

**SISKIND'S IMMIGRATION BULLETIN**  
January 25, 2002

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:

This week Greg Siskind was out of the office, enjoying a well deserved vacation with his family. Because we are all a little busier in his absence, the newsletter may be shorter than usual.

We do have some interesting news, however, including a report on legal immigration levels during 1999 and 2000. There have also been developments in the smuggling case brought against Tyson Foods. Our ABC's of Immigration Article this week features a discussion of the new T visa. This visa was created in 2000 to help the victims of human trafficking. The Justice Department announced this week that it would begin issuing T visas next month. And, of course, we include all of our regular features including News Bytes, Border News, Legislative Update, News from the Courts and more.

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)

By the way, many people 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,

Amy Ballentine

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## 2. LEGISLATIVE UPDATE

Congress returned from its winter recess this week, and while border security and other terrorism related issues continue to be big news, they are overshadowed by the numerous investigations into the collapse of the energy company Enron.

No votes were taken on immigration issues, nor were any new immigration related bills introduced.

However, President Bush, revealing more of his proposed 2003 budget, did say that he would ask Congress to appropriate nearly \$11 billion for improved border security. In addition, Bush is seeking a \$1.2 billion increase in INS funding to be used to hire additional agents and inspectors.

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 an attorney or other legal representative before signing such an agreement.	Introduced by Rep. LaTourette (R-OH) on 01/03/2001, referred to Committee on the Judiciary; 02/12/2001 referred to the Immigration Subcommittee
<a href="#">H.R. 26</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="#">H.R. 35</a>	The Illegal Foreign Contributions Prohibition Act of 2001, would prohibit campaign contributions from anyone who is not a citizen or	Introduced by Rep. Doug Bereuter (R-NE) on 01/03/2001, referred to the Committee on House

	national of the US.	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
<a href="#"><u>H.R. 190</u></a>	Would create a law that denied citizenship to those born in the US to a mother who is not a citizen or permanent resident of the US.	Introduced by Rep. Bob Stump (R-AZ) on 01/03/2001, referred to Committee on the Judiciary; 02/12/2001 referred to Immigration Subcommittee
<a href="#"><u>H.R. 329</u></a>	Would establish an INS office in Nashville, TN.	Introduced by Rep. Bob Clement (D-TN) on 01/31/2001, referred to the Committee on the Judiciary; 02/12/2001 referred to Immigration Subcommittee

<a href="#"><u>H.R. 340</u></a>	The Excellence and Accountability in Education Act, would provide additional funding for programs designed to educate migratory students, including English instruction.	Introduced by Rep. George Miller (D-CA) on 01/31/2001, referred to the Committee on Education and the Workforce; 3/29/2001 House committee /subcommittee actions
<a href="#"><u>H.R. 345</u></a>	The Public Education Reinvestment, Reinvention and Responsibility Act, would amend and fund numerous programs relating to the education of immigrant children.	Introduced by Rep. Tim Roemer (D-IN) on 01/31/2001; 3/29/2001 House committee /subcommittee actions
<a href="#"><u>H.R. 348</u></a>	The Central American and Haitian Adjustment Act of 1999, would make nationals of El Salvador, Guatemala, Honduras and Haiti eligible for relief under the Nicaraguan Adjustment and Central American Relief Act, and would extend the deadline for NACARA applications until 2003.	Introduced by Rep. Luis Gutierrez (D-IL) on 01/31/2001, referred to the Committee on the Judiciary; 02/16/2001 referred to Immigration Subcommittee
<a href="#"><u>H.R. 357</u></a>	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.	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
<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	Introduced by Rep. Luis Guittierrez (D-IL) on 02/07/2001, referred to the Committee on the Judiciary

	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.	
<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
<a href="#"><u>H.R. 1028</u></a>	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.	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
<a href="#"><u>H.R. 1195</u></a>	Would extend the filing deadline under section 245(i) until April 30, 2002	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
<a href="#"><u>H.R. 1209</u></a>	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.	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

<a href="#"><u>H.R. 1242</u></a>	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.	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
<a href="#"><u>H.R. 1266</u></a>	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.	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
<a href="#"><u>H.R. 1306</u></a>	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 charge unfairly high and hidden rates of exchange, and numerous lawsuits have been filed over the matter.	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.
<a href="#"><u>H.R. 1327</u></a>	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.	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
<a href="#"><u>H.R. 1345</u></a>	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.	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
<a href="#"><u>H.R. 1449</u></a>	The Anti-Atrocity Alien Deportation Act, would amend the Immigration and Nationality Act to make people who have engaged in torture or	Introduced by Rep. Mark Foley (R-FL) on 04/04/2001, referred to the Committee on the

	<p>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>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>
<p><a href="#"><u>H.R. 1560</u></a></p>	<p>The Increase in Numerical Limitation for Asylees Adjustment Act of 2001, would increase the annual limit on the number of asylees who can be granted adjustment of status from 10,000 to 25,000.</p>	<p>Introduced by Rep. Sheila Jackson-Lee (D-TX) on 04/24/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House subcommittee Title</p>
<p><a href="#"><u>H.R. 1561</u></a></p>	<p>The Date of Registry and Legal Amnesty Restoration Act of 2001, would change the registry date from January 1, 1972 to January 1, 1986 and advance the date by one year in each of the five following years.</p>	<p>Introduced by Rep. Sheila Jackson-Lee (D-TX) on 04/24/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House subcommittee</p>
<p><a href="#"><u>H.R. 1562</u></a></p>	<p>The Immigration Restructuring and Accountability Act of 2001, would split the INS into two separate agencies, the Bureau of Immigration Service and the Bureau of Immigration Enforcement and, would create an Office of the Associate Attorney General for Immigration Affairs to coordinate functions between the two agencies.</p>	<p>introduced by Rep. Sheila Jackson-Lee (D-TX) on 04/24/2001, referred to the Committee on the Judiciary, and to the Committee on Government Reform; 5/9/2001 Referred to House subcommittee</p>
<p><a href="#"><u>H.R. 1563</u></a></p>	<p>The Preserving Educational Opportunities for Immigrant Children Act of 2001, would eliminate restrictions on the ability of the states to authorize in state tuition to undocumented children attending</p>	<p>Introduced by Rep. Sheila Jackson-Lee (D-TX) on 04/24/2001, referred to the Committee on the Judiciary; 5/9/2001</p>

	state universities. It would also restore eligible for social services for immigrant children to their status before the 1996 welfare reform law.	Referred to House subcommittee
<a href="#"><u>H.R. 1571</u></a>	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 deferred enforced departure for parents of US citizen children under 18.	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. 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	Introduced by Rep. Ric Keller (R-FL) on 04/26/2001, referred to the Committee on the Judiciary; 5/9/2001 Referred to House

