

# NYIC IMMIGRATION NEWS

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

Volume VII, Issue #13, November 23, 2004

## NYIC ANNUAL MEETING & PARTY – FRIDAY, DEC. 3

Please join us on Friday, December 3<sup>rd</sup>, 5:30 to 7:30pm, for the NYIC's Annual Meeting and Holiday Party. In addition to making merry, we will take a few moments to consider "The Impact of the 2004 Elections: Prospects and Pitfalls for Pro-Immigrant Reforms." The evening's keynote speaker will be Senator Charles Schumer. The event will be at the French Institute, 55 E. 59<sup>th</sup> St. (bet. Park & Madison). It is free, but please RSVP at 212-627-2227 ext. 224.

## IMMIGRATION

### Arizona Voters Approve Anti-Immigrant Prop. 200

Despite a concerted effort by immigrant advocates to educate Arizona voters about an ill-conceived ballot initiative, 57 percent of Arizonans voted to approve Proposition 200, the so-called "Protect Arizona Now" measure, on November 2<sup>nd</sup>. The initiative requires Arizonans to prove immigration status when applying for public benefits and requires government employees to report to immigration authorities suspected undocumented immigrants seeking such benefits. Employees who fail to report immigration violators could face up to four months in jail and more than \$750 in fines.

The effects of the measure were felt immediately throughout Arizona's undocumented immigrant population, estimated to number around 300,000 to 350,000. In Hispanic immigrant communities, panic set in as parents kept their children home from school, people stayed indoors for fear that anyone could ask them for legal papers, and community members flooded the phone lines of immigrant centers asking what to expect as a result of the measure.

The initiative was strongly opposed by a coalition of community and labor groups, out of concern that immigrants would be deterred from accessing even the most basic and essential public services, like police and fire protection and emergency medical treatment, and that government employees would be put in an impossible situation, unable to properly do their jobs.

Proposition 200 will become law when Arizona Governor Janet Napolitano, who opposed the measure, officially proclaims the election results. That is expected to occur within a week or two following the November 22<sup>nd</sup> certification of the election results.

The success of Proposition 200 in Arizona is spawning copy-cat measures in other states. Similar

measures are already being proposed in Georgia, California, Texas, and Colorado.

Despite its passage, the measure continues to face opposition and criticism. Immigrant advocacy groups have already begun to mount legal challenges. The California-based Mexican American Legal Defense and Educational Fund (MALDEF) has filed a lawsuit in federal court seeking a preliminary injunction against the measure, and MALDEF plans to challenge the measure's constitutionality in another lawsuit as well. Members of Arizona's Congressional delegation, including Republican Senator John McCain and Republican Representatives Jim Kolbe and Jeff Flake, have spoken out against the measure.

Meanwhile, supporters of Proposition 200, including the Federation for American Immigration Reform (FAIR), which was the main backer of the measure, filed their own lawsuit in Arizona state court seeking to expand the definition of public benefits under Proposition 200 to include public housing, food assistance, college education, and employment benefits. The lawsuit is in response to a November 12<sup>th</sup> opinion from Arizona Attorney General limiting the measure's public-benefits provisions to welfare benefits. Advocates will continue to monitor ballot measures like Proposition 200 and educate voters about the dangers of such proposals. For more information, call Norman at ext. 235.

### White House Counsel to Become Attorney General

On November 10<sup>th</sup>, President Bush nominated Alberto R. Gonzales, a long-time political loyalist to the president who has served as White House counsel for nearly four years, for the position of attorney general. Gonzales would replace Attorney General John Ashcroft, who announced his resignation the day before. If confirmed by the Senate, Gonzales, who is the son of a migrant worker, would be the first Hispanic ever to serve as the nation's top law enforcement officer.

While Gonzales is viewed as moderate by some for not taking hard-line positions against abortion and affirmative action, his appointment nonetheless raises major concerns because of his central role in setting disturbing administration policy on the detention, interrogation, and trial of prisoners apprehended in Afghanistan, Iraq, and elsewhere.

In a January 2002 draft memorandum to President Bush, Gonzales's office wrote that the war on terrorism "renders obsolete [the Geneva Convention's] strict limitations on questioning of enemy prisoners and renders quaint some of its provisions" on the privileges and amenities afforded to prisoners. Human-rights

advocates contend that the memo helped pave the way for the horrific abuse of prisoners at Abu Ghraib in Iraq to occur.

