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Jamaica Gleaner - 10 hours ago
The fingerprints are also run through the US Department of Homeland Security databases which record immigration violations. After initiating the programme 'HALT' illegal immigration Seacoastonline.com
Fact Check: Executive order by Obama on illegals? Just a DREAM Florida Times-Union
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Friends of US, Terrorists in Eyes of Law
New York Times - Dan Frosch - 16 hours ago
The situation has created a conundrum for United States Citizenship and Immigration Services, which acknowledges that the individuals pose no threat to ...

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Kansas City Star - 3 hours ago
They represent a small population compared to the pool of immigrants who each year are granted US asylum from persecution. Most settle into American ...

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Cincinnati com - Mark Curnette - 9 hours ago
The United States Catholic Bishops Conference supports comprehensive immigration reform, saying that the current process is broken and needs to be fixed. ...
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   Interpreter Releases Daily September 16, 2011 DHS Officials Address Issue of Whether Terrorists Can Exploit the U.S. Visa System
Withholding of Removal/Convention Against Torture/”Honor Killing” | 2:80, 2:32 CE

In Sarhan v. Holder, 2011 WL 3966151 (7th Cir. 2011), the U.S. Court of Appeals for the Seventh Circuit addressed the question of whether a woman who will fall victim to an “honor killing” at the hands of a family member is entitled to relief under either the CAT or the withholding-of-removal statute, INA § 241(b)(3) [8 USC § 1231(b)(3)], based on membership in a “particular social group.” In reversing a decision by the BIA, which denied relief to the petitioners, a married couple from Jordan, the court ruled that the female petitioner, Ms. Disi, qualified as a member of a particular social group: all Jordanian women who, in accordance with social and religious norms in Jordan, are accused of being immoral criminals and, as a consequence, face the prospect of being killed without any protection from the Jordanian government. In addition, the court concluded that Disi established that it is more likely than not that she would be murdered by her brother-in-law if she returned to Jordan because of her inclusion in the aforesaid group. Accordingly, the court remanded the case back to the Board for further proceedings.

The petitioners came to the U.S. with their two children in the 1990s. Shortly after their arrival with visitor visas, Ms. Disi gave birth to a third child in the U.S., who experienced kidney problems. The family remained in the U.S. beyond their visitor authorizations to assure that their new daughter received necessary medical care. They settled in Chicago, and eventually the couple had two more children. Removal proceedings were commenced against...
Sarhan v. Holder
--- F.3d ----, 2011 WL 3966151
C.A.7, 2011.

September 02, 2011 (Approx. 12 pages)

FOR EDUCATIONAL USE ONLY
--- F.3d ----, 2011 WL 3966151 (C.A.7)

Briefs and Other Related Documents
Judges and Attorneys
Only the Westlaw citation is currently available.

United States Court of Appeals,
Seventh Circuit.
Saad SARHAN and Sara Issa Mohamad Disi, Petitioners,
v.

No. 10-2899.
Argued April 13, 2011.

Background: Aliens petitioned for review of order of Board of Immigration Appeals (BIA) denying applications for asylum, withholding of removal, and relief under Convention Against Torture.

Holdings: The Court of Appeals, Wood, Circuit Judge, held that:
(1) group of women in Jordan who had allegedly flouted repressive moral norms, and thus faced high risk of honor killing, qualified as a
Criminal Law
- Criminal Law Reporter (BNA)*
- White Collar Crime Report (BNA)

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- Benefits Practice Center (BNA)*
- Pension & Benefits Daily (BNA)*
- Pension & Benefits Reporter (BNA)*
- TM Compensation Planning Journal (BNA)

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- Americans with Disabilities Act Manual (BNA)*
- Collective Bargaining Negotiations & Contracts (BNA)*
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- Daily Labor Report (BNA)*
- Employment Discrimination Report (BNA)*
- Employment Discrimination Verdicts and Settlements (BNA)*
- Government Employee Relations Report (BNA)*
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- Class Action Litigation Report (BNA)*
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Issue dated September 13, 2011 • Volume 80 • Number 9

**HIGHLIGHTS**

**Challenges to Health Care Statute Spiked By Fourth Circuit**

The Fourth Circuit rules that the Anti-Injunction Act strips it of jurisdiction to hear a challenge to the constitutionality of two key provisions of the federal health care statute. A second, separate opinion ends, for now, the Virginia Attorney General's hopes of having the individual mandate to purchase health insurance declared unconstitutional, as the court says that the state lacks standing to challenge the 2010 Patient Protection and Affordable Care Act.

**BNA INSIGHTS**

Federal Preemption of Claims Based on Cell Phone Hazards: Farina v. Nokia and the Road to the U.S. Supreme Court
By Jean Macchiarioli Eggan

Jean Macchiarioli Eggan
Widener University School of Law

The (Broken?) Promise of Federal Rule of Evidence 502
By Kevin Brady, Amy Jane Longo, and Jeffrey Ritter

Kevin F. Brady
Partner and Chair, Business Law Group
Connolly Bove Lodge & Hutz LLP, Wilmington, Del.