	permanent residence.	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
<a href="#"><u>H.R. 1726</u></a>	Would provide for the adjustment of status of nationals of Montserrat who were granted Temporary Protected Status when it was first offered in the fall of 1997.	Introduced by Rep. Major Owens (D-NY) on 05/03/2001, referred to the Committee on the Judiciary; 5/30/2001 Referred to House subcommittee
<a href="#"><u>H.R. 1806</u></a>	The Liberian Refugee Immigration Fairness Act of 2001, would allow Liberian nationals in the US continuously since January 1, 2001 to apply for adjustment of status. Applicants would not be subject to the public charge ground of inadmissibility or those relating to status violations while in the US.	Introduced by Rep. Patrick Kennedy (D-RI) on 05/10/2001, referred to the Committee on the Judiciary; 5/30/2001 Referred to House subcommittee
H.R.1840	To extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.	Sponsor: Rep Davis, Tom(introduced 5/15/2001); 10/31/2001 Referred to Senate committee; 12/13/2001 Placed on Senate Legislative Calendar under General Orders. Calendar No. 288.
H.R.1885	To expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes.	Introduced by George Gekas; 9/6/2001 Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.

<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 Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent. (consideration: CR <a href="#"><u>S14064-14065</u></a>; text as passed Senate: CR <a href="#"><u>S14064</u></a>)</p>
<p>H.R.1904</p>	<p>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.</p>	<p>Sponsor: Rep Lofgren, Zoe(introduced 5/17/2001); (See also S. 121); 5/30/2001 Referred to House subcommittee</p>
<p>H.R.1910</p>	<p>To deny Federal public benefits to individuals who were participants in Nazi persecution</p>	<p>Sponsor: Rep Saxton, Jim(introduced 5/17/2001); 5/30/2001 Referred to House subcommittee</p>
<p><a href="#"><u>H.R. 1918</u></a></p>	<p>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.</p>	<p>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</p>
<p><a href="#"><u>H.R. 1984</u></a></p>	<p>The English Language Unity Act of 2001, would make English the official language of the US.</p>	<p>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</p>

		Referred to House subcommittee
<a href="#"><u>H.R. 1996</u></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 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.	Sponsor: Rep Kolbe, Jim(introduced 6/20/2001); 7/16/2001 Referred to House 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.
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
<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

H.R.2984	To amend the Immigration and Nationality Act to ensure that aliens provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act are counted, for purposes of determining whether the numerical limitation on the provision of such status has been reached, in a manner that is accurate, fair, and takes into account only those aliens who actually commence employment as such a nonimmigrant.	Sponsor: Rep Andrews, Robert E.(introduced 10/2/2001); 10/2/2001 Referred to House committee; 11/27/2001 Referred to House subcommittee
H.R.3002	To provide for the establishment of an alien nonimmigrant student tracking system.	Sponsor: Rep Sweeney, John E.(introduced 10/2/2001); 10/2/2001 Referred to House committee; 11/27/2001 Referred to House subcommittee
H.R.3016	To amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strengthen security at certain nuclear facilities, and for other purposes.	Sponsor: Rep Tauzin, W. J. (Billy)(introduced 10/3/2001); 10/16/2001 House preparation for floor: Placed on the Union Calendar, Calendar No. 148.; 11/6/2001 Supplemental report filed by the Committee on Energy and Commerce, H. Rept. 107-231, Part II.
HR 3030	To extend the basic pilot program for employment eligibility verification, and for other purposes.	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

		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>

		<b>subcommittee; 11/27/2001 Referred to House subcommittee</b>
<b>H.R.3231</b>	<b>To replace the Immigration and Naturalization Service with the Agency for Immigration Affairs, and for other purposes.</b>	<b>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.</b>
<b>H.R.3286</b>	<b>To provide for a temporary moratorium on visas for certain aliens, and for other purposes.</b>	<b>Sponsor: Rep Weldon, Dave(introduced 11/13/2001); 11/14/2001 Referred to House subcommittee; 11/27/2001 Referred to House subcommittee</b>
<b>H.R.3356</b>	<b>For the relief of Mohamed Abshir Musse, Mariam Musse Gul, Abdullahi Mohamed Abshir, and Madina Mohamed Abshir.</b>	<b>Sponsor: Rep Petri, Thomas E.(introduced 11/27/2001) Private bill; 12/5/2001 Referred to House subcommittee</b>
<b>H.R.3416</b>	<b>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.</b>	<b>Sponsor: Rep Mink, Patsy T.(introduced 12/5/2001); 12/6/2001 Referred to House subcommittee</b>
<b>H.R.3487</b>	<b>To amend the Public Health Service Act with respect to health professions programs regarding the field of nursing.</b>	<b>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</b>
<b>H.R.3505</b>	<b>To provide for transitional employment eligibility for qualified lawful permanent resident alien airport security screeners until their</b>	<b>Sponsor: Rep Solis, Hilda L.(introduced 12/17/2001); 12/17/2001 Referred to House</b>

	naturalization process is completed, and to expedite that process.	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

**SENATE**

<a href="#"><u>S. 19</u></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

<p><a href="#"><u>S. 121</u></a></p>	<p>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.</p>	<p>introduced by Sen. Dianne Feinstein (D-CA) and Bob Graham (D-FL) on 01/22/2001, referred to the Committee on the Judiciary</p>
<p><a href="#"><u>S. 169</u></a></p>	<p>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.</p>	<p>Introduced by Sen. Jon Kyl (R-AZ) on 01/24/2001, referred to the Committee on the Judiciary;</p>
<p><a href="#"><u>S. 226</u></a></p>	<p>The Northern Border States Council Act, would establish a council of northern states and Canada to address trade and immigration issues.</p>	<p>Introduced by Sen. Olympia Snowe (R-ME) on 01/31/2001, referred to the Committee on the Judiciary</p>
<p><a href="#"><u>S. 269</u></a></p>	<p>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.</p>	<p>Introduced by Sen. Max Cleland (D-GA) on 2/07/2001, referred to the Committee on Health, Education, Labor, and Pensions</p>
<p><a href="#"><u>S. 329</u></a></p>	<p>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.</p>	<p>Introduced by Sen. Daniel Akaka (D-HI) on 02/14/2001, referred to the Committee on Energy and Natural Resources; 6/5/2001 Placed on Senate Legislative Calendar under General Orders. Calendar No. 59.; 8/3/2001 Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent. (consideration: CR <a href="#"><u>S8995-8996</u></a>; text: CR <a href="#"><u>S8995-8996</u></a>); 9/6/2001 House committee/subcommittee actions: Executive</p>

