

NYIC IMMIGRATION NEWS

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

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CITY BUDGET

Final City Budget Includes Significant Funding Increase for Immigrant Services

On June 29th, Mayor Bloomberg and the City Council reached agreement on a \$50 billion city budget, which includes more than \$7.3 million for the Immigrant Opportunities Initiative (IOI). The IOI is a funding initiative put forward by the City Council that supports English classes, immigration legal services, and employment-related legal services for immigrants throughout New York City. The \$7.3 million figure represents a significant enhancement over the current funding level of \$2.8 million. In addition, the budget includes \$1.8 million for the Immigrant Family Literacy Initiative proposed by the mayor.

Although advocates were disappointed that the proposed \$10 million contained in the original City Council Response was reduced to \$7.3 million, the new funding will significantly expand services to immigrant families who often had to be turned away or put on very long waiting lists in the past due to insufficient funding.

The NYIC thanks all the community organizations that mobilized and advocated for the IOI. Thanks also to Speaker Miller and key Council leaders for their commitment to making immigrant services a priority in the city budget despite tremendous pressure to reduce the enhancement. This victory underscores the growing power and sophistication of immigrants in engaging in the city budget process and sets the stage for further expansion of immigrant services to meet community needs. For more information, call Minerva at ext. 238.

EDUCATION

State Raises Passing Score for Regents Exam With No Plan to Stem Immigrant Student Dropout Crisis

Despite calls to consider the impact of its new policy on immigrant and English-language-learner (ELL) students, the New York State Board of Regents recently voted to raise the passing score for Regents exams from 55 to 65. The NYIC is concerned that the new policy, which will be phased in over several years, will make it far more difficult for thousands of late-arriving immigrant and ELL students to earn a high school diploma. This student population already has the highest dropout rate of all students, yet the new policy offers no plan or funding to help at-risk youth succeed.

A recent New York City Department of Education study showed that the city faces an ELL dropout crisis – more than half the ELLs in the class of 2001 failed to

graduate in seven years and dropped out. Moreover, a recent report from the state's Department of Education revealed that fewer ELLs take Regents exams, ELLs who take the exams are more likely to fail, and ELLs who do pass are more likely to pass the exams with scores of 55 to 64.

Students, parents, and immigrant community leaders are urging the Board of Regents, Governor Pataki, and the State Legislature to tackle the ELL dropout and pushout crisis by establishing an alternative English proficiency test for late-arriving ELLs. The State Assembly's Education Committee approved legislation introduced by Assemblymember Peter Rivera, A.4313, that would permit recently-arrived ELLs to pass a native language arts exam and English proficiency test as an alternative to passing the English Regents exam. In addition, the NYIC is urging the state to create an ELL-dropout-prevention initiative that would substantially increase funds for at-risk high school ELLs to receive more instruction and test preparation in English and other subjects. For more information, call José at ext. 241.

WORKERS RIGHTS

Bill Would Increase Fines for Locking-In Workers

On June 7th, the Civil Service and Labor Committee of the New York City Council held a hearing on Intro. 629, a bill sponsored by Councilmember David Yassky that would prohibit employers from locking employees or other workers inside a workplace.

Supermarket cleaners and other night-shift workers, many of whom are immigrants, are frequently locked-in by their employers overnight. Employers claim that locking-in workers keeps employees from stealing and protects them from late-night crime, but this dangerous and illegal practice leaves workers without a means of escape in case of fire or emergency.

The practice of worker lock-ins raises the specter of the Triangle Shirtwaist Factory fire of 1911, which killed 146 workers and became a gruesome symbol of worker exploitation by unscrupulous employers. Almost a century later, worker lock-ins persist largely because of a failure to enforce building codes and workers' rights laws intended to protect workers from such abuse.

To encourage employers to comply with the law, Intro. 629 would raise fines for locking employees inside a workplace from \$500 to \$5,000 and mandate random inspections of workplaces likely to lock-in employees. The bill also would require employers to develop fire safety plans with the New York City Fire Department

(FDNY), which is responsible for enforcing building codes prohibiting blocked exits and locked-in workers.

