

# NYIC IMMIGRATION NEWS

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

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## DRIVERS' LICENSES

### **Court Orders DMV to Stop Denying License Renewals Based on Immigration Status; DMV Files Appeal to Avoid Complying With Court Order**

On February 17<sup>th</sup>, the New York State Supreme Court issued a temporary restraining order against the Department of Motor Vehicles (DMV) policy of denying driver's license renewals based on immigration status. After the court order was issued, immigrants who went into DMV to renew their licenses found that DMV staff either did not know about the order or flatly refused to comply with it. Several immigrants had their licenses seized and were told they would be investigated.

Subsequently, on February 22<sup>nd</sup>, the State of New York filed an appeal, which it claimed automatically suspends the temporary restraining order, thereby creating even greater confusion among immigrant drivers who had hoped to renew their licenses.

The initial order from Judge Karen S. Smith was the first major news in a lawsuit filed by the Puerto Rican Legal Defense and Education Fund (PRLDEF) against the DMV and Governor Pataki concerning their new policy of imposing immigration status requirements for drivers' licenses. In her remarks, the judge recognized that DMV should not be enforcing immigration laws and that its policies are harming immigrant New Yorkers.

The court has not issued a final decision on the case. In the meantime, immigrants should not go to DMV if they cannot satisfy the current immigration status requirements for a license. PRDLEF has set up a hotline to provide updates on the status of the case: 212-739-7584 (English) and 212-739-7495 (Spanish).

Immigrant advocates are planning a March for Drivers' Licenses! in Queens on Saturday, March 5<sup>th</sup> (see Action Box). Please join us! For more information, contact Jackie V. at ext. 239.

## IMMIGRATION

### **House Passes REAL ID Act; Strong Opposition Expected in Senate**

On February 10<sup>th</sup>, the House of Representatives passed the REAL ID Act (H.R. 418) in a 261 to 161 vote. Among other things, the bill would raise the burden of proof for asylum seekers and impose federal standards on state-issued drivers' licenses that would force states to deny licenses to undocumented immigrants. Amendments also were passed to give unprecedented power to bail bondsmen to arrest and

detain immigrants in removal proceedings, to enter people convicted of using false drivers' licenses at airports into aviation security lists, and to implement a pilot program on ground surveillance technologies on the border and strengthen communication on the border between federal, state, and local enforcement.

Representative James Sensenbrenner (R-WI), the bill's chief sponsor, is reportedly seeking to attach the REAL ID Act to a "must pass" supplemental appropriations bill that would fund military operations in Iraq and Afghanistan and tsunami relief efforts. The House is expected to vote on the appropriations bill, most likely with the REAL ID Act attached, during the week of March 14<sup>th</sup>. At that point, the Senate, which has said it prefers a "clean" appropriations bill without any additions, would consider the bill. Even if the Senate passes a "clean" appropriations bill, however, there is great danger that parts of the REAL ID Act may be negotiated into the final appropriations bill when selected House and Senate members meet in conference committee to hammer out the final compromise version of the bill.

It is critical that you urge Senators Schumer and Clinton to reject the REAL ID Act (see Action Box). For more information, contact Avideh at ext. 244.

### **AgJOBS Reintroduced in House and Senate**

On February 10<sup>th</sup>, the Agricultural Job Opportunities, Benefits and Security Act of 2005 (AgJOBS) was reintroduced in the House and Senate (H.R. 884 and S. 359). Its major sponsors include Senators Craig (R-ID) and Kennedy (D-MA) and Representatives Cannon (R-UT) and Berman (D-CA). If passed, AgJOBS would create an "earned adjustment" program enabling some undocumented farmworkers and H-2A guestworkers to obtain temporary immigration status with the possibility of becoming permanent residents of the U.S., and would otherwise reform the existing H-2A agricultural guestworker program. For a two-page summary of the bill, visit the Farmworker Justice Fund at [www.fwjjustice.org](http://www.fwjjustice.org).

### **Senate Confirms Bush Nominee for DHS Secretary**

On February 15<sup>th</sup>, federal appellate judge Michael Chertoff was confirmed 98 to 0 as the new secretary of the Department of Homeland Security. During his confirmation hearings, Chertoff, a former head of the Justice Department's criminal division, faced questions about the detention of immigrants after 9/11 and his role in advising administration officials about the use of torture as an interrogation tactic. Chertoff replied that he did not advocate the use of torture and believed in the need to uphold civil rights and civil liberties. Nonethe-

less, advocates remain concerned about his record and will closely monitor the new DHS secretary to ensure that he lives up to his stated commitment to civil rights and liberties. For more info, call Avideh at ext. 244.

