

NYIC IMMIGRATION NEWS

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

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IMMIGRATION

Latest Developments in Continuing Fight for Just and Humane Immigration Reform

With Congress back from summer recess, the debate over immigration reform returns to the headlines. It has been an eventful year. This past spring's mass mobilizations in support of immigration reform sparked exhilaration and anticipation in the immigrant rights movement, with marchers urging Congress to reject the punitive enforcement approach of the House bill and pass genuinely comprehensive reform. Following the marches, on May 25th, the Senate voted 62 to 36 to pass the sweeping but flawed Comprehensive Immigration Reform Act of 2006 (S. 2611), a bill that signaled progress but, unfortunately, also fell far short of just, humane, and workable immigration reform.

While it includes positive provisions, such as the DREAM Act and AgJOBS, the Senate bill envisions an unworkable three-tiered legalization system that would divide immigrant communities and exclude millions from legalization. The tiers are structured as follows: (1) Persons who have lived and worked in the U.S. since April 5, 2001 could eventually qualify for "earned adjustment" to permanent resident status once they have worked in temporary legal status for a number of years; (2) persons who entered between April 5, 2001 and January 7, 2004 could qualify for "deferred mandatory departure," meaning they must leave the U.S. within three years but could return under a new guestworker program, with the possibility of obtaining permanent residence later; and (3) persons who entered after January 7, 2004 would have to depart the U.S. with the possibility of applying for the guestworker program. Unfortunately, this three-tiered system is arbitrary, impractical, and a recipe for confusion.

In addition, the Senate bill contains many ill-advised and inhumane enforcement provisions that come directly from H.R. 4437, the notorious Sensenbrenner bill that sparked recent mass protests. The bill proposes to increase the jailing of immigrants, including children, with up to 20,000 more detention beds; authorize local police to act as immigration agents and thereby destroy police-community relations and undermine public safety; jail green-card holders who make the clerical mistake of not notifying the Department of Homeland Security within ten days of a change of address; and otherwise expand the criminalization of immigrants. The House and Senate bills would shut out millions of immigrants from judicial review and a fair day in court and mandate the deportation of longtime lawful

permanent residents for petty offenses committed even decades ago and that were not considered deportable offenses at the time they occurred.

It is unlikely that the House and Senate will form a conference committee to negotiate a final compromise bill to send to the president, and even more unlikely that any improvements to S. 2611 could emerge out of a conference committee. But lawmakers must not be allowed to forget that millions of Americans continue to demand a workable and humane solution that rewards work, respects rights, unites families, protects workers, strengthens the economy, and leads to citizenship for immigrants who are here today or who come tomorrow. A great way to work for immigration reform is to join the NYIC's *Democracy in Action!* campaign (see Action Box). To learn more, please visit the immigration law page at www.thenyic.org, or call Avidah at x. 244.

DRIVERS' LICENSES

Driver's License Bill Moves Forward in State Assembly, While Court Deals Setback

The New York State Legislature recently moved a step closer to granting access to drivers' licenses to all qualified immigrants in the state. On June 6th, Assembly bill 612-B passed out of the Transportation Committee by a vote of 18 to 6. It would allow driver's license applicants who do not have a Social Security number to instead submit a letter of ineligibility from the Social Security Administration or a sworn statement.

Several last-minute amendments weakened the bill, however. One amendment removed Individual Taxpayer Identification Numbers, or ITINs, from the list of acceptable documents. Another requires that the sworn statement be witnessed under penalty of perjury. The provisions of the amended bill would expire on January 1, 2008. An identical Senate bill (S. 7388) is under consideration in the Senate Transportation Committee.

Meanwhile, immigrants were dealt a blow when a much-anticipated court ruling upheld the Department of Motor Vehicle's policy of requiring proof of immigration status. On June 19th, a state appellate court in *Cubas v. Martinez* overturned a May 2005 lower-court decision that had ordered DMV to discontinue this policy.

