

Siskind's Immigration Bulletin
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Siskind Susser serves immigration clients throughout the world from its offices in the US, Canada, Mexico, Argentina and the People's Republic of China. Go to <http://www.visalaw.com/intake.html> to schedule a telephone or in-person consultation with the firm.

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1. Openers

Dear Readers:

We hear over and over again from clients and others the question "Why should I bother becoming a US citizen if I can get most of the same rights as a citizen with my green card?" There are lots of good reasons aside from the obvious one of showing your allegiance to your adopted homeland.

This week we present an ABCs of Immigration article offering a list of our top ten reasons for becoming a citizen. Some are more obvious than others, but cumulatively they should provide you with the information that will help you decide to proceed. Furthermore, with more and more countries recognizing dual citizenship, it is often possible to become American without losing the citizenship of your homeland.

If readers have additional reasons they think should be added to the list, feel free to let us know.

Finally, as always, we remind readers that we're lawyers who make our living representing immigration clients and employers seeking to comply with immigration laws. 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

2. The ABC'S Of Immigration: Why Become a Citizen?

Green card holders in this country receive most of the rights of US citizens and in the day-to-day life of a green card holder, there are not too many differences than with citizens. For example, green card holders can typically live in the US as long as they like and then can work for almost every kind of employer. So why bother with getting citizenship? Well, there are a number of good reasons to consider getting naturalized.

Here are ten reasons that stand out:

1. Patriotism and Voting - If you are making American your permanent home and want to fully participate in the American democracy, becoming a citizen is vital. With rare exceptions, only citizens in this country can vote. And voting is the most basic way to effect change in the way the country is run.
2. Retaining residency- The only way to guarantee you will forever have the right to remain in the US is to naturalize. Permanent residents are always at risk of losing their green cards if they spend long periods of time outside the US. Since 9/11, this has become a more serious problem and more and more people are losing their residency status because they are deemed by port of entry officers as having abandoned their permanent residency in the US.
3. Deportation - If one is ever convicted of a crime - and not necessarily a very serious crime - there is a risk of being deported. Once you become a citizen, with rare exceptions, you retain your citizenship even if you run into criminal problems.

4. Government benefits - Generally speaking, permanent residents have access to the same public benefits as citizens. However, in recent years, there has been more and more talk of making certain kinds of public benefits only available to citizens. The only way to ensure that this will not ever be a problem is to naturalize.

5. Immigration for family members - US citizens receive priority treatment when it comes to bringing in family members. Citizens over 21 years of age can sponsor family members without waiting on a queue for a visa to become available. The same is true for spouses of US citizens and minor children of US citizens. US citizens can also sponsor adult children and siblings, though the waits in these categories can be a few to several years. Green card holders, on the other hand, cannot sponsor parents or siblings. And the wait to bring in children and spouses are much longer than for citizens.

6. Federal jobs - Certain types of jobs with government agencies require US citizenship. This is particularly true for jobs in the energy and defense sectors.

7. Running for office - Many types of elected positions in this country require the officeholder to be a US citizen.

8. Tax consequences - US citizens and permanent residents are not always treated the same for tax purposes. This is particularly true for estate taxes.

9. Federal grants - While many federal grants are available to permanent residents, more and more are only available to US citizen applicants.

10. Political contributions - While green card holders can legally donate money to campaigns if they are residing in the US, it is not clear that green card holders residing abroad - even temporarily - can do so. This point was the subject of a political scandal involving donations by wealthy Indonesians to the Clinton presidential campaign.

If you are planning on becoming a citizen, you need to file a naturalization application with US Citizenship and Immigration Services. An excellent booklet outlining the naturalization process can be found at <http://uscis.gov/graphics/services/natz/guide.htm>

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.

Q - I'm presently working on an H1 visa in a part-time job. Is it possible for my employer to apply for a Green card for me while I work part-time or do I have to have a full-time job for an application to be made?

