

# Exhibit B

SATURDAY, NOVEMBER 14, 2009

## National

The New York Times

## White House Plan on Immigration Includes Legal Status

By JULIA PRESTON

The Obama administration will insist on measures to give legal status to an estimated 12 million illegal immigrants as it pushes early next year for legislation to overhaul the immigration system, Homeland Security Secretary Janet Napolitano said on Friday.

In her first major speech on the overhaul, Ms. Napolitano dispelled any suggestion that the administration — with health care, energy and other major issues crowding its agenda — would postpone the most contentious piece of immigration legislation until after midterm elections next November.

Laying out the administration's bottom line, Ms. Napolitano said officials will argue for a "three-legged stool" that includes tougher enforcement laws against illegal immigrants and employers who hire them and a streamlined system for legal immigration, as well as a "tough and fair pathway to earned legal status."

With unemployment surging over 10 percent and Congress still wrangling over health care, advocates on all sides of the immigration debate had begun to doubt that President Obama would keep his pledge to tackle the divi-

sive illegal immigration issue in the first months of 2010.

Speaking at the Center for American Progress, a liberal policy group in Washington, Ms. Napolitano unveiled a double-barrel argument for a legalization program, saying it would enhance national security and, as the economy climbs out of recession, protect American workers from unfair competition from lower paid, easily exploited illegal immigrants.

"Let me emphasize this: we will never have fully effective law enforcement or national security as long as so many millions remain in the shadows," she said, adding that the recovering economy would be strengthened "as these immigrants become full-paying taxpayers."

Under the administration's plan, illegal immigrants who hope to gain legal status would have to register, pay fines and all taxes they owe, pass a criminal background check and learn English.

Drawing a contrast with 2007, when a bill with legalization provisions offered by President George W. Bush failed in Congress, Ms. Napolitano said the Obama administration had achieved a "fundamental change" in border security and



MANUEL BALCE CENETA/ASSOCIATED PRESS

Janet Napolitano laid out the administration's plans Friday.

enforcement against employers hiring illegal immigrants. She said a sharp reduction in the flow of illegal immigrants into the country created an opportunity to move ahead with a legalization program.

Some Republicans were quick to challenge Ms. Napolitano's claims that border security had significantly improved or that American workers would be helped by bringing illegal immigrants into the system.

"How can they claim that enforcement is done when there are more than 400 open miles of border with Mexico?" asked Repre-

sentative Lamar Smith of Texas, the senior Republican on the House Judiciary Committee. He said the administration should "deport illegal immigrant workers so they don't remain here to compete with citizen and legal immigrant job seekers."

But Senator John Cornyn of Texas, the top Republican on the Judiciary subcommittee on immigration, agreed that it was time to open the immigration debate. "My commitment to immigration reform has not changed," he said in a statement Friday. "I am interested in seeing a proposal sooner rather than later from President Obama."

Senator Charles E. Schumer, Democrat of New York and the chairman of that subcommittee, has been writing an overhaul bill and consulting with Republicans, particularly Senator Lindsey Graham of South Carolina. Mr. Schumer said that the administration's agenda was "ambitious," but that he was "confident we can have a bipartisan immigration bill ready to go under whatever timeline the president thinks is best."

Ms. Napolitano has been leading the administration's efforts to gather ideas and support for the immigration overhaul, meeting in recent weeks with business lead-

ers, religious groups, law enforcement officials and others to gauge their willingness to go forward with a debate in Congress.

Framing the administration's proposals in stark law and order terms, she said immigration legislation should include tougher laws against migrant smugglers and more severe sanctions for employers who hire unauthorized workers.

Ms. Napolitano said that the Border Patrol had grown by 20,000 officers and that more than 600 miles of border fence had been finished, meeting security benchmarks set by Congress in 2007. She was echoing an argument adopted by Mr. Bush after the bill collapsed in 2007, and by Senator John McCain, Republican of Arizona, in his race against Mr. Obama. They said Americans wanted to see effective enforcement before they would agree to legal status for millions of illegal immigrants.

