

Siskind's Immigration Bulletin – March 11, 2008

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1. Openers

Dear Readers:

Last week saw the demise of the campaign of the last anti-immigration candidate running for President. While John McCain has certainly altered his positions since beginning his campaign, he has not given up his support for eventually legalizing the millions of people in the country without legal status. Democrats Hillary Clinton and Barack Obama have virtually the same position and the key difference between McCain and the Democrats is that McCain now wants to have a policy of implementing enforcement provisions in comprehensive immigration reform before

any legalization provisions. That's a far cry from the deeply anti-immigration positions advocated by Mitt Romney, Mike Huckabee and Tom Tancredo and the failure – again – of candidates to successfully campaign on an anti-immigration platform should be a serious warning to those who think the issue is a winner.

Unfortunately, that message has not gotten through to many on Capitol Hill. This week, a group of mostly Republican Senators got together to launch a new anti-immigration caucus in the Senate and followed suit with the introduction of a number of harsh immigration bills, one more restrictive than the next. The move is sure to embarrass Republican nominee McCain who is trying to undo the hemorrhaging of Hispanic voters that has been occurring over the last four years. President Bush received an estimated 44% of the Hispanic vote in 2004. Republicans only received 26% of the Hispanic vote in 2006. And this year, that number could dip much lower than that.

Speaking of politics, this past week I was in Washington twice for two very different purposes. Early in the week, I attended a board meeting for HIAS, the nation's oldest refugee and immigrant resettlement agency (it was started in 1880). I've been on the board for over ten years and once a year board members gather in DC to meet with lawmakers and others involved in regulating the migration process. Our board met with officials from the White House, Congress, the United Nations High Commission on Refugees as well as with Emilio Gonzalez, the Director of USCIS. We discussed a number of important issues including the current policy of jailing all people who apply for asylum at US ports of entry, the slow process of approving material support waivers for refugee populations, the impending expiration of the religious worker green card category and refugee processing problems in various places around the world. We also expressed concerns about the SAVE Bill currently being considered in the US House of Representatives.

HIAS has a strong reputation in Washington for its advocacy on these and many other issues. You can learn more about the organization's policy positions at <http://www.hias.org/advocacy>.

Later in the week I returned to Washington where I was a guest speaker at the annual meeting of the DC Chapter of the American Immigration Lawyers Association. I presented on a panel discussion on legal ethics. I was charged with reviewing issues that arise for lawyers who maintain blogs and I also discussed new ethics issues arising in connection with all of the state immigration laws popping up around the US. At the meeting's lunch, I had the privilege of sitting next to Tamar Jacoby, the head of ImmigrationWorks USA. ImmigrationWorksUSA is a new federation of state business immigration advocacy coalitions. These are the folks working on presenting small business owners' views on immigration measures being taken up in state legislatures and in Congress. I've recently gotten involved with this very worthy group and recommend folks take a look at their web site to learn more. They can be found at <http://www.ImmigrationWorksUSA.org>.

This week I'm off to the ABA Techshow in Chicago where I'll be presenting on two panels relating to lawyers and the Internet. One will be dedicated to blogging and the other will be another ethics panel with Will Hornsby, the nation's foremost expert on the subject. I'll also be helping promote the new edition of my ABA book *The Lawyers Guide to Marketing on the Internet*. If any readers will be attending Techshow, come by and say hello. Techshow, by the way, is really the premiere law

office technology program in the country and has been presented for many years. You can learn more <http://www.techshow.com>.

Finally, as always, if you are interested in becoming a Siskind Susser Bland client, please feel welcome to email me at [gsiskind@visalaw.com](mailto:gsiskind@visalaw.com) or contact us at 800-748-3819 to arrange for a telephone or in person consultation with one of our lawyers.

Regards,

Greg Siskind

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## 2. The ABC's of Immigration: J-1 Visas – Waivers of the Two-Year Home Residency Requirement

Over the past two newsletters, we've discussed both a [general overview of the J-1 visa](#), as well as [the procedures to establishing](#) such a visa program. This issue's installment continues by covering a stringent requirement that has become quite a dilemma for a large number of J-1 recipients. Many people who come to the US as J-1 Exchange Visitors are subject to a requirement that precludes them from changing to many other major non-immigrant visa categories or adjusting to permanent resident status unless they have spent two years after completing their stays in J-1 status in their home country, or country of last permanent residence.

The IAP-66 Form or SEVIS Form DS-2019 issued by a J-1 program sponsor provides for a consular or immigration official to make a preliminary determination regarding the applicability of the home residency requirement. This determination may also be stamped or written next to the visa stays in the passport. Note, however, that this determination is only preliminary and should not necessarily be relied on without carefully reviewing with an attorney whether the J-1 visa holder falls into one of three exclusion categories.

Am I subject to the home residency requirement?

Three categories of J-1 visa holders are subject to the home residency requirement. The first category is for J-1s whose field of training and expertise appears on a Skills List maintained by the State Department. The list is periodically revised by the State Department (most recently on March 17, 1997) and includes countries where various skills are in short supply. Most industrialized countries do not appear on the Skills List. A J-1 visitor is subject to the home residency requirement if his skill was on the Skills List at the time the J-1 entered the US, even if the skill is later removed.

J-1's who receive funding either from their home government or a US government agency for participating in their J-1 program are also subject to the home residency requirement. Any amount of funding triggers the requirements. Financing includes monetary payments, even in the form of loans, as well as other forms of financial aid such as covering expenses for tuition, books, insurance, etc.

Finally, any J-1 who enters the US to receive "graduate medical education or training" is subject to the two-year home residency requirement. Such education or training includes residency or fellowship programs involving health care services to patients. Programs involving observing, consulting, researching or teaching with no patient care are not considered "medical education or training." The Educational Commission on Foreign Medical Graduates sponsors J-1 medical education or training programs.

Am I eligible for a Waiver?

Waivers of the home residency requirement are available in a few situations:

- the requirement would result in exceptional hardship to a US citizen or permanent resident alien spouse or child,
- the requirement will result in persecution to the alien on the basis of race, religion or political opinion,
- the alien's home country government indicates no objection to the alien's remaining in the US (it is important to note that physicians cannot obtain a waiver with this method), or
- an interested government agency recommends the waiver as being in the national interest.

In order to demonstrate exceptional hardship to a US citizen or permanent resident spouse or child, the J-1 might try and document medical hardship, persecution of the US citizen or permanent resident if they go to the J-1's home country, as well as other unusual hardships. Lesser hardships such as spousal separation, separation from children and language problems by themselves may not be enough to prove hardship. Rather, the totality of hardship must be measured. A greater degree of hardship must be found in cases involving foreign medical graduates or those receiving U.S. government funding. Also, the hardship must arise both upon a separation of family members or if the family is together in the J-1's home country.