		Comment Requested from Interior.
<a href="#">S. 439</a>	Would establish an INS office in Nashville, Tennessee. See also <a href="#">H.R. 329</a>	Introduced by Sen. Bill Frist (R-TN) On 03/01/2001, referred to the Committee on the Judiciary
S.507	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.	Sponsor: Sen Murkowski, Frank H.(introduced 3/9/2001); 6/5/2001 Placed on Senate Legislative Calendar under General Orders. Calendar No. 63.
<a href="#">S. 562</a>	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.	Introduced by Sen. Harry Reid (D-NV) on 03/19/2001, referred to the Committee on the Judiciary
S.644	A bill to authorize the establishment of a suboffice of the Immigration and Naturalization Service in Fort Smith, Arkansas.	Sponsor: Sen Hutchinson, Y. Tim(introduced 3/29/2001); 3/29/2001 Referred to Senate committee
<a href="#">S. 656</a>	The Liberian Refugee Immigration Fairness Act of 2001, would allow Liberian nationals in the US on January 1, 2001 to apply for adjustment of status. People convicted of an aggravated felony or two or more crimes of moral turpitude would not be eligible, but would exempt applicants from some requirements for immigration, including that they properly entered the US.	Introduced by Sen. Harry Reid (D-NV) on 03/29/2001, referred to the Committee on the Judiciary; 3/29/2001 Referred to Senate committee

<a href="#"><u>S. 672</u></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="#"><u>S. 778</u></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="#"><u>H.R. 1885</u></a> .
<a href="#"><u>S. 799</u></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 conducting a search.	Introduced by Sen. Richard Durbin (D-IL) on 04/30/2001, referred to the Committee on Finance; 4/30/2001 Referred to Senate committee
<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	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

	and jailing undocumented immigrants.	
<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</u> 955</a>	A bill to provide comprehensive reform of the 1996 immigration laws, including: the elimination of mandatory and indefinite detention; eliminating the bars to admissibility for unlawful presence; restoring waivers of certain grounds on inadmissibility established by the 1996 laws; and restoring due process, proportionality, judicial discretion, and judicial review to immigration	Introduced by Senators Edward Kennedy (D-MA), Bob Graham (D-FL), on 05/24/01; 5/24/2001 Referred to Senate committee

	law.	
<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 biometric identifier matching the appropriate biometric characteristic of the alien.	Sponsor: Sen Kyl, Jon(introduced 9/4/2001); 12/20/2001 Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent. (text as passed Senate: CR <a href="#">S14082</a> )
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

<b>S.1424</b>	<b>A bill to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants.</b>	<b>Sponsor: Sen Kennedy, Edward M.(introduced 9/13/2001); 10/1/2001 Became Public Law No: 107-45.</b>
<b>S.1442</b>	<b>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.</b>	<b>Sponsor: Sen Miller, Zell(introduced 9/20/2001); 9/20/2001 Referred to Senate committee</b>
<b>S.1452</b>	<b>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</b>	<b>Sponsor: Sen Kennedy, Edward M.(introduced 9/21/2001); 9/21/2001 Referred to Senate committee</b>
<b>S. 1455</b>	<b>A bill to amend title 49, United States Code, to regulate the training of aliens to operate jet-propelled aircraft, and for other purposes.</b>	<b>Sen Snowe, Olympia J.(introduced 9/21/2001); 9/21/2001 Referred to Senate committee</b>
<b>S.1467</b>	<b>A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees.</b>	<b>Sponsor: Sen Wellstone, Paul D.(introduced 9/26/2001); 9/26/2001 Referred to Senate committee</b>
<b>S.1491</b>	<b>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.</b>	<b>Sponsor: Sen Snowe, Olympia J.(introduced 10/3/2001); 10/3/2001 Referred to Senate committee</b>
<b>S.1510</b>	<b>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.</b>	<b>Sponsor: Sen Daschle, Thomas A.(introduced 10/4/2001); 10/11/2001 Passed/agreed to in Senate: Passed Senate without amendment by</b>

		<p>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.)</p>
S.1518	A bill to improve procedures with respect to the admission to, and departure from, the United States of aliens.	Sponsor: Sen Bond, Christopher S.(introduced 10/9/2001); 10/9/2001 Referred to Senate committee
S.1618	A bill to enhance the border security of the United States, and for other purposes.	Sen Kennedy, Edward M.(introduced 11/1/2001); 11/1/2001 Referred to Senate committee
S.1627	A bill to enhance the security of the international borders of the United States.	Sponsor: Sen Feinstein, Dianne(introduced 11/1/2001); 11/1/2001 Referred to Senate committee
S 1733	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.	Sponsor: Sen Edwards, John (introduced 11/27/2001); 11/27/2001 Referred to Senate committee

<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>
<b>S.1864</b>	<b>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</b>	<b>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>)</b>

<b>S.1878</b>	<b>A bill to establish programs to address the health care needs of residents of the United States-Mexico Border Area, and for other purposes</b>	<b>Sponsor: Sen Hutchison, Kay Bailey(introduced 12/20/2001) ; 12/20/2001 Referred to Senate committee</b>
<b>S.1889</b>	<b>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.</b>	<b>Sponsor: Sen Hatch, Orrin G.(introduced 12/20/2001); 12/20/2001 Referred to Senate committee</b>
<b>S.1890</b>	<b>A bill to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.</b>	<b>Sponsor: Sen Hatch, Orrin G.(introduced 12/20/2001); 12/20/2001 Referred to Senate committee</b>
<b>S.1891</b>	<b>A bill to extend the basic pilot program for employment eligibility verification, and for other purposes.</b>	<b>Sponsor: Sen Hatch, Orrin G.(introduced 12/20/2001); 12/20/2001 Referred to Senate committee</b>

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### **3. TYSON FOODS ENTERS NOT GUILTY PLEA IN SMUGGLING CASE**

**Tyson Foods, Inc., the largest poultry producer in the US, has entered pleas of not guilty to charges that it conspired to smuggle undocumented Mexican workers into the US.**

**Tyson and six managers were indicted last month after a three-year investigation by the Department of Justice. According to the government, the company sought to employ undocumented workers as a cost saving measure. Tyson is also charged with cultivating a corporate culture in which such actions were encouraged. According to Tyson, there was no company-wide conspiracy. The company also says that the charges against it are the result of an undercover government operation in which the government provided 50 undocumented workers for employment.**

**Tyson stresses that all employees were paid more than the minimum wage and provided benefits including health insurance. It also points out that the charges filed against it in court do not match the government's initial description of the case. Only 15 people are named as unlawfully employed, and only five Tyson plants are involved, not the 15 initially claimed.**

