

# NYIC IMMIGRATION NEWS

*An update by the New York Immigration Coalition on issues affecting immigrants and their communities.*

Volume VI, Issue #3, March 25, 2003

## SAVE THE DATE! WEDNESDAY, APRIL 30

### NYIC'S ALBANY ADVOCACY DAY

Join us for our annual Albany Advocacy Day on April 30 to make immigrant voices heard by Governor Pataki and the State legislature. Much is at stake in New York State this year, as proposed budget cuts threaten education and health care, and important issues such as language access, ESL funding, and anti-terrorism legislation need input from immigrant communities. If you would like to participate or need more information, call Minerva at ext. 238 or email at [mmoya@thenyic.org](mailto:mmoya@thenyic.org).

## IMMIGRATION

### **FBI Granted Power to Enforce Immigration Law, Casts Dragnet on Iraqi Nationals in Wake of War**

FBI agents and U.S. marshals have been given the authority to detain foreign nationals for suspected immigration violations, Justice Department officials confirmed on March 19. Disclosure of these expanded FBI powers coincides with last week's rollout of a new FBI operation to mobilize as many as 5,000 agents to interview 11,000 Iraqi nationals living in the United States. Anyone found to be in violation of immigration laws would be detained, according to officials.

The order delegating immigration law enforcement authority to the FBI and U.S. Marshals Service was signed on December 18 by Attorney General (AG) John Ashcroft but was not publicly announced. The order took effect on February 28, the last day that the AG had jurisdiction over immigration matters before immigration functions were transferred to the Department of Homeland Security.

This order is the latest attempt by the AG to expand the enforcement of federal immigration laws through involvement of police and other law enforcement agencies. The AG has sought out agreements to deputize state and local police to enforce immigration laws, and a proposed Justice Department legal opinion yet to be released concluded that state and local officers have "inherent authority" to enforce federal immigration law. The AG also has pushed for the criminalization of minor immigration violations, such as failing to file a change-of-address card, so that offenders could be subject to arrest by the police.

Justice Department officials stated that newly-drafted FBI guidelines would ensure that the expanded powers would be used "only in appropriate situations, such as when the public safety requires prompt action before [immigration] agents can arrive," but the language of the order is far more expansive. The AG's order authorizes

"special agents of the FBI to exercise the functions of immigration officers for the purpose of . . . investigating, determining the location of and apprehending any alien who is in the United States in violation of the Immigration and Nationality Act." The order ostensibly covers those who were required to appear for special registration with the immigration service.

The NYIC and other advocates are extremely concerned that the FBI interviews of Iraqis and other Arabs and Muslims, combined with the expanded FBI powers, could result in hundreds or even thousands of arrests in which minor immigration violations are used as a pretext for detention and deportation. For more information, contact Norman at ext. 235.

### **"Operation Liberty Shield" Mandates Detention of Arriving Asylum Seekers From Iraq and Elsewhere**

Last week, the Department of Homeland Security (DHS) announced that as part of "Operation Liberty Shield," it would begin detaining people from Iraq and more than 30 other nations seeking asylum at ports-of-entry "for the duration of their processing period." Prior to this new policy, asylum applicants apprehended at ports-of-entry in most jurisdictions were released if a credible fear interview established that the individual had a non-frivolous claim for asylum. Asylum seekers had to return to immigration court to go forward on their asylum claims. Under the new policy, asylum applicants from nations where al-Qaeda has allegedly been active will be detained for the entire time it takes to process their applications – usually four to eight months, but in some instances, a year or more.

The NYIC and other immigrant and human rights advocates are calling on the Bush Administration to rescind this new policy. Prolonged detention of asylum seekers, without any suspicion of a link with terrorism, is unjustified and will further traumatize persons fleeing persecution in their homelands. Equating asylum seekers with terrorists undermines U.S. commitment to human rights and is tantamount to persecuting the persecuted. The policy also violates international norms requiring governments to demonstrate the need to detain asylum seekers in individualized hearings before a judge. For more information, contact Norman at ext. 235.

## NEW YORK STATE BUDGET

### **Education and Health Care Programs Threatened**

Less than two weeks remain before the State is normally required to have a new budget in place for 2003, but little progress has been made in closing the largest budget deficit the State has faced in many years. There is

agreement on how much revenue the State expects to receive in the new fiscal year, so the remaining issue is whether to reduce spending to match revenues, or whether the State should adopt temporary surcharges on high income New Yorkers and close corporate tax loopholes to generate as much as \$3 billion in new revenues. The NYC is part of a coalition pushing for increased revenues, and we urge as many groups as possible to join the campaign. If your organization wishes to join this coalition, please e-mail [sense4all@aol.com](mailto:sense4all@aol.com).

