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Immigration and Naturalization Committee

Richard A. Andrews

Qiang Bjornbak

Mark Calaguas

Melissa Corral

Sabrina Damast

See next page for additional authors

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Authors

Richard A. Andrews, Qiang Bjornbak, Mark Calaguas, Melissa Corral, Sabrina Damast, Shayan Davoudi, Hassan Elkhail, Melanie Glover, Philip Lietaer, Marina Bugallal Garrido, Robert McHugh III, and Angela Williams

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RICHARD A. ANDREWS, QIANG BJORNBAK, MARK CALAGUAS, MELISSA CORRAL,
SABRINA DAMAST, SHAYAN DAVOUDI, HASSAN ELKHALIL,
MARINA BUGALLAL GARRIDO, MELANIE GLOVER, PHILIP LIETAER,
ROBERT MCHUGH III, AND ANGELA WILLIAMS*

I. Introduction

In 2013, countries of the world changed, or considered changing, their immigration laws and policies.¹ Some of the changes are efforts to attract new business and foreign entrepreneurs, as witnessed in Canada, Japan, and Spain. Meanwhile, Hong Kong's highest court upheld the exclusion of foreign domestic workers from applying for permanent residency. In the United States, changes were seen in the context of criminal consequences, family unity, same-sex marriage, and driver's licenses, while comprehensive immigration reform remained hotly debated. Finally, the Syrian civil war continues to affect other countries; this article will highlight issues faced by Lebanon, a neighboring State.

II. Attracting Business and Entrepreneurs

A. CANADA

On April 1, 2013, Canada launched its start-up visa pilot program in an attempt to create jobs and foster economic growth.² The program is designed to be one of the most appealing start-up programs in the world, running for up to five years and granting a maximum

* Richard A. Andrews is a law clerk in the Federal Judiciary and served as the committee editor; Qiang Bjornbak is an attorney practicing in Los Angeles; Mark Calaguas is an attorney and Certified Information Privacy Professional based in Chicago; Melissa Corral is a J.D. candidate at William S. Boyd School of Law in Las Vegas; Sabrina Damast is an attorney practicing in Los Angeles; Shayan Davoudi is a J.D. candidate at John Marshall Law School in Chicago; Hassan Elkhailil is an attorney practicing in Atlanta; Marina Bugallal Garrido is an attorney practicing in Madrid; Melanie Glover is an attorney practicing in Grand Rapids, MT; Philip H. Lietzer is an attorney practicing in Denver; Robert McHugh III is an attorney practicing in Pennsylvania; and Angela Williams is an attorney practicing in Kansas City.

1. For developments during 2012, see generally Richard A. Andrews et al., *Immigration and Naturalization Law*, 47 INT'L LAW. 337 (2013). For changes in 2011, see generally Qiang Bjornbak et al., *Immigration and Naturalization Law*, 46 INT'L LAW. 335 (2012).

2. Press Release, Citizenship and Immigration Can., Historic New Immigration Program to Attract Job Creators to Canada (Jan. 24, 2013), available at <http://www.cic.gc.ca/english/departement/media/releases/2013/2013-01-24.asp>.

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of 2,750³ visas per year.⁴ If successful, Citizenship and Immigration Canada (CIC) may formally introduce the visa as a new economic class.⁵ The change is a part of Canada's 2013 Economic Action Plan, which includes plans to build a "fast and flexible immigration system."⁶ Similar visa programs for start-up companies have been created in the United Kingdom, Chile, and New Zealand.⁷ Canada's program, however, offers a unique incentive: immediate permanent resident status.⁸ Moreover, Canada will not attach any conditions to the success of the business.⁹ Canada's previous programs for investors, the Immigrant Investor Program and the Federal Entrepreneur Program,¹⁰ have been suspended, pending re-evaluation of their effectiveness.¹¹

In order to qualify for the start-up visa, one must first (1) obtain the support of one or more Canadian designated venture capital funds (securing a minimum investment of CAD \$200,000), (2) obtain the support of one or more Canadian designated angel investor groups (securing a minimum investment of CAD \$75,000), or (3) be accepted into a designated Canadian business incubator.¹² The only additional requirements for the visa are that the individual (1) have proficiency in English and/or French, (2) complete at least one year of post-secondary education, and (3) hold sufficient funds to support herself and her dependents.¹³

Canada began promoting the visa in early 2013 in California's Silicon Valley and other destinations.¹⁴ The CIC appears to be aggressively recruiting young entrepreneurs, while similar legislation in the United States has remained stagnant. The U.S. Startup Visa Act

3. *Backgrounder—The New Start-Up Visa Program: An Innovative Approach to Economic Immigration*, CITIZENSHIP AND IMMIGR. CAN., (Jan. 24, 2013) <http://www.cic.gc.ca/english/department/media/backgrounders/2013/2013-01-24.asp>.

4. CITIZENSHIP AND IMMIGRATION CAN., OPERATION BULLETIN 555—WORK PERMITS FOR START-UP BUSINESS CLASS PERMANENT RESIDENT VISA APPLICATIONS (Oct. 25, 2013), *available at* <http://www.cic.gc.ca/english/resources/manuals/bulletins/2013/ob555.asp>.

5. *Backgrounder*, *supra* note 3.

6. Press Release, Citizenship and Immigration Can., Canada's New and Improved Federal Skilled Worker Program Opening to Applicants (May 3, 2013), *available at* <http://www.cic.gc.ca/english/department/media/releases/2013/2013-05-03.asp>.

7. *See Pathway to Residence for Entrepreneurs*, IMMIGR. N.Z., <http://www.immigration.govt.nz/migrant/stream/invest/entrepreneur/default.htm> (last updated Dec. 19, 2013); *Prospective Entrepreneurs*, U.K. BORDER AGENCY, <http://www.ukba.homeoffice.gov.uk/visas-immigration/visiting/entrepreneur/requirements> (last visited Feb. 11, 2014); *The Program*, START-UP CHILE, <http://startupchile.org/about/the-program> (last visited Feb. 11, 2014).

8. *Canada Wants Entrepreneurs!*, CITIZENSHIP AND IMMIGRATION CANADA, <http://www.cic.gc.ca/english/resources/publications/entrepreneurs.asp> (last updated May 14, 2013).

9. *Id.*

10. *Investors, Entrepreneurs, and Self-Employed*, CITIZENSHIP AND IMMIGR. CAN., <http://www.cic.gc.ca/english/immigrate/business/index.asp> (last updated Oct. 25, 2013).

11. *Id.*; *see also Backgrounder*, *supra* note 3.

