

# WORLDESQUIRE LAW FIRM'S

## IMMIGRATION NEWS YOU CAN USE

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### AN ARGUMENT FOR REFORM

The SOLVE Act bill that passed the committee on 4/26/06 was to double the number of Border Patrol agents and resources necessary for detaining and speedily deporting undocumented immigrants (UI). The bill also expanded local law enforcement's ability to enforce our immigration laws. It also imposed new tougher punishments for employers hiring illegal immigrant instead of able and willing US Citizens (USC) and Legal Residents (LPR). It empowered cities around the US to enforce immigration laws against UI.

What the Committee bill did, was that it recognized the contributions of those UI already here and laid an earned path from guest worker to citizenship that unfurls over at least 11 years of a clean record, a steady job, payment of a \$2,000 fine (more than the majority of us pay in income taxes) and any and all back taxes, and knowledge of English and civics. The Judiciary Committee was concerned that granting an amnesty would be counter-productive and would only encourage others to come in illegally and wait long enough to be given amnesty. The bill essentially put UI already here in line for legal residency behind those prospective legal immigrants who have been waiting a long time to be admitted to the US. Instead of living outside of the system, it would incorporate them into the system and as such they will pose less of a security threat to any of us. The un-American alternative that favored creating a disposable foreign underclass that would do our dirtiest jobs only to be thrown away at the end of their usefulness without any opportunity for LPR was kept out of it. It's ironic that even the early system of indentured servitude created a path to citizenship.

### PRESIDENT OBAMA SAID THE TIME TO MOVE ON CIR IS NOW!

"We have to have a comprehensive approach to immigration reform. The time to get moving on this is now," Obama said at a White House news conference he held on the Louisiana oil spill. The president said that an extra \$500 million will be needed though not enough to solve the issue. He went on to say that solving the immigration issue will require "an orderly, fair, humane immigration framework in which people are able to immigrate to this country in a legal fashion, employers are held accountable for hiring legally present workers. Some time before this, the President had dispatched 1,200 troops to reinforce the US-Mexico border. Some called Obama's plan inadequate while some complained that Obama has broken a campaign pledge by not implementing CIR in the first year of his presidency. Yet some saw the move as one driven by congressional politics more than security needs and designed to get lawmakers to support his immigration call.

The President said that he did not do it in response to Arizona's new law, but that it was part of a plan "that was actually shaped last year." Other border States have requested federal troop presence for more than a year, fearing a spillover violence from Mexico's drug cartel wars. He stated his disapproval of the Arizona law saying "I understand the frustrations but a patchwork of 50 state policies [on immigration] isn't acceptable. On boycotting Arizona, he said. "You know, I'm the president of the United States. I don't endorse boycotts or not endorse boycotts."

It appears the President is giving the Senate every opportunity to lead on the issue. The House demanded the the Senate act first as well, having already led on the healthcare reform passage. Shades of the "Blair House Meeting" with the republican leadership are apparent here in my view. Some of that leadership such as Sen. McCain, Sen. Cornyn and Sen. Kyle to name a few have proposed their own Immigration bills during the Bush era. Some of their ideas are carried in the various immigration bills now before the Senate, but these Senators no longer support them. Stay tuned.

### DHS ELIMINATES PAPER I-94W FOR VISA WAIVER PROGRAM TRAVEL

Washington, D.C.—Department of Homeland Security Secretary Janet Napolitano today announced the elimination of the paper arrival/departure form (Form I-94W) for authorized travelers from nations participating in the Visa Waiver Program (VWP)—streamlining secure travel for millions of visitors to the United States every year by consolidating the collection of traveler information and enhancing security by automatically providing DHS with important passenger information prior to departure. "The Visa Waiver Program facilitates secure and hassle-free travel for citizens of participating countries—making international travel safer and easier," said Secretary Napolitano. "This step to eliminate the paper I-94W leverages the latest technology to further bolster security,

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*An Argument for CIR Continued from Page 1*

