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VOICE (ISSN: 2157–4138), published online 6 times annually, is the official member magazine of the American Immigration Lawyers Association, Suite 300, 1331 G Street, NW, Washington, DC 20005

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JANUARY-FEBRUARY 2011 // VOL. 2 ISSUE 1

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PLUS: AILA President David Leopold reacts immediately following the Senate's failed vote.

A lot of people have fought for this day, a lot of lives have been lost over this, and now we have our say."

-Chicago Bulls star and naturalized Briton Luol Deng, after voting to decide whether southern Sudan should split from northern Sudan to form a new nation. Deng and his family fled the war-torn nation in the 1990s. The Telegraph



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The Second Edition of *Immigration Law & the Family* provides the latest guidance and practice tips that cover everything from the basics to the most complex family immigration problems.

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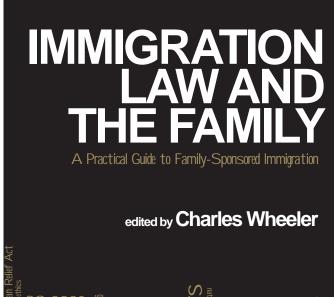
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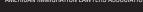
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December 2010











" ... How far could you take this? I mean, you could say that a burglar is an 'unauthorized visitor.' You could say that a rapist is a 'nonconsensual sex partner' ..."

-Megyn Kelly, criticizing a Society of Professional Journalist column calling the media to replace the term "illegal immigrants" with "undocumented immigrants"

> Megyn Kelly: Calling Them Undocumented Immigrants Is Like Calling Rape 'Sex'

Fox News via TPM





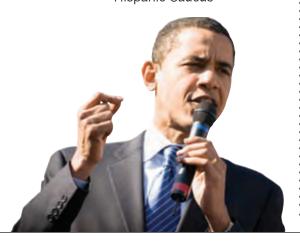


NEWSLINK Continued

Facing Long Odds, Obama **Vows Immigration Push** Politico

"It was to reassure us that he wasn't giving up."

-Rep. Charles Gonzalez (D-TX), Chairman of the Congressional Hispanic Caucus





U.S. Must Provide Incapacitated Immigrants With Lawyers

Los Angeles Times

"Two mentally disabled immigrants must be given lawyers as they fight deportation, a U.S. district court judge has ruled."

"The incident will reignite the simmering debate in Australia over asylum seekers and border protection."

Death of 27 Asylum Seekers Highlights Australia's Immigration Problems The Telegraph U.K.



2011 UPCOMING CONFERENCES

AILA Midyear CLE Conference

January 28, 2011 Puerto Vallarta, Mexico www.aila.org/midyear

Federal Court Immigration Litigation CLE Practicum March 3-4, 2011

Atlanta, GA www.aila.org/federalcourt **AILA EB-5 CLE Conference**

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AILA Spring CLE Conference April 8, 2011

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Visit **www.aila.org/calendar** for complete details about these and other upcoming AILA events. You can also register online at **www.aila.org/quickregistration**.

[BLOGNATIO



"In what the New York Times has described as an 'unusual coordinated effort, perhaps as many as 14 states plan to celebrate the convening of the 112th Congress by introducing a model

bill aimed at stripping citizenship from the children of immigrants, documented and undocumented alike."

-David Leopold, AILA President

What Part of 'Legal' **Don't You Understand?** AILA Leadership Blog

Report Says Most Countries Aren't 'Managing' Migration Well Education Week

"In the United States and Canada, the children of immigrants automatically become citizens, but that's not

the case in many European countries, where citizenship is attained some time after birth (true for France) or by those born only to a legal resident, as is the case in Belgium, Germany, and Ireland."—Mary Ann Zehr, Education Week Assistant Editor

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- **Battles Brew Over 14th Amendment**
- **Arizona Birthright** Citizenship Bill in D.C. Spotlight



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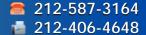
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What's New?

- VOICE (December 2010 issue)
- Immigration Practice Pointers
- Numerous decisions, Legs/Regs, and fillable immigration forms



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from Cletus M. Weber

How to Find a Job as an Immigration Lawyer (When so Few Exist)

inding your first job as an immigration lawyer requires hard work and discipline, especially with the economy underwater, Comprehensive Immigration Reform on seemingly eternal hold, and only a few jobs available-all requiring years of experience you don't have. Gaining a deeper understanding of your future employers, yourself, and your strategic choices can help.

