Siskind's Immigration Bulletin – January 29, 2008
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1. Openers

Dear Readers:

Workplace enforcement of immigration laws is about to come back in to the news as we have received word that the Department of Homeland Security will release a new version of the Social Security No Match rule possibly this week. The rule is the sort of a great deal of anxiety for the business community which fears the economic havoc it could wreak as well as for those who worry about the reliability of the Social Security Administration to resolve problems quickly enough to prevent innocent people – often US citizens – from losing their jobs.

Some of you who have not been following the no match saga closely might need a refresher. All employers in the US are required to verify the identity and employment authorization of their employees. To accomplish this, the government requires employers to have all of their workers complete Form I-9 on the day they are hired.

Employees must present proof of their identity and eligibility to work legally in the US and the documentation must be included on a list updated periodically by USCIS. The vast majority of American workers prove identity and employment authorization by showing a combination of a driver's license and a Social Security card.

Where things get tricky for employers is when an employee present what looks like a valid Social Security document and then it turns out later that the number on the card and the name of the employee don't match. The name might not match because of a clerical error on the part of the employee, employer or Social Security Administration. But it may very well be that the employee presented a false document.

Several years ago, the Social Security Administration started sending out letters to employers when they discovered "no matches" at a particular employer. Initially, the goal of these letters was merely to figure out how to properly account for the billions of dollars piling up in a no match account at the SSA. But it didn't take long to discover that the letters had the effect of causing workers using false documents to leave a company in droves. The rules relating to what an employer should do when receiving such a letter have been highly confusing with employers not sure exactly what they needed to do with the letters and what impact the letters would have on an employer being considered to have knowledge that their employees are not authorized to work in the US.

As part of the get tough enforcement strategy the White House is putting in to place, a proposed no match rule was released in 2006 that would spell out very clear rules on what an employer should do when receiving a no match letter. Employers would be required to take certain steps in a specific time frame or they could be found liable for having constructive knowledge of an employee's lack of legal status should it turn out that a worker is not authorized to be employed in the US.

In August 2007, the Department of Homeland Security released a final rule that was to take effect in September 2007. But a coalition of labor, business and civil liberties groups filed suit to stop the rule from taking place and a judge issued an order stopping the rules from going in to effect until after a ruling at trial. Rather than fight, DHS chose to instead re-draft the rules to meet the judge's concerns and it is that new version of the rules that is supposed to be released this week. We don't know exactly what will be in there, but expect some improvement in the area of what to do when the SSA has not cleared up a problem in the 90 day timetable contemplated under the previous version of the rule.

As we did in August, SSB will be releasing a special newsletter summarizing the new rule for our readers. I hope to have it in place on the same day the rule is released.

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In firm news, I will be speaking at several upcoming live and telephonic programs. They include

February 5-6 – Webcredenza - Employer Immigration Compliance two part lunchtime teleconference (recorded for later distribution)

February 21st – American Immigration Lawyers Association – teleconference on no match letters and related topics

February 22nd – Tennessee Bar Association – Law Technology 2008 - Nashville – Internet marketing - https://www.tnbaru.com/CLE/catalog_course_details.php?course=5114

March 6th – AILA DC Chapter – Washington – Winning the Championship: Overcoming the Obstacles Facing Immigration Lawyers Today

March 15th – American Bar Association Techshow – Chicago – www.techshow.com

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Finally, as always, if you are interested in becoming a Siskind Susser Bland client, please feel welcome to email me at 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: Comparison of E-2 and L-1 Visas

