AILA

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REAL ID Act Would Be a REAL Problem

The REAL ID Act (H.R. 418) passed the House on February 10 by a vote of 261 to 161. 152 Democrats and 8 Republicans voted unsuccessfully to defeat the legislation. Click on the following link to see how your member voted: http://clerk.house.gov/evs/2005/roll031.xml

This measure passed notwithstanding the many grave problems with the bill and opposition from a broad range of religious, ethnic, privacy, libertarian, and conservative groups, as well as representatives of state and local governments. Moreover, not only is H.R. 418 profoundly flawed in substance, but the process the House adopted to vote on this bill is unworthy of our democracy. House proponents have indicated that they will seek to attach this measure to the next must-pass legislation, most likely the supplemental bill dealing with Iraq and Tsunami relief. Senate leadership and the White House have indicated that they prefer a clean bill.

As background, the 108th Congress passed intelligence reform legislation only after a grueling, seemingly intractable debate during which the most objectionable and extreme anti-immigrant measures were stripped from the final bill over the strenuous objections of House Judiciary Committee Chairman James Sensenbrenner (R-WI). Representative Sensenbrenner vowed to fight to enact these measures during the 109th Congress and secured a promise from House leadership to include some of these provisions in the next must-pass legislative vehicle.

Representative Sensenbrenner introduced the REAL ID Act on January 26. The bill includes many of the failed anti-immigrant proposals that were stripped from the Intelligence Reform Act less than two months ago. Specifically, the bill as introduced would: (1) alter detrimentally the standards and evidentiary burdens governing asylum applications and applications for withholding of removal; (2) expand significantly the terrorism-related grounds of inadmissibility; (3) render deportable any alien who would be considered inadmissible under the bill's newly expanded grounds of inadmissibility; (4) prohibit federal agencies from accepting for any official

purpose a state-issued identification card or driver's license that does not meet numerous minimum document requirements and issuance standards, including verification of immigration status; and (5) permit the Secretary of Homeland Security to waive any and all environmental and other laws he deems necessary to expedite construction of security fences and barriers at the borders. To view a detailed summary of the bill as introduced, click on: http://www.aila.org/contentViewer.aspx?bc=10,911,5516,8191.

None of H.R. 418's provisions were subject to committee hearings or debate. To make matters worse, the House Rules Committee adopted for floor consideration a new and dramatically different version of the bill than the one introduced. Indeed, the revisions went far beyond the four corners of H.R. 418 and incorporated whole cloth a completely separate bill, the Citizens and Legal Immigration Act (H.R. 100). This revised bill was submitted to the Committee *after* the deadline for amendments, thereby depriving most Representatives of an opportunity to fully review the bill before casting their vote.

Approximately 20 amendments were offered to the bill. Of that number, six were ruled in order with the House approving three of the six. A brief outline of those six amendments follows:

1. House Judiciary Committee Chairman James Sensenbrenner (R-WI) offered a Manager's Amendment that was treated by the Rules Committee as self-executing upon approval of the rule. Representative Sensenbrenner's amendment thus was not subject to debate or a vote like the rest of the amendments—it became effective automatically. Moreover, since he submitted his revisions after the Committee's deadline for accepting amendments, no one was permitted to submit amendments addressing those revisions. The revisions contained in his amendment (and now in the bill that passed) were substantial and:

- Amended the credibility section to allow the immigration judge to base credibility determinations in asylum proceedings on any single factor. Any inconsistency, inaccuracy, or falsehood contained in their written application or oral testimony can serve as a basis to deny asylum, regardless of whether the inconsistency is even material to the claim of asylum. Any mix-up in dates (e.g. date of graduation), or an omission in the airport interview could now become, in and of itself, a basis to deny asylum.

- Expanded the new corroborating evidence and credibility standards to all other requests for relief from removal, presumably including: applications for withholding or deferral of removal under CAT, cancellation of removal, VAWA cancellation, NACARA, HRIFA, Cuban Adjustment Act, voluntary departure, etc.

- Expanded the prohibition on review over security fence issues from judicial review to all agency, administrative, or other review.

- Expanded the material support grounds of inadmissibility and removal to include support to any "member" of a terrorist organization.

- Incorporated H.R. 100 whole cloth. This measure, introduced by Representatives Sensenbrenner and Dreier (Chair of the Rules Committee), would limit habeas corpus review over detention and removal orders and would eliminate temporary stays of removal pending judicial review.

- Eliminated the asylee adjustment cap. While this is obviously welcome and long overdue, it is little consolation against a backdrop of provisions that will make it nearly impossible for many asylum seekers to find relief here in the future.

Click here to view the amendment:
http://www.house.gov/rules/109hr418sensenbrennermgramnd.pdf

2. Representative Pete Sessions (R-TX) offered an amendment that passed the House by a voice vote. The amendment would provide unprecedented authority to bounty hunters to "pursue, apprehend, detain and surrender" immigrants in removal proceedings. It also would set the minimum bond amount at $10,000 and prohibit the Department of Homeland Security (DHS) from releasing on recognizance anyone placed in proceedings. Click here to view the Sessions amendment: http://www.house.gov/rules/109hr418sessions6.pdf

3. An amendment offered by Representative Michael Castle (R-DE) also passed by a voice vote. Narrow and fairly noncontroversial, the Castle amendment would codify what may already be the current practice of entering into the appropriate aviation security screening database people who have been convicted of using false driver's licenses to board airplanes. To view the Castle amendment, click here: http://www.house.gov/rules/109hr418castle7.pdf

4. An amendment offered by Representative Jim Kolbe (R-AZ) that also passed the House by a voice vote would require the DHS to study the technology, equipment, and personnel needed to address security within the U.S. and submit a report to Congress with recommendations for improvement. The amendment would also require the DHS to develop and carry out a ground surveillance pilot program to identify and test ground surveillance technologies that will improve border security. Click here to view the Kolbe amendment:
http://www.house.gov/rules/109hr418kolbe10.pdf

5. The House defeated two additional amendments. The first, offered by Representatives Jerrold Nadler (D-NY) and Kendrick Meek (D-FL), sought to strike the asylum provisions from H.R. 418 while preserving the asylum provision in Representative Sensenbrenner's Manager's Amendment that would eliminate the asylee adjustment cap. The amendment failed by a vote of 185-236. Click on this link to view the amendment: http://www.house.gov/rules/109hr418nadmeeks.pdf

6. Another amendment, offered by Representative Sam Farr (D-CA), was rejected by a vote of 179-243. The Farr amendment sought to strike the bill's provisions that would allow the Secretary of Homeland Security to waive any and all environmental and other laws he deems necessary to expedite construction of security fences and barriers at the borders. To view the Farr amendment, click here: http://www.house.gov/rules/109hr418farr18.pdf

Proponents of H.R. 418 sought to exploit legitimate fears and cloak their provisions in the mantle of national security. However, these measures will not make us safer. Rather, if enacted, H.R. 418 would: increase the number of uninsured, unlicensed drivers on our roadways; severely limit the critical law enforcement utility of Department of Motor Vehicle databases; make it nearly impossible for people fleeing persecution to obtain refuge in the United States; undermine our fundamental commitment to free speech and association; waste valuable resources, both economic and environmental, on false border security solutions; and eliminate judicial review for many individuals challenging their detention or deportation.

