

# NYIC IMMIGRATION NEWS

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

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## IMMIGRATION

### **House Passes Draconian Enforcement Bill That Criminalizes Millions of Immigrants**

On December 16, 2005, the House of Representatives voted 239 to 182 to pass one of the harshest and most extreme immigration bills in nearly a century. The Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437), sponsored by Representatives James Sensenbrenner (R-WI) and Peter King (R-NY) and endorsed by President Bush, would turn millions of immigrants into criminal felons for being out of status and make felons out of anyone – a doctor, social worker, or good Samaritan – who lends a helping hand to an undocumented immigrant.

The bill's passage sparked protest from immigrant New Yorkers, who denounced the bill as a vicious attack that scapegoats immigrants. The 256-page bill is packed with provisions that seek to punish immigrants; some of the most egregious would do the following:

- make unlawful presence not just a civil immigration violation but a felony crime, no matter how minor, technical, or unintentional the violation;
- define "smuggling and related offenses" so broadly that driving a neighbor to a grocery store ("transporting aliens") or providing shelter and counseling to a victim of abuse ("harboring" and "assisting/encouraging aliens to remain") could result in five years' imprisonment;
- give local police the authority to enforce immigration laws, and add the names of people who overstay their visas into the nation's main criminal database;
- eliminate the diversity visa lottery program; and
- require all U.S. employers to recheck the work authorization papers of all their employees.

Business groups like the U.S. Chamber of Commerce also strongly opposed the bill for turning a blind eye to U.S. economic realities. Thousands of U.S. businesses, in industries like construction, hospitality, health care, restaurants, and agriculture, depend on immigrant labor to survive.

The NYIC and immigrant advocates continue to push for a comprehensive approach to immigration reform that recognizes it is neither effective nor realistic to simply barricade our borders and criminalize, arrest, and deport the approximately 11 million undocumented immigrants living in this country. Real reforms are needed that will reunite families, provide a path to citizenship for workers and students, protect workers, support the economy, and improve security. As the debate continues in Congress, the NYIC urges Senators

Clinton and Schumer to show leadership in turning back the tide against immigrants and putting forward reforms that treat immigrants fairly (see Action Box). For more information, contact Avideh at ext. 244.

### **Bipartisan DREAM Act Reintroduced in Senate**

The Development, Relief, and Education for Alien Minors Act, or DREAM Act (S.2075), was reintroduced in the Senate on November 18, 2005 by Senators Richard Durbin (D-IL), Chuck Hagel (R-NE), and Richard Lugar (R-IL). The bill would grant green cards to the estimated 65,000 undocumented youth who graduate U.S. high schools each year, if they complete at least two years of college or military service. The bill also would eliminate restrictions on a state's ability to offer in-state tuition without regard to immigration status.

To qualify for the DREAM Act, students must have come to the U.S. at least five years ago and must have been under age 16 at the time they entered the country. These students would qualify for *conditional* permanent resident status upon acceptance to college, graduation from high school, or award of a GED certificate. This conditional status would be granted for six years, after which the students must petition to have the conditions removed. During the six years, students must graduate from college or accrue at least two years of higher education or military service.

The DREAM Act would create a powerful incentive for young people to succeed in their education and stay out of trouble. For the past four years, however, despite broad bipartisan support, the DREAM Act and its companion House bill have repeatedly been prevented from going to a vote by Senate and House leaders. The bill's reintroduction offers hope, however, that these young people will no longer have to live in limbo (see Action Box). To learn more, call Minerva at ext. 238.

### **Bittersweet Victory for Immigrant Victims of Domestic Violence**

On January 5<sup>th</sup>, President Bush signed into law a bill popularly known as VAWA 2005, which contains the most recent amendments to the Violence Against Women Act. VAWA was first passed in 1995; its immigration provisions allow some victims of domestic violence to get their green cards without having to rely on sponsorship by abusive spouses or parents.

VAWA 2005 contains some exciting and important new benefits: Elderly parents of abusive U.S. citizen adults can now seek green cards under VAWA. Young people abused by their U.S. citizen or green-card-holding parents may now self-petition for a green card

until age 25 (formerly, the cut-off age was 21). Spouses of abusive foreign diplomats and professional workers temporarily in the U.S. may be able to obtain work permits. Finally, long-awaited regulations for the U visa for victims of domestic violence and other violent crimes (created by Congress in 2000 but awaiting implementation) are due out on July 4, 2006.