Others have offered less thoughtful alternatives distinguished by their enforcement-only approach. The bill passed by the House the year before, HR 4437 which was is the subject of many protests, criminalized basically every American who aids an UI in any way. An employer who gives them a job will become a felon. Same goes for a head of household who employs an illegal nanny, gardener, handyman, journeyman, maid, babysitter, etc. All become felons. A religious organization that shelters an UI becomes a felonious organization. The list goes on and on. By those standards, we would all become felons at some point. In the House (and Senate), some suggested building a 700-mile wall along the Arizona Mexico border and perhaps beyond. They advocate a mass deportation of 12 million people from our midst, a population exceeding that of the entire State of Ohio and many others. This would be an exercise in futility in that it would be impossible in the first place. Not to mention a true waste of time and resources. It would destroy families and weaken the economy. As Republican Sen. Pete Domenici said then, "some of our next-door neighbors are among the millions of undocumented immigrants in the United States and that there is no sense in putting them in box cars and sending them away."

Criminalizing every employer who hires one as a felon is also a nonstarter." Also, just the constitutional logistics of deporting 12 million plus may prove to be more than we expected. For instance, should law enforcement stop every suspect for residency documents? How will law enforcement decide on an otherwise peaceful suspect, the color of their skin? That of their eyes? Or their accent? What about those who can produce documents, fake or otherwise, should they be quizzed on civics?



## SEN. HARRY REID TO PUT CLIMATE BILL AHEAD OF IMMIGRATION BILL

The Huffington Post and AP reported on April 27, 2010 that Sen. Lindsay Graham was fuming over Senate Majority Leader Reid's apparent plans to put the Immigration bill ahead of

the energy bill. The fact that Reid won't take immigration off the table, said Graham, "tells me all I need to know about him and energy and climate." Graham went on to say "If you cared about energy and climate and you really were committed to that issue, you would not put immigration on the table knowing it will never pass." The week before, he called Se. Reid's plan a "cynical political ploy" that would destroy bipartisan efforts to move forward on climate and immigration. He threatened to walk away from both.

Legislation to overhaul immigration laws and grant legal status to millions of long-term immigrants unlawfully in the country could create problems for Republicans in the midterm elections. The bill is a top priority for Hispanic voters – and most Republicans are opposed. Hispanics voted heavily Democratic in 2008, and they've been disappointed with President Barack Obama and congressional Democrats for not following up on campaign promises to reform immigration laws. Reid is up for re-election this year and trailing in polls in Nevada, where Latinos are an important constituency. With Democrats facing a tough political climate in the midterm elections, energized Hispanic voters could make a difference in several states.

"Immigration and energy are equally vital to our economic and national security and we've ignored both of them for far too long," Reid said Tuesday. "I'm committed to doing both this session of Congress." White House spokesman Bill Burton said there is wide agreement that more progress has been made on energy and climate than immigration, although he would not specifically say whether the administration would hold off on an immigration bill until a climate bill was finished.

## ARIZONA'S "WHERE'S YOUR PAPERS LAW" TO GO INTO EFFECT (NATIONALLY) THIS SUMMER

Arizona's Immigration Law (SB-1070) is going to the implementation phase and there are already some allegations of racial profiling in which citizens have been deprived of their constitutional rights. Whether this will survive will depend on the outcome of the legal challenges it will endure, not to mention the economic and political pressure that will be brought to bear upon the State of Arizona. In this new age of political extremism it is hard to predict any relief to the ever so popular "bash the immigrant attitude" ravaging the land. It seems pole after pole confirms that Americans support this law although I find it hard to believe. In California where the republican candidates for governor are engaged in a savage electoral battle to the bitter end, the latest proof of their faux conservatism credentials consists of who can bash the immigrant worse than the other. A new lingo is emerging in that states, counties and cities are aligning themselves as either a "sanctuary or a rule-of-law locus." Across the nation, several other states are developing their own Immigration laws or at least flirting with the idea. The federal government would do well to act soon and act decisively lest it should be weakened and become irrelevant. This new permissiveness in commandeering a field Congress reserved for itself is rather unsettling and might I say dangerous to the republic.

# IMMIGRATION NEWS YOU CAN USE

What if you are a US citizen but you cannot prove it on the spot, then what?