A - You can be working part-time, but the job serving as the basis for a labor certification needs to be a full-time job.

Q - I was denied (3x) a M-1 US student visa due to insufficient ties in my country of residency and as a result, the flying school has withdrawn their sponsorship. My question is can I still get another flying school that will sponsor my M-1 US student visa application. May I know what are my chances in getting an approval from another US flying school?

A - Unfortunately, you will have a VERY difficult time qualifying for a student visa once you have been denied - even once. You need to present your best case at the outset. Prior denials make consular officers very suspicious and they take an even tougher line on later applications. You are probably going to have to look at another country at this point or wait to come to the US on a work visa later on. If you want to try again, some would advise letting some time go by - maybe two years or so.

Q - A gentleman friend of mine has permanent residency for two years and is the father of two boys, aged 13 and 15 respectively, who are in Romania. He is divorced from their mom. She has given permission for the boys to visit and to attend school here, etc. Are his children automatically granted a green card upon application or is there a waiting period? What application form would he use? Is it better for his kids to come here on 1-20 visas for a student exchange program? They may get an offer from a private school) and hold off on applying for permanent residency for them? Can the kids come here on a visitor's visa earlier in the summer and then proceed with their I-20 status for the school year?

A - The kids will need to file a "following to join" application. This will take several months to process at the consulate so you need to give yourself time. It is going to be tough to get student visas as children of a green card holder because of the question of their intentions to immigrate. The same goes for visitor visas.

Q - Hi. Could you please tell me how long after a J1 physician waiver is approved one should join the job in an underserved area?

A - You are supposed to start work on the H-1B within 90 days of approval of the waiver unless you are waiting on the H-1B visa to be approved.

Q - I'm a legal resident here in the US and I'm having a baby on September 2004. I would like my mom to come and stay with us. She has a B-2 visa valid for 10 years, how long could she stay? How can I justify to the INS that I need her to stay as long as possible?

A - She can normally stay for six months initially on her B-2 status. She can apply for an extension and will probably get six more months. Extensions beyond that are

usually much more difficult to get so you should begin thinking about a long-term strategy that does not rely on the visitor visa if your intentions are for her to remain longer.

Q - Is there a comprehensive list of countries that are considered "other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea?" which are included in the automatic revalidation of visa provision in 22CFR41.112(d)?

Although Belize is no longer a British territory, would a nonimmigrant who would ordinarily be eligible to return to the US with an expired visa do the same if he visited Belize?

A - Actually, the definition of adjacent islands come from 8 CFR 286.1:

"(a) The term 'adjacent islands' means Anguilla, Antigua, Aruba, Bahamas, Barbados, Barbuda, Bermuda, Bonaire, British Virgin Islands, Cayman Islands, Cuba, Curacao, Dominica, the Dominican Republic, Grenada, Guadeloupe, Haiti, Jamaica, Marie-Galante, Martinique, Miquelon, Montserrat, Saba, Saint Barthelemy, Saint Christopher, Saint Eustatius, Saint Kitts-Nevis, Saint Lucia, Saint Maarten, Saint Martin, Saint Pierre, Saint Vincent and Grenadines, Trinidad and Tobago, Turks and Caicos Islands, and other British, French and Netherlands territory or possessions bordering on the Caribbean Sea."

Also, only Fs and Js are eligible for the islands; whereas all other visa types are eligible for automatic visa revalidation when they're traveling to contiguous territory (Canada and Mexico) for less than 30 days. So, if an H-1b travels to Jamaica, she will not benefit from automatic visa revalidation. If a J-2 travels, the following will apply:

"Is applying for readmission after an absence not exceeding 30 days solely in contiguous territory, or, in the case of a student or exchange visitor or accompanying spouse or child meeting the stipulations of paragraph (d)(2)(i) of this section, after an absence not exceeding 30 days in contiguous territory or adjacent islands other than Cuba." (22CFR41.112(d)(ii))

As you can see the regulation draws a distinction between the Fs and Js and everybody else.