Groups that testified at the hearing, including the Fifth Avenue Committee and MFY Legal Services, urged the Council to pass Intro. 629 in order to put an end to worker lock-ins and avert another tragedy like the Triangle Shirtwaist fire. For more information, contact Michelle Matos of the Fifth Avenue Committee at 718-237-2017 ext. 148.

Street Vendor Bill Would Eliminate Immigration Status Barrier to Vendor Licensing

On June 9th, the Street Vendors for Justice bill passed in the Consumer Affairs Committee of New York City Council. Intro. 491 would eliminate the current requirement that immigrants applying for street vending licenses show proof of work authorization. The bill now goes to the entire City Council for a vote, and the mayor has indicated that if it passes, he does not intend to veto it. Congratulations to the vendors who have worked tirelessly on getting the bill introduced and moving, and to the Street Vendors for Justice coalition and the NYU Immigrant Rights Clinic.

IMMIGRATION

DOJ Ordered to Release Memo on State and Local Authority to Enforce Civil Immigration Law

A federal appeals court in New York has ordered the U.S. Department of Justice (DOJ) to release a secret legal memo in which DOJ's Office of Legal Counsel concluded that state and local law enforcement have the authority to enforce civil provisions of immigration law.

Advocates sued for the release of the memo under the Freedom of Information Act (FOIA) in April 2003 after DOJ officials refused to disclose the memo, despite having repeatedly cited it as legal authority for DOJ's change in policy. That new policy, first announced in June 2002 by former Attorney General John Ashcroft, purports that state and local police have the "inherent authority" to arrest and detain persons who are in violation of civil immigration laws – such as overstaying a visa – and whose names have been placed in the National Crime Information Center (NCIC) database. The new policy is a reversal of DOJ's initial position, set forth in a 1996 legal memo, that state and local police do not have such authority.

The NYCIC was one of the plaintiffs in the lawsuit, which was litigated by the American Civil Liberties Union's Immigrants' Rights Project. For more information, contact Norman at ext. 235.

City Councilmembers Consider Resolution to Express Grave Concerns About REAL ID Impact

On June 24th, the New York City Council's Committee on Immigration, chaired by Councilmember

Kendall Stewart, held a hearing about a resolution expressing "grave concern" about the negative effects that the REAL ID Act could have on immigrant New Yorkers. Resolution 1009, authored by Councilmembers Stewart, Letitia James, and David Weprin, lists the many ways these changes could harm immigrants in New York and concludes by urging New York State to "implement the law in a manner that minimizes its negative impact on immigrants in New York City" and "find alternatives to complying with the drivers' license provisions" of the REAL ID Act.

Immigrant community members and advocates applauded the councilmembers' desire to minimize the harm caused by the REAL ID Act but encouraged them to word the resolution even more strongly, not only to "minimize" the act's effects but to oppose it outright and make a statement that New York City rejects all anti-immigrant legislation. The committee appeared receptive to the idea but has not yet revised the resolution (the full text of which can be found at <http://webdocs.nycouncil.info/attachments/67254.htm?CFID=672525&CFTOKEN=65527113>).

ANNOUNCEMENTS

Bilingual Poll Worker Applications Being Accepted!

To ensure that New York's newcomer voters receive adequate assistance at polling sites, the NYCIC is recruiting more than 750 bilingual poll workers for the upcoming elections this fall. This year's campaign is especially important as we work to turn out an informed and educated immigrant electorate for the mayoral and City Council elections. Completed applications should be faxed or emailed to Randy Quezada at 212-627-9314 or rquezada@thenycic.org.



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

1. **Thank Speaker Miller and your City Council member for supporting the Immigrant Opportunities Initiative!** Council switchboard: 212-788-7100.
2. **Let's stop worker lock-ins!** Urge your City Council member to support Intro. 629, which would increase fines for employers that lock in their workers. City Council switchboard: 212-788-7100.

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