

# NYIC IMMIGRATION NEWS

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

Volume X, Issue #1, February 26, 2007

## \*\*\* UPCOMING EVENTS \*\*\*

### **2007 City Advocacy Day, Wednesday, March 14<sup>th</sup>**

Thanks to everyone who joined us for our best Albany advocacy day ever! More than 500 rallied at the capitol, bringing high visibility to immigrant issues!

Now, join us as we march from Battery Park to City Hall to call on Mayor Bloomberg and the City Council to support quality education for English language learners, funding for adult English classes, access to affordable housing and health care, and workers' rights! Call Javier at x. 234.

## IMMIGRATION

### **Gearing Up for 2007 Immigration Reform Debate**

With President Bush and the new Congress calling immigration reform a top priority, the political outlook suggests that a major immigration bill could be enacted in 2007. Fortunately, the debate has moved away from last year's draconian enforcement proposals, now that the House Judiciary Committee is chaired by Representative John Conyers (D-MI) and the Senate Judiciary Committee is chaired by Senator Patrick Leahy (D-VT).

But many moderate Republicans who supported some form of comprehensive reform with legalization and a path to citizenship have been replaced by conservative Democrats who may not share that view and whose narrow margins of victory may prevent them from taking a strong pro-immigrant stance. Broad bipartisan support, and a lot of work by supporters in Congress and the public, will be necessary for any immigration reform bill to pass.

This time around, the Senate is likely to move first by introducing a bill in the Senate Judiciary Committee as early as late February, with a vote by the full Senate anticipated in the late spring. The House of Representatives is expected to follow with passage of a bill during the summer, leaving the fall for any differences between the two bills to be resolved in a conference committee.

With the 2008 presidential campaign in the not-too-distant future, proponents of immigration reform have a narrow timeframe in which to make reform happen. Chances of passing bipartisan immigration legislation will significantly diminish toward the end of 2007, as policy debates get subsumed within highly partisan presidential campaign dynamics.

The NYIC is gearing up for an energetic legislative season and educating lawmakers and the public to ensure that our reform principles and priorities move the debate toward a comprehensive solution. Intensive field,

lobbying, communications, and education campaigns will be needed during this peak year on immigration reform – join us! (See Action Box.) For more information, please call Avidah at x. 244.

### **USCIS Proposes Mammoth Application Fee Hike**

On February 1<sup>st</sup>, U.S. Citizenship and Immigration Services (USCIS) proposed massive fee increases for immigration and naturalization applications that may go into effect as early as June 2007. Fees are slated to rise 86 percent on average. The N-400 naturalization fee would rise from \$330 to \$595. The fee for I-485 applications to adjust status to permanent residence would increase from \$325 to a whopping \$905.

Immigrant and community advocates are seriously concerned that the massive fee hikes will put permanent residence, citizenship, and family reunification beyond the reach of millions of working immigrant families. Advocates are urging USCIS Director Emilio Gonzalez to seek Congressional appropriations so that immigrants do not have to bear the entire cost of supporting the agency, but Gonzalez has thus far declined to do so.

The NYIC urges concerned stakeholders to send in their comments on the proposed rule by April 2, 2007 (see Action Box). Model comments are available at [www.thenyic.org](http://www.thenyic.org) in the Action Alerts section. For more information, contact Tom at x. 226.

## EDUCATION

### **Governor Proposes Record Education Increase, But More ELL Aid and Funding Accountability Needed**

Last month, Governor Spitzer won praise from education advocates by proposing an historic \$7 billion budget increase in state education aid over four years, going above and beyond the amount required in the *Campaign for Fiscal Equity* court order. Under the governor's proposal, funding for English language learners would increase by hundreds of millions of dollars – much more than the current \$120.5 million in limited-English-proficient (LEP) aid. Congratulations to the immigrant and education advocates who worked for this historic victory!

Governor Spitzer's proposed education budget assigns an ELL funding formula weighting of 0.5 (or 50 percent additional funding over basic foundation aid). While the NYIC applauds the record increase, we continue to believe that a 1.0 formula weighting for ELLs (or 100 percent additional funding over basic foundation aid) is necessary to fully meet the needs of ELL newcomer students.