So, how does this apply to Belize? As you know, Belize used to be called British Honduras and was a British territory. That changed in 1981. Belize has been an independent state then and joined the UN.

According to the detailed (and surprisingly objective) CIA World Factbook, "[t]erritorial disputes between the UK and Guatemala delayed the independence of Belize (formerly British Honduras) until 1981. Guatemala refused to recognize the new nation until 1992." (<http://cia.gov/cia/publications/factbook/geos/bh.html>)

So, since it is not an island, and since it is not a British territory anymore, I don't think automatic visa revalidation will work.

4. Border and Enforcement News

The 2001 Border Security Act requires the citizens of 27 countries who travel to the US to have passports with biometric data by October 26, 2004. The citizens of countries that do not meet the deadline will have to apply for visas. Because of this, it is predicted that the State Department will be forced to process an additional five million visa applications. This will mean that the State Department will have to hire and train additional personnel to deal with the increase in visa applications.

Another problem posed by the Act is that it is unclear whether countries will use different forms of biometric data or there will be one international standard. If data does differ from one country to the next, each US port of entry might need several passport reader systems.

State Department and Homeland Security officials are lobbying lawmakers to extend the deadline for countries to include the biometric data. To date, two countries, Great Britain and Japan, have told the US that they will comply by late 2005. Other countries have said they cannot comply until 2006.

Attiquallah Sayed Ahmadi, an Afghan immigrant, plead guilty in federal court that he possessed weapons and lied about his background during his naturalization proceedings. Ahmadi also allegedly has ties to terrorists.

Ahmadi's plea agreement will strip him of his US citizenship. He is expected to serve nine months in prison, after which, he will face denaturalization and deportation proceedings.

Customs and Border Patrol agents have begun checking the documents of airline passengers traveling from the US to Canada, looking for individuals who have overstayed their visas in the US at certain airports. So far, this practice is known to have been conducted in Cleveland, OH and Blaine, WA.

Twenty-one illegal immigrants were arrested in Palmer Township, Pennsylvania. The immigrants pled guilty on Monday to charges of identity theft and records tampering. According to the police, they used fake or stolen Social Security cards in order to obtain employment.

The immigrants were employees of Pallet Express, who at the present time has not been charged with knowingly hiring illegal workers under federal law. The immigrants will be transferred to the custody of the US Bureau of Immigration and Citizenship Services before they are deported.

US Representative Kevin Brady (R-TX) has asked Attorney General John Ashcroft to seek the death penalty in the trial of Tyrone Williams of Schenectady, NY. Williams is

on trial for the deaths of 19 illegal immigrants who died while being smuggled into the US. Over 74 illegal immigrants were crowded in the sealed tractor-trailer.

According to Brady, the use of the death penalty in this case would send the message that the US "won't stand for this type of criminal activity and reckless disregard for life anymore and those that do engage willfully in this type of activity will receive the ultimate punishment if proven guilty."

If the Attorney General does seek the death penalty, it will be the first time for an immigrant smuggling case.

Last week a Border Patrol special unit rescued Ricardo Alberto Streich, a 43-year-old undocumented immigrant from Argentina, after a smuggler abandoned him in the desert of Southern New Mexico. The search for Streich began after agents caught a group of 11 undocumented immigrants 30 miles northwest of Columbus, New Mexico and one of them said a heavyset member of the migrant group couldn't keep up and had been left behind.

After Streich was discovered, it was determined that he had been left for two days in the cold conditions of the desert, but wouldn't stop traveling until he reached his Provo, Utah destination. He paid the smuggler \$2,500 for his services.

5. News From The Courts

Executive Office for Immigration Review Board of Immigration Appeals

The petitioner (name not provided to protect his privacy), a United States citizen, filed a Form 1-130 Petition for Alien Relative seeking immediate relative status for his spouse, a citizen of Israel. The petitioner provided information and supporting documents regarding his citizenship, former marriage, name change information, and necessary documentation of his female to male gender reassignment surgery.