What we need are measures that would effectively screen immigrants and provide for the orderly flow of workers and families across our borders. America's immigration system needs to be reformed so that immigration is legal, safe, orderly, and reflective of the needs of American families, businesses, and national security.

U.S. Employers Facing H-2B Blackout, Emergency Relief Needed

The H-2B cap of 66,000 was hit on January 3, just a few months into the new fiscal year. Unless lawmakers address this issue early in the 109th Congress, thousands of temporary and seasonal positions for which there are no U.S. workers available will go unfilled. Consequently, many U.S. businesses across the nation may be forced to limit their services, lay-off permanent U.S. employees, or even close their doors. An immediate stop-gap fix is needed, to be followed by the more permanent solution of comprehensive immigration reform.

Proposed Legislation: To address the current H-2B crisis, bipartisan legislation recently was introduced in the House and Senate. The "Save Our Small and Seasonal Businesses Act of 2005" (S. 352) was introduced by Senators Mikulski (D-MD), Gregg (R-NH), Leahy (D-VT), Warner (R-VA), Chafee (R-RI), Thomas (R-WY), Levin (D-MI), Salazar (D-CO), Allen (R-VA), Kennedy (D-MA), Jeffords (D-VT), Collins (R-ME), Sarbanes (D-MD), Snowe (R-ME), Dorgan (D-ND), Reed (D-RI), Dayton (D-MN), and Kerry (D-MA). Companion legislation (H.R. 793) was introduced in the House by Representatives Gilchrist (R-MD), Allen (D-ME), Van Hollen (D-MD), Cannon (R-UT), Serrano (D-NY), Bass (R-NH), Delahunt (D-MA), Simmons (R-CT), Bordallo (D-Guam), Jones, W. (R-NC), Stupak (D-MI), Pomeroy (D-ND), Bradley (R-NH).

S. 352/ H.R. 793 would provide emergency relief for this year and next by exempting from the cap prior H-2B workers who have participated in the program in one of the previous 3 years and successfully complied with all program requirements. The 66,000 numerical cap would be reallocated with 33,000 visas reserved for each half of the fiscal year. The bill also would charge petitioning employers an anti-fraud fee. This fee would give the applicable agencies additional resources to investigate and prevent fraud. New enforcement provisions would give DHS and DOL an enhanced ability to punish those that misuse the program. Finally, a new reporting mechanism would provide Congress with new statistics on how the H-2B program is used as well as characteristics of H-2B visa holders.

Time is of the Essence: This year marks the second consecutive year that the H-2B cap has been hit. Last year, the federal government stopped accepting applications for H-2B workers only 6 months into the federal fiscal year, and the negative impact on employers with peak seasons in the spring and summer was devastating. The exhaustion of the cap last year prevented many employers from operating at full capacity despite demand, as well as from holding annual events and hiring American workers because of the lack of short-term assistance. This year, the lack of access to this visa program will harm even more employers throughout the country.

Background: H-2B workers perform non-agricultural short-term tasks essential to the American economy and the economies of communities across this nation. H-2B workers include restaurant, landscape, food production, and hotel service workers. H-2B workers also fill seasonal niche occupations including flying and repairing helicopters designed to fight summer forest fires, and completing the rosters of minor league baseball and hockey teams.

In the past, various employers could rely on college students and other individuals who would perform seasonal and temporary work. That is no longer the case. Employers today spend tens of thousands of dollars and considerable time in developing aggressive recruiting campaigns to hire Americans for short-term jobs. Over the years, employers have reported that the number of Americans willing to work in these temporary and seasonal positions has drastically declined.

Before an employer turns to the H-2B program to find short-term workers, he must engage in extensive recruitment for American workers. Only after the state and U.S. Department of Labor

(DOL) examine the employer's recruitment efforts and certify that there are no Americans available to fill these vacant positions does the employer becomes eligible to file a petition for H-2B workers with the Department of Homeland Security (DHS). Before these vacant positions are filled, the employer must identify qualified foreign workers and obtain approval for H-2B visas from the Department of State. Often the employer also provides transportation and lodging for the workers. The fact that the program is difficult and expensive, but widely utilized, demonstrates that it is a critical last-resort option for employers.

H-2B Proposed Regulations: In an effort to ameliorate the bureaucratic hurdles H-2B employers now face, the DHS and DOL, on January 27, proposed regulations that would streamline the H-2B petition process. The proposed regulations would replace the traditional labor certification process with a one-step petition that includes a labor attestation. This new procedure would allow employers to complete their recruitment before filing the H-2B application and would likely reduce the total processing times for H-2B visas. In order to enforce compliance with the labor protection requirements, the DOL proposed regulations would institute a new audit process whereby the DOL would review both suspect and randomly selected applications. The proposed regulations would also give DHS and DOL new powers to debar from using immigration programs those employers who do not comply with the H-2B program.

In addition to the new streamlined processing, the regulations would create a compulsory e-filing process for most H-2B employers, and would mandate that employers notify DHS when an H-2B employee is terminated or leaves employment. The regulations would also preclude the use of agents for filing H-2B petitions and would prohibit employers from e-filing H-2B petitions until 60 days before the date of need. Given current processing delays at DHS, it is unlikely that this 60-day rule would allow sufficient amount of time for employers to get their workers by their requested start date.

Despite any processing benefits that may result from these proposed regulations, they do nothing to fix the real problem facing U.S. employers—lack of adequate access to the H-2B program. The restrictive cap limiting the H-2B program to 66,000 visas per fiscal year prevents many employers from getting the help they need during their peak seasons.