12. *Designated Organizations*, CITIZENSHIP AND IMMIGR. CAN., <http://www.cic.gc.ca/english/immigrate/business/start-up/eligibility/entities.asp> (last updated Oct. 25, 2013).

13. *Determine your Eligibility—Start-Up Visa*, CITIZENSHIP AND IMMIGR. CAN., <http://www.cic.gc.ca/english/immigrate/business/start-up/eligibility.asp> (last updated Oct. 25, 2013).

14. Press Release, Citizenship and Immigration Can., Minister Kenney promotes Canada's new Start-Up Visa in Silicon Valley (May 21, 2013), *available at* <http://www.cic.gc.ca/english/department/media/releases/2013/2013-05-21.asp>.

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was introduced in Congress in 2010, and again in 2011, but expired both times.¹⁵ The most recent Startup Visa Act was introduced on January 30, 2013, and is currently awaiting review of Congress.¹⁶

Apart from the start-up visa program, CIC announced on January 2, 2013, a new Federal Skilled Trades Program.¹⁷ The program will accept up to 3,000 people in specific trades, with an occupation list designed to reflect current labor needs.¹⁸ The program was a response to Canadian employers who were requesting “skilled workers to fill [labor] shortages, particularly in the natural resources and construction sectors.”¹⁹

B. JAPAN

Japan is proactively accepting eligible foreign nationals under the “points-based preferential immigration treatment for highly skilled foreign professionals” program (points program) for the purposes of revitalizing its economy and society and strengthening its international competitiveness.²⁰ Initiated in May 2012, this new immigration points program has failed to meet its goal of 2,000 visa registrants per year, after one year in operation.²¹ As of July 2013, only 434 individuals had used the points program.²² Out of these registrants, only seventeen persons used the points program to enter the country.²³

In order to qualify for preferential immigration treatment, foreign nationals must earn seventy or more points to be recognized as “highly skilled foreign professionals.”²⁴ The activities of foreign nationals are categorized into the following categories: (1) academic research activities, (2) advanced specialized/technical activities, or (3) business manage-

15. StartUp Visa Act of 2010, S. 3029, 111th Cong. (2010) (died); StartUp Visa Act of 2011, S. 565, 112th Cong. (2011) (died).

16. StartUp Visa Act of 2013, S. 189, 113th Cong. (2013).

17. Press Release, Citizenship and Immigration Can., New Federal Skilled Trades Program Accepts Applications Starting Today (Jan. 2, 2013), available at <http://www.cic.gc.ca/english/department/media/releases/2013/2013-01-02.asp>.

18. *Id.*

19. Press Release, Citizenship and Immigration Can., Canada Welcomes First Immigrants Under New Federal Skilled Trades Program (Aug. 16, 2013), available at <http://www.cic.gc.ca/english/department/media/releases/2013/2013-08-16.asp>.

20. IMMIGRATION BUREAU, MINISTRY OF JUSTICE, JAPAN, POINTS-BASED PREFERENTIAL IMMIGRATION TREATMENT FOR HIGHLY SKILLED FOREIGN PROFESSIONALS (Apr. 2012), available at http://www.immi-moj.go.jp/english/topics/120502_en.html; MINISTRY OF JUSTICE, JAPAN, BASIC PLAN FOR IMMIGRATION CONTROL 21 (4th ed., Mar. 2010) (provisional translation), available at http://www.immi-moj.go.jp/seisaku/keikaku_101006_english.pdf.

21. Tomorhiro Osaki, ‘Skilled Foreigner’ Invite Too Rigid a Bar, THE JAPAN TIMES (Sept. 4, 2013), <http://www.japantimes.co.jp/news/2013/09/04/national/skilled-foreigner-invite-too-rigid-a-bar/#.Uoogbhx-s-J>; see Ida Torres, *Japan Fails to Attract Skilled Foreign Professionals Despite Preferred Immigration Status*, JAPAN DAILY PRESS (July 9, 2013), <http://japandailynews.com/japan-fails-to-attract-skilled-foreign-professionals-despite-preferred-immigration-status-0931930/>.

22. Torres, *supra* note 21. The composition of the registrants was 57 percent Chinese, 7 percent American, and 4 percent Indian. Osaki, *supra* note 21.

23. Osaki, *supra* note 21.

24. *Points-Based Preferential Immigration Treatment for Highly Skilled Foreign Professionals*, MINISTRY OF JUSTICE, IMMIGR. BUREAU OF JAPAN, http://www.immi-moj.go.jp/newimmiact_3/en/index.html (last visited Feb. 12, 2014). The points evaluation table is available online at *Point Calculation Table*, MINISTRY OF JUSTICE, IMMIGR. BUREAU OF JAPAN, http://www.immi-moj.go.jp/newimmiact_3/en/pdf/02_e.pdf (last visited Feb. 12, 2014).

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ment activities.²⁵ Each category has its own point calculation system where criteria such as academic background, research experience, promised annual salary, age, and language proficiency are given a specific number of points.²⁶

If a foreign professional meets the seventy-point requirement, the professional receives preferential treatment, which includes:

- 1) permission for the highly skilled professional to engage in work beyond the existing scope of his or her residence status, as opposed to being limited to activities within the scope of a single residence status that has been granted;
- 2) permanent residence for a foreign national if he or she engages in the highly skilled activities for a period of five consecutive years, as opposed to staying in Japan for ten years;
- 3) permission for the spouse who is living with the highly skilled professional to work no longer than twenty-eight hours per week, as opposed to prohibiting the spouse of a foreign national from engaging in work;
- 4) easing of restrictions on bringing a parent of a highly skilled foreign professional;
- 5) easing of restrictions on bringing a domestic servant employed by a highly skilled person; and
- 6) additional preferential processing of immigration and stay procedures.²⁷

Even with such benefits available, interest in the points program likely suffers from its stringent eligibility hurdles, namely emphasis on annual income and educational background.²⁸ The Justice Ministry is reviewing the points system and, by the end of the year, may ease the eligibility requirements and modify the benefits.²⁹

Japan faces a looming demographic crisis with its low birthrate and aging population. The current population of 127 million is predicted to shrink to 84 million in fifty years, and, to make problems worse, the labor-force population (individuals that are fifteen to sixty-four years old) will fall from 80 million to 42 million.³⁰ The United Nations predicts that Japan needs to increase its immigration to 650,000 each year in order to stabilize its population.³¹

Japan should develop a more robust immigration policy to counter the impending demographic crisis. Its migrant population is a mere 1.6 percent of the total population, and

25. MINISTRY OF JUSTICE, IMMIGRATION BUREAU OF JAPAN, POINTS-BASED SYSTEM THAT PROVIDES HIGHLY SKILLED FOREIGN PROFESSIONALS WITH PREFERENTIAL IMMIGRATION TREATMENT (Dec. 2011), available at http://www.immi-moj.go.jp/newimmiact_3/en/pdf/01_e.pdf.

