

WorldEsquire Law Firm's Immigration News You Can Use

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California Grants Drivers Licenses to Undocumented Immigrants



Last month, Governor Gray Davis approved legislation allowing undocumented immigrants living in California the possibility of obtaining a drivers license.

The law will dispense with the current requirement to show U.S. citizenship or visas to obtain the document, the nearest thing to an identity card in the United States.

However, now that Arnold Schwarzenegger has been elected to replace Davis, this legislation is in jeopardy. Schwarzenegger has stated he will fight to overturn the law stating "There is a security problem with it," and that the measure encourages illegal immigration and makes it easier for foreign terrorists to enter the state.

Inside This Issue

| | |
|---|-----|
| California Grants Drivers Licenses to Undocumented Immigrants | 1 |
| U.S. Turns Away Refugees in High Numbers | 1 |
| U.S. to Sharply Cut Number of High-Tech Visas | 1 |
| Deadline for Scannable Passports to Be Delayed | 2 |
| Lieberman Offers Citizenship Plan for Illegal Immigrants | 2 |
| Special Feature "Hot" Bills in Congress - Part 1 | 2-3 |
| From the Horse's Mouth | 4 |
| In Closing... | 4 |

U.S. Turns Away Refugees in High Numbers

The United States will admit about 25,000 refugees by the end of the current budget year, a low for a nation founded by people fleeing persecution. Experts blame both terrorism fears and an obsolete asylum program that still lists "Soviets" as one of the top five nationalities that deserve U.S. protection.

One example of why the United States will fall short of reaching its quota: Roughly 6,000 Afghan refugees cleared for admittance to the United States suddenly find themselves facing repatriation to a country that is under U.S. control, but still highly unstable.

The Sept. 11, 2001 terror attacks prompted Washington to slash refugee admissions for three straight years. Since 1990, one in every 100 people has had to flee his or her homeland.

The State Department undersecretary and the pro-refugee forces agree that the structure of asylum is outmoded. There are essentially three categories of refugee:

- Priority 1: Individual cases of persecution.
- Priority 2: Populations of special concern to the United States — currently Vietnamese, Cubans, "Soviets," Iranians and Somalis.
- Priority 3: The relatives of people already granted asylum. The countries included here are Burundi, Sudan, the Congo and the neighboring Republic of the Congo.

U.S. to Sharply Cut Number of High-Tech Visas

The United States is about to cut the number of employment visas it offers to highly qualified foreign workers from 195,000 to 65,000. Unless Congress acts by the end of this month the change will automatically take effect on Oct. 1. The change will affect the number of H1-B visas that can be issued each fiscal year. Many U.S. high-tech workers are unemployed and the committee needed to find ways of helping them without hurting the country's ability to compete globally.

Deadline for Scannable Passports to Be Delayed

Foreigners Won't Need Special Document Until 2004

The Bush administration is delaying enforcement of impending rules that could have prevented citizens of 27 countries in Europe and Asia from traveling to the United States unless they carried new computer-readable passports.

Enforcement of the rules, imposed by Congress in the USA Patriot Act as a way to keep track of visitors to the United States more efficiently, will be delayed by a year to avoid problems at U.S. airports weeks from now. The restrictions will not be implemented until Oct. 26, 2004.

The Patriot Act requires that citizens of 27 nations who usually do not need visas to visit the United States must have passports that can be scanned by computers. The nations are mostly in Western Europe but also include Japan, New Zealand and Australia. Many of the countries use various types of passports, some machine-readable.

Lieberman Offers Citizenship Plan for Illegal Immigrants

Joe Lieberman offered a plan that would allow millions of illegal immigrants to earn American citizenship

The senator urged an overhaul of immigration laws to provide a pathway to citizenship for the estimated 3.5 million illegal immigrants already living in the United States.

Illegal immigrants who have been in the country for at least five years, paid taxes and passed a security check would be eligible for citizenship. The plan would also allow employers to import temporary "guest workers" in areas of the country with "demonstrated labor shortages for unskilled and semi-skilled workers." It would allow such guest workers to join unions and also to earn citizenship after a period of probably around five years.

