

WASHINGTON UPDATE

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Senate Clears Religious Worker Program Extension for President’s Signature

The Senate, on October 3, cleared for the President’s signature legislation that would reauthorize for an additional five years the special immigrant religious worker program. (The House, on September 17, had passed by voice vote HR 2152, introduced by Representative Barney Frank (D-MA). The bill is expected to be sent to the President shortly.) Existing authority for the program expired on September 30. The program, created by the Immigration Act of 1990 and extended several times already, allows religious organizations in the United States to hire on a permanent basis religious workers from abroad who have been members of the denomination for at least two years and meet certain other criteria. Spouses and children of religious workers are also eligible for visas under the program.

While the law provides for up to 5,000 visas a year under the program, the number has remained far below that cap. In fiscal year 2002, for example, 1,413 religious workers became permanent residents through the special immigrant category, as did 1,714 spouses and children. (see H. Rpt. 108-271 at p. 2). Of that number, only 389 individuals arrived from abroad, while 87.6 percent adjusted status in the United States. In the broader picture, religious workers comprise a very small portion of total legal immigration to the United States—0.3 percent of the 1,063,732 immigrants in fiscal year 2002. (see CRS Report for Congress, “Immigration of Religious Workers: Background and Legislation” (Sept. 30, 2003) at p. 3).

Department of Homeland Security Budget Signed Into Law

The first ever homeland security appropriations bill became law on October 1. This measure funds the various entities and initiatives within the Department of Homeland Security. Highlights of this bill include:

- US VISIT: \$330 million for US Visitor and Immigrant Status Indicator Technology (US VISIT) under the direct control of the Under Secretary for Border and Transportation Security. The goal of US VISIT is to “provide the capability to record the entry and exit of non-US citizens into and out of the U.S., and provide officials with information about persons who are in the U.S. in violation of the terms of their admission to the U.S.” AILA has expressed concerns about US VISIT, including an inadequate level of funding to create and implement this system, unrealistic deadlines, absence of necessary infrastructure, and lack of coordination with other data bases.
- Border Security and Immigration Enforcement: \$41 million for up to 570 additional Border Patrol agents; \$35.2 million for an air surveillance wing on the Northern border, of which \$12.8 million is for the purchase of aircraft; \$6.7 million for 51 more Special Agents in the Compliance Enforcement Office of Immigration and Customs Enforcement (ICE) Office of Special Investigations. These agents will follow up on “overstays” identified by the US VISIT, SEVIS and NSEERS databases. \$9 million was also designated for additional inspectors. Under the recently announced “One Face at the Border” program, inspectors will handle primary and secondary inspections for immigration, goods and agriculture. Although, as part of this program, the agency clearly recognized the need for, and established, an agricultural specialist position, it refused to create an immigration specialist position. Given the complex immigration issues arising at our nation’s ports of entry, the absence of such an immigration specialist raises concerns regarding the treatment of foreign nationals at our borders.

The appropriators also noted concern about the reduction of revenue from inspections fees given the decline in travel volume and directed CBP to adjust land border inspection fees to ensure adequate revenue.

- Immigration Services: The CIS budget includes \$1.8 billion to process applications and petitions in the Bureau of Citizenship and Immigration Services. Most of this funding, \$1.6 billion, comes from projected fee revenues. The budget also includes funding for backlog reduction, with \$80 million in appropriated funds and \$20 million from revenues generated from the Premium Processing Service fee. In the conference report, the appropriators noted that they did not provide funding for information technology and a program evaluation unit, but supported the establishment of an evaluation unit funded by collected fees. Congress needs to provide USCIS with the appropriations necessary to fulfill its mission. This bureau must function efficiently, effectively and fairly to provide needed services and enhance our security. Without significant direct congressional appropriations to supplement user fees and to overcome past actions that subjected legacy INS to unfunded or underfunded mandates and redirected application fees to support enforcement actions, it will be difficult to reduce the application backlog and ensure the adequate delivery of services.

Senate Judiciary Committee Hears Details of DHS/DOS Memorandum of Understanding

The Senate Judiciary Committee on September 30 held a hearing that focused on the Memorandum of Understanding (MOU) entered into between the Department of State (DOS) and

the Department of Homeland Security (DHS) pursuant to Section 428 of the Homeland Security Act (HSA). Testifying before the Committee were Asa Hutchinson, Undersecretary of Border & Transportation Security, and Maura Harty, Assistant Secretary of State.