26. *Id.*

27. MINISTRY OF JUSTICE, IMMIGRATION BUREAU, PREFERENTIAL IMMIGRATION TREATMENT IN THE POINTS-BASED SYSTEM FOR HIGHLY SKILLED FOREIGN PROFESSIONALS, available at http://www.immi-moj.go.jp/newimmiact_3/en/pdf/05_e.pdf (last visited Feb. 12, 2014).

28. See Osaki, *supra* note 21.

29. *Id.*

30. See Manolo Abella, *The United States' and Japan's Immigration Dilemmas in Comparative Perspective*, 56:8 AM. BEHAV. SCIENTIST 1139, 1145 (2012); Iwao Nakatani, *Drastic Change in Immigration Policy Off the Japanese Election Agenda*, EAST ASIA FORUM (July 21, 2013), <http://www.eastasiaforum.org/2013/07/21/drastic-change-in-immigration-policy-off-the-japanese-election-agenda/>.

31. Jeff Kingston, *Immigration Reform: Could this Be Abe's New Growth Strategy?*, THE JAPAN TIMES (May 19, 2013), <http://www.japantimes.co.jp/opinion/2013/05/19/commentary/immigration-reform-could-this-be-abes-new-growth-strategy/#.UoooHRx-s-J>.

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of this migrant population, highly skilled migrants compose only 9 percent.³² Compared to other major industrialized countries, Japan has the lowest percentage of employed foreign scientists and engineers.³³ An easing of the eligibility requirements for preferential immigration treatment under the points programs—particularly for annual income and educational background—would likely attract more highly skilled foreign professionals.³⁴

C. SPAIN

On September 19, 2013, the Spanish Government approved the long-awaited Law to Support the Entrepreneur and Internationalization (Law).³⁵ The Law, among other current economic reforms in Spain, aims to stimulate the Spanish economy after recent years of crisis in the housing and construction industries.

In summary, the Law provides immigration opportunities for those foreign nationals who invest in Spain. By complying with certain established legal requirements, foreign nationals can now achieve residence in Spain. Specifically, the Law introduces visas for periods of stay and residence for foreign nationals who invest, such as the authorization of residence for a period of two years, subject to renewal.³⁶ Foreign nationals in their respective countries must comply not only with the investment requirements but also with other basic requirements established in Spanish law, such as the absence of a criminal record and maintaining proper medical insurance.

To benefit from this Law, foreign nationals must commit to any of the following investments:

- 1) acquire shares of Spanish companies in an amount greater than €1,000,000;
- 2) purchase Spanish Government bonds in an amount greater than €2,000,000;
- 3) create business projects of general interest; or
- 4) purchase a building of a value equal to or greater than €500,000.³⁷

The families of those foreign nationals interested in any of the above investments may also request residence authorization; the spouse and minor children of the investing foreign national can request residence. The request for children, presented with the request for residence of the foreign national, will benefit those children under eighteen years of age or those children over eighteen years of age who can objectively demonstrate that they cannot care for their own needs because of health reasons.³⁸

Spanish lawyers anticipate that the most attractive investments for foreign nationals may be the creation of business projects of general interest and the purchase of buildings with a value greater than €500,000. These projects must be of an innovative character and of economic interest to Spain, according to a report issued from the Economic and Com-

32. Nana Oishi, *The Limits of Immigration Policies: The Challenges of Highly Skilled Migration in Japan*, 56:8 AM. BEHAV. SCIENTIST 1080, 1081 (2012).

33. Nana Oishi, *Migration and Competitiveness in Science and Engineering in Japan*, 10:2 MIGRATION LETTERS 228, 228–29 (2012).

34. See Osaki, *supra* note 21; see also Torres, *supra* note 21.

35. Law to Support the Entrepreneur and Internationalization (B.O.E. 2013, 233) (Spain).

36. *Id.* art. 67.

37. *Id.* art. 66.

38. *Id.* art. 62(4).

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mercial Office of the geographic region where the foreign national wishes to present the visa application.³⁹

The report will positively evaluate these factors, among others:

- 1) the creation of jobs;
- 2) the carrying out of an investment with relevant socioeconomic impact; and
- 3) the relevant contributions of the project to scientific or technological innovation.⁴⁰

The Law does not require these projects to reach a minimum quantity of investment, but the “innovation and economic interest of Spain” factors are more subjective requirements.⁴¹

The foreign national wishing to pursue this investment option must make available an investment of €500,000 free of liens or encumbrances, yet with the ability to become subject to liens or encumbrances (of a value exceeding the €500,000 amount).⁴² The foreign national must make this accreditation with the appropriate certification of Land Registry and must include information about domain and burdens. But this investment option does not require the foreign national to live in Spain. The foreign national can choose, for example, to rent out the acquired building.

The approval of this Law takes place in an economic environment that already favors foreign investment in real estate in Spain. For example, one in every six acquisitions of buildings (16.9 percent) is by a foreign national,⁴³ and foreign investment in real estate has experienced an increase of 40 percent during the last five years. One of the key reasons for this increase in foreign investment has been the recent fall in prices motivated by the housing-sector crisis. Specifically, the cumulative fall of property prices over the past five years has now reached 34.4 percent, matching registered prices in 2007.⁴⁴

The posture of the Spanish housing market and the commitment of the Spanish Government to promote this Law demonstrate high hopes to crystallize an even more significant increase in Spanish real estate purchases by foreign nationals. These opportunities invite foreign nationals to invest in Spain while securing the right to reside there with their families and enjoy the new investment. Thus, the new Law highlights the natural attraction of Spain for foreign nationals—its strategic geographic position, its highly skilled population, its excellent network of infrastructures, and its enviable climate and culture.

III. Hong Kong's Foreign Domestic Workers

On March 25, 2013, the Court of Final Appeal (CFA) of the Hong Kong Special Administrative Region (SAR) rejected a constitutional challenge to a provision in the SAR's Immigration Ordinance excluding foreign domestic helpers (FDHs) from acquiring per-

39. *Id.* art. 70.

40. *Id.*

41. Law to Support the Entrepreneur and Internationalization art. 70 (B.O.E. 2013, 233) (Spain).

42. *Id.* art. 64(2).

43. Mark Stücklin, *Spanish Property Market Shrinks, Foreign Demand Surges*, SPANISH PROP. INSIGHT (Sept. 10, 2013), <http://www.spanishpropertyinsight.com/2013/09/10/spanish-property-market-shrinks-foreign-demand-surges/>.

