



L.A. Holocaust Museum Fights U.S. Immigration Service to Force Visa for Austrian National

- Immigration authorities accused of arbitrary and capricious ruling that unjustly targets Austrian Holocaust remembrance program.
- The law firm of Manatt Phelps & Phillips is helping the museum analyze its legal rights and potential remedies.

LOS ANGELES, Aug. 23 /PRNewswire-USNewswire/ -- The Los Angeles Museum of the Holocaust has filed an appeal challenging a visa denial by the U.S. Department of Homeland Security's U.S. Citizenship and Immigration Service ("USCIS").

USCIS denied a visa last month to a young English-speaking Austrian man, Valentin Hofer, who elected to fulfill his national service requirement by volunteering at the Los Angeles Museum of the Holocaust. The agency justified its denial of a visa for Hofer on several grounds, including a claim that the Austrian, who has completed extensive studies on Holocaust history at an Austrian museum and speaks fluent English, lacked "competence" to qualify for the assignment in Los Angeles.

The museum's appeal accuses Homeland Security of numerous mistakes in denying so-called "cultural exchange" visas to Austrians hoping to do volunteer work in the United States under this provision of Austrian law which allows its citizens to fulfill their military obligations through service in Holocaust institutions abroad.

"Here we have someone born and bred in a country with its own, difficult World War II history trying to spend a year working at a museum dedicated to Holocaust commemoration, reconciliation and education," said Mark A. Rothman, the Museum's Executive Director. "This inexplicable denial frustrates the intention of this young man to strengthen relations between his country and ours."

Added Rothman: "The primary reason for Mr. Hofer's denial was USCIS's determination the visa would not, in fact, foster cultural exchange. If work with our museum doesn't constitute a cultural exchange under American law, I don't know what would."

The Austrian government created Austrian Holocaust Memorial Service in 1991 to recognize Austria's part of the collective responsibility for the Holocaust. Since then about 150 volunteers, mostly in their 20s, have worked in numerous countries in lieu of military service. Volunteers under this Austrian program have worked in the United States at the U.S. Holocaust Museum and the Simon Wiesenthal Center. Since Sept. 11, however, immigration authorities have raised repeated roadblocks to those seeking visas for these volunteers.

The Museum has requested assistance from a legal team headed by Cristin Zeisler of the law firm Manatt Phelps & Phillips.

Said Zeisler: "We have encountered and overcome numerous frustrations with USCIS and we're looking into how we can best help the Museum, particularly once the administrative process is exhausted."

Chairman of the Museum's Board, E. Randol Schoenberg, said, "Although the USCIS web site promises a two-month process, the Museum had to ask for early direct intervention from the office of U.S. Representative Henry Waxman just to ensure USCIS acted in time for the start of Mr. Hofer's service year. The more we learn, the more we suspect this denial by Homeland Security is part of a pattern of processing lags, errors, and denials. When USCIS finally rendered its inexplicable denial, it was not only wrong but sloppy -- it omitted page four of a five-page explanation."

The Museum's legal strategy includes challenging the agency's strange determination that the Austrian volunteer's preparation was insufficient to demonstrate his competence.

Schoenberg said: "The individual, Valentin Hofer, couldn't be better prepared for his service year with the L.A. Museum. Mr. Hofer completed an extensive course of study and worked for several months at an Austrian museum that had itself been a Nazi euthanasia camp during the second World War. He is a gifted honor student and fluent in English. As part of the visa application, the museum submitted more than enough information to

immigration authorities on Valentin Hofer's extraordinary background and experience, including descriptions of his work at the Austrian museum, his full resume, school records, letter of intent, and other materials."

Added Rothman: "We all understand the need for post-9-11 security and the added administrative burden that puts on immigration officials. But where is the justice when they hand down arbitrary and capricious denials of good people who bring good will and understanding to our nation because they can't take the time to understand the facts?"

About Los Angeles Museum of the Holocaust

Holocaust survivors founded the Los Angeles Museum of the Holocaust in the early 1960s as a permanent repository for their personal artifacts from the Holocaust and the world the Nazis destroyed.

Today the Museum hosts docent-led school tours, survivor lectures, exhibitions on the Holocaust, and numerous special events. Museum admission is always free. Visit on-line at <http://www.lamoth.org> on the Web.

About Manatt, Phelps & Phillips, LLP

Manatt, Phelps & Phillips, LLP, provides legal and consulting services to a global client base from offices in Los Angeles, Orange County, Palo Alto, San Francisco, and Sacramento, California; New York City and Albany, New York; and Washington, D.C. Manatt includes Manatt Health Solutions, a healthcare policy and strategic business advisory group, and ManattJones Global Strategies, LLC, a wholly owned subsidiary that develops and implements strategies to expand client businesses and facilitate their effective competition in global markets. For more information, visit <http://www.manatt.com>, <http://www.manatthealthsolutions.com>, and <http://www.manattjones.com>.

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