AgJobs Reintroduced: Stage Set for Comprehensive Immigration Reform

Senators Larry Craig (R-ID) and Edward Kennedy (D-MA), on February 10, introduced the Agricultural Jobs, Opportunity, Benefits, and Security (AgJobs) Act of 2005 (S. 359). The bill, which has 32 additional Senate cosponsors from both sides of the aisle, is essentially the same as the version introduced in the 108th Congress, although the time frames have been updated. Representatives Chris Cannon (R-UT) and Howard Berman (D-CA) once again took the lead in the House, introducing companion legislation (H.R. 884) on February 17.

The bipartisan AgJobs legislation is an important first step toward fixing our broken immigration system and creating a system that is safe, legal, and orderly. The measure reflects a historic agreement between the representatives of farm workers and the agricultural industry as well as the pressing need, given humanitarian, economic, and security factors, to reform our immigration laws in this sector of our economy. The AgJobs bill would streamline the existing H-2A foreign agricultural worker program while preserving and enhancing key labor protections and create an earned adjustment program under which undocumented agricultural workers would be eligible to apply first for temporary resident status based upon their past work experience. Upon satisfying prospective work requirements, these workers could then become permanent residents.

Once enacted, these provisions will enhance our security by helping us to know who lives and works within our borders and by encouraging people to come out of the shadows and be reviewed by our government. In addition, the legislation benefits both workers and employers by creating a stable labor force and a useable program through which future workers can legally enter the U.S.

AILA commends Senators Craig and Kennedy and Representatives Cannon and Berman for reintroducing this much needed legislation. It is time for Congress to consider and pass this long-overdue measure. We urge President Bush to give it his full support. The status quo is unacceptable. AgJobs is a needed first step on the road to reforming our broken immigration system.

Ashcroft Fails to Rule in *Matter of R-A-*

In one of his final acts as Attorney General, Mr. Ashcroft sidestepped a case of tremendous importance to individuals fleeing gender-based persecution (*Matter of R-A-*). The respondent in the case, Ms. Rodi Alvarado, had fled her native Guatemala after a decade of severe and unmitigated domestic violence. After failing to act on her case for more than two years and then calling for a speedy resolution more than a year ago, Mr. Ashcroft remanded the case to the Board of Immigration Appeals (BIA). In the remand order, he directed the BIA to reconsider the case following final publication of a proposed rule that was published in December 2000. Who knows when the rule will become final and how much longer Rodi Alvarado will have to wait for justice to be served and her interminable legal proceedings to conclude? Mr. Ashcroft should have heeded the recommendation of the Department of Homeland Security and granted Ms. Alvarado asylum.

Hill Hosts Briefings on Driver's Licenses and Asylum Proposals

On January 27th, the Congressional Hispanic Caucus (CHC) and the Congressional Asian Pacific Caucus (CAPAC) held a briefing on the issue of driver's licenses and identification cards at the U.S. Capitol. Members of the briefing panel included: Cheye Calvo, Committee Director of the Transportation Committee with the National Council of State Legislatures; Joan Friedland, Immigration Policy Attorney, National Immigration Law Center; Margaret Stock, Associate Professor of Law at the U.S. Military Academy, West Point; and a representative from Governor Bill Richardson's (D-NM) office. The panel discussed the policy of limiting immigrant access to driver's licenses and this policy's negative impact on national security, public safety and states' rights. Specifically, Mrs. Stock pointed out that the driver's license database is currently the single largest and most useful law enforcement database in the United States.

On January 24th, the office of Representative John Conyers (D-MI) held a briefing on U.S. asylum policy. Members of the briefing panel included: the Honorable Doris Meissner, Senior Fellow, Migration Policy Institute and former Commissioner of the Immigration and Naturalization Service; Erin Corcoran, Staff Attorney, Human Rights First; and Susan Benesch, Refugee Advocate, Amnesty International USA. Among other topics, the panel discussed the potential negative impact of H.R 418 on the asylum system, the security checks already in place for asylum seekers, the changes made to the asylum system in the 1990s, and the myths and realities of the asylum system.

House Immigration Subcommittee Roster Set

The roster of the House Judiciary Committee's Subcommittee on Immigration, Border Security and Claims has been finalized. Republican Members of the Committee are:

Representatives John Hostettler (IN), *Chairman*, Steve King (IA), Louie Gohmert (TX), Lamar Smith (TX), Elton Gallegly (CA), Bob Goodlatte (VA), Dan Lungren (CA), Jeff Flake (AZ), Bob Inglis (SC), and Darrell Issa (CA)

Democratic Subcommittee members are:

Representatives Sheila Jackson Lee (TX), *Ranking Member*, Howard Berman (CA), Zoe Lofgren (CA), Linda Sánchez (CA), Jerrold Nadler (NY), and Maxine Waters (CA).

New Secretary of Homeland Security Sworn-In

Federal judge Michael Chertoff, President Bush's nomination to replace former Secretary of Homeland Security, Tom Ridge, won unanimous Senate confirmation and was sworn-in to office on February 15. Prior to accepting President Bush's nomination, Mr. Chertoff was a Third Circuit judge and previously the head of the Department of Justice Criminal Division. Former Secretary Ridge resigned his post on November 30, 2004.

AILA and USCRI Receive Grant to Establish National Center for Refugee and Immigrant Children

On December 21, 2004, the United Nations High Commissioner for Refugees (UNHCR) awarded a grant to the U.S. Committee for Refugees and Immigrants (USCRI) in partnership with the American Immigration Lawyers Association (AILA) to establish the National Center for Refugee and Immigrant Children. To be launched this spring, the Center will help hundreds of immigrant children obtain lawyers free of charge for their immigration proceedings. Made possible by a generous donation from UNHCR Goodwill Ambassador Angelina Jolie, the two-year $500,000 grant helps fill a gap in services to children released from federal custody into the care of a family member or other caregiver.

Key to the Center's success is the commitment of large law firms to provide pro bono services in their communities. Based at USCRI's Washington, DC offices, the Center will hire staff to coordinate and support the referral network. It will be overseen by USCRI Director of Policy Analysis and Research, Gregory Chen, who spent five years representing unaccompanied children in San Francisco. The Center will also work closely with the federal Office of Refugee Resettlement and local non-profit agencies that already assist children in many cities nationwide.

Recently Introduced Legislation

The following is a brief description of newly introduced, immigration-related legislation, in reverse chronological order and by chamber. AILA will report further on these bills if and when they move through the legislative process.

