

NYIC IMMIGRATION NEWS

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

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CITY ISSUES

Mayor Issues Landmark New Confidentiality Policy Protecting Immigration Status Information

After almost two years of persistent advocacy, the NYIC and immigrant advocates scored a major victory last month when Mayor Bloomberg revised his inadequate and much-criticized confidentiality policy concerning immigrants in response to pressure from advocates, the City Council, and the public.

The revised policy, set forth in Executive Order 41 (EO41), is the strongest local confidentiality policy in the nation, protecting immigrants from unnecessary collection and reporting of immigration status information when seeking city services or interacting with police.

Limits on Inquiry Into Immigration Status: EO41 contains strong “don’t ask” provisions that prohibit city workers administering social services, benefits, or programs from asking for immigration status information except in limited circumstances, e.g., when such information is necessary to determine eligibility for benefits or is required by law. With regard to the police, EO41 prohibits police officers from asking about immigration status, unless they are investigating illegal activity beyond simply being undocumented. EO41 specifically prohibits police officers from asking about the immigration status of crime victims, witnesses, or others who seek help from the police.

Limits on Disclosure of Immigration Status and Other Confidential Information: EO41 also contains “don’t tell” provisions prohibiting the disclosure of immigration status information with certain exceptions, such as when disclosure is required by law or is necessary to apprehend someone suspected of engaging in illegal activity beyond simply being undocumented. The “don’t tell” provisions also protect information relating to sexual orientation, status as a victim of domestic violence or sexual assault, status as a crime witness, receipt of public assistance, and income tax records.

Much work remains to be done to ensure that EO41 is properly implemented at the various city agencies, including the Police Department and the Human Resources Administration. Details of the new policy still need to be negotiated through agency regulations and guidelines. City employees need to be trained on the new policy, and an effective monitoring mechanism to ensure compliance must be developed. For more information or to get involved with the EO41 working group, contact Chung-Wha at ext. 228.

IMMIGRATION

Farmworker Legalization Bill Introduced, First Step Toward Comprehensive Immigration Reform

On September 23rd, federal legislation to legalize undocumented farmworkers and reform the foreign agricultural worker system was introduced by Senators Edward Kennedy (D-MA) and Larry Craig (R-ID) and Representatives Chris Cannon (R-UT) and Howard Berman (D-CA). The Agricultural Jobs, Opportunity, Benefits, and Security Act of 2003 (AgJOBS, S. 1645/H.R. 3142) is the result of years of negotiation between farmworker representatives and the agricultural industry. The bill would provide a path to earned legalization for undocumented agricultural workers who can prove they have worked in the agricultural industry and will continue to work in that industry, and would reform the existing H-2A guestworker program to meet the needs of both agricultural employers and workers.

Specifically, the AgJOBS bill would enable undocumented agricultural workers to first apply for temporary resident status if they have performed at least 100 days of agricultural work in the United States during any 12-month period between February 2002 and August 2003. Workers who acquire such status may, thereafter, apply for permanent resident status after they have performed at least 360 work days of agricultural employment in the United States during the 6-year period ending August 31, 2009. (At least 240 of those days must be worked during the first 3 years ending August 31, 2006; and at least 75 days of work must be performed in each of three different 12-month periods.)

In addition, the bill would make significant changes to the H-2A foreign agricultural worker program, which allows employers to hire foreign workers for seasonal jobs. Proposed changes include granting H-2A workers the right to sue in federal court to enforce their employment rights under the H-2A contract and regulations, streamlining the application process, and easing employers’ mandatory efforts to recruit U.S. farmworkers prior to hiring H-2A workers.

Approximately half of the 1.6 million agricultural workers in the United States are undocumented and may be able to adjust their status under the AgJOBS bill. This legislation, however, does not obviate the need for more comprehensive immigration reform addressing the need for broader legalization and family reunification. A comprehensive immigration reform bill is expected to be introduced by Senator Kennedy in the near future. For additional information, please contact Ana Maria at ext. 233.