The long-awaited MOU transferred from DOS to DHS responsibility for visa policy, including the promulgation of federal regulations, development of the Foreign Affairs Manual, and issuance of State Department cables to consular posts. Mr. Hutchinson testified that under the MOU, DHS will have final approval over DOS-initiated guidance, review DOS implementation of visa policy, and ensure that homeland security requirements are reflected in the visa review process. Ms. Harty testified that the Secretary of State will continue to lead the consular corps, manage the visa process, and execute foreign policy.

The Office of International Enforcement at DHS will oversee implementation of the MOU as well as the assignment of DHS personnel to consular posts abroad. The HSA mandates that DHS personnel review all visa applications submitted in Saudi Arabia. Mr. Hutchinson testified that DHS agents have been working with DOS personnel in Saudi Arabia since August to develop protocols and standard operating procedures for the review of visa applications both in Saudi Arabia and other posts where DHS agents may be posted in the future.

With regard to training, Ms. Harty advised that DOS has taken a number of steps to improve visa screening and processing functions. Among other initiatives, she indicated that: (1) basic training for new consular employees will be extended for an additional five days with a focus on improved screening and security procedures; (2) 41 new standard operating procedures have been implemented to improve consistency in visa reviews worldwide; and (3) a pilot test of visas using biometric identifiers has been successful in Guatemala, El Salvador, Germany, and Belgium.

House Immigration Subcommittee Holds Divisive Hearing on the CLEAR Act

The House Subcommittee on Immigration, Border Security and Claims held a hearing on October 1 on the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act (H.R. 2671). The hearing exposed the deep divisions among Subcommittee Members over the issue of local law enforcement of federal civil immigration laws and the issue of undocumented immigrants. Subcommittee Members John Hostettler (Chairman R-IN), Jeff Flake (R-AZ), Melissa Hart (R-PA), Steve King (R-IA), and Marsha Blackburn (R-TN) attended the hearing and Representatives Charles Norwood (R-GA) and Nathan Deal (R-GA), original co-sponsors of the bill who do not sit on the Subcommittee, also were invited by Chairman Hostettler to question witnesses. From the minority side, Representatives Sheila Jackson Lee (Ranking Member D-TX), Linda Sanchez (D-CA), Zoe Lofgren (D-CA), and Howard Berman (D-CA) participated in the hearing.

Testifying for the majority were John Morganelli (District Attorney for Northampton County, Pennsylvania), Kris Kobach (Associate Professor of Law at the University of Missouri--Kansas City, congressional candidate for the 3rd district in Kansas, and former advisor to Attorney General John Ashcroft), and James R. Edwards (Adjunct Fellow at the Hudson Institute, and author of a paper published by the Center for Immigration Studies on this topic). Testifying for the minority was Gordon Quan (At-Large City Council Member and Mayor Pro Tem of Houston, and an immigration attorney in private practice).

During opening statements, Chairman Hostettler voiced strong support for the CLEAR Act and railed against the bill's critics. Representative King, an original co-sponsor to the bill, stated that his own research reveals that at least 98 U.S. citizens were killed by undocumented immigrants between 1994 and 1998 and suggested that, had the CLEAR Act been law, these tragedies would

have been averted. The only opposition to the bill from Subcommittee Republicans came from Representative Flake, who introduced for the record a letter from Grover Norquist, David Keene, and Bob Barr strongly opposing the bill. Representative Flake amplified on his concerns about the sweeping nature of this bill during the question and answer period.

All of the Subcommittee Democrats spoke forcefully against the bill. Representative Jackson Lee cited the serious budget problems facing almost every state and argued that this bill constitutes an “unfunded mandate.” Representative Sanchez introduced letters opposing the bill from the California Police Chiefs Association and the Federal Hispanic Law Enforcement Officers Association. Representative Lofgren introduced letters from California state legislators, the Newark (CA) Police Department, and the Boston Police Department, all opposing the bill. Representative Berman spoke about letters from the Lenexa (KS) Police Department and a Kansas domestic violence prevention group likewise voicing strong opposition to the bill.

As noted in a previous *Washington Update*, AILA believes that the CLEAR Act would undermine rather than enhance our safety by jeopardizing critical community-based policing initiatives, which are predicated on earning the trust and confidence of the served communities. Moreover, with little or no training and resources already stretched thin, local police departments would be forced to assume new responsibilities and reorient their enforcement priorities because of the federal government’s failed immigration policies.

