

Siskind's Immigration Bulletin – June 30, 2010

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Siskind Susser serves immigration clients throughout the world from its offices in the US and its affiliate offices across the world. To schedule a telephone or in-person consultation with the firm, go to <http://www.visalaw.com/intake.html>

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### 1. Openers

Dear Readers:

I'm off to the annual meeting of the American Immigration Lawyers Association in Washington, DC. This is my 20<sup>th</sup> AILA annual meeting – I've gone every year since I was a 22 year old very wet behind the ears junior lawyer at a big law firm. When I first attended, I was very intimidated by all of the incredibly talented and experienced lawyers who attended the huge meeting. Over the years, I've gotten to know many of these practitioners and count many as close friends. The AILA meeting is a great way to re-connect and it is also THE place to go to meet government agency officials face to face, learn what is happening in the field, see all of the vendors supplying products necessary to practice immigration law, and get further involved with the organizations.

I'm also speaking on a panel on Internet marketing for immigration lawyers with my friends Sheela Murthy and Nikki Jacobson on Thursday at 1:40. Hope to see some of you there.

I'm also planning on attending a session with USCIS Director Mayorkas and hope to hear some news on fixing the broken agency he heads.

I'm also a candidate for the AILA Board of Governors this year, the first time I've ever run. A lot of people were surprised, but I've been involved with AILA for years and thought I have enough experience to be able to make a meaningful contribution. I'll learn whether enough people agree when the election results are announced this week.

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This is also an important week when it comes to immigration policy. President Obama met with immigration advocacy groups Monday, the Congressional Hispanic Caucus yesterday and tomorrow he'll give a major address on immigration reform. He's promising something new and we'll have to see whether he's really serious or, as some of his critics claim, he's just trying to placate increasingly angry Hispanic voters who could seriously hurt Democrats if they fail to turn out in November.

There was also a major development on the judicial front. The Supreme Court has agreed to hear a case challenging Arizona's 2007 law that allows the state to revoke business licenses from employers found to have hired illegally present immigrants. That could have a major impact on state laws across the country.

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Readers are reminded that they are welcome to contact my law office if they would like to schedule a telephone or in person consultation with me or one of my colleagues. If you are interested, please call my office at 901-682-6455.

Regards,

Greg Siskind

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## **2. ABCs of Immigration Law: Adopting Foreign Orphans**

### **What requirements that must be met for obtaining permanent residence are specific for adopted foreign orphans?**

Special rules apply for obtaining permanent residence for adopted foreign orphans that do not apply in other family based immigrant categories. For these special rules to apply, the following five requirements must be met:

- The child's country of origin must permit adoptions by foreign nationals, and the prospective US citizen parents must comply with all of the rules of that country relating to adoptions;
- The child to be adopted must be under 16 years old and must either have no surviving parent or only one parent who cannot care for the child and has authorized the child's adoption and immigration;
- The adoptive parent must be a US citizen, although in the case of a married couple, who must make a joint petition, only one needs to be a US citizen. Single adoptive parents must be at least 25 years of age;
- The child must have been formally adopted in its country of origin, or the adoptive parents must have custody of the child for immigration and an adoption to be finalized in the US ; and
- A designated agency must make a favorable recommendation about the suitability of the home into which the adopted child will move.

People interested in foreign adoptions should be aware of all the rules relating to adoption in the country from which they want to adopt. These rules can vary greatly, and are often quite complex. However, trying to avoid these rules will result in the USCIS denying the orphan application. While these rules are beyond the scope of this article, the State Department website provides a great deal of helpful information on foreign adoptions at <http://travel.state.gov/family>.

### **What is an orphan?**

Whether a person qualifies as an orphan depends on US law, not on the law of their home country. An orphan must be under 16, except in one circumstance. Last December, President Clinton signed into law a bill that allows a person under 18 who is adopted with a natural sibling under 16.

A child can become an orphan in a number of ways. The death or disappearance of both parents will cause a child to be an orphan. Abandonment by both parents will also render a child an orphan. Abandonment is strictly defined in USCIS regulations.

It is a willful relinquishing of all parental rights and obligations when the child is no longer in the control and possession of the parents, where the parents have not transferred those rights to another person. Releasing a child to the prospective adoptive parents is not abandonment. Desertion will also cause a child to be an orphan. Desertion occurs when the parents are not involved with the child and their whereabouts are unknown and they cannot be found.

When the child has only one surviving parent, and the parent is not able to provide adequate care, the child is considered an orphan. The mother of a child born out of wedlock and not legitimated can be considered a sole parent if the father has died, disappeared, deserted or abandoned the child. Not being able to provide adequate care means being unable to provide for the basic needs of the child in accordance with local standards.

### **What requirements must the adoptive parents meet?**

The person seeking to adopt a foreign orphan must be a US citizen. If the person is married, the couple must file the petition jointly. However, in this case, only one of the prospective parents needs to be a US citizen. For a single person to file an orphan petition, he or she must be at least 25. Furthermore, if the single adoptive parent was under 25 at the time of a foreign adoption, the adoption will be considered invalid for immigration purposes and the child must be readopted in the US .