44. BANCO DE ESPAÑA, ANNUAL REPORT 2012 9 (2013), available at http://www.bde.es/bde/en/secciones/informes/Publicaciones_an/Informe_anual/anoactual/.

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manent residency.⁴⁵ The *Vallejos v. Commissioner of Registration* case⁴⁶ upheld a 2012 Court of Appeal (COA) decision⁴⁷ that overruled a finding by the Court of First Instance (CFI) in 2011.⁴⁸ The CFI held that the Immigration Ordinance's exemption for FDHs contravened Article 24(2)(4) of the Hong Kong Basic Law, which provides the right of residency to persons of non-Chinese nationality who lawfully entered the SAR and have "ordinarily resided" there for at least seven years.⁴⁹ *Vallejos* and its predecessor cases sparked intense public debate in Hong Kong, as it touched upon fears that a loosening of residency restrictions for FDHs would strain public resources and adversely impact the local labor market.⁵⁰ As noted by the judges in *Vallejos*, since recruitment of FDHs began in the 1970s, the number of foreigners working in Hong Kong as live-in domestic employees skyrocketed from under 900 in 1974 to over 285,000 at the end of 2010.⁵¹

The *Vallejos* matter began when the applicant, who was born in the Philippines and first arrived in Hong Kong as an FDH in 1986, filed unsuccessful applications for both permanent resident status and a Hong Kong Permanent Identity Card in 2008.⁵² Despite having worked for the same family for over twenty years, the applicant was not found to be "ordinarily resided" in the SAR according to Article 2(4) of the Immigration Ordinance, which excludes anyone "employed as a domestic helper who is from outside Hong Kong."⁵³ The applicant then sought a ruling, which was granted by the CFI, that the relevant provision was inconsistent with the Basic Law.⁵⁴ But the COA reversed the decision and held the FDH exception did not violate the Basic Law.⁵⁵

On appeal, the applicant argued that FDHs should be treated as other classes of foreigners in Hong Kong who come there for purposes of business, education, and employment, and are consequently accorded the status of being "ordinarily resident."⁵⁶ Notably, the applicant relied on a 1983 United Kingdom House of Lords decision that looked to the "natural and ordinary meaning" of the term "ordinarily resident" and concluded that a person satisfied that condition by "living lawfully, voluntarily and for a settled purpose, as part of the regular order of life for the time being."⁵⁷ The CFA considered only the first of respondent's four arguments in reaching its final decision against the applicant; the court held that the "natural and ordinary meaning" is not dispositive and that FDHs, by

45. Austin Chiu & Patsy Moy, *Foreign Helpers' Plea for Permanent Residency Fails*, S. CHINA MORNING POST (Mar. 26, 2013, 11:27 AM), <http://www.scmp.com/news/hong-kong/article/1199312/hong-kongs-top-court-rejects-domestic-helpers-appeal-permanent>.

46. *Vallejos Evangelina Banao v. Comm'r of Registration*, [2013] 4 H.K.C. 239 (C.F.A.) (H.K.).

47. *Vallejos Evangelina Banao v. Comm'r of Registration*, [2012] CACV 204/2011 Legal Reference System (C.A.) (H.K.).

48. *Vallejos Evangelina Banao v. Comm'r of Registration*, [2011] HCAL 124/2010 Legal Reference System (C.F.I.) (H.K.).

49. XIANGGANG JIBEN FA art. 24, § 24 (H.K.).

50. Katie Hunt, *Asia Debates More Rights for Domestic Workers*, BBC NEWS (Feb. 20, 2012, 11:02 AM), <http://www.bbc.co.uk/news/business-17093311>.

51. *Vallejos*, [2013] 4 H.K.C. 239, § 7.

52. *Vallejos*, [2011] HCAL 124/2010 Legal Reference System, § 26–27; see also Chiu & Moy, *supra* note 45.

53. *Vallejos*, [2011] HCAL 124/2010 Legal Reference System, § 26; Immigration Ordinance, (1997) Cap. 115, 4, § 2(4) (H.K.).

54. *Vallejos*, [2013] 4 H.K.C. 239, § 6.

55. *Id.*

56. *Id.* § 21.

57. *Id.*

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virtue of the restrictions placed on their residency, constitute an exceptional category that falls outside the meaning of “ordinarily resident.”⁵⁸

In its analysis, the CFA posited that the one specific meaning of “ordinarily resident” offered by the applicant cannot possibly extend to every single instance in which the phrase appears and that the factual and legal background of each individual piece of legislation must be given due consideration.⁵⁹ Indeed, the CFA went on to note that Hong Kong case law advances “the modern approach to statutory interpretation” that looks primarily to a statute’s context and purpose.⁶⁰ Thus, while Basic Law Article 24(2)(4) offers permanent resident status to foreigners who enter Hong Kong with valid travel documents and ordinarily reside there for seven years, the issue of what documents are considered valid has been left up to immigration authorities to decide, and therefore it is legitimately conceivable that lawmakers could and would impose a number of criteria in deciding who receives permission to stay in the SAR.⁶¹ In the eyes of the CFA, such validly imposed restrictions serve to exclude FDHs from the traditional conception of ordinary residence under Hong Kong’s Basic Law.⁶²

IV. Policy Changes in the United States

A. CRIMINAL CONSEQUENCES

In 2013, the Supreme Court issued two decisions that bear on the criminal-immigration law intersection, sometime referred to as “crimmigration.” First, in April 2013, the Court addressed the definition of drug trafficking aggravated felonies in *Moncrieffe v. Holder*.⁶³

Adrian Moncrieffe, a Jamaican citizen, was arrested for possessing 1.3 grams of marijuana and convicted under a Georgia statute that criminalized, among other things, possession of marijuana with intent to distribute.⁶⁴ Moncrieffe was subsequently found removable as a noncitizen convicted of an aggravated felony.⁶⁵ On appeal, the Court considered “whether this category [of aggravated felonies] includes a state criminal statute that extends to the social sharing of a small amount of marijuana.”⁶⁶

To determine whether a state conviction qualifies as an aggravated felony, the Court first applied the categorical approach.⁶⁷ Federal law typically punishes possession with intent to distribute a controlled substance as a felony.⁶⁸ But when a person is convicted of “distributing a small amount of marijuana for no remuneration,” he is treated as a misdemeanor.⁶⁹

58. *Id.* §§ 24–25, 90–91, 110–11.

59. *Id.* §§ 27–29.

60. Vallejos, [2013] 4 H.K.C. 239, § 77.

61. *Id.* §§ 83–87.

