

Fall 2013 U.S. Immigration Alert!

A Newsletter from National Immigrant Solidarity Network

Fall 2013 Issue, Volume 44

No Immigrant Bashing! Support Immigrant Rights!



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Don't neglect immigration reform!

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10/3 OPINION: Don't neglect immigration reform

ISELA CHÁVEZ-PORTUGAL - News Day

With the federal government embroiled in shutdown politics, some people are saying immigration reform is a long shot for 2013. But immigrants on Long Island like me simply won't accept that pessimism. Saturday we will be marching in Brentwood -- like others will in 130 or so demonstrations around the country -- to call for comprehensive immigration reform this year. And we will not be deterred by a government shutdown, because our representatives need to hear that they must get back to work and do what's right for immigrant families as soon as possible.

I've lived in Suffolk County with my husband and two children for 10 years. We came from Peru on a tourist visa and stayed to make a better life. We've worked hard to support our family, including working nights cleaning the local library. My son married an American and has become a legal resident, but my husband, daughter and I would qualify for the path to citizenship that is included in the comprehensive immigration reform bill that passed in the Senate in late June.

Throughout these years, we've always had to worry about keeping our family together, given the specter of deportation. A path to citizenship offers the best chance for making sure we can be together and thrive on Long Island. But to become reality and ensure that my family can stay together, we need the House of Representatives to pass a similar bill.

My family and my immigrant community work hard every day to contribute to Long Island with our love, our culture, our hard work and our taxes. We are willing to take the steps laid out in an earned path to citizenship, but we need the House to give us this chance. Now, we are saying, "Enough stalling already!"

Immigrant Long Islanders like me have worked very hard with our allies for comprehensive immigration reform. Thousands of Long Islanders have joined marches, rallies and forums supporting reform. Thousands more have called and written to their congressional representatives, all of whom have now publicly supported a comprehensive bill including a path to citizenship. This reflects what a poll conducted by Harstad Research this spring told us: As is true throughout the country, the vast

majority -- eight in 10 registered voters surveyed on Long Island -- support an earned path to citizenship alongside border enforcement measures and clearing the visa backlog.

But in September, reform efforts in Congress stalled, and now they seem forgotten in the current partisan fighting. The Republican House leadership doesn't want to bring the bill to a vote, even though the votes appear to be there, with virtually all Democrats and at least 26 Republicans, including Rep. Peter King (R-Seaford), expressing their support. The will of the loud tea party minority -- the same group behind this week's shutdown -- is putting at stake the lives of 11 million people, including mine and my family's.

That's why immigrants around Long Island and across the country are joining together to urge the House to act this month. Our coalition has declared Saturday to be a National Day for Dignity and Respect for immigrants.

We are tired of false promises. We know that most Latinos and immigrants who voted last year -- and whose votes decided the presidential election -- are demanding this reform, like the 11 million of us who are here without the proper documentation.

My family and I will be marching tomorrow. We know that passing comprehensive reform this year will be difficult, but we will keep on fighting and calling for action.

** Isela Chávez-Portugal is a member of Make the Road New York, the state's largest participatory immigrant rights organization.*

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10/16: Rethink Immigration: A Homeless, Undocumented & Detained LGBT Teen's Struggle for Due Process

Mary Georgevich - LGBT project coordinator for Heartland Alliance's National Immigrant Justice Center

Earlier this year, Melissa* found herself locked up in immigration detention, awaiting a deportation flight to Mexico. U.S. immigration law said she did not have the right to see a judge, and most of her family and friends told her to give up and just let the deportation happen. Luckily, with the help of her U.S. citizen girlfriend Alicia*, Melissa decided to seek legal advice anyway.

As it turns out, Melissa had ample reason to continue fighting her case. But as one of an estimated 900,000 LGBT teens in America who are homeless or near homeless, she has had to overcome significant legal and financial hurdles to do so.

Melissa's immigration troubles began when she had a non-violent misdemeanor arrest as a teenager and was turned over to immigration on a detainer. U.S. Immigration and Customs Enforcement (ICE) released Melissa, a minor at the time, to her mother's custody and sent all of her vital case documents—including notice of her hearing date—to her mother's home. Like many LGBT teens, Melissa had a strained relationship with her family and mostly relied on friends for housing. She never received the documents from her family, and as a teenager who did not have a lawyer, Melissa did not understand their significance anyway.