If the child was not adopted abroad, or if the foreign adoption was invalid, the child must be adopted in the US . For this to occur, the following requirements must be met:

- The parent, or a person or organization acting on the parent's behalf, must have legal custody of the child under the laws of the child's home country
- The parent must obtain an irrevocable release for adoption and immigration from the person or entity that last had legal custody of the child
- The parent must comply with all preadoption requirements of the state in which they will live with the adoptive child
- The state in which the adoptive parent and child will live must allow a readoption or else provide for judicial recognition of a foreign adoption that was invalid for immigration purposes.
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### **What is included in the home study requirement?**

Before an adopted child can be classified as an orphan, the parent and any other adults that will be living with the adopted child must be evaluated. This is part of the home study, which is to be conducted by an USCIS authorized organization. Each adult in the home must be interviewed at least once, and the home must be visited

at least once. The home study report must detail the physical, mental, and emotional ability of the prospective parents to properly care for the child. If the person conducting the home study feels that they are not able to render an opinion on any of these issues, they must refer the parents to a licensed professional.

Along with interviews and psychological evaluations, the home study must contain the following:

- An assessment of the prospective parent's finances
- An analysis of the suitability of the home is there is any history of substance abuse, child abuse, sexual abuse or domestic violence by anyone in the home in which the orphan will live. The examiner must search any available child abuse registry, and if no such registry is available, that fact must be noted in the report. A history of abuse will not automatically result in an unfavorable recommendation if the person shows that they have been rehabilitated.
- A discussion of any previous denial of an adoption or unfavorable home study report
- A discussion of any criminal history or arrests of any adult in the household
- A thorough description of the home in which the orphan will live
- If the orphan is handicapped or has other special needs, there must be an evaluation of the suitability of the home in light of those needs
- A summary of required preadoption counseling about processing and problems in international adoptions
- If the home study results in a favorable recommendation, there must be a discussion of the reasons for that recommendation

The home study must be submitted to USCIS while it is less than six months old. If there are significant changes after it has been submitted, it must be amended.

### **How do I go about petitioning for an adopted orphan?**

There are two steps in petitioning for an adopted orphan. The first, called advance processing, examines the ability of the prospective parents to provide a suitable home for the child. The second focuses on whether the child can properly be classified as an orphan.

In the advance processing step, the prospective parents must submit evidence of at least one spouse's US citizenship, and, in the case of a single parent, that the parent is of the proper age. The advance processing application can be filed by a single parent at 24 years of age. If married, the marriage certificate must be submitted as well as evidence of the termination of any prior marriages. The home study is also submitted at this stage. The application is submitted to the local USCIS office with jurisdiction over the place where the adoptive parent lives.

If the application is approved, the parents will be notified and the application sent to either an USCIS office overseas where the child lives, or, if there is not an USCIS office, to the closest consulate that issues immigrant visas. The petition for the orphan must be filed within 18 months of the approval of the advance processing application. The orphan petition must include a copy of the advance processing application approval notice, proof of the orphan's identity and age, and evidence that they are in fact an orphan. If the child is in the US, the parent can seek to have the child classified as an orphan, and also file for adjustment of status at a local USCIS office, but only if the child has been paroled into the US. Children who are in the US

in a nonimmigrant status or who are here without USCIS authorization are not eligible to receive orphan status or to adjust status. If the child is abroad, they will receive an immigrant visa from the consulate. Once the consulate adjudicates the case, the child will be admitted as a permanent resident.

### **What are the visa types for orphans traveling to the United States to be adopted?**

In order to bring an orphan to the U.S. with an immigrant visa, adopting parents must demonstrate to CIS that they can and will provide proper care to the child if admitted to the United States. The I-600A application allows adopting parents to demonstrate that they are financially, logistically and otherwise prepared to adopt a child internationally. The I-600A also identifies any U.S. state requirements that must be met prior to or after the adoption.

Adopting parents are often encouraged to begin the overseas adoption process early by filing the I-600A before identifying a particular child to adopt. Parents who already have identified or even adopted a child may demonstrate their suitability to adopt by filing the same documentation with the I-600 petition (described below), but parents choosing this route should be aware that it may take longer and that they must file such I-600 petitions with a CIS office (not the consular officer at a U.S. Embassy or Consulate.)

If used, the I-600A *Application for Advance Processing of Orphan Petition* should be filed with the U.S. Citizenship and Immigration Services (CIS) office having jurisdiction over the adopting parents' place of residence. The following documents must be submitted with the I-600A:

- Completed and signed I-600A (Application for Advance Processing of Orphan Petition);
- Proof of the prospective petitioner's United States citizenship;
- Proof of the marriage of the prospective petitioner and spouse, if applicable;
- Proof of termination of any prior marriages of the prospective petitioner and spouse or unmarried prospective petitioner, if applicable;
- A "home study" completed by the appropriate State organization with a favorable recommendation (CIS regulations include very specific instructions on the issues to be addressed in the home study, authorized providers of home studies, and the recommendations regarding suitability - for additional information see the [CIS website](#) , or 8 CFR 204.3(e).);
- Filing fee of \$525.00

In addition, the petitioner, spouse (if married) and each additional adult member of the adopting parent(s)' household must also be fingerprinted as part of the I-600A application. For adopting parents in the United States , CIS will provide information once the I-600A is filed on being fingerprinted at local CIS offices. For adopting

parents residing overseas, adopting parents should contact the U.S. Embassy or Consulate with jurisdiction over their place of residence to schedule fingerprinting prior to submitting the I-600A.