Some immigrant advocates were dismayed by Ms. Napolitano's approach. Benjamin E. Johnson, executive director of the American Immigration Council, praised her package of proposals, but said some enforcement policies she outlined "have proven to do more harm than good."

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## Gay couples in legal limbo with immigration

*Married same-sex couples find their commitment has no standing in the eyes of immigration agents when one partner isn't a citizen. The Obama administration says their cases are a low priority, but that doesn't always prevent deportation.*

July 14, 2011 | By David G. Savage, Washington Bureau

Bradford Wells, a retired computer programmer in San Francisco, has chronic health problems that threaten his life and an immigration problem that threatens to split up his marriage and take away his caregiver.

He was married seven years ago in Massachusetts to Anthony Makk, a citizen of Australia. But in June, Makk's visa expired. The couple applied for a spousal green card, but they expect to be denied because the Defense of Marriage Act forbids federal authorities from recognizing a same-sex marriage.

Wells and Makk are among an estimated 24,000 same-sex couples in the United States in which one partner is not a citizen. Not all of them are married, but those who are find their legal commitment has no standing in the eyes of immigration agents.

"If [Makk] becomes illegal, then they can step in, and we don't know what would happen," Wells said. "Some mornings, I can't get out of bed. If he were not here, no one would be here to help."

As the nation remains entrenched in a debate over what to do about an estimated 11 million illegal residents, the Obama administration has released new guidelines to provide flexibility in individual cases without conflicting with other federal laws. Because the marriage act, passed in 1996, remains the law, the administration has stopped short of a blanket policy change on deportation cases involving married same-sex couples.

Instead, John Morton, director of Immigration and Custom Enforcement, sent a memo in June instructing his agents and lawyers to focus their deportation efforts on illegal immigrants who are criminals, gang members or security threats. He also urged them to "exercise discretion" in favor of illegal residents who have a "spouse, child or parent" who is a U.S. citizen or who is "primary caretaker" for someone who is ill, disabled or a child.

The directive did not mention legally married same-sex couples. So couples such as Makk and Wells must navigate a muddled and subjective process, one that gives immigration officers the power to allow illegal same-sex spouses to remain in the country — provided the agent does not cite marriage as the reason — or to proceed with deportations.

Gay rights advocates say the flexibility helps, but means married same-sex couples remain vulnerable to a range of outcomes.

Two weeks ago in New Jersey, Los Angeles attorney Lavi Soloway, who represents a number of married same-sex couples in deportation cases, scored a victory when the government agreed to stop the deportation of Henry Velandia, a Venezuelan man who is legally married to Josh Vandiver, a 30-year-old graduate student at Princeton University. Immigration officials said the deportation was not a priority. "That was a good sign, but it was only one case," Soloway said.

On Wednesday, a Southern California couple — Doug Gentry and Venezuelan native Alex Benshimol, who married last year in Connecticut — appeared before a San Francisco judge and asked the government to use its discretion to drop deportation proceedings against Benshimol. Judge Marilyn Teeter gave immigration officials 60 days to respond. Teeter postponed the next deportation hearing until September 2013 if the government does not drop the case.

Soloway, who is also their attorney, praised the judge's "compassion and understanding" and said he would "continue to advocate for termination of these proceedings and a moratorium on all deportations of spouses of lesbian and gay Americans."

The discretion directive came too late for Richard Dennis and Jair Izquierdo. Last December, Dennis, a New York banker, watched as his partner was put on a plane back to Peru. The two had a civil union in New Jersey and had applied for a green card, but that did not deter the government from deporting Izquierdo after his tourist visa expired.

"We just got a perfunctory 'denied' from them, with no explanation given.... The whole system seems very arbitrary," Dennis said.