Please contact your Representative, Senators, and the President today, urging them to oppose the CLEAR Act. Click the link to send a letter. <http://capwiz.com/aila2/home/>

Bipartisan Legislation Would Expand PATRIOT Act’s Sunset Provision

The bipartisan PATRIOT Oversight Restoration Act (S. 1695), was introduced on October 1 by Senator Patrick Leahy (D-VT), together with cosponsors Larry Craig (R-ID), Richard Durbin (D-IL), John Sununu (R-NH), and Harry Reid (D-NV). The legislation, which AILA supports, would provide greater congressional oversight over the USA PATRIOT Act by expanding the sunset provision already enacted in the PATRIOT Act to cover a number of additional provisions. In urging support for the legislation, Senator Leahy stated that it offers a “cautious and sensible solution to evolving fears about the PATRIOT Act...[by allowing] Congress to re-examine some of the important legal issues that abruptly confronted us in the weeks following September 11, and to re-assess our efforts with the benefit of hindsight and the luxury of time.” Senator Craig added that while “[t]he security of our Nation is the first responsibility of the Federal Government,...[the] bill will ensure that responsibility is carried out thoughtfully and in our country’s great tradition of balance and restraint in the enforcement of our laws.”

Specifically, S. 1695 would extend the PATRIOT Act’s sunset provision to other enhanced surveillance provisions in title II of the PATRIOT Act, as well as to a handful of provisions in titles IV, V, VIII and X. These provisions include sections 411 and 1006, which expand the Government’s authority to declare certain persons inadmissible to the United States, and section 412, which grants the Attorney General authority to “certify” that an alien is engaged in activity that endangers the national security, and to take such an alien into custody.

In addition to these immigration-related provisions, the PATRIOT Oversight Restoration Act would also extend the sunset to subsections (a) and (c) of section 203, which authorize the disclosure of grand jury information to foreign enforcement, intelligence and immigration officials; sections 210 and 211, which broaden the types of information that law enforcement may obtain, upon request, from electronic communication service providers and cable service

operators; section 213, which authorizes so-called “sneak and peak”—delayed notification—search warrants; sections 216 and 222, which significantly expand when, where, and how law enforcement can obtain a pen register or trap and trace order; section 219, which authorizes judges to sign search warrants for properties located outside their districts; section 505, which gives law enforcement greater authority to access telephone, bank, and credit records through the issuance of so-called “National Security Letters,” even if no criminal investigation is pending and without court review; sections 507 and 508, which remove certain privacy protections for educational records and surveys—called “obstacles” to investigating terrorism in the PATRIOT Act; section 802, which defines “domestic terrorism” in a way that could be read to include political protesters engaged in civil disobedience; section 806, which uses the aforementioned definition of “domestic terrorism” to expand the government’s civil forfeiture authority; and section 1003, which references another section of PATRIOT that is already covered by the sunset.

Senate Passes Extension of Investor Pilot Program, House Approval Expected

The Senate on October 3 passed legislation (S. 1642) that would extend for another five years the immigrant investor regional center pilot program which lapsed at the end of FY 2003 (on September 30). The legislation also would transfer authority for the program from the Attorney General to the Department of Homeland Security, in accordance with the transfer of immigration functions to that agency.

The pilot program, established by § 610 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993, facilitates foreign investment in areas in need of economic stimulus and encourages more widespread utilization of the Alien Entrepreneur program through a more streamlined, pre-approved process. According to Senator Leahy, who sponsored the bill, more than 25 regions have qualified thus far as “regional centers” under the program, thereby allowing them to attract foreign investment via the streamlined process.

The Senate passed the measure by voice vote with an amendment by Senator Russell Feingold (D-WI) that would require a General Accounting Office study on the broader immigrant investor program, within one year of the bill’s enactment. The bill now moves to the House for further action.

House Votes to Amend, Extend Irish Peace Process Cultural and Training Program Act

The House on October 7 passed legislation to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998 (IPPCTPA). The program allows adults between the ages of 18 and 35 who live in disadvantaged areas of Northern Ireland and designated border counties of Ireland that were suffering from sectarian violence and high unemployment to enter the United States to develop job skills and conflict resolution abilities in a diverse, cooperative, peaceful, and prosperous environment, so that they might return to their homes better able to contribute toward economic regeneration and the Irish peace process. Up to 4,000 qualifying aliens (and their spouses and minor children) may be admitted each year and may remain in the U.S. for up to three years. The program was set to sunset on October 1, 2005. Legislation in the 107th Congress extended the program until October 1, 2006.

The current bill (H.R. 2655) would extend the program for another two years, until October 1, 2008. It would also make a number of changes to the program, designed mainly to ensure that the aliens granted admission are those truly economically disadvantaged young adults the program was designed to help. These changes include requirements that only 20 percent of the program

participants may have a degree from a higher education institution, that they be at least 21 years of age, and that they have been unemployed and resident in Northern Ireland or the designated border counties for at least six months.