Moreover, given the elimination of a separate LEP aid category in the budget, there is a need to strengthen accountability for how funds going to districts and schools with large numbers of ELLs are spent. We look forward to working with the governor and legislature to ensure that ELL-targeted funds are used to best effect. For more information, contact Jose at x. 241.

### **Mayor's New Education Plan Raises Concerns**

In January, Mayor Bloomberg announced another set of profound changes to the school system as part of his Children First Reforms. The changes involve overhauling the school funding system; giving principals more power over their budgets while eliminating the city's 12 regional offices; and creating more accountability measures, including school progress reports.

The changes raise concerns about the education of English language learners (ELLs). One concern is that the proposed ELL funding formula is grossly inadequate and will not provide ELLs with the instruction and support they need to succeed. Moreover, giving principals full discretion over their budgets, without a transparent oversight system, makes it almost impossible to ensure that ELL funding is actually used to provide appropriate ELL programs and services.

Finally, we are concerned that the Department of Education is placing responsibility for ELL student outcomes solely on principals without providing them any training or support on ELL needs. In particular, the elimination of the regional offices, which housed ELL instructional specialists, undermines Chancellor Klein's promise to drive best practices through training and support provided by these specialists. For more information, contact Deycy at x. 231.

### **Newcomers Have Few Choices of Small High Schools**

Dismantling large failing high schools and replacing them with new small schools is the cornerstone of Mayor Bloomberg's education policy, but English language learners (ELLs) do not have full access to these new small schools, according to a report by the NYIC, Advocates for Children, and seven community groups.

The report found that ELLs are underrepresented in most small high schools. One reason is because many new small schools do not accept ELLs, given that the Education Department allows small schools to exclude ELLs and special-ed students in their first two years of operation. Instead, most ELLs attend large schools or are concentrated in a few ELL-focused high schools. The latter are highly regarded but are not a substitute for full access to small schools, many of which feature unique career-oriented programs.

Even when small schools do have ELL students, many are not providing the ELL programs required by law. Forty-one percent of schools surveyed, including many long-established ones, said they offered no ELL

programs. The report also found that few small schools have been created in Queens, where the largest numbers of ELL students reside. The full report is available in the Education section at [www.thenyic.org](http://www.thenyic.org).

Since the release of the report, advocates have met with the Department of Education to call for eliminating the two-year exclusion policy and increasing small schools' capacity to hire ELL teachers. In a minor step forward this week, Schools Chancellor Joel Klein announced grants that will enable 10 newly opening schools to hire ELL teachers. Still, this falls short of the systematic fix needed to increase ELL access to small schools. For more information, call Deycy at x. 231.

## **HEALTH CARE ACCESS**

### **New Health Care Rights in the New Year**

With the new year, millions of New Yorkers have new rights to discounted hospital care, and the NYIC wants to get the word out to community members who are struggling to afford medical care.

A new state law that went into effect on January 1, 2007 requires all private and public hospitals in New York State to provide financial assistance to uninsured and underinsured patients. Low-income patients who do not have health insurance or who cannot afford their co-pays or deductibles have a right to apply for financial assistance to reduce their hospital bill. State residents are eligible for this financial assistance, regardless of their immigration status.

When applying for financial assistance, hospitals may ask patients about their income, household size, place of residence, and resources. Discounts are available for any hospital services that patients need.

State health regulations now also require hospitals to provide skilled interpreters for patients who are not proficient in English. Know-Your-Rights fact sheets in English, Spanish, Chinese, Korean, and Haitian-Creole about these new laws are available at the Health Access section at [www.thenyic.org](http://www.thenyic.org). To learn more, call Adam at x. 222, Maysoun at x. 232, or Jenny at x. 223.

### **Newborns of Immigrant Mothers Remain Automatically Eligible for Medicaid in New York State**

Late last year, news reports indicated that the federal government had adopted a new policy making U.S.-born children of undocumented immigrants with low incomes no longer automatically entitled to health insurance through Medicaid. These reports did not tell the whole story and caused unnecessary alarm in New York's immigrant communities.

New Yorkers can rest assured that the New York State Department of Health does not plan to alter its current practice of automatically enrolling in Medicaid those newborn citizens whose mothers receive some form of Medicaid, regardless of the mother's immigra-

tion status. Hospitals will continue to submit electronic birth certificates as proof of citizenship along with the Medicaid application.

