

Siskind's Immigration Bulletin  
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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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Canada and the People's Republic of China. To schedule a telephone or in-person  
consultation with the firm, go to <http://www.visalaw.com/intake.html>. Editor: Greg  
Siskind. Contributors: Karen Weinstock, David Delgado, Shadrick King and Mick  
Wright.

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## 1. OPENERS

Dear Readers:

Immigration lawyers typically think Congress, the President and federal regulatory agencies are the only entities that write laws and set and administer regulations and policies governing the issuance of visas. Not true. At least that is for health care workers. The Commission on Graduates of Foreign Nursing Schools, for example, screens foreign nurses to determine whether they have qualifications equal to or greater than their American counterparts. They also ensure that the nurses have the English skills necessary to properly care for American patients. Nurse employers and recruiters have complained for years about the testing conditions for the Test of Spoken English. Noisy, crowded testing centers make concentration difficult and nurses who otherwise should be qualified to come to the US are left out in the cold. This week CGFNS announced that it will allow two new competing testing services to offer English exams to foreign nurses. The change could have as much of an impact on increasing foreign nurse admissions as any government policy announced in the last several months. For more information on the new exams, go to [www.cgfns.org](http://www.cgfns.org).

Is the L-1 visa the next target for anti-immigrant members of Congress? The number of L-1 visas issued in the last few years has skyrocketed. A large portion of the increase is attributable to Indian technology companies who have found the L-1 an attractive alternative to the highly regulated H-1B category. Is a crackdown in the making? This week guest columnist Gary Endelman weighs in on the topic.

Most people think that you're home free after you get the green card. But new green card holders need to still comply with a number of rules and regulations and need to continue considering immigration issues. In our ABCs of Immigration article this week, I am including a modified version of a letter I send out to clients who have just become permanent residents.

We include many of our regular features as well this week, including new government processing times, new court cases, border news and more.

Finally, as always, we remind readers that we're lawyers who make our living representing immigration clients. We would love to discuss becoming your law firm. Just go to <http://www.visalaw.com/intake.html> to request an appointment or call us at 800-748-3819 or 901-682-6455.

Regards,

Greg Siskind

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## 2. THE ABC'S OF IMMIGRATION – AFTER BECOMING A PERMANENT RESIDENT

Well you finally have become a permanent resident. Now it is important that you understand your rights, how to maintain your status and how to comply with various legal requirements.

## Conditional Permanent Residency

If you obtained your permanent residency through marriage to a US citizen or through an EB-5 investment, your permanent residency may be considered conditional. This would be the case if you were married less than two years when your permanent residency was granted. If this applies to you, then your permanent residency will expire in two years unless you successfully apply for the condition to be removed. That process will involve submitting a Petition to Remove Conditions on Permanent Residency within the 90 day period preceding the expiration. You'll know if this applies to you if you have a two year expiration date on your green card instead of a ten year expiration date.

## Your Rights and Responsibilities

As a permanent resident, you are entitled to live permanently in the US and to work in all but a few types of employers. You will have most of the same rights as Americans. There are just a few exceptions. Except for a few local elections, you will not be permitted to vote in most elections and your attempting to vote in an election restricted to US citizens could get you deported. Also, you can be deported if you commit a crime. Generally speaking, only felonies will subject you to deportation, but certain serious misdemeanors can also have the same effect.

You are also expected to pay your taxes and as a permanent resident of the US. Your taxpayer status may have changed as a result of your being granted permanent residency and you are advised to consult with an accountant or other tax professional for advice on this.

If you are a male between 18 and 25 years of age, you are required to register with the Selective Service (this is commonly referred to as draft registration). Failure to register is a grounds for denying naturalization in addition to the other legal penalties that apply to anyone failing to register. You can now register on-line by going to <http://www.sss.gov/>. Please remember that if your children are becoming permanent residents, this policy applies to them as well.

## Traveling

As a permanent resident, you no longer need a separate visa to enter the US in most circumstances. You will be able to enter the US with your passport and an unexpired I-551 stamp in your passport or your passport and your green card. If you are going to be outside the US for between one and two years, you will probably need to apply for a reentry permit.

You are likely to get your green card in just a few weeks or months. If you do not get it before your I-551 stamp expires, you will need to file an I-90 form with your local INS office to extend your I-551 stamp. The INS will also make inquiries about your green card at that time.

## Abandoning Your Green Card Status

A common problem faced by permanent residents is maintaining their status when they are outside the US for extended periods of time. You need to be extremely careful about losing your green card as a result of being outside the US for too long.

The article I have written at <http://www.visalaw.com/01jan4/12jan401.html> will tell you more about this subject and what you can do to prevent problems.

### Naturalization

It is very likely that you will want to become a citizen at some point. We recommend this since it means that you will never lose your right to remain in the US if you are a citizen. Also, if you plan on sponsoring relatives for immigrant visas, citizens typically can bring relatives in more quickly than permanent residents (see below for more information on this). You will also be able to vote in elections if you naturalize.

To become a citizen, you will have to go through the naturalization process. To qualify, you must meet various residency requirements. One requirement is that you maintain permanent residency for five years (three years if you are married to a US citizen). You also need to be in the US for half of this time period and you cannot have substantial periods of time outside the US that would show the INS that you broke your continuous residency. If you spend more than six months outside the US on any trip, you risk not being able to apply for naturalization. You are eligible to apply for citizenship up to 90 days ahead of your five year anniversary (or three year anniversary if you are married to an American citizen). If you would like us to handle your citizenship application, please let us know two or three months ahead of your eligibility date.

### The Green Card

As you will soon discover, the green card is not actually green. The first such cards in the 1950s were and the original nickname has stuck. The I-551 stamp in your passport has the same legal meaning as the actual I-551 permanent residence card. The only difference is that the stamp must be renewed after a year and the card must be renewed after two years if it is conditional or ten years if it is not conditional. You do not lose your permanent residency if the card or stamp expires. But you will lack any legal proof of your permanent residency if this happens so it is in your best interest to make sure you file in a timely manner for an extension. Note also that either the I-551 stamp or the green card is acceptable proof of employment authorization when you complete an I-9 for a new employer. Either can be used as well for applying for a Social Security Card or state driver's license.

