

# NYIC IMMIGRATION NEWS

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

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## IMMIGRATION

### **Senators Daschle and Hagel Introduce New Bipartisan Legalization Bill**

On January 21<sup>st</sup>, Senators Tom Daschle (D-SD) and Chuck Hagel (R-NE) introduced the "Immigration Reform Act of 2004" (S. 2010). This is the only proposal to date that creates a decent framework to address legalization and a path to citizenship, increased future flows, and family reunification.

The earned legalization provisions would allow undocumented immigrants to adjust status to lawful permanent residency, provided they have: (1) resided in the U.S. for five continuous years prior to the date of the bill's introduction; (2) worked for three years preceding introduction and one year after enactment; (3) paid federal taxes during the required four years (or agree to make retroactive payment); (4) meet certain English and civics requirements; and (5) pay a fee of \$1,000 to legalize their status. Spouses and children would be eligible to adjust status with the principal applicant.

The bill's "Willing Worker" program would permit temporary workers to enter the U.S. to work and ultimately adjust status to permanent residency. The bill modifies the existing H-2B visa category and creates a new H-2C category – a two-year visa that is portable and renewable for an additional two years. Notably, the employer or the worker's union would be able to petition at any time for a temporary worker to remain in the U.S. permanently. Also, after three years of temporary status, the worker could self-petition for permanent residency.

The bill's family reunification provisions would address the backlogs by no longer subtracting immediate relatives from the 480,000 cap on family-based immigration and by re-classifying spouses and minor children of lawful permanent residents as immediate relatives.

While S. 2010 has significant flaws, including inadequate worker protections, it represents a major step forward when compared with President Bush's plan and other legalization proposals. For more information, contact Chung-Wha at ext. 228.

### **USCIS Proposes Application Fee Hike While Cutting Appropriations From Congress**

On February 3<sup>rd</sup>, U.S. Citizenship and Immigration Services (USCIS) announced significant proposed increases in immigration application fees, amounting to an average increase of \$55 for immigration applications and an increase of \$20 for the biometric (fingerprinting)

fee. The new fee schedule could go into effect shortly after the conclusion of a 30-day comment period.

As a result, filing fees for N-400 naturalization applications could rise to \$320, up from \$260; N-600 application for citizenship certification fees could increase to \$240, up from \$185; and I-765 work authorization application fees could increase to \$175, up from \$120. The proposal also calls for annual fee increases coming into effect on October 1<sup>st</sup> of each year, beginning in FY 2006, based upon the inflationary rate enacted by Congress.

The proposed fee increases come at a time when application backlogs and processing delays have reached unprecedented levels. According to USCIS, the number of pending applications at year end increased from 3.9 million in FY2000 to 6.2 million in FY2003. At the same time, application processing times increased significantly (e.g., I-485 processing time grew from 14 months in FY2001 to 33 months in FY2003).

While USCIS undoubtedly needs more money in order to reduce the backlog and improve customer service, it is unconscionable that USCIS plans to make immigrants bear this burden alone. USCIS proposes to hike up application fees while simultaneously proposing deep cuts in discretionary appropriations from Congress in its FY2005 budget. USCIS's FY2005 budget proposal requests only \$140 million in discretionary appropriations, down from \$235 million in FY2004. USCIS plans to eliminate the discretionary appropriation that normally covers its administrative support costs, instead shifting the entire amount (\$157 million) to application fee-payers.

Fee increases, ballooning backlogs, and the defunding of services constitute an unprecedented assault on services for immigrants.

Please call your members of Congress and urge them to oppose the proposed fee hike and funding cuts (see Action Box for details). For more information, contact Norman at ext. 235.

## STATE BUDGET

### **Governor Pataki Releases State Budget Proposal**

With a \$5 billion deficit and a vow of no tax increases, Governor Pataki has proposed a state budget for FY 2004-05 that cuts welfare and health care and fails to significantly increase education funding.

The welfare cuts include grant reductions based on the number of years a welfare recipient has been receiving assistance, as well as reductions for recipients who have a disabled family member. In

health care, the governor's proposal cuts services and requires co-payments in the Family Health Plus program, eliminates podiatry and services provided by private-practice dentists and other practitioners in the Medicaid program, and proposes to reform the long-term care system in ways that may restrict access to services.