The administration has sent a mixed message on the Defense of Marriage Act. In February, President Obama and Atty. Gen. Eric H. Holder Jr. announced that the government would no longer defend the act in court against claims from legally married same-sex couples in New England, who contend they deserve the same federal benefits as heterosexual couples. Since these gay couples were legally married in their states, the federal government could not deny them equal benefits, the administration said.

That case is now before a U.S. appeals court in Boston, with former Bush administration lawyer Paul Clement stepping in to defend the law on behalf of House

Republicans.

Based on the administration's decision, Democrats in Congress asked in April for a suspension of deportations involving legally married same-sex couples until the New England case is resolved. The administration refused, saying it could not grant relief "to the entire category of cases" involving married gay couples. Obama has said that as president, he has a duty to enforce laws on the books, even if he disagrees with them.

Typically, married couples do not face the threat of deportation, even if one spouse is not a U.S. citizen. Immigration law favors family reunification, and a U.S. citizen usually can obtain documents to keep a foreign-born spouse in the U.S. Gay rights advocates interpreted Morton's memo as a signal that, despite the marriage act, the administration does not view deportations of illegal same-sex spouses as a priority.

"This is the head guy saying to them: 'We have limited resources, so go after drug dealers and terrorists. Don't devote your resources to splitting up a law-abiding couple,'" said David Leopold, a Cleveland attorney and past president of the American Immigration Lawyers Assn.

But Morton's memo drew a sharp rebuke from the union that represents immigration agents and from Rep. Lamar Smith (R-Texas), chairman of the House Judiciary Committee. Chris Crane, who represents 7,000 immigration agents, accused Morton of creating a "law enforcement nightmare" for immigration agents. His comments raised the prospect that agents around the country may not follow Washington's guidance.

"It appears if the Obama administration doesn't like some laws, they just ignore them," Smith said.

Steve Ralls, a spokesman for Immigration Equality, a group pushing for an end to deportations of same-sex couples, said "we would like a clarification from the administration. No doubt something is changing, but there is no blanket policy. It is an unofficial evolution."

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*Brian Bennett in the Washington bureau contributed to this report.*

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June 29, 2011

# U.S. Drops Deportation Proceedings Against Immigrant in Same-Sex Marriage

By KIRK SEMPLE

**Correction Appended**

In a decision that could have far-reaching effects on immigration cases involving same-sex couples, federal officials have canceled the deportation of a Venezuelan man in New Jersey who is married to an American man, the couple's lawyer said Wednesday.

The announcement comes as immigration officials put into effect new, more flexible guidelines governing the deferral and cancellation of deportations, particularly for immigrants with no serious criminal records.

Immigration lawyers and gay rights advocates said the decision represented a significant shift in policy and could open the door to the cancellation of deportations for other immigrants in same-sex marriages.

"This action shows that the government has not only the power but the inclination to do the right thing when it comes to protecting certain vulnerable populations from deportation," said the couple's lawyer, Lavi Soloway.

The case has been closely watched across the country by lawyers and advocates who viewed it as a test of the federal government's position on the Defense of Marriage Act, a federal law that bars the federal government from recognizing same-sex marriages.

In February, Attorney General Eric H. Holder Jr. announced that the administration viewed the act as unconstitutional and would not defend it in the courts. Gay rights advocates asked the administration to postpone all deportations for same-sex married couples until the courts decided whether the marriage act was constitutional, but the administration said it would continue to enforce the law.

The Venezuelan man, Henry Velandia, 27, is a salsa dancer who immigrated in 2002 and was legally married last year in Connecticut to Josh Vandiver, 30, a graduate student at Princeton University. But Mr. Velandia was denied legal residency as Mr. Vandiver's spouse because of the Defense of Marriage Act. Under immigration law, an American citizen can petition for legal residency for a spouse, as long as the spouse is not the same sex.

Last month, an immigration judge in Newark suspended Mr. Velandia's deportation, saying he wanted to allow time for the attorney general and the courts to work out whether, under some circumstances, a gay partner might be eligible for residency.