At the time they file the I-600A, the petitioner should request that CIS notify the U.S. Embassy in the country where they plan to process the case as soon as the I-600A is approved.

CIS approval notices of the I-600A often identify the type of child the prospective parents are authorized to adopt overseas. Approved I-600As are valid for 18 months. Adopting parents must file an I-600 petition for a child fitting the I-600A criteria (if any) during this validity period; if the I-600A approval has expired, parents will need to re-file the I-600A and obtain approval prior to filing the I-600. Adopting parents should also note that fingerprint clearances obtained during the I-600A process are only valid for 15 months. If the I-600 is not filed and approved during this fingerprint validity period, adopting parents should consult with the office where their fingerprints were originally taken for instructions on obtaining updated fingerprint clearances, prior to any planned travel overseas. If parents arrive overseas intending to file the I-600 petition and their fingerprint clearances are not valid, parents will be charged an additional fee for re-fingerprinting and will be required to wait several days for fingerprint clearances before their I-600 can be approved.

### **How can the adopted orphan be naturalized?**

The Child Citizenship Act of 2000 confers automatic citizenship upon IR-3 orphans upon their admittance to the United States. IR-4 orphans must be readopted in the United States before they are automatically U.S. citizens.

### **What is the Hague Convention, and how does it effect adoptions?**

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention) is an international treaty which provides safeguards for all parties involved in the adoption process. The US entered into the treaty in April of 2008. Seventy-eight countries are party to the convention. Every country that is party to the convention must have an officially designated Central Authority to ensure the adoption process is safeguarded. The United States' Central Authority is the Department of State. A "Hague Adoption" has a different process than a non-Hague adoption.

An Adoption Service Provider (ASP) is necessary with the Hague Convention. The provider must be accredited or otherwise authorized to provide adoption services for a Hague Adoption. Ask your service provider if they are accredited to practice Hague Adoptions before hiring them.

### **Steps of a Hague Adoption (from USCIS)**

- Choose a Hague accredited ASP, and perhaps an immigration attorney.
- Obtain a home study from someone authorized to complete a Hague adoption home study.

- Apply to USCIS, *before adopting a child or accepting an adoption placement*, to determine that one is suitable for an intercountry adoption.
- Once USCIS approves your application, work with your ASP to obtain a proposed adoption placement.
- File a petition with USCIS, *before adopting the child*, to have the child found eligible to immigrate to the US.
- Adopt the child
- Obtain an immigrant visa for the child
- Bring the child to the US for admission with the Visa.

Necessary forms:

- Form I-800A, Application for determination of suitability to adopt a child from a convention country
- Form I-800, Petition to classify the convention adoptee as an immediate relative.

Below is a chart detailing the differences in a Hague Adoption, and a Non-Convention Adoption (from the State Department):

	<b>Convention Countries</b>	<b>Non-Convention Countries</b>
<b>Your Adoption Service Provider</b>	Licensed in U.S. state of residence + Accredited or approved by one of the Department of State's designated <i>Accrediting Entities</i>	Licensed in U.S. State of residence
<b>Adoption Services Contract</b>	Adoption services contract contains information about agency's policies, fees, history, relationships with supervised providers, etc.	Though many ASPs disclose policies, fees and relationships with supervised providers, they are not required by most state laws to do so.
<b>Home Study</b>	Must meet both State and Federal requirements; Prepared by an accredited agency, supervised provider or exempted provider	Must meet State level and USCIS federal requirements
<b>Adoption Fees</b>	Itemized in adoption services contract	
<b>Parent Education</b>	10 Hours of parent education	Parent education only if mandated by U.S. State of residence or voluntarily provided by agency



<b>Adoptive Parent's Eligibility</b>	Form I-800-A; Must be filed <i>before</i> being matched with a child (and before Form I-800)	Form 1-600-A; Can be filed at the same time as the Form I-600.
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<b>Provisional Petition Approval; Child's Eligibility</b>	Country of Origin must determine the child is adoptable with Convention consents and other protections, must meet definition of <i>Convention adoptee</i> Form 1-800	Must meet <i>orphan</i> definition Form 1-600
<b>Child's Medical Records</b>	Prepared, and provided by Convention country's competent authorities; Prospective adoptive parents given at least 2 weeks to review	
<b>Visa Type</b>	IH-3 or IH-4 Visas	IR-3 or IR-4 Visas
<b>Visa Application</b>	Submitted <i>before</i> foreign adoption/ legal custody proceedings	Submitted after foreign adoption/ legal custody proceedings (except Guatemala and Vietnam)
<b>Adoption Records</b>	Preserved for 75 years	

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### 3. Ask Visalaw.com

In our Ask Visalaw.com section of the SIB, attorney [Ari Sauer](#) answers immigration law questions sent in by our readers. If you enjoy reading this section, we encourage you to visit Ari's blog, [The Immigration Answer Man](#), where he provides more answers to your immigration questions. You can also follow The Immigration Answer Man on [Facebook](#) and [Twitter](#).