62. *Id.* §§ 88–89.

63. *Moncrieffe v. Holder*, 133 S. Ct. 1678, 1682 (2013).

64. *Id.* at 1683.

65. *Id.*

66. *Id.* at 1682.

67. *Id.* at 1684.

68. *Id.* at 1685.

69. *Moncrieffe*, 133 S. Ct. at 1686 (citing 21 U.S.C. § 844 (2014)).

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The Court found the Georgia statute criminalized conduct under federal felony and misdemeanor provisions because it punished marijuana distribution “without regard to the amount or remuneration.”⁷⁰ Because Georgia prosecuted defendants under this statute for possession of a small amount of marijuana, and because the state law definition of “distribution” did not require remuneration, Moncrieffe’s conviction, under the categorical approach, did not qualify as an aggravated felony.⁷¹

The consequence of the Court’s decision is to narrow the classification of drug-related state offenses that can be used to charge a noncitizen with removability as an aggravated felon and correspondingly, to disqualify him from most forms of discretionary relief from removal. This narrowing continued in June 2013, when the Court issued its decision in *Descamps v. United States*.⁷² Though a federal sentencing decision, the *Descamps* decision directly bears on the categorical and modified categorical approaches used to analyze aggravated felonies in immigration proceedings.

“Michael Descamps was convicted of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g).”⁷³ The prosecution sought a sentencing enhancement based on his prior conviction for burglary under Section 459 of the California Penal Code.⁷⁴ At issue was whether an indivisible statute that criminalized a broader array of conduct than the generic federal offense could be analyzed under the modified categorical approach.⁷⁵ The Court concluded that California’s burglary statute should not be analyzed under the modified categorical approach because it “defines burglary not alternatively, but only more broadly than the generic offense.”⁷⁶

The Court emphasized that the categorical and modified categorical approaches analyze only the elements of a state statute and do not examine the facts underlying a defendant’s conviction.⁷⁷ The Court rejected a Ninth Circuit decision permitting sentencing courts to employ the modified categorical approach even when a state statute contained “a single, indivisible set of elements covering far more conduct than the generic crime,” noting that it turned “an elements-based inquiry into an evidence-based one.”⁷⁸

For immigration practitioners, two questions remain unanswered. First, “whether, in determining a crime’s elements, a sentencing court should take account not only of the relevant statute’s text, but of judicial rulings interpreting it.”⁷⁹ Second, the Court did not address whether its limiting construction of the modified categorical approach would apply in other criminal immigration analyses, such as whether a conviction is a crime involv-

70. *Id.* at 1684. The state statute criminalized possessing, having under one’s control, manufacturing, delivering, distributing, dispensing, administering, purchasing, selling, or possessing with intent to distribute marijuana. *Id.* at 1685 (quoting Ga. Code. Ann. § 16-13-30(j)(1) (2013)). But the Court was able to ascertain from Moncrieffe’s plea agreement that he was specifically convicted of possession with intent to distribute, and as such, it focused its analysis on this prong. *Id.*

71. *Id.* at 1686–87 (citing *Taylor v. State*, 260 Ga. App. 890 (2003); *Hadden v. State*, 181 Ga. App. 628 (1987)).

72. *Descamps v. United States*, 133 S. Ct. 2276 (2013).

73. *Id.* at 2282.

74. *Id.*

75. *Id.* at 2281.

76. *Id.* at 2283.

77. *Id.*

78. *Descamps*, 133 S. Ct. at 2286–2287; *United States v. Aguila-Montes De Oca*, 655 F.3d 915, 928 (9th Cir. 2011) (*en banc*).

79. *Descamps*, 133 S. Ct. at 2291.

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ing moral turpitude. But recent unpublished decisions from the Board of Immigration Appeals suggest that the *Descamps* decision indeed applies.⁸⁰

B. FAMILY UNITY

On August 23, 2013, Mr. John Sandweg, Acting Director of Immigration and Customs Enforcement (ICE), issued a new directive, “Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities.”⁸¹ This new directive—in the spirit of easing the difficult situation of familial separation—encourages ICE prosecutorial discretion to analyze whether a foreign-national parent or legal guardian warrants ICE custody.⁸² In general, the directive recommends ICE officials not disrupt the parental or custodial rights—or proceedings to determine these rights—of a foreign-national parent or legal guardian of a minor child.⁸³

In summary, the directive establishes ICE’s policy on the supervision and removal of certain foreign-national parents and legal guardians of minor children residing in the United States. It focuses on these groups:

- 1) primary caretakers of minor children (either U.S. citizens or foreign nationals);
- 2) parents and legal guardians with a “direct interest in family-court proceedings involving a minor”; and
- 3) parents or legal guardians whose minor children are U.S. citizens or lawful permanent residents.⁸⁴

The directive also provides guidance on a detained foreign national’s participation in a family-court or other child-welfare proceeding. Specifically, the Field Office Director (FOD) will arrange for the foreign-national detainee to be present at the proceeding as long as (1) the FOD has had reasonable notice of the proceeding, (2) the foreign-national detainee has produced evidence of the proceeding and his or her need to be present, (3) the proceeding is within a reasonable driving distance of the detention facility, and (4) transportation would not be burdensome on ICE or pose safety concerns to the public.⁸⁵ There is also the possibility of visitation under certain circumstances when a family court or other competent authority requires visitation between the foreign-national detainee parent or legal guardian and the minor child to further a custody determination.⁸⁶ If in-person appearance is not practical, appearance by video or other means may be a sufficient alternative.⁸⁷

Where a foreign-national parent or legal guardian leaves the United States but shows necessity to return to attend a family court hearing to determine custody of a minor child,

80. See, e.g., *In re Choudhry*, 2013 WL 4925079, at *2 (B.I.A. Sept. 4, 2013); *In re Edmond*, 2013 WL 4041239, at *2 (B.I.A. July 29, 2013); *In re Butler*, 2013 WL 4041247, at *1 (B.I.A. July 26, 2013).

81. IMMIGRATION AND CUSTOMS ENFORCEMENT, DEP’T OF HOMELAND SEC., DIRECTIVE 11064.1, FACILITATING PARENTAL INTEREST IN THE COURSE OF CIVIL IMMIGRATION ENFORCEMENT ACTIVITIES (2013), available at http://www.ice.gov/doclib/detention-reform/pdf/parental_interest_directive_signed.pdf (last visited Jan. 30, 2013).

82. *Id.* § 5.2(1).

83. *Id.* § 2.

84. *Id.*

85. *Id.* §5.4(1).

86. *Id.* § 5.5(1).