For now, an estimated 300,000 qualified residents in New York State remain unable to obtain drivers' licenses. Albany lawmakers have yet to take a stand on whether New York will implement or opt out of complying with the Real ID Act of 2005, which set restrictive federal standards for issuing drivers' licenses. Please call Milan at x. 233 for more information.

HEALTH CARE ACCESS

State Issues New Regulations to Tackle Hospital Communication Barriers

As a result of civil rights complaints filed in 2005 by the NYC's Immigrant Health Access and Advocacy Collaborative against four hospitals, citing medical harm from communication barriers, the New York State Department of Health has adopted regulations setting basic standards for hospitals' communications with limited-English-proficient patients. The new regulations went into effect on September 13, 2006 and apply to all public and private hospitals in New York State.

Significantly, the regulations make it clear that every limited-English-proficient patient has a right to meaningful access to a hospital's services; require every hospital to develop a language assistance program and designate a language assistance coordinator; require hospitals to identify and document each patient's language of preference and the acceptance or refusal of language assistance services; and set clear limits on the use of friends, strangers, and family members as interpreters, including age restrictions.

The NYC worked with hospital associations and the state to craft the regulations, which draw on best practices and will significantly improve immigrants' ability to access quality health care. To read the new regulations, visit www.thenyc.org. Please contact Maysoun at x. 232 for more information.

New Law Protects Patients From Abusive Hospital Billing Practices

The NYC and health care advocates won a major victory in April when Governor Pataki and the State Legislature enacted hospital financial assistance standards into law as part of the 2006-07 budget. The legislation is the most significant expansion of access to affordable health care for the uninsured in recent years. The new law, which goes into effect on January 1, 2007, requires hospitals to inform patients about their financial assistance policies and sets clear guidelines on the maximum allowable charges based on a patient's income.

This legislation was needed because each year, hospitals in New York receive nearly \$1 billion to subsidize care for low-income uninsured and under-insured patients but have been entirely accountable for how the money was spent. In fact, hospitals generally have kept the availability of such funds a secret from their patients. Now, hospitals will have to notify current and prospective patients about their rights to public insurance and options for reduced-cost care. To continue receiving state subsidies, hospitals will need to satisfy reporting requirements concerning their financial assistance policies and programs.

Congratulations to the groups that worked for this win, including Citizen Action Committee, Long Island

Coalition for a National Health Plan, and the Empire Justice Center. To see the new law, visit the health access page at www.thenyc.org. Please call Maysoun at x. 232 for more information.

New Documentation Requirement Does Not Affect Immigrant Applicants for Medicaid

The federal government has created a new requirement that applicants for Medicaid *who claim to be U.S. citizens* must have their citizenship status documented by Medicaid eligibility workers. The new citizenship documentation requirement, contained in the Deficit Reduction Act, became effective on July 1, 2006. The law does not change immigrant eligibility for Medicaid. Many non-citizens are still eligible for Medicaid. The new citizenship documentation requirement does not apply to lawful permanent residents or other non-citizens who are eligible for the Medicaid program – the new documentation requirement applies *only* to citizens. For a detailed memo explaining the new requirement, visit the health access page at www.thenyc.org. For more information, call Maysoun at x. 232.

EDUCATION

City Policy Bolsters Translation and Interpretation Services for Immigrant Parents

As the new school year begins, immigrant parents should be aware of the translation and interpretation services that the New York City public school system makes available to parents with limited English.

The increased services are the result of a Chancellor's Regulation issued this past February by the Bloomberg administration in response to a two-year campaign led by the NYC and partner groups. The regulation sets clear standards for providing language assistance in the city's eight most-commonly-spoken languages (other than English). Key provisions include the following:

- Within 30 days of a student's enrollment, schools must determine the primary language spoken by the student's parent(s).
- Key documents, including report cards, consent forms, and many other documents, must be translated.
- Interpretation services must be available to parents during regular school hours, either in person or via a telephone language line, and during special meetings.
- Every school must assess its language assistance needs and create a plan to meet those needs.
- Parents must be notified in writing, and via posted signs and other means, of their right to language services.