If you have a question on immigration matters, write [Ask-visalaw@visalaw.com](mailto:Ask-visalaw@visalaw.com). We can't answer every question, but if you ask a short question that can be answered concisely, we'll consider it for publication. Remember, these questions are only intended to provide general information. You should consult with your own attorney before acting on information you see here.

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*Ari Sauer, Immigration Answer Man, is on a vacation, but Ask Visalaw.com will return in our next issue.*

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### 4. Border and Enforcement (Arizona) News:

## **Top Official Says Feds May Not Process Illegally Present Immigrants Referred From Arizona**

*Fox News* reports that a top Department of Homeland Security official has said that DHS may choose not to process illegally present immigrants referred to them by Arizona authorities. The official added that the best way to reduce illegal immigration is by enacting a comprehensive federal approach to the issue.

DHS Secretary Janet Napolitano confirmed that ICE has no obligation to process immigrants referred to them by state authorities: 'ICE has the legal discretion to accept or not to accept persons delivered to it by non-federal personnel.'

<http://www.foxnews.com/politics/2010/05/21/official-says-feds-process-illegals-referred-arizona/>

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## **Arizona Gov. Brewer announces appointment of counsel to defend immigration laws**

*WireUpdate News Service* reports that Arizona Governor Jan Brewer has announced that the law firm Snell & Wilmer will represent her in federal lawsuits against Arizona's new immigration law.

The State Attorney General is named as a defendant as well as the Governor, in at least one of the pending suits, but he has declined to represent the Governor, necessitating the Governor's acquisition of outside counsel. Snell & Wilmer has represented two past Governors and the State Legislature in constitutional matters in the past.

<http://wireupdate.com/local/arizona-gov-brewer-announces-appointment-of-counsel-to-defend-immigration-laws/>

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## **Obama to send troops to U.S.-Mexican border**

*The Washington Times* reports that the White House has ordered 1200 National Guard troops be sent to the US-Mexico border, and will also ask Congress for \$500 million to increase border security. The move refocuses national attention on the immigration debate on the issue of border security.

The Bush Administration had previously sent National Guard troops to the border, with mixed success. Troops are not allowed to enforce immigration laws, thus much of their work entailed aiding US Border Patrol agents. Many Border Patrol agents found themselves relegated to what they called "nanny patrol," which left them protecting the National Guard troops, who were also forbidden from carrying weapons.

While the White House's move has irritated many pro-immigration reform activists, there are also those who feel the move is not enough. Sen. John McCain (R-AZ), along with Sen. John Kyl (R-AZ), had proposed sending 6,000 troops to the border, with 3,000 of them delegated to Arizona.

<http://www.washingtontimes.com/news/2010/may/25/obama-send-troops-us-mexican-border/?page=1>

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### **Arizona immigration law will boost crime in U.S. cities, police chiefs say**

*The Washington Post* reports that police chiefs from several of Arizona's largest cities, as well as from some of the country's largest cities, in a meeting with Attorney General Eric Holder, have said that the Arizona crackdown on illegal immigration will increase crime in US cities, not reduce it. They believe that the law will drive a wedge between police forces and immigrant communities.

The officers feel that the law will intimidate both victims of crimes and witnesses of crimes, and the enforcement of the immigration aspects of the law will divert police from investigating more serious crimes. Police Chiefs from Los Angeles, Philadelphia, and Houston were all present at the meeting. 'This is not a law that increases public safety. This is a bill that makes it much harder for us to do our jobs,' said Los Angeles Police Chief Charlie Beck.

<http://www.washingtonpost.com/wp-dyn/content/article/2010/05/26/AR2010052601200.html>

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### **Mass. Senate passes crackdown on illegal immigrants**

*The Boston Globe* reports that the Massachusetts Senate passed a far-reaching crackdown on illegal immigrants and those that would hire them. The bill replaced a narrower bill earlier passed. The measure, which passed 28-10, as an amendment to the budget, bars the state from doing business with any company found to break federal laws barring the hiring of illegal immigrants. The bill also explicitly calls for denial of in-state college tuition for illegally present immigrants, and requires the state to give legal residents priority for subsidized housing.

The Senate measure comes just weeks after the State House failed to pass similar immigration matters. Amid the heightened debate over immigration, sparked by the controversial law in Arizona, the Massachusetts measure authorizes the state attorney general to broker an agreement with federal authorities to help enforce immigration law.

[http://www.boston.com/news/local/breaking\\_news/2010/05/mass\\_senate\\_pas.html](http://www.boston.com/news/local/breaking_news/2010/05/mass_senate_pas.html)

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### **Arizona seeks dismissal of lawsuit over new law**

*Associated Press* reports that Arizona Governor Jan Brewer and Attorney General Terry Goddard asked a judge to dismiss a lawsuit that seeks to stop the implementation of the state's new immigration law. Lawyers for both officials claim that the case is based on speculation that ethnic profiling will take place.

So far, five legal challenges have been filed against the law since it passed in April. The challenges generally allege that the law is unconstitutional, will lead to racial profiling, and that it infringes upon the federal government's right and responsibility to regulate immigration matters.