You need to make sure that you have your I-551 stamp or card in your possession at all times. While this does not mean you always have to have the card on you, you should know where it is and be able to show it to an immigration officer if asked.

### Sponsoring Family Members for Immigration

As a permanent resident, you are entitled to sponsor certain relatives for permanent residency. You can sponsor unmarried children and spouses for green cards. Note, however, that unless the relationship existed prior to your getting the green card, you could be waiting several years. In some cases, you will want to hold off on filing for a relative until after you get your citizenship. You should discuss such strategic decisions with us before deciding which way to go.

### Changes of Address

As a permanent resident, you are required to notify the BCIS every time your address changes. You can either send in the AR-11 form to the BCIS. The form is available online and can be found at [www.immigration.gov](http://www.immigration.gov). We can also complete this paperwork for you. We charge a \$50 service charge for this. In any case, please

let us know what your new contact information is in case we need to alert you of an important development.

Congratulations again on reaching this important milestone.

Regards,

Greg Siskind

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### 3. ASK VISALAW.COM

*If you have a question on immigration matters, write Ask-visalaw@visalaw.com. We can't answer every question, but if you ask a short question that can be answered concisely, we'll consider it for publication. Remember, these questions are only intended to provide general information. You should consult with your own attorney before acting on information you see here.*

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Q - My fiancée is on H-1B, and will go on a business trip to London soon. She has recently submitted Labor Cert application for the purpose of I-140. Could there be a problem when she applies for a return Visa at the Paris US consulate? And if so what'd be her options at that time?

A - A permanent residency application should have no negative effect on an H-1B application. She can feel comfortable disclosing this.

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Q - I am a Romanian resident in the US. I have a Greed Card and I am married to a US citizen .I would like to go in Romania to visit but my passport expired. Where can i get the application for a new passport from?

A - You should go to the web site for your embassy or just call the embassy if there is no web site. A good web site to go to is [www.embassy.org](http://www.embassy.org). They link to all the foreign embassies in Washington, DC.

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Q - I am planning on buying a business in the US to qualify for an E-2 visa. Is there a minimum amount I must invest? What kind of business does it need to be?

A - There is no minimum investment required for an E-2 visa as long as a consular officer considers the amount "substantial". We usually recommend an investment of \$100,000, but we have seen several cases where smaller investments were approved. As for the type of business, any legal business can work and you should pick something that suits your business needs. It helps, however, if you can show you have the expertise to actually run the business.

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#### 4. BORDER NEWS

A Canadian man who helped subdue Richard Reid, the so-called shoe bomber, during a flight in 2001 is now trying to convince immigration officials to allow him to stay in the United States and approve him for a work permit. Kwame James, 25, a professional basketball player, says he should be granted a visa in part because of his heroics. He claims that officials had promised him a work permit during Reid's trial but reneged once Reid pleaded guilty. Immigration spokesmen said they were unaware of any such agreement; they called his case "compelling" but said he doesn't deserve special treatment. James aspires to play basketball in the NBA, but he does not qualify for a visa because he has yet to sign with any team that could sponsor him. James' visitor visa expires at the end of April.

\* \* \*

On March 12, 2002, a chartered plane flew 103 Pakistani nationals from the United States to Islamabad. The Pakistanis, who were in the country illegally, were repatriated in cooperation with the Pakistani government after they had exhausted all legal avenues of appeal. A Pakistani government official accompanied the group in effort to ensure a smooth return. Within the last year there have 500 Pakistani nationals repatriated with help of the Pakistani government.

The Bureau of Immigration and Customs Enforcement (BICE) in the Department of Homeland Security worked in cooperation with the Pakistani government, whose priority was to ensure their swift return with dignity and honor. The Pakistani government helped authorize travel documents and arrange logistics for the flight. The Pakistani officials emphasized the importance of intergovernmental cooperation in this effort. Imran Ali, an official at the Embassy of Pakistan, said, "almost all of these individuals wanted to return home as quickly as possible and be reunited with their families."

This flight is another example in a series of recent removal missions completed with the support of foreign governments, including Cambodia, El Salvador, Guyana, Haiti, Jamaica, Nigeria and the Philippines. "We look forward to continuing to work with governments around the world as we use this agency's unique enforcement tools, including immigration law, to promote heightened security here in the homeland," said Michael J. Garcia, Assistant Secretary for BICE).

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#### 5. NEWS FROM THE COURTS

Long Chen v. Immigration and Naturalization Service  
United States Court of Appeals for the Ninth Circuit

Long Chen petitioned for judicial review of an order by the Board of Immigration Appeals ("BIA") denying his motion to reopen removal proceedings that were held in his absence. His attorney told him to go home instead of attending the deportation hearing. Chen's attorney did not inform the court of Chen's absence. The court found that the BIA abused its discretion by finding that Chen's absence, which was caused by ineffective assistance of counsel, is not an exceptional circumstance justifying the

reopening of a deportation decision made in his absence. In re Grijalva Barrera, 21 I. & N Dec. 472, 473 (BIA 1996); Fajardo v. INS, 300 F.3d 1018, 1022 n.8 (9<sup>th</sup> Cir. 2002). The court granted the petition and remanded the case to the BIA for consideration of the merits of Chen's application.

Manuel Zazueta-Carrillo v. John D. Ashcroft, US Attorney General  
United States Court of Appeals for the Ninth Circuit

The court is asked to decide when does the voluntary departure period begin to run. Does it begin when the Board of Immigration Appeals enters its order granting voluntary departure? Or does it begin when this court concludes their review of the BIA's decision on an alien's status? In Contreras-Aragon v. INS, 852 F.2d 1088, 1090 (9<sup>th</sup> Cir. 1988) (en banc), the court found that the voluntary departure period begins to run on the latter date. This decision overturns Contreras-Aragon holding that that after Congress's changes to immigration law in 1996, the voluntary departure period begins when the BIA enters its order granting voluntary departure.

