

NYIC IMMIGRATION NEWS

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

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HEALTH CARE ACCESS

Medicare Funding Plan Could Force Emergency Rooms to Record Patients' Immigration Status

On July 22, 2004, the Centers for Medicare and Medicaid Services (CMS), part of the U.S. Department of Health and Human Services, released a dangerous proposal that would require hospitals to record patients' immigration status if they want to receive a portion the \$1 billion designated to reimburse hospitals for providing emergency care to undocumented immigrants. If implemented as currently proposed, the recording of patients' immigration status in hospital emergency rooms will deter many immigrants—documented and undocumented—from seeking life-saving medical care, pose a risk to public health, and create unnecessary administrative burdens for hospitals.

The CMS proposal is an attempt to implement section 1011 of the Medicare bill passed by Congress last year. Section 1011 was introduced into the bill by Senator Jon Kyl (R-AZ) as a compromise for including the Immigrant Children's Health Improvement Act (ICHIA) in the Medicare bill, but ICHIA was stripped at the last moment under pressure from Republicans.

In May 2004, Congress overwhelmingly rejected a proposal similar to CMS's, introduced by Representative Dana Rohrabacher (R-CA), that would have deprived hospitals of federal funding unless emergency rooms question patients about immigration status and share that information with the Department of Homeland Security.

CMS's proposal requires hospitals to collect and maintain identifying information on each patient, including the patient's name, address, place of birth, and immigration status. Health-care providers, including the National Association of Public Hospitals and the American Hospital Association, and immigrant rights advocates are urging CMS to avoid any method of collecting patient-specific information. Instead, providers and advocates are recommending use of a "proxy" methodology—a formula to estimate the cost of emergency care provided to the undocumented by each hospital—to allocate section 1011 funds.

CMS is expected to issue its final implementation plan on September 1, 2004. In the meantime, the NYIC is urging hospitals not to participate in CMS's section 1011 program and is calling on elected officials to weigh in with CMS.

Comments submitted by the NYIC to CMS are available at www.thenyic.org. For more information, contact Su Yon at ext. 232 or syi@thenyic.org.

STATE ISSUES

State Assembly Holds Hearing on DMV Driver's License Policy; Immigrants Rally in Protest

On August 19, 2004, the New York State Assembly held the first public hearing on the new Department of Motor Vehicles (DMV) policy that threatens to suspend the drivers' licenses of nearly 300,000 immigrant New Yorkers who do not have valid Social Security numbers.

Immigrants and community and religious leaders, many wearing DRIVERS' LICENSES NOW! t-shirts, called on Governor Pataki and the DMV to end the Social Security verification program and urged new DMV policies to enable immigrants to get drivers' licenses using alternative forms of identification such as foreign passports or documents like the Mexican matricula consular, which recently was redesigned with additional security features.

Transportation Committee Chair David Gantt compared immigrants' plight to the civil rights struggles of the 1960s as he rebuffed cries from anti-immigrant groups in the hearing room to deport all undocumented immigrants. While DMV Commissioner Martinez cited security reasons to justify the new policy, Margaret Stock, a lawyer and professor at the U.S. Military Academy, testified that the DMV policy actually makes the country less safe by creating an underground class of hundreds of thousands of people for whom there are no identification documents or public records. Immigrants testified about the hardships they now face as a result of the DMV policy, including loss of jobs. Others testified that taking away licenses from immigrants makes roads and highways less safe by increasing the number of licensed and uninsured drivers.

Outside the hearing, the New York Coalition for Immigrants' Rights to Drivers' Licenses held a rally and press conference to protest DMV's policy and unveiled a giant orange violation ticket for the governor and DMV commissioner for taking drivers' licenses away from immigrants. Please call Governor Pataki and tell him not to take drivers' licenses away from immigrants (see Action Box)! To get involved in the driver's license coalition, call Jackie Vimo at ext. 239.