The District Director denied the application because Oregon does not have guidelines for the recognition of marriages involving transsexuals and Oregon does not permit marriages of individuals of the same sex. Therefore, he concluded that the petitioner failed to demonstrate a valid marriage under Oregon law.

The BIA formulated two questions for determining whether a marriage will be recognized for immigration purposes: (1) Is the marriage valid under state law? (2) If so, does the marriage qualify under the Immigration and Nationality Act?

In other jurisdictions, similar fact patterns have been decided based upon the legal ability of a transsexual to change his or her gender. In Oregon, statutory provisions afford a judicial procedure for legal recognition of a change of sex. The BIA determined that the Director overlooked these provisions by determining that the state failed to address the issue of gender change for the purpose of marriage.

However, while the petitioner had a judgment from an Oregon court recognizing the petitioner's change of name, the petitioner did not present evidence that he has sought judicial recognition of a change of sex in an Oregon court as provided for by Oregon law. The case was remanded in order to allow the petitioner to comply with the specified provisions.

The BIA also remanded the record for the District Director to address the provisions of Oregon law relevant to whether the petitioner entered into a valid marriage under Oregon law.

Kaur v. Ashcroft
2004 U.S. App. LEXIS 1363

The Petitioner, Rajinder Kaur, petitioned for review of the Board of Immigration Appeals and IJ decision denying her application for asylum and withholding of deportation. Her application was based on the fact that she fled her native country because she was arrested, beaten, raped, and tortured by local police officials.

The Ninth Circuit Court of Appeals found that the IJ denied the Petitioner's application after finding that she was not a credible witness. The Ninth Circuit found that the IJ erred in basing its decision on the Petitioner's evasiveness during trial; minor inconsistencies regarding various dates; improperly engaging in speculation and conjecture about the possible conduct of militant rebel groups, local police officials, and Indian farmers; and wrongly requiring corroborative evidence.

The Ninth Circuit found that the issues raised by the IJ did not "go to the heart" of the Petitioner's claim. The case was remanded to the BIA for further proceedings.

6. Government Processing Times

Processing times are available this week for the following service center:

Nebraska (02/02/04): <http://www.visalaw.com/nebraska.html>

7. News Bytes

The Department of Homeland Security published a proposed rule in the Federal Register that would adjust the fees for certain immigration benefits. Application fees on many applications would be raised about \$55 to \$65 per application and the biometric fees would increase by about \$20. The Department has proposed this fee increase in order to ensure the full recovery of the costs of providing adjudication and naturalization services, among other services, so that asylum applicants and other immigrants can file their applications without being charged.

In a joint report titled "Knocking at the College Door," the Western Interstate Commission for Higher Education, ACT and the College Board predicted that US colleges will see an increase in Hispanic and Asian students within the next ten years. The report also projects that half the high-school graduating class of 2014 will be made up of minority students.

The report is published every five years, using data collected by college admissions test-makers, census data and immigration data.

The Ninth Circuit Court of Appeals has opened the door for more individuals to apply for political asylum due to its ruling in the case of Xu Ming Li. The court ruled that Li, a Chinese national, who suffered through a rape-like gynecological exam, did meet the Congressional definition of persecution. Before the court's ruling, no federal appellate court had addressed the issue of immigrants persecuted for "other resistance to a coercive population control program." Congress annually grants asylum to 1000 victims of forced abortion and sterilization.

In the early 1990s, while still in China, Li was forcibly taken to a birth control office and given an aggressive gynecological exam to see if she was pregnant. Officials also threatened to have Li's boyfriend sterilized. China has a one-child per couple policy in an effort to limit the country's expanding population.

The State Department and Department of Homeland Security are lobbying lawmakers to loosen a requirement in the 2001 Border Security Act. The immigration law requires 27 countries to issue passports with biometric data to their citizens that travel to the U.S. Citizens from countries that do not meet the deadline must go through the formal US visa application process. The deadline for compliance is October 26, 2004.