**From the Editors**

- U.S. Law Week's preview of civil cases in the U.S. Supreme Court 2011-2012 term: Indecency, Copyrights on Tap for New Term; Health Care, Immigration May Steal Show
- U.S. Law Week's annual review of civil cases in the U.S. Supreme Court 2010-2011 term: Court Takes Aim at Class Actions, Marking Supersensitive Term for Big...
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<td>(80 U.S.L.W. 282)</td>
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<td>Does the employer's offer of a severance package as a condition of a voluntary resignation constitute a severance benefit? The Sixth Circuit found that the severance package did not constitute a severance benefit because it was not a non-disciplinary voluntary departure.</td>
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<td>(80 U.S.L.W. 282)</td>
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<td>Does a conditional grant of voluntary departure under the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) constitutionally deprive the immigration judge of jurisdiction? The Sixth Circuit found that IIRIRA did not confer authority on the immigration judge to determine the voluntariness of an applicant's departure.</td>
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<td><strong>Religion— Establishment Clause</strong></td>
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<td>Joyner v. Forsyth County, N.C.</td>
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<td>(80 U.S.L.W. 150)</td>
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<td>Does a county council's invocation policy that results in predominantly sectarian prayer run afoul of the Establishment Clause? The Fourth Circuit found that the policy was constitutional because it was not primarily or predominantly religious.</td>
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<td>Nongovernmental Actors Involved with Immigrants</td>
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Immigration Debate

Originally published on February 01, 2008

By Alan Greenblatt

Overview

John McCain, the senior senator from Arizona and the leading Republican candidate for president, has been hurt politically by the immigration issue.

McCain would allow illegal immigrants to find a way eventually to become citizens. The approach is seen by many Republican politicians and voters (and not a few Democrats) as akin to "amnesty," in effect rewarding those who broke the law to get into this country. Legislation that he helped craft with Sen. Edward M. Kennedy, D-Mass., and the White House went down to defeat in both 2006 and 2007.
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1. Preemption, Patchwork Immigration Laws, and the Potential for Brown Sundown Towns [notes]
   Mendola, Maria
   79 Fordham L. Rev. 321 (2010-2011)

2. Federal Employer Sanctions as Immigration Federalism [notes]
   Potter, Darcy M.

3. If You Want Something Done Right...: Chicanos Por La Causa v. Napolitano and the Return of Federalism to Immigration Law [article]
   Shelley, Randall G. Jr.
   43 Akron L. Rev. 603 (2010)

4. Preemption of Local Regulations beyond Lozano v. City of Hazleton: Reconciling Local Enforcement with Federal Immigration Policy [notes]
   Grube, Mark S.
   95 Cornell L. Rev. 391 (2009-2010)

   Feller, Rachel
   84 Wash. L. Rev. 289 (2009)

6. Sanctuary Policies & Immigration Federalism: A Dialectic Analysis [article]
   Gulasekaram, Pratheepan; Villazor, Rose Cison
   55 Wayne L. Rev. 1633 (2009)

7. Constitutional Dimension of Immigration Federalism, The [article]
PREEMPTING STATE E-VERIFY REGULATIONS: A CASE STUDY OF ARIZONA’S IMPROPER LEGISLATION IN THE FIELD OF “IMMIGRATION-RELATED EMPLOYMENT PRACTICES”

Rachel Feller

Abstract: In 1996, Congress established E-Verify, a program that allows employers to confirm the employment eligibility of new hires by using a federal electronic database. Although the federal government makes the program voluntary for employers, some states and municipalities have enacted legislation requiring the program’s use to prevent the employment of undocumented workers. Some of these state laws have been challenged in federal court on the grounds that they are preempted by federal law, particularly the Immigration Reform and Control Act of 1986 (IRCA). Courts have divided on this issue. This Comment explains the boundaries of preemption in the context of E-Verify legislation by using Arizona’s E-Verify law and the Ninth Circuit’s decision in Chacon v. Caucete y Napelitano as a case study. It argues that state E-Verify provisions may sanction employers for knowingly hiring undocumented workers only if the sanction is based on a Federal finding that the employer violated IRCA. Specifically, this Comment argues that the
PREEMPTING STATE E-VERIFY REGULATIONS: A CASE STUDY OF ARIZONA’S IMPROPER LEGISLATION IN THE FIELD OF “IMMIGRATION-RELATED EMPLOYMENT PRACTICES”

Rachel Feller

Abstract: In 1996, Congress established E-Verify, a program that allows employers to confirm the employment eligibility of new hires by using a federal electronic database. Although the federal government makes the program voluntary for employers, some states and municipalities have enacted legislation requiring the program’s use to prevent the employment of undocumented workers. Some of these state laws have been challenged in federal court, on the grounds that they are preempted by federal law. Particularly in the
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   Weissbrodt, David S  
   [St. Paul, Minn.] : Thomson/West, c2011  
   xxxi, 718 p.; 19 cm

2. *E-Verify [microform]: preserving jobs for American workers: hearing before the Subcommittee on Imm*  
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• Court Cases
• Codes & Statutes
Sources of Federal Agency Rules & Cases

• Department of Homeland Security (DHS)
  – Citizenship and Immigration Services (CIS)
    • Administrative Appeals Office