The bill would also make changes to the program to help ensure that the aliens return to Ireland to foster economic development and peace. The bill would reduce the duration of the visa term from three years to two years, and would also require that aliens admitted under the program return home for two years before they could apply for an immigrant visa, permanent residence, or another nonimmigrant visa. The bill permits the Secretary of Homeland Security to waive the foreign residence requirement if: (1) the alien's departure from the United States would impose exceptional hardship upon the alien's U.S. citizen or lawfully resident spouse or child, (2) the alien would be subject to persecution on account of race, religion, or political opinion, or (3) the admission of the alien is in the public interest or the national interest of the United States. The House agreed to the measure by a voice vote, under suspension of the rules.

GAO Calls for Better Tracking of H-1B Program

The Government Accounting Office (GAO) issued a report in September 2003 on the use of the H-1B program from 2000 to 2002. The report found that better tracking is needed to help determine the H-1B program's effects on the U.S. workforce, while most employers reported that finding U.S. workers with needed skills in certain occupations continues to be difficult.

The report confirmed that employers recruit, hire and retain workers based on skills needed. Half of the employers interviewed indicated that they did not recruit workers from abroad, but relied upon employee referrals, the Internet and U.S. graduate schools. Two thirds of the employers also indicated that finding qualified workers in engineering and other science-related professions remains difficult. Such statements support statistics indicating that foreign nationals earn roughly 40% of the high-tech masters degrees awarded each year. Employers who need access to professional employees with highly specialized skill sets must be able to recruit on college campuses.

The GAO's findings also underscore the fact that market forces drive H-1B usage and that employers do not prefer to hire H-1B workers over U.S. workers. Specifically, the report noted that use of the H-1B program has declined consistent with the general economic downturn, with the use of H-1B visas for the IT industry dropping by 25% from 2000 to 2002. The GAO also found that employers consider the costs and systemic processing delays with H-1B petitions to be disadvantages to hiring the H-1B workers.

The GAO study recommended that the Department of Homeland Security ensure that relevant data, such as change of visa status, be entered into the DHS database and integrated with entry-exit information. The GAO also recommended that DHS issue regulations regarding the length of time that unemployed H-1B workers may remain in the U.S. to look for another job. Although DHS agreed with the GAO recommendations, it remains to be seen what action the agency will take in response

Immigrant Workers Freedom Ride a Resounding Success

After a two week nationwide campaign, the Immigrant Workers Freedom Ride ended with an inspirational rally in New York's Flushing Meadows Park on October 4th. Beginning on September 20, roughly 900 immigrants and their advocates boarded buses and stopped in 103 cities around the country to push their four principles of immigration reform: creating a road to

citizenship for all immigrants (earned adjustment and the DREAM Act); reuniting families; creating justice in the workplace by restoring labor protections without regard to immigration status; and respecting civil liberties and due process protections. The buses made their final stops in Washington, D.C. on October 1st, Liberty State Park in New Jersey on October 3rd and the final rally in New York on October 4th.

- On October 1st, thousands gathered at the Bible Way Church in downtown Washington, D.C. for the first of several major rallies. During the rally, members of Congress and freedom riders spoke about the urgent need for immigration reform.
- On October 2nd, the riders, along with immigration advocates, converged on Capitol Hill for a Lobby Day. Senator Edward Kennedy (D-MA), Representatives Robert Menendez (D-NJ), Sheila Jackson-Lee (D-TX), Luis Gutierrez (D-IL), Hilda Solis (D-CA), Mike Honda (D-CA), John Lewis (D-GA), Ciro Rodriguez (D-TX) and others, greeted the freedom riders during a morning send-off rally on the west lawn of the Capitol. Advocating for their four principles of immigration reform, the riders visited more than 300 congressional offices.
- Equally inspiring was the October 3rd rally held in the shadow of the Statute of Liberty. New Jersey Governor James E. McGreevey and Representative Robert Menendez (D-NJ) thanked the thousands of freedom riders gathered at Liberty State Park for their efforts in bringing national attention to the problems faced by immigrants.
- The Freedom Rides culminated in an October 4th rally and festival held in Flushing Meadows Park in Queens. Here is a short report about the October 4th rally from Deborah Notkin, AILA's First Vice President: "Contingents of immigrant and ethnic organizations came to the rally, carrying banners in many languages including Polish, Bangladeshi, Korean, Chinese, Colombian, Indian, Pakistani, Ecuadorian and Spanish. Over 200,000 people participated in this historic event, with at least 100,000 people at the event at any given time. The New York trade unions mobilized their members en masse to attend this rally. Speakers included representatives from various unions and immigrant associations, and New York City's Cardinal Egan gave a rousing speech in both English and Spanish in support of immigrants. Ethnic performers entertained at the rally, which started at 12:00 and lasted past 4:00 pm. It was extremely inspiring to see the crush of participants at the rally, many carrying banners or wearing T-shirts in support of immigrants."