87. IMMIGRATION AND CUSTOMS ENFORCEMENT, *supra* note 81, at § 5.5(2).

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ICE may consider the foreign-national parent's or legal guardian's request and facilitate the return by way of paroling the foreign-national parent or legal guardian into the United States for the limited purpose of attending the hearing.⁸⁸

The directive's recommendations on ICE enforcement in custodial situations involving foreign-national detainees underscores the Obama Administration's interest in children living in the United States whose parents or legal guardians are at risk of removal. In conclusion, the directive allows ICE to exercise positive prosecutorial discretion in cases involving disputed parental or custodial rights of foreign-national detainees (or those who have been deported) and their minor children. But because of its narrow scope, those practitioners wishing to use the directive to their clients' advantage may find its practical effects limiting.

C. SAME-SEX MARRIAGE

On June 26, 2013, the Supreme Court struck down the provision of the Defense of Marriage Act (DOMA) that defined marriage as between one man and one woman for federal benefits.⁸⁹ This change allows same-sex binational couples to now pursue immigration benefits available to spouses, and some estimate 36,000 lesbian and gay bi-national couples have been affected by DOMA.⁹⁰ Significantly, noncitizens married to a U.S. citizen will now be eligible to adjust to lawful permanent resident (LPR) status, provided the marriage occurred in a state or country that recognizes same sex marriage. The noncitizen spouse must have legally entered the United States and meet all other requirements.

For noncitizen spouses either in another country or unable to remain in the United States, the U.S. citizen or LPR can pursue consular processing. This enables the noncitizen to have the immigration interview in the country of birth of the beneficiary. But the question remains as to how safe it is for same-sex couples to pursue consular processing in countries that criminalize homosexuality.⁹¹

If the same-sex couple has not yet married, the K visa allows the noncitizen fiancé to come to the United States so the couple can marry. If the citizen lives in a state that does not recognize same-sex marriage, the K visa petition should include an affidavit describing the planned location of the marriage as well as any documentation showing those plans (e.g., travel reservations, venue and officiate contracts, etc.).⁹² The noncitizen may seek

88. *Id.* § 5.7(1).

89. See *United States v. Windsor*, 133 S. Ct. 2675, 2696 (2013) (striking 1 U.S.C. § 7).

90. See HUMAN RIGHTS WATCH AND IMMIGRATION EQUALITY, FAMILY, UNVALUED: DISCRIMINATION, DENIAL, AND THE FATE OF BINATIONAL SAME-SEX COUPLES UNDER U.S. LAW 7 (2006), available at <http://www.hrw.org/sites/default/files/reports/FamilyUnvalued.pdf>.

91. In November 2011, the United Nations determined that seventy-six countries criminalized homosexuality. U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS COUNCIL, *Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity: Rep. of the U.N. High Commissioner for Human Rights*, ¶ 40, U.N. Doc. A/HRC/19/41 (Nov. 17, 2011); see also *LGBT Travel Information*, U.S. PASSPORTS & INT'L TRAVEL, <http://travel.state.gov/content/passports/english/go/lgbt.html> (last visited Feb. 12, 2014) (describing the risk of fines, deportation, flogging, and the death penalty for LGBT American travelers).

92. See CITIZENSHIP AND IMMIGRATION SERV., DEP'T OF HOMELAND SECURITY, PM-602-0061, POLICY MEMORANDUM: ADJUDICATION OF IMMIGRATION BENEFITS FOR TRANSGENDER INDIVIDUALS § 21.3(f) (Apr. 10, 2012), available at http://www.uscis.gov/sites/default/files/USCIS/Outreach/Feedback%20Opportunities/Interim%20Guidance%20for%20Comment/Transgender_FINAL.pdf.

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adjustment of status after the marriage, but if the marriage does not occur within ninety days, the noncitizen must leave the United States.⁹³

Abused spouses in same-sex marriages are now eligible to apply for relief under the Violence Against Women Act (VAWA).⁹⁴ VAWA provides a path to permanent residency for abused spouses of U.S. citizens or lawful permanent residents, minor children of U.S. citizens or lawful permanent residents, or parents of U.S. citizens. Through VAWA, the abused may self-petition, thereby obviating the need for the abusive spouse's cooperation.

Noncitizens in same-sex marriages are also able to request cancellation of removal. Cancellation of removal requires the immigrant initially show that he or she (1) has been physically present in the United States for at least ten years on the date removal proceedings are initiated; (2) has a U.S. citizen parent, spouse, or child; and (3) has not been convicted of certain disqualifying crimes.⁹⁵ Next, the immigrant must show that removal would cause exceptional and extremely unusual hardship to his or her U.S. citizen or lawful permanent resident parent, spouse, or child.⁹⁶ Because same-sex marriages are now recognized, immigrants who find themselves in removal proceedings and who are in a same-sex marriage can now present this previously unavailable defense.

D. DRIVER'S LICENSES

Almost ten years after California removed a driver's license applicant's requirement to prove legal status, undocumented immigrants again will have access to a driver's license in California.⁹⁷ Today, the trend to grant access to driver's licenses for unauthorized immigrants is increasing. In 2013 alone, ten states passed laws and started to implement procedures that grant undocumented immigrants the right to legally drive.

Last year, Washington, New Mexico, and Utah were the only three states granting driver's licenses to any person living in the United States without legal status. Since then, Nevada, Oregon, Colorado, Illinois, Rhode Island, Connecticut, Maryland, Vermont, and the District of Columbia have passed laws giving access to driver's licenses regardless of immigration status. In addition, there are currently similar bills in several states, including Minnesota, Indiana, Kentucky, Florida, and Pennsylvania.⁹⁸

Washington and New Mexico are the only states that will issue driver's licenses to undocumented immigrants for both driving and federal identification purposes. Most new laws, however, are not granting driver's licenses to undocumented immigrants for official federal identification and cannot be used to prove eligibility for employment or public benefits. Most states today are granting these driver's licenses for lawful driving privileges, being able to register a car, and obtaining insurance. "Proponents of licensing un-

93. Immigration and Nationality Act, 8 U.S.C.A. § 1184(d)(1) (West 2014).

94. See Violence Against Women Act of 1994, Pub. L. No. 103-322, 101, 108 Stat 1796, § 40121(2003) (1994) (using the gender-neutral term "spouse").

95. 8 U.S.C.A. § 1229b(b)(1)(A)–(C).

96. *Id.* § 1229b(1)(D).

97. The law was repealed in 2004. Paul L. Frantz, *Undocumented Workers: State Issuance of Driver Licenses Would Create a Constitutional Conundrum*, 18 GEO. IMMIGR. L.J. 505, 533 (2004).