On June 9, Mr. Soloway received a call from Jane H. Minichiello, the chief counsel at the Newark office of Immigration and Customs Enforcement, an arm of the Homeland Security Department, informing him that the agency had agreed to his request to close the deportation proceedings. According to Mr. Soloway, Ms. Minichiello said pursuing Mr. Velandia's deportation "is not an enforcement priority at this time."

Immigration agency officials confirmed Mr. Soloway's account of the conversation but would not comment further.

The judge granted the motion to close the case on June 13, and Mr. Soloway received an official copy of the order on Wednesday.

The decision to cancel the deportation came as federal immigration officials were thoroughly reviewing their deportation policies.

"I can start breathing now after so many months of fighting," said Mr. Velandia, 27. "I was holding my breath for fear of any moment being sent away."

But he pointed out that while the decision was "a big step forward," it still did not address the underlying issue of whether same-sex marriages should be recognized by the federal government.

"The fight isn't over," Mr. Velandia said.

***Correction: July 5, 2011***

An earlier version of this article misstated the date when Josh Vandiver and his husband, Henry Velandia, were outside the immigration court in Newark. It was May, not Friday, June 24.

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## Obama to begin immigration reform in 2009

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AGENCIES Apr 10, 2009, 02:46am IST

WASHINGTON: President Barack Obama hopes to launch an effort to overhaul US immigration policy this year, but the economic crisis is likely to push the process beyond 2009, the White House said on Thursday.

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"There are a lot of things on his plate and a lot of pressing issues relating to the economy. I don't think he expects that it will be done this year," spokesman Robert Gibbs told reporters.

Gibbs spoke after The New York Times reported that Obama aimed to draft legislation this year allowing illegal immigrants to become legal citizens as part of a major immigration policy revamp.

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The spokesman declined to confirm the report explicitly, but said that "legislation could come at some point" and underlining that "the president is focused on starting this process this year, as he said in the campaign."

Gibbs sidestepped questions on giving undocumented immigrants a path to citizenship, but said "the president believes that there's only one way to solve this problem, and that is through comprehensive immigration reform."

And he emphasized that Obama's campaign pledges had included vows to step up border security, and requirements that undocumented immigrants enter the process behind legal immigrants, and that they learn English and pay a fine.

As a US senator from Illinois, Obama in 2007 voted in favor of immigration reform and made it one of his top campaign issues, winning the key support of 66 percent of some 10 million registered Hispanic voters on election day.

A majority of new US immigrants are Hispanics from neighboring Mexico and also from across Central and South America.

Obama "plans to speak publicly about the issue in May... and over the summer he will convene working groups, including lawmakers from both parties and a range of immigration groups, to begin discussing possible legislation for as early as this fall," the New York Times report said.

The report cited US officials as saying "the Obama administration favors legislation that would bring illegal

immigrants into the legal system by recognizing that they violated the law, and imposing fines and other penalties to fit the offense.

"The legislation would seek to prevent future illegal immigration by strengthening border enforcement and cracking down on employers who hire illegal immigrants, while creating a national system for verifying the legal immigration status of new workers," it added.

Gibbs allowed that any immigration reform faced obstacles growing out of the US economy's paralyzing recession.

"I don't think the president is under any illusion that comprehensive immigration reform is going to be easy," he said.

"It hasn't been in the previous two congresses, and I don't anticipate that it's certainly going to get any easier now," he said.