Understanding the Employer

The vast majority of immigration lawyers practice solo or in small firms, and most of what we know about business and hiring we learned the hard way. Most of us fear having to fire employees, especially other lawyers. We frequently feel overwhelmed, but the minute we gain control of the workload, we fear we're going broke. When we finally decide to hire, we usually need someone who is 20 to 60 percent attorney (experienced), 10 to 70 percent paralegal, 10 to 50 percent legal assistant, 10 to 30 percent secretary, and 10 to 40 percent receptionist.

Understanding Yourself

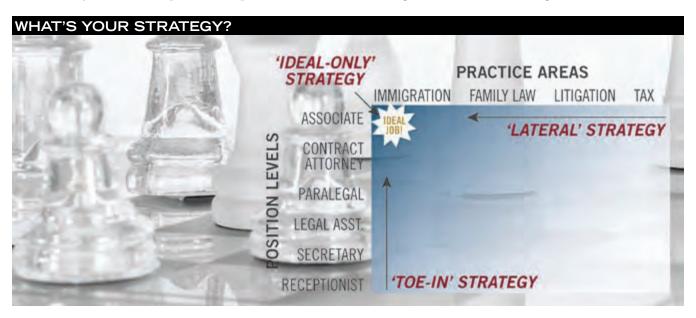
In terrible markets, job seekers sometimes abandon their own needs and expectations. Don't! Knowing yourself well prepares you better and increases confidence and perspective. You should know where you want to work, what you want to do, how much you want to be paid, on what you're willing to compromise. You needn't disclose everything, but you must know it. Self-awareness guides your job-search strategy. Vague knowledge begets vague—and ineffective—strategies.

Considering Strategies

No law school graduate wants to start below the level of attorney. Some advisors say "Never stoop." Others say, "Be real." You need to decide for yourself.

The chart featured below shows graphically the fundamental strategic choices:

"Ideal Only": You want an associate (or comparable government/nonprofit) position in immigration law—and nothing less.



- "Lateral": You will only work as an attorney but can start in different practice areas and try to work across to immigration law.
- "Toe In": Immigration law is your only love, and you're willing to kiss toads to make a prince or princess appear.

Sort out all variables: immigration vs. other areas; full-time vs. part-time vs. intermittent; location; remuneration; your significant other's needs; and so on. Carefully

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The Go-To Source for Employers and Job Seekers.

analyze each variable. Decide each: okay/not okay. The "okays/not okays" determine the road and ditches of your search strategy.

Accelerating to Merge

Whichever strategy you choose, employers need to know that you are capable and committed. Join AILA, volunteer, study—whatever it takes. Some lawyers will love to help you, so ask. Some don't, so don't take avoidance personally.

Playing the Interview Game

This is the game: Employers/candidates want to know whether the other is competent, supportive, fair, etc., but can't ask questions directly—"Are you fair?" Employers, for instance, ask *indirectly*—"Which prior



employer was best/worst and why?" Employers then use those assessments as proxy evaluations of themselves and watch for subtle—and not so subtle—clues in

candidate responses, such as, "Prior employer was a slave driver. She insisted that I work a few minutes extra every few months when emergencies arose, required me to Shepardize my cases, and demanded that I proofread my work carefully."

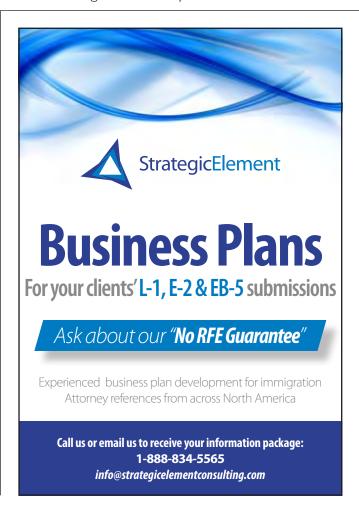
As a candidate, learn to play the game, too. Don't say, "No, I don't have any questions"—meaning "I don't care/am unprepared." And never ask "How/why

did *you* become an immigration lawyer?"—meaning "I am obsequious/shallow/unprepared." Ask instead something like "What attributes do you see as critical to success in this position?" Then listen carefully, probe further, and learn what the firm, environment, and job are really like. The employer will find you serious, capable, prepared, and intelligent—the exact attributes that employers, clients, and judges need.