We want to be clear: low-income pregnant women living New York State are eligible for public insurance that covers prenatal care and delivery or termination, regardless of immigration status, and their babies are automatically eligible for continuous Medicaid coverage for their first year of life. Please visit the Health Access section of [www.thenyic.org](http://www.thenyic.org) or call Maysoun at x. 232 for more information.

## WORKERS' RIGHTS

### **Report Urges Better Wage-and-Hour Enforcement, Prompts State Labor Department Response**

A recent report from the Brennan Center for Justice, the NYIC, and community groups examines the growing problem of minimum wage and overtime violations in New York State. The report offers six recommendations on how the New York State Department of Labor (DOL) can improve enforcement of workers' basic legal rights.

Soon after the report's release, the DOL, under new Acting Labor Commissioner Patricia Smith, announced that it will hire 10 new bilingual investigators, launch a multilingual public education campaign, and begin investigating employers in industries that traditionally employ immigrants and low-wage workers. These welcome steps reflect several key recommendations from the report. Commissioner Smith also announced at the NYIC's recent *Empire State Day of Action* in Albany that DOL will create an office of immigrant affairs.

All New Yorkers bear the costs of wage-and-hour exploitation, notes the report. Immigrants are especially hard hit, with the highest rate of workplace violations but the fewest resources to address them. Law-abiding employers are forced into a race to the bottom when their competitors pay below the minimum wage, and local governments lose tax revenues when workers are underpaid. To read the full report, go to the Workers' Issues section at [www.thenyic.org](http://www.thenyic.org).

Building on the progress with the new DOL so far, the NYIC and its partners in the Campaign to End Wage Theft will continue to press for comprehensive reforms to strengthen labor law enforcement. To learn more, call Milan at x. 233.

### **Update on Driver's License Reform Advocacy**

Immigrant access to drivers' licenses continues to be a hot-button issue in Albany. Advocates are engaged in active discussions with the Spitzer administration on how to best resolve the issue. During the NYIC's recent *Empire State Day of Action* in Albany, advocates delivered more than 5,000 pro-immigrant postcards to the governor, highlighting the issue as one of the most urgent for immigrant communities throughout the state.

There is some concern that the administration is considering a two-tiered licensing system, which is unacceptable because it would effectively allow immigrant license holders to be singled out. Instead, immigrant advocates are urging one license for all.

It is critical to weigh in on the issue now, while the administration is still in the process of formulating a policy fix, and while the idea of a two-tiered system is only in the discussion phase. (See Action Box.) For more information, contact Milan at x. 233.



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

#### **1. Make your voice heard about USCIS's outrageous proposed fee hikes!**

USCIS needs to hear from you about its proposed fee increases, which could put green cards and citizenship out of reach for millions of working families! A model comment has been drafted by our sister coalition in Illinois and is available at [www.thenyic.org](http://www.thenyic.org) in the Action Alerts section. The easiest way to submit comments is by email to [OSComments@dhs.gov](mailto:OSComments@dhs.gov), via the web at [www.regulations.gov](http://www.regulations.gov), or via fax to 866-466-5370. All comments should refer to DHS Docket # USCIS-2006-0044. Comments are due April 2<sup>nd</sup>.

#### **2. Urge your state reps to support drivers' licenses for immigrants!**

For now, call your state senator and assemblymember to urge them to support one driver's license for all qualified New Yorkers, regardless of their immigration status. Let them know also that New York State should be a leader among states in rejecting the invasive federal requirements of the REAL ID Act. No REAL ID in New York! Assembly switchboard: 518-455-4218. Senate switchboard: 518-455-3216.

#### **3. Urge Senators Schumer and Clinton to be leaders in fighting for comprehensive immigration reform!**

Legislation is expected to be introduced in the U.S. Senate any day now! Urge New York's senators to support realistic and humane immigration reform that keeps families together, protects all workers, and restores due process for immigrants! Senator Schumer: 202-224-6542. Senator Clinton: 202-224-4451.

## **The New York Immigration Coalition**

137-139 West 25<sup>th</sup> Street, 12<sup>th</sup> Floor, NY, NY 10001

tel: 212-627-2227 / fax: 212-627-9314

[www.thenyic.org](http://www.thenyic.org)