

NYIC IMMIGRATION NEWS

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

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IMMIGRATION

DHS Suspends Arab and Muslim Re-Registration

On December 1st, the Department of Homeland Security (DHS) announced that it was suspending the 30-day and annual re-registration requirements for Arab and Muslim men and boys who previously registered under the National Security Entry/Exit Registration System (NSEERS), or Special Registration. Under the revised rules, persons who are specially registered at a port of entry are no longer required to appear for a follow-up interview 30 days after their admission into the United States. Also, port-of-entry and call-in registrants are no longer required to appear for an annual re-registration interview.

Apart from the suspension of re-registration, the other facets of NSEERS remain in effect. Alleged NSEERS violators (e.g., people who willfully failed to register during the initial registration period) are still considered to have failed to maintain nonimmigrant status, which renders them deportable. Registrants who were placed in deportation proceedings have not received a reprieve – they still face deportation or already have been deported.

In addition, Special Registration will continue at ports of entry. Regarding departure controls, any person who was specially registered, either through port-of-entry or call-in registration, and who wants to travel outside the United States still must “check out” with a DHS official at a designated port of departure, or face a future presumption of inadmissibility. Registrants who remain in the United States for more than 30 days must notify DHS of any change of address, employment, and/or educational institution within 10 days of such change. Individuals may, on a case-by-case basis, still be required to appear for additional interviews at immigration offices on 10 days’ notice. Finally, by publishing a notice in Federal Register, DHS can reinstate call-in registration for nationals or citizens of any countries they choose to designate.

The announced changes came in the wake of recent protests in New York City and elsewhere, although officials were quick to deny that the changes were in response to intense public pressure. DHS Under Secretary Asa Hutchinson’s remarks, however, seemed to validate the growing public outcry that the program was ineffective and a waste of resources. As reported in the *Chicago Tribune*, Hutchinson noted that the leads generated by domestic registration were “minimal in number” and that DHS needed to focus on “individualized, intelligence-based investigations” rather than on “huge, broad categories” such as nationality. Critics have long pointed out the ineffectiveness of such profiling – of the more than 83,000 persons registered domestically, not a single person was charged with a terrorism-related offense. Moreover, resources were diverted away from immigrant services to

handle call-in registration, causing record-high backlogs in green-card processing to grow even worse.

While immigrant community leaders welcomed the suspension of re-registration requirements, they also criticized the move as being too little, too late for the more than 13,000 Arab and Muslim immigrants who are facing deportation as a result of having cooperated with the registration program. Advocates are calling on the government to redress the blatant discrimination of the program by closing the cases of the more than 13,000 facing deportation, scrapping the remaining elements of the program, and removing the names of alleged NSEERS violators from the FBI’s National Crime Information Center (NCIC) database. Inclusion in the NCIC database, which is checked by law enforcement officers nationwide during traffic stops and other routine encounters with the public, subjects alleged NSEERS violators to arrest by local police. Call Norman at ext. 235 for more information.

LANGUAGE ACCESS

Agreement Reached on City Language Access Bill

Intro. 38A, *The Equal Access to Human Services Act*, received a huge boost last week when an agreement was reached between immigrant advocates, unions, the City Council, and the Bloomberg administration. Although there were some compromises on specific requirements affecting the Human Resources Administration (HRA), Intro. 38A still will significantly improve access to the City’s Medicaid, Food Stamp, and welfare centers by requiring HRA to ensure language assistance services for limited-English-proficient individuals seeking to enroll in these programs. More than 120 immigrant organizations, community and religious groups, and unions, as well as 45 City Council members and several city, state and federal elected officials support this critical legislation.

Recent studies, court cases, and a federal civil rights investigation have documented the inaccessibility of city services due to a lack of interpretation services, bilingual personnel, and translated signage and documents. The bill will go a long way towards addressing these problems over the next few years by requiring the following: (1) prompt language assistance services at HRA Medicaid, Food Stamp or welfare centers in any language through in-person bilingual personnel or contracted interpretation assistance; (2) translation of hundreds of documents and notices into Arabic, Chinese, Haitian Creole, Korean, Russian, and Spanish; and (3) record-keeping and reporting requirements to track requests for and agency ability to provide language assistance through translated materials, interpreters, and bilingual staff at HRA, the Department of Health and Mental Hygiene, the Department of Homeless Services, and the Administration for Children’s Services.

The agreement means that Intro. 38A will be passed by the City Council on December 15th and signed by the Mayor shortly thereafter. Please call Councilmember John Liu, the prime sponsor of Intro. 38A, and Speaker Miller to thank them for their work on the bill (212-788-7100). For more information, contact José at ext. 241.