**Tyson also released two letters it received from the Department of Justice. The letters criticize Tyson for the way it determined whether a person was authorized to work. A company spokesperson says the letters refute the government's claim that there was a corporate culture that condoned the employment of undocumented workers.**

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### **4. GOVERNMENT BRINGS CRIMINAL CHARGES TO DENATURALIZE ALLEGED CUBAN TORTURER**

**In an extraordinary move, the federal government is using criminal proceedings to strip a suspected torturer of his US citizenship. Eriberto Mederos, originally from Cuba, was approved for naturalization in 1993. He came to the attention of the INS after a number of other Cuban immigrants claimed he had worked as an orderly at a psychiatric hospital in Cuba where he tortured patients, most of whom were political dissidents.**

**In addition to revoking his citizenship, the proceedings against Mederos**

could result in a ten-year prison sentence. According to Eyleen Schmidt, an INS spokesperson, using criminal proceedings is unusual, but appropriate given the severity of the charges against Mederos. Observers believe the government has a difficult case to prove. The main allegations against Mederos are that he tortured people, and that he lied when saying he was never a member of the Communist Party. Mederos claims he administered the shock treatment as part of doctors' orders, and that he was forced to join the Communist Party.

Observers believe it is the first time that criminal proceedings have been used for denaturalization purposes in more than 20 years. Most denaturalizations are done administratively, within the INS. The trial is scheduled to begin on July 15.

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#### 5. INS RELEASES STATISTICS ON LEGAL IMMIGRATION FOR FISCAL YEARS 1999 AND 2000

The INS recently released information on the number of legal immigrants admitted to the US during fiscal years 1999 and 2000. During 1999, the number of immigrants admitted for permanent residence in the US, 646,568, was at its lowest since 1988, due in large part to significant INS backlogs in processing adjustment of status applications. During 2000, the number of immigrants admitted was 849,807, with the significant increase being due to improvements in INS processing of adjustment applications. The following charts show the number of immigrants admitted in 1999 and 2000, the category of their admission, their country of origin, and the states and cities in which they settled in the US.

CATEGORY OF ADMISSION	2000		1999	
	NUMBER	PERCENT	NUMBER	PERCENT
<b>TOTAL</b>	<b>849,807</b>	<b>100.0</b>	<b>646,568</b>	<b>100.0</b>
<b>New arrivals</b>	<b>407,402</b>	<b>47.9</b>	<b>401,775</b>	<b>62.1</b>
<b>Adjustment of status</b>	<b>442,405</b>	<b>52.1</b>	<b>244,793</b>	<b>37.9</b>
<b>CATEGORIES RELATED TO WORLD-SIDE LIMITS</b>	<b>742,183</b>	<b>87.3</b>	<b>580,833</b>	<b>89.8</b>
<b>Family sponsored preference</b>	<b>235,280</b>	<b>27.7</b>	<b>216,883</b>	<b>33.5</b>
<b>Unmarried adult children of US citizens</b>	<b>27,707</b>	<b>3.3</b>	<b>22,392</b>	<b>3.5</b>
<b>Spouses and minor children of permanent residents</b>	<b>124,595</b>	<b>14.7</b>	<b>108,007</b>	<b>16.7</b>
<b>Married adult children of US citizens</b>	<b>22,833</b>	<b>2.7</b>	<b>24,040</b>	<b>3.7</b>

<b>Siblings of US citizens</b>	<b>60,145</b>	<b>7.1</b>	<b>62,444</b>	<b>9.7</b>
<b>Immediate relatives of US citizens</b>	<b>348,879</b>	<b>41.1</b>	<b>259,562</b>	<b>40.1</b>
<b>Spouses</b>	<b>197,525</b>	<b>23.2</b>	<b>127,988</b>	<b>19.8</b>
<b>Parents</b>	<b>67,619</b>	<b>8.0</b>	<b>61,483</b>	<b>9.5</b>
<b>Children</b>	<b>82,726</b>	<b>9.7</b>	<b>69,113</b>	<b>10.7</b>
<b>Children born abroad to alien residents</b>	<b>1,009</b>	<b>0.1</b>	<b>978</b>	<b>0.2</b>
<b>Legalization dependents</b>	<b>55</b>	<b>--</b>	<b>XXX</b>	<b>---</b>
<b>Employment based preferences</b>	<b>107,024</b>	<b>12.6</b>	<b>56,817</b>	<b>8.8</b>
<b>Priority workers</b>	<b>27,706</b>	<b>12.6</b>	<b>56,817</b>	<b>8.8</b>
<b>Professional with advanced degree or of exceptional ability</b>	<b>20,304</b>	<b>2.4</b>	<b>8,581</b>	<b>1.3</b>
<b>Skilled workers, professionals, unskilled workers</b>	<b>49,736</b>	<b>5.9</b>	<b>27,966</b>	<b>4.3</b>
<b>Special immigrants</b>	<b>9,052</b>	<b>1.1</b>	<b>5,086</b>	<b>0.8</b>
<b>Investors</b>	<b>226</b>	<b>---</b>	<b>286</b>	<b>---</b>
<b>Diversity programs</b>	<b>50,954</b>	<b>6.0</b>	<b>47,571</b>	<b>7.4</b>
<b>Permanent</b>	<b>50,954</b>	<b>6.0</b>	<b>47,571</b>	<b>7.4</b>
<b>Transition</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>
<b>Other categories</b>	<b>107,624</b>	<b>12.7</b>	<b>65,735</b>	<b>10.2</b>
<b>Amerasians</b>	<b>943</b>	<b>---</b>	<b>239</b>	<b>---</b>
<b>Parolees, Soviet and Indochinese</b>	<b>3,163</b>	<b>0.4</b>	<b>1,827</b>	<b>0.3</b>
<b>Refugees and asylees</b>	<b>65,941</b>	<b>7.8</b>	<b>42,852</b>	<b>6.6</b>
<b>Refugee adjustments</b>	<b>59,083</b>	<b>7.0</b>	<b>39,495</b>	<b>6.1</b>
<b>Asylee adjustments</b>	<b>6,858</b>	<b>0.8</b>	<b>3,357</b>	<b>0.5</b>
<b>Cancellation of removal</b>	<b>12,349</b>	<b>1.5</b>	<b>9,032</b>	<b>1.4</b>
<b>Total, IRCA legislation</b>	<b>421</b>	<b>---</b>	<b>8</b>	<b>---</b>
<b>NACARA</b>	<b>23,641</b>	<b>2.8</b>	<b>11,267</b>	<b>1.7</b>
<b>Other</b>	<b>1,166</b>	<b>0.1</b>	<b>510</b>	<b>0.1</b>