When she did not appear for her hearing, the judge ordered her deported. A few months ago, at age 20, a traffic stop landed Melissa back in immigration custody and ICE tried to put that deportation order into effect. Because she had already received a deportation order, the law disqualifies her from the right to another hearing, but having a lawyer has given her a chance to challenge the order.

Alicia and Melissa first contacted a private lawyer recommended by other detainees. He filed a motion with the court to have the deportation order rescinded and requested that Melissa be allowed a chance to see a judge. However, with Melissa still detained and unable to work, the lawyer's fees quickly became too costly for the young couple to pay. That is when they contacted Heartland Alliance's National Immigrant Justice Center (NIJC). The LGBT Immigrant Rights Initiative took the case pro bono and discovered that Melissa was potentially eligible for three different types of relief from deportation: a visa for victims of crimes based on childhood sexual abuse, asylum as an LGBT youth fearing persecution in her native country of Mexico, and possibly President Obama's Deferred Action for Childhood Arrivals program.

While NIJC worked to prove that Melissa should be given the opportunity to fight her case in front of a judge, Alicia struggled to survive with her girlfriend locked up. The two of them had lived together, and Melissa had been their sole source of income while Alicia finished college. After Melissa was detained, Alicia was forced to drop out—just one month short of graduation. She began working two jobs, but between the lawyer fees and expensive phone calls to Melissa in detention, she could not hold on to her apartment and moved into a homeless shelter. Recently, Melissa and Alicia got their first good news: The judge rescinded Melissa's deportation order and gave her the lowest bond possible—\$1,500. Melissa's mother agreed to

help pay the bond, and Alicia and Melissa are working to put their lives back together. But Melissa still has a long road ahead as she works with NIJC to fight her case in immigration court.

Melissa and Alicia could have avoided a lot of heartache and trouble if Melissa had been able to speak with a lawyer the first time she was detained. Their problems could have been further prevented had Melissa been given access to free or low-cost legal services as soon as she was detained the second time. Of the people who currently are detained, 84 percent will be deported without having access to legal representation. The immigration reform bill passed by the Senate earlier this year would improve access to lawyers for unaccompanied immigrant children, individuals with mental illness, and other vulnerable immigrants in deportation proceedings. No person should be deported without the opportunity to understand their rights and, at a minimum, speak with a judge. If Melissa had taken her family's original advice not to fight her deportation, or had not found NIJC, that is exactly what would have happened. Melissa would be living in a place she had not seen since she was seven years old, where she would face a likelihood of persecution based on her sexual orientation, while Alicia struggled to get by in the United States without the support of her partner.

*Names have been changed to protect individuals' privacy.

10/4: California gives immigrants driver's licenses

Amy Taxin - The Associated Press

LOS ANGELES — California on Thursday joined the growing list of states that allow immigrants who are in the U.S. illegally to obtain driver's licenses — a measure supported not only by Latino activists but by police chiefs and insurance authorities.

Democratic Gov. Jerry Brown signed the bill in front of a cheering crowd of immigrants and their supporters, predicting other parts of the country will follow the example set by the nation's most populous state.

The licenses, which are expected to become available no later than January 2015, will carry a special designation on the front and a notice stating that the document is not official federal identification and cannot be used to prove eligibility for employment or public benefits.

"This is only the first step," Brown said outside City Hall in Los Angeles. "When a million people without their documents drive legally and with respect in the state of California, the rest of this country will have to stand up and take notice. No longer are undocumented people in the shadows."

Ten other states have enacted measures to give driver's licenses to immigrants in the country illegally, many of them in the past year, according to the National Immigration Law Center.

Some of those states issue only one kind of license. But laws in many states, including Oregon and Colorado, create distinctions between the license given to immigrants and the one issued to other drivers.

Some immigrant advocates initially raised concerns that a different license in California would contribute to racial profiling. The new law bans discrimination based on the license and states that the license cannot be used as a basis for arresting someone for being in the U.S. illegally.