An Immigration Judge had ordered Manuel Zazueta-Carrillo, a native of Mexico, removed from the United States and then denied Zazueta-Carrillo application for cancellation of removal under 8 U.S.C. § 1229b. On July 20, 2001, the BIA affirmed the Immigration Judge's order, and pursuant to 8 U.S.C. § 1229c, granted Zazueta-Carrillo thirty days to depart the United States voluntarily, beginning on the date of its order. On October 2, 2001, seventy-four days after the BIA granted him thirty days to depart voluntarily, Zazueta-Carrillo petitioned the BIA to reopen proceedings to allow him to apply for adjustment of status because his wife had become a naturalized United States citizen. The BIA denied Zazueta-Carrillo's petition on the ground that he had failed to depart the United States pursuant to the BIA's grant of voluntary departure. Zazueta-Carrillo petitioned for review of the BIA's denial of his motion to reopen his case for readjustment of status.

This court noted that Contreras-Aragon was decided in a different statutory context than that existing today. Congress enacting Illegal Immigration Reform and Immigrant Responsibility Act changed the landscape of immigration law and alleviated all four concerns that motivated the court in Contreras-Aragon. The court outlined that IIRIA: 1) abolished the courts authority to review discretionary grants and denials of voluntary departure. 8 U.S.C. § 1229c(f); 2) gives courts the jurisdiction to entertain a petition after the alien has departed. 8 U.S.C. § 1252(b)(3)(B); 3) granted an alien the right to petition the court for review after he has voluntarily departed. 4) eliminated automatic stays upon filing a petition.

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## 6. GOVERNMENT PROCESSING TIMES

These are not official INS times, nor are they endorsed by the Central Office.  
Source: [American Immigration Lawyers Association](#)

Missouri Service Center Processing Time Report 2/28/03 Posted on AILA InfoNet at Doc. No. 03031042 (Mar. 10, 2003)	
Form	Now Processing Cases Received On:

I-90	Application to Replace or Renew Permanent Resident Card	
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	January 22, 2003
I-129	Petition for A Nonimmigrant Worker	
I-129S	Nonimmigrant Petition Based on Blanket L Petition	
I-129F	Fiance(e)	December 13, 2002
I-130	Petition for Immediate Relative	August 5, 2001
I-130	Other	
I-131	Application for Travel Document	January 6, 2003
I-140	Immigrant Petition for Alien Worker	
I-212	Application for Permission to Reapply for Admission to the US After Deportation or Removal	February 10, 2003
I-290B	Notice of Appeal to the Administration Appeals Unit (AAU)	September 23, 2002
I-360	Petition for Widowed/Special Immigration	
I-485	Application to Register Permanent Residence or to Adjust Status	November 22, 2002
I-485	Asylee	
I-526	Immigrant Petition By Alien Entrepreneur	
I-539	Application to Extend/Change Nonimmigrant Status	November 28, 2002
I-601	Application for Waiver of Grounds of Excludability December 2, 2002	
I-687	*	
I-690	Application for Waiver of Excludability	
I-698	Application to Adjust Status From Temporary to Permanent Resident	

I-730	Refugee/Asylee Relative Petition	
I-751	Petition to Remove the Conditions on Residence	
I-765	Employment Authorization (c ) 8	
I-765	Employment Authorization (c ) 9	
I-765	Employment Authorization Other	January 7, 2003
I-817	Application for Family Unity Benefits	December 2, 2002
I-821	Application for Temporary Protected Status	
I-824	Application for Action on an Approved Application or Petition	February 24, 2003
I-829	Petition by Entrepreneur to Remove Conditions	

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## 7. NEWS BYTES

On March 12, 2003, the Department of Homeland Security's undersecretary for border and transportation security said that the government would meet the December 31, 2003 deadline to complete an automated entry and exit system at the airports and seaports for foreign visitors. He added that it will be difficult to meet to the end of 2005 deadline to have the a fraud-proof system at all the nation's land ports of entry because that depends on systems and infrastructure that is not in existence at present.

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The Social Security Administration (SSA) is changing its procedure for issuing "no-match" letters. Traditionally, the SSA sends a "no-match" letter to both an employer and employee if either a name or Social Security Number on a W-2 form does not match the SSA records. Commencing this year, the SSA will only issue "no-match" letters in the following occasions: 1) to employers with more than 10 employees with mismatched information or 2) to employers where 0.5% of the filed W-2 forms do not match SSA records. The most prominent change to the text of the "no-match" letter is the removal of a reference to IRS penalties.

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A number of changes have occurred with the Code of Federal Regulations (CFR) with the transfers of numerous immigration functions to the Department of Homeland Security. On February 28, 8 CFR was amended in the Federal Register to show the reorganization of the INS to Homeland Security and the retention of the Executive Office for Immigration Review (EOIR) in the Department of Justice. Additionally, a new 8 CFR Chapter V was established by this publication. On March 5, technical amendments to the new 8 CFR Chapter V were issued in the Federal Register. On

March 6, authority to administer immigration laws as mentioned in 8 CFR was transferred to the Secretary of Homeland Security.

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## 8. INTERNATIONAL ROUNDUP

Turkey's Coast Guard intercepted a ship carrying 200 illegal immigrants from the country's predominantly Kurdish southeast and indicated that the vessel was headed to Italy. A passenger aboard the ship telephoned the coast guard to warn them that the ship's crew insisted on sailing despite a storm threatening to hit the ship. The three crewmen were arrested. Among the suspected would-be immigrants were 25 children, who reportedly paid 2,000 euros each.

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Philippine President Gloria Arroyo said her government would take Hong Kong to court over a recent minimum wage cut on Filipino domestic helpers. Earlier in the week, Arroyo also announced a stop to all new employment contracts for the maids until the minimum wage was restored. Philippine officials are meeting with the governments of four other countries that send maids to Hong Kong - Indonesia, Nepal, Sri Lanka and Thailand - to discuss a joint effort to protest the wage change.