<http://www.google.com/hostednews/ap/article/ALeqM5gCIEXa2txgsayBXwjIJ88Xxivj3gD9G9DL600>

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### **Do You Take This Immigrant?**

*The New York Times* has featured an article detailing the process of marriage interviews for people who seek to marry an immigrant. Marriage interviews are conducted nationwide whenever a citizen seeks a green card for a foreign spouse. In the event the couple raises a red flag, or otherwise does not “pass” their interview, they are directed to a second tier of interviews.

In these second round interviews, people are asked specific details of their and their spouse’s lives. Some questions can deal with simple things, such as what color toothbrush their spouse uses, or who does the cooking or cleaning in the house. Other questions can be more personal, asking about tattoos, birth marks, and the couple’s sex life.

Most people move on from the interview just fine, and are approved for their visas. The number of petitions denied for fraud is very small. 506 out of the 241,154 applications filed by citizens in the past fiscal year were denied, or just two-tenths of a percent (0.2%). Some key “red flags” agents look for in interviews include: “unusual cultural differences” and large age discrepancies.

<http://www.nytimes.com/2010/06/13/nyregion/13fraud.html>

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### **Arizona immigration law may increase Phoenix foreclosures**

*The Arizona Republic* reports that SB 1070, the controversial new immigration law in Arizona, could have a negative effect on the housing market of Phoenix. A potential exodus of people, both legal and illegally present, should the law take effect in late July, could drag down the housing market recovery.

Experts say the law has the potential to drive away not only illegally present immigrants, but also legal residents, Hispanic and otherwise, who disagree with the principle of the law. And despite a misconception that the state’s illegally present immigrants don’t own houses, housing advocates say that thousands, if not tens of thousands of people who are not legal residents have purchased houses in the state. The most obvious and immediate signs of any adverse effects on the housing market from the bill would likely be more empty homes and apartments in the metro Phoenix area, which is heavily populated with Hispanics.

<http://www.azcentral.com/arizonarepublic/news/articles/2010/06/14/20100614arizona-immigration-real-estate-foreclosures.html>

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### **Texas Republicans add Arizona-like residency checks to platform**

*Dallas Morning News* reports that Texas Republicans have voted to call for a state law that would require local officers to verify people arrested on suspicion of crime are in the country legally. The Republicans have now added the proposal to their

platform; however, Governor Rick Perry has said that he doesn't think that Texas should adopt the law, similar to Arizona's.

Delegates on the committee deciding the platform also voted to "oppose amnesty for illegal immigration, period," with the exception of military service. They also voted to end birthright citizenship—the policy that anyone born in the United States, even to illegally present parents, is a citizen. Texas Democratic Party spokeswoman Kristen Gray, in opposing the new platform, said Republicans had been in power for a decade in the state, yet have failed to come up with a single sensible immigration plan, instead opting for extremism and going against American values in the process.

<http://www.dallasnews.com/sharedcontent/dws/news/politics/state/stories/061210dnpolgopimmig.97963a15.html>

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## 5. News from the Courts:

### **Justice poised to file legal challenge to Arizona immigration law**

Various news sources report that top Justice Department officials have drafted a legal challenge that could be filed in federal court in Arizona, asserting that the state's new immigration law is unconstitutional because it infringes on the federal government's inherent authority to police the nation's borders and enforce immigration laws.

Additionally, at the same time as this suit is being prepared, the Justice Department's civil rights division is considering possible legal action against the Arizona law, on the basis that it amounts to racial profiling of Latinos who are legally present in Arizona, but could be targeted for their ethnicity.

<http://www.bellinghamherald.com/2010/05/26/1450001/justice-poised-to-file-legal-challenge.html>

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### **Day Labor and Free Speech**

*The New York Times*, in an editorial, reports that a California US Court of Appeals for the Ninth Circuit has upheld an ordinance from an L.A. suburb that forbids anyone 'to stand on the street or highway and solicit, or attempt to solicit, employment, business or contributions from an occupant of any motor vehicle.'

Judge Kim McLane wrote in dissent that the ordinance is too broad, and can affect even charitable groups, including Girl Scouts selling cookies, or a restaurant employee handing out fliers. But in the eye of the public (and the author of the editorial), this law was passed to target and drive away immigrant day laborers. The author further argues that lack of immigration status should not strip a person's basic constitutional rights, and that regardless, the ordinance violates the first amendment, and should thus be overturned by the full circuit court.

<http://www.nytimes.com/2010/06/14/opinion/14mon2.html?partner=rssnyt&emc=rs>  
[s](#)

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## 6. News Bytes:

### **Rhode Island House speaker kills immigration bill**

*CNN* reports that just days after a protest on the Rhode Island House floor, officials have decided not to hear a bill copying Arizona's immigration law. The House Speaker, Gordon Fox, said he believes the issue is best addressed at the federal level. The move effectively kills the bill.

The sponsor of the bill, Democratic Representative Peter Palumbo, said that the heart of the immigration problem in his state lay in state funds spent on illegally present residents. 'If you subtract the illegals[sic] from the equation, then we don't have a budget deficit.'