A waiver is available if the J-1 will face persecution in his or her home country due to race, religion or political opinion. The criteria are similar to asylum claims. However, the burden of proof in a persecution-based waiver claim is higher than for an asylum claim. Consequently, most people pursue asylum applications rather than a J-1 waiver based on persecution. Furthermore, asylum claims usually lead to permanent residency status while this is often not true for a J-1 waiver. One instance where a persecution-based waiver may be favored is when an asylum claim is unavailable due to the applicant waiting longer than a year after entering to apply.

Waivers may be granted if a J-1 visa holder obtains a "no objection" letter from the exchange visitor's country of nationality or last permanent residence. The "no objection" letter is a formal, diplomatic statement from the home country to the State Department. Most foreign embassies in Washington have officials designated to handle these statements. The procedures vary widely from country to country and may take up to a year or more. Note that a "no objection" letter is not a basis for a waiver when the exchange visitor came to the US to receive "graduate medical education or training."

A statement from a US government agency to the State Department that the granting of a waiver would be in the public interest and that two years of home residency would jeopardize the agency's interests is a basis for a waiver. This is

usually available if the agency employs the J-1, but an agency may request a waiver even if it does not employ that individual. Waivers are almost always granted in these cases. One exception would be in the case of funding from an agency like the Fulbright Commission of U.S.A.I.D.

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Where can I find more information about J-1 Visas and other specific waivers?

Attorneys at Siskind Susser Bland made flowcharts to better understand different types of waivers and how to go about obtaining them. Links to these flowcharts follow.

[J-1 Flowchart Part I: Section 212\(e\)](#) - November 14, 2003

[J-1 Flowchart Part II: No Objection Letters](#) - November 25, 2003

[J-1 Flowchart Part III: Interested Government Agency Waivers for Non-Physicians](#) - December 2, 2003

[J-1 Flowchart Part IV: Persecution Waivers](#) - December 9, 2003

[J-1 Flowchart Part V: Hardship Waivers](#) - January 5, 2004

[J-1 Flowchart Part VI: J-1 Physician Waivers Overview](#) - January 12, 2004

[J-1 Flowchart Part VII: J-1 Physician Conrad State 30 Waivers](#) - January 19, 2004

[J-1 Flowchart Part VIII: J-1 IGA Physician Waivers](#) - January 26, 2004

Greg Siskind is also the author of the J-1 Visa Guidebook. The book can be purchased online at

[http://bookstore.lexis.com/bookstore/catalog?action=product&prod\\_id=12991&cat\\_id=T&pcat\\_id=31&pub\\_id=](http://bookstore.lexis.com/bookstore/catalog?action=product&prod_id=12991&cat_id=T&pcat_id=31&pub_id=). The book was just released in its tenth edition and is now two volumes with more than 1500 pages.

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3. Ask Visalaw.com

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.

Q - My date of birth is 08/01/84. My Mom was a green card holder when she filed a petition for me while I was 19 years old (12/01/2003). I am now 23 and my mom

has become a citizen. I entered the US legally and I am single (never married). It took 2 years for the case to be approved (12/01/2005). Do I benefit from the child protection act? Do I face any changes on my category or priority date?

A - If you were under 21 when your mother was sworn in as a US citizen, then you are eligible to file a green card application based upon her petition, as an immediate relative. If you were over 21 when she was sworn in as a US citizen, the petition has now automatically changed to the family-based first preference category. If you are Pilipino, you have the option to stay in the F2B preference category. See the DOS Visa Bulletin, for a better idea of the wait times in each preference category.  
[http://travel.state.gov/visa/frvi/bulletin/bulletin\\_1360.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html).

If you were 21 when your mother naturalized, you are not eligible to apply for the green card at this time. You must wait until a visa becomes available under the DOS Visa Bulletin. You are required to remain in status during this wait. If your previously granted status has elapsed, you may be deportable. You should meet with an immigration lawyer to discuss this question and the qualifying under the Child Status Protection Act.

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Q - Do there is a "grace period" to visit the US after the end of a H2B visa?

A - H-2Bs are entitled to a ten day period of stay beyond the period of validity on the H-2B approval notice.

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Q - I have a one-month old American-born child. My husband and I are both foreign nationals here on B-2 visas. We have not overstayed. We wanted to know if we can we stay permanently in the US with my child?

A - This is a common question and the answer is that while the child is entitled to remain in the US, the parents are not and the child can only sponsor the parents after he or she turns 21 years old. If you take your child with you, he or she can certainly come back later in life with an American passport.

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Q - If the Vermont Service Center says they are processing I-130s for K-1 and K-2 cases filed in August 19, 2007 and our case was filed on August 10th, does that mean that an officer has already completed our case and about to send us out notices that it has or about to go to the visa center in New Hampshire?

A - The processing time reports are just general averages and many cases take much longer than what is reported. They just provide a general idea of how long to expect. If your case is taking 3 or months longer than the processing time report, you might want to speak to your immigration lawyer about making inquiries with USCIS. But I always tell clients to not overly rely on the processing time reports.

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Q - I am a legal permanent resident and my Green Card is valid until 2015. I guard my Green Card like the Crown Jewels!!

A friend has told me that I am supposed to carry my Green Card with me at all times but I am reluctant to for security reasons. I currently have a photocopy of my Green Card in my wallet. Is that okay?

A - Keep a photocopy of the card in a handy place and keep the card in your possession at all times (like your driver's license). If the card is lost or stolen, you can file for a replacement and get immediate interim proof of permanent residency while you wait on the replacement. USCIS has the following statement on its web site:

The Permanent Resident Card, Form I-551, is issued to all Permanent Residents as evidence of alien registration and their permanent status in the US. The card must be in your possession at all times. This requirement means that you are not only required to have a currently valid Form I-551 at all times, but also that you must carry your currently valid Form I-551 on your person at all times.

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#### 4. Border and Enforcement News

According to The Washington Post, A collective of labor and immigrant advocates held the first of several planned hearings last week to call public attention the accusation that US Immigration and Customs Enforcement (ICE) has routinely violated constitutional protections against unreasonable search and seizure during workplace raids. A 10-person panel accused ICE officials of using arrest warrants for a small number of undocumented immigrants who work at a given company as a pretext to detain the entire workforce, including many U.S. citizens, while agents determine whether there are undocumented immigrants among them.

"Tens of millions of workers in America go to work every day without an awareness that at their workplaces, without any warning, they could be swept up in a massive raid conducted by heavily armed government agents," said Joe Hansen, president of the United Food and Commercial Workers International Union and chairman of the national Commission on ICE Misconduct. "Workers are not aware that they could be detained at gunpoint. That they could be handcuffed...That they could be denied any contact with family members or legal counsel."

ICE spokeswoman Pat Reilly, who attended the hearing, later commented on the agency's procedures, assuring that the behavior by ICE is fair and humane and has been routinely upheld by courts. "I would imagine that some people may be detained beyond what they feel is reasonable. But it's subjective," Reilly said. "What we're trying to do is get to the bottom of who has the right to be here and who might be posing as a U.S. citizen."