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Kalyani (Chennai)  
10 Apr, 2009 06:29 AM

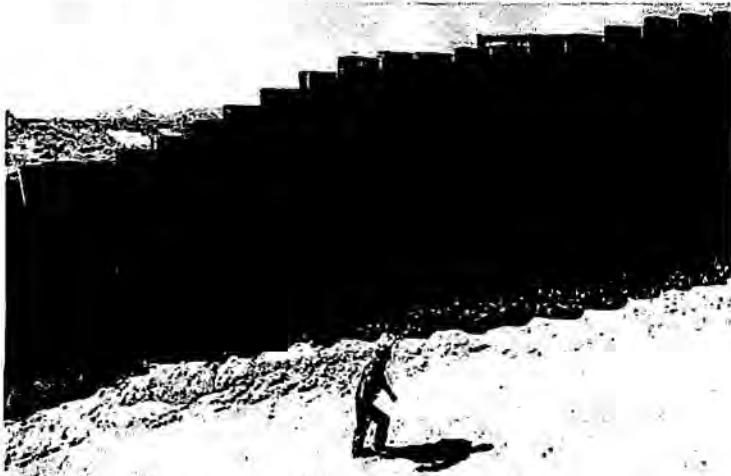
Obama should spell out clearly that who did graduation(MS/Ph.D/MBA etc.) in US Universities will be given job preference and also in immigration.



The Christian Science Monitor - CSMonitor.com

# Obama's immigration plan a 'poison pill' for Congress

Lawmakers have proved reluctant to touch the topic because it can burn them in primary season.



Dividing line: A US Border Patrol agent walks along a section of the US-Mexico border fence near Sunland Park, N.M. President Obama's efforts to reform how America treats immigrants who have come to the country illegally could cause problems for members of Congress.

(Tom Pennington/Fort Worth Star-Telegram/MCT)

By Gail Russell Chaddock, Staff writer

posted April 10, 2009 at 8:04 pm EDT

Washington

President Obama's plan to start work on immigration reform – reaffirmed by White House staff this week – launched two sharply different views on how it will impact his domestic agenda.

Supporters applaud Mr. Obama's holistic approach, arguing that all the interrelated issues of the economy, healthcare, and homeland security must be dealt with together. But to others, immigration reform is one of the most divisive issues in American politics – a "poison pill" that could sour the mood in Congress and clip the president's momentum.

By adding it to his "to do" list, Obama is putting lawmakers on both sides of the aisle in a bind, forcing them into votes that can then be wielded against them on the campaign trail.

"Democrats have to worry about offending Latino voters – that would create problems in primaries," says John Pitney, a political scientist at Claremont McKenna College in Claremont, Calif. "Republicans have to deal with the enforcement-only folks, also in primaries."

The last bid for comprehensive reform legislation derailed in the Senate in June 2007. Republicans who were willing to support then-President Bush on immigration aren't as likely to take political risks for a Democratic president.

"If Republicans have learned nothing else, it's that their primary electorates don't look kindly on anything that looks like amnesty," says Mr. Pitney.

The immigration issue poses special problems for each party. Since 2007, elements of the issue have come back as amendments to certain bills working their way through Congress. Members of Congress have called them "poison pills," because they aim to force legislators to record their votes on divisive issues.

In one instance earlier this year, the Senate voted to kill an amendment supported by groups who want tighter controls on immigration. It would have extended for six years a voluntary, Internet-based program that aims to determine if employees are legally entitled to work in the United States.

Though the amendment failed, the last-minute vote changes and intense discussions in the well of the Senate signaled how tough a call it was for Democrats in conservative states – who may have seen the vote coming back to hurt them in opponents' campaign ads. In the end, seven Democrats voted with a united GOP caucus to back the amendment, which lost narrowly, 50-47.

On the House side, a tax bill included a vote on whether to require the Internal Revenue Service to toughen enforcement against illegal immigrants, including denial of the earned income tax credit. The April 15, 2008, vote split the House, 210 to 210. The Senate never took up the bill.

Immigration is so divisive that opponents of other issues – ranging from annual spending bills to healthcare reform – have tried to bring immigration into the discussion as a way to fracture the support for bills.

"We've seen the anti-immigrant forces and even anti-healthcare forces try to move even healthcare into an immigration debate," says Ali Noorani, executive director of the National Immigration Forum, a pro-immigrant advocacy group in Washington.