House Legislation

H.R. 936, introduced on February 17 by Representative Michael Honda (D-CA), would provide for immigration relief in the case of certain immigrants who are innocent victims of immigration fraud.

H.R. 901, introduced on February 17 by Representative Ed Case (D-HI), would amend the INA to give priority in the issuance of immigrant visas to the sons and daughters of Filipino World War II veterans who are or were naturalized citizens of the United States.

H.R. 900, introduced on February 17 by Representative Ed Case (D-HI), would amend the INA to remove from an alien the initial burden of establishing that he or she is entitled to nonimmigrant status under section 101(a)(15)(B) of the Act, in the case of certain aliens seeking to enter the United States for a temporary stay occasioned by the serious illness or death of a United States citizen or an alien lawfully admitted for permanent residence.

H.R. 899, introduced on February 17 by Representative Benjamin Cardin (D-MD), would amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a two-year extension of supplemental security income in fiscal years 2006 through 2008 for refugees, asylees, and certain other humanitarian immigrants.

H.R. 884, the Agricultural Jobs, Opportunity, Benefits, and Security (AgJobs) Act of 2005, introduced on February 17 by Representative Chris Cannon (R-UT), would provide for the adjustment of status of certain foreign agricultural workers, amend the INA to reform the H-2A worker program, provide a stable, legal agricultural workforce, and extend basic legal protections and better working conditions to more workers. H.R. 884 is companion legislation to S. 359. For more on this bill, see the third article in this *Update*.

H.R. 820, introduced on February 15 by Representative Peter King (R-NY), would amend the INA to reauthorize the State Criminal Alien Assistance Program.

H.R. 814, introduced on February 15 by Representative Lane Evans (D-IL), would amend the INA to provide for the automatic acquisition of citizenship by certain individuals born in Korea, Vietnam, Laos, Kampuchea, or Thailand.

H.R. 793, the Save Our Small and Seasonal Business Act of 2005, introduced on February 14 by Representative Wayne Gilchrest (R-MD), would revise certain requirements for H-2B employers and require submission of information regarding H-2B nonimmigrants. For more on this bill, see the second article in this *Update*.

H.R. 780, introduced on February 10 by Representative C.A. "Dutch" Ruppersberger (D-MD), would amend section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 to provide for assured funding for more Border Patrol agents.

H.R. 698, introduced on February 9 by Representative Nathan Deal (R-GA), would amend the INA to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens.

H.R. 688, introduced on February 9 by Representative J. Gresham Barrett (R-SC), would amend the INA to bar the admission, and facilitate the removal, of alien terrorists and their supporters and fundraisers, to secure our borders against terrorists, drug traffickers, and other illegal aliens, to facilitate the removal of illegal aliens and aliens who are criminals or human rights abusers, to reduce visa, document, and employment fraud, to temporarily suspend processing of certain visas and immigration benefits, to reform the legal immigration system, and for other purposes.

H.R. 661, introduced on February 8 by Representative Charles Rangel (D-NY), would provide for naturalization through service in a combat zone designated in connection with Operation Iraqi Freedom.

H.R. 635, introduced on February 8 by Representative Nancy Johnson (R-CT), would designate Poland as a program country under the visa waiver program of INA § 217.

H.R. 634, introduced on February 8 by Representative Sheila Jackson Lee (D-TX), would designate Poland as a program country under the visa waiver program of INA § 217, subject to certain conditions.

H.R. 606, introduced on February 2 by Representative Lynn Woolsey (D-CA), would authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

H.R. 604, introduced on February 2 by Representative Anthony Weiner (D-NY), would halt the issuance of visas to citizens of Saudi Arabia until the president certifies that the kingdom of Saudi Arabia does not discriminate in the issuance of visas on the basis of religious affiliation or heritage.

H.R. 557, the State Criminal Alien Assistance Program Reauthorization Act of 2005, introduced on February 2 by Representative Jim Kolbe (R-AZ), would amend the INA to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

H.R. 368, the Driver's License Security and Modernization Act, introduced on January 26 by Representative Tom Davis (R-VA), would establish and implement regulations for State driver's license and identification document security standards.

H.R. 342, introduced on January 25 by Representative Major Owens (D-NY), would provide for adjustment of immigration status for certain aliens granted temporary protected status in the United States because of conditions in Montserrat.

H.R. 334, introduced on January 25 by Representative Stephen Lynch (D-MA), would designate Angola under INA section 244 to make nationals of Angola eligible for temporary protected status under that section.

H.R. 323, introduced on January 25 by Representative Eliot Engel (D-NY), would redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the 'Bob Hope Memorial Library'.

H.R. 261, introduced on January 6 by Representative Sheila Jackson Lee (D-TX), would expand the class of beneficiaries who may apply for adjustment of status under INA section 245(i) by extending the deadline for classification petition and labor certification filings.

H.R. 260, introduced on January 6 by Representative Sheila Jackson Lee (D-TX), would amend the INA to modify the requirements for a child born abroad and out of wedlock to acquire citizenship based on the citizenship of the child's father.

H.R. 257, introduced on January 6 by Representative Sheila Jackson Lee (D-TX), would amend the INA to reunify families, permit earned access to permanent resident status, provide protection

against unfair immigration-related employment practices, reform the diversity visa program, and provide adjustment of status for Haitians and Liberian nationals.

H.R. 255, introduced on January 6 by Representative Sheila Jackson Lee (D-TX), would seek to prevent commercial alien smuggling.

H.R. 253, introduced on January 6 by Representative Sheila Jackson Lee (D-TX), would provide for the collection of data on immigration-related traffic stops.

H.R. 247, introduced on January 6 by Representative Sheila Jackson Lee (D-TX), would increase the numerical limitation on the number of asylees whose status may be adjusted to that of an alien lawfully admitted for permanent residence.

H.R. 245, introduced on January 6 by Representative Sheila Jackson Lee (D-TX), would amend the INA with respect to the record of admission for permanent residence in the case of certain aliens.

H.R. 193, introduced on January 4 by Representative Linda Sanchez (D-CA), would amend the INA to provide for compensation to states incarcerating undocumented aliens charged with a felony or two or more misdemeanors.

H.R. 139, the Health Improvement and Professionals Act of 2005, introduced on January 4 by Representative Tom Lantos (D-CA), would provide for the recapture of unused employment-based immigrant visa numbers in order to facilitate improved health care for all persons in the United States.