State Senate President Pro Tem Darrell Steinberg said he believes the marker is insignificant in relation to what the license will do for immigrants.

"Those distinctions mean little to hard-working people who simply want to drive to work or drive their kids to school or soccer practice without fear," he said.

State officials estimate 1.4 million drivers will apply for licenses under the law during the first three years. The measure, written by Democratic Assemblyman Luis Alejo, will grant licenses to anyone who passes the written and road tests, regardless of immigration status.

State and local officials touted the importance of getting immigrants properly trained and tested so that they know how to drive and are familiar with the rules of the road in California.

"That's what this bill is about, making the streets of this state safer," Los Angeles Police Chief Charlie Beck said. The bill had the backing of the state's Police Chiefs Association and insurance authorities.

It isn't clear whether entities such as local government offices, libraries or banks will accept the license as identification. Over the past two decades, immigrant advocates have pushed to get licenses in California. The effort took on more urgency

in recent years as immigrants caught driving without a license began seeing their cars impounded and wound up being screened by federal immigration authorities for deportation. Former state lawmaker and current Los Angeles City Councilman Gil Cedillo said he introduced the license bill 11 times over 15 years, but the measure failed to get enough votes or was vetoed or repealed.

Cedillo said the license will bear a marker to comply with a federal identification law enacted after the 2001 terrorist attacks but that won't impede immigrants desperate to drive legally from applying for it.

In the Legislature, opponents of the bill said granting a license with special markings would put employers and landlords in a conflict between complying with state and federal laws.

The bill is one of several immigrant-friendly measures passed by the Legislature this year, including overtime pay for domestic workers and an effort to scale back collaboration between local law enforcement and federal immigration officials.

Brown has enjoyed strong support among Latino voters, whose numbers are growing in California. On the steps of City Hall, scores of immigrant rights activists chanted "champion" in Spanish at the mention of his name.

He urged lawmakers to move forward on more sweeping immigration reform on Capitol Hill, where an overhaul has stalled.

Ismael Salvador, a 63-year-old factory worker from El Salvador, turned out to see the bill-signing. He said the change will radically alter the lives of his two daughters, who are in the country illegally.

One risks driving every morning to her job as a lunch truck cook, and the other cleans houses and relies on rides because she is afraid to get behind the wheel, he said.

10/16: ICE Public Affairs: Rogue office in a rogue agency

Mark Dow – The Hill

This week, protesters with "Not One More Deportation" staged a demonstration calling for the closure of the Eloy (Arizona) detention center, which is owned and operated for Immigration and Customs Enforcement (ICE) by the Corrections Corporation of America (CCA).

Back in April, two detainee deaths at Eloy were reported as suicides. According to the Arizona Republic, ICE said that it was "in ongoing negotiations with CCA to implement" detention standards on suicide prevention at Eloy. You'd think these standards would be implemented before ICE started holding people there. And you might think that CCA would not have a choice about whether to implement the standards.

So I asked the ICE Office of Public Affairs (OPA) whether the Arizona Republic had it right: was ICE negotiating with CCA? OPA's Barbara Gonzales and her boss, director Brian Hale, refused to answer.

On its webpage, ICE Public Affairs describes its mission this way: "With a strong commitment to transparency and candor, OPA strives at all times to maintain transparency, consistency, accuracy and credibility in the agency's communication efforts." Even the mission statement is a lie.

Journalists and other researchers who follow ICE know that the Office of Public Affairs does not consider itself answerable to anyone in the agency, much less to outsiders. Over the years, I have spoken with dozens of journalists about OPA's willingness to withhold information. One reason they get away with it, as an AP correspondent once told me, is that reporters still want their calls returned.

Another reason is that ICE and DHS leadership let them. This week I sent a letter to Rand Beers, Acting Secretary of Homeland Security, and to John Sandweg, Acting Director of ICE, about this longstanding, unprofessional conduct in OPA. Director Hale and his subordinates work for the public, but too often they simply refuse to answer questions. To be fair, they are following a longstanding ICE (and INS) tradition.