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Bush administration officials unveiled a new phase of immigration enforcement, when they announced last week that they would now begin implementing new technology to create a virtual fence along sections of the border with Mexico to complement the already-completed 302 miles of physical fence. This announcement also included a reminder that the new rules for the E-Verify system are set to be enforced in coming weeks; the first enforcement of the E-Verify program takes effect next week, when civil fines for employers who hire undocumented immigrants will increase by 25%, and will now carry a \$10,000 fine for an offender.

The New York Times reports that the administration is pushing ahead to extend this virtual fencing at the 2,000-mile Mexican border despite criticism from many sides. Opponents of undocumented immigration argue that the virtual fence technology is flawed and ineffective, while many officials and residents in border states say that real fences are expensive and block access to land and water for ranchers and farmers, but do little to stop undocumented border crossing.

Regarding the complaints of the effectiveness of the virtual fencing, Homeland Security Secretary Michael Chertoff said that "we're convinced at this point all of the defects have either been cured or they're so immaterial we're prepared to begin." The \$2 billion project, contracted by Boeing, will be completed within the next two years.

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The trial for a U.S. Border Patrol agent charged with second-degree murder will begin later this month, according to The Associated Press. Agent Nicholas Corbett is on trial for the Jan. 12, 2007 shooting and death of Francisco Javier Dominguez Rivera.

Corbett, an agent since 2003, encountered Dominguez, 22, of Puebla, Mexico, and his two brothers as they tried to return to Mexico to evade capture. Eyewitnesses told investigators that Corbett cut off their vehicle with his own, struck Dominguez, and during the ensuing melee, the gun discharged. Prosecutors concluded that autopsy and forensic results supported the witnesses' testimony, with the bullet fired between 3 inches and 2 ½ feet from Dominguez.

Corbett's attorneys leveled accusations of a tainted investigation, contending that Mexican consular officials received premature access to interview witnesses to the shooting before all had been interviewed by case investigators.

The Border Action Network, a southern Arizona human rights organization, plans a weeklong memorial outside the federal courthouse "to demand policy changes to prevent further death and injustice along the border," according to their press release. "In terms of the bigger picture, we see this as another example of the fact that the current anti-immigrant climate and focus on stepped-up enforcement inevitably results in these types of abuses," said Alessandra Soler Meetze, executive director of the ACLU of Arizona.

Because a gun was used, the state has alleged that due to the dangerous nature of the offense, a conviction would require mandatory prison time. A second-degree murder conviction would draw a sentence of 10 to 22 years.

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5. News From the Courts

[Melnitsenko v. Mukasey](#), (2d Cir. 2/6/08)

Where DHS opposes a motion to reopen for adjustment of status based on an unapproved petition with respect to a marriage that takes place during removal proceedings, the BIA may not deny the motion based solely on the fact of DHS's objection under *Velarde-Pacheco*. If the BIA denies a motion based on the merits of DHS's objection, it must provide adequate reasoning as to why the objection calls for denial of the motion.

Petitioner entered the U.S. as a nonimmigrant and overstayed her authorized period of admission. In 2004, while traveling home to Connecticut from a weekend in Vermont with her then U.S. citizen boyfriend (now husband), Petitioner was detained and interrogated at a border patrol checkpoint. Petitioner admitted that she was a citizen of Estonia and that she had overstayed her visa. At her removal hearing, the government introduced into evidence Form I-213, "Record of Deportable/Inadmissible Alien." Petitioner moved to suppress the I-213 on the basis that the statements contained therein were "illegally obtained." Petitioner submitted an affidavit in support of her motion to suppress which stated that she was stopped by border patrol officers while driving home from Vermont, was taken into a trailer with about four or five border patrol officers and was detained for about three hours before being released. Other than admitting her name and date of birth, Petitioner refused to testify in order not to incriminate herself. Petitioner applied for no relief from removal.

The immigration judge found Petitioner's affidavit insufficient to support a finding that the border patrol acted egregiously, rejected any allegation that the checkpoint was illegal and admitted the I-213 into evidence. Moreover, based on Petitioner's admission as to her name and date of birth and the contents of the I-213, the IJ found Petitioner removable as charged. The BIA affirmed. On August 29, 2006, Petitioner filed a timely motion to reopen in order to apply for adjustment of status based on her recent marriage to her U.S. citizen boyfriend. DHS opposed the motion on the ground that Petitioner "refused to provide any argument or evidence to support her claim and refused to answer any questions" at her removal hearing. The BIA denied the motion, finding that under [Matter of Velarde-Pacheco](#), 23 I&N Dec. 253 (BIA 2002) (en banc), a motion to reopen based on an unapproved petition with respect to a marriage occurring after the initiation of removal proceedings, must be denied if DHS opposes the motion.

The court first addressed Petitioner's argument that the I-213 should have been suppressed because it was obtained in violation of her Fourth Amendment rights. Under INA §287(a)(3), immigration officers have authority to search vehicles within a "reasonable distance" from the border. "Reasonable distance" is defined as "within 100 air miles from any external boundary of the United States." 8 CFR §287.1(a)(2). Petitioner argued that the checkpoint was approximately 107 miles from the Canadian border and was therefore in excess of the 100 mile "reasonable distance" authorized by regulation. Petitioner argued that even if the checkpoint was within

100 "air miles" of the border, it did not qualify as a "functional equivalent of the border" under *United States v. Jackson*, 825 F.2d 853, 860 (5th Cir. 1987) (en banc).

In *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1046 (1984), the Supreme Court held that a Fourth Amendment violation does not, by itself, require suppression of evidence in removal proceedings. However, in *Almeida-Amaral v. Gonzales*, 461 F.3d 231, 234 (2d Cir. 2006), the court recognized that a Fourth Amendment violation may be found where (1) the alleged violations were widespread; or (2) where the alleged violation was particularly egregious. Because Petitioner did not previously raise a claim that the violations were widespread, the court focused on the egregiousness prong. Noting that Petitioner did not allege that her stop was based on race or "some other grossly improper consideration," *Almeida-Amaral*, 461 F.3d at 235, the court found that the actions of the border patrol agents, even assuming that the checkpoint was illegal, fell short of "egregious." Therefore, the IJ did not err in refusing to suppress the I-213 or in ordering Petitioner removed.

Turning to Petitioner's motion to reopen, the court briefly discussed the development of policy and legislation regarding adjustment of status based on marriages that take place during removal proceedings. In *Velarde-Pacheco*, supra, the BIA held that a motion to reopen for adjustment of status in such a case may be granted as a matter of discretion where (1) the motion is timely; (2) the motion is not numerically barred; (3) the motion is not barred by Matter of Shaar, 21 I&N Dec. 541 (BIA 1996), or on any other procedural grounds; (4) the motion presents clear and convincing evidence of the bona fides of the marriage; and (5) the Service does not oppose the motion, or its opposition is based solely on Matter of Arthur, 20 I&N Dec. 475 (BIA 1992).