Despite this troubling record and concerns about his efforts to expand the president's authority and limit checks on that power, especially on issues of national security, Gonzales's appointment is almost certain to be confirmed in the Senate. For more information, contact Norman at ext. 235.

### **Suffolk County Executive Proposes Turning Police Into Immigration Agents**

Suffolk County Executive Steve Levy has inflamed fears and concerns in Long Island's immigrant communities with a proposal to deputize Suffolk County police as immigration agents.

Levy's proposal calls for deputizing up to eight police officers in a single precinct in a pilot program. The officers would receive training from the Department of Homeland Security and would have the same powers as federal immigration agents, with the ability to easily question, detain, and initiate the deportation of undocumented immigrants.

Opposition to Levy's proposal is mounting. The Suffolk County Police Benevolent Association came out against it, arguing that deputization would make immigrants afraid to report crimes out of fear that doing so could get them deported. Members of Levy's Hispanic Advisory Board also denounced the proposal, stating that it has outraged the Latino community and is creating fear and mistrust of public-safety officers.

Levy characterized his plan as an effort to get dangerous criminals off the streets and out of country by giving police extra powers to detain them so they do not flee on bail. Latino and immigrant advocates and law enforcement officials who oppose the plan countered that police already have all powers they need to arrest anyone who commits a crime and turn the person over to immigration if undocumented.

Latino leaders and immigrant groups are looking into legal action to stop the plan and are organizing a boycott and protest of a Levy fundraiser scheduled for December 6<sup>th</sup> in Cold Spring Hills (see Action Box). For more information, contact Norman at ext. 235.

### **House Faction Blocks Vote on 9/11 Intelligence Reform Bill, Insisting on Anti-Immigrant Provisions**

After a month of negotiations, House and Senate conference-committee members produced compromise legislation to implement the intelligence-reform recommendations of the 9/11 Commission. Controversial immigration-related provisions from the House bill (H.R.10), including a provision banning issuance of drivers' licenses to undocumented immigrants, had been struck from the final compromise bill.

In the end, however, House Republican leaders decided to block a final vote on the bill, due to the objections of House Armed Services Committee Chairman Duncan Hunter (R-CA) and House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-WI). Rep. Sensenbrenner, in particular, represents a faction of House radicals who insist on including anti-immigrant measures in the 9/11 intelligence-reform bill.

President Bush has promised to revive the bill, but it remains uncertain whether the bill will pass before the end of this Congress. Advocates, however, should remain vigilant in case there arises an effort to re-attach the immigration provisions in a future compromise bill. For more information, contact Norman at ext. 235.

### **TPS Extended for Nicaraguans and Hondurans**

The Department of Homeland Security (DHS) has once again extended Temporary Protected Status (TPS) for Nicaraguans and Hondurans. TPS designation for Nicaraguans and Hondurans was set to expire on January 5, 2005 but now has been extended 18 months until July 5, 2006. The re-registration period lasts 60 days, from November 3, 2004 through January 3, 2005. Re-registration is limited to those who registered under the initial designation (announced on January 5, 1999) and who timely re-registered under the prior extensions of designation. Because DHS expects a large number of re-registrants and recognizes that they will not receive their Employment Authorization Documents (EADs) until after their expiration on January 5, 2005, DHS is automatically extending these EADs through July 5, 2005. Please be advised of an important correction: USCIS had incorrectly stated that they would only accept the new Form I-821, Application for Temporary Protected Status. Actually, USCIS *will* accept the old Form I-821 (revision date of July 30, 2004) until January 3, 2005 and will accept the new form (revision date November 5, 2004) until further notice. For more information, contact Ana Maria at ext. 233.



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

**Say "NO" to Suffolk County deputizing police as immigration agents!** If you live in Suffolk County, please call and email County Executive Steve Levy and urge him to drop his proposal to deputize police as immigration agents. Hauppauge office: 631-853-4000. Riverhead office: 631-853-4000. Email: [county.executive@suffolkcountyny.gov](mailto:county.executive@suffolkcountyny.gov). A protest outside a Levy fundraiser is also being planned for December 6<sup>th</sup>, 6pm, at Oheka Castle, 135 West Gate Drive, Cold Spring Hills.

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

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