Here are a few other examples, all under Hale's directorship.

Forced Sedation of Deportees: Recently I had the chance to speak to a doctor who had been contracted by ICE years ago to forcibly sedate detainees who did not want to be deported. ICE's policy since 2008 has been that it must obtain court orders for all forcible sedations of detainees for the purpose of "removal." I asked ICE for the titles of cases for which the agency has requested such court orders.

OPA refused to answer, despite the fact that previous OPA "talking points" on the subject (which I obtained through a FOIA request) say that this information is public. Director Hale gave no explanation for his refusal. Detention Statistics: This seems like an easy one. How many of the total detained population are/were lawful residents? This matters because many -- perhaps most -- of those detained are not simply "illegals"; on the contrary, they've been here legally, sometimes for decades. OPA did not respond or give any reason for not responding.

Sexual Abuse in Detention: Last winter, DHS proposed regulations to prevent sexual abuse in ICE detention facilities. According to ICE records cited by DHS, there were 138 sexual abuse allegations from ICE detainees from 2010 to June 2012. My question to OPA was: of those allegations that involved ICE staff or ICE-contracted-staff as the alleged perpetrators, how many resulted in disciplinary action? And of those staff who were disciplined, how many continue to work in ICE detention facilities?

OPA did not respond or give any reason for not responding. (The new DHS regulations were to be issued in November, but the shutdown has made the timeline unclear, according to Chris Daley of Just Detention International.)

Early on, this administration liked to trumpet its intention to reform the ICE detention system. Substantive detention reform, and broader immigration reform, will be impossible without transparency. And there will be no transparency until ICE and DHS leadership make the Office of Public Affairs accountable -- to the public.

* Dow, the author of *American Gulag: Inside US Immigration Prisons*, teaches English at Hunter College in New York.

10/9: How Domestic Workers Won Their Rights: Five Big Lessons

Amy B. Dean - Yes! Magazine

After decades of exclusion, home care workers are finally covered by federal minimum wage laws. Anyone who works for social change can learn from how they did it.

Domestic workers have had some breakthrough wins over the past two weeks. Up until then, these workers were excluded from protections such as a guaranteed minimum wage, paid breaks, and overtime pay. On September 17, the Obama administration announced new rules extending the Fair Labor Standards Act to include the 800,000 to 2 million home health workers - who help seniors and others with self-care tasks like taking medications, bathing, and shopping - under the federal government's wage and hour protections.

Next, California governor Jerry Brown signed into law the Domestic Workers' Bill of Rights on September 26, allowing the full spectrum of domestic workers - including live-in nannies and housekeepers - to benefit from the same gains as the home health workers.

For the first time ever, these employees will be guaranteed the federal minimum wage and will earn overtime pay. And their victories have implications for a much larger portion of the workforce, including independent contractors, nontraditional employees, and those on temporary assignments. The domestic employees' wins are helping to chart a path forward for the growing number of employees who work outside conventional office settings.

Much of the credit for these historic wins is due to the tenacious organizing of the National Domestic Workers Alliance, a group of workers in this field who advocate for their own rights. Led since 2010 by the dynamic young organizer Ai-Jen Poo, the NDWA has grown from a single chapter in New York City to a nationwide organization with campaigns for domestic workers' rights in 19 cities and 11 states.

Here are five lessons that the wider progressive community can draw from the victories.

1. Local struggles can have national impact.

Before the creation of the National Domestic Workers Alliance, the New York-based organization Domestic Workers United started by organizing locally. After winning passage of the Domestic Workers' Bill of Rights in New York state, the group took their campaign on the road. The alliance won a second state-level victory in Hawaii, and then began organizing nationally with the message that those who care for elders and people with disabilities deserve respect. (It helped that this message was already reverberating across the globe after the International Labor Organization ratified its Convention on Domestic Workers in 2011.)

Having campaigns at the local, state, and national levels gave the NDWA the flexibility to focus where victory was most likely. Massachusetts is likely to be their next state-level target, Poo told Nation columnist and YES! Magazine Local Economies Reporting Fellow Laura Flanders.