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The United Nations High Commission for Refugees (UNHCR) has called for governments worldwide to put a halt on the forced return of Iraqis who are refused asylum, for an initial period of three months. Previously, the commission has recommended a ban on those who would be returned to government-controlled areas of Iraq, but it is now extending the area as a precaution, because of the "tense situation and risk of armed conflict in Iraq." More than 51,000 Iraqis claimed asylum last year, by far the largest group seeking asylum in industrialized countries, and the largest number of those requests were in Britain and Germany.

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A joint maritime surveillance effort by five EU nations, named Operation Ulysses, was not able to catch or stop one illegal boat during its first eleven days, even though some 300 people completed the crossing from North Africa in that period of time. The venture was designed to intercept boatloads of clandestine immigrants and send them home. The lack of success is blamed partially on the lack of a common language.

"It was a learning experience. The first time you mount something like this with five countries there is bound to be room for improvement. We'll learn from this for the next phase, to which we are committed," said a British official.

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## 9. IMMIGRATION ATTORNEY SENTENCED IN IMMIGRATION FRAUD CASE

Samuel G. Kooritsky, an immigration lawyer in the Washington, DC area, was sentenced this week to 10 years in prison for convictions of conspiracy, labor certification fraud, making false statements, immigration fraud and money laundering. He was also ordered to pay restitution to his victims and to forfeit \$2.3 million in unlawful proceeds to the United States. Kooritsky was also convicted of 57 felony violations of federal law.

Kooritsky is the owner of Capital Law Centers in Arlington, Virginia; Langley Park, Maryland; and Washigton, D.C. He and his associates were convicted for filing fraudulent applications for immigrant employment certification with the United States Department of Labor on behalf of Northern Virginia businesses and local immigrants. He falsely held these businesses out as not being able to find U.S. citizens to fill the offered positions. Consequently, his clients' applications could be approved allowing them to live and work in the United States. Kooritsky charged each client between \$7,000 and \$20,000.

According to a letter from the Department of Justice, the following are the guidelines on how the Bureau of Citizenship and Immigration Services will handle cases filed by Kooritsky:

1. Blanket deferred action status will not be considered in these cases. Requests may be made on an individual basis as in all other cases.
2. The applications/petitions will be reviewed on a case-by case basis with no presumption of fraud. The burden of proof is on the Service to prove fraud and obviously all denials will retain appeal rights.
3. When applications are reviewed, the legitimate applicants will be routed to the appropriate office for adjudication.
4. Orders of Supervision will be reviewed on a case-by-case basis within existing guidelines. Blanket orders of Supervision will not be considered.

This is one of the largest labor certification fraud cases ever prosecuted. Mr. Kooritzky filed over 2,700 bogus applications with the Department of Labor and the Immigration and Naturalization Service in the space of 18 months. Kooritsky will not appeal. An extortion case is still pending against him.

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#### 10. CENSUS BUREAU: RECORD HIGH OF IMMIGRANTS LIVING IN THE UNITED STATES

Recently, the Census Bureau reported that the foreign-born population has reached a record high of 32.5 million. This accounts for 11.5 percent of the United States' 282.1 million total population. The report also shows that there are over three million more immigrants living in the United States in March 2002 compared with two years before. The government reports that, though the U.S. foreign-born population has reached a record high, the rate at which people came to America has slowed considerably since 2001. William Frey, a demographer at the Brooking Institute, explains that about 1.2 million people arrived in the country in the 12 months ending in March 2002, compared with 2.4 million in the previous year. He believes that the immigrants were kept out by government efforts to close immigration loopholes and provide closer scrutiny of those admitted to the country after the September 11 attacks coupled with the economic slowdown.

The Center for Immigration Studies, a group who favors tighter limits on immigration, believe that there has been no immigration slowdown and that the United States has not done enough to ramp up border enforcement, despite a reported increase in arrest. In the 1990's when the foreign-born population rocketed to 30 million from 20 million, the immigrant population grew 1 million per year. Jeffery Passel, who studies immigration at the Urban Institute, said that although there are new restrictions on certain immigrants, longer waits for some visas and other targeted actions, there is little appetite for an across-the-board crackdown on immigration, because the country increasingly depends on foreign-born labor and residents.

The immigrant population makes up more than 60 percent of the labor force growth from 2000 through 2002. The new immigrant workers were recent arrivals, not the immigrant population who were already living in the United States. Studies from the Center for Labor Market Studies at Northeastern University show that the economic turndown and harsher border control since September 11, 2001, did not reduce the number of immigrants coming to the United States (legally or illegally) in search of work. Immigrants' desire for a better life in America overshadows their concerns about the economic slowdown and government restrictions.

The Department of Homeland Security immigration bureaus estimate that the undocumented immigrant population (which is not part of the Census Bureau report) was between 7 million and 8.5 million in 2000, which is up from 3.5 million 10 years earlier.

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#### 11. EOIR'S LEGAL ORIENTATION PROGRAM WILL REDUCE DETENTION TIME

The Executive Office for Immigration Review has announced a new Legal Orientation Program that it hopes will improve the efficiency of immigration proceedings. Under the program, private nonprofit agencies will provide information about the immigration legal process to detained foreigners facing removal hearing. The detainees will be given essential information about court procedures, self-help materials, referrals to pro bono attorneys and available options for legal relief prior to their first immigration hearing. EOIR Director Kevin Rooney said, "everyone will benefit from this innovative program. The detained individual benefits from better information about his legal situation, and the taxpayer gains with reduced detention costs through a more efficient legal process."

In 1998, the EOIR funded three 90-day pilot projects to evaluate the benefits of such programs in Port Isabel, Texas; Florence, Arizona; and San Pedro, California. The pilot programs resulted in a 20 percent reduction in detention time while increasing the percentage of detainees able to obtain legal representation. The Legal Orientation Program is now operational at Department of Homeland Security detention facilities in Port Isabel; Elroy, Arizona; and Buffalo (Batavia), New York. In two months, the Lancaster, California and Seattle Washington site will be operating. The sixth site has yet to be determined.