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 as they move through the legislative process.

House Legislation

H.R. 3271, the Earned Legalization and Family Unification Act of 2003, introduced on October 8 by Representative Richard Gephardt (D-MO), would amend the INA to provide for permanent resident status for certain long-term resident workers and college-bound students, and would modify the worldwide level of family-sponsored immigrants in order to promote family unification.

H.R. 3238, the HRIFA Improvement Act of 2003, introduced on October 2 by Representative Kendrick Meek (D-FL), would amend the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998 by adding document fraud to the grounds for inadmissibility that are inapplicable to HRIFA applicants and by making several changes with respect to children under the Act. The bill would also require the Secretary of Homeland Security to establish procedures for the reopening and reconsideration of applications for adjustment of status under the HRIFA with respect to individuals who are affected by the bill's amendments.

H.R. 3235, the Responsible and Secure ID Act, introduced on October 2 by Representative Duncan Hunter (R-CA), would amend 23 USC to withhold highway funds from states that issue driver's licenses to undocumented aliens. The bill would provide for a waiver of this provision if the Secretary of Homeland Security issues a written certification that the state's noncompliance does not pose a risk to the security of the United States.

H.R. 3218, the Failure to Depart Act, introduced on October 1 by Representative Jeff Flake (R-AZ), would amend the INA § 243 to clarify that willful failure to depart from the United States by an alien against whom a final order of removal is outstanding is a continuing criminal offense.

H.R. 3191, introduced on September 25 by Representative Jim Ryun (R-KS), would prescribe the Oath of Renunciation and Allegiance for purposes of INA § 337(a).

H.R. 3171, the Benjamin Franklin True Patriot Act, introduced on September 24 by Representative Dennis Kucinich (D-OH), after noting Congress's finding that, "Federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act... and related executive orders, regulations, and actions threaten fundamental rights and liberties, including the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the Constitution....," includes a list of provisions from the USA PATRIOT Act, the Aviation Security Act, and the Homeland Security Act, as well as a list of provisions from a variety of federal regulations, all of which would automatically cease to have effect 90 days after the date of the bill's enactment. During that 90-day period, Congress may, at the request of the President, hold hearings to determine whether a particular provision should be removed from the list of provisions set to "expire" at the end of the 90-day period.

H. Res. 384, introduced on October 1 by Representative Hilda Solis (D-CA), would support the goals of the Immigrant Workers Freedom Ride; recognize and honor the millions of immigrant workers in the United States who work hard, pay taxes, and contribute to our economy and our communities; and encourage the Congress and the President to support policies that accomplish the goals of the Immigrant Workers Freedom Ride.

H. Con. Res. 289, introduced on September 17 by Representative Silvestre Reyes (D-TX), would urge the Secretary of Homeland Security to use the Interior Repatriation Program for apprehended aliens who repeatedly enter the United States without authorization, and would urge the President to request more funds for the program for fiscal year 2005.

Senate Legislation

S. 1695, the PATRIOT Oversight Restoration Act of 2003, introduced on October 1 by Senator Patrick Leahy (D-VT) and bipartisan cosponsors Larry Craig (R-ID), Richard Durbin (D-IL), John Sununu (R-NH), and Harry Reid (D-NV), would expand the sunset provision already enacted in the PATRIOT Act to cover a number of additional provisions. For additional details on this legislation, see article number 5 in this *Update*.

S. 1690, the Limited English Proficiency and Integrated Workforce Training Act, introduced on October 1 by Senator Jeff Bingaman (D-NM), would amend the Workforce Investment Act of 1998 to provide for integrated workforce training programs for adults with limited English proficiency.

Agencies Issue a Variety of New Regulations

Federal agencies have issued a variety of new regulations in recent weeks, impacting everything from updated forms for petitions on behalf of foreign-born children to the assignment of social security numbers to aliens for valid non-work purposes. A brief summary of these regulations follows.

Department of Homeland Security

The Bureau of Citizenship and Immigration Services (USCIS) published a notice on October 1 announcing implementation of the revised Form N-600, Application for Certificate of Citizenship, and a new Form N-600K, Application for Citizenship and Issuance of Certificate under Section 322. These two forms have replaced the previous edition of Form N-600 as well as Form N-643, Application for Certificate of Citizenship on Behalf of an Adopted Child, and Form N-600/N-643 Supplement A, Application for Transmission of Citizenship Through a Grandparent, which have been withdrawn. The notice takes effect on October 31, 2003.