Visa Type E-2
Basis of Visa: Treaty Investor
Requirements

- The investor, either a real or corporate person, must be a national of a treaty country and all applicants for the E-2 visa must be the same nationality as the investor.
- The investor has invested or is in the process of investing in the US company.
- The investor must have control of the funds, and the investment must be at risk in the commercial sense. Loans secured with assets of the investment enterprise are not allowed.
- The investment must be a real operating enterprise. Speculative or idle investment does not qualify. Uncommitted funds in a bank account or similar security are not considered an investment.
- The investment must be substantial. It must be sufficient to ensure the successful operation of the enterprise. The percentage of investment for a low-cost business enterprise must be higher than the percentage of investment in a high-cost enterprise.
- The investment may not be marginal. It must generate significantly more income than just to provide a living to the investor and family, or it must have a significant economic impact in the United States.
- The visa applicant, if the principal investor in the company, must be in a position to "develop and direct" the enterprise.
- If the visa applicant is not the principal investor in the company (i.e. an employee of the company), he or she must be employed in a supervisory, executive, or highly specialized skill capacity. Ordinary skilled and unskilled workers do not qualify; and
- Applicant intends to depart the United States when the E2 status terminates.

E-2 Treaty Countries:

Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bolivia, Bosnia-Herzegovina, Bulgaria, Cameroon, Canada, Chile, China (Taiwan), Colombia, Congo, Costa Rica, Croatia, Czech Republic, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Georgia, Germany, Grenada, Honduras, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Korea (South), Kyrgyzstan, Latvia, Liberia, Lithuania, Luxembourg, Macedonia, Mexico, Moldova, Mongolia, Morocco, Netherlands, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Senegal, Singapore, Slovak Republic, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Togo, Trinidad & Tobago, Tunisia, Turkey, Ukraine, United Kingdom, Yugoslavia.

Application Process
1. Submit application to US Embassy abroad to register company as a treaty company.
2. Primary applicant attends visa interview at US Embassy for E-2 visa.
Dependants may apply simultaneously or following the primary applicant's approval.

**If an individual is in the US in a valid status, they may submit a petition to change to E-2 status to USCIS. However, upon the individual's first departure from the US, steps 1 and 2 above must be completed before re-entry to the US.

Processing Times
Processing time for application to register company varies among Embassies (typically 1-6 months). Visa interview availability also varies (typically 2-4 weeks).

Dependants
Spouses and minor children (under 21) of E-2 visa holders also receive E-2 visas. Spouses with E-2 visas may apply for work authorization upon arrival in the US.

Length of Visa
New company registration and primary applicant's visa usually approved for 2 years initially. Subsequent re-registration and visa applications (depending on nationality) typically approved for 5 years.

Maximum stays
None, provided the individual and US company continue to meet all E-2 requirements.

Fees
$131 for primary applicant and registration; Visa application fee of $131 for all additional applicants. Reciprocity fees (visa issuance fees) vary by nationality. Applications submitted to USCIS (for change of status to E-2) have additional fees.

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Visa Type L-1

Basis of Visa: Intracompany Transfer

Requirements
- The applicant must have been continuously employed abroad for one year of the last three for a parent, affiliate, branch or subsidiary of a US employer. Time spent in the US will not count towards the one year requirement.

- The foreign company and the US company must have a "qualifying relationship." Both the US and the foreign company must have common majority ownership, or, where there is less than majority ownership, common control by the same person or entity.
- If the US company has less than one-year of operation, additional information must be submitted about the plans for the new office, such as proof that office space has been obtained, that the applicant has had the appropriate experience with the foreign company and that the foreign company will remain in existence during the full period of the applicant's transfer to the US. Extension of the visa will require the US company to demonstrate that it has proceeded with the plans outlined in the initial petition.
- The applicant must be transferring to the US as a manager, executive or specialized knowledge employee
  - An "executive" is one who directs the management of the company or a major part or function of the organization, and has a supervisory role in the organization (such as President, Vice President, Controller).
  - A "manager" directs the organization, a department, or a function of the organization.
  - A "specialized knowledge employee" has a special knowledge of the company's products and their applications in world markets or an advanced or proprietary knowledge of the company's processes or procedures.
- The applicant must intend to depart the US when his or her stay is over. But the applicant may also pursue permanent residency simultaneously without a negative impact on the ability to keep or extend an L visa.

Application Process

1. Submit petition to USCIS.
2. Upon approval, applicant attends interview at US Embassy abroad for L-1 visa application. Dependants may apply simultaneously or following the primary applicant's approval.
3. Some companies may qualify for Blanket L-1 status, which eliminates the USCIS petition following initial approval. L-1 visa applicants proceed directly to the visa application interview.