<http://edition.cnn.com/2010/POLITICS/05/25/rhodeisland.immigration/>

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### **Ballot measures proposed on Ariz. immigration law**

*The Arizona Republic* reports that two new groups have filed paperwork to bring the new immigration law to the voters this fall. *Compassion for All*, a group led by Father John Auther, a pastor at St. Francis Xavier Catholic Church in Phoenix, filed papers to put an initiative on the ballot. An initiative allows voters to propose new laws or amend existing laws. The group needs to collect 153,365 votes by July 1 to qualify to be on the ballot at the November 2 elections.

A second group, called IMAZ- short for I'm Arizona- has filed papers for a referendum to be on the ballot in the fall. A referendum allows voters to decide whether a measure passed by the Legislature should be stopped or allowed to continue. IMAZ needs 76,682 signatures by July 28 to qualify for the ballot.

<http://www.azcentral.com/community/pinal/articles/2010/05/26/20100526arizona-immigration-law-ballot-proposals.html>

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\*INTERNATIONAL NEWS BYTE\*

### **Britain to scrap unpopular ID card program**

*The Associated Press* reports from London that Britain has announced that they will scrap an unpopular national identity card program for UK citizens within 100 days. However, many foreign nationals will still require one of the documents, containing biometric information.

The cards were designed to carry biographical and biometric information, including a face picture and fingerprints. The information was stored in a national database, which will be dismantled with the end of the program.

Although the program will be ended for British citizens, British Home Office confirmed that foreign nationals from outside the EU who apply for residency in Britain will continue to be issued a similar card with biometric data. Such cards have

been required for foreign nationals since 2008, with a total of around 215,000 having been issued.

[http://news.yahoo.com/s/ap/eu\\_britain\\_identity\\_cards/print](http://news.yahoo.com/s/ap/eu_britain_identity_cards/print)

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\*INTERNATIONAL NEWS BYTE\*  
**US, Cuba to hold immigration talks**

*Associated Press* reports that the United States and Cuba will hold immigration talks in Washington, DC in mid-June, for the first time since a February meeting in Havana. The talks are ostensibly to discuss adherence to a 16-year-old agreement between the two countries, whereby the US issues 20,000 visas to Cubans a year.

In the past round of talks, the United States pressed Cuba to free American Alan Gross, a contractor accused of spying, but held for the past 6 months without being charged. US officials have said that there is little hope for improved relations between the two countries while Cuba holds Gross.

Despite the lukewarm relations, there have been many more contacts between the US and Cuba recently than in past years, discussing a wide array of topics ranging from damage control for the Gulf oil spill, to coordinating aid relief for Haiti.

<http://www.google.com/hostednews/ap/article/ALeqM5iAmsicW8N2RLyDMGseghZNrEpiNgD9GA411O0>

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**Clinton hopes for US immigration fix this year**

*Associated Press* reports that US Secretary of State Hillary Clinton has made a statement expressing hope for reform to the immigration system to take place this year. Clinton said that President Obama is 'working very hard' to obtain congressional support for comprehensive immigration reform.

The Secretary also rejected criticism that America is unwelcoming to foreigners. Asked if the US is becoming increasingly xenophobic, she replied: 'No, I don't...Americans have always been welcoming of immigrants, but they also want to see the laws enforced.'

<http://www.google.com/hostednews/afp/article/ALeqM5iJQD-TM683-eSe7fRUrv2Y3xyLPA>

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**The immigration brain drain**

*CNN Money* ran an editorial discussing the implications of the H1-B visa program, and more generally, the implications of importing the best foreign minds to our country, and the potential downfalls for the countries from which the professional immigrants come. 65,000 H1-B visas are available each year for specialized, skilled foreign workers. However, this year, as of May 6, only 18,000 of the visa applications had been filed, likely due to the economy.

The author of this article points out that the Caribbean region has a 30% higher demand than supply of nursing professionals. But, at the same time, nearly three

times as many Caribbean nurses work outside the region than in, and most of them are better trained and better educated than those that stay behind. The ultimate point of the article is that while it is ok to import the best minds from other lands, it is our responsibility at the same time to be giving back to the places from which we are taking.

[http://money.cnn.com/2010/06/14/news/economy/immigration\\_brain\\_drain.fortune/](http://money.cnn.com/2010/06/14/news/economy/immigration_brain_drain.fortune/)  
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### **ICE Realigns Itself, but Won't Call It a Restructuring**

*The Washington Post* reports that Immigration and Customs Enforcement (ICE) has announced that it will realign its offices under three new directorates: Homeland Security Investigations, Enforcement and Removal Operations, and Management Administration. The realignment reflects a priority of ICE: improving the management structure of ICE and giving the agency a clearer sense of identity and focus. Officials cautioned that the realignment is not a restructuring, and will not alter any congressional appropriation or authorization.

<http://www.washingtonpost.com/wp-dyn/content/article/2010/06/16/AR2010061605324.html>

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## **7. Washington Watch:**

### **Top GOPer: Calderon 'crossed the line' by criticizing Ariz. law**

*The Hill* reports that Rep. Lamar Smith (R-TX), the ranking Republican on the House Judiciary Committee, has said that Mexican President Felipe Calderon has 'crossed the line' in criticizing Arizona's new immigration law and warning his citizens not to travel to the state. Smith claims the statements from the Mexican President amount to interference 'in the internal affairs of the United States.'

