

NYIC IMMIGRATION NEWS

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

Volume VI, Issue #4, April 29, 2003

NYIC'S ALBANY ADVOCACY DAY, APRIL 30, 2003

The NYIC and more than 600 members and friends are gearing up for our annual *Immigrants' Day in Albany*. This year's mobilization is critical, as proposed budget cuts threaten education, health care, and other services for immigrants. If you aren't able to join us in Albany, we encourage you to set up legislative visits with your state legislators at their district offices. For a copy of the NYIC's state agenda, please call Minerva at ext. 238.

HEALTH CARE ACCESS

Medicaid and Health Care Safety Net Under Attack from President Bush and Governor Pataki

The Bush administration is trying to push through radical reforms to the Medicaid program that would limit access to vital health services for millions of Americans. If Congress and the governors go along with this proposal, states will be encouraged to eliminate Medicaid coverage for legal immigrants, including those who have been in the country for more than five years.

Under the Bush proposal, the federal government will offer states a fixed amount of money toward Medicaid, which will not increase when medical and prescription drug costs rise, or when demand for Medicaid grows in times of economic hardship when more people become unemployed and uninsured. States will be given incentives to eliminate Medicaid coverage of home health care, nursing home care, and prescription drugs, and states could eliminate entire programs, such as Family Health Plus and PCAP (prenatal care). Remarkably, states will be forced to pay back billions of Medicaid dollars to the federal government in ten years if the Bush proposal is adopted. By encouraging states to further restrict Medicaid eligibility, the federal government will force hospitals and clinics to serve many more uninsured people. The result will be hospital closings and rationing of care, which will hurt all Americans.

Governor Pataki's proposed 2003-04 budget would devastate immigrant families by slashing Family Health Plus eligibility, making it more difficult for kids to enroll in Child Health Plus (CHIP), and reducing Medicaid benefits, which will eliminate insurance access for many low-income New Yorkers. Immigrants would be hit hard because they are more likely to be employed in low-wage jobs that do not offer health benefits. The Pataki budget would cut hundreds of millions of dollars in funding for vital public hospitals and community health centers that serve low-income communities and uninsured individuals, regardless of immigration status. Cutting resources for these safety-net providers will result in even less access to crucial health care services for immigrants and

their families. To learn more, contact Adam at ext. 222 or Su Yon at ext. 232, and see the Action Box to find out what you can do to fight this.

IMMIGRATION

Lawsuit Against Justice Department Seeks Release of Crucial Information on State and Local Police Involvement in Immigration Law Enforcement

In 1996, the Department of Justice (DOJ) issued a legal opinion that concluded that state and local law enforcement agents lack legal authority to arrest or detain persons on suspicion of violating civil immigration laws. In 2002, Attorney General John Ashcroft indicated that the DOJ had adopted a new policy – that state and local police have the “inherent authority” to arrest and detain persons who are in violation of immigration laws and whose names have been placed in the National Crime Information Center (NCIC) database. (The NCIC database can be called up from police cars and, according to FBI statistics, is accessed millions of times each day by federal, state and local law enforcement officers.) A legal opinion explaining the new policy was never released, however, and there has been no attempt to reconcile this new policy with the prior one or to issue any documents or analysis setting forth the legal basis for this new position.

In August 2002, advocates filed a Freedom of Information Act request for clarification and a copy of the legal opinion setting forth the new policy, but the DOJ has refused to release any documents. As a result, the NYIC and other groups filed a lawsuit in federal court earlier this month to force the government to disclose crucial documents relating to the policy.

The NYIC believes that, as concluded by the DOJ in 1996, state and local police do not have authority to enforce civil provisions of immigration law. Moreover, democratic governments have the responsibility to openly, and in good faith, present the basis for radical changes in policy, and not to proceed in secret. Lawmakers at the state and local levels can help clarify the role of police officers and take steps to restore trust between immigrant communities and police by supporting legislation that protects the confidentiality of private information such as immigration status (see Action Box). Please contact Dan at ext. 226 about the lawsuit and Chung-Wha at ext. 228 about city and state legislative remedies.

Tougher Natz Exam One Step Closer to Reality

The Bureau of Citizenship and Immigration Services (BCIS) has begun phase one of its pilot of proposed changes to the English and civics exams required for naturalization. In phase one, which is being piloted

locally in New Jersey, applicants who have completed the existing naturalization exam are being asked to take one portion of the pilot English exam, which may involve reading comprehension, writing, or speaking. The results of the experimental pilot do not affect the outcome of the participants' naturalization application. BCIS will be analyzing the results of the pilot and has promised to make this information available to the NYIC. Other BCIS offices participating in the pilot are in Los Angeles, Sacramento, San Antonio, and Atlanta.