There are a million extrapolations of this, but most Americans do not want to live in a police state. At a time when jobs are being outsourced to China, India and other foreign lands because of cheap labor; when pension programs are being frozen so we can compete in the global market; when workers-contributed benefits are being outright denied, it seems disingenuous to blame it all on the UI. In simple terms, insourcing our labor is beneficial to America. Not only does the unwanted work get done, but the ancillary benefits are obtained in America through tax contributions of all kinds.

When 100,000 US workers lose their jobs through outsourcing, usually for at least a short to moderate period of time, America misses out on their income tax contributions, their value-added tax contributions through various purchases/services and in a nutshell cities and localities die and people move to jobs wherever they can find them and overcrowd services wherever they land. The balance is that the Chinas or Indias of the world will gain that many more workers and fortify their economies and tax bases accordingly. The argument that we ought to pay USC and LPR more to fill those unwanted jobs is a nonstarter. Instead employers will shift those jobs, to the extent that they can, to foreign lands to save on cost and maximize profits. In that case, the only winners are those with ownership in those outsourcing companies since in most cases, the production savings are not always passed on to the consumers.

## WHY CONSERVATIVES SHOULD OPPOSE ARIZONA'S IMMIGRATION LAW

The Washington Post Friday, May 28, 2010 By *Connie Mack*

America is at a crossroads on a number of issues. And as we tackle national concerns such as immigration, conservatives have a responsibility to commit ourselves to our philosophy of less taxing, less spending, less government and more freedom. That means opposing any administration, Republican or Democratic, when it taxes too much, spends too much or takes over nearly one-sixth of the economy. When the Obama administration undermines the basic concepts of capitalism and the free market through endless bailouts, "stimulus" plans and a government takeover of health care, it is picking and choosing winners and losers in the economy -- and threatening our liberties.

The latest issue freedom-loving conservatives should be concerned about is the Arizona immigration law. This law clearly challenges citizens' freedoms, and it does so by putting some Americans at risk of losing their freedoms while others stand little or no chance of being affected. During World War II, while a German American hero and future president -- Gen. Dwight D. Eisenhower -- led the allied forces in Europe, this country put Japanese Americans in detention camps. That outrage was wrong. We destroyed lives and undermined the very fabric of our Constitution. We did so under the guise that we were at war and in crisis. But it is precisely at such times that we must take extra measures to safeguard our rights, our freedoms and our nation. Instead, America took away the constitutional rights of citizens -- a shameful overreach of the government.

The Arizona immigration law reminds us of how fear and distrust can lead to bad laws and even more government overreach into the private sector and our private lives. Illegal immigration poses clear security risks to our nation and is a cancer on our economic well-being. The Obama administration and previous administrations have failed to secure our border. While the announcement of additional National Guard troops at the border is a good first step, the federal government must do more to secure our borders -- both north and south -- now.

But trampling on the rights of some Americans to protect the majority conflicts with the values our nation was founded upon. Our Constitution protects individual freedoms and liberties. Nowhere does this document speak of protecting the majority over the minority. Anger about the economy, increased crime and security concerns are fueling this law, not constitutional principles. *Continued below*

### *Why Conservatives Should.... Continued from Above*

Conservatives' most important responsibility is to remember to protect freedom, liberty and the rights of every citizen. The Arizona immigration law doesn't do that, and that's why I oppose it.

I am proud that the GOP has been the party in which freedom has always mattered. We are a party whose members are willing to stand up for liberty because we believe that freedom matters and that it works. As the wise saying goes, he who sacrifices freedom for security ends up with neither. I do not want to live in a nation where American citizens are asked "Where are your papers?" We are better than that.

*The writer, Connie Mack is a Republican now representing Florida's 14th District in the U.S. House.*

# IMMIGRATION NEWS YOU CAN USE

## ***DHS Eliminates Paper I-94W.....Continued from Page 1 Visa Waiver***

increase convenience for visitors and better protect privacy." Following a successful seven-month pilot program conducted with the support of the Government of New Zealand on Air New Zealand flights from Auckland to Los Angeles International Airport, the use of paper I-94W forms will be eliminated for VWP travelers with an approved Electronic System for Travel Authorization (ESTA) arriving in the United States at all airports by the end of this summer. CBP will activate automated processing for U.S. airports on a rolling basis over the next several months.