<http://thehill.com/blogs/blog-briefing-room/news/98657-top-goper-calderon-crossed-the-line-by-criticizing-ariz-law>

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### **Hatch says Mexican president should lay off Arizona Immigration**

*The Salt Lake Tribune* reports that Senator Orrin Hatch (R-UT) has voiced his discontent with Mexican President Felipe Calderon's speech before a joint session of Congress, in which Mr. Calderon criticized the new Arizona immigration law. Hatch said it was wrong for a foreign head of state to use the speech to criticize state laws.

Other Republicans have spoken out against the Mexican President's comments as well. John Cornyn (R-TX) and John McCain (R-AZ) both said that the President's comments were out of line, and it was neither the time nor place for him to make such comments.

[http://www.sltrib.com/news/ci\\_15126794](http://www.sltrib.com/news/ci_15126794)

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## **Senate Dems to give federal commission say over legal immigrant workers**

*Bloomberg News* reports that Democrats, working on drafting an overhaul of the US immigration laws, have proposed the creation of a federal commission with power over the future flow of legal foreign workers. The commission would recommend levels of employment-based visas and green cards that let immigrants work legally inside the US.

The proposed commission would have limited influence over the skilled-immigrant market in technology and other industries, but would have a major role in regulating low-skilled immigrant labor. Labor unions have championed the idea. Some business groups have expressed concern that the commission might make it more difficult to use foreign labor.

Congress likely won't address immigration legislation, and the commission idea, until 2011, after the upcoming midterm elections.

[http://www.bloomberg.com/apps/news?pid=20601070&sid=aHw0RuRN\\_zEA](http://www.bloomberg.com/apps/news?pid=20601070&sid=aHw0RuRN_zEA)

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## **John McCain's Bid to Send 6,000 Troops to Border Rebuffed in Senate**

*Politics Daily* reports that the U.S. Senate has rebuffed an effort by John McCain to send 6,000 National Guard troops to the Mexican border. President Obama had already earlier announced that he will send 1,200 Guard troops to reinforce and aid the US Border Patrol agents. McCain had been asking for 3,000 troops for Arizona alone.

Needing 60 votes for confirmation of the amendment which he had added to a spending bill, McCain was able to muster only 54, and the measure failed to achieve passage. The Senate also voted down a second amendment that would have authorized more than \$2 billion in additional spending on border security.

<http://www.politicsdaily.com/2010/05/27/john-mccains-bid-to-send-6-000-troops-to-border-rebuffed-in-sen/>

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## **Obama on Arizona: Presidents don't do Boycotts**

*The Associated Press* reports that President Obama has said it is a choice of citizens, not Presidents, on whether or not to boycott Arizona in response controversial new immigration enforcement law passed there in late April.

Obama said in a press conference that he neither approves nor opposes the boycotts, but reaffirmed his opposition to the law, saying it's the wrong approach on the issue.

[http://hosted.ap.org/dynamic/stories/U/US\\_OBAMA\\_ARIZONA\\_BOYCOTT?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2010-05-27-14-08-12](http://hosted.ap.org/dynamic/stories/U/US_OBAMA_ARIZONA_BOYCOTT?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2010-05-27-14-08-12)

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## **DOJ officials met in Phoenix with Arizona AG**

*The Associated Press* reports that Justice Department officials have told the Arizona attorney general and aides to the Governor that the federal government has serious concerns about Arizona's new immigration law. Officials expressed the Obama Administration's concerns in face-to-face meetings, with federal officials fearing that the state law could lead to widespread racial profiling. The visit and private meetings have left little doubt that the Obama administration was willing to go to court if necessary in an attempt to block the new law, which goes into effect on July 29<sup>th</sup>.

<http://www.washingtonpost.com/wp-dyn/content/article/2010/05/28/AR2010052803649.html>

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### **DeMint bid to build border fence defeated**

*McClatchy Newspapers* reports that the Senate has shot down Sen. Jim DeMint's amendment that would require the completion of a 700 mile fence on the Mexican border within a year. The 52-45 vote on the amendment fell largely along party lines.

Congress approved construction of the fence in 2006, but to date, the program has been hampered by technical and financial problems, with only roughly 34 miles of fence completed. There had been talk of implementing a 'virtual fence' based off of cameras, motion sensors, and other technology, with no physical barrier, but the costs of this too became oppressive, and Secretary of DHS Janet Napolitano scrapped the program in recent months.

<http://www.miamiherald.com/2010/05/27/1652269/demint-bid-to-build-border-fence.html>

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### **McCain Pretends That He Now Opposes The DREAM Act**

*Think Progress* reports that Senator John McCain has veered to the political right, most notable on issues of immigration. In 2003, 2005, and 2007 the Senator co-sponsored the DREAM Act, which would provide undocumented high school graduates a path to legal residency and the opportunity to attend college. McCain now opposed the DREAM Act, though. This shift came when he ran for president in 2008, and has manifested itself again recently, as McCain faces a tough primary against a staunchly conservative opponent, who has been vocal on immigration issues.