Unfortunately, the final bill included an amendment by Senator John Kyl (R-AZ) that authorizes the collection of DNA samples from anyone who is arrested by federal law enforcement or detained by immigration authorities – a measure strongly opposed by advocates on privacy grounds. To learn more, call Julie at ext. 226.

### **Report Finds Major Problems in Database Used by Local Police to Enforce Immigration Law**

The nation's main criminal database is plagued with erroneous immigration records and is causing police to detain people who have done nothing wrong, according to a recent report by the Migration Policy Institute entitled, "Blurring the Lines: A Profile of State and Local Police Enforcement of Immigration Law Using the National Crime Information Center [NCIC] Database, 2002–2004." Police routinely use the NCIC to check the names of individuals who are stopped.

The NCIC database was created to help police share information about criminal histories and outstanding warrants, but since September 11<sup>th</sup>, it has been expanded to include records on certain immigration offenses. The report found that 42 % of all NCIC immigration hits in response to a police query were "false positives," where the Department of Homeland Security (DHS) was unable to confirm that the individual was an actual immigration violator. The New York Police Department (NYPD) ranked near the top in terms of number of queries placed in response to NCIC immigration hits.

The NYC continues to urge the mayor and NYPD to stop using the NCIC to make immigration arrests, because this practice undermines trust and cooperation in immigrant communities and diverts police resources away from fighting crime. Proposed legislation is expected soon in the City Council to address this issue. Visit [www.migrationpolicy.org](http://www.migrationpolicy.org) to see the NCIC report.

## **EDUCATION**

### **City Council Passes School Language Access Bill; Mayor Threatens Veto**

On December 21, 2005, the New York City Council voted 35 to 11 to pass Intro. 464-A, The Education Equity Act – a bill that would help the city's public schools bridge the communication gap with immigrant parents. Language barriers may continue to thwart many immigrant parents' involvement in their children's education, however, if Mayor Bloomberg vetoes the bill.

Intro. 464-A sets common-sense guidelines for the Department of Education to follow in determining when to provide translation and interpretation services for parents with limited English. An estimated 43 % of public school students come from homes where English is not the primary language.

The NYC and community groups are urging the mayor to sign the bill without delay (see Action Box). A mayoral veto, however, would set the stage for a City Council override. To learn more, call Deycy at ext. 231.

## **CIVIC PARTICIPATION**

### **Exit Poll Findings Reveal Immigrants Consistently Turn Out to Vote**

Results from the 2005 *New Americans Exit Poll* released last month revealed important new findings about New York City's immigrant voters. The poll found that immigrant voter turnout in the city was stable compared with previous presidential elections (2000 and 2004) and federal and state elections (2002), at approximately 25 to 30 % of the electorate, challenging the view that immigrants are irregular voters more concerned with national issues than local issues.

Foreign-born voters ranked public schools as their top issue, followed by jobs/economy and crime. Regarding the mayoral race, the poll found immigrant voters largely split along lines of race and ethnicity: roughly 75 % of Latino foreign-born voters chose Democrat Fernando Ferrer, whereas 92 % of white immigrants and 75 % of Asian immigrants voted for Mayor Bloomberg. More than 2,200 individuals completed the exit poll, which was conducted by Professor Lorraine Minnite of Barnard College and the NYC, with financial support from *El Diario*. For more information, visit [www.thenyc.org](http://www.thenyc.org).



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

1. **Fight the anti-immigrant House bill!** Urge Senators Schumer and Clinton to speak out against the Sensenbrenner bill and to stand up for comprehensive reforms that treat immigrants fairly! Capitol switchboard: 202-224-3121.
2. **Support the DREAM Act!** Tell the Senators you support the DREAM Act (S.2075)! Urge Senator Schumer to sign on. Thank Senator Clinton for having signed on, and urge her to take the lead on it! Capitol switchboard: 202-224-3121.
3. **Open the doors for immigrant schoolparents!** Call 311 and tell them you want to register an opinion with the mayor. Tell Mayor Bloomberg to support immigrant parents' involvement in the children's education by signing Intro. 464-A, The Education Equity Act!

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