EOIR, a component of the Department of Justice, is responsible for providing due process to individuals who are charged with immigration law violations. A congressional appropriation of \$1 million funds the Legal Orientation Program. Norwich University of Northfield, Vermont handles the program under contract and will oversee six separate non-profit agencies, which will conduct the program locally.

More than 23,000 DHS detainees are expected to benefit from the program in the first year, nearly 20 percent of the detainees who appear in the Immigration Court each year. Expanding to other sites will depend on close evaluations of the present sites.

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12. Guest Article - Exchange Visitor Program (J-1 Visa) Update, By Chad Newill

*Chad Newill is a Business Development Manager for the Association for International Practical Training (AIPT). This article is reprinted with permission.*

### 2003 Visa Processing

In response to a critical study of the State Department's visa issuance policies and practices by the Department of State's Inspector General's office, the DoS reviewing its current practices on visa issuance. The study recommended that a greater percentage of visa applicants be interviewed. The report continued that policy should be based on local decisions.

As a result, the U.S. Embassy in London is requiring applicants for all visas, including the J-1 visa, to apply in person for an interview with a consular officer beginning January 6, 2003. Interviews will be by appointment only. Other posts will be reviewing their policies and therefore, AIPT recommends that applicants check the Consulate's website prior to application for the most up to date procedures. Embassy websites can be found through the DoS link at: <http://usembassy.state.gov/>. On a positive note, the U.S. Consulates in Germany have reinstated a mail-in application process for German citizen's holding German passports applying for J-1 visas.

### SEVIS: Student and Exchange Visitor Information System

Student and Exchange Visitor Information System (SEVIS), is an information database that provides tracking, monitoring, and access to accurate and current information on non-immigrant students (F and M visa) and exchange visitors (J visa). SEVIS enables schools and program sponsors to transmit electronic information and event notifications via the Internet to the INS and the Department of State throughout a student or exchange visitor's stay in the United States. SEVIS allows printing of the appropriate forms and also provides reminders, alerts, and basic reporting capabilities.

All sponsoring organizations, including AIPT, are required to file applications with either the INS or Department of State. The activation of enrollment will mean that the Certificate of Eligibility (DS2019 or IAP-66) will be changed to a form generated by the SEVIS database. You may notice a change in the appearance of the form in February.

The SEVIS database does require the payment of a SEVIS fee by the applicant. The fee rule reportedly is in process and will need to be published for the public before we can provide specifics on procedures that will effect applications for J-1 visas. Until the rule appears, we will not know the details of how the fee is to be paid, or when fee payment will commence. 'Early March' has been mentioned as a target for fee payment. The proposed fee for Summer Work and Travel programs are set at \$35 the fee for training programs is not yet set and is expected to be about twice the

Summer Work and Travel fee. These fees are INS fees and a receipt for the fees will be required prior to visa issuance.

### Social Security Card Applications

AIPT is aware of the problems that some trainees are encountering when applying for a Social Security Card. On September 1, 2002, Social Security Administration (SSA) implemented a major change that affects trainees and all other foreign nationals needing a Social Security number. All Social Security offices are required to do an immigration document check with the INS. This must be done prior to issuing a Social Security card and number. The SSA initiates this check through an online query of the INS system using the trainee's arrival documentation (I-94) number. The INS is currently indicating that they require 10 days to get the information into the system, but in some instances this could be longer. To receive a Social Security card, the SSA must receive a verification of this information from the INS.

If a trainee arrives and applies for the Social Security number but is not yet able to be verified, the SSA has advised that there are four alternatives by which they can assist with enrolling the trainee for employment and payroll, such as:

- Issue a notice acknowledging the trainee's Social Security number application while his/her documents are being verified;
- Provide the trainee, *upon request*, with a copy of his/her UNCERTIFIED Social Security card application (Form SS-5);
- Notify a trainee of the Social Security number assigned before the Social Security card is received in the mail; and
- Send an SSA-7028, Notice to Third Party of Social Security Number Assignments, to the trainee's employer or other interested third party.

Under IRS code 31.6011(b)-2(c), an employer that has an employee (trainee) who has not been assigned a Social Security number can accept the following documentation for employment and payroll:

- Receipt for the application for a Social Security card, along with the employee's (trainee's) name and address as shown on the receipt, and the expiration date of the receipt.
- Copy of the application for a Social Security card (Form SS-5) until the card is issued.

Remember, the Social Security card alone does not authorize a person's eligibility to work. Work eligibility is determined by the completion of the I-9 form. In the case of J-1 visa participants, the I-9 form is most commonly completed by using the foreign passport with the number from the attached Arrival/Departure Card (INS Form I-94) and the number on the Certificate of Eligibility (IAP-66 or DS-2019). Trainees will have both these documents on arrival at the training site. The Social Security card is used for reporting the wages earned to the IRS and SSA. Additionally, trainees are exempt from Social Security taxes.

### U.S. INS begins National Entry-Exit Registration System

Following the September 11 attacks, Congress passed the 'USA Patriot Act' (Public Law 107-56). This Act requires the INS to implement "special registration" procedures for certain nonimmigrant aliens for admission into the United States. The

Act intends to improve the monitoring of entries/exits and US addresses of nonimmigrant aliens from certain countries designated by the Attorney General.

Currently the law applies to citizens of, or people holding dual citizenship for, the following countries: Afghanistan, Algeria, Bahrain, Bangladesh, Egypt, Eritrea, Indonesia, Iran, Iraq, Lebanon, Jordan, Kuwait, Libya, Morocco, North Korea, Oman, Pakistan, Qatar, Somalia, Sudan, Saudi Arabia, Syria, Tunisia, United Arab Emirates, Yemen.

Other criteria defining who is covered by the special registration is as follows:

Males

Ages 16 or older

Dates of entry to the United States also come into consideration

To know more about the specifics of this law you can go to the Immigration and Naturalization Service's website at [www.ins.gov](http://www.ins.gov) and view the article titled, "*Special Registration Information Updated; New Group Added; Deadlines Approaching*". From this page you can click on the link to 'procedures and requirements'. This resource gives you the full details on the special registration.