The court noted that it was undisputed that Petitioner satisfied the first four prongs of *Velarde-Pacheco* and that the BIA denied the motion based solely on the fifth prong-DHS's opposition to the motion. However, DHS opposed the motion on grounds unrelated to the bona fides of the marriage: Petitioner's refusal to answer any questions at her removal hearing. The court explained that the BIA "provided no explanation, let alone a 'rational' one, for why the fact of DHS's objection justified denying the motion." Moreover, *Velarde-Pacheco* itself does not provide a rational explanation for why the fact of DHS's opposition is alone sufficient to deny a motion. While the BIA acknowledged that DHS is "in a better position to ascertain whether additional factors, which may not be readily apparent, mitigate against reopening," *Velarde-Pacheco*, 23 I&N Dec. at 257, the court found that this did not justify "the imposition of a mechanism by which the DHS, an adversarial party in the proceeding, may unilaterally block a motion to reopen for any or no reason, with no effective review by the BIA." The court held that when DHS opposes a motion to reopen for adjustment of status based on a marriage that took place during removal proceedings, the BIA may not deny the motion based solely on the fact of DHS's objection. Moreover, if the BIA denies a motion based on the merits of DHS's objection, it must provide adequate reasoning as to why the objection calls for denial of the motion in order to provide a meaningful opportunity for judicial review.

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## 6. News Bytes

By 2050, nearly one in five of the projected 438 million Americans is expected to be foreign-born, and the nation's Latino population would triple in size by this year, to 29 percent of the U.S. population, according to a study released last week by the Pew Research Center. Significant among the findings of the Pew Center's report is that 82 percent of the 142 million additional people who reside in the U.S. by 2050 will consist of immigrants and their American-born descendants. Of this number 67 million will be immigrants themselves, 47 million will be their children, and 3 million their grandchildren.

The center's conclusions are certain to fuel debate over the country's immigration policy. "You put this out there, and it will influence policymakers regardless of which side of the immigration debate you're on," said San Diego State professor and director of the International Population Center, John Weeks. "This is the wake-up call that the anti-immigration policymakers were looking for. They'll feel like if we don't do something now to stem the tide of immigration, then this country will be like a foreign country in the future."

The study also revealed the effect that immigration would have on the American labor force. The data revealed that future immigrants and their U.S.-born descendants will account for all growth in the country's working-age population of adults between 18 and 62; if there were no new immigration, there would be a decline of 7 million people in the working population. "It's very important for our labor force to have immigrants come to the United States," said demographer William Frey, of the Washington, D.C.-based Brookings Institution.

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In an effort to alleviate the state department's workload, President Bush announced last week that the government will allow green-card applicants to obtain permanent residency before FBI security check are complete, Christian Science Monitor reports. The rule change will instantly benefit nearly 47,000 foreigners hopeful for US residency. An estimated 3 million people were waiting for green cards in 2006. The backlog has not been reduced since then, even in the face of a drastic application fee hike last summer, from \$395 to \$1,010 per applicant.

The process comes at a time when the application process for US permanent residency has become more arduous and difficult than ever before. In addition to the often years-long wait and the steep fee increase, applicants must find suitable sponsors and legal representation, gather and submit hundreds of pages of personal documents that vouch for their identity and professional/familial relationships, in addition to scattered countless expenses for photos, medical examinations, and vaccinations.

With all of these headaches, and despite the Bush administration's pledge to speed the process along, there's still a long way to go for a reasonable return on an application status. "It's not where we want it to be," said USCIS spokesman Shawn Saucier. He estimates that an estimate 4 million people outside of the US are still waiting to even have the opportunity to apply for the finite number of visas offered annually. Citizens of high-volume countries such as India, China and Mexico have so much demand for the applications that exceed availability that it could potentially take longer for them to be eligible for application.

Though no new application estimates have been released since 2006, Saucier claims that, by that years end, much of USCIS' applicant backlog had been eliminated and that processing times for "high preference" applications and those not subject to quotas or additional FBI checks has improved measurably.

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According to a recent survey, immigrants in California are far less likely to land in prison than their U.S.-born counterparts, a finding defiant to the perception that immigration and crime are connected, The San Francisco Chronicle reports. The survey, conducted by the Public Policy Institute of California, revealed that while the state's population is 35% foreign-born, immigrants represent only 17% of the state's adult prison population. Additionally, men from Mexico between the ages of 18 to 40, the largest demographic the study indicated that would be in the country unlawfully were found to be eight times less likely to end up in correctional custody than the state's population in general.

"Our research indicates that limiting immigration, requiring higher educational levels to obtain visas or spending more money to increase penalties against criminal immigrants will have little impact on public policy," said Kristin Butcher, co-author of the report.

The study acknowledged several factors that could explain the disparity of incarceration rates between foreign- and U.S.-born residents, including the possibility that certain groups in certain areas may receive more lenient treatment within the criminal justice system or have greater resources to mount a defense.

The PPIC report is available online at:  
<http://www.ppic.org/main/publication.asp?i=776>.

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## 7. International Roundup

The Daily Mail reports that the UK is ready to begin issuing national identity cards within months, targeting foreigners, airport staff and students in the first wave of the program. Under the new plan, foreign nationals will need to provide fingerprints and personal data that can be checked against a database. The program will cost an estimated \$11.1 billion and involve the creation of a new national database, which will store a wide range of individual data.

Proponents of the initiative say the cards and database will help tackle terrorism, crime and illegal immigration. However, critics insist the system will be too expensive, will provide little added security and will erode personal freedoms.

According to Home Secretary Jacqui Smith, foreigners from outside the European Economic Area — the 27-nation European Union plus Iceland, Norway and Liechtenstein — deemed at most risk of committing immigration offenses, will be targeted first, and would include those using student or marriage visas to live in Britain. The identity cards will store details of the holders' immigration status, entitlements and specifics on how long they can stay in the U.K., she said.

After the focus on foreigners in the UK, beginning in 2009, citizens of the European Economic Area who live in the UK and Britons working in secure sites, including some airport staff, power station workers and staff at the London 2012 Olympics, will be the next group required to sign up for identity cards.

Students and young people will be asked to join the program voluntarily starting in 2010, Smith said. According to Smith, from 2011, everyone in Britain applying to renew a passport will have his or her details added to the national database. She said she expects most people to be registered by 2017.

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The number of crimes committed by foreigners visiting Japan dropped for the second straight year to 35,800 last year, down 10.8 percent from the previous year, after hitting a peak in 2005, the National Police Agency told Japan's Kyodo newspaper this month. However, the number of crimes detected by police during the five-year period from 2003 to 2007 increased some 70 percent from the period of 1993-1997, with an NPA official stressing the need for further crackdown on them.