Senate Workforce Bill Expands Programs for Limited English Proficient

Immigrant groups welcomed the Senate's passage of the Workforce Investment Act Amendments of 2003 (S. 1627) – a bill that reauthorizes the 1998 Workforce Investment Act (WIA). Key successes in the final Senate bill include an increased emphasis on English acquisition and integrated training programs and \$10 million in demonstration grants for programs that integrate language acquisition and job training.

These pro-immigrant measures were authored by New York's Senator Hillary Clinton, who introduced the Access to Employment and English Acquisition Act in August 2003, with co-sponsors Senator John Ensign (R-NV) and Jeff Bingaman (D-NM), to increase access and funding for limited-English-proficient (LEP) workers. The Senate bill faces tough challenges ahead when it goes into conference committee to be reconciled with the House's version – the Workforce Reinvestment and Adult Education Act (H.R. 1261) – which does not include such pro-immigrant provisions. Please take a moment to thank Senator Clinton for her work on the WIA amendments and the expanded programs for LEPs (202-224-3121, or clinton@senate.gov). For more information, call Benjamin at ext. 234.

WORKERS' RIGHTS

Campaign to Raise Minimum Wage and Strengthen Labor Law Enforcement Begins

On December 8th, a campaign to raise New York State's minimum wage kicked off with simultaneous press conferences in New York City, Syracuse, Buffalo, Ithaca, Rochester, and New Paltz, followed by press conferences in Nassau and Binghamton. The campaign, entitled "\$5.15 Is Not Enough/\$5.15 No Es Suficiente," is a collaboration between the NYIC and various partners, including ACORN, the Brennan Center for Justice, Citizen Action, the Community Service Society, the Fiscal Policy Institute, Jobs with Justice, and the Working Families Party.

The last increase in the minimum wage occurred in 1997, when the federal minimum wage was raised. Twelve states and the District of Columbia have minimum wages above the federal level. Because immigrant workers are more likely to be low-wage earners than the general population, they stand to benefit greatly if the minimum wage is increased.

Enforcement of wage-and-hour laws also is critical. Many immigrant workers in the metropolitan New York area earn only \$3 or \$4 an hour, are not paid overtime, or are not paid at all. Workers complain to overwhelmed state agencies to no avail. New York State's Department of Labor is so short on staff that it does not even begin

investigating a claim until *one year* after it is filed. The NYIC and its partners are seeking to include in the minimum-wage bill provisions that strengthen wage-and-hour enforcement. To join the recently-formed working group on minimum-wage and wage-enforcement issues, or to endorse the "\$5.15 Is Not Enough" campaign, contact Donya at dfernandez@thenyic.org.

HEALTH CARE ACCESS

New Medicare Law Excludes Benefit Restorations for Immigrant Children and Pregnant Women

On December 8th, President Bush signed Medicare legislation despite strong objections from most health-care consumer advocacy groups. Several provisions of the huge bill are immigrant-specific. The final bill includes the Kyle amendment, which provides \$1 billion over four years to hospitals – 2/3 to hospitals in states with greatest number of undocumented immigrants based on census data, *with additional funds for hospitals in the six states with the highest immigrant apprehension rates*. This sets a terrible precedent, linking health funding to immigration enforcement rather than to health needs.

In order to win his vote on the Medicare bill, Republican leadership promised Representative Dana Rohrabacher (R-CA) that he could propose legislation in 2004 to require hospitals to report undocumented immigrants within two hours of their care. Advocates should not underestimate how confusing and damaging the media attention will be when the issue comes up for a vote.

Finally, federal Medicaid/SCHIP restoration to legal immigrant children and pregnant women had been part of the Medicare proposal that conferees debated (the proposal was known as ICHIA – the Immigrant Children's Health Improvement Act); but late in the game, Republicans insisted on and succeeded in deleting ICHIA from the Medicare bill, claiming that money is not available to restore health coverage to legal immigrant children and pregnant women. To learn more, contact Adam at ext. 222.



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

- 1. Join us to witness and celebrate the passage of Intro. 38A at City Hall on Monday, December 15, 2003.** News conference begins at 12 noon, followed by the City Council vote at the stated meeting which begins at 1:30pm.
- 2. Join the working group on minimum wage and wage enforcement issues.** To join, or to endorse the "\$5.15 Is Not Enough" campaign, email Donya at dfernandez@thenyic.org.
- 3. Educate your community about the changes to NSEERS Special Registration.** For public education materials, contact Norman at ext. 235 or Karin at ext. 244.

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