H.R. 105, introduced on January 4 by Representative Gene Green (D-TX), would amend the INA to exempt elementary and secondary schools from the fee imposed on employers filing petitions with respect to nonimmigrant workers under the H-1B program.

H.R. 100, the Citizens and Legal Immigration Act, introduced on January 4 by Representative David Dreier (R-CA), would:

- Eliminate all statutory habeas review of removal orders in the federal district courts and funnel all habeas claims directly to the circuit courts of appeal. In and of itself this provision is unobjectionable—it would merely streamline the review process. That said, however, circuit courts in the 9th and 2nd circuits are already drowning from immigration appeals (a result of Attorney General Ashcroft's Board of Immigration Appeals streamlining measures) and therefore would likely oppose this measure.
- Attempt to set in statute the constitutional floor for habeas review at "pure questions of law and constitutional claims." Enactment of this provision would create a huge amount of litigation (which this bill is purportedly designed to decrease) over the meaning of the phrase "pure questions of law."
- Transfer all habeas cases pending in the district courts to the courts of appeals. The problem with this provision is that many people who currently are precluded from filing petitions for review directly in courts of appeals and who plan to file habeas petitions might be precluded from any relief because of the 30-day filing deadlines in the circuit courts.

H.R. 100 draws directly from portions of Section 2 of Representative Sensenbrenner's ill-advised Fairness in Immigration Litigation Act from the 108th Congress (H.R. 4406) (which was also the origin for Section 3010 of the 9/11 Recommendations Implementation Act (H.R. 10)).

H.R. 98, the Illegal Immigration Enforcement and Social Security Protection Act of 2005 (also known as The Bonner Plan), also introduced on January 4 by Representative Dreier, would, among other provisions, enforce restrictions on employment in the U.S. of unauthorized aliens through the use of biometrically enhanced Social Security cards and an Employment Eligibility Database. The measure would make the hiring of an undocumented worker punishable a $50,000 penalty and up to five years imprisonment per count. This bill is similar to legislation Mr. Dreier introduced during the 108th Congress (H.R. 5111).

H.R. 60, the Tsunamis Temporary Protected Status Act of 2005, introduced on January 4 by Representative Sheila Jackson Lee (D-TX), would designate Sri Lanka, India, Indonesia, Thailand, Somalia, Myanmar, Malaysia, Maldives, Tanzania, Seychelles, Bangladesh, and Kenya under section 244 of the INA to render nationals of such foreign states eligible for temporary protected status.

H.Res. 78, introduced on February 9 by Representative Rahm Emanuel (D-IL), is a resolution recognizing the importance of designating the Republic of Poland as a program country for purposes of the visa waiver program of INA section 217 and urging the Secretaries of Homeland Security and State to assist Poland in qualifying for such program.

H.R. 58, introduced on January 4 by Representative Donna Christensen (D-VI), would require the Secretary of Homeland Security to establish at least one Border Patrol unit for the Virgin Islands of the United States.

H.J. Res. 15, introduced on February 1 by Representative Dana Rohrabacher (R-CA), is a joint resolution proposing an amendment to the U.S. Constitution to make eligible for the office of president a person who is not a natural born citizen of the United States but has been a U.S. citizen for at least 20 years.

Senate Legislation

S. 453, introduced on February 17 by Senator Gordon Smith (R-OR), would amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants.

S. 359, the Agricultural Jobs, Opportunity, Benefits, and Security (AgJobs) Act of 2005, introduced on February 10 by Senator Larry Craig (R-ID), would provide for the adjustment of status of certain foreign agricultural workers, amend the INA to reform the H-2A worker program, provide a stable, legal agricultural workforce, and extend basic legal protections and better working conditions to more workers. S. 359 is companion legislation to H.R. 884. For more on this bill, see the third article in this *Update*.

S. 352, the Save Our Small and Seasonal Business Act of 2005, introduced on February 10 by Senator Barbara Mikulski (D-MD), would revise certain requirements for H-2B employers and require submission of information regarding H-2B nonimmigrants. For more on this bill, see the second article in this *Update*.

S. 348, introduced on February 10 by Senator Rick Santorum (R-PA), would designate Poland as a program country under the visa waiver program of INA section 217.

S. 297, introduced on February 7 by Senator Charles Schumer (D-NY), would provide for adjustment of immigration status for certain aliens granted temporary protected status in the United States because of conditions in Montserrat.

S. 278, the Summer Operations and Seasonal Equity Act of 2005, introduced on February 3 by Senator Susan Collins (R-ME), would revise certain requirements for H-2B employers and require submission of information regarding H-2B nonimmigrants.

S. 262, the Angel Island Immigration Station Restoration and Preservation Act, introduced on February 2 by Senator Dianne Feinstein (D-CA), would authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

S. 188, the State Criminal Alien Assistance Program Reauthorization Act of 2005, introduced on January 26 by Senator Dianne Feinstein (D-CA), would amend the INA to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

S. 119, Unaccompanied Alien Child Protection Act of 2005, introduced on January 24 by Senator Dianne Feinstein (D-CA), would provide for the protection of unaccompanied alien children.

Recent Rulemaking and Other Activity in the Federal Agencies

Federal agencies have issued a variety of new regulations and notices in recent weeks, impacting everything from the H-2B visa process to PERM. A brief summary of these items follows.

Department of Homeland Security

DHS Publishes Proposed Regulations with Major Changes to the H-2B Process. The Department of Homeland Security (DHS) and the Department of Labor (DOL) concurrently published rules substantially changing the H-2B petition process to make it a "one-step" process. The proposed rules require electronic filing and eliminate the labor certification application requirement. The DOL will retain audit authority and responsibility. Comments are due on or before February 28. (70 FR 3983 1/27/05, see AILA InfoNet Doc. No. 05012768). For more on this development, see the second article in this *Update*.

DHS Extends Designation of El Salvador Under the TPS Program. The DHS's U.S. Citizenship and Immigration Services (USCIS), on January 7, published a notice in the Federal Register extending the current designation of El Salvador under the Temporary Protected Status (TPS) program for another 18 months, until September 9, 2006. The notice also sets forth procedures necessary for nationals of El Salvador (or aliens having no nationality who last habitually resided in El Salvador) to re-register for TPS. The 60-day re-registration period begins January 7, 2005 and will remain in effect until March 8, 2005. In addition, the notice automatically extends the validity of employment authorization documents (EADs) issued under the El Salvador TPS program for six months, until September 9, 2005, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended. (70 FR 1450 1/7/05, see AILA InfoNet Doc. No. 05010760).

