

NYIC IMMIGRATION NEWS

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

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WORKERS' RIGHTS

State Legislature Overrides Governor Pataki's Veto, Raises Minimum Wage to \$7.15 by 2007

On December 6th, the New York State Senate voted overwhelmingly in favor of overriding Governor Pataki's veto and joined with the State Assembly to increase the state's minimum wage. As a result, the state's minimum wage will increase from \$5.15 per hour to \$6.00 per hour on January 1, 2005. It will further increase to \$6.75 per hour on January 1, 2006 and to \$7.15 per hour on January 1, 2007. Food service workers who collect tips also will receive increases in the sub-minimum wage, known as the tip wage. Under the legislation, the tip minimum wage will be raised from the current \$3.30 per hour to \$3.85 per hour on January 1, 2005, to \$4.35 per hour on January 1, 2006, and to \$4.60 per hour on January 1, 2007.

Hundreds of thousands of immigrant workers stand to benefit from the increase in the minimum wage, given that approximately 60 percent of low-wage workers in New York City are immigrants. The NYIC was an active member of the *\$5.15 Is Not Enough* coalition and now will work to ensure that the new minimum-wage law is enforced. Congratulations to the Working Families Party and other coalition partners who fought hard for this victory for immigrant and all low-wage workers in New York State. For more information, contact Jackie Vimo at ext. 239.

IMMIGRATION

9/11 Intelligence-Reform Bill, With Some Anti-Immigrant Provisions, Becomes Law; Republican House Leadership Vows to Pursue Driver's License and Asylum Restrictions in 2005

Months of debate over the 9/11 Commission recommendations ended recently when the House of Representatives and the Senate overwhelmingly passed the *Intelligence Reform and Terrorism Prevention Act of 2004*. The final legislation, which is a compromise between the original House bill, H.R. 10, and the Senate bill, S. 2845, was signed into law by President Bush on December 17th.

Several immigration-enforcement provisions were included in the final bill and are cause for concern. Specifically, the legislation calls for surveilling the southwestern border with piloted aircraft; increasing border patrol and interior agents by at least 10,000 and 4,000, respectively, over five years; and increasing detention bed-spaces by at least 40,000 over five years.

These provisions set the stage for dramatic increases in immigration arrests, detention, and deportations in the coming years.

Fortunately, some of the most egregious anti-immigrant provisions that House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-WI) had insisted upon did not survive in the final bill. These included a provision barring undocumented immigrants from obtaining drivers' licenses and setting stricter requirements for obtaining state-issued identity documents, which would have been a major step toward creating a national identification card; a provision that would have made persons with less than five years' physical presence in the U.S. subject to expedited removal; and a provision that would have raised the burden of proof for asylum seekers. Although the exclusion of these provisions from the final 9/11 bill is a partial victory for immigrant advocates, Representative Sensenbrenner is determined to introduce a new bill to achieve his temporarily-deferred objectives, which include setting national standards for drivers' licenses, tightening asylum law, and completing a barrier along the California-Mexico border. His new bill could be introduced as early as January 4, 2005, when Congress next meets.

One silver lining to the intelligence-reform bill is the inclusion of the *Homeland Security Civil Rights and Civil Liberties Protection Act of 2004* (S. 2536/H.R. 5182), which clarifies and expands the mission of the Department of Homeland Security (DHS) to include protection of civil rights and civil liberties. The Act mandates, among other things, that the DHS Inspector General appoint a senior official to focus specifically on investigating complaints and possible violations of civil rights and civil liberties.

Thanks to everyone who responded to the numerous action alerts during the past few months. Because the introduction of more anti-immigrant legislation in 2005 is virtually certain, the NYIC's Post-9/11 Civil Rights and Civil Liberties Working Group is working to create an emergency action network to respond to breaking developments. For more information or to get involved, contact Avidah at ext. 244.