Lieberman says, "Nobody really believes that Mexican immigration is part of the terrorist threat to America," "Sept. 11 is a poor excuse for not trying to go ahead and create some balance and fairness in immigration policy."

Lieberman argued that legalization could improve the nation's security by bringing "honest, hard-working immigrants out of the shadows" and allowing government to focus on the real threats.

Special Feature

"Hot" Bills in Congress – Part 1

Below is a list of immigration-related bills introduced during the 108th Congress that we are tracking:

Adjustment of Status/Family Unification — S. 1545

Support The Development, Relief, and Education for Alien Minors (DREAM) Act of 2003: Introduced on July 31 by Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL), S. 1545 would amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to again permit states to determine residency for in-state tuition purposes. The DREAM Act also would grant conditional permanent resident status to young people who came to the U.S. before the age of 16, have good moral character, have lived in the U.S. at least five years at the time of enactment, and have graduated from high school.

Permanent Partners Immigration Act of 2003 — S. 1510

Introduced on July 31 by Senator Patrick Leahy (D-VT), would provide a mechanism for U.S. citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States. Like H.R. 823, below, S. 1510 defines the term "permanent partner" to mean an individual 18 years of age or older who: (a) is in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment; (b) is financially interdependent with that other individual; (c) is not married to or in a permanent partnership with anyone other than that other individual; (d) is unable to contract with that other individual a marriage cognizable under the INA; and (e) is not a first, second, or third degree blood relation of that other individual.

The Family Reunification Act of 2003 — H.R. 2585

Introduced on June 24 by Representative Barney Frank (D-MA), H.R. 2585 would amend the INA to permit certain long-term permanent residents to seek cancellation of removal. H.R. 1684 The Student Adjustment Act of 2003: Introduced on April 9 by Representatives Chris Cannon (R-UT), Howard Berman (D-CA), and Lucille Roybal-Allard (D-CA), H.R. 1684 would amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit states to determine state residency for in-state tuition purposes and would also provide for the adjustment of status of certain undocumented college-bound students.

The Permanent Partners Immigration Act of 2003 — H.R. 832

Introduced on February 13 by Representative Jerrold Nadler (D-NY) and 107 cosponsors, H.R. 832 would provide a mechanism for U.S. citizens and lawful permanent residents to sponsor their permanent partners for residence in the U.S. The bill defines the term "permanent partner" to mean an individual 18 years of age or older who: (a) is in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment; (b) is financially interdependent with... **continued next page**

“Hot” Bills in Congress – Part 1 continued

that other individual; (c) is not married to or in a permanent partnership with anyone other than that other individual; (d) is unable to contract with that other individual a marriage cognizable under the INA; and (e) is not a first, second, or third degree blood relation of that other individual.

Admission of Spouses of LPRs — H.R. 539

Introduced by Representative Robert Andrews (D-NJ) on February 5, H.R. 539 would provide for the admission to the U.S. for permanent residence without numerical limitation of spouses of permanent resident aliens.

The Unity, Security, Accountability, and Family (USA Family) Act — H.R. 440

Introduced by Representative Luis Gutierrez (D-IL) on January 29, H.R. 440 would: provide legal permanent residence to immigrants who have been living in the U.S. for 5 years or more; grant conditional legal status and work authorization to all law-abiding immigrants living in the U.S. for less than 5 years; repeal the 3- and 10-year bars to admissibility and the provisions that render aliens removable from the U.S. for having committed certain minor nonviolent offenses; and create an improved system of accountability that allows critical resources and manpower to be redirected to fight the war on terror

The Immigration Adjustment Act of 2003 — H.R. 152

Introduced on January 7 by Representative Ed Pastor (D-AZ), H.R. 152 would provide for the adjustment of status of certain aliens with longstanding ties to the U.S. To be eligible, aliens would have to establish that they entered the U.S. before January 1, 2001, and have resided continuously here immediately preceding the five-year period ending on the date on which they become eligible for adjustment under the bill.

The Unaccompanied Alien Child Protection Act of 2003 — S.1129

Introduced on May 22 by Senator Dianne Feinstein (D-CA), S. 1129 would build upon the Homeland Security Act, which transferred the care and custody of unaccompanied alien children from the former INS to the Department of Health and Human Services' Office of Refugee Resettlement (ORR). Among other things, the bill would: ensure that unaccompanied alien children have access to counsel; give ORR with the authority to provide guardians to such children; establish minimum standards for the care and custody of unaccompanied alien minors; and strengthen policies for permanent protection of unaccompanied alien children.