ICE and EOIR Jointly Publish Final Rule on Countries to Which Foreign Nationals May Be Removed. The Secretary of Homeland Security and the Attorney General published final rules to amend their respective agencies' regulations pertaining to removal of aliens. With the DHS final

rule, the Secretary of Homeland Security adopts as final, without substantial change, the proposed regulations published at 69 FR 42910 (July 19, 2004). The DHS amends its regulations to clarify that acceptance by a country is not required under specific provisions of INA section 241(b) in order to remove an alien to that country, and that a "country" for the purpose of removal is not premised on the existence or functionality of a government in that country. The rule further clarifies the countries to which an alien may be removed and the situations in which the Secretary of Homeland Security will remove an alien to an alternative or additional country. Additionally, the rule provides technical changes as a result of amendments to the INA by the Homeland Security Act of 2002.

With the Department of Justice (DOJ) final rule, the Attorney General adopts as final, without substantial change, the proposed regulations at 69 FR 42911 (July 19, 2004). The DOJ clarifies the procedure for an alien to designate the country to which he or she would prefer to be removed, provides that the immigration judge shall inform any alien making such a designation that he or she may be removed to another country under INA section 241(b) in the discretion of the Secretary of Homeland Security in effecting the foreign policy of the United States, and clarifies the effect of an identification of a country for removal in an immigration judge's order of removal from the United States. The rule clarifies that acceptance by a country is not a factor to be considered by the immigration judge in identifying a country or countries of removal in the administrative order of removal. The DOJ also makes technical changes to eliminate unnecessary provisions and update references to reflect the enactment of the Homeland Security Act of 2002. The final rules took effect February 4, 2005. (70 FR 661 1/5/05, see AILA InfoNet Doc. No. 05010561).

USCIS Publishes Correction Notice with Exemptions to Direct Filing. USCIS corrected a Notice that was published in the Federal Register on November 19, 2004 (69 FR 67751) which announced the expansion of the Direct Mail Program to provide that certain filings of Forms I-485, I-765, and I-131, be filed at a designated Chicago, Illinois lockbox facility for initial processing. In the supplementary information to that Notice, USCIS inadvertently advised aliens applying for adjustment of status as special immigrants under INA section 101(a)(27)(I) (i.e. certain officers and employees of international organizations and their eligible family members) to submit their Form I-485 to the lockbox facility. Accordingly, USCIS is issuing this correction to remove this category of aliens from the listing. In addition, the notice directed all aliens applying for work authorization through a grant of deferred action (8 CFR 274a.12(c)(14)) to submit their Forms I-765 to the Chicago lockbox facility. The adjudications for Forms I-765 filed by aliens who have been granted deferred action based upon (1) an approved Form I-360 (as a battered spouse or child of a U.S. citizen or lawful permanent resident), (2) a pending bona fide application for T nonimmigrant status (Form I-914), or (3) U nonimmigrant status interim relief were centralized at the Vermont Service Center. Accordingly, the Notice is being corrected to exempt those three classes of aliens from filing their Forms I-765 with the Chicago lockbox facility. The correction took effect December 28, 2004. (69 FR 77768, 12/28/04, see AILA InfoNet Doc. No. 04122860).

Department of State

DOS Publishes Final Rule Amending SEVIS Regulations. On May 23, 2003, the Department of State (DOS) published an interim rule (68 FR 28129; Public Notice 4368) detailing the implementation of the Student and Exchange Visitor Information System (SEVIS) monitoring system, together with a request for comments. There were no comments received and the Department is now making final the interim rule, effective upon publication. The interim rule took effect May 23, 2003. (70 FR 7853, 2/16/05, see AILA InfoNet Doc. No. 05021661).

DOS Publishes Final Rule with Schedule of Fees for Consular Services. This rule adopts as final the DOS's proposed rule to revise the Schedule of Fees for Consular Services, with four changes, one incorporating and finalizing an already effective additional exemption to the MRV fee and the others adding three new fees authorized by the Consolidated Appropriations Act, 2005 (Pub. L. No. 108-447). The proposed rule, modified only to incorporate the new exemption and the new legislatively established fees, is therefore adopted as final. The final rule is effective March 8, 2005. (70 FR 5372, 2/2/05, see AILA InfoNet Doc. No. 05020360).

DOS Publishes Notice of Implementation of the Biometric Visa Program. Commenced as a pilot program in September 2003, the Biometric Visa Program became a permanent program effective 10/26/04. This Notice outlines the program's use of two index fingerscans and a photograph, its coordination with US-VISIT, and exemptions from the program. (69 FR 78515, 12/30/04, see AILA InfoNet Doc. No. 04123062).

DOS Announces Receipt of Application for Two Additional FAST Lanes at Nogales, Arizona. The DOS provides notice that it has received an application from the Border Trade Association Foundation of Phoenix for a permit authorizing two additional commercial cargo (FAST) lanes at the Mariposa Port of Entry at Nogales, Arizona. (69 FR 78516, 12/30/04, see AILA InfoNet Doc. No. 04123065).

Department of Labor

DOL Publishes Notice on Where to Mail Non-Electronic PERM Filings on or After 3/28/05. This DOL Notice provides the mailing addresses and designated Processing Center for PERM applications filed by mail, rather than electronically, on or after the March 28, 2005, the PERM effective date. Note that the announcement advises "applications submitted by mail will not be processed as quickly as those filed electronically." (70 FR 6734, 2/8/05, see AILA InfoNet Doc. No. 05020864).

DOL Publishes Proposed Regulations with Major Changes to the H-2B Process. The DOL and the DHS concurrently published rules substantially changing the H-2B petition process to make it a "one-step" process. The proposed rules require electronic filing and eliminate the labor certification application requirement. The DOL will retain audit authority and responsibility. Comments are due on or before February 28. (70 FR 3993 1/27/05, see AILA InfoNet Doc. No. 05012769). For more on this development, see the second article in this *Update*.

DOL Publishes Notice of Staff Relocation to the Atlanta and Chicago National Processing Centers. The DOL's Employment and Training Administration (ETA) issued a Notice announcing that DOL has moved its foreign labor certification field staff in the Atlanta and Chicago Regional Offices to the new Atlanta and Chicago National Processing Centers. The Notice provides the public in the Atlanta and Chicago regions with contact information regarding these two new processing centers. All foreign labor certification processing activities previously conducted in the Atlanta and Chicago Regional Offices will now be assumed by the corresponding Atlanta or Chicago National Processing Centers. Specific instructions are provided for H-2A and H-2B filings. (70 FR 1473, 1/7/05, see AILA InfoNet Doc. No. 05010761).

