

NYIC IMMIGRATION NEWS

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

Volume VII, Issue #12, October 21, 2004

IMMIGRATION

House and Senate Pass Intelligence Reform Bills; Conferees to Decide on Anti-Immigrant Provisions

On October 8th, House Republicans pushed through their controversial *9/11 Recommendations Implementation Act* (H.R.10), which includes many radical anti-immigrant provisions. H.R.10, which passed by a vote of 282 to 134, immediately drew criticism from the 9/11 Commission for including divisive immigration proposals that have nothing to do with counterterrorism or intelligence reform. A conference committee of selected House and Senate members began meeting earlier this week to reconcile the differences between H.R.10 and the bipartisan Senate bill, S.2845, the *National Intelligence Reform Act of 2004*, which focuses on the 9/11 Commission's recommendations and was passed on October 6th by a vote of 96 to 2.

H.R.10 attacks the civil rights of immigrants in numerous ways. The bill would make legal presence a requirement to obtain a driver's license in all 50 states. It would heighten the burden of proof for immigrants seeking asylum and make millions of immigrants subject to "expedited removal" so that they could be deported without the opportunity to be heard by an immigration judge. The bill would outlaw the use of consular identification cards, even though thousands of police departments, banks, and the U.S. Treasury Department support the issuance and acceptance of such cards. It also would allow for the removal of foreign nationals to countries that have not consented to their return or that have no functioning government, exposing such people to human-rights abuses.

House and Senate conferees may send a final bill to the president for signature before the November 2nd elections, so the time to act is now! Please call your senators and representative and urge them to tell their colleagues on the conference committee to remove the anti-immigrant provisions from the final bill (see Action Box). For more information, call Karin at ext. 244.

No Movement on DREAM Act in Senate

The DREAM Act was scheduled to be marked up in the Senate Judiciary Committee as part of a Justice Department authorization bill (S.2836) on October 7th, but that mark-up session was cancelled. The next opportunity for the DREAM Act will come after the elections during the lame-duck session. Thanks to everyone who participated in the action alert to Senator Schumer and the White House. Please stay tuned! For more information, call Minerva at ext. 238.

Anti-Immigrant Ballot Initiative in Arizona Could Impact Politics of Immigration Across the Nation

Anti-immigrant groups have spent over half-a-million dollars to get an anti-immigrant initiative on the ballot in Arizona and push for its passage. Proposition 200, modeled after California's notorious Proposition 187, would criminalize government employees that do not report undocumented immigrants and deny public benefits, possibly including police, sanitation, and fire protection, to immigrants who cannot produce valid documentation. Although Proposition 200 enjoyed early public support in surveys (74% supported it three months ago), support has dropped down to 42%, thanks to the work of the group *No on 200, Arizonans for Real Immigration Reform*. However, many Arizona voters remain undecided, and the *No on 200* campaign needs your help (see Action Box). For more information, visit www.NoOn200.com or contact Chung-Wha at ext. 228.

CIVIC PARTICIPATION

Election Day is Less Than Two Weeks Away!

Election day is almost here! Many districts with large communities of voting immigrants will experience intense races and see tens of thousands of voters going to the polls. Given the enormous issues at stake, such as comprehensive immigration reform, immigrant access to drivers' licenses, and language assistance in hospitals, it is critical to maximize the immigrant voter turnout.

The *Help America Vote Act* (HAVA) undoubtedly will make this year's elections more complicated, as it requires some first-time voters to show identification (ID). Be advised that voters who registered by mail after January 1, 2003 and are voting for the first time this year will be asked for ID. Acceptable forms of ID include valid photo identification (e.g., passport, driver's license, non-driver ID, student ID), current utility bills, bank statements, government checks, paychecks or government documents that show your name and address. Nevertheless, voters who arrive at the polls without appropriate ID may still vote. They must request an *affidavit ballot*, which is a paper ballot on which they affirm that they are eligible to vote.

The polls will be open from 6am to 9pm. If you are not sure if you are registered to vote or don't know where your polling site is, contact your county Board of Elections. In New York City, call 866-VOTE-NYC.

In the event that voters experience problems, including harassment and poorly-trained poll workers, they should contact their county Board of Elections immediately to document the problem as it happens.

To assist member groups and individual immigrant voters, the NYIC has multi-lingual (English, Spanish, Chinese, Korean, Russian, Haitian Creole, Polish, Arabic, Urdu and Hindi) palm cards available. The palm cards list various election-day rights of immigrants in a clear and easy-to-understand format. To pick up palm cards or for more information, call Randy at ext. 236.