## CIVIL RIGHTS

### **Hate Crime and Religious Discrimination Bills Introduced in New York City Council**

On February 16<sup>th</sup>, City Council Member David Weprin introduced two bills that would take significant steps toward ending discrimination and preventing hate crimes. Intro. 576, The Backlash Mitigation Bill, and Intro. 577, The Religious Headdress Bill, are supported by a coalition of ethnic, religious, and immigrant rights groups, primary among them the Sikh Coalition.

The Backlash Mitigation Bill comes in response to a dramatic spike in bias crimes after 9/11 targeting Arabs, Muslims, Sikhs, South Asians, and those perceived to be so. The bill seeks to prevent such crimes by directing the Office of Emergency Management to create a backlash mitigation plan that coordinates the responses of numerous agencies in preparation for future periods of heightened xenophobia. The plan includes relationship-building with communities, public service announcements, aggressive prosecution of bias crimes, and better police training to identify hate crimes.

The Religious Headdress Bill would codify recent court decisions which found that the New York Police Department (NYPD) had violated city laws by imposing work conditions that forced people to violate or forego a practice of his or her creed or religion. The NYPD had fired two Sikh employees because the NYPD dress code did not permit them to wear the turbans and uncut beards required by their religion. The Religious Headdress Bill would protect city employees' right to exercise their religious freedom through the wearing of religious headdress at work and would require city agencies to revise their dress code policies to comply with the anti-discrimination requirements of section 8-107 of the city's administrative code. Currently, the Backlash Mitigation Bill has 16 co-sponsors, and the Religious Headdress Bill has 17 co-sponsors. For more information, contact the Sikh Coalition at 212-655-3095.

## CIVIC PARTICIPATION

### **2004 Exit Poll Findings Suggest Immigrants a Major Force in Elections**

Results from the *2004 New American Exit Poll* suggest that New York City's immigrant citizens were almost twice as likely as their native-born counterparts to be first-time voters. Increased turnout in 2004 was largely attributable to immigrant voters, according to the poll, which was conducted by Barnard College and The New York Immigration Coalition on Election Day 2004.

Almost one in three New York City voters are foreign born. The poll also found that a sizable portion of the city's "ethnic" vote was foreign born: 86% of Asian-American voters, 60% of Latino voters, and 42% of Black voters were foreign born.

Findings from the study, drawn from surveys completed by 2,760 voters randomly selected as they left polling sites around the city, provide a detailed profile of immigrant political behavior and opinion. Among other findings, almost two out of three foreign-born voters (62%) and slightly more than half (52%) of native-born voters supported granting drivers' licenses to all non-citizen residents. The top three issues that mattered most in choosing a presidential candidate were the same for immigrants and native-born voters: jobs/economy, the war in Iraq, and health care. Complete exit poll findings can be found at [www.thenyic.org](http://www.thenyic.org). To learn more, contact Randy at ext. 236 or [rquezada@thenyic.org](mailto:rquezada@thenyic.org).

## ANNOUNCEMENTS

### **Seeking Complaints Against Employment Agencies**

The Brennan Center for Justice is reaching out to community groups to help collect complaints from workers against bad employment agencies that refer workers to jobs for a fee. Workers often complain that agencies knowingly send them to jobs that pay below minimum wage. Bad agencies also have sent workers to jobs that do not actually exist and then refuse to refund the referral fee. The Brennan Center has created simple affidavit forms for workers to fill out. The state attorney general's office will use the affidavits to launch investigations of the agencies. For information, contact Anmol Chaddha at 212-998-6284 or [anmol.chaddha@nyu.edu](mailto:anmol.chaddha@nyu.edu).



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

1. **Join the March for Drivers' Licenses!** Assemble at Junction Boulevard and 37<sup>th</sup> Street on Saturday, March 5<sup>th</sup> at noon. Co-sponsored by the Queens Drivers' Licenses Coalition and the NY Coalition for Immigrants' Rights to Drivers' Licenses. Call Jackie V. at ext. 39 for more information.
2. **Be part of the statewide call-in day to oppose the REAL ID Act!** Call Senators Schumer (202-224-6542) and Clinton (202-224-4451) on Thursday, March 3<sup>rd</sup> and urge them to oppose the REAL ID Act! An action alert and talking points are available at [www.thenyic.org](http://www.thenyic.org).

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