Keeping Perspective

Remember the big picture. You will find/create your dream job, but soon after, you'll become too busy and desperately need time off—which, ironically, is exactly what you have now. So research carefully, develop a strategy (and a schedule), and work hard to implement it. But also live in the meantime. **M**

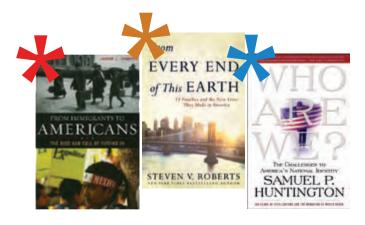
Cletus M. Weber is co-founder of Peng & Weber, PLLC, based in Mercer Island, WA. His practice focuses on EB-1, NIW, EB-5, and other areas of employment—and investor-based immigration. The author's views do not necessarily represent the views of AILA nor do they constitute legal advice or representation.





READER'S CORNER

Immigration in Prose



From Immigrants to Americans

From Immigrants to Americans: The Rise and Fall of Fitting In is for anyone interested in immigration, either the history or the modern implications, or who wants to understand the differences and similarities between today's immigrants and those from previous generations. Author Jacob Vigdor offers a direct comparison of the experiences of immigrants in the United States from the mid-19th century to the present day (\$34.95 Hardcover; Rowman & Littlefield Publishers, Inc. 2010).

From Every End of This Earth

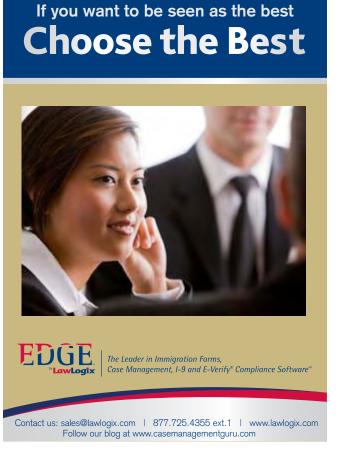
Attitudes about the great melting pot have taken a sharp turn toward insularity in recent years, as the 9/11 attacks and waves of undocumented workers seem to have eroded America's long-standing belief in the value of immigration. Yet the families in Steve V. Roberts' From Every End of This Earth conclusively demonstrate that critics are wrong—that in the age of President Barack Obama, the son of an immigrant from Kenya, newcomers from around the globe continue to renew America's greatness with their courage and character (\$14.99 Paperback; Harper Perennial; Reprint edition 2010).

Who Are We?

In Who Are We: The Challenges to America's National Identity, Samuel P. Huntington examines the impact other civilizations and their values are having on America, or rather. America as he thinks it ought to be. Huntington's book is certain to provoke a lively debate and to shape our national conversation about who we are (\$14.75 Hardcover; Simon & Schuster; First edition May 2004). M

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they said WHAT?

"A GED can be picked up, and then you could have never gone to school. You could pick up your GED and then apply to go off to beautician school. Those things are all that's required, and you would get approval for your permit that would give you immediately a green card, access to the welfare system, and the ability down the line ... to bring in, through family reunification, all your family members."

-Rep. Steve King (R-IA), 12/8/10



"H.R. 5281 would allow these individuals, once they are naturalized and become 21 years of age, to exploit our broken system by sponsoring their immediate relatives with no numerical cap. We call that chain migration. In fact, they could each bring in something like 179 other individuals."

—Rep. Phil Gingrey (R-GA), 12/8/10



"If you support this nightmare DREAM Act, you are actually supporting an 'affirmative action amnesty act' that rewards people for breaking the law and punishes those who defend America."—Rep. Steve King, 12/8/10

"Wake up, America. This is no dream. It is an affirmative action amnesty nightmare." —Rep. Dana Rohrabacher (R-CA), 12/8/10



"Fraud and corruption is a big business. It is a big business in the countries they are coming from, and it is becoming a bigger business in the country they are coming to, the United States of America. We have been a clean country that respects the rule of law."