As background, Public Law 106-395, the Child Citizenship Act of 2000, enacted on October 30, 2000, provides that foreign-born children residing in the United States who meet certain specified requirements acquire United States citizenship automatically. This process replaced prior laws that required such children to obtain citizenship through an application for naturalization. Public Law 107-273, enacted on November 2, 2002, prescribes procedures by which children born of or adopted by a United States citizen parent and residing abroad may be naturalized under INA § 322, on the application of their U.S. citizen legal guardian or grandparent. Since these laws made important changes in eligibility requirements and procedures, it became necessary to amend the application forms by which qualified children may apply for naturalization or obtain documentary proof of U.S. citizenship. To reflect these statutory changes the USCIS revised Form N-600, and developed a new Form N-600K.

The Federal Register notice advises the public that, beginning October 31, 2003, only the November 15, 2002, or subsequent editions of Form N-600 will be valid for the purpose of filing an application for a certificate of citizenship, and only the April 30, 2003, or subsequent editions of Form N-600K will be valid for the purpose of filing an application for a certificate of citizenship under section 322 of the Act. The notice also advises that the instructions on the current printed editions of Form N-600 and Form N-600K display a fee amount of \$195.00 for a Form N-600 or Form N-600K filed on behalf of anyone except an adopted child, and \$155.00 if filed on behalf of an adopted child. Those amounts were based on a fee adjustment rulemaking pending at the time the revisions were made. Clearance of the anticipated fee adjustment rulemaking has been delayed and, as a result, until further notice, the USCIS has adjusted the filing fees to be as follows. For a Form N-600 or Form N-600K filed on behalf of anyone except an adopted child, the correct fee is \$185.00. For a Form N-600 or Form N-600K filed on behalf of an adopted child, the correct fee is \$145.00.

Finally, the notice advises that Form N-600 applications bearing the earlier edition date that are mailed, postmarked or otherwise filed on or before October 31, 2003, will be accepted for the

purpose of establishing a filing date for a certificate of citizenship. However, any applicants who are subject to the amended eligibility requirements of the current laws may be required to complete and submit either additional information or a valid current Form N-600 or N-600K without additional fee, as appropriate, in order to complete the processing of their application. After October 31, 2003 no Form N-600 application bearing an edition date earlier than November 15, 2002, will be accepted for processing by the USCIS. Form N-643 applications that are mailed, postmarked or otherwise filed on or before October 31, 2003, will be accepted for the purpose of establishing a filing date for a certificate, if the applicant continues to be eligible under the current law. Any applicants who are subject to the amended eligibility requirements of the current laws may be required to complete and submit either additional information or a valid Form N-600 or N-600K without additional fee, as appropriate, in order to complete the processing of their application. After October 31, 2003 no Form N-643 will be accepted for filing at USCIS Field Offices. Beginning October 31, 2003, any outdated editions of the Form N-600 application and any Form N-643 received by the CIS will be returned to the applicant with instructions to submit a current application form. (68 FR 56643, 10/01/03, see AILA InfoNet Doc. No. 03100144).

Department of State

Pursuant to INA § 219, the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, has redesignated 25 organizations named in an October 2 Federal Register Notice as foreign terrorist organizations, effective October 2, 2003. (68 FR 56860, 10/02/03, see AILA InfoNet Doc. No. 03100242). To view a July 2002 State Department Fact Sheet on the criteria for, and effects of, designation as a Foreign Terrorist Organization, see AILA InfoNet Doc. No. 02081250.

Other Agencies

The Legal Services Corporation (LSC), in a final rule dated September 26, appended its regulations with a list of acceptable documents for verification of the eligibility of non-U.S. citizens' applications for legal assistance from LSC-funded programs. This final rule is effective 9/26/03. (68 FR 55539, 9/26/03, see AILA InfoNet Doc. No. 03092642).

The Social Security Administration (SSA) has finalized without substantive change a March 26, 2003, proposed rule to codify restrictions on the assignment of social security numbers (SSN) to aliens for valid non-work purposes by defining the phrase "valid non-work purposes" as those instances when a Federal statute or regulation requires an alien to have an SSN in order to receive a federally-funded benefit to which the alien has otherwise established entitlement, or when a State or local law requires an alien who is legally in the U.S. to have an SSN in order to receive general public assistance benefits (i.e., a public benefit that is means-tested) to which the alien has otherwise established entitlement. The final rule also changes the age at which a mandatory in-person interview is required for original applications for an SSN. In addition, the rule eliminates the waiver of evidence of identity for children under age seven who are applying for an original SSN card. The SSA will now require an in-person interview with all individuals age 12 or older who are applying for an original SSN, and the agency will no longer waive the requirement to provide evidence of identity in original applications for a child under age seven. In addition, the SSA is clarifying that evidence of identity must contain sufficient biographical or physical information to identify the individual, and is eliminating reference to a pilot that is no longer being conducting, pertaining to the processing of replacement SSN cards for U.S. citizens. (68 FR 55304, 9/25/03, see AILA InfoNet Doc. No. 03092546).