According to Maura Harty, the assistant secretary of consular affairs, only two countries have the capabilities to meet the deadline. It is estimated that this could create an additional 5 million visa applications. Without an extension or change in the law, consular offices will have to hire and train hundreds of additional officers.

The Department of Homeland Security submitted its spending plan for a new immigration program for the 2004 year to Congress on Tuesday.

The plan details how it will spend \$330 million on the US Visitor and Immigrant Status Indicator Technology (US VISIT) program. The House and Senate homeland security appropriations subcommittees have 45 days to approve the plan.

Meanwhile, the Department of Homeland Security has requested \$25 million from Congress while they review the program in order to lessen program and schedule delays.

US Technology workers will be trained for jobs currently held by temporary H-1B visa holders, thanks to a \$2.9 million grant from the Department of Labor to the San Francisco Bay Area Council. The program will help 759 Bay Area workers improve and update their skills with funds that came from fees paid by employers hiring foreign workers using the temporary work visa. The purpose of the program is to prepare US workers in the Bay Area for a change in the country's economy and by doing so, the organization predicts that the demand for H-1B visas will decrease.

An amendment has been added to the civil rights suit filed by Mexican immigrants against Wal-Mart stores Inc. that includes plaintiffs from Poland, Slovakia and the Czech Republic. The amendment also includes accusations that the company would lock its janitors inside stores during their shifts. Lawyers for the plaintiffs have said more than 100 people have signed onto the suit, while Wal-Mart's attorneys are denying the allegations.

Restaurant association officials are responding positively to Bush's proposed immigration reform plan, saying it could solve the worker shortage that many foodservice operators already are facing in some parts of the country and is expected to grow even more severe in the future. Because ascertaining legal status of an employee is a huge problem, restaurant industry officials are enthusiastic that Bush's proposal would assist restaurateurs verify the status of immigrant workers being interviewed for jobs. While the restaurant industry as a whole supports the intentions of the Bush plan, hospitality operators are waiting for more specific details to surface.

8. International Roundup

Because the European Union's Nice Treaty bans EU harmonized passports, the European Commission's lawyers are trying to develop legal proposals for the creation of a high-tech EU passport as the US imposed deadline of October 2004 for passports to include biometric data approaches.

EU officials concede that it will be impossible for the EU to be ready for the passport deadline in October. It is likely that there will be Trans-Atlantic talks this summer between the US and EU in order to postpone the October deadline.

Prime Minister Anders Fogh Rasmussen of Denmark was elected on promises to restrain immigration in order to improve the integration of those refugees and immigrants already in the country. The Danish Prime Minister is fulfilling these campaign promises due to legislation introduced by his government, which would strip the children of foreigners of their right to automatic citizenship.

Despite criticism from international humanitarian organizations, Denmark has its goal of drastically reducing the number of immigrants. The far-right Danish People's Party

(DPP), who is behind the new legislation, has called for a halt in immigration. DPP spokesman have stated that obtaining Danish Nationality is not a guaranteed right and automatically awarding Danish citizenship is unconstitutional.

Aiding migrants in illegally entering Europe is a highly lucrative source of revenue for organized crime rings in Tunisia. Therefore, Tunisian lawmakers have passed a law that is aimed at breaking up gangs involved in people-trafficking and stopping illegal immigrants who use the North African country as a 'backdoor' into Europe. The law provides for authorities to have tighter control and the authority to impose harsher penalties for criminal networks that are suspected of engaging in people-trafficking.

Another law, which was passed several weeks ago, provides for authorities to maintain a logbook for every sea-going vessel in the country to help determine liability in the event a vessel is used to illegally carry passengers to Europe. Tunisia's 800 miles of coastline face Italy, and hundreds of individuals attempt to cross the Mediterranean to Europe each year.