—Rep. Steve King, 12/8/10

"[I]f this act passes, if an illegal immigrant happens to be of a racial or ethnic minority ... that individual, as soon as legal status is granted, will be entitled to all the education, employment, job training, government contracts, and other minority preferences that are written into our Federal and State laws. As a result, the DREAM Act would not only put illegal immigrants on par with American citizens, but would in many cases put them ahead of most American citizens. ... So those voting for this so-called DREAM Act are voting to relegate the position of nonminority **American citizens** to behind those who are now in this country illegally." -Rep. Dana

Rohrabacher, 12/8/10

Lowlights from the House of Representatives' floor debate on the **DREAM Act** (December 7–8, 2010)



"This vote is a slap in the face to the dedicated men and women in our military who have spent, in many cases, years working toward legal immigration to our country. Moreover, it sends a mixed message to those one day hoping to call themselves Americans, effectively encouraging them to come to this country illegally and break our laws."—Rep. Brian Bilbray (R-CA), 12/8/10

"DREAM Act supporters would have you believe illegal aliens who don't go to college will earn citizenship through service in the United States Armed Forces. However, we already have legislation that will allow that to happen. We don't need the DREAM Act to do that If people want to enroll in the Armed Forces, they generally can become naturalized citizens through expedited processing, often obtaining their citizenship in 6 months." —Rep. Virginia Foxx (R-NC), 12/8/10





"[That one provision of the bill mandates that the immigrant has resided in the United States since they turned 16. My question is simple: How can we verify how long an illegal immigrant has been in the United States? We cannot and should not require ourselves to rely on the word of individuals whose very presence in the United States is illegal."—Rep. Phil Gingrey (R-GA), 12/8/10

KEEPING
HOPE ALIVE

Watch AILA
President David
Leopold speaking
from the U.S. Capitol
immediately following
the Senate's failed
vote on the DREAM
Act (12/18/2010) ▶



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We hope you find the new mobile InfoNet a breeze to use. Have some feedback? Or just a question? Contact us at **webmaster@aila.org**.

* Mobile-friendly versions of the Message Center and Bookstore are not yet available but will be coming in the next year.



D. W. U. DRIVING WHILE UNDOCUMENTED

by ELIZABETH RICCI

in Final Control of the United States and th

ithin a few hours of going to a Plant City, FL, Department of Motor Vehicle (DMV) office to change his Canadian license plate to the Sunshine State, "Aramis King" (alias used to protect privacy) was on a plane back to Canada against his will.

Despite being married to a U.S. citizen (USC) who was in the process of petitioning for King's residence, having a USC child, and owning his own business, King was taken into custody at the Tampa airport. A federal officer pulled a credit card from King's wallet and forced him to purchase a ticket to Canada.

"Everybody was shocked," said St. Petersburg attorney P.J. Bradley, who represents the Canadian. According to her, the Department of Homeland Security (DHS) denied the incident took place and the officer with whom she spoke claimed that "they don't work that way." However, a DHS representative could not be reached for further comment.

Nonetheless, King has been back in Canada since September 30 and is now subject to a 10-year re-entry bar. He faces costly legal fees, loss of business, and separation from his USC family.

A Rise in Arrests

Obtaining license plates, driver's licenses, and other driver benefits in Florida, like 46 other states, is particularly difficult—if not impossible—for undocumented persons. Moreover, with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 architect Congressman Lamar Smith becoming the House Judiciary Committee chair, and with a number of Republican governors-elect promising to "enforce immigration laws" similar to those in states like Arizona and Florida, deportations will rise and stories like King's will become more commonplace.



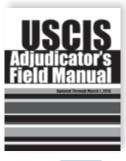


St. Louis immigration and criminal defense attorney Raymond R. Bolourtchi has witnessed a dramatic increase in arrests of Hispanics by local and state police. "In some instances, the clients have not even been cited for any offense until after they are verbally 'warned' and questioned about their immigration status," Bolourtchi said. "We have noticed a dramatic increase in our removal cases with suspicious factual grounds leading to initial arrest and now find ourselves with over a hundred motions to suppress and terminate being filed over the past two months."

Bolourtchi went on to say that he has "failed to find any ordinance, or ... statute making it illegal to 'drive while Mexican.' I cannot seem to find any probable cause for the vehicle to be curbed, which in turn resulted in the client being issued 'no license' citations, and arrested subsequently only to be delivered to Immigration and Customs Enforcement." Bolourtchi

AILA offers a range of related resources including: "Pitfalls in Immigration **Benefits Applications**" (recorded Oct. 12, 2010) BUY





USCIS BUY Adjudicator's Field Manual (\$72 for AILA members).

mentioned having several clients that weren't even driving when arrested but walking home. "I can only hope that immigration judges will grant our motions and order police officers to testify in immigration court. If so, this may work toward curbing what I consider to be racial profiling."