Of the 35,800 cases, 25,753 cases were violations of the criminal code, down 6.2 percent from the previous year, while 10,047 cases were violations of special law, such as immigrant control and refugee recognition act, down 20.7 percent, according to the NPA.

The number of foreign criminals arrested, excluding permanent residents in Japan, in the reporting year fell 15.6 percent to 15,923, of whom Chinese constituted 5,346, South Koreans 2,037, Filipinos 1,807, Brazilians 1,255 and Vietnamese 806. For nine criminals, Tokyo asked their home countries to punish them as they fled from Japan after committing crimes, bringing the number of such criminals to 48 since 1999.

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## 8. Legislative Update

The U.S. House Subcommittee on Research and Science Education heard recommendations last week for easing the visa process for foreign students and scholars in the first hearing of its subject since 2004, Inside Higher Education reports. Foreign student enrollment in U.S. institutions has increased by 3.2 percent in the past year and for foreign cities known for sending large numbers of students to the U.S., like Beijing and Mumbai, the number of student visas processed in 2007 grew by 38 and 55 percent, respectively, over 2006.

Among the suggestions from panelists of improving the student visa process was the need for the State Department to reissue visas domestically rather than require student and scholars to leave the country for renewal. "We cannot overemphasize the fear that people have in returning home or outside the U.S. to have their visa stamped," said Catheryn Cotton director of the international office for Duke University and Medical Center. "Once they arrive here, they are very frightened to go back. They're afraid that this time, they won't get their visa stamped."

Committee members repeatedly lamented that the issue of improving the visa system for foreign students and scholars often gets tied up in the immigration debate. Committee chairman, Rep. Brian Baird, acknowledged that many

representatives on the panel seemed frustrated by the status quo-despite the State Department's reported progress. Acknowledging that the federal government has made progress, Baird stressed the importance of the panel to "hear constructive criticisms for improvement."

Acknowledging that perceptions of a burdensome visa process and sometimes humiliating border crossing experience have hurt the United State's ability to attract foreign students, committee members consistently returned to the point that even one traumatic incident at airport security can cause sever harm to the United States' reputation. "One anecdote circulates rapidly and widely and tarnishes an entire image," said Allan Goodman, chairman of the Institute of International Education.

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A Virginia house bill designed to prohibit undocumented immigrants from attending Virginia's public colleges and universities has moved on to the Senate, but with significant changes. The Richmond Times reports that the bill received an amendment that would allow certain undocumented immigrants to receive in-state tuition benefits if they reside in the state, are in good legal standing, and are actively working toward citizenship, among other restrictions. The amended bill is expected to meet with strong legislative resistance, which has generally been opposed to leniency for undocumented immigrants.

State officials estimate that as many as 1,000 undocumented immigrants attend the state's public schools. Several public universities do not check legal residence in the U.S. before allowing enrollment, according to a survey by the State Council of Higher Education for Virginia. Each school sets its own policy on admitting undocumented immigrants, as do the state's 23 public community colleges, which are roughly split—12 indicating they permit enrollment and 11 that prohibit it.

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Undocumented immigrants would not be able to receive a proposed state-issued card that allows them to drive and buy insurance, under a measure approved this month by the Utah House, The Associated Press reports. The bill, sponsored by Rep. Glenn Donnelson, was introduced as a safety measure to national security and a deterrent to immigration to Utah. "With the driver privilege card, we do not know who they are," Donnelson said. "Are they terrorists? We don't know."

A recent state audit showed the number of Utahns possessing a card continues to rise, and three-quarters of cardholders have insurance since the state ID card was introduced two years ago. The negative response stems from what the state perceives as the US Congress failing to address the issue. "Do we want to continue the vacancy sign at our state borders?" said House Majority Leader Dave Clark. "If Congress is unwilling to resolve this, by golly, I guess we'll have to do it."

In response, Utah's Roman Catholic, Episcopalian and Methodist leaders released a letter Monday, asking Gov. Jon Huntsman and top lawmakers to treat undocumented immigrants with compassion. "We would like to suggest that state officials unsatisfied with the status quo urge members of Utah's congressional delegation to take action, rather than devoting their energy to legislation that takes away the basic human dignity of people living, working and worshipping in our communities," they wrote in the letter.

For the specific details of this bill, check out Greg Siskind's [blog entry](#) on his SSB Employer Immigration Compliance blog.

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## 9. Notes from the Visalaw.com Blogs

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

- Discharge Petition on Shuler Bill Filed
- Congress Set to Repeal Ban on Immigration of HIV+ Applicants
- Immigration Legislation Moving In-House?
- ICE Harasses Immigration Lawyer at His Home
- Student Protestors Decry Treatment of Ecuadorian Family
- Will H-2A Changes Make Agricultural Worker Program Function Better?
- USCIS Official Sentenced for Harboring Girlfriend
- Landlords Arrested for Renting to Unauthorized Immigrants
- Cato Institute Report Criticizes E-Verify
- Congressional Republicans Turn Up The Rhetoric on Immigration
- Pro-Immigration McCain Wins GOP Nomination

### [The SSB Employer Immigration Compliance Blog](#)

- Alabama Senate Committee Holds Hearings on Sanctions Bill
- Missouri Legislators Push Employer Sanction Bills
- South Carolina Expects to Pass Employer Sanctions Bill Next Week
- IFCO Executives Charged
- Iowa House Committee Approves Bill Mandating All Workers Have State-Issued ID
- NYT: Immigration Bills Up but Will They Pass?
- Mississippi Passes Employer Sanctions Bill Which Criminalizes Unlawful Employment
- Arizona House Committee Approves Changes to Employer Sanctions Law
- Oklahoma Sanctions Bill Author Pushing Measure to Toughen Law Even More
- NJ Lawmakers Push to Make State First in Northeast to Pass Employer Sanctions Law
- AILA Criticizes Proposed House Employer Sanctions Bills
- Utah Passes Employer Sanctions Law

### [Visalaw International Blog](#)

- Van der Elst Visa
- HR Professionals Face Difficulties in Hiring
- Canada: Federal Budget Highlights on Immigration and Border Security
- Switzerland Wants to Open the Door – But It's Still Hard to Squeeze in
- Canada: Poland to Gain Visa Exemption
- Nazi War Criminal Finally Deported from Canada
- Bloomberg Publishes Greg Siskind's Article on Physician Immigration
- South Africa's Immigration System Under Attack

### [Visalaw Health Blog](#)

- DC Program Links Immigrants to Translators Who Can Help with Health Care Needs
- Will Michigan Drivers License Law Drive Out Doctors?
- Physician Facing Deportation after Asylum Denied
- Filipino Nurses at Center of Controversy
- Las Vegas Sun Follows Up on J-1 MD Exploitation Series
- Arizona Hospitals Protest Birth Certificate Proposal
- Report: Undocumented Latinos Access Health Care Less than the Native Born
- More Links to Las Vegas Sun J-1 Physician Abuse Stories
- Nurse Immigration Measure Included in Senate Budget Bill

