

NYIC IMMIGRATION NEWS

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

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IMMIGRATION

President Bush Proposes New Temporary Worker Program

On January 7, 2004, President Bush proposed a new temporary worker program that would offer temporary legal status to undocumented workers. The proposal drew sharp criticism from immigrant, labor, and religious leaders, who foresee the creation of a new class of second-tier workers who would be vulnerable to employer abuse and would not have the opportunity for permanent residence and citizenship.

The president's proposal includes the following basic elements: (1) undocumented immigrants working in the United States would be eligible for temporary worker status if sponsored by their employer; (2) workers from outside the country also would be eligible if they have job offers from U.S. employers, provided the employers are unable to find a U.S. worker; (3) this temporary status would last three years and would be renewable but would have an end; (4) workers would be able to travel in and out of the United States; (5) workers would be required to return to their home country after their work period is finished – they would not be eligible for a green card through this program; (6) the annual number of immigrant visas for family members would be increased by a "reasonable," unspecified number; and (7) the citizenship process would be revamped, likely making it more difficult for immigrants to pass the naturalization exam.

Immigrant, labor, and religious groups across the country reacted by issuing press releases and holding press conferences to register strong protest against the president's proposal. Critics pointed out several major flaws of the proposal: (1) the absence of a path to a green card makes the program a "dead end" for most workers, leaving them worse off in the end because they would have to return to their home country or else face deportation; (2) the lack of worker protections to guarantee fair wages and humane working conditions for immigrant workers in the program would have the effect of undercutting wages and working conditions for all workers, while creating a new underclass of low-wage workers who would be reluctant to report employer abuses out of fear of losing their jobs and their immigration status; (3) the program would increase the difficulty of the naturalization exam at a time when would-be citizens cannot find affordable citizenship preparation classes to help them pass the existing exam; and (4) the proposal fails to address the need for comprehensive reform of the family-based immigration

system, including clearing the backlogs and increasing legal channels for families to reunite.

The president's announcement did not address several pieces of pending bi-partisan immigration legislation, including the DREAM Act and the AgJOBS bill, both of which have strong support in immigrant communities. Nor did the president mention the CLEAR Act, which would force state and local police to enforce immigration laws, and which is bitterly opposed by immigrant advocates. The president's silence on these pending bills raises deep skepticism about his commitment to meaningful immigration reform.

The NYIC will continue to support the DREAM Act and the AgJOBS bill, oppose the CLEAR Act, and press for a comprehensive immigration reform bill that provides legalization and a path to citizenship for all workers, with strong worker protections and family reunification provisions. For more information, contact Chung-Wha at ext. 228 or Dan at ext. 226.

NYIC Sues Feds Over Illegal Use of Crime Database

On December 17, 2003, the NYIC and other plaintiffs filed a lawsuit in federal court challenging the inclusion of civil immigration information regarding hundreds of thousands of non-citizens in a federal criminal database known as the National Crime Information Center (NCIC) database.

The lawsuit alleges that the blanket entry of civil immigration information into the NCIC database violates the law and induces state and local police to make unlawful immigration arrests that are not authorized by Congress. The lawsuit seeks to prevent federal agencies from further entering civil immigration information into the NCIC database without lawful authority and to direct the government to remove information that already has been illegally entered.

The NCIC database, which is operated by the Federal Bureau of Investigation (FBI), is used by state and local police to check the criminal history of motorists, pedestrians, and other persons encountered in the course of ordinary policing activities. The FBI is entering into the database information regarding more than 400,000 persons with outstanding removal orders and an unknown number of persons alleged not to have complied with Special Registration requirements. Many individuals have been arrested and deported as a result.

Current NCIC policy and practice has profoundly negative implications for the safety of communities and individuals in New York. Fear of immigration arrest inhibits immigrant cooperation with law enforcement. Use of local police to enforce federal civil immigration

law diverts resources better spent fighting crime, and puts immigrants and citizens at risk of unlawful arrest, discrimination, and racial profiling.