Placing Others at Risk

In addition to increased deportations, there are other ramifications of strict driver policies, such as increased insurance rates, medical costs, and undermined state and national security. According to the AAA Foundation for Traffic Safety, unlicensed drivers are "among the worst drivers on the road" about 20 percent more likely to be in a fatal crash than are their licensed counterparts.1 That sad phenomenon may be due, at least in part, to the fact that failing to license drivers means failing to test their ability to read road signs and follow traffic rules, demonstrate safe driver techniques, or understand the effects of drugs and alcohol on a person's ability to drive.

We have noticed a dramatic increase in our removal s with suspicious factual grounds leading to initial arrest and now find ourselves with over a hundred motions to suppress and terminate being filed over the past two months." —Raymond R. Bolourtchi, St.

Louis immigration and criminal defense attorney

San Diego immigration attorney Steven Riznyk noted, "In a city such as Los Angeles, where public transportation is an issue, people need to keep working. If they are here illegally and risking deportation, I don't think it matters much to some that they are driving without a license."

Other practitioners agree. Jay S. Marks, an immigration law practitioner in Arlington, VA, who formerly practiced insurance defense work in-house with a major auto insurer, believes that "society's interest in licensing for minimum driver competency and insuring undocumented drivers should be obvious to even the most hardened antiimmigrant advocate." Marks added that "folks with no formal operator's training in the United States, careening about with no insurance, results in millions in property damage, bodily injury, medical bills, lost wages, and lost productivity—all without recourse to the party causing the injury." He went on to say that hospitals will be adversely affected by this because they will be forced to treat injured people with no medical coverage to pay for potentially life-threatening injuries. "Families have no income because their breadwinners are injured in vehicles without PIP coverage," he added. "Insurers and their policyholders are left to pay for it all through higher premiums. The insurance industry calls this the 'freeloader effect,' and the industry works very hard to get everyone covered because of it—not to mention the insurance industry's self-interest in receiving that premium dollar." But Marks noted that the auto insurance industry benefits society by providing "an efficient, market-based solution to distributing risk evenly throughout society so that all assume some cost (premium) so that the entire cost (damages) is manageable."

Marks added that intentionally denying licenses and insurance coverage to more than 10 million undocumented individuals exacerbates "freeloader effect" to society's own detriment. "Antiimmigrant advocates who favor a licensing and insurance 'exemption' for undocumented drivers are shooting the rest of us in the foot, and the wallet."

So why all the fuss? The REAL ID Act of 2005, Pub. L. No. 109-13, div. B, 119 Stat. 231, 302-23, establishes minimum standards for state-issued driver's licenses and identification cards. In REAL ID-compliant states such as Florida, all driver's license applicants are required to show proof of their identities and legal status in the United States. According to Florida Department of Highway Safety and Motor Vehicles (FLDHSMV) Deputy Director

SEE HOW REGULATIONS ARE USED IN:

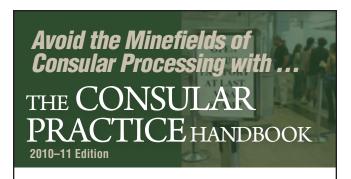


Kurzban's BUY **Immigration Law** Sourcebook, 12th ed. (\$299 for **AILA** members)

T.N. Prakash, the documents presented, including those of USCs, are scanned and stored in the FLDHSMV's database. Although they are kept confidential, such practices have civil rights activists on edge.

Attorney Neil St. John Rambana, an expert on U.S. immigration and nationality law, noted, "Some [naturalized] citizens have had their citizenship revoked because of statements made at DMV offices. DMV practices, while somewhat understandable for security purposes, can ac-

tually make our roads less secure and cost the public millions because they are not consistent with safety, state statutes, or the Constitution."



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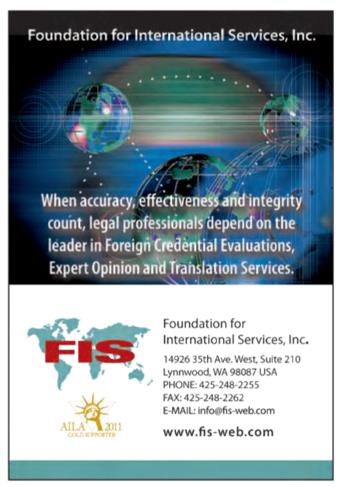
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T.N. Prakash (left), deputy director of the FLDHSMV, and Elizabeth Ricci (right) at a free CLE offered to AILA members in October 2010 (the first immigration-specific driver's license CLE of its kind).

Rambana added that he doesn't support illegal immigration, "but prohibiting undocumented persons from carrying driver's licenses strictly because they are illegal is like encouraging illegal drug users to use dirty needles—it's illogical and contrary to public health and safety."