98. Lornet Turnbull, *More States Issuing Driver's Licenses to Those in U.S. Illegally*, THE SEATTLE TIMES (June 22, 2013, 8:15 PM), http://seattletimes.com/html/localnews/2021250610_driverslicensexml.html.

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documented immigrants to drive argue that issuing a driver's license promotes road safety, reduces unlicensed drivers, and allows immigrants to work and support their families."⁹⁹

The state of Utah is serving as the prime example for states that decide to grant driver's licenses to unauthorized immigrants. Because most states are not granting driver's licenses for full official federal identification purposes, Utah's Driving Privilege Cards (DPC) program, in effect since 2005, is paving the way for other states to follow. DPCs are not acceptable as forms of government identification and if the cards are issued, they are to be marked as "valid for driving purposes only."¹⁰⁰

Nevada has just implemented its Department of Motor Vehicle procedures to be ready to issue Driver Authorization Cards (DAC) to unauthorized immigrants as of January 2, 2014. The Nevada law successfully passed earlier this year closely mirrors Utah's DPCs program.¹⁰¹

With almost twenty states having introduced laws to grant driver's licenses to unauthorized immigrants, and most of them having passed those laws this year alone, the trend significantly shows promise that more states should be introducing more laws like these into their legislatures. Even if these driver's licenses are limited for driving purposes only and are not for federal identification, unauthorized immigrants should feel a sense of security in knowing that they will no longer have to drive without a valid license.

E. COMPREHENSIVE IMMIGRATION REFORM

On April 16, 2013, eight senators introduced a bipartisan comprehensive immigration bill—the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S. 744)—into the U.S. Senate. The bill consists of Title I (Border Security), Title II (Immigration Visas), Title III (Interior Enforcement), Title IV (Reforms to Non-immigrant Visa Programs), and Title V (Youth Job Fund).¹⁰²

Title I of the Bill specifies the conditions that must be met before aliens may be processed for the registered provisional immigrant (RPI) status or adjustment to LPR status. Foremost is that RPI processing cannot begin until the Department of Homeland Security (DHS) Secretary provides Congress with a "notice of commencement" of both the Comprehensive Southern Border Security Strategy and the Southern Border Fencing Strategy.¹⁰³ Additionally, people with RPI status will not be eligible to adjust to LPR status until the DHS Secretary submits a written certification that the e-verification system is in place and border security measures have been effectively taken.¹⁰⁴

99. MICHAEL CSERE, OFFICE OF LEGISLATIVE RESEARCH, CONNECTICUT GENERAL ASSEMBLY, ISSUANCE OF DRIVER'S LICENSES TO UNDOCUMENTED IMMIGRANTS (May 29, 2013), *available at* <http://www.cga.ct.gov/2013/rpt/2013-R-0194.htm>.

100. *Id.* at 444.

101. Ed Vogel, *State Legislators See Benefits of Driver Authorization Cards*, LAS VEGAS REVIEW-JOURNAL (May 20, 2013, 6:59 AM), <http://www.reviewjournal.com/news/nevada-legislature/state-legislators-see-benefits-driver-authorization-cards>.

102. S. 744, 113th Cong. (2013).

103. NAT'L IMMIGRATION LAW CTR., ANALYSIS OF SENATE IMMIGRATION REFORM BILL TITLE I: BORDER SECURITY 1 (June 23, 2013), *available at* <http://www.nilc.org/irsenatesummanalysis.html> (follow "Analysis of Senate Immigration Reform Bill: Border Security (Title I)" link).

104. *Id.* at 2–3.

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Title II focuses on reforms of immigration visa categories. It also paves the road for legalization of eleven million undocumented immigrants living in the United States, provided that they pay the requisite penalties.¹⁰⁵ Some of the proposed changes include guidelines for those who entered the United States as a child to obtain legal status,¹⁰⁶ the establishment of an agricultural worker program,¹⁰⁷ the creation of a “point system” for immigrants with education and work experience,¹⁰⁸ and the elimination of country-specific limits on employment-based immigrant visas and of a worldwide cap for certain highly skilled and exceptionally talented immigrants.¹⁰⁹

Title III increases the level of immigration enforcement at worksites, including a requirement that all employers in the United States use an electronic employment eligibility verification system (EEVS).¹¹⁰ Other provisions implement sanctions for employers who fail to comply with EEVS requirements. Title IV makes reforms to existing non-immigrant visa categories, such as creation of a floor of 115,000 and a ceiling of 180,000 for the H-1B visa,¹¹¹ modifications to prevent visa fraud and abuse in H-1B and L visa applications,¹¹² the creation of W visas for temporary work,¹¹³ and the addition of X and EB-6 visas for investors and entrepreneurs.¹¹⁴

On October 2, 2013, Democrats in the House of Representatives introduced their comprehensive immigration reform bill (H.R. 15). In relation to the Senate bill, the House proposal has the same name and many of the provisions are identical. The significant differences between the bills are in the House proposal’s section on border security, where it uses language from H.R. 1417 (the Border Security Results Act), passed unanimously by the House Homeland Security Committee on May 20, 2013, and from the Senate Judiciary Committee version of S. 744.¹¹⁵

Ultimately, political differences within Congress may prevent the passing of comprehensive immigration reform. But some immigration reform provisions have support from both Democrats and Republicans. Those provisions include the increase of visas available to STEM graduates and talented professionals and the development of programs to attract

105. S. 744, 113th Cong., Tit. II, Subtit. A, § 2101 (2013).

106. S. 744, 113th Cong., Title II, Subtit. A, § 2103 (2013).

107. S. 744, 113th Cong., Title II, Ch. 1, Subch. A, § 2211 (2013).

108. S. 744, 113th Cong., Title II, Subtit. C, § 2301 (2013).

109. S. 744, 113th Cong., Subtit. C, § 2307 (2013).

110. NAT’L IMMIGRATION LAW CTR., ANALYSIS OF SENATE IMMIGRATION REFORM BILL TITLE III: INTERIOR ENFORCEMENT 1 (June 22, 2013), *available at* <http://www.nilc.org/irsenatesummanalysis.html> (follow “Analysis of Senate Immigration Reform Bill: Interior Enforcement (Title III)” link).

111. S. 744, 113th Cong., Tit. IV, Subtit. A, § 4101 (2013).

112. S. 744, 113th Cong., Tit. IV, Subtit. B, §§ 4101–4237, Subtit. C, §§ 4301 – 4311 (2013).

113. *Id.* at Subtit. G; AM. IMMIGRATION LAWYERS ASSOC. & AM. IMMIGRATION COUNCIL, SECTION-BY-SECTION SUMMARY OF THE SENATE IMMIGRATION REFORM BILL INTRODUCED ON APRIL 16, 2013 “BORDER, SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT” (S. 744) (DRAFT VERSION OF APRIL 19, 2013) 69 (Apr. 19, 2013), *available at* <http://www.aiala.org/content/default.aspx?docid=44103>.