Groups that favor curbs on immigration counter that this is not simply a tactic; it is the nature of immigration reform.

"Every program will provide yet another opportunity for moderate Democrats, Republicans, and blue dogs [conservative Democrats] to say: You can't spend this money on illegal aliens," says Dan Stein, president of the Federation for American Immigration Reform (FAIR), which favors a harder line on immigrants.

Whether Obama plans to launch a bid for comprehensive immigration reform this year or later, Republicans and opponents are taking the immigration debate to other elements of the president's agenda – setting up early and ongoing tests of the strength of the pro-reform coalition.

"As long as the administration continues to push such an ambitious spending agenda, by definition you raise the eligibility question at every turn," says Mr. Stein of FAIR. "There's an inherent taxpayer dislike of providing taxpayer funds to people who have no right to be in the country."

But supporters of a comprehensive approach say immigration is an essential element of the president's overall agenda. "Fixing our immigration system is an important part of addressing our nation's economic, healthcare, and homeland-security challenges," said Angela Kelley, director of the Immigration Policy Center in Washington.

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## Obama plans to address immigration system in 2009

### Amnesty opponents seek to mobilize anger over lost jobs

By JULIA PRESTON  
NEW YORK TIMES

Published: Friday, April 10, 2009 at 4:08 a.m.

While acknowledging that the recession makes the political battle more difficult, President Barack Obama plans to begin addressing America's immigration system this year, including looking for a path for illegal immigrants to become legal, an administration official said Wednesday.

Obama will frame the new effort -- likely to rouse passions on all sides of the divisive issue -- as "policy reform that controls immigration and makes it an orderly system," said the official, Cecilia Munoz, deputy assistant to the president and director of intergovernmental affairs in the White House.

Obama plans to speak publicly about the issue in May, administration officials said, and over the summer he will convene working groups, including lawmakers from both parties and a range of immigration organizations, to begin discussing possible legislation for as early as this fall.

Obama said during the presidential campaign that comprehensive immigration legislation, including a plan to make legal status possible for an estimated 12 million illegal immigrants, would be a priority in his first year in office. But with the economy seriously ailing, advocates on different sides of the debate said that immigration could become a polarizing issue for Obama in a year when he has many other battles to fight.

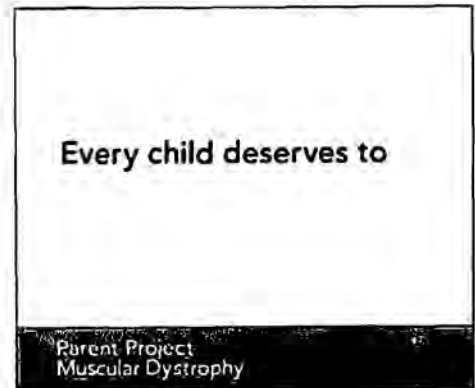
Opponents, mainly Republicans, say they will seek to mobilize popular outrage against any effort to legalize unauthorized immigrant workers while many Americans are out of jobs.

Debate is under way among administration officials about the precise timing and strategy. It is unclear who will take up the Obama initiative in Congress. No serious legislative talks on the issue are expected until after some of Obama's other priorities have been debated, congressional aides said.

Officials said that Obama's plan would not add new workers to the American work force, but that it would recognize millions of illegal immigrants who have already been working in the United States.

Opponents of legalization legislation were incredulous at the idea that Obama would take on immigration when economic pain for Americans is so widespread.

"It just doesn't seem rational that any political leader would say, let's give millions



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of foreign workers permanent access to U.S. jobs when we have millions of Americans looking for jobs," said Roy Beck, executive director of Numbers USA, a group that favors reduced immigration.

Beck predicted that Obama would face "an explosion" if he proceeded this year. "It's going to be, 'You're letting them keep that job, when I could have that job,' " he said.

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