MEDIA SPOTLIGHT: Members and Staff in the News

The *New York Sun* quoted **Thomas Sung** (New York) in an October 8 article about Chinatown fears that the PATRIOT Act will significantly hurt neighborhood banks and endanger undocumented Chinese. **Mark Koestler** (New York) was quoted in an October 7 *Newsday* article about improvement in customer service at the USCIS office in Manhattan. The *Associated Press* quoted **Kristin Hoffman** (Connecticut) in an October 6 article about Connecticut immigration judges who are among the toughest in the nation when it comes to granting asylum, and about her client who is seeking asylum.

Vic Goel (Washington, D.C.) was quoted in an October 6 *Computerworld* article on the reduction of the H-1B cap. **Glenda Bunce** (Carolinas) was quoted in an October 5 *Greenville News* article about the Peace Corps. The *Star Tribune* quoted **Lesley Guyton** (Minnesota/Dakotas) in an October 4 question and answer article about immigration.

The *Associated Press* quoted **Charles Foster** (Texas) in an October 3 article about a top Houston surgeon who had to resort to the help of Representative Chris Bell (D-TX) to cut through the red tape at USCIS in order to obtain an extension of his O-1 visa. **William Joyce** (New England) was quoted in an October 3 *Providence Journal-Bulletin* article about his client who has been detained as a result of having overstayed his visa. The *Daily Illinois* quoted **Tom Arkell** (Chicago) in an article about the H-1B cap. **Carl Shusterman** (Southern California) authored an article for the October edition of *Human Resources* magazine on strategies for employing foreign-born nurses.

A letter to the editor in support of legalizing undocumented workers by **Peter Ashman** (Nevada) was published in the October 2 edition of the *Las Vegas Sun*. **Gordon Quan** (Texas) was quoted in an October 2 *Atlanta Journal-Constitution* article about the CLEAR Act—legislation that would allow local law enforcement officials to enforce federal civil immigration laws. **Sherry Chen** (New Jersey), **Phong Tran** (New Jersey), and **M.R. Cohen** (New Jersey) were quoted in an October 2 *Courier-Post* article about the changing face of practicing immigration law. The *Richmond Times-Dispatch* quoted **Tommy Baer** (Washington, D.C.) in an October 2 article about the Immigrant Workers Freedom Ride.

Paul Zulkie (Chicago) and **Terry Yale Feiertag** (Chicago) were quoted in an October 1 *Chicago Daily Law Bulletin* article about the H-1B visa cap. **Eleanor Pelta** (Washington, D.C.) was quoted in an October 1 *Chicago Tribune* article about the reduction of the H-1B cap. The *San Jose Mercury News* quoted **Ning Gan** (Santa Clara) and **Shyamala T. Rajender** (Northern California) in an October 1 question and answer article about immigration. **David Link** (Missouri/Kansas) was quoted in an October 1 *Wichita Eagle* article about detention and deportation following aggravated felonies. **James Ziglar** (Washington, DC) was quoted in an October 1 *GovExec.com* article about how the merger of INS into the Homeland Security Department was supposed to solve core problems for Immigration and Naturalization Service managers and employees.

Jack Pinnix (Carolinas) was quoted in a September 30 *Durham Herald-Sun* article about the newly introduced Agricultural Job Opportunity, Benefits, and Security Act of 2003 (AgJobs) legislation. The *Washington Post* quoted **Ouisa Davis** (Texas) in a September 30 article about anew U.S. program that each week flies undocumented immigrants from Arizona to Texas and repatriates them across the Texas-Mexico border. The *Florida Times-Union* quoted **Wilfred Calero** (Central Florida) in a September 30 article about granting driver's licenses to undocumented immigrants in Florida. **Aileen Josephs** (Southern Florida) was featured in a

September 30 *Palm Beach Post* article and a September 30 *Sun-Sentinel* article about her teenage client who is facing murder charges after giving birth to a baby who was found dead. **Mario Ramos** (Mid-South) was quoted in a September 30 *Tennessean* article about the Immigrant Workers Freedom Ride.

Stephen Yale-Loehr (Upstate New York) was quoted in a September 29 *BizJournal* article about the reduction of the H-1B cap. **David Leopold** (Ohio) was quoted in a September 29 *Copley News Service* article about the no-bail rule in the detention and deportation of legal immigrants. *The Associated Press* quoted **Judy Golub** (National) in a September 29 article about USCIS increasing the fees for citizenship applications and other services. **Jim Stanton** (Hawaii) was quoted in a September 29 *Honolulu Advertiser* article about the bar to the entry of an adoptive, non-orphan child until at least one of the parents has established parental custody by living with the child for two years.