114. *Id.* at 73; S. 744, 113th Cong. Tit. IV, Subtit. H (2013).

115. NAT’L IMMIGRATION LAW CTR., SUMMARY OF H.R. 15, BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT OF 2013 1 (Oct. 2013), *available at* <http://www.nilc.org/hr15summary.html>.

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foreign investment.¹¹⁶ House Minority Leader Nancy Pelosi is now open to a piecemeal immigration reform approach.¹¹⁷ Thus, whether Congress will act on reform and in what way remains to be seen.

V. Impact of Syria's Refugees on Lebanon's Immigration Future

In the spring of 2011, conflict between some Syrian civilians and their government culminated in a civil war that continues to envelop the country.¹¹⁸ One of the countries that opened its borders to the displaced survivors is Lebanon;¹¹⁹ many reports estimate that almost a third of Lebanon's current population is currently comprised of Syrian refugees.¹²⁰ This swell in population has strained Lebanese resources and raised questions of the effect on Lebanese immigration policy.

Lebanon operates as a parliamentary democracy with a complementary system of confessionalism. This system divides the political power between the various religious sects to avoid conflict.¹²¹ However, this can also serve as the impetus for religious disagreements when forming new policies for the country. Such dissimilarity exists currently, as the varying factions of Lebanon look upon the Syrian civil war with strikingly diverse viewpoints. The Lebanese militant Shiite group Hezbollah has sent troops to help Syrian President al-Assad stave off rebellion from the largely-Sunni rebels.¹²² This understandably brings a feeling of unrest to the Sunni faction in Lebanon. As the different sects in Lebanon choose sides with the conflict in Syria, a rift develops in the country's immigration policies.

While the small country of Lebanon has been able to physically house the refugees, it seems to be at a difficult juncture in providing for them. The World Bank estimated that the cost of housing these refugees could reach as high as \$7.5 billion in the next three years.¹²³ This increased cost comes on the heels of limited international involvement; the United Nations pledged \$74 million in aid from the \$339 million available for humanita-

116. *Immigration Alert: Immigration Reform Discussions Underway in Washington*, PATTON BOGGS LLP (Feb. 25, 2013), <http://www.pattonboggs.com/viewpoint/immigration-alert-immigration-reform-discussions-underway-in-washington>.

117. Cathy Burke, *Pelosi Now Open to Boehner's Piecemeal Immigration Reform*, NEWSMAX (Nov. 21, 2013, 6:33 PM), <http://www.newsmax.com/US/nancy-pelosi-john-boehner-immigration-piecemeal/2013/11/21/id/538017>.

118. HUMAN RIGHTS WATCH, "WE'VE NEVER SEEN SUCH HORROR": CRIMES AGAINST HUMANITY BY SYRIAN SECURITY FORCES I (June 2011), available at <http://www.hrw.org/sites/default/files/reports/syria0611webcover.pdf>.

119. Diaa Hadid and Ryan Lucas, *As Fighting Flares, Syrians Pour into Lebanon*, U.S. NEWS & WORLD REP. (Nov. 17, 2013), <http://www.usnews.com/news/world/articles/2013/11/17/thousands-of-syrian-refugees-flood-into-lebanon>.

120. Barbara Slavin, *Syrian Refugees Now Equal One-Third of Lebanon's Population*, AL-MONITOR (Oct. 29, 2013), <http://www.al-monitor.com/pulse/originals/2013/10/syrian-refugees-lebanon-crisis-assistance.html#>.

121. Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices: Lebanon*, DEPARTMENT OF STATE (March 31, 2003), <http://www.state.gov/j/drl/rls/hrrpt/2002/18281.htm>.

122. *Nasrallah: Hezbollah in Syria for Long Haul*, AL JAZEERA (Nov. 15, 2013, 5:06 AM), <http://www.aljazeera.com/news/middleeast/2013/11/nasrallah-hezbollah-syria-long-haul-2013111414617430132.html>.

123. *International Community Vows to Help Lebanon Settle Syrian Refugees*, GLOBAL TIMES (Sept. 27, 2013, 11:34 AM), <http://www.globaltimes.cn/content/814420.shtml#UoZCPKIo5es>.

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rian aid for refugees.¹²⁴ To illustrate the severity of the problem, a comparable situation in the United States would involve the entry of over 100 million foreign nationals.

One of the biggest problems that the Lebanese government faces is the registration of refugees who have entered the country. A large part of any immigration policy includes maintaining knowledge of who is currently residing within the borders. But a sudden influx of refugees in a short period of time makes registration of each person who has crossed the border into Lebanon exceedingly difficult. In addition, the border between Lebanon and Syria remains largely unprotected, so the movement of refugees between the two countries will continue to remain undocumented.¹²⁵

This inability to determine the total number of refugees creates a multitude of problems. The first pertains to the implementation of any type of aid for the refugees. Because the number of refugees present cannot be determined, the amount of aid to be provided by the government and international sources is similarly difficult to process. Furthermore, once the war in Syria comes to an end, the Lebanese government will also have to deal with the mass exodus of refugees as many of them seek to return to their home country. If many of the refugees decide to remain in Lebanon, the lack of registration of millions of people could lead to a host of new problems; unwanted immigration in and out of the country could lead to an imbalance in the different religious groups, thereby altering the political equilibrium Lebanon currently enjoys.

The political division and balance of secular power in Lebanon has allowed for a cautious peace within the country for over a decade. But the maintenance of peaceful relations is sensitive to large changes in population, as illuminated by the growth of Syrian refugees within the country. Although it has become increasingly clear that immigration policy reform is necessary to prevent humanitarian situations such as the current one in Lebanon, the segregated government branches inhibit such reform, placing Lebanon in a precarious position.

124. *Lebanon Seeks Help to Cope with Syrian Influx*, AL JAZEERA (Oct. 19, 2013, 4:24 AM), <http://www.al-jazeera.com/news/middleeast/2013/10/refugee-influx-strains-lebanon-resources-20131018121452780803.html>.

125. See Mona Alami, *Averting a Crisis: Syrian Refugees in Lebanon*, CARNEGIE ENDOWMENT FOR INT'L PEACE (May 28, 2013), <http://carnegieendowment.org/2013/05/28/averting-crisis-syrian-refugees-in-lebanon/g6wd>.