Processing Times

Processing times constantly change, but are usually 2-3 months. May submit application to USCIS for premium processing (15 days) for an additional fee. Visa interview availability also varies (typically 2-4 weeks).

Dependants

Spouses and minor children (under 21) of L-1 visa holders receive L-2 visas. Spouses with L-2 visas may apply for work authorization upon arrival in the US.

Length of Visa

New office L-1s approved for one year. Renewal L-1s approved in 3 year increments.

Maximum stays

7 years if admitted as a manager/executive; 5 years if admitted as a specialized knowledge employee.

Fees

$320 USCIS filing fee, $500 anti-fraud fee. Premium processing fee of $1000 is optional. Visa application fee is $131 per applicant. Reciprocity fees (visa issuance fees) vary by nationality.

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3. Ask Visalaw.com

If you have a question on immigration matters, write 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 - We applied for my aunt's (62 years of age) US citizenship in August 2007. The doctor was not finish completing her N-648 medical waiver of the civics/English exam, so we just sent in the N-400 naturalization application. The N-648 was completed three weeks ago. Since I hear that the interview will take about 12 to 16 months now, how can I send this N-648 to the USCIS as a supplement?

A - 8 CFR 312.2(b)(2) states, “Form N-648 must be submitted as an attachment to the applicant's Form N-400, Application for Naturalization.”

However, the USCIS permits the filing of an N-648 at the time of interview. The N-648 will need to be updated by that point since the N-648 is only valid for a 6 month period. The key issue is to be certain the doctor has made the nexus between the illness and inability to learn English.

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Q - How long can a spouse wait to come to USA once the consulate grants permanent residency?

A - One has six months to make entry on an immigrant visa once it is approved by a consulate.

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Q - Is it necessary to have all employees complete an I-9 every year?

A - No. You only fill out the I-9 at the time of hire. Section 3 is completed by the employer whenever a work authorization document requires reverification. There are occasions when employees leave and return to an employer and in some cases a new I-9 is required.

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Q - I had a question regarding H-4 visas. I am currently on an H1B. My wife and i recently got our passport stamped with multiple entry visas. Both of our visas are valid until July of 2009. Her H-4 status on the I-797 is only until August of 2008. Will

she need to renew her H-4? And if so, will she have to go and get her multiple entry visas again? Or will her visas on her passport that are valid until 2009 keep her in a good status.
A - You wife should be eligible for an I-94 with the same expiration date as your I-94. If your I-94 expires on or before August of 2008, then there is no need to correct your wife's I-94. If your H-1B I-94 is valid until July of 2009, then her H-4 I-94 should also be valid until July of 2009. If you feel that your wife should have been issued an I-94 valid until July 2009, you can request a corrected I-94 at your local Customs and Border Protection (CBP) office. You might call them first since most offices only have certain times during the week when they accept such requests.

If your wife plans to travel outside the US before August of 2008, then you may not need to request a corrected I-94, as she will receive a new I-94 upon reentry into the US. Alternatively, you can file for an extension of your wife's status. However, she is not eligible for an extension beyond the expiration date on your I-94. If you request an extension of status, her H-4 visa will continue to remain valid until July of 2009.

Your wife's status in the US is only valid until the date of expiration issued on the I-94, even if the visa is valid for a later date. Staying in the US beyond the I-94 expiration date will result in your wife falling out of status and her visa being revoked.

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I am brother of a US Citizen. I plan to petition for immigration based on being a sibling of a citizen. Can I file Form I-130 together with Form I-485 and Form I-765? Or do I have to file Form I-130 alone and wait for its approval? If I file the I-130 alone, how can I get an employment card before I get the green card?

Siblings of US citizens have to wait at least a dozen years for a green card to come up in the F4 category (based on current backlogs) and one is not entitled to file for adjustment until the applicant has a visa number immediately available. That means filing the I-130 and then waiting the dozen or so years. After that, you would be able to file the I-485 and work and travel documents. Sorry for this unfortunate news.