Suffolk County Executive Levy Seeks to Expand Immigration Enforcement in County

On December 7th, immigrant advocates hosted a protest and press conference at the Suffolk County Legislature to speak out against Suffolk County Executive Steve Levy's proposed "Safe Community Repeat Criminal Prevention Policy." The policy asks for

U.S. Immigration and Customs Enforcement (ICE) to assign four agents to Suffolk County to investigate the immigration status of persons accused or convicted of a “serious crime” or, in the alternative, to have ICE train up to eight county correctional and/or probation officers to access the Deportable Alien Control System (DACS), a federal database with potentially inaccurate immigration information, for the purpose of conducting investigations into immigration status.

Although local immigrant groups were encouraged by Levy’s backtracking from his initial proposal to deputize local police, they noted the offensive nature of Levy’s campaign, which draws a direct correlation between immigrant presence and criminal activity. The reality is quite the opposite, as Suffolk County’s crime rate has actually dropped recently as its immigrant population has increased, which makes Levy’s proposal that much more insulting to immigrants.

On December 14th, Levy continued his assault on the county’s immigrant community when he met with ICE officials to propose the policy. Levy claimed that only individuals arrested for “serious crimes” would be subjected to an immigration inquiry and be prevented from obtaining bail. The long laundry list of “serious crimes,” however, includes several misdemeanors and is dangerously open to expansion. Levy’s plan also would require that undocumented immigrants convicted of a serious crime be referred to ICE for deportation after completing their sentence, which in many cases would constitute a punishment that far exceeds the gravity of the crime.

While Levy awaits ICE’s response to his proposal, which is expected at some point in January 2005, local immigrant advocates are preparing a letter to request a meeting with Levy in order to force him to go on the record about the scope and applicability of his policy. Suffolk County’s immigrants need your support, so please sign on to this letter and make calls! For more information, contact Avideh at ext. 244.

EDUCATION

CFE Court-Appointed Panel Recommends Multi-Billion Dollar Increase in Education Funds for NYC

On November 30th, a court-appointed panel issued recommendations to the New York Court of Appeals for reforming education funding for New York City schools. This marks the latest development in the *Campaign for Fiscal Equity* (CFE) lawsuit, in which the court ruled that the state is not meeting its constitutional obligation to provide New York City schoolchildren with a “sound basic education” and ordered the state to increase aid to the city’s schools. The court is expected to issue an order based on these recommendations in early 2005.

The panel recommended that operational funding for New York City schools be increased by \$5.63 billion

(current operational budget is \$12.62 billion), to be phased in over four years, and that an additional \$9.2 billion in school capital funds be spent to build, repair, and upgrade city schools over the next five years. It recommended that the state be given no more than 90 days from the date of the court’s order to implement an operational funding plan.

The three-member special masters panel was appointed in August, after Governor Pataki and the State Legislature failed to meet the court’s July 30th deadline for devising a plan to reform the school funding system.

Although the court does not have the authority to suggest or enforce funding-formula reforms for any district other than New York City, CFE intends to transform the panel’s recommendations and the court order into a statewide funding-reform bill. Immigrant advocates will continue to work to ensure that English language learners and immigrant students get their fair share of education funding. For more information, contact José at ext. 241.

HOUSING

Healthy Homes Act Introduced in City Council

Legislation to address lax housing-code enforcement has been introduced in the City Council. Intro. 486, *The Healthy Homes Act*, would toughen the housing inspection and monitoring process, increase fines on landlords for uncorrected “immediately hazardous” violations (e.g., vermin infestation, mold, leaks, lack of heat and hot water), and provide rent abatements to tenants subjected to hazardous living conditions. More than 20 City Council members have signed on to the bill. NYIC is a lead partner in this effort and invites organizations to join the campaign and participate in upcoming events in January and February 2005. For more information, visit www.thenyic.org or contact Benjamin at bross@thenyic.org or at ext. 234.



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

- 1. Say “NO” to Suffolk County Executive’s plan to expand immigration enforcement!** If you live in Suffolk County, please call and email County Executive Steve Levy and urge him to drop his proposal for probation and correctional officers to conduct immigration-status investigations. Hauppauge office: 631-853-4000. Riverhead office: 631-853-4000. Email: county.executive@suffolkcountyny.gov.
- 2. Urge your City Council member and Speaker Miller to sign on to Intro. 486, The Healthy Homes Act!** City Council switchboard: 212-788-7100.

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