Under the Implementing Recommendations of the 9/11 Commission Act of 2007, applying for an ESTA became mandatory on January 12, 2009, for all nationals of VWP countries prior to boarding a carrier to travel by air or sea to the United States. This requirement does not affect U.S. citizens returning from overseas or citizens of VWP countries traveling on a valid U.S. visa, and allows DHS to determine whether a VWP traveler presents a threat long before the individual boards a U.S.-bound aircraft. The elimination of the paper I-94W form enables travelers to provide basic biographical, travel and eligibility information automatically through ESTA prior to departure for the United States—reducing redundancy and enhancing the security of sensitive personal information, as CBP stores and protects all VWP data electronically on secure servers.

CBP recommends that travelers submit ESTA applications as soon as an applicant begins making travel plans. ESTA applications may be submitted at any time prior to travel, and once approved, will be valid for two years or until the applicant's passport expires. To date, CBP has received more than 19 million ESTA applications from citizens of VWP countries—applications that will now automatically cover I-94W submission. VWP—established as a pilot program in 1986 to help facilitate travel and made permanent in 2000—currently enables the nationals of 36 participating countries to travel to the United States for up to 90 days without obtaining a visa.

The converse of that is that when people (USC, UI or otherwise) live and work here, they fortify our economy in that they must live somewhere: tax; they must eat something: tax; they must be clothed: tax; they must be schooled: tax; they must be cared for: tax; they must be transported somewhere: tax; they must use various services: tax and they will make various purchases: tax, etc. When the government perceives taxes, it can then build roads and schools, hospitals and prisons, not to mention fight wars and protect us all. It can create jobs and provide services to the needy and serve the tax payers. It can replenish its social security benefits coffers and continue to pay out the aging or retired workforce and so on and so forth. Cities and localities flourish in turn and more work and tax contributors are created. Let's not ignore the fact that the US has to compete now and in the future with the likes of the European Union, China and India just to name a few. China and India alone account for over 3 Billion people. Can you now begin to understand the economic (and military) power that these countries will command? *To be continued*

## **LAPD'S BECK JOINS OTHER CHIEFS TO SAY ARIZONA IMMIGRATION LAW COULD CRIPPLE LAW ENFORCEMENT**

Los Angeles Police Chief Charlie Beck joined other law enforcement leaders in Washington on Wednesday to slam Arizona's crackdown on illegal immigration, saying it could cripple police work and drive a wedge between officers and the communities they are trying to protect. Beck has emerged as a leading critic of a new law that will make it a state crime to be in Arizona illegally and will require police to check suspects for immigration paperwork. In a conference call with journalists after he and other police officials met with U.S. Atty. Gen. Eric Holder, Beck said "legislation like this inhibits us from doing our jobs" and will dissuade immigrants from coming forward as victims and witnesses.

"The fear of the police already inhibits immigrants from coming forward to a certain extent," he said. "But if you add this piece you increase the reluctance tenfold." "People should remember that undocumented immigrants are witnesses in all kinds of crime and this does not just affect them," Beck said. "If people don't come forward to help the police solve and protect crime, no matter what their status, then we are doomed to failure. It threatens to destroy a lot of the work that has been done." Beck said that his officers are guided by a different set of rules than the ones laid out in the Arizona law. For more than three decades the LAPD has followed a policy that prohibits officers from initiating contact with someone solely to determine whether he or she is in the country legally.

Beck and police chiefs from other cities, including Phoenix, Tucson, Philadelphia and Houston, told Holder they hoped for a federal solution to the immigration problem. "The primary job of a local police department is not the enforcement of immigration status," Beck said. "The primary job of law enforcement is to protect the public and keep us free from crime." During the hourlong meeting, Holder told the officials that a federal challenge to Arizona's law may be imminent, according to participants. "He did say that the Justice Department is seriously considering action and that it could be done soon," said Chuck Wexler, the director of the Police Executive Research Forum.

Holder has previously expressed dismay over Arizona's new legislation, calling it "an unfortunate one.... It is, I fear, subject to potential abuse," Holder said. Justice officials have said that they may challenge the law on two grounds – for subjecting people to racial profiling and for usurping the federal government's power to enforce immigration law. *Los Angeles Times Kate Linthicum*