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4. Border and Enforcement News

The New York Times reports that federal authorities plan to identify and deport more than 200,000 immigrants this year who are serving time in prisons across the country, according to the top Immigration and Customs Enforcement (ICE) official. The effort to speed the deportation of foreign-born criminals is part of a new campaign by ICE to help federal and states prisons reduce the costs of housing immigrants, says Julie Myers, head of ICE said last week in an interview.

Myers says that in 2007, ICE brought formal immigration charges against approximately 164,000 immigrants in prisons. Many of those immigrants are still in the United States and are slated for deportation this year. By comparison, in 2006,

ICE identified 64,000 immigrants behind bars, most of whom were deported. Myers notes that by stepping up deportation efforts, "a significant burden" will occur both to ICE's detention centers.

Myers specified that in 2008, ICE would also intensify the crackdown with increased criminal prosecutions of employers who knowingly hire undocumented immigrants. "There should be more of those," she said of such prosecutions. Last year, the agency totaled $30 million in fines and forfeitures against employers, but fewer than 100 executives or managers were arrested, compared with 4,100 unauthorized workers.

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Facing pressure from civil rights advocates, US Immigration and Customs Enforcement (ICE) announced, via press release, that immigration officials will no longer sedate deported foreign nationals against their will without a federal court order. According to The Los Angeles Times, the press release clarifies that 'There are no exceptions to this policy. Emergency or exigent circumstances are not grounds for departures from this policy.' The nationwide policy took effect immediately from the press release's Jan. 9th date.

The change comes seven months after the ACLU of Southern California sued the government to stop the practice. "We're very pleased that the government has finally agreed to stop forcibly drugging people without court orders," ACLU attorney Ahilan Arulanantham of the new policy. "It appears that if the policy is implemented, the government will finally put a stop to this shameful, barbaric chapter of our immigration history."

This is the second major change to the government's policy on sedating immigrants: in June of last year, ICE amended their policy, but still allowed forced sedation without a court order in an emergency. This new change, however, requires a court order every time medication is to be given against a deportee's will.

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Last week, US Immigration and Customs Enforcement (ICE) officials publicly posted newly implemented standards set for immigrant women and children held in confinement facilities, The Austin American Statesman reports. The standards seek to address and clarify education, discipline, use of force, medical care, strip searchers, sexual assault and prevention, detainee counts and other issues. The standards were first approved Dec. 21 and are currently now in effect.

The new standards came about from a settlement agreement reached last August in federal lawsuits filed in Austin by the ACLU and the University of Texas Law School immigration clinic. Attorneys for several children confined at the T. Don Hutto residential facility in Taylor, Tx. contended in their lawsuits that conditions there were inhumane and violated minimum standards for minors in immigration custody, set under a 1997 settlement approved by the U.S. Supreme Court

"We commend the Department of Homeland Security for drafting standards that will improve these facilities," said Michelle Brane with the Women's Commission for Refugee Women and Children. "However, we continue to be concerned with many provisions of the standards, particularly that they allow children to be disciplined

based on adult prison protocol, including the use of restraints, steel batons and strip searches."

Brane, the director of the women's commission's detention and asylum program, said the new standards take into account many recommendations made by the commission and other immigrant advocacy groups. She said they included limiting strip searches on minors, and provisions that children not be awakened or disturbed during night census counts unless urgent circumstances exist.

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5. News From the Courts

Niang v. Mukasey, (2d Cir. Dec. 19, 2007)
We hold that where, as here, an applicant's testimony is otherwise credible, consistent and compelling, the agency cannot base an adverse credibility determination solely on a speculative finding that the applicant has submitted inauthentic documents in support of his application. Where an applicant establishes past persecution, but the agency finds a fundamental change in country conditions, the agency must provide a reasoned basis for its determination unless historical facts support its conclusion.
Petitioner, a citizen of Mauritania, sought asylum, withholding of removal and Convention Against Torture (CAT) relief based on his claim that he and his family were violently expelled from Mauritania on account of their race. Petitioner testified that "white militaries" came to his family home, beat and tied up his father, killed his brother, and jailed his family for 10 days. The Mauritanian authorities told his family that they did not belong in Mauritania and made them sign papers promising never to return or they would be killed or imprisoned. Petitioner and his family then crossed the river into Senegal and resided in a refugee camp. Petitioner's father died two months later from the beating he had received in Mauritania and his mother died a year after. In 1994, when Petitioner was 16 years old, he left the refugee camp and traveled to Dakar, Senegal where he did menial jobs for a wealthy family who paid him in food. Petitioner eventually made his way to the United States using a passport that belong to a member of the wealthy family and entered the United States with an F-1 visa. He then mailed the passport back to Senegal.