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

- Twin's Lariano Gets Visa
- H-2B Crisis Hits Sports and Entertainment Companies
- Twin's Lariano Faces Visa Troubles
- H-2B Cap Causes Circus to Cancel Season
- Winehouse Secures Visa, But Still not Coming to Grammys
- Amy Winehouse Denied Visa

### [Tech Notes - The Immigration Lawyer Blog](#)

- ABA Techshow Preview
- The World of the Future: 1999
- How to Dispose of an Old Cell Phone
- Voltaic Backpack: Your Bag Becomes Your Power Source
- AMLAW Technology Marketing Slides

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## 10. Campaign '08

During last month's presidential debate in Austin, Tx., Sens. Barack Obama and Hillary Clinton both said they would consider suspending work site immigration raids until Congress could pass an immigration overhaul which would include a path to citizenship for undocumented immigrants, according to The Austin American Statesman. Among the immigration highlights of the debate:

Clinton: "We need a path to legalization, to bring the immigrants out of the shadows, give them the conditions that we expect them to meet, paying a fine for coming here illegally, trying to pay back taxes over time, and learning English. If they had committed a crime in our country or the country they came from, then they should be deported. But for everyone else, there must be a path to legalization."

Obama: "It is absolutely critical that we tone down the rhetoric when it comes to the immigration debate, because there has been an undertone that has been ugly."

Oftentimes it has been directed at the Hispanic community. We have seen hate crimes skyrocket in the wake of the immigration debate...and that is unacceptable.”

Obama on border fencing: “There may be areas where it makes sense to have some fencing. But for the most part, having border patrolled surveillance, deploying effective technology, that’s going to be the better approach.”

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#### 11. Anti-immigration Groups on the Rise in U.S., Study Shows

According to the latest annual count by the Southern Poverty Law Center (SPLC), the number of hate groups operating in the U.S. has increased to 5% between last year and 2006; the 2007 estimate counts 888 groups, up from 844 the year prior. The increase has become even more shocking overtime—since 2000, there has been a 48% increase in hate groups in America, a statistic SPLC attributes largely to the national immigration debate. Of the 888 groups listed, over 300 are considered to be “nativist extremist” by the SPLC.

Supporting these estimates are the FBI statistics that suggest that there was a 35% rise in hate crimes against Latinos between 2003 and 2006. The growth of these groups is being helped by conspiracy theories and other racist propaganda about immigrants that is being spread by mainstream politicians and pundits, according to the SPLC’s press release. While theories about a secret plan to merge Mexico, Canada and United States into a single country began in radical groups, for instance, many key figures have endorsed them. Indeed, 18 states’ houses of representatives have now passed resolutions opposing the “North American Union” — an entity that does not exist and has never been planned, but nonetheless inhabits nativists’ nightmares.

A surprising addition to the list is the Federation of American Immigration Reform, a comparatively large and influential anti-immigration policy thinktank. According to the SPLC’s press release, FAIR made the list due to “promoting such theories, coupled with a history of ties to white supremacist groups and ideology.” According to the SPLC, FAIR has also promulgated the theory that Mexico is involved in a secret plot to “reconquer” the American Southwest.

For the results of the SPLC study, please visit  
<http://www.splcenter.org/intel/intelreport/article.jsp?aid=886>

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#### 12. Dobbs: “We’ve Never Opposed Legal Immigration”; Commentary by Greg Siskind

By Greg Siskind ([Gsiskind@visalaw.com](mailto:Gsiskind@visalaw.com))

Lou Dobbs, the CNN host who has used his nightly broadcast for nightly tirades against immigration, has said on a few occasions that he’s in favor of legal immigration and merely opposes illegal immigration on law and order grounds. But

Dobbs has covered legal immigration in more than a 100 stories over the last five years and in almost every instance, the stories were alarmist and highly critical of legal immigration programs. The following is an inventory of those stories.

Stories suggesting legal immigration may be good for the country: 2 –

01/27/2006 – Dobbs' reporter says legal immigrants make a contribution to American society (though the only person interviewed suggests that too many green cards are granted) –

<http://transcripts.cnn.com/TRANSCRIPTS/0601/27/ldt.01.html>

07/13/2007 - In story on O-1 visas, mention is made that some O-1s may be working on cancer research (though the story's main focus is questioning whether O-1s are really just trying to get around H-1B caps). –

<http://transcripts.cnn.com/TRANSCRIPTS/0707/13/ldt.01.html>

Stories criticizing legal immigration: 96

12/25/2001 - H-1B workers pose a terrorist threat –

<http://transcripts.cnn.com/TRANSCRIPTS/0112/25/mlld.00.html>

04/03/2003 – Dobbs commenting on abuses in H-1B program –

<http://transcripts.cnn.com/TRANSCRIPTS/0704/03/ldt.01.html>

09/23/2003 – American jobs are being lost to H-1B workers –

<http://transcripts.cnn.com/TRANSCRIPTS/0309/23/ldt.00.html>

09/24/2003 – American workers training L-1 replacements –

<http://transcripts.cnn.com/TRANSCRIPTS/0309/24/ldt.00.html>

09/29/2003 – All non-immigrant work category numbers need to be reduced due to high unemployment in the US –

<http://transcripts.cnn.com/TRANSCRIPTS/0309/29/ldt.00.html>

09/23/2003 – Separate story from above noting that the amount of legal immigration is “explosive” –

<http://transcripts.cnn.com/TRANSCRIPTS/0309/29/ldt.00.html>

10/1/2003 - H-1Bs can stay years longer than is necessary; H-1Bs keeping young people out of science and engineering fields –

<http://transcripts.cnn.com/TRANSCRIPTS/0310/01/ldt.00.html>

10/16/2003 – L-1s taking jobs away from US workers –  
<http://transcripts.cnn.com/TRANSCRIPTS/0310/16/ldt.00.html>

10/22/2003 - H-1B workers work at a third of the cost of US workers –  
<http://transcripts.cnn.com/TRANSCRIPTS/0310/22/ldt.00.html>

11/13/2003 - H-1B and L-1 abusers “have put hundreds of thousands of Americans out of work and changed their lives forever.” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0311/13/ldt.00.html>

11/27/2003 - Most H-1Bs hold technology jobs once held by higher paid Americans who are now unemployed –  
<http://transcripts.cnn.com/TRANSCRIPTS/0311/27/ldt.00.html>

09/29/2003 – All non-immigrant work category numbers need to be reduced due to high unemployment in the US –  
<http://transcripts.cnn.com/TRANSCRIPTS/0309/29/ldt.00.html>

04/06/2004 – American programmers groups commissioned a survey showing 81% of Americans want to cut H-1B visas (I’m just amazed that 81% of Americans have heard about the H-1B visa) –  
<http://transcripts.cnn.com/TRANSCRIPTS/0404/06/ldt.00.html>