#### Reporting Changes of Address to the INS

As of April 2002, the INS began enforcing a long-dormant provision that requires all aliens present for more than 30 days to report any change of address to the INS within 10 days of the change. Changes that occur after 30 days are reported using the Form AR-11. The AR-11 is available in several languages, but must be completed in English and mailed to the INS address on the form. Anyone who has gone through the special registration process must complete the Form AR-11SR. Both forms are available at the INS website, [www.ins.gov](http://www.ins.gov).

We hope that you find this information interesting and helpful. Please contact us with any questions related to this update.

Important Disclaimer: This update is based on conversations with our Washington contacts. Most information is relevant to J-1 visa programs, although some information may affect various visa categories. The information provided in this update is not legal advice. If you have any questions concerning this update please feel free to email us at [govrel@aipt.org](mailto:govrel@aipt.org) or call the AIPT Information Center at 410-997-4293.

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### 13. DHS WILL NOT APPEAL IRANIAN BICYCLIST ASYLUM

An Iranian bicyclist, Reza Balouche, who has been touring the world on a peace mission, has been granted asylum in the United States after being arrested for entering illegally from Mexico on his bicycle. Before Border Patrol Agents in Arizona arrested him, he had ridden 46,000 miles through 54 countries on six continents. He was on peace mission around the world, which he planned to end at Ground Zero in New York City. Balouche had been waiting in Mexico for a visa to enter but inadvertently entered the United States while cycling near the border. He was sleeping in a tent and did not know he was in the U.S. until a Border Patrol helicopter

came down to get him. He was arrested on November 10, 2002 and detained at Florence, Arizona.

Balouche, 30 years old, says that he pedaled up to 180 miles a day. Articles published in newspapers from South Africa to South America support the story of his mission. He also has a binder with photographs that show interesting details of his trip. Balouche faced numerous obstacles including traveling in all kinds of weather, earning money and applying for foreign visas. When he ran out of money he found work or was taken in by new friends. Further, Balouche applied and received visa to enter the countries he rode through. Many countries gave him peace medals. The Border Patrol arrested him near San Luis. Balouche could not pay the \$5,000 bond so he was in detention until his plea was heard. Victoria Lopez, staff attorney with the Florence Immigrant and Refugee Rights Project said, "Even being incarcerated, he has this sort of attitude: 'I'm not really in jail; I'm a free person.'" He ran laps during the whole two hours he received in the recreation yard. An INS officer said, "He runs fast. And he never stops. It makes me sick the shape he's in."

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#### 14. DOJ FINDS PRIMARY INSPECTIONS AT AIRPORTS OF ENTRY INADEQUATE

The Department of Justice Office of Inspector General found that because of inadequate resources, faulty computer data and insufficient training, the INS' inspectors at the United States' 220 designated airports of entry did not properly screen the 70 million visitors they inspected last year.

Immigration inspectors are charged with inspecting all travelers at ports of entry to determine they may enter the United States. At airports, the inspection consist of a primary inspection and when required a secondary inspection. The aim of this report was to evaluate the procedures for referring persons to secondary inspection. Of the 70 million inspections last year at the nation's air ports of entry, INS inspectors denied admission to 208,000 travelers .

The report stated that these primary inspections are critically important in protecting the nation's border from terrorists, illegal entries, foreign smugglers, and other illegal activities. The Inspector General's report has been forwarded to the new immigration bureaus in the Department of Homeland Security.

The Inspector General identified three key problems:

1. The capability of INS staff at airports of entry to analyze advance passenger information to identify high-risk and inadmissible travelers and monitor the results of such targeting was limited due to the lack of adequate resources. Such information is critical in identifying travelers who should be referred for more detailed inspections.
2. The INS' computer database system, known as the "lookout system," did not always provide inspectors critical information known to the INS that could enable them to identify high-risk and inadmissible travelers. In addition, inspectors were not always querying lookout databases as required, and controls were not sufficient to ensure that all inspectors and supervisors could access backup information systems in case of computer outages.

3. Inadequate training increases the risk that inspectors could admit inadmissible travelers. The computer training provided to new inspectors was insufficient to allow them to capably use the systems that provide lookouts and other critical information about travelers seeking entry into the United States. The INS invested more than \$19 million in fiscal year 2002 to train 1,000 new immigration inspectors. The report found that the basic training course does provide a good foundation for newly hired inspectors, but needs to sufficiently improve terrorism awareness.

Commercial airlines are required to submit detailed passenger manifests before arriving or departing the United States, including the names and dates of birth for each passenger, their citizenship, passport numbers and information on their U.S. visas as well as an address in the United States. The inspector general stated the need to expeditiously improve the capability to perform passenger analyses prior to flight arrival. The report contains 27 recommendations to improve the primary inspections at the airports of entry.

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#### 15. BCIS TO REVAMP AND STANDARDIZE CITIZENSHIP EXAMINATION

Recently, the Bureau of Citizenship and Immigration Services launched its pilot project to standardize the United States citizenship exam. According to the BCIS, this is an effort to create a test that will be fair, consistent, and meaningful and to level the playing field for citizenship applicants nationwide.

Immigrants seeking to become Americans are administered English, government, and U.S. history tests. They must demonstrate a basic understanding of English, including the ability to read, write, and speak the language. In addition, they must know the fundamentals of U.S. history and government. The first phase of the two-stage pilot focuses on the English language portion of the test. A professional test development company is working with the BCIS and Los Angeles, Sacramento, San Antonio, Atlanta and Newark have been selected to participate in this first phase.

The BCIS believes that the applicants should come to the test fully prepared, without the location of the examination being a factor. An administrator randomly chooses the test questions from a pre-approved list. There is no standardized testing format or method and the content and procedures vary from officer to officer and from office to office. Gerri Ratliff, the BCIS project director for the test redesign, said "whether you're a citizenship applicant in Sacramento or San Antonio, you should have the same expectations about what kind of test you will experience."

The goal is to have a newly revamped and more relevant standardized naturalization test in place by late 2004.