DREAM Act Update

On October 16th, the Senate Judiciary Committee met in a “mark-up” session to debate amendments and to vote on whether the DREAM Act (S. 1545) should be sent to the Senate floor. The committee engaged in a 2½ hour debate, and senators opposed to the bill (Senators Jeff Sessions (R-AZ), Jon Kyl (R-AZ), John Cornyn (R-TX), and Saxby Chambliss (R-GA)) introduced 30 amendments in an attempt to gut the bill. Time ran out, so the final committee vote on amendments and passage of the bill likely will be held on Thursday, October 23rd.

Senator Charles Schumer (D-NY) is a member of the Judiciary Committee and is a cosponsor of the bill. However, he was not present at the October 16th mark-up. It is essential that advocates call and/or fax Senator Schumer thanking him for his support but urging him to take a stronger leadership role to ensure that amendments that aim to weaken the DREAM Act are rejected (see Action Box). For more information, call Minerva at ext. 238.

After the Freedom Ride – Immigrant Workers Rights Campaign to Be Launched

The NYC wishes to thank everyone who participated in the October 4th Freedom Ride rally or who took part in the Immigrant Workers Freedom Marches in Queens, Brooklyn Bridge/City Hall, and northern Manhattan in September. These events have raised the profile of immigrant rights issues in the national, state, and local arenas as we approach the 2004 election season. NYC member groups and other community-based organizations mobilized extraordinary numbers of supporters for the events, galvanizing New York’s immigrant communities around legalization, comprehensive immigration reform, and other workers rights issues.

To continue the momentum generated by the Freedom Ride and Freedom Marches, the NYC and partners have been meeting to develop a focused and coordinated campaign on immigrant workers rights in New York with the goal of winning concrete benefits for immigrant workers from federal, state, and city governments. To become involved in shaping this important campaign, please call Chung-Wha at ext. 228.

HEALTH ACCESS

Project Liberty Phasing Out

The NYC and dozens of partner organizations are calling on Governor Pataki to ensure the continued delivery of critically-needed mental health supports put in place through Project Liberty, the government’s September 11th disaster response initiative. Many Project Liberty providers indicate that demand for services is steady and has again spiked in the wake of the second anniversary of the September 11th attacks.

Unfortunately, at least 30 of the 76 Project Liberty programs have closed, while others have greatly scaled back their services and are turning away new clients due to funding cutbacks. Outreach workers, social workers, peer counselors, and clinicians are being let go from organizations that are distinctly well positioned to serve limited-English-proficient and low-income New Yorkers.

It is crucial that the governor request an extension of the disaster mental health response and identify additional sources of funding from the Federal Emergency Management Agency (FEMA) or other government agencies to address the ongoing crisis- and non-crisis mental health needs of New Yorkers still reeling from September 11th.

FEMA recently extended by six months the program period for Project Liberty services provided by the NYC Fire Department and the Department of Education, in response to requests made by New York State and Senator Clinton. The extension only applies to those two programs, not to general community-focused Project Liberty programs. Moreover, the extension affords only additional time, not additional dollars.

The NYC urges its members to document the need for community-based mental health supports, and to join in advocating for continued and expanded government funding. The working group on access to mental health services is meeting at the NYC on October 21st, from 9:30 to 11:30am; and on November 18th, from 3 to 5pm. For more information, call Adam at ext. 222 or Benjamin at ext. 234.



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

- 1. Urge Senator Schumer to reject any Judiciary Committee amendments that would gut the DREAM Act.** Thank him for cosponsoring and urge him to fight against amendments that would weaken the DREAM Act when the committee votes on October 23rd. To reach Senator Schumer, call 202-224-6542 or fax 202-228-3027.
- 2. Call on Senators Schumer and Clinton and your House representative to support the AgJOBS Act (S. 1645/H.R. 3142) and comprehensive immigration reform.** Capitol switchboard: 202-224-3121.

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