9. Legislative Update

The Senate Committee on the Judiciary Subcommittee on Immigration, Border Security and Citizenship held a hearing on "Evaluating a Temporary Guest Worker Proposal" on February 5, 2004. Since last July, there have been several immigration reform bills introduced, but none has been given a hearing.

The February 5 hearing focused on creating a new guest worker program and develop a legal flow of immigrant workers from Mexico and Central America. The goal of the hearing was to develop a program with specific details, as opposed to the broad principals laid out by President Bush's plan.

Representative Dana Rohrabacher introduced legislation to Congress on January 21 that would limit health care to illegal immigrants. The bill proposes to hold employers who employ illegal immigrants responsible for their healthcare bills. The bill would also require hospitals that receive federal funding for treating illegal immigrants to ask their patients whether they are US citizens and enter information about non-citizens into a database. The database could then be accessed and used by the Department of Homeland Security.

Since introduction of the bill, the Representative and his staff have received several death threats and abusive phone calls after a New York radio station discussed the proposed bill.

[S.2044](#): A bill for the relief of Alemseghed Mussie Tesfamical.
Sponsor: Sen Schumer, Charles E. [NY] (introduced 2/2/2004)
Latest Major Action: 2/2/2004 Referred to Senate committee.
Status: Read twice and referred to the Committee on the Judiciary.

For a review of all the immigration bills that have been recently introduced, visit our legislative chart at www.visalaw.com/advocacy.html.

10. Campaign 2004

In past years, New Mexico was virtually ignored at the primary stage of Presidential campaigns. However, due to the large Hispanic population, this year, candidates have been trying to gather support since June. All of the major candidates ran their ads on Spanish-language television for weeks.

Democrat officials in New Mexico say that the state is crucial for the primaries because it will be a preview of how Hispanic voters will vote in November. New Mexico has the largest Hispanic population of any state.

On February 4, Wesley Clark gave a campaign speech in Jackson, Tennessee, where he declared that he would build a better America, "where everyone has a shot at the American dream, no matter where they're from, or what their background. And where we include everyone, recognizing that our diversity is our greatest strength."

Arizona's border issues are becoming a politically charged concern for presidential candidates. Problems began in Arizona when the Clinton administration hired thousands of agents in order to steer undocumented workers away from the San Diego and El Paso borders. Arizona offered a dangerous but attractive alternative for smugglers and undocumented immigrants, and now is requiring border control attention.

Most Democratic presidential candidates, with the exception of former Vermont Governor Howard Dean and Ohio Representative Dennis Kucinich have said that they intend to add enforcement, just as Bush has in response to the rise in the numbers of undocumented immigrants.

North Carolina Senator John Edwards also intends to increase the number of border agents and also to expand legal channels for immigrants to enter the country. While Massachusetts Senator John Kerry has not announced his immigration intentions in detail, he has said he does not want to abandon the existing border enforcement tactics.

Because the campaign trail has led Democratic presidential candidates to the Southwestern US, where Hispanics make up a substantial percent of the population, many are adjusting their efforts to appeal to these demographics. While candidates have mainly been focusing on poverty, immigration, education and other issues, the campaigns have determined that the same pitch will not attract all Hispanics, but could instead alienate a group that is working hard to rid itself of stereotypes.

Although Hispanic voters generally lean towards Democratic candidates, they are concerned with capturing their votes this year due to the efforts Bush has made to pursue them. Democratic candidates Kerry and Clark, as well as former candidate Lieberman, have created advertising and public relations campaigns that run in heavily Hispanic populated states such as New Mexico and Arizona. Ads have been aired in both Spanish and English, and the candidates have visited border towns in order to listen to the people's concerns in these areas.

11. Republicans Take Action Against Bush's Guest Worker Plan

Republican policymakers wrote a joint letter last week opposing President Bush's immigration proposal that warns him of negative repercussions this election-year from Republican voters.

