

NYIC IMMIGRATION NEWS

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

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IMMIGRANTS TO RNC: HEAR US NOW!

MARCH IN LOWER MANHATTAN, SUNDAY, AUG. 1ST

Thirty days before the Republican National Convention comes to New York City, we want to make sure that national leaders get the message that immigrants want action on issues like legalization, civil rights, and other immigrant concerns! March with us on Sunday, August 1st, beginning at 11:30am at Thomas Paine Park, just behind 26 Federal Plaza, at the corner of Worth and Lafayette Streets. (This event follows an immigrant rights press conference in Boston during the Democratic National Convention earlier this week.) Call Benjamin at ext. 234 to get involved!

WORKER RIGHTS

State Legislature Passes Minimum-Wage Increase

After years of dedicated campaigning by living-wage advocates, the New York State Senate finally passed The Empire State Wage Act of 2004 (S.7682-A), which increases the state's minimum wage from its current rate of \$5.15 an hour to \$7.15 (and from \$3.30 to \$4.60 for tipped workers), on June 21st. The Assembly had already passed its own version of the bill in March, but it ultimately adopted the Senate bill's language last week. The new wage will be phased in incrementally, with the first increase to \$6.00 (\$3.85 for tipped workers) going into effect on January 1, 2005 and progressive yearly increases to \$7.15/\$4.60 by 2007.

Members of the *\$5.15 Is Not Enough!* coalition heralded the vote as a major victory for working low-wage New Yorkers. While \$7.15 an hour is still not a living wage in a state as expensive as New York, the extra \$2 an hour will mean an extra \$4,160 per year for minimum-wage workers and is projected to benefit more than one million low-wage workers, most of them immigrants, statewide.

In the final days leading up to the minimum-wage vote, two provisions in the initial Assembly bill were rumored to be in jeopardy: the provision that increased the minimum wage for tipped workers and the provision that strengthened the enforcement of the minimum-wage law. While tipped workers were ultimately included in the minimum-wage increase, the labor-law-enforcement provision was left out of the final bill. The NYIC and coalition partners will continue to work towards improving the enforcement of wage-and-hour laws to ensure that all low-wage New Yorkers benefit from the minimum-wage increase.

The bill was sent to Governor Pataki on July 22nd for signature (see Action Box). For more information, contact Jackie V. at ext. 239.

NEW YORK CITY

New City Law Gives Immigrants Recourse Against Unscrupulous or Fraudulent Service Providers

On July 12th, Mayor Bloomberg signed a law that regulates providers of "immigration assistance services" and takes important steps to protect immigrants from misleading, abusive, and unscrupulous practices when they seek assistance in immigration matters.

The new law requires for-profit immigration assistance providers who are not attorneys or accredited representatives to clearly state, in advertisements, posted signs, and service agreements, that they are neither attorneys nor accredited representatives and that they cannot provide legal advice or assistance. Mandatory service agreements must set out in writing the provider's contact information, services to be performed, and fees for those services.

Providers may not demand or retain fees or compensation for services not performed. They must provide copies of documents filed and return original documents to customers. They also must retain a file of documents prepared for at least three years. Moreover, providers must maintain a bond, contract of indemnity, or irrevocable letter of credit in the amount of \$50,000 for the benefit of persons who are entitled to fee refunds or who are otherwise harmed by the provider.

Importantly, the new law has criminal and civil penalties to encourage compliance. Violations constitute Class A misdemeanors with prison terms of up to one year. Violators face civil penalties of up to \$2,500 for a first violation and up to \$5,000 for each violation thereafter. Actions to recover civil damages will be heard in administrative tribunals within the city's Department of Consumer Affairs. The harmed immigrant also may sue violators in court for damages, injunctions, and attorney's fees.

Attorneys in good standing, non-profits that provide services without fee or at nominal fees, and employees of public offices and city executive agencies who make inquiries on behalf of individuals are exempted from this law. The new law goes into effect on October 10, 2004.

Thanks to NYIC members and friends who worked with the NYIC to win passage of these important protections. For more information, please contact Dan at ext. 226.