Last September, Mayor Bloomberg took a strong stand to ensure that immigrant New Yorkers have safe access to local police by issuing Executive Order 41 (EO41), which generally prohibits officers from asking people about their immigration status. Unfortunately, the Police Department's reliance on information in the NCIC undermines the protections of EO41, because NCIC immigration-related "hits" are causing police to make arrests based on immigration status. The NYC urges the Mayor and the Police Department to stop carrying out NCIC immigration arrests. For more information, contact Dan at ext. 226.

Fingerprinting and Photographing of Visitors Begin Under US-VISIT Program

On January 5, 2004, the Department of Homeland Security launched the United States Visitor Immigration Status Indicator Technology (US-VISIT) system, which requires most foreign visitors traveling to the United States on a nonimmigrant visa to have their two index fingers scanned and a digital photograph taken to verify their identity at a port of entry. The new system went into effect at 115 airports and 14 seaports, and will be further implemented at the 50 busiest land ports by December 31, 2004 and at all land ports by December 31, 2005. Visitors from 27 mostly European countries entering under the Visa Waiver Program are exempt from the new requirements.

US-VISIT procedures begin overseas at U.S. consular offices when a person applies for a visa. Fingerscans and a digital photograph are collected to determine if the visa applicant is in a criminal or terrorist database. Later, at the port of entry, those same biometrics are used to verify that the person applying for admission is the same person who received the visa. Biometric and other information is again run through the various criminal and terrorist databases before the person is admitted into the country.

By the end of 2004, US-VISIT also will begin requiring visitors to confirm their departure from the United States at automated departure kiosks, which will enable officials to monitor whether visitors overstay their visas. The use of automated kiosks is currently being tested at a handful of air and sea ports.

Advocates have voiced concerns about potential violations of privacy involving the biometric and personal information being collected, including the unauthorized sharing of that information with third parties. Moreover, the program has had foreign relations fallout: Brazil has strongly objected to the program and has retaliated by subjecting U.S. visitors to fingerprinting and photographing. For more information, contact Karin at ext. 244.

ANNOUNCEMENTS

Intro. 38-A, Language Access Bill, Becomes Law

Immigrant advocates won a major victory on December 22, 2003 when Mayor Bloomberg signed into law Intro. 38-A, *The Equal Access to Human Services Act*, which becomes Local Law 73 of 2003. The new law will significantly improve access to the City's Medicaid, Food Stamp, and welfare centers by requiring the City's Human Resource Administration to ensure language assistance services (including translated signs and documents) for limited-English-proficient individuals seeking to access benefits. Advocates will continue working with the Bloomberg administration to effectively implement the new law while pressing for further improvements in language access services throughout other City agencies.

Come celebrate this landmark victory on Wednesday, January 21, 2004, from 4 to 7pm, at SEIU-Local 32BJ's offices at 101 Avenue of the Americas, 22nd Floor (near 1/9 subway, Canal Street station). For more information, contact José at ext. 241.

September 11th Fund Employment Assistance Program Enrollment Deadline is January 31, 2004

To date, more than 10,000 people have received assistance through The September 11th Fund's Employment Assistance Program, which offers career counseling, job readiness training, job referrals, English classes, and skills training to eligible displaced workers (regardless of immigration status) and certain others. Eligibility can be assessed by calling the September 11th Support Hotline at 1-866-689-HELP. The deadline for enrolling is January 31, 2004. The Mental Health and Substance Abuse Program is not subject to the deadline; call 1-800-LIFENET to enroll. For more information, contact Benjamin at bross@thenyc.org.



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

- 1. Call President Bush and your members of Congress and urge them to support more comprehensive immigration reform.** The president's proposal is a dead-end program that will lead many to deportation, because it does not provide a path to permanent residence. Come to our next ICAN! meeting on January 22nd, 3 to 5pm, to learn more. White House comment line: 202-456-1111. Capitol switchboard: 202-224-3121.
- 2. NYC's Annual City Advocacy Day is Coming!** Join us to fight for pro-immigrant City policies on Thursday, February 12th, from 9 to 3pm. Call Minerva at ext. 238 for details.

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