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#### 16. GUEST ARTICLE – FIREBELL IN THE NIGHT: THE COMING L-1 CRISIS AND WHAT WE CAN DO ABOUT IT, BY GARY ENDELMAN

DISCLAIMER: Gary Endelman practices immigration law at BP Amoco Corporation. The opinions expressed in this column are purely personal and do not represent the views or beliefs of BP Amoco Corporation in any way. This article is copyrighted by

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One of the little-noticed side effects of the Special Registration controversy is that those who know most about immigration find it difficult to think about anything else. It does not trivialize the pain and anxiety that Special Registration is causing to suggest that pro-immigration advocates must think about other things and have other priorities. The most obvious candidate for our consideration is the H1B quota that, absent action by Congress, will plunge to 65,000 on October 1, 2003 from the current 195,000 level. There is another brewing crisis that has yet to emerge fully but, when it does, may prove even more dangerous to American employers: the L-1 intracompany transferee visa is under attack. Created by Congress in 1970 to allow US employers to rotate expatriate employees into and out of the United States, the L-1 has long been a stable and quietly accepted visa not troubled by the constant controversy that has plagued its more high profile H-1B cousin.

As the H-1B has become more radioactive, interested employers have increasingly turned to the L-1 as a less onerous alternative unburdened by labor union attack and DOL oversight. New L-1s soared by 50% between 1998 and 2002; the first 5 months of fiscal 2003 saw an additional 10% rise in L usage according to State Department data. Over this same period, by contrast, H-1B visas fell by 27% through 2002 and another 17% thus far in FY 2003. There were 384,000 H-1B temporary workers in 2001 while 329,000, nearly as many, were working here as L-1 intracompany transfers. The continuing debate over H-1Bs has so sucked all the oxygen out of employment based immigration that, below the radar, few have noticed that the L-1 has begun to replace it as the work visa of choice. Critical articles on the L1 are not new. What is different is that such negative treatment is no longer confined to the nativist fringe but has crossed over into the mainstream press. That is why the *Business Week* story on major US companies outsourcing their IT functions, laying off Americans and replacing them with L-1 international workers supplied by Tata Consulting, India's largest technology consulting firm, should be, to quote Thomas Jefferson's reaction to the Missouri Compromise, a "firebell in the night" to the immigration bar and its business clients. Sound like an overwrought exaggeration? Listen to the *Business Week* report and think again:

With the travails of the high-tech industry, and the jump in IT unemployment, fewer U.S. companies can tap the H-1B program these days by saying qualified Americans aren't available. At the same time, employers looking to slash costs have discovered that they can use firms that hire L-1s to dump high-paid Americans in favor of cheaper workers from abroad. As a result, many companies are subcontracting thousands of jobs to outsourcing companies such as Tata, Infosys Technologies and Wipro Technologies, the three largest Indian software servicing companies, which are all using more L-1s..."Is it OK to use L-1s for outsourcing to other firms? The answer is no" says State Department spokesman Stuart Patt. Legal or not, the growing use of L-1s has sparked a backlash...the Immigration and Naturalization Service is reviewing the L-1 visa program to "assess whether companies are using the L-1 to circumvent the H-1B program," says an INS official.

Representative John L. Mica (R-FL) vows to amend the L-1 law if the Justice Department does not prosecute Siemens Corporation for allegedly replacing US workers with cheaper L-1 Indian nationals at its Lake Mary, Florida office. Congressman Mica now condemns the L-1 as a "backdoor to cheap labor" while a

sympathetic Business Week notes with obvious disapproval that "Companies like Tata have grabbed a US market share in IT consulting in part by exploiting the L-1s loophole." This comes at a time when America is poised to embark upon war with Iraq, the economy shows no signs of revival and the anti-immigration faction with the Republican Party seems to have gained the upper hand on Capitol Hill. The most recent issue of *Immigration & Business News Comment* lays out the legislative landscape for the 108th Congress as it begins work:

The Republicans have apparently chosen Rep. John Hostettler (R-IN) who has been tapped by the House Leadership to chair the immigration subcommittee...Rep. Hostettler gets an A- rating from NumbersUSA an advocacy group calling for significant restrictions on new immigration...Other immigration restrictionists on the immigration subcommittee include Rep. Lamar Smith (R-TX) and Rep. Elton Gallegly (R-CA). With former Majority Leader Dick Armey retired and gone from the House leadership, there are no overtly pro-immigration Republicans left at the top of the party in the House. In the Senate...the latest Washington rumors are that newly-elected Sen.Saxby Chambliss (R-GA) will head the Senate immigration subcommittee. Sen. Chambliss also gets a high rating from NumbersUSA...none of the traditional friends of immigration in the Republican Party, are being mentioned for the subcommittee.

Faced with such reports, the friends of the L-1 visa need not panic but must plan for the future. A rationale for keeping, even expanding, this visa must be fashioned while there is still time. A variety of possible solutions readily come to mind. Some may want to set a hard annual limit on L1 admissions. Others may favor a flexible cap that allows for any ceiling to be exceeded if clear national benefit can be demonstrated, perhaps as judged by a points system that places high emphasis upon cutting-edge skills in industries that are most actively in need of more workers. Skeptics may prefer to link the L-1 to rates of occupational unemployment when regional and local variations are factored in. If this happens, however, the price for such a check on L1 admissions should be that no subsequent test of the relevant job market need be repeated as a condition precedent for attaining green card status. Precisely because the enemy has yet to strike, if we marshal our defenses now, all may not be lost. If we retreat into the false security of an illusory denial, and pretend that the future will always resemble the present, then the L-1 could be difficult to save. To do nothing, to deny that the L is in danger, guarantees that, if a serious backlash against the L does come, it will be deeper and more painful than any of us either wants or expects. Our present immigration priorities must be reversed. It should be harder to come to America, but easier to stay. We need the L-1 and now is the time to tell the nation all the reasons why. Act now friends of the L, while there is still time.

About The Author: Gary Endelman practices immigration law at BP America Inc. The opinions expressed in this column are purely personal and do not represent the views or beliefs of BP America Inc. in any way.