Department of Justice

EOIR Publishes Interim Rule on Background and Security Investigations. The Executive Office for Immigration Review (EOIR) published an interim rule on January 31 that makes significant changes affecting the granting of relief in removal proceedings pending security investigations, and the consequences of respondents' failure to comply. Among other things, the rule enables and requires immigration judges to cooperate with the DHS in: (1) Instructing aliens on how to comply with biometric processing requirements for law enforcement checks; (2) considering information resulting from law enforcement checks; and (3) instructing aliens who have been granted some form of immigration relief regarding the procedures by which to obtain documents from DHS. The rule also creates a process that enables the Department to adjust its hearing calendars when the required law enforcement checks have not been completed prior to a scheduled hearing. The rule takes effect on April 1. Comments are also due by that date. (70 FR 4743, 1/31/05, see AILA InfoNet Doc. No. 05012861).

MEDIA SPOTLIGHT: Members and Staff in the News

Matthew Dunn (New York) was quoted in a February 14 *Newsday* article about the USCIS expedited residency pilot program in New York that was abruptly halted. **Mr. Dunn** was also quoted in a *Newsday* question and answer article about immigration on the same day. **Lina Rozenburg** (New York) was featured in a February 13 *Newsday* article about her client who is expecting to receive a heart transplant soon. **Craig Trebilcock** (Philadelphia) was quoted in a February 13 *Associated Press* article about his client, a girl adopted by U.S. citizens, who faces deportation because INA 245(i) expired before she was able to adjust her status. **David Sperling** (New York) had a letter to the editor published in the February 13 edition of the *New York Times* about the essential services Hispanic immigrants provide on Long Island.

Daryl Buffenstein (Atlanta) was quoted in a February 12 *Atlanta Journal-Constitution* article about four proposed bills in Georgia that deal with driver's licenses, social services, college courses, and work on state contracts, but that would negatively impact immigrants. **Edwin Bush** (Wisconsin) and **Joanna Hedvall** (National) were quoted in a February 12 *Capital Times* article about the need to increase the cap on the H-2B visa program. **Jorge Rivera** (Southern Florida) was quoted in a February 12 *Miami Herald* article about the class action settlement agreement that is expected to increase the number of green cards available for foreign nationals who have been granted asylum.

Jeanne Butterfield (National) was quoted in a February 11 *San Francisco Chronicle* article about the impact of the REAL ID Act. **Jeanne** was also quoted in a February 9 *Press Enterprise* article on the same topic. **Marshall Fitz** (National) was quoted in a February 10 *Los Angeles Times* article about the prospects of the REAL ID Act passing the Senate.

David Cohen (Canada) was quoted in a February 8 *New York Times* article about the increase in Americans submitting applications to become legal residents of Canada following the re-election of President Bush. **Dawn Lurie** (Washington, DC) was quoted in a February 7 *Washington Post* article about legal permanent residents whose applications for citizenship languish for years in security-check limbo. **Daryl Buffenstein** (Atlanta) was quoted in a February 6 *Atlanta Journal-Constitution* article about President Bush's proposal for immigration reform. **Jacqueline Baronian** (New York) was quoted in a February 6 *Newsday* question and answer article about immigration. **Kelly McCown** (Northern California) was quoted in a February 6 *San Jose Mercury News* question and answer article about immigration.

Marcia Needleman (New York) and **Matthew Dunn** (New York) were quoted in a February 3 *New York Times* article about a USCIS pilot program for foreign spouses of United States citizens

to fast track their LPR card interview. The program was abruptly halted. **Matthew** was also quoted in a February 2 *New York Sun* article about Representative F. James Sensenbrenner's anti-immigrant legislation, the REAL ID Act. **John Lawit** (Texas) was quoted in a February 1 *Albuquerque Journal* article about three High School students detained by the U.S. Border Patrol in late March. **Socheat Chea (**Atlanta) and **Leon Wildes** (New York) were quoted in a February 1 *Associated Press* article about pro hockey player and Canadian national, Dany Heatley, who has been charged with vehicular homicide which could result in his deportation to Canada.

Tammy Fox-Isicoff (Southern Florida) was quoted in a January 31 *Miami Herald* article about the Program Electronic Review Management or PERM. **Judy Golub** (National) was quoted in a January 31 *Tucson Citizen* article about the yearly cap on visas and a backlog of applications that have forced many immigrant families to wait years to be reunited with relatives abroad. **Bill Waddell** (San Diego) was quoted in a January 31 *Marine Corps Times* article about his client, a former Marine and Iraq war veteran, who will be deported back to his native Haiti after he was found guilty of an aggravated felony.

Donna Lipinski (Colorado) was quoted in a January 31 *Rocky Mountain News* article about why it is so hard for undocumented immigrants to adjust their status and become legal permanent residents. **Carl Shusterman** (Southern California) was quoted in the January edition of *Nursing Management* magazine about expected changes in the nurse visa rule this year.

Alene Bryson (Mid-South) and **Marshall Fitz** (National) were quoted in a January 30 *Arkansas Democrat-Gazette* article about Arkansas state legislation that seeks to prevent *notario* fraud. **Michael A. Bander** (Southern Florida) was quoted in a January 30 *Miami Herald* article about a former local immigration officer who now heads a secret Pentagon intelligence unit. **Roy Petty** (Mid-South) was quoted in a January 30 *Arkansas Democrat-Gazette* article about the problem of *notarios* in Arkansas.

Joanna Hedvall (National) was quoted in a January 28 *New Jersey Record* article about the caps on the H-1B and H-2B visas. **Paul Fantl** (Washington, DC) was quoted in a January 27 *Richmond Times Dispatch* article about Mr. Fantl helping clients who have had problems renewing or applying for a license in Virginia. **David S. Berger** (Southern Florida) was quoted in January 27 *Broward Daily Business Review* article about the increasing detention rates for asylees. **Jeanne Butterfield** (National) was quoted in a January 27 *Washington Times* article about Representative James Sensenbrenner's (R-WI) REAL ID Act.