The letter expressed the Congressmen's disdain with the intentions of Bush's proposal, as they have had to handle floods of angry letters, e-mails and phone calls from Republican constituents that have threatened to not support the president's campaign for reelection. In signing the letter, these 23 Republicans stated that they are taking this action in response to the concerns of constituents. The letter said that if they don't respond to these concerns, they could ultimately jeopardize their own influence and effectiveness in Congress.

The Congressmen said in the letter that they have saved all the e-mails they have received regarding Bush's immigration proposal, and that most of them say that they won't vote for Bush if Congress accepts his plan. Republicans are now worried that the immigration issue could prove to be a political failure for the party this year.

The Republican lawmakers' sentiments regarding the feelings of the citizens they represent were echoed in reports of surveys done by WorldNetDaily (which generally is regarded as an anti-immigrant publication) and ABC news. WND's study found that many of the Americans that responded are feeling symptoms of physical anxiety due to Bush's plan, and many are considering leaving the country due to feelings of betrayal. Over 30 percent of the respondents said that they agree with most of what Bush says, with the large exception being his plan to legalize illegal aliens.

An ABC news poll found that 57% oppose an amnesty program for illegal immigrants from other countries and 52% oppose a program for immigrants from Mexico.

Many of President Bush's critics have alluded that they believe his intentions for the guest worker program are to make his reelection campaign more appealing to the Hispanic population of potential voters. Representative Tom Tancredo (R-CO), an extremely vocal immigration opponent, told the press that the President is mistaken to sacrifice his support from current US citizens for approval by those who have had blatant disrespect for US laws.

In addition to Tancredo, the Republican congressmen who signed the letter are Representatives Ernest Istook (OK), Roscoe G. Bartlett (MD), C.L. "Butch" Otter and Mike Simpson (ID), Ginny Brown-Waite, Jeff Miller and Cliff Stearns (FL), Jim Ryun (KS), Philip M. Crane and Donald Manzullo (IL), Steve King (IA), John J. "Jimmy" Duncan Jr. and Zach Wamp (TN), Walter B. Jones (NC), Elton Gallegly and Dana

Rohrabacher (CA), Virgil H. Goode Jr. (VA), Todd Akin (MO), Lamar Smith (TX), Nathan Deal (GA), and Scott Garrett (NJ).

12. House Democrats Propose Alternative to Bush Plan

Democrats in the House of Representatives have proposed granting legal resident status and the option of eventual citizenship to the millions of illegal immigrants currently working in the US. As opposed to President Bush's proposal, the Democrat proposal calls for a system of "earned legalization."

Democrat leaders have criticized the Bush plan for not creating a way for illegal aliens to become US residents or citizens. The President's plan also does not reduce the backlog of petitions filed by US citizens on behalf of their relatives who are illegally in the US, nor does it help the thousands of illegal teenagers who attend US colleges to be granted legal status. President Bush's plan is also criticized for inviting more immigrants to illegally enter the US.

While Representative Luis V. Gutierrez (D-IL) did praise the Bush plan for opening the door to immigration reform, he said it is unlikely, unfair and unworkable to deport immigrants who have worked in the US for many years, as the Bush proposal demands.

The solution proposed in the House is a temporary-worker program that would give illegal workers already in the US the chance to earn legal status. Those illegal immigrants who have worked in the US for a certain period of time (which has yet to be determined) will be eligible to obtain permanent legal residency and may be able to eventually obtain US citizenship.

The Democrats also proposed allowing foreign-born minors who are illegally in the US to stay here for college and earn their legal status. House Democrats stated that they already support a bill, which was approved by the Senate Judiciary Committee, that would allow states to grant in-state college tuition to illegal immigrant students. The bill would also allow federal officials to stop the deportation of such students and allows the students to eventually become legal permanent residents.

Democrats also proposed an enhanced family-reunification program that would allow the illegal immigrant relatives of US citizens to stay in the country and apply for legal status, instead of being forced to return to their home countries before seeking legal entry. This measure has been proposed by President Bush in the past, but was not approved by the House.