Tammy Fox-Isicoff (Southern Florida) and **Cheryl Little** (Southern Florida) were quoted in a September 29 *Miami Herald* article about the implementation by USCIS of the use of ankle monitors for immigrants who were previously being held in detention awaiting deportation hearings. On the same date, **Ms. Fox-Isicoff** was quoted in a separate *Miami Herald* article about the reduction of the H-1B visa cap. **Alejandro Solorio** (Missouri/Kansas) was quoted in a September 29 *Kansas City Star* article about the Immigrant Workers Freedom Ride.

The *Burlington Free-Press* quoted **Edward Carroll** (New England) in a September 28 article about a Sudanese refugee who is trying to reunite with his family. **L. Patricia Ice** (Mid-South) was quoted in a September 28 article in the *Jackson Clarion-Ledger* about the Immigrant Workers Freedom Ride. On the same date, **Ms. Ice** was also quoted in a separate article in the *Jackson Clarion-Ledger* about the Freedom Ride. **Don Chadwick** (Chicago) was quoted in a September 28 *Milwaukee Journal-Sentinel* article about his client who is being detained pending her deportation. **Aileen Josephs** (Southern Florida) was quoted in a September 28 *Palm Beach Post* article about her Guatemalan teenage client who is facing murder charges after giving birth to a baby who was found dead. On the same date, **Ms. Josephs** was featured in a separate *Palm Beach Post* article about the same client.

Summer McDonald (Southern Florida) was quoted in a September 27 *Sun-Sentinel* article about H-1B and L-1 visas. *The Times-Picayune* quoted **Bassam Messaike** (Mid-South) in a September 27 article about the Immigrant Workers Freedom Ride. On September 26, the *Fulton County Daily Report* quoted **Greg Siskind** (Mid-South) about a Kenyan couple whose paperwork was lost in USCIS backlog and who now faces deportation.

Ira Kurzban (Southern Florida) was quoted in a September 26 *Miami Herald* article about Ramon Saul Sanchez, the Cuban exile leader put in deportation proceedings for allegedly being in the United States without authorization. *Newsday* quoted **Stephen Yale-Loehr** (Upstate New York) in a September 26 article about his testimony on H-1B visas before the Senate Committee on the Judiciary. **Alan Seagrave** (Southern Florida) was quoted in a September 27 *Palm Beach Post* article about H-1B visas. **David Leopold** (Ohio) was quoted in a September 26 *CQ Homeland Security* article about ICE's unusually wide powers of investigation and intelligence-gathering inside the United States. An op-ed entitled "'Illegal Alien' Has No Meaning in Law" by **David Link** (Missouri/Kansas) was published in the September 26 edition of the *Wichita Eagle*.

Sheela Murthy (Washington, D.C.) was quoted in a September 25 *Denver Westword* article about green card marriages. The *Miami Herald* quoted **Candace Jean** (Southern Florida) in a September 25 article about an air-conditioner technician who has filed a discrimination complaint

against his employer alleging that he was ordered to turn off the air at the Krome immigrant detention center, creating inhumane conditions for Haitian and Cuban detainees. **Carl Shusterman** (Southern California) wrote a feature article for the September 17 edition of *HealthLeader* about effective strategies that can help healthcare leaders navigate the tricky paths of immigration law. **Matthew I. Hirsch** (Pennsylvania) was featured in an August 10 *Philadelphia Inquirer* article about his immigration practice.

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).

Upcoming Hearings

Oct. 16, Thursday: Time TBA, Room TBA. Immigration Subcommittee Hearing on Overstays. More information will follow.

Oct. 16, Thursday: Time TBA, 226 Dirksen. Full Senate Judiciary Committee Markup on the DREAM Act.

Oct. 21, Tuesday: Time TBA, 226 Dirksen. “Efforts to Prevent Terrorism in the United States.” Senate Judiciary Committee (Chairman Hatch, R-Utah) will hold a series of hearings on the adequacy of federal laws to help prevent and respond to acts of terrorism in the United States. Event Note: Tentative.

Did You Know?

“Absent a debate about an immigration policy that matches willing workers with willing employers, we aren’t being serious about this issue at all.”

-- Representative Jeff Flake (R-AZ), commenting on why the CLEAR Act is, in his opinion, nothing more than a “Band-Aid approach” to solving the issue of undocumented immigration (as quoted by the *Tucson Citizen*, Oct. 9, 2003)

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