According to Margaret Stock, former associate professor of law at the U.S. Military Academy at West Point, "Refusing to give driver's licenses to illegal immigrants means taking [them] out of the

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largest law enforcement database in the country. Thus, denial of licenses is a policy prescription that hampers law enforcement far more than it enhances it."²

Those in Favor, Say I

On the other hand, the Final Report of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission Report) is often used to justify arguments against granting driver's licenses to undocumented persons. Each of the 9/11 hijackers carried state issued IDs or driver's licenses.³ The report notes, at page 390:

Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people

are who they say they are and to check whether they are terrorists.

Likewise, anti-immigration activists believe that allowing the undocumented population to obtain licenses is akin to amnesty and would attract noncitizens to states with more relaxed licensure policies. There may be some truth to that belief as, according to the Associated Press, "more [undocumented] immigrants have sought IDs [from New Mexico, Utah and Washington, the only three states that grant licenses to undocumented individuals] in recent months."4 Groups such as the Federation for American Immigration Reform (FAIR) claim that the road safety argument is a false one "because illegal aliens often use aliases and phony documents, so the alien's identity and residence is not established as a result of the driver's license process."5

FAIR's position, however, is spurious as REAL ID-compliant states are in fact required to verify documents submitted by applicants. Moreover, not licensing individuals actually makes it more difficult

for states to identify terrorist suspects.

What is the solution? According to the National Immigration Law Council, states should require proof of state residency, implement internal antifraud mechanisms such as training on identifying false

documents, implement photo comparison technology, and impose harsh penalties on those who produce, distribute, or purchase false documents.

Elizabeth Ricci is the managing partner of Rambana & Ricci, PLLC. She is the AILA Central Florida liaison to USCIS in Jacksonville and FLDHSMV. The author's views do not necessarily represent the views of AILA nor do they constitute legal advice or representation. Please seek professional advice from a licensed immigration attorney through AILA's <u>Immigration Lawyer Search</u>.

- "High Risk Drivers Fact Sheet," AAA Foundation for Traffic Safety (undated).
- Margaret Stock, "<u>Driver Licenses and National Security</u>," *Drivers.com*, Jan. 12, 2008.
- "Two Charged In Scheme That Helped Terrorists," Washington Post, Oct. 2, 2001
- Elise Foley, "Are 'Sanctuary Policies' a Magnet for Illegal Immigrants?," The Washington Independent, Oct. 8, 2010.
- 5. "A Uniform Driver's License," *Chattanooga Times Free Press*, Feb. 26, 2002.

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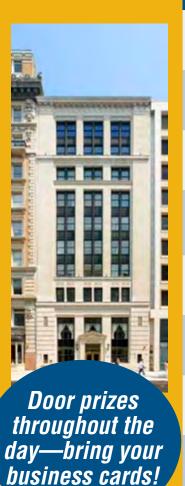
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Friday, February 11, 2011

10:00 am-4:30 pm

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Schedule of Events



10:00 am–10:30 am	Meet and Greet Continental Breakfast
10:30 am–11:20 am	AlLALink Training: Put AlLALink to Work for YOU! Get an overview of AlLALink's contents, organization, features, and learn the ins and outs of performing searches—from basic to advanced—to yield the best results.
11:00 am—11:30 am 3:30 pm—4:00 pm	Solutions Campaign Presentation: The AILA Solutions Campaign promotes achievable solutions to our broken immigration system. Join us for a video presentation and interactive discussion about the current politics of immigration reform and how you can make a difference!
11:30 am—12:20 pm	How to Start Your Own Immigration Practice*: The nuts and bolts of preparing and launching your own immigration firm—from choice of business entity to marketing, from office space to office systems, from getting work to getting paid. *One free CLE hour available in DE, NJ, NY, PA, VA, WV. Space is Limited.
12:30 pm—1:30 pm	AILA Taste of D.C.: Take a mid-day break and join the AILA D.C. Chapter for a networking lunch sure to expand both your immigration knowledge and personal rolodex. Be sure to bring cash—everyone goes Dutch!
1:30 pm–2:20 pm	InfoNet Training: Get the most out of your AlLA membership. Learn how to navigate one of AlLA's most valuable resource tools.
2:30 pm–3:20 pm	AILA Liaison Training: Cases caught up in red tape? Learn how AILA Liaison can help by providing individual case liaison assistance, attending committee meetings, identifying trends, submitting comments to proposed regulations and memoranda, answering member questions, and more.
3:30 pm–4:30 pm	Law Student Event: Come discuss your options for practicing immigration law with several notable D.C. area attorneys. Bring questions, learn about different practice settings, and be sure to stick around for Happy Hour!