<b>REGION AND COUNTRY OF</b>	<b>2000</b>	<b>1999</b>
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<b>BIRTH</b>				
	<b>NUMBER</b>	<b>PERCENT</b>	<b>NUMBER</b>	<b>PERCENT</b>
<b>ALL COUNTRIES</b>	<b>849,807</b>	<b>100.0</b>	<b>646,568</b>	<b>100.0</b>
<b>Africa</b>	<b>44,731</b>	<b>5.3</b>	<b>36,700</b>	<b>5.7</b>
<b>Asia</b>	<b>265,400</b>	<b>31.2</b>	<b>199,411</b>	<b>30.8</b>
<b>Europe</b>	<b>132,480</b>	<b>15.6</b>	<b>92,672</b>	<b>14.3</b>
<b>North America</b>	<b>344,805</b>	<b>40.6</b>	<b>271,356</b>	<b>42.0</b>
<b>Caribbean</b>	<b>88,198</b>	<b>10.4</b>	<b>71,683</b>	<b>11.1</b>
<b>Central America</b>	<b>66,443</b>	<b>7.8</b>	<b>43,216</b>	<b>6.7</b>
<b>Other North America</b>	<b>190,164</b>	<b>22.4</b>	<b>156,466</b>	<b>24.2</b>
<b>Oceania</b>	<b>5,136</b>	<b>0.6</b>	<b>3,676</b>	<b>0.6</b>
<b>South America</b>	<b>56,074</b>	<b>6.6</b>	<b>41,585</b>	<b>6.4</b>
<b>Unknown</b>	<b>1,181</b>	<b>0.1</b>	<b>1,159</b>	<b>0.2</b>
<b>Mexico</b>	<b>173,919</b>	<b>20.5</b>	<b>147,573</b>	<b>22.8</b>
<b>China, People's Republic</b>	<b>45,652</b>	<b>5.4</b>	<b>32,204</b>	<b>5.0</b>
<b>Philippines</b>	<b>42,474</b>	<b>5.0</b>	<b>31,026</b>	<b>4.8</b>
<b>India</b>	<b>42,046</b>	<b>4.9</b>	<b>30,237</b>	<b>4.7</b>
<b>Vietnam</b>	<b>26,747</b>	<b>3.1</b>	<b>20,393</b>	<b>3.2</b>
<b>Nicaragua</b>	<b>24,029</b>	<b>2.8</b>	<b>13,389</b>	<b>2.1</b>
<b>El Salvador</b>	<b>22,578</b>	<b>2.7</b>	<b>14,606</b>	<b>2.3</b>
<b>Haiti</b>	<b>22,364</b>	<b>2.6</b>	<b>16,532</b>	<b>2.6</b>
<b>Cuba</b>	<b>20,831</b>	<b>2.5</b>	<b>14,123</b>	<b>2.2</b>
<b>Dominican Republic</b>	<b>17,536</b>	<b>2.1</b>	<b>17,864</b>	<b>2.8</b>

<b>STATE AND METROPOLITAN AREA</b>	<b>2000</b>		<b>1999</b>	
	<b>NUMBER</b>	<b>PERCENT</b>	<b>NUMBER</b>	<b>PERCENT</b>
<b>ALL STATES</b>	<b>849,807</b>	<b>100.0</b>	<b>646,568</b>	<b>100.0</b>
<b>California</b>	<b>217,753</b>	<b>25.6</b>	<b>161,247</b>	<b>24.9</b>
<b>New York</b>	<b>106,061</b>	<b>12.5</b>	<b>96,979</b>	<b>15.0</b>
<b>Florida</b>	<b>98,391</b>	<b>11.6</b>	<b>57,484</b>	<b>8.9</b>
<b>Texas</b>	<b>63,840</b>	<b>7.5</b>	<b>49,393</b>	<b>7.6</b>
<b>New Jersey</b>	<b>40,013</b>	<b>4.7</b>	<b>34,095</b>	<b>5.3</b>
<b>Illinois</b>	<b>36,180</b>	<b>4.3</b>	<b>36,971</b>	<b>5.7</b>

Massachusetts	23,483	2.8	15,180	2.3
Virginia	20,087	2.4	15,144	2.3
Washington	18,486	2.2	13,046	2.0
Pennsylvania	18,148	2.1	13,514	2.1
ALL METROPOLITAN AREAS	849,807	100.0	646,568	100.0
New York, NY	85,867	10.1	80,893	12.5
Los Angeles, CA	70,644	8.3	55,236	8.5
Miami, FL	47,404	5.6	30,179	4.7
Chicago, IL	32,300	3.8	33,754	5.2
Washington, DC	29,394	3.5	23,976	3.7
Orange County, CA	20,859	2.5	14,423	2.2
Houston, TX	17,429	2.1	14,662	2.3
San Jose, CA	16,874	2.0	10,252	1.6
Boston, MA	16,469	1.9	11,501	1.8
Oakland, CA	16,150	1.9	10,794	1.7

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## 6. JUSTICE DEPARTMENT ISSUES TWO REPORTS ON IMMIGRATION SECURITY ISSUES

Since the attacks of September 11<sup>th</sup>, nearly all aspects of the US immigration system have come under increased scrutiny. In particular, the Visa Waiver Program and the Transit without Visa program have received particular attention. In the months since the attacks, the Justice Department Office of the Inspector General has been following up on reports on the two programs. This week, the results of the reviews were released.

The Visa Waiver Program allows citizens of 29 countries to enter the US without obtaining a visa. They can remain in the US for up to 90 days. While not subject to review by the State Department, because there is no visa application, those seeking to enter under the Visa Waiver Program are inspected by INS officers at their time of entry.

The original report on the program, from 1999, noted the possible security risks that could be created by the program and made a number of recommendations on ways to improve security. During the recent review, how the INS was implementing these recommendations was the focus.

The first recommendation was to ensure that all passport numbers are checked against a lookout system to ensure that no entrants possess stolen passports. At the time of the first report, it was clear that in many cases this did not happen. The INS later issued a memo instructing inspectors to do so, but the follow-up review indicates this is still not done on a routine basis.

The second recommendation was that the INS create a special department to deal with issues relating to passport theft in countries participating in the Visa Waiver Program. While such a department was created, the communication between the department and INS inspectors at ports of entry is lacking. Moreover, the department is very slow at entering stolen passport information into the database used by INS inspectors.

The third recommendation was that the INS develop clear guidelines for entering passport information into the database. The review showed that this has not happened. The review concluded that the INS has not done much to address the original recommendations. These recommendations were made again and the agency was urged to “take aggressive follow-up actions.”