Allen E. Kaye (New York) was featured in a January 25 *New York Sun* article about his immigration practice. **Greg Boos** (Washington State) was quoted in a January 24 *Bellingham Herald* article about the Bellingham Whatcom Economic Development Council applying to the U.S. Department of Homeland Security to get designated as a regional center under the Immigrant Investor Pilot Program. **Jorge Rivera** (Southern Florida) was quoted in a January 23 *Herald News (New Jersey)* article about his support for President Bush. **Taher Kameli** (Chicago) was quoted in a January 23 *Associated Press* article about his client, who is to be deported to Afghanistan following a drug conviction. **David Sheen** (Northern California) **Randall Caudle** (Northern California) and **Mary Dutcher** (Northern California) were quoted in a January 23 *San Jose Mercury News* question and answer article about immigration.

Dustin W. Dyer (Washington, DC) was quoted in a January 22 *Richmond Times Dispatch* article about a Henrico County clerk who is denying U.S. citizens the right to marry undocumented immigrants if the immigrant cannot prove legal residency. **Herbert Igbanugo**

(Minnesota/Dakotas) was quoted in a January 22 *St. Paul Pioneer Press* article about his client, a young homeless man.

Nancy Morawetz (New York) was quoted in a January 20 *Washington Post* article about a Vietnamese national who has been detained for two years because there is no deportation agreement between the United States and Vietnam. **Carl Shusterman** (Southern California) was quoted in a January 17 *Bakersfield Californian* editorial about the looming nursing shortage facing the U.S. **Tahir Mella** (Philadelphia) was quoted in a January 17 *Legal Times* article about the nomination of Michael Chertoff for Secretary of Homeland Security. **Leopoldo Ochoa** (Southern Florida) was quoted in a January 17 *Miami Herald* article about the U.S. Supreme Court decision striking down indefinite detention for foreign nationals deemed "inadmissible."

Christopher Brelje (Arizona) was quoted in a January 16 *Associated Press* article about the nonprofit Florence Immigrant and Refugee Rights Project that has been giving "rights presentations" to groups of immigrant detainees. **Adam Green** (Southern California) was featured in a January 16 *Newsday* question and answer article about immigration. **Jeanne Butterfield** (National) had a letter to the editor published in the January 16 edition of the *Washington Post.* Her letter concerned a previous *Post* article on immigrant absconders that unfairly claimed that most immigrants knowingly evade their immigration court proceedings when, in reality, many never receive proper notice of those proceedings. **Cyrus Mehta** (New York) and **Adam Green** (Southern California) were quoted in a January 16 *Newsday* question and answer article about immigration.

Stephen Legomsky (Missouri/Kansas), **Ira Kurzban** (Southern Florida), and **Tammy Fox-Isicoff** (Southern Florida) were quoted in a January 12 *Miami Herald* article about an unprecedented court ruling concerning stripping a foreign-born person's U.S. citizenship. **Sharlet Wagner** (Utah) was quoted in a January 12 *Salt Lake Tribune* article about the new federal immigration court that will be based at the Wallace F. Bennett Federal Building in Salt Lake City. **Kelly McCown** (Northern California) was quoted in a January 10 *St. Petersburg Times* article about immigrants who have applied for political asylum based on sexual orientation.

Jim McBain (Central Florida) was quoted in a January 9 *Bradenton Herald* article about his client, who was adopted at age 8 from Panama, but whose his parents forgot to apply for his citizenship. Subsequent drug felony charges have resulted in his imminent deportation. **Michelle Gee** (Santa Clara) was quoted in a January 9 *San Jose Mercury News* question and answer article about immigration. **Mara Kimmel** (At Large) was quoted in a January 7 *Anchorage Daily Times* article about five undocumented Mexicans who were detained after a traffic stop by an Alaska state trooper.

Paul Zulkie (Chicago) was quoted in a January 6 *New York Times* article about the Guide for the Mexican Migrant. **Marshall Fitz** (National) was quoted in a January 6 *San Francisco Chronicle* article about legislation introduced to add photographs and electronically embed immigration status into Social Security cards. **Judy Golub** (National) was quoted in a January 6 *Chicago Tribune* article about the effects of the H-2B cap being hit. **Mary Ann Berlin** (Washington, DC) was quoted in a January 6 *Washington Post* article about her client who is facing deportation. **Joanna Hedvall** (National) was quoted in a January 6 *Washington Times* about legislation that would make mandatory the pilot program for employment verification. **Solange Altman** (Northern California) was quoted in a January 6 *Fresno Bee* article about the legislative proposal by Representative David Dreier (R-CA) that would make mandatory the pilot program for employment verification.

Glen Wasserstein (Washington, DC) was quoted in a January 4 *United Press International* article about the H-2B cap being reached. **Jeff Appleman** (Northern California) was quoted in a January 4 *San Francisco Chronicle* article about the local reaction to the tsunami. **Frank Lipiner** (New York) was quoted in a January 2 *Newsday* question and answer article about immigration. **Mark Citrin** (Southern Florida) was quoted in a January 2 *Washington Post* article about Haitians in South Florida who are wary of public places due to fears of increased surveillance by ICE. **John Ovink** (Central Florida) was quoted in a January 1 *St. Petersburg Times* article about Haitian immigrants feeling jittery at rumors of a federal crackdown.

Alan Gordon (Carolinas) was quoted in a December 31 *Charlotte Observer* article about the H-1B visa cap being reached. **Sharon Dulberg** (Northern California) was quoted in a December 31 *Sacramento Bee* article about courts cracking down on abuses by disreputable immigration lawyers. **Tomas Esparza** (Texas) was quoted in a December 31 *San Antonio Express News* article about the visa lottery.

Note: Please submit all articles, letters-to-the-editor, etc. for inclusion in "Members in the News" to Julia Hendrix of the AILA Advocacy Department (jhendrix@aila.org).

Did You Know?

Today, immigrant women comprise one of the fastest growing groups of business owners in the United States. Although they represent a small portion of women's business ownership overall, immigrant women are more likely than non-immigrant women to own their own businesses. According to the 2000 Decennial Census, 8.3 percent of all employed immigrant women were business owners, in contrast to 6.2 percent of employed native-born women. This represents a nearly 190 percent increase in immigrant women business owners since 1990, and a 468 percent increase since 1980. Immigrant women entrepreneurs represent a potential source of continued new business growth that brings a broad range of international skills to the work force.

--Susan C. Pearce, Ph.D, "Today's Immigrant Woman Entrepreneur," *Immigration Policy in Focus*, Vol. 4, Issue 1 (Jan. 2005).

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