold the norms, rules and legal obligations of civilised society."**

**One cannot fight violations of international law by committing further violations of international law. The United States bombed Afghanistan to get rid of the Taliban and its terrorist al Qaeda "guests." Its military actions succeeded and a widely recognized Government has now been installed in Kabul. Prisoners captured in Afghanistan should be left there to face justice there. The U.S. Government certainly has sufficient influence over the new Afghani regime to insure that prisoners who committed crimes against humanity are detained and tried by that new Government.**

**Certainly prisoners transported to U.S. soil are entitled to the protection of international human rights law and humanitarian law, in particular the relevant provisions of the International Covenant on Civil and Political Rights (ICCPR) and the Geneva Conventions of 1949. Prisoners who have not committed crimes against humanity should be promptly returned to Afghanistan or their home countries.**

**Any trials conducted against prisoners suspected of having committed crimes against humanity should be guided by principles of fairness, including the presumption of innocence provided for in the ICCPR and the Third Geneva Convention. In the end, the treatment of these prisoners must be guided by well-established domestic and international laws, not public opinion as interpreted by President Bush. We can never credibly determine whether these prisoners are innocent, or simply war combatants, or murderous terrorists, if we don't respect the rule of law in the inquiry to find out. To do otherwise will only serve to compromise our moral authority to sit in judgment of those who are suspected of having no regard for justice. For now, it seems, the only right we have extended to the Guantanamo prisoners is the right to pray.**

**Peter Schey writes a regular column on human rights and immigration issues for the Daily Journal published in San Francisco and Los Angeles. He welcomes comments on his articles and suggestions for subjects of future articles. He may be contacted at [pschey@centerforhumanrights.org](mailto:pschey@centerforhumanrights.org).**

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## **16. STUDY SHOWS UNDOCUMENTED IMMIGRANTS FARE BETTER IN THE WORKFORCE THAN COMMONLY BELIEVED**

**According to a new study from the University of Illinois at Chicago, undocumented immigrants fare far better economically than is commonly believed. Those who can speak English, join a union, or have some higher education can often obtain high-wage blue-collar jobs. The study did find that undocumented status does keep many workers in dangerous jobs because of their fear of deportation prevents them from reporting employers.**

**The study, which focused on immigrants in Chicago, found that the unemployment rate among undocumented immigrants is not much higher than among legal immigrants, 10 percent compared to 9.8 percent. However, among undocumented women from Latin American countries, the unemployment rate is nearly 20 percent. According to the report, there are a number of reasons for this, including their position as undocumented Hispanic women, the fact that they obtain most of their employment through temporary employment agencies, and the lack of child care.**

Undocumented immigrants make a median wage of \$7 an hour, about \$2 less than legal immigrants. Interestingly, the study found that while both male and female undocumented Hispanic immigrants have substantially lower earning power, the same is not true of undocumented immigrants from other areas of the world. For example, the study found that undocumented women from Eastern Europe experience wage discrimination because of their gender and national origin, but not because of their immigration status. Undocumented men from Eastern Europe, and both male and female undocumented immigration from Asia, the Middle East and Western Europe were not found to experience wage discrimination.

Undocumented immigrants reported working in dangerous environments at a much higher rate than other workers, and also reported more violations of wage and hour laws than other workers. Only about 25 percent of undocumented immigrants reported having health insurance.

The study also found that purchases by undocumented immigrants in the Chicago area created more than 31,000 jobs and contributed nearly \$5.5 billion to the local economy. The study also concluded that about 70 percent of undocumented immigrants pay federal income and payroll taxes.

The study is available online at [http://data.cued.uic.edu/cued/projpub/publications/undoc\\_full.pdf](http://data.cued.uic.edu/cued/projpub/publications/undoc_full.pdf).

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## **17.NAFSA MEETS WITH INS ABOUT NEW INTERNATIONAL STUDENT TRACKING SYSTEM**

Early this month the INS briefed NAFSA, the group representing most foreign student advisors in the US, on the implementation of the new student tracking system. Known as SEVIS (Student and Exchange Visitors Information System), the system will initially replace the CIPRIS (Coordinated Interagency Partnership Regulating International Students) pilot program currently being used to track international students at a handful of schools. As with the CIPRIS system, SEVIS will initially be limited to a few schools so that technical problems can be worked out before it is introduced on a national scale.

According to NAFSA, the INS hopes to have the internet-based interactive part of the system in place on July 1, 2002, and the full system up and running on a national scale by January 1, 2003. It will then publish a regulation in the Federal Register that will set forth the procedures for compliance with the system, including the dates by which schools must be

**participating. The regulation is expected to be published this spring, but the date by which schools must be participating is still unknown.**

**The fees that must be paid by the student, and the method by which they must pay it, have not been decided. One of the primary objections to CIPRIS was the fact that schools were charged with collecting the fees and then remitting them to the INS. Schools objected to being placed in this position. Whether this continues to be a concern after the events of September 11th remains to be seen.**

**Finally, schools that are currently authorized to issue I-20s will have to obtain new authorization to participate in SEVIS. While the INS says it is looking for ways to ease the reauthorization process, it is likely that the agency will also review some schools for their suitability to sponsor international students.**