The second report dealt with the Transit without Visa Program, which allows people whose travel will take them through the US without remaining to pass through without a visa. As with the Visa Waiver Program there are a number of security concerns.

The Office of the Inspector General first issued a report on the Transit without Visa Program in 1993 that identified a number of security concerns. During the recent follow-up the same concerns were found to still be present. Many in the INS reportedly would like to terminate the program, saying that increased airplane range has largely rendered it obsolete, but opposition to such an idea is strong among the travel industry.

The report found that the INS has significantly increased the security of the Transit without Visa Program since September 11<sup>th</sup>, but that substantial concerns remain.

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## **7. INTERNATIONAL ROUND-UP**

### **Russia Plans to Boost Tourism By Granting Visas More Readily**

Russia plans to offer a reasonably priced three-day tourist visa to travelers in an effort to boost tourism. Currently Russian visa regulations are extremely strict and visas can cost up to several hundred dollars while

taking weeks to process. The new visa is a significant departure from the Cold War – Soviet era where is when travel in and out of Russia was near impossible. The new visa is meant to target Germans and Finns visiting St. Petersburg.

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### **UN Urges Legal Framework To Protect Immigrants**

Discussing a variety of issues at the Immigration and Human Rights Forum in Mexico City, UN officials declared a need to create a legal framework to protect the rights of immigrants. UN officials went on to say that now is the time for research to turn into action. The UN would like to see mechanisms for the protection of immigrants' human rights and tough penalties for violators.

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### **Ecuadorean Smuggling Ring Broken**

Spanish authorities have detained seven members of a smuggling ring, alleged to have smuggled over one hundred illegal Ecuadoreans into Spain. The cost for the illegal immigrants was about \$2500. The smuggling ring allegedly has ties in Boston and San Francisco among other places.

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## **8. BORDER NEWS**

Last week a pregnant woman who was at home alone on her ranch with her toddler shot and killed an undocumented immigrant who broke into her home, apparently looking for food. The shooting occurred about 80 miles northeast of Del Rio, Texas, in an area that has seen numerous similar incidents over the past few years. According to the local district attorney, the shooting appears to have been in self-defense.

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The INS is holding nearly 200 Haitians who were rescued at sea last month, a move attorneys say is not fair and is politically motivated. Most asylum seekers in the Miami INS district are released on bond while their

application is pending. The 187 Haitians are not being released, it is believed, because of an order from INS headquarters calling for their continued detention to discourage others from Haiti from attempting to come to the US. While the law calls for the detention of asylum seekers without documentation, it is up to individual districts whether to release a person. Many activists are concerned that few of the Haitians will have legal representation in their asylum cases. In most cases, people apprehended at sea are returned home, but in this case, the unsafe condition of the boat and the large number of people on board led the Coast Guard to bring them to the US.

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## 9. NEWS FROM THE COURTS

### US v. Urias-Escobar, Fifth Circuit

In this case, the court ruled that a state misdemeanor could be an aggravated felony.

Jose Urias-Escobar, a citizen of El Salvador, was deported in 1995 and again in 1998 based on a 1994 guilty plea to misdemeanor assault charges for which he was sentenced to one year on probation. In 2000 he was arrested and charged with illegally reentering the US following deportation. The government charged that his assault conviction was an aggravated felony and that the sentence imposed should be increased. The judge agreed and imposed a 70-month sentence. Without the increase, the sentence would have been 9 to 15 months.

On appeal, Urias-Escobar argued that the assault conviction, because it was a state misdemeanor, could not be considered an aggravated felony under federal law. Federal law provides that an offense is an aggravated felony if it is a crime of violence punishable by at least one year in prison. The Fifth Circuit, noting that five other circuit courts have ruled on the issue, found that the federal law was clear and that whether an offense is an aggravated felony depends not on how the state classifies it, but on whether the offense was a violent crime and whether it was punishable by at least one year in prison.

The opinion is available online at  
<http://www.ca5.uscourts.gov/opinions/pub/01/01-50553-cr0.htm>.

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### **Lukowski v. INS, Eighth Circuit**

In this case, the court refused to hear new evidence regarding reclassification of an offense from a felony to a misdemeanor and upheld a deportation order.

Wieslaw Lukowski, a Police citizen, became a permanent resident of the US as a child. In September 1996 he pled guilty to aiding and abetting auto theft, and in April 1997 he pled guilty to felony auto theft. The INS shortly thereafter began deportation proceedings. The immigration judge found Lukowski deportable and ineligible for any form of relief. Lukowski appealed to the Board of Immigration Appeals, which affirmed. Lukowski then appealed to the Eighth Circuit.

In his appellate brief, Lukowski conceded his deportability, but shortly before oral argument in the case was heard, he attempted to supplement the record with evidence that the state court in which he was convicted of felony auto theft had amended the charge to be only a misdemeanor. Lukowski argued that the Eighth Circuit should consider the impact of this action on his deportability. The court refused, saying that such evidence was not part of the administrative record, to which its review was limited. It found that this was the case even though the only way Lukowski could present the evidence to the Board of Immigration Appeals, though a motion to reopen, would be denied as untimely filed.

Lukowski also argued that he should be eligible for a waiver of inadmissibility, and that the law forbidding permanent residents from applying for this waiver while allowing others to apply violated his constitutional rights. The Eighth Circuit rejected this argument, saying that Congress can make any distinction between groups of noncitizens so long as there is a rational basis for the classification. The court found that such a distinction in this case further Congress's goal of quickly removing permanent residents who had been convicted of crimes. Therefore, it upheld the deportation order.

The opinion is available online at  
<http://caselaw.lp.findlaw.com/data2/circs/8th/011858p.pdf>.

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### **US v. Feng, Ninth Circuit**

In this case, the court upheld the sentences imposed on three men convicted of human smuggling.

In 1998, the Coast Guard discovered a fishing boat in the waters about 100

miles from San Diego. There were 174 undocumented Chinese immigrants on board. Many told officials that they had paid up to \$30,000 to be smuggled to the US. Three men, Li Xaing Feng, Chen Biao, and Hui Lin, were indicted, and later convicted of one count of conspiracy to bring undocumented immigrants into the US and six count of attempted smuggling for financial gain, and appealed to the Ninth Circuit.

On appeal the defendants claimed that by issuing letters recommending that asylum be granted to the undocumented immigrants who testified against them, the federal government violated a statute that forbids the offering of a benefit in exchange for testimony. According to the government, asylum was recommended because of the genuine threat that the witnesses could face persecution in China because of their testimony.