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- AlLA/USCIS Liaison Practice Pointer: Filing Petitions or Applications at the Wrong Service Center: <u>AlLA InfoNet Doc. No. 11011063</u>

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Have you ever had a question about AILA but didn't know where to direct it? **askAILA** is here to help you find AILA resources and information!



by Danielle Polen

A Resolution Revolution

n the December issue's "Balance" column, we looked at how year-end rituals can help us maintain balance during the busy holiday season. This month, we explore ringing in the New Year with the power of positive intention, rather than with unrealistic and inflexible resolutions.

While crafting new year's resolutions can be a worthy exercise, statistics show that only 46 percent of such resolutions make it past the six-month mark. Oscar Wilde said it best when he wrote: "A New Year's resolution is something that goes in one year and out the other."

At the yoga studio where I teach, we call the throngs of new students who invariably appear each January "Resolutionists." And we know that by March or so, many of them will have rolled up their new yoga mats permanently and stashed them at the back of the closet.

So how can we craft resolutions that inspire us toward positive change rather than those that engender feelings of guilt or failure? Fitness industry leader Liz Neporent believes that making our resolutions more specific, creating a "plan of attack," and tracking our progress can help give our new year's resolutions some traction. Health and lifestyle journalist Catherine Guthrie suggests infusing our resolutions with a yogic twist and

praising the nobility of our efforts rather than focusing on what we are doing wrong (or not doing at all).

Finally, for those of you wanting to take your resolutions into the digital age, there's even an iPhone app that lets you track your new year's goals! I suspect that at some point in the future



JR NEW YEAR'S RESOLUTIONS.



As Rhett and Link's "New Year's Resolution Song" suggests, "adopt a more realistical [sic] view by committing to things that come easily to you."

an app will be developed that can actually carry out our resolutions for us. Until then, however, we can choose to celebrate our accomplishments, however small, or we can choose to berate ourselves for the weight we didn't lose, the exercise plan we didn't follow, or the eight other resolutions that we haven't thought about since January 1. Frankly, I prefer celebrating. You? ₩

Danielle Polen is the associate director of AILA Publications. She is also an experienced, registered yoga teacher through the Yoga Alliance (E-RYT, RYT500) and a member of both the Mid-Atlantic Yoga Association (MAYA) and the International Association of Yoga Therapists (IAYT). She practices and teaches yoga in Washington, D.C., and also leads workshops and retreats throughout the United States and Puerto Rico. She can be reached at dpolen@aila.org.

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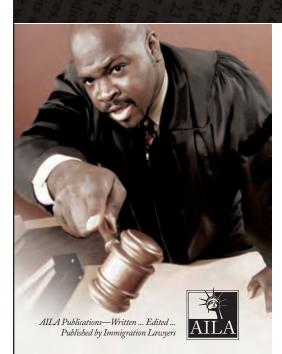
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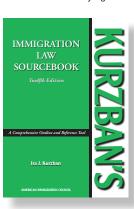
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Todorovic v. U.S. Att'y Gen.

Eleventh Circuit vacates and remands Serbian sexual orientation claim, finding that the IJ's decision was impermissibly based on homosexual stereotypes, which precluded the court from engaging in meaningful appellate review. (9/27/10)

► AILA Doc. No. 10122072

Dallakoti v. Holder

Tenth Circuit adopts BIA's interpretation of "one central reason" set forth in Matter of J-B-N- and S-M-, that the protected ground cannot be incidental, tangential, superficial, or subordinate to another reason for harm. (10/5/10)

► AILA Doc. No. 10122070

Edu v. Holder

Ninth Circuit orders CAT relief, finding that the BIA erred in its denial on the basis that petitioner could avoid torture by ceasing to exercise her political rights. Remanded for consideration of petitioner's FGM claim as a separate basis for relief. (10/26/10)

► AILA Doc. No. 10122245

Mata-Guerrero v. Holder

Seventh Circuit remands to determine whether failure to register as a sex offender in violation of Wisconsin Statute \$301.45(2)(a) is a crime involving moral turpitude under the analysis set forth in *Matter of Silva-Trevino*. (11/24/10)