• Department of Justice (DOJ)
  – Executive Office of Immigration Review (EOIR)
    • Immigration Courts
    • Board of Immigration Appeals (BIA)
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Legal Disclaimer

The mission of the USCIS Office of Chief Counsel (OCC) is to provide legal advice to immigration officials concerning issues that arise in conjunction with their performance of their official duties. (8 CFR 100 2(a)(1) and 103.1(b)(1)) There have been rare cases in which a particular program is of such general interest and importance that the OCC has rendered a formal legal opinion. As a matter of policy, we have determined that providing legal opinions to private parties in matters that
8 CFR PART 1  Definitions (Note: Part 1 is duplicated in 8 CFR, Chapter V, as part 1001.1.)
Authority of the Secretary of Homeland Security (Heading revised 3/6/03; 68 FR 10922)

8 CFR PART 2  Executive Office for Immigration Review (Note: Part 3 was added 2/28/03; 68 FR 9824; previous part 3 was redesignated as part 1003)

8 CFR PART 3

SUBCHAPTER B -- IMMIGRATION REGULATIONS

8 CFR PART 100  Statement of organization

8 CFR PART 101  Presumption of lawful admission (Note: Part 101 is duplicated in Chapter V, part 1001, 2/28/03; 68 FR 9824)

8 CFR PART 103  Powers and duties; availability of records (Heading revised 3/6/03; 68 FR 10922)

8 CFR PART 109  [Reserved]

8 CFR PART 204  Immigrant petitions

8 CFR PART 205  Revocation of approval of petitions (Note: Part 205 is duplicated in Chapter V of 8 CFR 1205, 2/28/03; 68 FR 9824)

8 CFR PART 207  Admission of refugees (Note: Section 207.3 is duplicated in Chapter V, § 1207.3, 2/28/03; 68 FR 9824)

8 CFR PART 208  Procedures for Asylum and withholding of removal (Note: Part 208 is duplicated in Chapter V, 8 CFR Part 1208, 2/28/03; 68 FR 9824) (Part revised effective 4/1/97; 62 FR 10312)

8 CFR 208
The Administrative Appeals Office (AAO)

Leadership
Perry Rhew is the Chief, Administrative Appeals Office.

Mission
The Administrative Appeals Office (AAO) will provide timely, consistent, and accurate resolution of appeals through written decisions that are fair, impartial, and legally supportable by:

- Ensuring consistency and accuracy in the interpretation of immigration laws, regulations, and policies
- Maintaining awareness of developments in applicable case law, regulations, statutes, and policies
- Striving for efficiency and timely resolution in processing each appeal
- Recommending the publication of precedent decisions to clarify adjudication issues

What We Do
AAO adjudicates appeals under authority delegated to the USCIS by the Secretary of the Department of Homeland Security. Prior to the formation of the AAO, denied petitions and applications were appealed to one of four regional commissioners.
EOIR Virtual Law Library (VLL)

Welcome. This site serves as a complement to the Law Library and Immigration Research Center (LLIRC) located within the headquarters complex of the Executive Office for Immigration Review (EOIR).

New Additions to the VLL
Last Update: September 20, 2011 2:42 PM

(To be placed on an emailing list for AG/BIA Precedent Decisions, please visit the sign-up page.)

- Federal Register Notice: Commonwealth of the Northern Mariana Islands Transitional Worker Classification; September 07, 2011
- Federal Register Notice: Special Immigrant Juvenile Petitions; September 06, 2011
- Federal Register Notice: Employment Authorization for Libyan F-1 Nonimmigrant...
Search / A to Z Index

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- Administrative Review Board (ARB)
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B
- Back Pay
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- Benefits Review Board (BRB)
Decisions of the Administrative Review Board

A comprehensive set of the decisions of the Administrative Review Board (ARB) is hosted on the OALJ web site.

You can locate ARB decisions in several different ways:

Browse by Date
Browse by Date
[Beginning in July 2005, monthly case lists include case summaries]

Browse by Name
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[Organized by the name of the first non-DOL party]

Browse by Topic
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- Davis-Bacon Act and Service Contract Act
- Immigration (LCA cases)
- OFCCP
- Whistleblower
- Workforce Investment Act
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Full-Text Search
[Search results are categorized so that users can immediately distinguish between ARB and ALJ decisions]
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- Policies & Regulations
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Forms and Instructions

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Hiring Foreign Workers

- Permanent
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September 20, 2011

Foreign Labor Certification

Dr. William Carlson, Administrator

"WELCOME to the Office of Foreign Labor Certification (OFLC). We provide labor certification to employers seeking to bring foreign workers into the United States."

"To obtain certification employers must show that there are insufficient qualified U.S. workers available and willing to perform the work at the prevailing wage paid for the occupation. The intent is to ensure that admitting foreign workers does not adversely affect job opportunities, wages and working conditions for Americans."

More about OFLC mission and organization

Announcements

September 12, 2011.

On January 19, 2011, the Department published a final rule revising the methodology for calculating the prevailing wages to be paid by employers to H-2B workers and U.S.
FINIS