The court noted that past opinions had allowed the government to offer certain benefits, such as a grant of immunity or a promise of leniency in sentencing, to witnesses who agreed to testify. The issue, the court found, was whether immigration benefits should be treated different than offers of criminal leniency. The Ninth Circuit found, as the First Circuit had earlier, that there is no reason why the two should be treated differently, and that the testimony was, therefore, not improperly obtained.

Based also on a finding that the venue in which the trial was held, the court upheld the convictions.

The opinion is available online at  
<http://caselaw.lp.findlaw.com/data2/circs/9th/0050063p.pdf>.

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### Montiel-Barraza v. INS, Ninth Circuit

In this case, the court ruled that a conviction for driving under the influence was not an aggravated felony and could not be used as grounds for deportation.

Ramon Montiel-Barraza was ordered deported because of a driving under the influence conviction in 1998. Because he had four prior DUI convictions, the offense was deemed a felony and he was sentenced to 16 months in prison. Montiel-Barraza appealed, arguing that the DUI conviction was not an aggravated felony.

Before the Ninth Circuit, the INS argued that Montiel-Barraza's case was different than a previous Ninth Circuit case finding that a DUI conviction was not an aggravated felony because of the enhancement due to previous convictions. The court disagreed, finding that despite the enhancement,

the elements of the offense remained the same.

The opinion is available online at

<http://caselaw.lp.findlaw.com/data2/circs/9th/0070784p.pdf>.

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## 10. GOVERNMENT PROCESSING TIMES

### Local INS Office Processing Times

Current through November 2001

District or Suboffice	Permanent Residence Filing Until Approval I-485 (1)	Naturalization Filing Until Swearing In (2)	Advance Parole Approval (3)	Work Authorization Approval (4)
Albuquerque	365-420	300-365	15-30	14-21
Atlanta	456-516	365-730	30-60	60-90
Baltimore	365-486	243-365	30-60	60-90
Boston	183-243	183-304	1	1
Buffalo	240	240	14	1-14
Charlotte	243-365	274-365	30-45	60-90
Cherry Hill, NJ	210-270	330-390	4-7	90-120
Chicago	243-730	243-425	1-2	60-100
Cincinnati	98-120	60-90	30-60	1
Cleveland	150-190	500-530	75-120	75-120
Dallas	210-360	210-270	150-180	120-150
Denver	540-720	240-720	1-5	1
Detroit	450-480	480-540	45-60	60-90
El Paso	390	365	21	21

<b>Harlingen</b>	<b>1138</b>	<b>820</b>	<b>162</b>	<b>91</b>
<b>Hartford</b>	<b>150-180</b>	<b>180-210</b>	<b>7-10</b>	<b>60-90</b>
<b>Honolulu</b>	<b>91</b>	<b>243</b>	<b>10</b>	<b>1</b>
<b>Houston</b>	<b>1095-1278</b>	<b>274-365</b>	<b>30-40</b>	<b>60-90</b>
<b>Indianapolis</b>	<b>183-243</b>	<b>243-304</b>	<b>21</b>	<b>1</b>
<b>Kansas City</b>	<b>150-210</b>	<b>210-240</b>	<b>1-21</b>	<b>60-90</b>
<b>Las Vegas</b>	<b>450-550</b>	<b>300-350</b>	<b>N/a</b>	<b>90</b>
<b>Louisville</b>	<b>912</b>	<b>91-122</b>	<b>30</b>	<b>30</b>
<b>Los Angeles</b>	<b>378</b>	<b>91-365</b>	<b>30-60</b>	<b>60-90</b>
<b>Memphis</b>	<b>243-304</b>	<b>365+</b>	<b>70+</b>	<b>90</b>
<b>Miami</b>	<b>270-360</b>	<b>270-360</b>	<b>3-4</b>	<b>90-110</b>
<b>Milwaukee</b>	<b>150</b>	<b>365</b>	<b>60</b>	<b>60</b>
<b>Newark</b>	<b>150-210</b>	<b>330-390</b>	<b>1</b>	<b>90-120</b>
<b>New Orleans</b>	<b>120-360</b>	<b>360-540</b>	<b>3-30</b>	<b>7-90</b>
<b>New York</b>	<b>540</b>	<b>330-730</b>	<b>80-90</b>	<b>80-90</b>
<b>Oklahoma City</b>	<b>150-180</b>	<b>120-210</b>	<b>45-60</b>	<b>30-60</b>
<b>Omaha</b>	<b>180-365</b>	<b>300-365</b>	<b>30-60</b>	<b>14-21</b>
<b>Orlando</b>	<b>365</b>	<b>365</b>	<b>60</b>	<b>90</b>
<b>Phoenix</b>	<b>821</b>	<b>304</b>	<b>150</b>	<b>90</b>
<b>Philadelphia</b>	<b>75</b>	<b>330-365</b>	<b>4-7</b>	<b>1-2</b>
<b>Pittsburgh</b>	<b>122-183</b>	<b>274-365</b>	<b>4-10</b>	<b>1</b>
<b>Portland</b>	<b>1050</b>	<b>240</b>	<b>21-30</b>	<b>21-30</b>
<b>Sacramento</b>	<b>150-180</b>	<b>180</b>	<b>10-14</b>	<b>1</b>
<b>Salt Lake City</b>	<b>480-500</b>	<b>150-180</b>	<b>14-21</b>	<b>1-45</b>

San Antonio	240-660	180-240	30-60	30-60
San Diego	990-1050	450-930	45-65	1-5
San Francisco	152-213	183	10	1
San Jose	960-1080	720-1170	10-21	1-2
Seattle	304	304	1-30	91
St. Paul	122-183	183	7	1
Tampa	213-243	243-304	30	90
Wash, DC (Arlington)	609	183-365	30	90

**Further Instructions of 1-4:**

- (1) I-485 Filing Until Approval**
- (2) Naturalization Filing Until Swearing-In**
- (3) Advance Parole Approval**
- (4) Work Authorization Approval**

**Source: American Immigration Lawyers Association (not approved by INS)**

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**California Service Center Processing Times  
Jurisdiction: Arizona, California, Hawaii and Nevada  
(Just In Time Report)  
01/18/2002**