2. Crunch your own numbers.

Rather than defensively responding to reports by business groups and state agencies, the NDWA created its own, from-the-ground-up reports and analyses on the working conditions domestic employees face in America.

Developing the capacity to contribute to the research around domestic work allowed the alliance to set the terms of debate. Other groups can use the same technique to frame the public agenda--whether around city planning, state budget priorities, or federal reforms.

3. Put working people front and center.

The NDWA used Caring Across Generations to shine the spotlight on caregivers - who are often only seen publicly pushing a client in a wheelchair - and to show how much they do for their clients.

When Ai-Jen Poo appeared in cable news shows and magazine articles, she constantly pointed to the stories of domestic employees and thus kept the spotlight fixed on them. Putting real people's stories forward as the basis for the campaign's argument created public sympathy and understanding.

4. Find allies beyond the usual ones.

Although groups that hire home care employees could be seen as "the enemy," the NDWA partnered enthusiastically with them. In New York and California, for instance, the alliance worked with Hand in Hand, a national association of caregiver employers who were willing to take a stand on behalf of their employees' right to fair pay and labor conditions. Hand in Hand's website even offers a toolkit for employers, with guidance on how to become a better employer.

Employers like Hand in Hand join the campaign not out of an impulse to charity, but because they know that fair national standards for home-care employees helps ensure better care for their loved ones. As Ai-Jen Poo said recently in a video for the PBS series Makers: "When it comes to human dignity, there is no such thing as an unlikely ally."

Another way that the NDWA cultivated alliances was through the careful coalition-building that went into forming Caring Across Generations, a campaign that seeks to ensure that seniors receive the health care they need from workers who receive a living wage. Launched in 2011, the coalition's unusually broad range of member groups includes organized labor, seniors, faith-based groups, women's rights organizations, and anti-poverty groups.

The different members have come together around a unifying vision for improving the lives of those who serve our youth and our elders. By joining across different organizing traditions and constituencies, they created a far-reaching effort that goes beyond the typical single-issue campaign.

5. Victory begets more victory.

Small victories can be an effective motivator on the road to bigger ones. By stringing together a series of international, national, and local victories - none of them complete in themselves - the NDWA showed that change is possible and created momentum for ever-greater wins. And the NDWA's campaign for a Domestic Workers' Bill of Rights is still moving forward, with active drives in Massachusetts, Connecticut, Washington, Illinois, and Oregon.

The NDWA's record of steadily organizing with their eyes on a clear prize of policy solutions, recognition, and respect should serve as an inspiration. The movement's relevance isn't just the fact that they are winning; how they fight matters, too. Any movement that can transform adversarial employee-employer relations into a unified force for public policy change is worth learning from.

10/9: More than 200 arrested at immigration rights rally in D.C.

Mark Gruenberg - People's World (With John Wojcik contributed to this story)

WASHINGTON (PAI) - For several years now, Lisa Bergmann of New Haven, Conn., has been anxious about many of her Spanish-speaking friends and neighbors.

The former Unite Here member was one of more than 20,000 people - including thousands of unionists -- who marched down the Washington, D.C., Mall on Oct. 8 to demand the U.S. House immediately pass comprehensive immigration reform. Bergmann says the danger to her friends is why she came to the protest.

"I'm a citizen. I don't have to worry," she said. "But I worry about a lot of my friends who are waiting to get their papers. And I have friends who are incarcerated" because they're undocumented.

"And some are afraid to drive" because police could stop them and demand proof of legality - which they lack - on pain of detention and deportation."

Concerns like that -- which would be alleviated, if not ended, by comprehensive immigration reform -- brought the thousands to the Mall. And 200, including 90 union leaders and union members and eight members of the House of Representatives were arrested when, in an act of civil disobedience, they blocked a street in front of the Capitol.

Arrestees included Bergmann, SEIU 1199 member Delphine Clyburn and activist Joelle Fishman, both also from Connecticut, Communications Workers Secretary-Treasurer Annie Hall and Political Director Yvette Herrera, The Newspaper Guild's president, Bernie Lunzer, and Paul Booth, the top assistant to AFSCME's president. Among the nation's top labor leaders also taken into custody were AFL-CIO Executive Vice President Tefere Gebre, AFT President Randi Weingarten, Unite Here President D. Taylor and Maria Elena Durazo, executive secretary treasurer of the Los Angeles County Federation of Labor.

