

# NYIC IMMIGRATION NEWS

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

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## IMMIGRATION

### **Senators Cornyn and Kyl Introduce Draconian Enforcement and Unrealistic Guestworker Bill**

On July 20<sup>th</sup>, Senators John Cornyn (R-TX) and Jon Kyl (R-AZ) introduced the Comprehensive Enforcement and Immigration Reform Act (S. 1438), which recycles a tried-and-failed recipe for fixing the U.S. immigration system. The bill is loaded with draconian border and interior enforcement provisions, yet it offers no path to citizenship for undocumented immigrants and no real reform of U.S. admission policies. Instead, it proposes a guestworker program that is unworkable and unrealistic.

The bill is in sharp contrast to the Secure America and Orderly Immigration Act (S.1033), introduced by Senators Edward Kennedy (D-MA) and John McCain (R-AZ), which offers a viable framework for comprehensive reform. Unfortunately, the Cornyn/Kyl bill only distracts from the need to forge a comprehensive and bipartisan solution. Below is a summary of its major provisions.

***Enforcement Provisions.*** While the Cornyn/Kyl bill does attempt to improve document integrity and fraud detection, the majority of its enforcement provisions seek to severely curtail immigrants' legal rights and to enlist state and local police in immigration enforcement. Among other things, the bill would do the following:

- expand the use of expedited removal on the entire southern border, allowing officers to summarily deport people without letting them see a lawyer or a judge;
- expand the government's authority to detain, for a prolonged period, persons who are fighting deportation;
- assert that state and local police have the inherent authority to arrest and detain noncitizens for purpose of assisting in the enforcement of U.S. immigration laws;
- encourage state and local police to collect and share information regarding immigration violators, and seek to invalidate local immigration-status confidentiality policies, such as New York City's Executive Order 41, by stating that such policies violate federal law;
- expand the use of the National Crime Information Center (NCIC) database to include persons with a final removal order, persons whose voluntary departure agreements have expired, and persons whose visas have been revoked (the NCIC database is routinely checked by police officers across the country);
- expand detention space and add hundreds of new trial attorneys and immigration judges to increase the government's capacity to deport;
- hire 10,000 new border agents and 10,000 worksite enforcement agents; and

- require all U.S. employers to verify employee work eligibility through a government database.

***Undocumented Immigrants.*** The Cornyn/Kyl bill would create an unrealistic "report to deport" scheme for undocumented workers in the U.S. that offers no path to citizenship. Called "deferred mandatory departure," or DMD, the scheme would allow undocumented workers who satisfy a one-year physical presence requirement and who pay a \$1,000 fine to get DMD status for up to five years. DMD grantees must pay an increasingly heavy fine that starts at \$2,000, however, for each year they remain in the U.S. If, after five years in DMD status, they still have not departed the U.S., they become barred from receiving any immigration benefit or relief, except asylum or similar protection, for ten years.

***Guestworker Program.*** After departing the U.S., DMD grantees would be eligible to participate in a temporary-worker program. Applicants for the new "W" nonimmigrant visa must have a job offer from a U.S. employer. Workers would be admitted for two years but must return home for one year before getting another two years of W status. Workers would be allowed a total of six years in W status, after which they must depart or else be barred from any immigration benefit except asylum. The program does not allow W workers to bring their spouses and children, who are relegated to using tourist visas for visits of up to 30 days only.

***Other provisions.*** The Cornyn/Kyl bill would keep families divided, as it does virtually nothing to reduce family backlogs while it eliminates the Diversity Visa Program. The bill also fails to include any substantial labor protections.

Now, it is more important than ever to encourage members of Congress to oppose the Cornyn/Kyl bill and to come out strongly in support of the bipartisan bill from Senators McCain and Kennedy – a great starting point from which to reform our broken immigration system, reunite families, provide a path to citizenship for workers and students, protect workers, and improve security. (See Action Box.) We will keep you posted on all advocacy and mobilizing activities happening locally and nationally in support of comprehensive immigration reform. For more information, please contact Avidah at ext. 244.

## CIVIL LIBERTIES

### **Congress Votes to Make Patriot Act Permanent**

The Senate voted on July 29<sup>th</sup> to reauthorize the USA PATRIOT Act, making permanent almost all of its provisions while introducing some modest restrictions

on the government's powers of search and surveillance. The act, which Congress passed in October 2001 in response to the terrorist attacks of September 11<sup>th</sup>, expanded the federal government's powers to monitor and prosecute the activities of people suspected of being connected to terrorism. Civil liberties advocates argued that it threatened Americans' individual freedoms and right to privacy by giving the government extraordinary and unchecked powers to spy on individuals and seize their personal financial, medical, and library records.