In support of his application, Petitioner submitted a copy of his Mauritanian identity document and his Senegalese refugee card. The Mauritanian card lists Petitioner's name, his place of birth and his date of birth (July 30, 1977) and is printed in Arabic and French. It was issued in 1989 and lists Petitioner's profession as "comercant." It contains a photograph of Petitioner, a fingerprint, and a signature. Petitioner stated that the card was obtained by his father from the government of Mauritania. When asked why the card listed Petitioner's profession as "comercant" or businessman when he was only 11 years old, Petitioner stated that his father was a merchant. He stated that he carried the document in the refugee camp until it became torn and faded. When he took it to the head of the camp, the document was taken from him, a new picture was put on it and Petitioner was given a photocopy, not the original. Petitioner stated that he was about 16 years old when the new picture was taken. The Senegalese document Petitioner submitted contained his name, date and place of birth, a photograph of Petitioner, and a stamp dated January 31, 2002. Petitioner stated that he was first issued the card when he arrived in the refugee camp and generally left it with the head of the camp so that he would

not lose it. Petitioner stated that he was about 12 years old in the picture, but the government attorney alleged that he had a mustache in the photograph, which Petitioner denied. When Petitioner applied for asylum in the United States, he remembered the card and asked a friend to retrieve it for him from the camp.

The immigration judge rejected Petitioner's claims for relief and ordered him deported. The IJ pretermitted Petitioner's asylum claim because it was filed more than one year after his entry into the United States and Petitioner was unable to show any exceptions. With regard to his withholding and CAT claims, the IJ found that Petitioner failed to meet his burden of proof because of an adverse credibility finding made by the IJ. The IJ noted that this assessment was not based on demeanor, but was based on the identity documents Petitioner submitted in support of his claim. The IJ doubted that the documents were genuine for four reasons: 1) the IJ doubted Petitioner's story about how he retrieved the document, 2) the IJ doubted that Petitioner was 12 years old in his Mauritanian identity document, 3) the Mauritanian document had clearly been altered, though the IJ found it was conceivable that the changes were made in the refugee camp, and 4) the Mauritania document indicated that Petitioner was a businessman. The IJ found that based on these doubts, Petitioner had not testified truthfully about the documents. Lastly, the IJ held that assuming Petitioner had suffered past persecution, conditions in Mauritanian had not fundamentally changed such that Petitioner life or freedom would no longer be threatened. The BIA adopted and affirmed the IJ's decision to pretermit the asylum applicant. The Board also upheld the IJ's finding that Petitioner did not meet his burden of proof as to his claims for withholding and CAT. The BIA also noted that conditions in Mauritania have "improved dramatically, lessening the likelihood of persecution" in the future.

On review, the Second Circuit held that the IJ and BIA could not base an adverse credibility determination solely on a speculative finding that the applicant had submitted inauthentic documents in support of his asylum application. The court found several errors in the IJ's reasoning. The court found that the IJ mischaracterized Petitioner's testimony as to how he had come to possess the Senegalese refugee document. Petitioner had not testified that he had never seen the document. The IJ also misunderstood or misrepresented Petitioner's age in the photographs on the documents. The IJ's finding that the Mauritanian identity document had been altered was consistent with Petitioner's testimony that it had been altered by the head of the refugee camp. Lastly, the IJ failed to considered Petitioner's explanation for why his profession was listed as businessman on his Mauritanian identity document. The court held that the tenuous suspicions raised by the IJ could not be grounds for
an adverse credibility finding.