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INTERALIA

The Storm, Interpreted

avid Lloyd, an AILA intern and Bill Archer Fellow, got an insider's view this fall of the realities of our current immigration system while working with AILA's Practice and Professionalism Center. He witnessed first-hand the unwavering efforts of AILA and its members. As part of his coursework at the University of Texas, David wrote an essay and chose a portrait from the Smithsonian National Portrait Gallery Museum in Washington, D.C., that represented his internship. He chose Ludolf Backhuysen's "The Storm." According to David, it represents "the story of the hardship immigrants face as they try to make their way to our shores." The following is an excerpt from David's essay:

"Looking at the portrait, I see a vessel that has foundered on a rocky coast. The ship represents a country and it is sinking. Its occupants 'hang on'hopeful that things will get better. The people in the water represent those who have lost all hope in their



homeland. They have decided to risk it all, in hopes of having a better life once they get to the shore—the United States. Once at the shore, they salvage what they can and walk forward, still looking back at their less fortunate brethren. The objects they salvage represent aspects of their culture that they are able to bring to the United States. The storm represents our complicated immigration system and the troubles immigrants face. The one in the bright blue clothing represents an AILA lawyer. He is not afraid of the storm. He walks toward the storm. He pulls the people out of the water and gets them to safety."



THIS JUST IN

The American **Immigration Council's Immigration Policy** Center released its latest Special Report: "Reading the Morton Memo: Federal

Priorities and Prosecutorial Discretion."

Written by Shoba Sivaprasad Wadhia, **Professor and Director of the Center for Immigrants' Rights at the Dickinson School** of Law of Pennsylvania State University, the report explains the key provisions of the June 30, 2010, memo issued by John Morton, Deputy Assistant Secretary for **Immigration and Customs Enforcement.**

The Tale of Two Private Bills

n December 15, 2010, Congress passed two private bills: <u>S.1774</u> and <u>S.4010</u>. <u>S.1774</u> would grant legal status for Hotaru Nakama Ferschke—a Japanese widow of a U.S. Marine who was killed in action in Iraq before the birth of their son. The other, <u>S.4010</u>, would grant permanent resident status to Shigeru Yamada—a Japanese man whose mother was killed in a car accident when he was a teenager (and before she could regularize his status). After her death, Yamada went to live with his aunt, but was never legally adopted by his aunt because adoption proceedings were completed too late to affect his immigration status. Both bills were presented to President Barack Obama on December 17 for his signature.



For more on private bills, check out AILA's Focus on Private **Bills and Pardons** in Immigration by Anna M. Gallagher (AILA member price \$59). **BUY**

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The ABCs of Representing Children in Immigration Cases (Audio)



WHAT'S HAPPENING!

THE 4-1-1:

- **★ Neil I. Fleischer** has welcomed his first child, Paxton Stanley Fleischer, born November 26, 2010.
- ★ Elizabeth "Betsy" Bedient received the AILA Colorado Chapter's Lifetime Achievement Award.
- *** Gloria Roa Bodin** has relocated her firm's Coral Gables office.
- *** Susan B. Henner** is pleased to announce the addition of **Katherine Doscher** as an associate with her firm.
- * Stone & Grzegorek welcomes new associate Candice Garrett to the firm.
- * Charles "Chuck" Kuck of Kuck Immigration Partners in Atlanta, and former AILA president, has made the list of 100 Most Influential Georgians by GeorgiaTrend magazine, published in its January 2011 issue.
- ★ Former AILA President Palma Yanni has joined Dickstein Shapiro LLP as Immigration Practice Leader.



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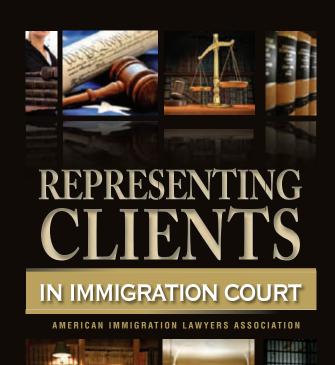


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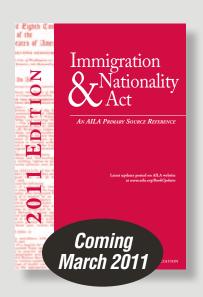
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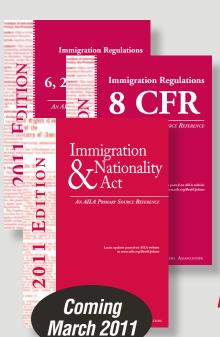
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