02/17/2004 – H-1Bs and L-1s source of cheap foreign labor -  
<http://transcripts.cnn.com/TRANSCRIPTS/0402/17/ldt.00.html>

11/16/2004 - H-1Bs threaten the livelihood of US workers -  
<http://transcripts.cnn.com/TRANSCRIPTS/0411/16/ldt.01.html>

11/16/2004 - “thousands of Americans who have lost their jobs to foreign workers with L1 and H-1B visas” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0411/16/ldt.01.html>

12/07/2004 – terrorists exploiting easy asylum system –  
<http://transcripts.cnn.com/TRANSCRIPTS/0412/07/ldt.01.html>

02/14/2005 – Story criticizing bringing teachers to the US on visas –  
<http://transcripts.cnn.com/TRANSCRIPTS/0501/14/ldt.01.html>

03/10/2005 – terrorist exploiting easy asylum system –  
<http://transcripts.cnn.com/TRANSCRIPTS/0503/10/ldt.01.html>

03/15/2005 – Terrorists using asylum, naturalization programs to gain entry to US –  
<http://transcripts.cnn.com/TRANSCRIPTS/0503/15/ldt.01.html>

04/14/2005 - <http://transcripts.cnn.com/TRANSCRIPTS/0504/14/ldt.01.html> -  
criticizing H-2A program and the proposed reforms he seems to now praise calling it  
a return to the Bracero program of the 1950s.

04/20/2005 – asylum applicants clogging courts –  
<http://transcripts.cnn.com/TRANSCRIPTS/0504/20/ldt.01.html>

5/3/2005 – H-1B and L-1 overstays not being enforced –  
<http://transcripts.cnn.com/TRANSCRIPTS/0505/03/ldt.01.html>

05/05/2005 – Public opinion poll suggests public wants to reduce H-1B and H-2B  
visa quotas –  
<http://transcripts.cnn.com/TRANSCRIPTS/0505/05/ldt.01.html>

03/15/2005 – Terrorists using asylum, naturalization programs to gain entry to US –  
<http://transcripts.cnn.com/TRANSCRIPTS/0503/15/ldt.01.html>

08/26/2005 – Criticizes lack of requirement that H-1B employers offer positions first  
to US workers –  
<http://transcripts.cnn.com/TRANSCRIPTS/0508/26/ldt.01.html>

10/10/2005 – H-1B workers stealing jobs from displaced US workers in Katrina areas  
–  
<http://transcripts.cnn.com/TRANSCRIPTS/0510/10/ldt.01.html>

10/20/2005 – USCIS “violated” law by issuing too many H-1Bs –  
<http://transcripts.cnn.com/TRANSCRIPTS/0510/20/ldt.01.html>

11/02/2005 – Terrorists could use the green card lottery program –  
<http://transcripts.cnn.com/TRANSCRIPTS/0511/02/ldt.01.html>

11/3/2005 - H-1B program is “hurting hard working Americans” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0511/03/ldt.01.html>

11/16/2005 – complains US grants asylum to cross-dressers –  
<http://transcripts.cnn.com/TRANSCRIPTS/0511/16/ldt.01.html>

02/07/2006 – the reason we have too few engineering and science graduates is because students know H-1B workers would take the jobs they might otherwise get.

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<http://transcripts.cnn.com/TRANSCRIPTS/0602/07/ldt.01.html>

03/03/2006 – H-1B workers and L-1 employees are paid less than their American counterparts =

<http://transcripts.cnn.com/TRANSCRIPTS/0603/03/ldt.01.html>

03/08/2006 - "shocking fraud and abuse" in the L-1 program –

<http://transcripts.cnn.com/TRANSCRIPTS/0603/08/ldt.01.html>

03/15/2006 - <http://transcripts.cnn.com/TRANSCRIPTS/0603/15/ldt.01.html> - H-2A program used to take jobs from American workers

03/16/2006 – Chinese abusing asylum program –

<http://transcripts.cnn.com/TRANSCRIPTS/0603/16/ldt.01.html>

04/07/2006 – H-1B numbers would increase unacceptably under comprehensive immigration bill –

<http://transcripts.cnn.com/TRANSCRIPTS/0604/07/ldt.01.html>

04/13/2005 – Report critical of use of J-1 and H-1B visa for teachers –

<http://transcripts.cnn.com/TRANSCRIPTS/0504/13/ldt.01.html>

04/11/2006 - <http://transcripts.cnn.com/TRANSCRIPTS/0604/11/ldt.01.html> - report attempts to make it sound like H-2A is an amnesty program

04/25/2006 – asylum and refugee programs rife with loopholes –

<http://transcripts.cnn.com/TRANSCRIPTS/0604/25/ldt.01.html>

5/22/2006 - Small business owner losing on bids because competitors have cheap H-1B labor - <http://transcripts.cnn.com/TRANSCRIPTS/0605/22/ldt.01.html>

05/24/2006 – Dobbs: In reference to the H-1B "this failed, mismanaged guest worker program is taking jobs away from hard-working middle class Americans. All the corporations seemed to care about is continued unlimited access to ever-cheaper foreign labor." –

<http://transcripts.cnn.com/TRANSCRIPTS/0605/24/ldt.01.html>

8/10/2006 – Government not tracking H-1Bs –  
<http://transcripts.cnn.com/TRANSCRIPTS/0608/10/ldt.01.html>

08/17/2006 – story criticizing abuses in H-2B program –  
<http://transcripts.cnn.com/TRANSCRIPTS/0608/17/ldt.01.html>

08/18/2006 – story noting abuses in H-2A and H-2B programs (Note – the story uses statements from the Southern Poverty Law Center to support contention; in 2007 and 2008, Dobbs will begin saying SPLC is an extremist organization after it criticizes Dobbs for hate speech –  
<http://transcripts.cnn.com/TRANSCRIPTS/0608/18/ldt.01.html>

08/18/2006 - <http://transcripts.cnn.com/TRANSCRIPTS/0608/18/ldt.01.html> - story on exploitation of H-2A workers

11/10/2006 – Senate bill to increase H-1Bs would guarantee an “endless supply of lower-paid workers from overseas.” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0611/10/ldt.01.html>

01/16/2007 – Dobbs: The H-1B program is a “cheap imported labor program brought to you by the United States government.” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0601/16/ldt.01.html>

1/26/2007 – USCIS granted too many H-1B visas –  
<http://transcripts.cnn.com/TRANSCRIPTS/0701/26/ldt.01.html>

3/7/2007 - H-1Bs are cheap labor, discouraging Americans from going in to science and engineering –  
<http://transcripts.cnn.com/TRANSCRIPTS/0703/07/cnr.05.html>

03/07/2007 – Government has no idea how many H-1Bs are here –  
<http://transcripts.cnn.com/TRANSCRIPTS/0703/07/ldt.01.html>