The court rejected the government's argument that a remand would be futile because Petitioner failed to provide adequate corroborating evidence in support of his claim.

With regard to the BIA's finding of a fundamental change in country conditions in Mauritania, the court held that the BIA provided insufficient reasoning to support its finding. The court stated that the agency's rejection of Petitioner's withholding and CAT claims could not be upheld on this alternate ground. The court distinguished this case from its previous precedent allowing for a finding of changed conditions without the IJ making specific findings, citing Hoxhallari v. Gonzales, 468 F.3d 179, 187 (2d Cir. 2006). The court held that in Petitioner's case there was clearly no "indisputable

historical event" which supported the IJ's finding. The court held that the BIA failed to provide a reasoned basis for its decision and that the BIA's decision was not supported by substantial evidence.
The petition for review was granted.

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6. News Bytes

A new Bush administration plan to create national standards for driver's licenses has drawn heavy criticism from civil liberties groups, lawmakers of both political parties, governors and the travel industry, The Washington Post reports. The new program, known as Real ID, which aims to screen out potential terrorists and uncovering undocumented immigrants, has faced criticism that it would be too costly to implement, could still be easy to forge, and would allow private companies to access personal data of most U.S. citizens.

Although the Real ID Act will take effect this May, the Bush administration made the official announcement last week that states will have until May 2011 before they begin issuing licenses that meet the department's new guidelines. "DHS has kicked the can down the road to the next administration, and conceivably the next two or three administrations," said Barry Steinhardt, a lawyer with the ACLU. Already, 17 states have said they would either refuse to issue the new licenses or have asked Congress to repeal a 2005 law that required states to collect and store additional data on driver's license applicants, such as birth certificates, Social Security numbers, and home addresses.

At a news conference shortly after the timetable announcement, Homeland Security Secretary Michael Chertoff warned Georgia and Washington, two states who have refused to comply with the program, may be subjected to additional security checks or prevented from boarding flights once the program begins in May. The ACLU called Chertoff's warning an empty threat designed to pressure states to join the program. "The airline industry is not going to allow the federal government to prevent citizens of noncompliant states from getting on airplanes," said ACLU senior legislative counsel Timothy Sparapani. "1.8 million people fly everyday and a sizable number leave from airports like Atlanta's Hartsfield Airport, which is one of the busiest in the country."

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The Bush administration has given approval for US Citizenship and Immigration Services (USCIS) to rehire retired workers in an effort to reduce a backlog of immigration applications that is preventing thousands of people from becoming U.S. citizens in time to vote in November's elections, according to the Star Tribune.

Sen. Charles Schumer, D-N.Y., was the first to pressure USCIS to seek permission to rehire the retirees this past summer, after The Associated Press reported that a summer spike in immigration applications—a record 7.7 million in 2007—caused the backlog. "This is a welcome breakthrough that has great potential to help sort through the backlog of pending applications," Schumer said this week in a statement. "Immigrants who play by the rules and get in line deserve a chance at

citizenship, not an endless waiting game. Failed planning led to this backlog, but this is a smart step that could help fix the situation.

UCSIS is deciding how to begin hiring the retirees, spokesman Chris Bentley said. USCIS Director Emilio Gonzalez told Schumer last month the agency has identified 704 retirees, 469 of whom are in 'adjudication-related positions.' Gonzalez also said the agency has a plan for dealing with the application increase to be publicly shared soon.

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7. International Roundup

More than 160,000 employers were fined a total of 4.5 billion rubles for employing illegal migrant workers in Russia in 2007, according to Konstantin Romodanovsky, director of the Federal Migration Service. That sum is close to the property taxes paid by individuals (5.5 billion rubles in 2006), and can practically be considered a new tax on small business. The migration service contributed a total of about 10 billion rubles to the federal budget last year.

Until new legislation came into force last year, the fine for employing illegal aliens, in any quantity, was 8000 rubles. Now the fine is about 90,000 rubles per worker. Most illegal employment occurs in Moscow and St. Petersburg. They are followed by Moscow Region, Maritime Territory and Sverdlovsk Region in number of violations.

