

NYIC IMMIGRATION NEWS

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

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TUESDAY, MAY 4TH – RALLY FOR LEGALIZATION/ COMPREHENSIVE IMMIGRATION REFORM AND LAUNCH OF IMMIGRANT VOTER CAMPAIGN!

Hundreds will rally on the City Hall steps on May 4th at 11:30am as important new immigration reform bills are introduced in Congress by Senator Kennedy (D-MA) and Representative Gutierrez (D-IL) and as the NYIC launches the 2004 “Immigrant Votes Making the Difference” campaign. Contact Jackie Vimo at ext. 239 or Suman at ext. 236 for more information.

CITY AND STATE ISSUES

Mayor’s Executive Budget Fails to Include ESL, Civics, Immigrant Legal Services Funding

On April 26th, Mayor Bloomberg released his Executive Budget. Noticeably absent from his fiscal plan was the Immigrant Opportunities Initiative (IOI) – a \$5 million proposal that would fund English language programs, civics classes, and immigrant legal services. The IOI would be a tiny piece of the massive \$46.9 billion city budget. Last month, the City Council included the \$5 million initiative in its response to the mayor’s Preliminary Budget. The next few weeks are crucial: Borough Council delegations have scheduled their annual budget hearings on the mayor’s Executive Budget, and concerned organizations need to testify and urge that the IOI be funded at \$5 million in the final FY 2005 budget. Call Minerva at ext. 238 to get involved.

Bills Regulating Immigration Assistance Service Providers Pending in NYC and in Albany

Non-profit legal service providers and private attorneys are unable to meet the enormous demand for affordable immigration services. While the city, state and federal governments could solve this problem by providing adequate funding for non-profit immigration legal service providers, the current deficit in services forces many immigrants to turn to persons who are not lawyers nor accredited representatives in order to file immigration forms. Many of these for-profit service providers engage in unscrupulous and fraudulent or at minimum shoddy practices. Bills introduced at the city and state level would begin to address these deficiencies.

Both the city and state legislation (Intro. 223 and S.3314-B/A.7137-B, respectively) require agencies providing “immigrant assistance services,” (i.e., assistance in the completion and filing of immigration forms) to clearly post notices in their places of business stating that the provider is not an attorney or accredited

representative and cannot give legal advice. The notices must appear in every language in which the provider offers services and be conspicuously displayed in advertising. Both bills prohibit giving legal advice.

Both bills also prohibit service providers from withholding the customer’s original documents for any purpose, including disputes about payment. The state bill requires that the provider maintain a client file with documents submitted to immigration authorities for three years. Both bills require contracts detailing the nature and costs of all services. Each bill has a list of prohibited acts and requirements, violation of which can result in significant civil and criminal penalties. Attorneys, agencies recognized by the Board of Immigration Appeals that provide services using accredited representatives, and non-profit organizations providing services at no cost or for nominal fees are exempt from coverage of the bills. The NYIC supports passage of these bills as a good first step in protecting immigrant communities from incompetent or unscrupulous immigration assistance providers. For more information, contact Dan at ext. 226.

IMMIGRATION

ICE Issues New Detention Guidelines to Address September 11th Detainee Abuses

On April 13th, the Department of Homeland Security (DHS) announced new guidelines intended to address some of the detention abuses that occurred after the September 11th attacks. The changes came in response to an April 2003 report by the Justice Department’s Inspector General that found “significant problems in the way the September 11th detainees were treated,” including lengthy periods of detention without charge, physical abuse and mistreatment.

The new guidelines require DHS to review the individual circumstances of each case and give formal approval before any noncitizen is detained at the FBI’s request for national security reasons. The guidelines reiterate existing regulations that require custody/bond determinations and charging decisions to be made within 48 hours of arrest, except in an “emergency or other extraordinary circumstance” – the meaning of which the new rules attempt to clarify. In addition, they require that detainees be notified of the charges against them within 72 hours following arrest. The guidelines do not address abusive conditions of confinement.