Under pressure to comply with the Campaign for Fiscal Equity lawsuit ruling, which required the State to revamp its education funding formula, the governor's budget includes an additional \$100 million in state funding for New York City schools. Advocates were seeking an additional \$2 billion in funding.

The governor's budget also includes continued funding of citizenship services at \$2.5 million, yet fails to include any new funding for badly-needed English as a Second Language classes for adults.

To restore these cuts and to invest more in essential services, new revenues and cost-cutting savings are needed. The Better Choice Budget Campaign ([www.abetterchoicefornyc.org](http://www.abetterchoicefornyc.org)) proposes to save more than \$3 billion by closing corporate tax loopholes and making government more efficient. Advocates are encouraged to support the campaign and to join the NYC for its annual Albany Advocacy Day on Tuesday, March 16<sup>th</sup>. To learn more, please call Mark at ext. 231.

#### CITY UPDATE

#### **Mayor Bloomberg Releases 2005 Preliminary Budget**

On January 15<sup>th</sup>, Mayor Bloomberg announced his FY2005 Preliminary Budget. On English language classes, for the third year in a row, the mayor's Preliminary Budget does not include funding for the Immigrant Services Initiative, which supports more than forty community-based organizations in providing English and civics classes and legal services. In the last budget cycle, the City Council restored \$1.8 million for this Initiative (down from \$2.5 million in FY2002) after persistent advocacy from members of the ESOL Action Group. This year, groups are calling for \$5 million for the Initiative.

On education, the Four-Year Preliminary Capital plan invests an additional \$2 billion in city schools for repairs and new construction, in connection with the mayor's plan to open 30,000 new classroom seats. In addition, the mayor's Financial Plan includes \$25 million targeted towards ending social promotion for third graders. Advocates are concerned about this plan and are calling on the City to improve the quality of education for third graders instead.

On the budget deficit, the mayor proposes to close a projected FY2005 \$2 billion budget gap through various sources, including \$695 million generated in FY2004 for out year budget relief, \$526 million in additional tax revenue in 2005, \$700 million in state and federal assistance, and \$324 million in spending cuts. Advocates are concerned about further budget cuts to social service

programs and are doubtful about receiving significant assistance from the State, given its projected \$6 billion deficit. The Budget for a Livable NYC Coalition, which includes more than 80 grassroots, advocacy, labor, and religious groups including the NYC, has developed proposals that would "grow the revenue pie" and put the City's finances on more solid footing by enacting long-overdue adjustments in the City's business tax laws, which would yield an additional \$1.2 billion in annual city revenues, and by charging a simple 1% tax on commuters, which would yield approximately \$950 million in city revenues annually. For more information, contact José at ext. 241.

#### **City Council Passes Civil Liberties Resolution**

On February 4<sup>th</sup>, New York City became the 250<sup>th</sup> (and largest) municipality in the country to pass a resolution condemning the USA PATRIOT Act and the erosion of civil rights and civil liberties since September 11<sup>th</sup>. By a vote of 36 to 13, the City Council passed Resolution 60 (formerly known as Resolution 909), which calls for repeal of USA PATRIOT Act provisions and other federal actions that unduly infringe upon fundamental constitutional rights, and expresses opposition to the City's participation in the enforcement of federal immigration laws. Although the resolution does not have the force of law, it represents the official view of the City Council and sends a strong signal that New Yorkers do not support ill-conceived policies that needlessly sacrifice our liberties. Congratulations to the New York Civil Liberties Union and all the activists who helped get the resolution passed! For more information, visit [www.nybordec.org](http://www.nybordec.org).



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

1. **Join us for City Advocacy Day on Thursday, Feb. 12th!** The issues briefing begins at 9:30am at the Schimmel Center for the Arts at PACE University near City Hall. Call Minerva at ext. 238 for details.
2. **Say NO! to Immigration Fee Hike.** Call Senators Clinton and Schumer and your House representative to urge them to oppose USCIS's proposed fee hike and discretionary appropriations cuts. Capitol switchboard: 202-224-3121.
3. **Join the City and State Budget Campaigns.** Call José at ext. 241 to join the Budget for a Livable NYC Coalition. Call Mark at ext. 231 or visit [www.abetterchoicefornyc.org](http://www.abetterchoicefornyc.org) for more information about options for a smarter New York State budget. Also, join the NYC for Albany Advocacy Day on Tuesday, March 16<sup>th</sup> – call Minerva at ext. 238 for details.

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