

NYIC IMMIGRATION NEWS

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

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IMMIGRATION

Treasury Department Rule Enabling Banks to Accept Consular ID Cards In Peril; Vote by July 31st

Several months ago, the U.S. Treasury Department issued final regulations pursuant to section 326 of the USA PATRIOT Act, allowing banks and other financial institutions to decide what kinds of documents they would accept as proof of identity for purposes of opening a bank account. This was an important victory for many non-citizens whose only form of identification is a consular ID card such as the *matricula consular*.

Bowing to pressure from an anti-immigrant Congressman, however, on July 1st the Treasury Department re-opened the issue and asked for additional comments on the final rule. In a highly unusual move, the Treasury Department is requesting comment in the form of an internet vote through its website. Numbers are critical, so as many people as possible need to vote to support the final rule as it stands and oppose changes to it. Votes are due by July 31st. See the Action Box for detailed instructions on how to vote.

The message that comes out of this vote is especially important at this time, in light of the fact that on July 15th, the House of Representatives approved an amendment to a foreign relations bill that would strictly regulate the issuance of consular ID cards by foreign governments to their own citizens. If adopted by the Senate, the amendment would effectively curtail the use of consular ID cards. A "NO" vote will send the message to Congress and the President that they should support the use of consular ID documents. For more information, contact Ana Maria at ext. 233.

Student Adjustment Petition Drive and Rally

On April 9, Representatives Chris Cannon (R-Utah), Howard Berman (D-California), and Lucille Roybal-Allard (D-California) reintroduced the Student Adjustment Act (H.R. 1684). This legislation would allow states to offer in-state tuition to college-bound undocumented students and create a mechanism by which these students can become permanent residents. Currently, there are 65 co-sponsors in the House. Similar legislation in the Senate (entitled the DREAM Act when it was introduced by Senator Orrin Hatch [R-Utah] in the 107th Congress) has yet to be reintroduced in the current Congress.

Advocates are working to mobilize broad support for student adjustment. Members of the New York State DREAM Act Task Force have launched a petition drive calling on President Bush to endorse H.R. 1684. The Task Force also is organizing an immigrant youth rally for Tuesday, August 12, from 10am to 12pm at Quisqueya Park in Washington Heights. Youth performance groups will showcase a youth-run program of music, spoken word, poetry, and dance. Prior to the performances, immigrant students and their supporters will hold a press conference to give testimonies and urge Congress to support student adjustment legislation in the House and Senate. Get involved by calling Minerva at ext. 238.

Anti-Immigrant Legislation Turning Police Into Immigration Agents Introduced in House

Extremist anti-immigrant legislation entitled the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act (H.R. 2671) has been introduced in the House by Representative Charlie Norwood (R-Georgia). The bill gives the state and local police legal authority to enforce immigration laws. If states do not comply with this mandate they will be penalized by not receiving certain federal funds. The bill also would amend the statute governing the National Crime Information Center (NCIC) database so that the name of any person who has violated immigration law can be entered into the database. In addition, the CLEAR Act would increase penalties for both civil and criminal violations of immigration law, and would divert 33% of immigration application fees away from services in order to fund stepped-up enforcement of immigration law by local police. The bill currently has 55 Republican co-sponsors and 3 Democratic co-sponsors.

The introduction of the CLEAR Act highlights the need for immigrant advocates to continue to reach out to local police departments, law enforcement associations, and elected officials with the message that public safety will be compromised if police come to be seen as immigration agents. Erosion of trust and cooperation between police and immigrant communities is certain to result from this ill-conceived bill. For more information, contact Norman at ext. 235.

HEALTH CARE

Hospital Language Access Bill Passes State Assembly

In the closing days of the recent legislative session, the New York State Assembly passed A.5431, the bill that would require hospitals to improve language access

for services provided to limited-English-proficient New Yorkers. Identical legislation was introduced in the State Senate by Senator Olga Mendez, a Republican from the Bronx, and was co-sponsored by Senator Hannon, a Republican who heads the Senate Health Committee. Thanks to all the groups that sent memos of support! There is strong momentum for this legislation heading into the fall session. The challenge now is to build support for the Senate bill (S.5161). Please contact your member of the State Senate and ask him or her to co-sponsor S.5161 in order to improve immigrants' access to quality health care. Contact Adam at ext. 222, Su Yon at ext. 232, or Jose at ext. 241 for more information.

VOTING RIGHTS

Help America Vote Act (HAVA) Implementation; Action Needed in the State Senate

The Help America Vote Act (HAVA), sweeping federal election reform legislation passed in 2002, has over the past several months gone through a lengthy process to be adopted at the state level. The legislation, which provides much-needed funding to states to modernize voting machines and establish voter databases, also mandates that states require identification or documents from new voters.

Unfortunately, this process – spearheaded by the New York State HAVA Implementation Task Force – has raised serious concerns. The Task Force, which according to HAVA must include “stakeholders” from the electorate, has lacked transparency and sufficient representation of immigrant communities.

The Task Force recently issued a Draft HAVA Implementation Plan that is vague and does not reflect the concerns of immigrant voters. The Draft Plan does not include a comprehensive list of acceptable identification or documents that new voters can present when registering or voting for the first time.

The Draft Plan envisions these major changes to New York State election systems in the next few months, possibly for this fall's City Council elections. The NYIC, its members, and other good-government groups have testified at public hearings about the process and the Draft Plan, to voice these concerns and to mitigate the regressive identification requirement of new voters.

The NYIC will continue its advocacy efforts with the State Task Force, which will issue a Final Implementation Plan later on this summer.

The New York State Citizen's Coalition on HAVA Implementation (of which the NYIC is a member) has submitted a package of model legislation in the NYS Assembly that incorporates the NYIC's concerns and proposes several legislative solutions. The package includes A. 8842 (which addresses an

inclusive list of acceptable voter documentation or identification); other bills are A.8833/8847/8841/8840). The package recently passed the Assembly; however, several concurrent bills passed in the Senate do not incorporate the same range of concerns as the Assembly package. There is a need for sustained pressure on state senators to support A.8847/8833. (Please see the Action Box.) For more information, contact Suman at ext. 236.



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

1. **Consular ID Documents.** To vote in support of regulations that allow banks to accept consular ID cards as a form of identification, go to <http://regcomments.treasury.gov>. Click on “IDENTIFICATION” and then fill in the requested personal information. You will be asked, “Should the terms and conditions of the final section 326 regulation relating to financial institutions’ ability to rely on foreign-issued identification be changed?” Voting “NO” means that you believe banks should be allowed to accept consular ID documents such as the *matricula consular*. You also are required to write a comment in the box below the voting section, e.g., “I oppose any efforts to prevent banks from accepting consular ID documents.”
2. **Hospital Language Access.** Call your member of the NY State Senate and ask him or her to co-sponsor S.5161 in order to improve immigrants’ access to quality health care. NYS Senate: 518-455-2800.
3. **Student Adjustment.** Get involved in the petition drive by calling Minerva at ext. 238. Call the following Representatives and urge them to support the Student Adjustment Act, H.R. 1684: John Sweeney, district 20; Jack Quinn, district 27; John McHugh, district 23; Sue Kelly, district 19; Amo Houghton, district 29; and Sherwood Boehlert, district 24. Capitol switchboard: 202-224-3121.
4. **Voting Rights.** Contact New York State Senators to ask them to support the provisions in A.8842 in future Senate HAVA and election reform legislation! NYS Assembly: 518-455-4100.

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

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