Several groups, including the NYIC, have met with BCIS and have been to observe the implementation of the pilot in New Jersey. Advocates are concerned that the changes in the English and civics exams will increase the difficulty of the tests beyond the standard set by law and regulation, putting the dream of naturalization beyond the reach of persons who might otherwise become citizens today. Please call your legislators to make them aware of the proposed changes and their ramifications (see Action Box). For more information, call Dan at ext. 226.

Final Deadline for Special Call-In Registration Passes; Serious Questions Remain Unresolved

Friday, April 25th was the final deadline for certain nonimmigrant males from Bangladesh, Egypt, Indonesia, Jordan, and Kuwait to register with immigration authorities. This was the fourth and last group of countries (25 in total) designated for special call-in registration. According to the Bureau of Immigration and Customs Enforcement (BICE), as of April 18 more than 129,000 people had been registered through port-of-entry and call-in registration, and of those, 2,310 had been detained and 9,888 had been given Notices to Appear for deportation proceedings. Serious questions about lack of due process remain unresolved, including the fate of many who attempted to register but were turned away because they had lost their passports or I-94s, and possible legal challenges based on denial of access to attorneys and/or interpreters during critical stages of the process. BICE has not indicated whether additional countries will be designated for special call-in registration in the future. For more information, contact Norman at ext. 235.

CITY AND STATE ISSUES

Immigrant Rights Package Gains Support in City Council; Legislation Introduced in State Assembly

On April 29, immigrant rights advocates held a press conference to call on the Mayor and Speaker Miller to support *Intro 38: The Equal Access to Health and Human Services Act*, and *Intro 326: Access Without Fear*. The bills, respectively, would improve interpretation and translation services at Human Resources Administration (HRA) offices and protect the confidentiality of immigration status and other private information when city workers come in contact with residents who seek city services. Advocates also urged support from the City Council's Black, Latino, and Asian Caucus, which is

expected to formally announce its endorsement of the two bills tomorrow. A City Council hearing on *Intro 326* has been scheduled for May 5, and the NYIC encourages its members and friends to attend this long-awaited hearing to show support and to testify.

Meanwhile, comparable state legislation has been introduced by Assemblyman José Peralta: A07954 would regulate the collection, recording and disclosure of confidential information by state employees, and A08002 would improve language access at key state and local agencies. To find out how you can support the passage of these bills, see the Action Box, or contact José at ext. 241.

City's Funding of ESL and Legal Services Threatened

Mayor Bloomberg's proposed budget does not include the \$2 million funding for the Immigrant Services Initiative, which supports 37 ESL and civics programs and 11 immigrant legal services programs throughout New York City. Advocates need to encourage their City Council members to negotiate for the inclusion of this critical funding in the final city budget. (See Action Box.) For more information, contact José at ext. 241.



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

1. **Support city and state immigrant rights legislation.** Call on your City Council members (212-788-7100) to support *Intro 38: The Equal Access to Health and Human Services Act*, and *Intro 326: Access Without Fear*. The City Council hearing for *Intro 326* is scheduled for May 5th – please come to the hearing! At the state level, ask your Assembly member to support A07954 (confidentiality bill) and A08002 (language access bill). NYS Assembly: 518-455-4100.
2. **Changes to naturalization exam.** Call Senators Schumer and Clinton and your representatives and ask them to monitor and question BCIS about the proposed changes, which increase the exam's difficulty beyond the standard set by law and regulation and could put citizenship out of reach for many immigrants. Capitol switchboard: 202-224-3121.
3. **Health care under attack.** (1) Tell Governor Pataki and New York's Congressional delegation that they must oppose the Bush Medicaid proposal; (2) Urge the Governor and members of the State Legislature to maintain access and benefits in Family Health Plus, Medicaid, and CHIP, and avoid cuts to funding for safety-net providers; (3) Urge our federal legislators to restore Medicaid to recent legal immigrant children and pregnant women, by supporting ICHIA (H.R. 1689 and S. 845). Capitol switchboard: 202-224-3121. NYS Assembly: 518-455-4100. NYS Senate: 518-455-2800. Gov. Pataki: 518-474-8390.
4. **Preserve city ESL and legal services funding.** Call your City Council members (212-788-7100) and urge them to ensure that the final budget includes \$2 million in funding for the Immigrant Services Initiative.

The New York Immigration Coalition
275 Seventh Avenue, 9th Floor, NY, NY 10001
tel: (212) 627-2227 / fax: (212) 627-9314

Thanks to AILA, NY Times, and AP for informational assistance in compiling this update.