The announced changes basically acknowledged that the Justice Department and FBI trampled on the rights of Arabs and Muslims detained after September

11th, flouting due process and the rule of law. It remains unclear whether the new guidelines will make any practical difference in the treatment of detainees – cavalier interpretation of rules, loopholes, and a rubber-stamping bureaucratic mindset would render irrelevant any protections on paper. For more information, contact Norman at ext. 235.

ICE Expands Detention of People Ordered Removed

U.S. Immigration and Customs Enforcement (ICE) continues marching toward its vision to “remove all removable aliens” and “eliminate the backlog of unexecuted final order removal cases” within 10 years. The latest step in ICE’s “Endgame” strategic plan is a pilot program to immediately detain immigrants who are ordered deported by immigration judges. Under this pilot program, which was started at the Executive Office for Immigration Review (EOIR) in Hartford and is being expanded to EOIR in Atlanta and Denver, immigrants ordered deported in immigration court are immediately detained at immigration court. ICE determines whether or not they will be a flight risk if released from custody. Those who are determined to be flight risks will be detained pending deportation, while those who are not may be released provided they post bond. This will happen even if the immigrant takes voluntary departure or appeals the judge’s decision.

The detention program is just one way that ICE hopes to increase removals. Other “Endgame” tactics being developed include an “intensive supervision” pilot program to begin in eight cities, which may include voice recognition technology and offensive measures such as electronic monitoring devices strapped to people’s ankles. At a time when there is widespread and bipartisan acknowledgement of the need to bring undocumented immigrants out of the shadows, ICE’s programs represent a disturbing and sinister move toward mass deportations. For more information, contact Karin at ext. 244.

Application Fee Increase Effective April 30, 2004

Despite strong objections from immigrant-serving organizations and community groups, U.S. Citizenship and Immigration Services increased immigration application fees across the board on April 30th. The filing fee for N-400 naturalization applications, for example, rose from \$260 to \$320, and the biometric fingerprinting fee increased from \$50 to \$70. The new fee schedule can be found at www.uscis.gov.

CSS/LULAC Settlement Agreements to Permit Late Applications Under 1986 Amnesty

U.S. Citizenship and Immigration Services recently announced settlement agreements in the CSS and LULAC class action lawsuits. The agreements allow qualified individuals who can prove that they came to

the United States prior to January 1, 1982 and lived here in undocumented status until at least May 4, 1988 to apply or reapply for legalization under the 1986 amnesty program. USCIS will accept applications from May 24, 2004 through May 23, 2005.

Lawyers filed suit in 1987 after the INS wrongly turned away many qualified undocumented immigrants who tried to apply for legalization under the 1986 law. The lawsuits sought to allow these applicants to file after the original filing deadline of May 4, 1988. For more information, visit www.uscis.gov under “USCIS Settlement Notices and Agreements.”

Students Travel to D.C. to Support DREAM Act

On April 19th, New York State DREAM Act Task Force members organized three buses of students, teachers, and parents and joined groups from around the country to deliver more than 100,000 petitions to the U.S. Department of Education in Washington, D.C. urging President Bush to support the DREAM Act. Each petition represented one undocumented immigrant student who will graduate from a U.S. high school this year but will face barriers in realizing the dream of a college education. New York brought the largest contingent – close to 150 people! Students and advocates took part in 11 Congressional visits, met with Senators Schumer and Clinton, and participated in a mock graduation ceremony that attracted national media coverage. Thank you to the United Federation of Teachers, Local 79, and DC 37 for their financial support in sponsoring buses. To get involved in DREAM Act advocacy, call Minerva at ext. 238.



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

1. **Demand city funding for ESL, civics, and immigrant legal services!** Borough Council delegations have scheduled their annual budget hearings on the Mayor’s Executive Budget, and concerned organizations need to testify and urge that the Immigrant Opportunities Initiative be funded at \$5 million in the final FY 2005 budget. Call Minerva at ext. 238 to get involved.
2. **Sign-on in support of legislation to improve language access in hospitals!** Assembly Bill 5431-B and Senate Bill 5161-B would require every hospital to communicate clearly with limited-English-proficient patients so that all New Yorkers have access to vital medical care. To sign your organization onto the letter, contact Su Yon at ext. 232 or at svi@thenyic.org.

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