Each year, about 65,000 illegally present young students graduate from high school, but are then denied the opportunity to pursue a higher education, and are barred from in-state tuition rates, state and federal grants and loans, and the ability to work their way through college. Many of these immigrants came to the US as infants or very young children. The DREAM Act, co-sponsored by Sen. Dick Durbin (D-IL) and Sen. Richard Lugar (R-IN) would give nearly 360,000 undocumented high school graduates a "legal means to work and attend college."

<http://www.thehollywoodliberal.com/2010/06/13/mccain-pretends-that-he-now-opposes-the-dream-act-for-humanitarian-reasons/>

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## 8. Updates from the Visalaw.com Blogs

### [Greg Siskind's Blog on ILW.com](#)

- [NFAP: PENDING H-1B AND L-1 SENATE BILLS LIKELY VIOLATE TRADE LAWS](#)
- [THE DREAMERS](#)
- [MINUTEMAN FOUNDER NOW A WANTED FUGITIVE](#)
- [MAYORS' GROUP CONDEMNS ARIZONA LAW](#)
- [STEVE KING: OBAMA SUPPORTS IMMIGRATION REFORM BECAUSE HE'S A RACIST](#)
- [TEXAS GOP GOES DOWN THE ANTI-IMMIGRANT ROAD](#)
- [BRAIN GAIN](#)
- [USCIS PROPOSING 10% FEE INCREASE](#)
- [KOBACH CRITICIZED BY FEC](#)
- [JOIN IMMIGRATION VOICE FOR CAPITOL HILL VISITS MONDAY AND TUESDAY](#)
- [BREWER CAUGHT IN LIE OVER HER "PERSECUTION" OVER SB1070](#)
- [NEW REPORTS FROM NFAP](#)
- [IMMIGRANT OF THE DAY: ANNA WINTOUR - FASHION ICON](#)
- [SO MUCH FOR PLAYING BY THE RULES](#)
- [ARE FOREIGN IT WORKERS CHEAPER?](#)
- [THE REAL WORLD](#)
- [THE FORBIDDEN FRUIT](#)
- [GUTIERREZ BECOME'S OBAMA'S FOE ON IMMIGRATION](#)
- [RAND PAUL WANTS TO STRIP CITIZENSHIP FROM CHILDREN OF ILLEGALLY PRESENT IMMIGRANTS](#)
- [ICE INVESTIGATING RAPES BY GUARDS AT TEXAS FACILITY](#)
- [THE SOUND STRIKE](#)
- [POLITICO: MINUTEMEN SELLING ENDORSEMENTS TO CANDIDATES](#)
- [POLICE CHIEFS: AZ LAW WILL RAISE CRIME RATE](#)
- [POLLS SHOW PUBLIC WANTS ACTION ON IMMIGRATION REFORM](#)
- [RHODE ISLAND WON'T GO WAY OF ARIZONA](#)
- [CIR-LITE DEAL IN THE WORKS?](#)
- [DO YOU HAVE YOUR GRINGO MASK?](#)
- [HOW NOT TO HIRE A LEGAL ASSISTANT](#)
- [ARIZONA BILL COULD IMPACT NOVEMBER RACES](#)
- [PIECEMEAL VERSUS COMPREHENSIVE](#)
- [IMMIGRATION ADVOCATES WARY OF RAHM EMMANUEL](#)

### [The SSB I-9, E-Verify, & Employer Immigration Compliance Blog](#)

- USCIS ISSUING NEW VERSIONS OF I-9-ACCEPTED WORK DOCUMENTS
- PENNSYLVANIA HOUSE PASSES EMPLOYER SANCTIONS MEASURES
- COMPANY FINED FOR I-9 DOCUMENT ABUSE
- DHS ROLLING OUT E-VERIFY 3.0
- MASSACHUSETTS SENATE APPROVES CONTRACTOR LAW
- AMERICAN MEAT INSTITUTE COMES OUT IN FAVOR OF E-VERIFY
- YAKIMA, WASHINGTON COUNCIL REJECTS E-VERIFY
- CASE HOLDS FAILING TO COMPLETE I-9'S CANNOT BE CORRECTED DURING 10 DAY CURE PERIOD

### [Visalaw Healthcare Immigration Blog](#)

- WORLD HEALTH ORGANIZATION ISSUES CODE ON INTERNATIONAL HEALTH CARE RECRUITMENT
- PRIMARY CARE MD SHORTAGE LOOMING

### [Visalaw Investor Immigration Blog](#)

- CNBC: EB-5 PROGRAM AN ATTRACTIVE GREEN CARD OPTION
- START UP VISA SEEN AS HELPING SW FLORIDA

### [Visalaw Fashion, Sports, & Entertainment Blog](#)

- THE SOUND STRIKE
- HATCH GRILLS USCIS HEAD OVER ARTS VISA PROBLEMS
- ARIZONA IMMIGRATION LAW COULD COST US WORLD CUP

### [Visalaw International Blog](#)

- CANADA: DISTURBING STUDY SHOWS HIGH RATES OF DIABETES IN IMMIGRANTS

### [The Immigration Law Firm Management Blog](#)

- LENOVO MORPHS NOTEBOOK AND TABLET
-