

NYIC IMMIGRATION NEWS

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

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IMMIGRATION

Immigrant Groups Blast Bush Immigration Proposal

On October 18th, the Bush Administration unveiled an immigration “reform” plan that was immediately blasted by the NYIC and other advocates as an insult to immigrants – one that merely rehashes a tried-and-failed enforcement approach while it ducks responsibility for comprehensive and realistic reform.

In testimony before the Senate Judiciary Committee, Homeland Security Secretary Michael Chertoff and Labor Secretary Elaine Chao outlined a plan that calls for stepped-up enforcement at the border and in the interior, combined with a temporary-worker program that kicks workers out of the U.S. after six years.

That same day, President Bush signed a Homeland Security funding bill that spends billions to expand border patrol, detention facilities, and deportation resources. On signing the bill, the president remarked, “Our goal is clear: to return every single illegal entrant, with no exceptions.” He added, “If somebody is here illegally, we’ve got to do everything we can to find them.” Bush’s interior enforcement plan includes more worksite raids, traffic-stop responses, arrests of persons with final removal orders, and increased involvement of state and local police in immigration enforcement.

The Bush plan emphasizes more of the same ineffective enforcement that has led to thousands of deaths at the border. It saps hard work and taxes out of immigrants who are essential to our economy but leaves them open to exploitation by unscrupulous employers. And it lacks any path to permanent residence and citizenship, which essentially says to immigrants, “Work hard, pay taxes, and then get lost!”

The NYIC urges President Bush to stop catering to the extremist, xenophobic wing of his party and forge bipartisan consensus around reforms that strengthen our families and our communities, advance our economic prosperity, and enhance our security. A good starting point for reform is the bipartisan Secure America and Orderly Immigration Act of 2005 (S.1033/H.R.2330), sponsored by Senators McCain and Kennedy. The NYIC also urges enactment of the DREAM Act and AgJOBS bills for immigrant students and farmworkers.

Senators Schumer and Clinton have not expressed clear support for legalization and comprehensive immigration reform. Please call and insist that they stand up for New York’s immigrant communities, speak out against the Bush proposal, and support the McCain-Kennedy immigration reform bill (see Action Box). For more information, contact Avidah at ext. 244.

Stingy Katrina Immigration Bill Offers Little Relief

Noncitizen victims of Hurricane Katrina may find themselves shut out from the relief they desperately need from Congress. On September 21st, the House passed the Immigration Relief for Hurricane Katrina Victims Act of 2005 (H.R. 3827), sponsored by Representative James Sensenbrenner (R-WI) and now awaiting a companion version in the Senate. Unfortunately, the bill falls far short of meeting the needs of noncitizen hurricane survivors, thousands of whom have lost their immigration status as a result of the hurricane.

The bill mainly would allow individuals who were being sponsored for a green card by a family member or employer to remain eligible for it, even if their sponsor died in the hurricane or their employer was damaged or destroyed and they lost their job. It also would extend certain filing and reentry deadlines, give foreign students until February 2006 to enroll in a new school, and temporarily relax I-9 employment verification rules.

However, the bill does nothing for the vast majority of temporary workers and other nonimmigrants who have lost their immigration status as a result of the storm – for example, due to the loss of their jobs. Only in the event of a worker’s disability or death would the bill grant a one-year extension of stay to the temporary worker and/or his immediate family. Sadly, this stingy package offers little in the way of relief for tens of thousands of people whose lives were shattered by the disaster. For more information, call Javier at ext. 234.

HEALTH CARE ACCESS

Proposed Rule May Ensure Better Communication Between Hospitals and Immigrant Patients

As a result of civil rights complaints filed with the state attorney general’s office by advocates against four private hospitals earlier this year, the New York State Department of Health (SDOH) proposed new regulations on September 22nd that would set standards for hospitals’ communication with patients who are limited-English-proficient (LEP) or hearing- or vision-impaired.

The proposed rule makes it clear that every LEP patient has a right to meaningful access to a hospital’s services. It requires every hospital to develop a language assistance program, designate a coordinator, and document patients’ preferred language and their acceptance or refusal of language assistance. It also sets clear limits on the use of friends, strangers, and family members as interpreters, including age restrictions. It does not impose new mandates but offers a blueprint to guide hospitals in meeting LEP patients’ needs.