Among the lawmakers arrested were Reps. Luis Gutierrez (D-Ill.), John Lewis (D-Ga.), Keith Ellison (D-Minn.), Raul Grijalva (D-Ariz.), Joe Crowley (D - N.Y.), Al Green (D-Texas), Jan Schakowsky (D-Ill.) and Charlie Rangel (D-N.Y.).

"I'm not really worried about getting arrested," Hall said beforehand. "This reform is long overdue. And it's about people who are coming to this country to seek and find economic justice for themselves and their families."

Unions, led by contingents from the Service Employees and their Local 32BJ, the Laborers and Unite Here, contributed a large share of the demonstrators. Other unions represented included AFSCME, the Communications Workers/TNG, Labors Council for Latin American Advancement, AFT and the United Farm Workers.

The rally, which went on with National Park Service cooperation despite the federal government shutdown, was a sea of colorful banners, flags, T-shirts and signs, punctuated by strong pro-reform speeches and lively music.

House Minority Leader Nancy Pelosi, D-Calif., pledged to use every method available to get a comprehensive reform bill to a floor vote, where all 200 Democrats and several dozen Republicans would vote for it - over GOP leaders' opposition. "We have the votes to pass the bill," Pelosi declared.

The massive protest followed more than 160 rallies for immigration reform held across the nation Saturday and came a week after House Democrats introduced their own immigration bill based on two pieces of bipartisan legislation: one from the Senate and one approved by the House Homeland Security Committee.

The demonstration occurred as a government shutdown and fight over raising the debt limit gripped the nation's capital and the rest of the country, with the GOP House leadership saying it will not hold a vote on the immigration bill or anything else, for that matter, that a majority of GOP members opposes.

Democrats said the protests show that supporters of immigration reform will not be deterred by Republican intransigence and that they are prepared to continue the battle until the House leadership puts the immigration bill up for a vote.

"Let them vote," hundreds chanted repeatedly during the demonstration.

The bill the GOP has put on hold includes a long, although as some say, "torturous" path to citizenship for the 11 million undocumented people in the U.S.

It also would immediately bring them under U.S. labor laws, preventing or lessening the dual exploitation of workers by venal and vicious employers: Hiring the undocumented and paying them rock-bottom wages, threatening them with deportation if they unionize - and using the threat of hiring the undocumented to force native-born workers to accept lower wages and benefits and worse working conditions.

The big march in D.C. and the prior marches on Oct. 5, including several busloads of CWA members who showed up at GOP House Speaker John Boehner's district office in Springfield, Ohio, that day, are designed to put pressure on the Republicans to budge, CWA President Larry Cohen said.

"This is what democracy looks like," he said, gesturing to the multi-racial, multi-ethnic, multi-lingual crowd during an interview.

The public pressure also has indirect focus, another union leader said: The mass movement will grab the attention of Republican moneymen and political operatives. They in turn will pressure the House GOP to pass comprehensive reform, or lose their party's backing and cash. "It's a bank shot around the Tea Party," the unionist said.

The political machinations, however, were not much on the minds of the marchers. They were there to show enormous public backing for legalizing the undocumented. "I'm human. I want people to have good pay, a good job, good health care and respect on the job," Clyburn said. "We'll help people get this if immigration reform is passed."

"It's personal for me," said a marcher named Lauro - he declined to give his last name - from New York City who was carrying a large Laborers Local 79 banner. "It's for my family, and it's for my guys" in the union. "I immigrated 16 years ago myself."

"How long will we be here?" Cohen asked. "One day longer. There's a very deep passion."

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About National Immigrant Solidarity Network

NISN is a coalition of community, immigrant, labor, human rights and student activist groups, founded in 2002 in response to the urgent needs for the national coalition to fight immigrant bashing, support immigrant rights, no to the sweatshops exploitation and end to the racism on the community. Please visit our website: <http://www.ImmigrantSolidarity.org>

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