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## 17. LEGISLATIVE UPDATE

The following immigration bills were recently introduced in Congress:

- H.Res. 117, sponsored by Silvestre Reyes (D-TX), would commend the Latino and immigrant workers who participated in the completion of the Pentagon renovation project, referred to as the Phoenix Project.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.res.00117:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.res.00117)

- H.R. 277, sponsored by Virgil H. Goode, Jr. (R-VA), would amend title 10, United States Code, to authorize the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00277:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00277)

- H.R. 655, sponsored by Jeff Flake (R-AZ), would bar Federal agencies from accepting for any identification-related purpose a State-issued driver's license, or other comparable identification document, unless the State requires a license or comparable document issued to a nonimmigrant alien to expire upon the expiration of the alien's authorized period of stay in the United States, and for other purposes.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00655:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00655)

- H.R. 773, sponsored by Ruben Hinojosa (D-TX), would amend section 5318 of Title 31, United States Code, to authorize financial institutions to accept matricula consular (Mexican identification cards) issued in the United States as a valid form of identification.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00773:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00773)

- H.R. 819, sponsored by Jim Kolbe (R-AZ), would amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00819:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00819)

- H.R.836, sponsored by Ed Pastor (D-AZ), would amend the Immigration and Nationality Act to restore the avenues for relief from removal that existed for aliens lawfully admitted for permanent residence prior to the enactment of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

[http://thomas.loc.gov/cgi-bin/t2GPO/http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_bills&docid=f:h836ih.txt.pdf](http://thomas.loc.gov/cgi-bin/t2GPO/http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:h836ih.txt.pdf)

- H.R. 853, sponsored John Tanner (D-TN), would establish the position of Northern Border Coordinator in the Department of Homeland Security.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00853:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00853)

- H.R. 931, sponsored by Peter King (R-NY), would amend Title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

<http://thomas.loc.gov/cgi-bin/query>

- H.R. 933, sponsored by Jim Kolbe (R-AZ), would amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00933:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00933)

- H.R. 997, sponsored by Steve King (R-IA), would declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid mis-constructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00997:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.00997)

- H.R.1095, sponsored by Peter T. King (R-NY), would amend the Immigration and Nationality Act to reauthorize the State Criminal Alien Assistance Program.

[http://thomas.loc.gov/cgi-bin/t2GPO/http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_bills&docid=f:h1095ih.txt.pdf](http://thomas.loc.gov/cgi-bin/t2GPO/http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:h1095ih.txt.pdf)

- H.R.1096, sponsored by Jim Kolbe (R-AZ), would authorize appropriations for border and transportation security personnel and technology, and for other purposes.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.01096:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.01096)

- H.R.1121, sponsored by Eric I. Cantor (R-VA), would limit the period of validity of driver's licenses and State identification cards issued to nonimmigrant aliens to the period of validity of nonimmigrant visas.

[http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.01121:](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:h.r.01121)

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#### House Subcommittee Hears Testimony on New York City's 'Sanctuary' Policy

The House of Representatives recently held a hearing after four undocumented immigrants were part of a brutal rape in New York City. Three of the men had been arrested previously for minor crimes. Subcommittee Chair John Hostettler (R-IN) focused the hearing on the NYC's Executive Order 124 that bars NYC police officers from notifying INS that they have detained an immigrant in connection with suspected criminal activity. This was considered in violation of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. Representative Sheila Jackson (D-TX) stated that a federally imposed requirement to report could ruin relations between police and the immigrant community. This would undermine community-based policing throughout the country. Testimony showed that when local police do report criminal immigrant activities, the INS rarely responds, due to inadequate resources.

Further testimony demonstrated that if immigration consequences could flow from reporting a crime an immigrant has witnessed or been victim to, immigrants in the community would be more reluctant to come forward in the future with such information. This testimony came as a result of the questioning concerning the Houston statutes that prohibits police officers from reporting to the INS aliens who are crime victims, witnesses, or suspected of having committed low level misdemeanors.

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#### Congressional hearing on Tohono O'odham Reservation in Sells, Arizona

This hearing led by Representative Mark Souder, (R-IN) involved testimony on the impact of illegal migration on parklands, wildlife and residents. The Tohono O'odham law enforcement and tribal officials gave testimony demonstrating that they needed help with the 1,500 illegal immigrants that may travel across the reservation on any given day. The reservation's border with Mexico is 75 miles long. The Tribal Chairman Edward Manuel said that the protection of their borders is a federal government obligation, and they must have federal support to address this growing problem through federal funds for Homeland Security.

When Tohono O'odham's police department stops border crossers, they usually have to let them go after they are told that Border Patrol is not able to pick them up. Tohono O'odham does not have the facilities to keep them locked up. The police department states that they now spend one third of their time dealing with undocumented immigrants and drug smugglers. There are hundreds of border deaths to deal with each year.

The officials at the Tohono O'odham reservation hope that the visit by the Representatives and the hearing will be beneficial in having the resources provided to deal with illegal entrants.

- S.153, sponsored by Dianne Feinstein (CA), this bill is to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes. [http://thomas.loc.gov/cgi-bin/t2GPO/http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_bills&docid=f:s153is.txt.pdf](http://thomas.loc.gov/cgi-bin/t2GPO/http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:s153is.txt.pdf)

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#### Senate Judiciary Committee Holds Oversight Hearing on Homeland Security

The Senate Judiciary Committee held an oversight hearing on the Bush Administration's progress in the war on terrorism. Senator Patrick Leahy (D-VT) was critical of Attorney General John Ashcroft because of the secrecy around the creation of the draft "Patriot Act II." He said that someone on the Attorney General staff lied when they told someone on his staff that there was no draft created. Ashcroft testified that he did not find it appropriate to discuss the legislation until he had proposed it. Ashcroft further told Senator Edward Kennedy that he was reviewing the gender-based asylum case, Matter of R-A-. The Senator said he was concerned about Ashcroft's intention to reverse the case.

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To see what other immigration-related legislation is pending in Congress, visit our legislative chart at [www.visalaw.com/advocacy.html](http://www.visalaw.com/advocacy.html).