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UK citizens will not be required to have ID cards until 2012, two years later than originally planned, the opposition Conservative party claimed last week, citing leaked government documents they obtained. As reported by Agence France Presse, the interior ministry documents apparently targeted 'Borders Phase II (UK Citizens)' as set to begin in 2012, though those in 'trusted relationships', such as security guards, will have to obtain ID cards earlier. When legislation for ID cards was first approved in 2006, the original deadline for Britons renewing their passports to be in possession of ID cards was January 2010.

A spokesman for the Identity and Passport Service, while declining to comment directly on the Conservatives' claims, said: 'We have always said that the scheme will be rolled out incrementally.' Foreign nationals residing in Britain will begin receiving ID cards later this year, with the documents expected to be issued to British citizens on a voluntary basis from 2009.

The government's plans for ID cards have drawn criticism on the grounds that they will arguably not help to combat international terrorism, and infringe on civil liberties. The idea has also been hurt by recent government losses of citizens' personal data, in particular the loss of 25 million Britons' personal information by a government agency two months ago.

Unlike its other EU counterparts, Britain has never had a mandatory ID card issuance other than in wartime, but the idea has gathered momentum since the deadly July 2005 suicide bombings in London.

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8. Legislative Update

Last week, Minnesota Governor Tim Pawlently introduced a policy that aims to enforce immigration laws more stringently as well as harsher state action against undocumented immigrants. The Twin Cities Daily Planet reports that Gov. Pawlently announced that he plans to strengthen enforcement by ordering Minnesota law enforcement officials to work closely with the ICE to enforce immigration laws. He also said that he would ask the state legislature to pass an immigration package that would include prohibition of city ordinances that limit local officials' inquiries about immigration status.

The hard-line approach has been met with large amounts of criticism from the state's advocacy groups and legislators. Robin Phillips, Executive Director of Minnesota Advocates for Human Rights said, "The Governor's actions stand to damage community policing efforts, create significant fear in immigrant communities, and prevent victims from coming forwards. If one victim of domestic violence is too afraid to call, it could mean her life. We take this matter very seriously. The Minnesota Democratic Party characterized Pawlenty's plan as a "go nowhere proposal," likening it to a substantially identical proposal he made in January 2006. Phillips points out that representatives from the Sheriff's Association, the Police and Peace Officers Association, labor, business, and community organizations all testified against the proposed legislation in 2006.

"It appears to me that the Governor only worries about immigration during election years," said state Senator Patricia Torres Ray. Torres Ray pointed out that immigration is the responsibility of the federal government, and that state aid for local police and fire departments has been cut. "At a time when our bridges are collapsing, homeowners are struggling, Minnesota's economy is stalled and people are worried about economic future, the Governor, again, is trying to grab another headline and distract us from his record of failure," said Torres Ray.

The full text of Governor Pawlenty's Executive Order can be found online at: http://www.governor.state.mn.us/mediacenter/pressreleases/PROD008597.html.

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9. Notes from the Visalaw.com Blogs

Greg Siskind's Blog on ILW.com

- Big Government Republicans
- Kentucky House Considering Business License Law
- Oregon Businesses Organize Around Immigration Issue
- The Black Economy
- Immigrant of the Day: Aasif Mandvi – Fake Journalist
- The Price of Attrition
- Sweet Revenge: Martinez Endorses McCain
- Heads Up: New Social Security No Match Rule Imminent

The SSB Employer Immigration Compliance Blog

- Missouri Governors Pushing E-Verify For State Employers

- E-Verify Bill Working Its Way Through Utah House
- South Carolina House Debating Employer Immigration Bill
- Latest News on Arizona Law
- Indiana Senate Passes Business License Issue

Visalaw International Blog

- Canada: IT Industry Faces Labour Shortages
- Switzerland: Parliament Bans Ballot Box Votes on Citizenship
- 2007 – Spain's Year in China

Visalaw Fashion, Sports, & Entertainment

- Circus Owners Worried About Lack of H-2B Visas
- Could Tejada Face Deportation Over Steroids Scandal?
- UK Could Deport African Soccer Star
- Art Against the Wall
- Finland's Top Musician Tells of Border Entry Ordeal
- US and UK Sports Firms Team Up to Promote Athletes in Both Regions