HEALTH-CARE ACCESS

Medicare Agency Backs Down From Requiring Hospitals to Ask About Immigration Status

The federal Centers for Medicare and Medicaid Services (CMS) recently backed off its proposal requiring hospitals that wish to receive certain funds to ask patients specific questions about immigration status (see *NYIC Immigration News*, August 27, 2004). CMS indicated that it changed its position as a result of strong opposition from immigrant groups and hospitals. CMS still has not issued a final rule, however. The final rule likely will have hospitals asking uninsured emergency-room patients for Social Security numbers and drivers' licenses – which is nearly as bad as asking immigration-status questions directly. Immigrant advocates remain concerned that CMS will induce hospitals into asking questions that frighten and alienate immigrants.

On a brighter note, however, New York City's public hospitals have clearly stated that they will *not* be asking patients for sensitive immigration-related information, regardless of CMS's final rule. Moreover, the Greater New York Hospital Association's board of directors has reportedly resolved to discourage its members – including many of New York City's and the State's private hospitals – from asking questions that could deter patients from seeking health care.

In Congress, Representative Joseph Crowley (D-NY) has energetically opposed the CMS proposal – please thank him and encourage him to keep up the pressure on CMS. Also, the New York City Council's Health Committee, under the leadership of Christine Quinn, passed a resolution calling on CMS to abandon its proposal and urging hospitals not to comply if CMS's final rule is unacceptable. Please take this opportunity to remind immigrant community members that it remains safe to access health care and that health-care providers do not share information with immigration authorities. For more information, contact Adam at ext. 222.

HOUSING

Aggressive Housing-Code-Enforcement Legislation to Be Introduced in City Council

Immigrant, housing, religious, labor, and community groups are joining forces to ensure that negligent landlords repair “immediately hazardous” housing-code violations. The Coalition for Slumlord Accountability, of which the NYIC is member, will be working to pass

the *Healthy Homes Act* in the City Council to address the unhealthy living conditions in which thousands of immigrant families and children are forced to live.

In 2002, there were more than 300,000 housing-code violations, of which 20% were class “C” (“immediately hazardous”) violations, including heat and hot-water complaints, lead-paint violations, and other dangerous and unhealthy conditions. Around 43% of “immediately hazardous” housing-code violations go unaddressed for an average of one year, according to the most recent data, even though the New York Maintenance Code mandates that repairs be made within 24 hours of notification.

The *Healthy Homes Act* would, among other things, require automatic re-inspections (within 30 days) for all class C violations by the city's Department of Housing Preservation and Development (HPD) to confirm that repairs have been made; mandate that HPD fix all class C violations that slumlords fail to fix within 60 days; increase fines for landlords who fail to make necessary repairs and for false certification that repairs were made; and give a 100% rent abatement for tenants in apartments with unrepaired class C violations.

To join the Coalition for Slumlord Accountability and support the *Healthy Homes Act*, please visit the housing section on the NYIC website (www.thenyic.org) or contact Benjamin at ext. 234 or bross@thenyic.org.



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

1. **Don't let the final 9/11 Commission bill be hijacked by anti-immigrant radicals!** Call and write your members of Congress and tell them to urge the conference-committee members not to let any anti-immigrant provisions slip into the final bill. Tell them the 9/11 Commission opposes the controversial anti-immigrant provisions in H.R. 10, and so do you! Sadly, many members of New York's House delegation voted to support H.R.10, including Reps. Lowey, McCarthy, Fossella, Bishop, Houghton, Israel, Kelly, King, McHugh, Quinn, Reynolds, Sweeney, and Walsh. If you live in one of their districts, please call to express your dismay at their voting for a bad bill that harms the rights of their immigrant constituents. Congressional switchboard: 202-224-3121.
2. **Help defeat Arizona's Proposition 200!** If your organization can contribute to the *No on 200 campaign*, please email Vanessa Cardenas of the National Immigration Forum at vcardenas@immigrationforum.org. You can also visit www.NoOn200.com.
3. **Join the Coalition for Slumlord Accountability and support the Healthy Homes Act!** Contact Benjamin at ext. 234 or at bross@thenyic.org.

The New York Immigration Coalition
275 Seventh Avenue, 9th Floor, NY, NY 10001
tel: (212) 627-2227 / fax: (212) 627-9314

Thanks to AILA, Arizona Catholic Conference, National Immigration Forum, NILC, and NY Times for informational assistance in compiling this update.