<b>Petition Type</b>	<b>Currently processing</b>
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	<b>cases with these receipt dates</b>
<b>I-90</b>	<b>10/29/01</b>
<b>I-102</b>	<b>11/01/01</b>
<b>I-129 L</b>	<b>12/21/01</b>
<b>I-129 H1B COS/CN</b>	<b>11/23/01</b>
<b>I-129 H1 EOS</b>	<b>12/11/01</b>
<b>I-129 H2/H3</b>	<b>12/07/01</b>
<b>I-129 E</b>	<b>11/28/01</b>
<b>I-129 O/P/Q</b>	<b>12/03/01</b>
<b>I-129 R</b>	<b>11/11/01</b>
<b>I-129 F</b>	<b>12/12/01</b>
<b>I-130 (IR)</b>	<b>08/03/01</b>
<b>I-130 Pref.</b>	<b>02/02/98</b>
<b>I-131</b>	<b>11/26/01</b>
<b>I-140 A&amp; B, E-1 – E-2</b>	<b>07/30/01</b>
<b>I-140 C E1-3</b>	<b>09/20/01</b>
<b>I-140 D E2-1</b>	<b>10/26/01</b>
<b>I-140 E E-3</b>	<b>09/13/01</b>
<b>I-140 G EW – 3</b>	<b>12/18/01</b>
<b>I-360 FPL/Widows/Widowers</b>	<b>01/03/02</b>
<b>I-360 BPL/Religious</b>	<b>06/27/01</b>
<b>I-526</b>	<b>06/12/01</b>
<b>I-539</b>	<b>10/12/01</b>
<b>I-485 Ready to Adjudicate</b>	<b>01/01/00</b>
<b>I-751</b>	<b>07/11/01</b>
<b>I-765 30 day</b>	<b>11/19/01</b>

<b>I-765 90 day</b>	<b>10/30/01</b>
<b>I-817 (initial)</b>	<b>08/13/99</b>
<b>I-817 (extensions)</b>	<b>06/23/99</b>
<b>I-824 DIV I</b>	<b>11/25/01</b>
<b>I-824 DIV II</b>	<b>11/25/01</b>
<b>I-824 DIV III</b>	<b>01/11/02</b>
<b>I-824 DIV IV</b>	<b>01/11/02</b>
<b>I-829</b>	<b>08/20/99</b>

<b>Form Type</b>	<b>Current Processing Date for Receipt Notices</b>
<b>I-765</b>	<b>01/09/02</b>
<b>I-129</b>	<b>01/11/02</b>
<b>I-130</b>	<b>01/11/02</b>
<b>I-140</b>	<b>01/11/02</b>
<b>I-526</b>	<b>01/11/02</b>
<b>I-131</b>	<b>01/11/02</b>
<b>I-90 (all)</b>	<b>01/10/02</b>
<b>I-102</b>	<b>01/10/02</b>
<b>I-212</b>	<b>01/11/02</b>
<b>I-360</b>	<b>01/11/02</b>
<b>I-485</b>	<b>01/11/02</b>
<b>I-539</b>	<b>01/10/02</b>
<b>I-694</b>	<b>Current</b>
<b>I-751</b>	<b>01/11/02</b>
<b>I-817</b>	<b>01/11/02</b>

I-824	01/10/02
I-881	01/10/02
N-400	01/08/02

Source: [American Immigration Lawyers Association](#)

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## 11.NEWS BYTES

The University of California Board of Regents recent voted to allow some undocumented immigrant students to attend state schools at the in-state tuition rate. To qualify, the student must have attended a California high school for at least three years and have graduated from a California high school. The student must also certify that they are taking steps to legalize their immigration status, or that they will do so as soon as they are eligible. At many schools, the difference between in state and out of state tuition is more than \$10,000 a year.

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Last week, as a new federal aviation security law went into effect, nine airport screeners who could lose their jobs because they are not US citizens filed suit, claiming the citizenship requirement is unconstitutionally discriminatory. It is believed that about 20 percent of the nations 28,000 screeners are permanent residents. The plaintiffs claim that in addition to being discriminatory, the law will deprive the country of many of its most experienced screeners.

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The District Attorney in Dallas, Texas recently announced that his office would seek to dismiss 59 cases in which Mexican nationals had been arrested on drug charges. Officials say that the cases, which were investigated by two undercover police officers, need to be dismissed because evidence was falsified, and in most cases, no drug possession actually occurred. Officials also believe that the two officers were targeting immigrants. The FBI is also investigating.

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**A new coalition of anti-immigrant groups calling itself United to Secure America has started an advertising campaign calling for increased immigration restrictions. Currently the ads are running on TV and in newspapers in Missouri. The ads call upon people to write to Congress and urge them to decrease the annual level of immigration, and feature photos of some of the people involved in the September 11<sup>th</sup> attacks.**

**\*\*\*\*\***

**The INS recently arrested 20 undocumented immigrants who were working at the Seattle-Tacoma International airport. The arrests followed an audit of the airport's I-9 records, which revealed that there were more than 100 undocumented workers at the airport. Half of those arrested had high-level security clearances.**

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**Officials in Georgia are investigating the possibility that five driver's license examiners sold as many as 400 licenses to undocumented immigrants. Bribery charges have also been filed against two people the state says acted as brokers between immigrants and the examiners.**

**\*\*\*\*\***

**INS Commissioner James Ziglar recently announced that the agency is drafting new rules on international adoptions to ensure that the children adopted are really orphans. Recently adoptions from some countries have been halted amid concerns that the children had been sold or stolen. According to Ziglar, the new rules will allow prospective parents to apply for a visa for the child before the adoption is completed. This should allow the INS to run a background check on the child and verify their eligibility for adoption before the parents leave the US to pick up the child.**

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## **12. THE ABC'S OF IMMIGRATION – T VISAS FOR VICTIMS OF TRAFFICKING**

**This week Attorney General John Ashcroft announced that the INS would soon begin issuing T visas. The visa was created by the Trafficking Victims Protection Act of 2000, and allows people who have been trafficked into the US to remain in the US while the case against their trafficker is pursued. It is believed that as many as 50,000 people, mostly women and children, are trafficked into the US each year and are often forced to live in slavery-like conditions. The visa was created in the hope that by offering**

victims a way to remain in the US lawfully, they would be more willing to contact authorities with information about traffickers.

To qualify for a T visa, the applicant must show that they will suffer “extreme hardship involving unusual and severe harm” if deported. The basic cost of the application, which is filed at the INS Vermont Service Center, is \$200, with \$50 per additional family member, up to a total of \$400. There is also an additional \$25 fingerprinting fee. While in T visa status, the person is eligible for work authorization, for which a separate application and fee must be provided. The application must also include three photographs of each applicant. After three years, the victim would be eligible to apply for permanent residency.

In addition to creating the T visa, the Trafficking Victims Protection Act increased the possible sentence for trafficking humans from 10 to 20 years. The bill also called for the creation of a task force to prevent and investigate trafficking. This task force, called the Trafficking in Persons and Worker Exploitation Task Force (TPWETF), will coordinate law enforcement efforts and assist in the prosecution of traffickers.

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