Visalaw Health Blog

- 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

Tech Notes - The Immigration Lawyer Blog

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- Voltaic Backpack: Your Bag Becomes Your Power Source
- AMLAW Technology Marketing Slides

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Republican presidential candidate Mike Huckabee wants to amend the Constitution to prevent children born in the U.S. to undocumented immigrants from automatically becoming American citizens, according to Minuteman Project founder and Huckabee endorser James Gilcrist. The Washington Times reports that Gilchrist, who has recently been campaigning with Huckabee, was told by the candidate of his positions. According to Gilchrist, Huckabee promised him that he would force the Supreme Court to both challenge birthright citizenship, as well as push Congress to pass a 28th Amendment to the Constitution to remove any doubt.

Gilchrist says he was also told the former Arkansas governor what his thoughts are on the case against U.S. Border patrol agents Ignacio Ramos and Joe Alonso Compean, both serving prison sentences for shooting a fleeing suspect. "I would make it my first act as president to pardon agents Ramos and Compean," Mr. Gilchrist said Mr. Huckabee told him. "I read back my notes to him twice and I told him I did not want to put words in his mouth," said Mr. Gilchrist, who last week also issue a press release from the Minuteman Project detailing Mr. Huckabee's positions.

Campaign spokeswoman Kirsten Fedewa said Mr. Huckabee intends to review the case against Ramos and Compean as one of his first acts as president, but she otherwise didn't dispute Gilchrist's quotes. Miss Federwa said Huckabee and

Gilchrest are “united by a mutual desire to end illegal immigration and are political allies toward that end.”

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Mexican Foreign Minister Patricia Espinosa Cantellano accused presidential candidates of worsening an already ‘adverse climate’ for Mexican migrants and vowed to redouble efforts protect the rights of her country’s citizens living and working in the US. The Washington Post reports that, Cantellano, speaking at a conference for Mexican diplomats, held an unfavorable opinion regarding candidates’ stances on immigration: “Given the adverse climate that prevails for the Mexican community in the United States, aggravated by the electoral debate in that country, we also have to give particular attention to the problems confronted by our migrants.”

The remarks from Cantellano echo the criticism that many Mexican officials have levied against U.S. policy on immigration. In November, Mexican President Felipe Calderon called migrants ‘hostages’ of the presidential campaign and urged candidates not to use them as talking points. Calderon also criticized the US Senate in June, calling its rejection of an immigration reform measure ‘a grave error.’

The Mexican media have been giving exceptional coverage to the 2008 U.S. presidential campaigns, particularly on candidate debates about immigration. El Universal, one of Mexico’s largest paper’s has provided constant updates on candidates’ stance on the issue; the day Cantellano made her remarks, the paper carried a piece asserting that Sen. John McCain had become the target of ‘continuous attacks’ for supporting immigration reform and that immigration is Mitt Romney’s ‘Achilles’ heel.’

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A record one million immigrants sought US citizenship last year so they could vote in the 2008 presidential election, the National Association of Latino Elected and Appointed Officials (NALEO) announced last week. Their findings are consistent with the number of applications submitted last year to USCIS; they claim that in 2007, they received 1.029 million citizenship applications between January and October 2007. The figure – twice the number for the previous year – overwhelmed the offices processing the claims, causing a backlog.

The NALEO believes that the Hispanic population – at 45 million people and the largest ethnic minority in the US – could wield decisive weight in November’s election, particularly largely Hispanic states such as Florida, Nevada, New Mexico and Colorado. Because of the influx of Hispanics applying for citizenship, Hispanic organizations have made a strong effort to minimize the application backlog that is burdening USCIS, so that ultimately new Hispanic citizens will be permitted to vote. “Our campaign is committed to building the support we need to clear this backlog,” said Cecilia Munoz, vice-president of the nation’s Hispanic group, the National Council of La Raza. “They deserve the opportunity to have their voices heard on election day.”

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