As part of its agreement with advocates, the administration also increased funding for language services by \$2 million, bringing the total to about \$12 million a year.

The regulation is an important step forward in addressing the language barriers that often prevent immigrant parents from understanding critical school information and getting involved in their children's education. To learn more, call Deycy at x. 231.

STATE & CITY BUDGETS

2007 State & City Budget Highlights for Immigrants

Before we plunge into 2007 with a new governor and a changed legislature, it's worth taking a look at how immigrants fared in the state's FY 2007 budget:

- English-language-learner (ELL) students received a much-needed increase in Limited-English-Proficient (LEP) Aid of \$20 million (to \$120.5 million), including \$13.7 million for New York City. The increased aid ensures more resources for bilingual teachers and books and helps reduce class sizes for ELLs.

- Adult education received a small influx of funds. Adult Literacy Education was increased by \$2 million (to \$5.3 million), while Employment Preparation Education and TANF ESOL funds were restored at \$96 million and \$2 million, respectively.

- Albany failed to provide additional aid for citizenship services; it also failed to establish a \$10 million Immigrant Opportunities Initiative to fund community groups to provide adult English and civics classes and immigrant legal services.

As for New York City's FY 2007 budget, immigrants were left with mixed results. The City Council preserved the Immigrant Opportunities Initiative, but despite a budget surplus and a growing immigrant population, the city failed to adequately address the needs of immigrants in our schools and workforce:

- The Council and mayor agreed on \$9.25 million for the Immigrant Opportunities Initiative to support more than 100 community programs that help immigrant adults learn English and access legal services to redress workplace wage and safety violations and navigate a complex immigration system.

- Despite record-high ELL dropout rates, the city failed to provide any substantial new funding to help ELL students learn English and graduate at higher rates, other than \$2 million in increased funding for translation services to address parent language barriers. The NYIC had urged the city to match the recent \$20 million increase in state funding for ELL students.

- The City Council was unable to secure \$2 million for an Immigrant Day Laborer Center Initiative to support day laborer centers, which provide critical services, including vocational training, English literacy classes, and legal assistance. There are only two such centers in the city, but neither receives city funds. A national report this year revealed that New York has fallen far behind other major cities in funding centers.

For more information, call José at x. 241.

ANNOUNCEMENTS

Celebrate Citizenship Day on September 17th

Join us in celebrating citizenship and immigrants! There will be free food, fun, and exciting community performers. Five citizenship service providers will be on hand to provide information about how to apply for naturalization. Find us on the main lawn of Battery Park on Sunday, September 17th, from 12 to 3pm. For more information, call Alan at x. 236.

Help Wanted: Bilingual Poll Workers

The New York City Board of Elections is hiring qualified bilingual poll workers and interpreters for the upcoming elections. Poll workers can earn \$25 for attending and passing a training class and then \$200 for a day of work at a polling site. New Yorkers who are fully bilingual in Spanish, Chinese, or Korean *and* in English can apply to become a poll worker by calling the NYIC at 212-627-2227 x. 236.



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

1. **Join the NYIC's *Democracy in Action!* Campaign**
Democracy in Action! is a community empowerment campaign advocating for just and humane immigration reform and promoting the full civic participation of immigrants. Through grassroots action, public education and civic participation, we can not only build power in our communities but also energize democracy in America and create a culture of political participation locally! Get involved by calling Alan at x. 236.
2. **Help flood the offices of our senators and representatives with pro-immigrant postcards!**
Organize your friends and colleagues to send dozens of pro-immigrant postcards to Senators Schumer and Clinton and their House reps! With our partner groups across the country, we aim to send tens of thousands of these postcards over the coming weeks to members of Congress, urging them to support just and humane immigration reform. To order postcards, call Angela at 212-627-2227 x. 229.
3. **Urge your state legislators to support drivers' licenses for immigrant residents of New York State!**
Call State Senate Majority Leader Joseph Bruno (518-455-3191) and urge him to support S. 7388. Please also urge Assembly Speaker Sheldon Silver (518-455-3791) to back A. 612-B.

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