Extending the Religious Worker Program — H.R. 2152

Introduced on May 19 by Representative Barney Frank (D-MA), H.R. 2152 would amend INA §101(a)(27)(C)(ii) to extend for an additional five years (through 2008) the special immigrant religious worker program.

Increase in Numerical Limitation for Asylees Adjustment Act of 2003 — H.R. 82

Introduced on January 7 by Representative Sheila Jackson Lee (D-TX), H.R. 82 would amend INA § 209(b) to increase from 10,000 to 25,000 the number of asylees who may adjust their status to that of a lawful permanent resident in any given year.

Restoration of Pre-IIRAIRA Avenues of Relief — H.R. 836

Introduced on February 13 by Representative Ed Pastor (D-AZ), H.R. 836 would amend the INA to restore the avenues for relief from removal that existed for aliens lawfully admitted for permanent residence prior to the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

The Restoration of Fairness in Immigration Act — H.R. 47

Introduced on January 7 by Representative John Conyers (D-MI), H.R. 47 would restore due process by repealing the retroactivity of the IIRIRA, restore judicial review and discretion, eliminate mandatory detention, and otherwise restore fairness and proportionality.

The Driver's License Integrity Act of 2003 — H.R. 1121

Introduced on March 6 by Representative Eric I. Cantor (R-VA), H.R. 1121 would limit the period of validity of driver's licenses and state identification cards issued to nonimmigrants to the period of validity of the applicant's nonimmigrant visa.

Restriction on States' Acceptance of Certain Identification — H.R. 655

Introduced by Representative Jeff Flake (R-AZ) on January 29, H.R. 655 would bar federal agencies from accepting for any identification-related purpose a state-issued driver's license, or other comparable identification document, unless the state requires such license or comparable document issued to a nonimmigrant alien to expire upon the expiration of the alien's authorized period of stay in the U.S.

The Border Security and Immigration Reform Act of 2003 — S. 1387

Introduced on July 10 by Senator John Cornyn (R-TX), S. 1387 would authorize the establishment of guest worker programs on both a seasonal and non-seasonal basis, the number of participants in which would be adjusted annually based on changes in U.S. economic conditions.

The Border Security and Immigration Improvement Act — H.R. 2899

Introduced on July 25 by Arizona Republican Representatives Jim Kolbe and Jeff Flake, H.R. 2899 would amend the INA to create two new visa categories, one for foreign workers now residing outside the U.S. (H-4A) and one for foreign workers currently residing in the U.S. without authorization (H-4B).

In the next issue, we will continue our listing of “hot” bills in Congress.

From the Horse's Mouth

Eduardo Aguirre, Director of the Bureau of Citizenship and Immigration Services shares his vision for the Bureau:

By drawing on my experience both as an immigrant and as an executive, I have been able to create what is perhaps the most important thing I bring to the Bureau - a clear, workable vision for its future. I envision an organization that will deliver world-class service in a consistent and timely manner nationwide. We will reduce backlogs while strengthening the security of our application processes. We will enhance the integrity of our legal immigration system, and in the process we will earn further public support for immigration services.

I am very encouraged knowing that my vision for CIS is shared by many people across the country, and that includes the White

House. As President Bush stressed in his blueprint for reforming America's immigration system, "This Administration believes that legal immigrants should be greeted with open arms, rather than endless lines. We must be responsive to those who seek to immigrate to this country by legal means, and to those who have emigrated and now seek to become U.S. citizens."

The President put his words into action by launching a five-year, \$500-million initiative aimed at providing high-quality service to all legal immigrants. It incorporates a universal six-month standard for processing all applications for benefits. I am eager to do my part by leading Citizenship and Immigration Services in fulfilling the President's goal.

In Closing...

At WorldEsquire Law Firm, our goal is to make our newsletter informative, easy to understand and a pleasure to read. We appreciate your comments and suggestions. Don't forget to visit our website, as we have a multitude of information and links available to you.

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