IMMIGRATION

At Hearing Led by Bishop DiMarzio, Immigrants Tell of Rights Abuses and Mistreatment Since 9/11

On July 19th, more than 150 people attended an extraordinary community hearing led by the Most Reverend Nicholas DiMarzio, Bishop of Brooklyn and Queens, on the impact of post-9/11 enforcement and other policies on immigrant communities. The hearing, held at St. Francis College in Brooklyn, provided a forum for personal testimony by immigrant families about how their lives have been profoundly changed for the worse by post-9/11 government initiatives. Immigrant leaders chronicled the broader impact on communities and offered recommendations to address problems.

The stories included accounts of families being torn apart because of Special Registration, immigrant street vendors being arrested by police because of immigration violations, and people waiting nearly eight years for immigration services to process a family petition. A Sikh man told the story of how he was assaulted on a bus by a fellow passenger because he was wearing a turban. A young lady explained to the Bishop that she has to lie to her younger siblings and tell them that their father, who was deported in February, is on vacation.

“The human impact is the issue – people are suffering. Some of it is the unintended consequences of 9/11, but we have to do something about it. It’s immoral. It’s just wrong,” said Bishop DiMarzio. The Bishop has long been a supporter of immigrant rights. He began the hearing by calling for reform of unfair and unrealistic immigration laws. He closed with a pledge to work with immigrant advocates and announced that he is seeking meetings with Mayor Bloomberg, Governor Pataki, and Homeland Security Secretary Tom Ridge to discuss immigrant civil rights issues. For more information, contact Karin at ext. 244.

AgJOBS Farmworker Bill Thwarted by White House and Senate Leader

Earlier this month, the Agricultural Job Opportunity, Benefits, and Security Act of 2003 (AgJOBS, S.1645), with 63 bipartisan co-sponsors, including 26 Republicans, and the support of industry and labor, looked set to pass in the Senate. The bill would create a guestworker program to satisfy the needs of agribusiness and create a path to citizenship for around half a million undocumented farm workers provided they work at least 360 days in agriculture over the course of several years.

AgJOBS never made it to a vote, however, because the White House applied pressure in the Senate to prevent the bill from coming to a vote, according to the *Los Angeles Times* and other media sources. Senator Larry Craig (R-ID), the bill’s chief sponsor, “confirmed that the administration did ask him not to offer the proposal,” reported *The Wall Street Journal*. When

Senator Craig nonetheless tried to attach AgJOBS to a bill that was moving, Senate Majority Leader Bill Frist (R-TN) pulled that bill from consideration rather than allow a vote on AgJOBS.

Many advocates believe that President Bush’s active opposition to AgJOBS signals a political calculation to appeal to the anti-immigrant wing of his supporters at the expense of immigrant workers. Despite strong bipartisan support for the bill and unprecedented agreement between labor and industry, all sides are left with the same untenable status quo. (See Action Box for details on how to advocate for AgJOBS.) For more information, contact Minerva at ext. 238.

Treasury Department Regulations Permitting Banks to Accept *Matricula Consular* Under Attack!

On July 22nd, the House Appropriations Committee voted 26 to 25 to keep language in the 2005 transportation and treasury appropriations bill that would undercut Treasury Department regulations permitting banks and other financial institutions to accept the *matricula consular* (i.e., the official identification cards issued by Mexican consulates) as proof of identity for opening a bank account. Advocates will continue to work to have this anti-matricula language removed from the final bill (see Action Box). For more information, contact Minerva at ext. 238.



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

1. **Tell Governor Pataki to sign the minimum-wage bill!** Governor Pataki: 518-474-1041.
2. **Urge President Bush to support AgJOBS!** Please call the White House comment line at 202-456-1111 and tell the president to “support the AgJOBS farmworker immigration bill, S.1645, and have Senate Majority Leader Frist bring the bill to a vote.”
3. **The fight for the *matricula consular* is only just beginning!** Please call to thank the members of the New York delegation on the House Appropriations Committee who voted to get rid of the anti-matricula language, and urge them to continue to oppose such provisions: Rep. Jose Serrano (contact Lucy Hand at 202-225-4361); Rep. Maurice Hinchey (contact Paul Brotherton at 202-225-6335); and Rep. James Walsh (contact Ron Anderson at 202-225-3701). Reps. Lowey and Sweeney were not present for the vote. We will keep you posted on future legislative developments.

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