

NYIC IMMIGRATION NEWS

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

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IMMIGRATION

Representative Sensenbrenner Revives Effort to Pass Anti-Immigrant Bill

After the 9/11 intelligence-reform bill was passed in December 2004, House Judiciary Committee Chairman James Sensenbrenner (R-WI) vowed to introduce a separate bill in early January 2005 that would include anti-immigrant provisions cut from the final 9/11 bill. Sensenbrenner, who claims to already have 102 co-sponsors for his new bill, now plans to introduce his bill when Congress reconvenes on January 25th. He is expected to try to attach his bill to must-pass legislation like the Iraq-appropriations bill or a tsunami-relief bill.

Although the final text of his bill is not yet available, it is expected to contain provisions that would, among other things, compel states to refuse drivers' licenses to undocumented immigrants; tie the expiration date of a noncitizen's license to his or her visa; make it more difficult for asylum-seekers to satisfy their burden of proof; and enable the construction of a barrier along the U.S.-Mexico border near San Diego.

Sensenbrenner's proposed driver's-license restrictions would preclude New York State from deciding for itself whether to extend access to drivers' licenses to all immigrant residents of the state. The state's Department of Motor Vehicles (DMV) recently began suspending the drivers' licenses of persons whose Social Security numbers cannot be verified, beginning with commercial drivers' licenses. Despite calls for Governor Pataki to intervene and order DMV to discontinue its suspension policy and expand eligibility for drivers' licenses, the governor has refused to act.

Now is the time to urge your representatives to oppose Representative Sensenbrenner's bill (see Action Box). For more information, contact Avideh at ext. 244.

Controversial Post-9/11 Record of DHS Secretary Nominee Raises Serious Concern

Last week, President Bush announced the nomination of Michael Chertoff to head the Department of Homeland Security. For the last year and a half, Chertoff has served as a federal judge in the Third Circuit in Philadelphia. He is better known, however, for his role as head of the criminal division of the U.S. Department of Justice (DOJ), where he played a chief role in drafting post-9/11 policies that infringed upon civil rights and civil liberties, including the USA PATRIOT Act. Immediately after the 9/11 attacks, Chertoff led the DOJ's efforts to round up hundreds of Middle Eastern, North African, and South Asian men,

none of whom were ever charged with any act of terrorism, for prolonged detention. The DOJ Inspector General's Office later criticized Chertoff's policy of detaining individuals without bond, concluding that it led to unnecessarily-long detentions in which detainees were subjected to physical and verbal abuse.

Based on his track record, immigrant advocates have cause for concern that Chertoff views immigration primarily as a national-security and counterterrorism issue. The Senate needs to aggressively press Chertoff during the upcoming confirmation hearings about his controversial record (see Action Box). The NYIC will continue to provide updates on the impact of his nomination on immigrant-rights issues. To learn more, call Avideh at ext. 244.

Suffolk County Executive Loses Bid To Deputize Local Authorities

On January 12th, Suffolk County Executive Steve Levy met with Immigration and Customs Enforcement (ICE) officials for the second time in recent weeks to ask for ICE assistance in accessing information to verify the immigration status of suspected undocumented immigrants. Fortunately, ICE officials rejected Levy's request to have ICE agents assigned to the Suffolk County Department of Probation or, alternatively, to have them train Suffolk County correctional and/or probation officers to access the Deportable Alien Control System (DACS) database. Instead, ICE committed to providing Suffolk authorities with a 24-hour contact number in the ICE office to assist in verifying the immigration status of individuals arrested on felony charges. While Levy's spokesperson has tried to inflate the significance of this agreement with ICE, it is nothing more than what Suffolk authorities already have. The NYIC commends Suffolk County immigrant advocates for successfully thwarting what would have been a dangerous precedent. For more information, contact Avideh at ext. 244.

TPS Extended for Nationals of El Salvador

On January 6th, U.S. Citizenship and Immigration Services announced an 18-month extension of Temporary Protected Status (TPS) for nationals of El Salvador. Under the extension, which goes into effect on March 9, 2005 and will continue through September 9, 2006, Salvadoran nationals who already have been granted TPS are eligible to live and work in the U.S. for an additional 18 months. Eligible persons must re-register for the 18-month extension during the 60-day re-registration period, which began on Friday, January 7th

and ends on Tuesday, March 8th. For more information, visit www.uscis.gov.