03/10/2007 - H-1Bs push down wages for American workers –  
<http://transcripts.cnn.com/TRANSCRIPTS/0703/10/ldtw.01.html>

3/21/2007 - More H-1B visas part of “amnesty agenda” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0703/21/ldt.01.html>

03/23/2007 - <http://transcripts.cnn.com/TRANSCRIPTS/0703/23/ldt.01.html> - H-2A workers are paid 20% less than US workers (not true by the way)

04/03/2007 – Employer abusing H-1B program –

<http://transcripts.cnn.com/TRANSCRIPTS/0704/03/ldt.01.html>

04/05/2007 - H-1B workers driving down wages for US workers –  
<http://transcripts.cnn.com/TRANSCRIPTS/0704/05/ldt.01.html>

04/8/2007 - Fact that H-1B quota filled in a day is “proof” that “business is flagrantly abusing America’s visa program” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0704/08/ldtw.01.html>

4/23/2007 – H-1Bs are cheap labor, not attracting the “best and brightest” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0704/23/ldt.01.html>

05/04/2007 – Story criticizing legal family immigration – “chain migration” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0705/04/ldt.01.html>

05/07/2007 – Dobbs reporter Lisa Sylvester actually reports that the Bible commands us to look after our own citizens first and this translates to fewer H-1B visas – <http://transcripts.cnn.com/TRANSCRIPTS/0705/07/ldt.01.html>

05/08/2007 – story criticizing “chain” family immigration –  
<http://transcripts.cnn.com/TRANSCRIPTS/0705/08/ldt.01.html>

05/14/2007 – Dobbs praising Durbin/Grassley bill to restrict H-1B usage –  
<http://transcripts.cnn.com/TRANSCRIPTS/0705/14/ldt.01.html>

05/16/2007 – Dobbs: Senate needs to deal with “chain migration” in immigration legislation –  
<http://transcripts.cnn.com/TRANSCRIPTS/0705/16/ldt.01.html>

05/22/2007 – Dobbs criticizing “explosive chain migration” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0705/22/ldt.01.html>

05/23/2007 – 1965 Immigration Act brought us an explosion and “chain migration” –  
<http://transcripts.cnn.com/TRANSCRIPTS/0705/23/ldt.01.html>

05/24/2007 - H-1Bs used by low lever workers and are mostly going to Indian outsourced IT labor –  
<http://transcripts.cnn.com/TRANSCRIPTS/0705/24/ldt.01.html>

05/27/2007 – Dobbs online editorial on cnn.com criticizing “chain migration” –

<http://www.cnn.com/2007/US/05/22/Dobbs.May23/index.html>

06/07/2007 - <http://transcripts.cnn.com/TRANSCRIPTS/0706/07/ldt.01.html> - discussing exploitation by H-2A employers

06/08/2007 - <http://www.cnn.com/2007/US/06/05/dobbs.illegal/index.html> - citing 3600 H-2A program violation citations

06/10/2007 – after clip of Senator Bernie Sanders criticizing H-1Bs and introducing amendment to charge additional \$8000 fee in H-1B cases, Dobbs says Sander is “dedicated to the national interest and the common good, and reason, rather than rhetoric.” –

<http://transcripts.cnn.com/TRANSCRIPTS/0706/10/ldtw.01.html>

6/16/2007 - Use of H-1B to hire California Republican party worker a “a slap in the face to hundreds of qualified Americans” –

<http://transcripts.cnn.com/TRANSCRIPTS/0706/16/ldtw.01.html>

06/19/2007 - <http://transcripts.cnn.com/TRANSCRIPTS/0706/19/ldt.01.html> - “humanitarian concerns” with H-2A program

6/19/2007 - Labor certifications – loopholes ensuring American workers have no chance at jobs –

<http://transcripts.cnn.com/TRANSCRIPTS/0706/19/ldt.01.html>

06/21/2007 – 70% of H-1Bs go to Indian outsourcing companies (Note: this is impossible since only half of all H-1Bs go to the IT industry) –

<http://transcripts.cnn.com/TRANSCRIPTS/0706/21/ldt.01.html>

06/22/2007 – Story about Pittsburgh law firm’s Youtube seminar Dobbs claims showed the H-1B program is fraudulently used to deprive US workers of jobs (Note: the Youtube video actually is about green cards and has nothing to do with H-1Bs).-

<http://transcripts.cnn.com/TRANSCRIPTS/0706/22/ldt.01.html>

06/24/2007 – Cites H-1B visa abuse and “humanitarian concerns” in the H-2A and H-2B programs –

<http://transcripts.cnn.com/TRANSCRIPTS/0706/24/ldtw.01.html>

06/24/2007 - Call for investigation of fraud and abuse in the labor certification green card program –

<http://transcripts.cnn.com/TRANSCRIPTS/0706/24/ldtw.01.html>

6/27/2007 - "H-1B visas that allow American companies to replace American workers with cheaper paid foreigners." –  
<http://transcripts.cnn.com/TRANSCRIPTS/0706/27/ldt.01.html>

7/8/2007 - "H-1B program has been corrupted both by outsourcing firms as well as by cheap labor"; Bill Gates "blackmailing" Congress with announcement of Vancouver research center –  
<http://transcripts.cnn.com/TRANSCRIPTS/0707/08/ldtw.01.html>

7/15/2007 - Senator Clinton's call for an increase in H-1B visas is an attempt to court rich Indian American voters –  
<http://transcripts.cnn.com/TRANSCRIPTS/0707/15/ldtw.01.html>

07/18/2007 – Authorities break up a crime ring selling H-1B and F-1 visas in India -  
<http://transcripts.cnn.com/TRANSCRIPTS/0707/18/ldt.01.html>

08/07/2007 -Proposals for new guest worker program for legal immigrants are based on a lie; Dobbs: "not a single fact to support anything they're saying." –  
<http://transcripts.cnn.com/TRANSCRIPTS/0708/07/ldt.01.html>

08/14/2007 - <http://transcripts.cnn.com/TRANSCRIPTS/0708/14/ldt.01.html> - criticizing H-2A and bringing in cheap foreign labor in to the agricultural field

08/30/2007 – H-1Bs are cheap labor, displacing US workers –  
<http://transcripts.cnn.com/TRANSCRIPTS/0708/30/ldt.01.html>

9/8/2007 - STRIVE would add "millions" of H-1Bs and the numbers were "pulled out of a hat" –  
<http://transcripts.cnn.com/TRANSCRIPTS/0709/08/ldtw.01.html>

9/19/2007 - H-1Bs are cheap labor taking jobs from US workers –  
<http://transcripts.cnn.com/TRANSCRIPTS/0709/19/ldt.01.html>

10/18/2007 – H-1B program rife with fraud and there is too much unemployment –  
<http://transcripts.cnn.com/TRANSCRIPTS/0510/18/ldt.01.html>

11/13/2007 - H-1Bs take jobs away from Americans -  
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