Overall, the NYIC supports the proposed rule. Although some provisions for which advocates had fought did not make it in, many of their suggestions were adopted. Before the proposed rule can become law, however, it must be reviewed and voted on by the State Hospital Review and Planning Council. After that, it must go to the Governor's Office for review and be printed in the State Register for a 45-day public review-and-comment period. According to SDOH, the earliest date the regulation could go into effect is June 2006.

Of course, no one knows what the final outcome will be. What is certain, however, is that the proposed rule would not have turned out as well for consumers if advocates had not participated in the process and stood up to the hospital associations and the state.

The SDOH's action is a positive, concrete step. While there is more to do, we congratulate the advocates who are working with us to achieve high standards for communication between hospitals and LEP patients. For more information, contact Adam at ext. 222.

CITY UPDATE

New Law Protects Grocery Workers' Health Care

On October 11th, the City Council overrode a mayoral veto and passed into law Intro. 468-A, the Health Care Security Act. The new law expands health care for up to 6,000 employees in the grocery industry and protects coverage for 21,000 employees now receiving health care through their employers. The legislation, sponsored by Health Committee Chair Christine Quinn, had passed the City Council in August but was vetoed by Mayor Bloomberg in September.

The first of its kind in the country, the law requires supermarkets, gourmet groceries, and "big-box" stores like Wal-Mart to pay for their workers' health care at a level that meets the industry standard as calculated each year by the city. It seeks to end the race-to-the-bottom created when companies drop health care in order to cut costs, forcing competitors to do the same. Gourmet and big-box food retailers have been spurring this trend.

The legislation drew broad support from a coalition of labor unions, health care advocates, religious leaders, community groups, and more than 100 businesses, including Fairway, Gristedes, D'Agostino, Key Food, Pathmark, and Stop & Shop. Congratulations to New York Jobs With Justice, the Brennan Center for Justice, and all who fought for this important victory! To learn more, visit www.nychealthcaresecurity.org.

Bill Barring Worker Lock-Ins Becomes Law

On October 3rd, legislation that prohibits employers from locking workers inside a workplace was signed into law by the mayor. Intro. 629-B, sponsored by Councilmember David Yassky, makes it a crime to lock the doors or prohibit exit from any workplace when doing so endangers workers' safety. Employers are subject to

finest starting at \$5,000 per each worker who is locked in. The new law also mandates random inspections of workplaces that are likely to lock in employees.

The legislation came in response to reports that janitors and immigrant workers at supermarkets in Brooklyn, Queens, and the Bronx were being locked in their workplace, with fire exits blocked or padlocked. Congratulations to the Fifth Avenue Committee and its allies on this achievement! For more information, contact the Fifth Avenue Committee at 718-237-2017.

Update on Housing and School Language Access Bills

Earlier this summer, Speaker Miller pledged to pass Intro. 486-A, the Healthy Homes Act, by the fall. The bill would make slumlords accountable for immediately hazardous housing-code violations. But the September 29th hearing on the bill was cancelled, and no new date has been scheduled.

On schoolparent language access, the Council's Education Committee recently voted 8 to 1 to pass Intro. 464-A out of committee, but because it did not complete a fiscal impact statement, it must reintroduce the bill, complete the fiscal analysis, and again vote the bill out of committee before the full Council can take it up.

The end of the legislative session is near, and we need your help – see the Action Box! Call Javier at ext. 234 or Jose at ext. 241 for more information.

ANNOUNCEMENTS

D.C. Lobby Day Participants – Thank You!

More than 60 immigrant New Yorkers and advocates traveled to Washington, D.C. on September 21st, joining allies from 28 states to lobby Congress for comprehensive immigration reform. We met with representatives from 13 members of the New York Congressional delegation, including Senator Schumer himself, to press for reform. Groups mobilized dozens of people from their communities – thank you!



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

- 1. Call Senators Schumer and Clinton and urge them to support comprehensive immigration reform!** Tell them to oppose the Bush plan and to support the bipartisan Secure America and Orderly Immigration Act (S.1033), sponsored by Senators McCain and Kennedy. Senator Clinton: 202-224-4451. Senator Schumer: 202-224-6542.
- 2. Call for passage of housing and school language access bills!** Urge Speaker Miller (212-788-7210) to pass Intro. 486-A, the Healthy Homes Act, and Intro. 464-A, the Educational Equity Act, before year's end. Also call Education Committee Chair Eva Moskowitz (212-788-7393) to urge her to pass the Educational Equity Act out of committee ASAP, and call Housing Committee Chair Madeline Provenzano (212-788-7375) to insist that she schedule a hearing on the Healthy Homes Act ASAP.

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