Labor Department Publishes Final Regulations to Streamline Labor-Certification Process

On December 27, 2004, the Employment and Training Administration (ETA) of the U.S. Department of Labor published long-awaited final regulations that are intended to streamline and expedite the labor-certification process for permanent employment of noncitizens in the U.S. The new regulations, which go into effect on March 28, 2005 and apply to all applications filed on or after that date, will create an attestation-based system to replace the complicated and time-consuming system that currently exists.

The new system requires employers to conduct recruitment of U.S. workers *before* filing their applications. If no qualified U.S. workers are found, employers may submit an application for labor certification via the internet or by mail directly to the ETA. Employers do not need to submit any documentation with their application but must maintain supporting documentation in the event the application is selected for audit.

Once an application is filed, an automated computer system will review the application based upon various selection criteria that will allow problematic applications to be identified for audit. As an additional check against fraud, some applications will be randomly selected for audit. Applications that are not selected for audit will be certified and returned to the employer, who may then submit the labor certification to the immigration service in support of an I-140 worker petition.

The ETA expects the new system to sharply reduce the average time needed to process labor certifications. Currently, it takes four years or more. By contrast, an electronically-filed application not selected for audit should receive a computer-generated decision within 45 to 60 days of the filing date. It should be noted, however, that the new rules do not enable immigrants who lack legal status to adjust status to lawful permanent residence, even if their employers win labor certification on their behalf. For more information, contact Norman at ext. 235 or visit www.ows.doleta.gov/foreign.

HEALTH CARE ACCESS

NYC Comptroller Finds Widespread Barriers to Hospital Care for Spanish Speakers

NYC Comptroller William Thompson, Jr. issued a report on January 10th finding that Spanish-speaking New Yorkers encounter significant barriers getting in the door to see doctors in many of New York City's hospitals. The report, based on surveys of 51 public and private hospitals, revealed that three out of every four hospitals failed to communicate with Spanish-speaking callers who sought information about how to become a

patient, tried to make an appointment, or tried to contact the hospital billing office.

The report, entitled *Getting in the Door: Language Barriers to Health Services at New York City's Hospitals*, came about at the request of and with guidance from the NYIC and its community-based partners in the Immigrant Health Access and Advocacy Collaborative. The report documented instances where Spanish-speaking callers were insulted, hung-up on, or left on hold forever. These findings are consistent with the Collaborative's own documentation of hospital communication barriers facing speakers of Russian, Korean, and Haitian-Creole. Private hospitals performed much worse than public hospitals in the surveys. The report can be found at www.comptroller.nyc.gov.

Legislation is expected to be re-introduced in the State Legislature that would set basic, common-sense standards for hospital communication with patients. To get involved in advocacy aimed at reducing hospitals' communication barriers, contact Su Yon at ext. 232.

ANNOUNCEMENTS

Did you know the minimum wage went up to \$6 an hour on January 1, 2005? Many New Yorkers do not, so please spread the word! The official employer poster is available at www.labor.state.ny.us/pdf/ls207.pdf. A community flyer is at thenycic.org/images/uploads/NEWMInWage_Flyer_05.pdf.

Cornell Survey Shows 44% of Americans Support Limitations on Muslim Americans' Civil Liberties

To learn more about the alarming results of this survey by Cornell University's Media & Society Research Group, visit www.comm.cornell.edu/msrg/report1a.pdf.



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

- 1. Stop Representative Sensenbrenner's anti-immigrant legislation!** Call your House representative and tell him or her to oppose Representative Sensenbrenner's legislation. Congressional switchboard: 202-224-3121. Also, the National Immigration Law Center is circulating an **organizational sign-on letter** focusing on the driver's-license provisions of this bill. Please email Essence Ward of NILC at ward@nilc-dc.org to have your organization sign on. Responses are due by noon on Friday, January 21st.
- 2. Call Senators Schumer and Clinton to express your concerns about the nomination of Michael Chertoff for DHS secretary.** Congressional switchboard: 202-224-3121.

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