The key budget issues facing the State are the \$1.2 billion cut in State education funding and \$2 billion in health care cuts. The education cuts would be devastating for all New Yorkers but especially for immigrant students; programs likely to be cut first include after-school programs, weekend classes, and dual-language programs that help English language learners (ELLs) and newcomer students succeed in school. Health care cuts would reduce eligibility for Family Health Plus and Medicaid for children, and would cut funding for hospitals, with especially severe impact on safety net providers that provide vital health care services to low-income, uninsured immigrants. In addition, co-payments for certain individuals with public health insurance coverage would rise.

Members and friends of the NYC are encouraged to participate in the NYC's annual Albany Advocacy Day on April 30, when we will address budget and other issues with our representatives in the State legislature. The NYC is pushing for increased funding for ESL classes, a dropout prevention program for ELLs, and legislation to require language access in health care settings and in government offices. For more information on State issues, contact Mark Lewis at ext. 231.

## HEALTH CARE ACCESS

### **Historic Agreements Reached With Two Brooklyn Hospitals to Provide Language Access to LEP Patients**

On March 3, State Attorney General (AG) Eliot Spitzer announced the signing of agreements with Wyckoff Heights Medical Center and Woodhull Medical and Mental Health Center, to ensure language access policies and procedures that will enable communication with limited-English-proficient (LEP) patients. The Wyckoff and Woodhull resolution agreements came as a direct result of civil rights complaints brought to the AG's attention by two NYC member groups – New York Lawyers for the Public Interest and Make the Road by Walking, a grassroots community organization in the largely Spanish-speaking Bushwick neighborhood of Brooklyn.

Through the agreements, Wyckoff and Woodhull hospitals have committed to maintain trained, bi-lingual staff interpreters in Spanish and other languages that comprise at least five percent of each hospital's patient base. The hospitals have agreed to hire bi-lingual clinical

staff when possible, to use telephonic interpreting services for less frequently encountered languages, and to translate important forms and post signs in languages other than English. Significantly, the hospitals have proposed specific actions to inform patients about the availability of interpreters and will do appropriate monitoring to ensure that LEP patients have equal access to services. The two Brooklyn hospitals have agreed to do outreach in the local community to raise awareness of these new policies.

The NYC urges all New York hospitals to follow the example set by Wyckoff and Woodhull medical centers. Although the State Patient's Bill of Rights, which requires equal access to hospital services, has been in existence for more than a decade, the NYS Department of Health has not held hospitals accountable for routine violations of civil rights that immigrants experience at most area hospitals. Assemblyman Espaillat, Chair of the Assembly Task Force on New Americans, has introduced Bill 5431 in the Assembly, requiring all hospitals to provide language assistance services. The NYC is working with Assemblyman Espaillat and Assemblyman Gottfried, Chair of the Assembly Committee on Health, to ensure that appropriate language access legislation moves forward. In addition, the NYC believes that the State should begin drawing down federal Medicaid dollars to help providers pay for interpreters and language services, and that State resources should be allocated to enable bi-lingual, bi-cultural New Yorkers to enter the health professions. The NYC will address these concerns with the State legislature during our Albany Advocacy Day on April 30 – please join us for that important effort.

Equal access to hospital services, regardless of a patient's language, is a right protected under Title VI of federal civil rights law, the NYS Patient's Bill of Rights, and NYC Emergency Room regulations. To learn more, contact Adam at ext. 222.



### **ACTIONS YOU CAN TAKE RIGHT NOW TO HELP PROTECT IMMIGRANTS' RIGHTS**

1. **Oppose expanded immigration enforcement by FBI and Operation Liberty Shield.** Call your U.S. Senators and Representatives to voice your concern about these new measures that unfairly target immigrants. Capitol switchboard: (202) 224-3121.
2. **NYS budget negotiations.** Call your local members of the NYS Senate and Assembly and urge them to pass a fair budget that recognizes the need to raise revenues so that devastating cuts to education and health care can be avoided. NYS Senate: 518-455-2800. NYS Assembly: 518-455-4100.

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