13. USCIS Presents FY 2005 Budget Proposal

The US Citizenship and Immigration Services (USCIS) has requested \$1.7 billion in the Fiscal Year 2005 budget. USCIS requested \$140 million for discretionary funding and \$1.57 billion in mandatory funding.

The FY 2005 USCIS budget includes \$765 million for immigration services, \$400 million for nonimmigrant services, \$247 for citizenship services, \$139 million for asylum/refugee services and \$160 million for backlog reduction.

For FY 2004, the USCIS budget was \$773 million for immigration services, \$403 million for nonimmigrant services, \$244 million for citizenship services, \$133 million for asylum/refugee services and \$100 million for backlog reduction, totaling \$1.6 billion.

The 2005 budget includes a 60% increase in funding in order to reduce the immigration benefits backlog, for which President Bush proposed a goal of six-month processing times by the end of FY 2006. Immigration advocates are skeptical as the six-month turnaround time has been promised by USCIS for many years.

14. Lawmakers Stirring Up License Issue

The issue of the availability of drivers' licenses for illegal immigrants is heating up, with some lawmakers working to make the identification available.

In the United States, the matricular consular can be used in some states for identification to get a driver's license.

The matricular, Spanish for "to be registered", is issued to Mexican citizens by Mexican consulates. To receive a card, a person must prove their Mexican citizenship, identity, and that they have a residence in the United States. While the cards do not establish legal residency in the United States, they do facilitate free travel to Mexico.

Some of the developments around the country on the driver's license issue include the following:

- In California, following a repeal of the previous law granting driver licenses to undocumented immigrants, Governor Arnold Schwarzenegger is urging the parties to unite to allow illegal residents to have access to driver's licenses. The previous driver's license legislation, SB 60, was repealed immediately after Schwarzenegger took office. An estimated two million people of driving age are in California illegally.
- In Washington State, a lawmaker proposed a bill that would encourage financial institutions and local government to accept the matricular consular. While the state accepts the card to identify those who are applying for driver's licenses, individuals are also required to show supporting pieces of identification. However, an applicant is not required to show that they are in the country legally.
- The Kansas capital was crowded last week with hundreds of immigrants and supporters rallying for a bill that would allow undocumented immigrants to gain driver's licenses. The state has been debating the issue since 2000.
- North Carolina recently passed "Operation Stop Fraud," which ended the state's policy of accepting the Mexican identification cards at the beginning of February. The law is designed to prevent individuals from using fake

identification cards to receive driver's licenses and state-issued identification cards. Many other states implemented similar policies following September 11.

Operation Stop Fraud prevents Mexican immigrants from using several identification cards that they've relied on to get driver's licenses. The identification cards that are no longer applicable include military and voting cards issued by Mexico and the matricular consular.

- Two Democratic state senators just introduced a licensing bill in Arizona. The controversial bill would allow undocumented immigrants to be issued state driver's licenses. The bill is in the middle of a heated legal debate concerning illegal immigration in Arizona. Arizona Governor Janet Napolitano supports the bill.
- A bill to prevent undocumented aliens from receiving driver's licenses has been stalled in the Tennessee legislature. To receive a driver's license under the bill, immigrants would be required to have either a Social Security number or Bureau of Immigration Services documentation that they are in the country legally. The license would only be good for one year, as opposed to a regular driver's license, which is good for five years.

Lawmakers wanted to wait for the bill to reach the floor to give Governor Phil Bredesen time to announce his proposal and also to have time to make any final changes to the proposed bill.

Supporters believe that giving illegal immigrants licenses will improve safety on roads. In addition, since individuals are often required to have a license in order to obtain insurance, getting licenses could prevent the number of hit-and-run accidents. Critics, however, express concern that the move would weaken homeland security efforts and attract more undocumented immigrants by rewarding them.