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Immigration Law Updates

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U.S. Customs and Border Protection (CBP) Laptop Searches

There has been a great deal of media attention and public concern over federal officials inspecting the contents of laptop computers brought into the U.S. by American citizens re-entering the country after traveling abroad.

The federal government claims the searches are necessary for national security. Meanwhile, advocacy groups and some legal experts feel the inspections are inappropriate and unreasonable.

I deal with the Department of Homeland Security on a daily basis, so it is not easy for me to admit that, for once, I appreciate what they are doing. Here are two examples of why I feel the searches are appropriate:

In November 2006, Detroit CBP Officers found approximately \$79,000 in undeclared U.S. currency in the baggage of an Ethiopian-born, naturalized U.S. citizen returning from abroad. A review of his laptop computer revealed information about cyanide and nuclear material.

In September 2006, a man traveling on an F-1 student visa arrived at Minneapolis-St. Paul airport from Amsterdam. His laptop contained numerous video clips of Improvised Explosive Devices, high-level Al-Qaida officials, and the laptop owner reading his last will.

The searches may be an inconvenience for those of us who travel with our computers, but we must recognize that citizenship on its own does not prove allegiance to our nation.

In response to the laptop search controversy, Jayson Ahern, Deputy Commissioner of U.S. Customs and Border Protection, stated the following in a recent online journal post (<http://www.dhs.gov/journal/leadership/>):

"We have a responsibility to ensure that any item brought into the country complies with the law and is not a threat to the American public. To treat our inspections of digital media at the border differently from any other documents or conveyances would give terrorists and criminals an advantage they should not have and that our nation cannot afford."

If you have questions, please contact my office.

Federal Contractors Must Verify Employment Eligibility with E-Verify

President Bush amended Executive Order 12989 to direct all federal department and agencies to require contractors to use an electronic employment eligibility verification system to verify the employment eligibility of all persons hired and performing work within the United States on federal contracts. The Department of Homeland Security has designated E-Verify as the required system for this process.

To review the Executive Order, visit <http://www.whitehouse.gov>

If you have questions, please contact my office.

DHS Institutes Traveler Redress Inquiry Program

Have you or someone you know encountered problems while attempting to enter the U.S.?

I receive many calls and emails asking for assistance with problems encountered at U.S. ports of entry, including delayed entry or exit, or repeated referrals to secondary screening. It is very frustrating, especially if you are a U.S. citizen. Fortunately, the Department of Homeland Security has instituted the Traveler Redress Inquiry Program (DHS TRIP), allowing individuals to seek resolution by filing a complaint online.

If you wish more information on the program, please contact my office.

ESTA Visa Waivers

Citizens and eligible nationals of designated countries are allowed to enter the U.S. as a business or pleasure visitor without obtaining a visa for stays of 90 days or less, under the Visa Waiver Program (VWP).

Beginning August 1, 2008, the Electronic System for Travel Authorization (ESTA) will be accessible via the internet for citizens and eligible nations of VWP countries to apply for advance authorization to travel to the U.S.

Current VWP countries include: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden Switzerland, and the United Kingdom.

If you have questions, please contact my office.

The information contained in this e-newsletter is intended as information only, and is not to be construed as legal advice.



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