Governor Pataki Vetoes Minimum-Wage Increase; Override Hinges on Vote in Senate

On July 29, 2004, Governor Pataki in a surprise move vetoed the minimum-wage bill passed by both houses of the State Legislature in June that would have raised the minimum wage to \$7.15 an hour, up from

\$5.15. To override the governor's veto, a two-thirds majority is needed in both the Senate and Assembly. On August 11th, the Assembly overwhelmingly rejected the governor's veto by a vote of 128 to 20. An override now depends on the Senate. In June, the Senate had voted 51 to 7 to pass the bill. To override the governor's veto, 42 senators will need to vote for the bill. However, the Senate may not convene again until after the elections.

A \$2 increase in the minimum wage would make a big difference to an estimated one million low-wage workers, most of them immigrants, who are struggling at the economic margins to support their families in a state as expensive as New York. Please call your state senator and Senate Majority Leader Bruno and urge them to override the governor's veto (see Action Box). For more information, call Jackie Vimo at ext. 239.

Governor Vetoes ESL Funding in 2004 Budget

On August 19, 2004, Governor Pataki angered immigrants by vetoing key items in the State Legislature's 2004 budget, including \$1.75 million for ESL classes under TANF and increases for higher education. The elimination of ESL funds will only exacerbate the shortage of ESL classes in the state. The Legislature had voted to increase ESL funding by \$500,000 over last year. The governor vetoed not only this increase but the entire \$1.75 million for ESL.

Other budget items passed by the State Legislature remained intact, including restorations to health-care programs such as Medicaid and Child Health Plus. An additional \$700 million in state aid for public schools, of which New York City will receive around 38 percent, also escaped veto. (Governor Pataki and the Legislature sidestepped the court order from the Campaign for Fiscal Equity lawsuit mandating that the state come up with a plan to substantially increase aid to New York City schools, leaving the decision up to a recently-appointed three-member referee panel.)

Last year, the Senate overrode the governor's budget vetoes, but Senate Majority Leader Bruno has indicated that no decision or action will be taken until after the November elections. Please call Senator Bruno and urge him to override the vetoes (see Action Box). For more information, contact Mark at ext. 231.

IMMIGRATION

On Immigration, 9/11 Commission Report Calls for Identification and Information-Sharing Measures

On July 22, 2004, the National Commission on Terrorist Attacks Upon the United States ("9/11 Commission") issued its highly-anticipated final report, which contained numerous recommendations for improving the security of the United States. Several recommendations relating to immigration called on the government to improve its ability to (1) identify persons

who seek to enter and/or travel within the United States, and (2) quickly share information with other agencies about these persons' identities, in order to prevent entry or facilitate arrest if they are suspected terrorists.

The report recommended the establishment of a uniform biometric system to screen people upon entry to the United States and at various points in the transportation system. It also called for federal standards for drivers' licenses and birth certificates as well as international standards for secure passports with biometric identifiers.

The report also called for greater cooperation and information-sharing between federal, state, and local agencies, replacing the system of "need to know" with a system of "need to share." Advocates expressed concern that this could result in a significant expansion of the government's power to collect and share identity information, potentially increasing the likelihood that local police and other law enforcement agencies will have greater access to immigration-status information.

The report stressed the need to protect civil liberties while enhancing security. "We advocate a system for screening, not categorical profiling," wrote the Commission. "At this time of increased and consolidated government authority, . . . we must find ways of reconciling security with liberty." For more information, call Karin at ext. 244.

ANNOUNCEMENTS

City Appoints New Immigrant Affairs Commissioner

On July 14, 2004, Mayor Bloomberg announced the appointment of Guillermo Linares as the new Commissioner of the Mayor's Office of Immigrant Affairs. Mr. Linares was the first Dominican-American elected to public office when he joined the City Council in 1991. He has advocated for public education and immigrant children and families for more than 30 years.



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

1. **Call Governor Pataki and tell him not to take drivers' licenses away from hard-working immigrants!** Governor Pataki: 518-474-1041.
2. **Urge your state senator and Senator Bruno to override Governor Pataki's veto of the minimum-wage bill!** State Senate: 518-455-2800. Senator Bruno: 518-455-3191.
3. **Call Senator Bruno and tell him to override the governor's vetoes and fund ESL classes!** Senator Bruno: 518-455-3191.

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