Some of the most controversial provisions of the Patriot Act – those that radically increased the government's ability to conduct surveillance on individuals' communications over telephones and computers and allowed the seizure of private records – were set to expire, or "sunset," at the end of 2005. Last month, however, the House and Senate voted to make permanent all but two of the provisions. The two provisions – one permitting a secret court, rather than a public criminal court, to authorize the FBI's seizure of records from financial companies, libraries, doctors' offices, and other businesses, and the other allowing "roving wiretaps" of phone calls made by a person from any telephone – will sunset in four years.

The reauthorization modestly limits some of the powers allowed in the original act. For example, it introduces a requirement that the FBI inform persons within seven days that they were subjected to a "sneak and peek" search, but it also allows the search to remain secret for up to ninety days with a judge's approval.

Negotiations between the House and Senate over the final bill will take place this fall. Advocates are urging people to call Congress to ensure that the modest improvements gained in the Senate bill are not lost and that the worst provisions from the House version do not end up in the final bill. The Bush administration is calling for total, unrestricted renewal of the act. For more information, visit the New York Civil Liberties Union Bill of Rights Defense Campaign's website at [www.nycbordc.org](http://www.nycbordc.org).

#### CITY UPDATE

#### **City Council Expected to Pass Health Care and Worker Bills Benefiting Immigrants**

The New York City Council is expected to vote on and pass two important bills at its next Stated Meeting on August 17<sup>th</sup> that will strengthen the rights of many immigrant New Yorkers: Intro. 468A, The Health Care Security Act, and Intro. 629, the locked-in workers bill.

The Health Care Security Act, sponsored by Health Committee Chair Christine Quinn, creates an employer-funded health care program for workers in service industries that typically do not offer health benefits, such as grocery stores. The locked-in workers bill, sponsored by Councilmember David Yassky, prohibits employers

from locking workers inside a workplace and mandates random inspections and increased fines.

Two other immigrant-friendly bills are awaiting further hearings and have not yet been scheduled for a vote by Council Speaker Miller, although he is co-sponsoring both bills. Intro. 464, The Educational Equity Act, would help eliminate language barriers that prevent limited-English-speaking parents from being fully involved in their children's education. It would require the city's Department of Education to make documents intended for schoolparents, such as report cards and important notices, available in the nine most common languages citywide; it also would mandate language interpretation at parent meetings and events.

Intro. 486, The Healthy Homes Act, sponsored by Councilmember Letitia James, would strengthen tenants' rights by ensuring that immediately hazardous conditions are repaired by landlords or by the city if slumlords fail to make repairs within 60 days. It raises fines on landlords who fail to make necessary repairs and gives a 100 percent rent abatement to tenants if the landlord doesn't make the repairs after being notified.

It is vital that concerned immigrant community members make their voices heard to ensure that these important proposals are passed by the City Council and signed into law by Mayor Bloomberg by the fall (see Action Box). For more information, call José at ext. 241.

#### ANNOUNCEMENTS

#### **NYIC Looking for New Office Space**

The NYIC currently is looking for office space in Manhattan. If you know of space available, or are looking to share office space, please contact Jackie Wong at 212-627-2227 ext. 237 or [jwong@thenyic.org](mailto:jwong@thenyic.org).



#### **ACTIONS YOU CAN TAKE RIGHT NOW TO HELP**

#### **PROTECT IMMIGRANTS' RIGHTS**

1. **We want real immigration reform!** Urge Senators Schumer and Clinton and your House representative to back the bipartisan and solutions-oriented McCain/Kennedy immigration reform bill (S.1033/H.R.2330) and to oppose the Cornyn/Kyl bill (S.1438). Capitol switchboard: 202-224-3121.
2. **Urge the City Council to pass pro-immigrant bills!** Call Speaker Miller to thank him for co-sponsoring these important bills, and urge him to bring The Educational Equity Act and The Healthy Homes Act to a vote ASAP. Encourage your councilmember to pass The Health Care Security Act and the locked-in workers bill on August 17<sup>th</sup>. Council switchboard: 212-788-7100.

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