Law Library Of Congress Global Legal Monitor: Immigration And Nationality Law
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The *Global Legal Monitor*, an electronic publication of the Law Library of Congress, is intended for those who have an interest in legal developments from around the world. Globalization is a fact with far-reaching implications including an increasing number of international transactions. The Immigration and Nationality law section has been excerpted for this Feature Article.

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Immigration and Nationality

BANGLADESH - High Court Grants Citizenship to Stateless Bihari Refugees

The people known in *Bangladesh* as "Biharis" are the people of *Bihar* who migrated to *East Pakistan* prior to the *partition of India* and Pakistan in 1947. Neither Pakistan nor India offered citizenship to these migrants, and as a result the Biharis have remained stateless and living in refugee camps for the thirty-six years following the independence of Bangladesh. The non-governmental organization Refugees International has urged the governments of Pakistan and Bangladesh to grant citizenship to the Biharis. Pakistan has not taken action on this issue despite repeated requests from the Bangladesh Government.

On May 19, 2008, the Bangladesh High Court ruled to approve citizenship and voting rights for about 150,000 refugees who were minors at the time of Bangladesh's war of independence in 1971 or were born after independence. The rest would continue to live in the camps, run by the Bangladesh government and the U.N. High Commissioner for Refugees. (Shahnaz Parveen, *Citizenship Debate Comes to End But Doubts and Worries Remain*, DAILY STAR, June 5, 2008, *available at* http://www.thedailystar.net/story.php?nid=38148.)
(Shameema Rahman)

JAPAN – Acceptance of Indonesian Healthcare Workers Based on Agreement

Japan and Indonesia signed the Agreement for an Economic Partnership (EPA) on August 20, 2007, under which Japan agreed to issue visas and allow resident status for qualified Indonesian nurses and nursing-care workers. The workers will receive Japanese language classes for six months. Then, they will work at hospitals and nursing homes and prepare for the appropriate national examination. Nurses will be allowed up to three years to prepare and nursing-care providers up to four years. Those who fail to pass the exams must go back to Indonesia. Those who pass the exams will be qualified for resident status that can be renewed every three years.

On May 19, 2008, the Japanese government decided to accept the first 200 nurses and 300 nursing-care workers in July and August 2008 under the terms of the EPA. (*Indoneshia jin kangoshi ra 500 nin, 7-8 gatsu no rainichi ga seishiki kettei* [500 Nurses and Others, an Official Decision Made for Acceptance of Them in July and August], YOMIURI ONLINE, May 19, 2008 (on file with author); & *Nichi-Indoneshia keizai renkei kyotei ni motoduku kangoshi kaigo fukushishi kohosha no ukeire* [Acceptance of Nurses and Nursing-Care Workers Based on Japan-Indonesia EPA], Ministry of Health, Labor and Welfare Web site (last visited May 20, 2008).)
(Sayuri Umeda)

KOREA, SOUTH – Permanent Residence for Investors

The Korean government will ease the rule contained in the Immigration Control Enforcement Decree to give investors permanent resident status. Foreigners will be able to obtain permanent residence status beginning in September 2008 when they invest more than

US$500,000 and employ more than five Koreans. (Park Si-soo, *More Foreigners to Become Permanent Residents from Sept. 1*, KOREA TIMES, Apr. 22, 2008, *available at* *http://www.koreatimes.co.kr/www/news/nation/2008/04/117_22957.html*.)
(Sayuri Umeda)

TAIWAN – Changes to Nationality Law Proposed

Legislators of the Kuomintang (Nationalist, or KMT) Party may seek an amendment to the Nationality Law to establish conditions and limitations on Taiwan government officials' holding permanent resident status in foreign countries, such as the rank of civil servants allowed to obtain it and the time limit for renouncing it before their assumption of official duties. The proposed amendment would also create a declaration system requiring civil servants to report that status. The move came in the wake of questions about the loyalty of certain Cabinet members who hold or are alleged to hold U.S. green cards. The Civil Servants Work Act (Gongwu renyuan fuwu fa (as amended on July 19, 2000), Ministry of Civil Service Web site, (last visited June 9, 2008)) does not permit dual nationality, but because green card or other types of foreign permanent resident status does not constitute dual nationality, the Act does not cover it. (Mo Yan-Chih & Shih Hsiu-Chuan, *KMT Proposes Amendment to Nationality Law*, TAIPEI TIMES, June 8, 2008, at 1, *available at* *http://www.taipeitimes.com/News/front/archives/2008/06/08/2003414151*.)
(Wendy Zeldin)

UNITED KINGDOM – Points-Based Immigration System Declared Unlawful

The recently introduced points-based immigration system in the UK, under which migrants are awarded points for meeting various criteria to obtain entry into the UK, has been introduced unlawfully, according to British courts. The new regime unlawfully prejudiced migrants already in the country under the old system by increasing the requirements to obtain permanent residency, resulting in many migrants ineligible to lawfully remain in the UK. (Regina (HSMP Forum Ltd) v Secretary of State for the Home Department, THE TIMES, May 29, 2008, *available at* *http://business.timesonline.co.uk/tol/business/law/reports/article4023151.ece* (last visited June 20, 2008).)
(Clare Feikert)