

# BRAUWERMAN LAW FIRM, P.A.

Immigration & Nationality Law

A Progressive Law Firm Dedicated to Traditional Values <sup>SM</sup>

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## The Immigration Connection

January 2011

Welcome to the **Brauwerman Law Firm** newsletter. You are being sent this newsletter because of your interest in immigration and nationality matters. Should you wish to unsubscribe you may do so below.

### Secretary of Labor on failure to pass DREAM Act.

U.S. Secretary of Labor, Hilda Solis, called the Senate vote "immensely disheartening vote" and agreeing with President Obama that the DREAM Act is the right thing to do for the U.S.

### Born in former U.S. territory is not good enough for the 5th Circuit.

The U.S. Court of Appeals for the 5th Circuit, in agreeing with the Second, Third and Ninth Circuits held that persons born in the Philippines during its status as a U.S. territory were not born "in the United States" under the 14th Amendment and therefore, not U.S. citizens. [Nolos v. Holder, No. 08-60786, \_\_F.3d\_\_ (5th Cir. July 9, 2010)].

### Is a stamp in a passport proof of lawful reentry?

The Fifth Circuit says no! The Court denied a petition for review, holding that the petitioner's passport stamp did not establish lawful reentry and, therefore, there was no affirmative evidence to undermine the Immigration Officer's finding that the petitioner unlawfully reentered. There was no proof that the Attorney General had consented to petitioner's applying for readmission. [Anderson v. Napolitano, 08-60494, \_\_F.3d\_\_ (5th Cir. July 9, 2010)].



**Jeffrey N. Brauerman**, formerly a United States Immigration Judge, has served as Regional Counsel for the Southern Region of the U.S. Immigration and Naturalization Service and Chief Legal Officer for its Miami District office.

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## If you are late for Immigration Court have you "failed to appear"?

In *Camaj v. Holder*, No.09-3926, \_\_\_F.3d\_\_\_ (6th Cir. Nov. 8, 2010) the Court dismissed petitioner's claim as administratively unexhausted, but implored its colleagues that when a similar case is next presented, to hold that slight tardiness to one's hearing does not qualify as a failure to appear.

## A death at KROME.

USICE announced that a Panamanian national in ICE custody passed away at the Krome Service Processing Center in Miami after complaining of chest pains. He was in ICE custody since 12/3/10, and the third immigrant to pass away in ICE custody in fiscal year 2011.

## U.S. employers may have to register on-line for filing H-1B petitions.

USCIS will publish a proposed rule to establish a mandatory, Internet-based, electronic registration process for U.S. employers seeking to file H-1B petitions for workers that are subject to either the 65,000 or 20,000 annual numerical limitations.

## Software company kicked out of H-1B program for one year.

An Administrative Law Judge ordered Peri Software Solutions, Inc. debarred from participating in the H-1B program for one year and to pay back wages. *Wage & Hour Administrator v. Peri Software Solutions Inc., & Saravanan Periasamy* (DOL ALJ, No. 2010-LAC-00010, 11/22/10)

### Call Us Today For A Professional Consultation

Jeffrey N. Brauerman, of [Brauerman Law Firm, P.A.](#), is available for consultations in either of our two offices and is also available for telephonic consultations.

We look forward to meeting with you and ultimately providing you with representation. Please note that a consultation does not constitute an attorney-client relationship although information disclosed during the consultation to any member of the firm will be strictly confidential.

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