

# Spring 2014 U.S. Immigration Alert!

A Newsletter from National Immigrant Solidarity Network  
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## 2014: What'll be Happen to the Immigration Reform?

**In This Issue:**  
Obama's 2015 Budget Adopts Contradictory Stance on Immigration (Pg 1) | Washington Continues to Spend Billions on Immigrant Detention (Pg 2) | San Francisco Board of Supervisors' Vote for Immigrant Rights Resolution Is Unanimous (Pg 2) | New US Border Policy Could Be Boon For Defense Firms (Pg 3) | SCA-5: A step forward or backward? (Pg 5) | Updates, Please Support NISN! Subscribe the Newsletter! (Pg 8)

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## Obama's 2015 Budget Adopts Contradictory Stance on Immigration

Walter Ewing - American Immigration Council

[March 7, 2014] The Obama Administration's Fiscal Year 2015 budget proposal is of two minds about how to deal with the broken U.S. immigration system. On the one hand, the document calls for the creation of "a pathway to earned citizenship for hardworking men and women" who are in the United States without legal status. On the other hand, the budget would continue to devote significant sums of money to the detention and deportation of many of the same people for whom the administration would like to create a path to citizenship. In other words, the administration pledges that it will do its best to deport from the country the very same people it wants to help stay.

The budget's commitment to continued deportations is evident from its proposed spending on immigration enforcement (found in the DHS Budget in Brief ). Although the budget does contain little nuggets of pro-immigrant spending—such as "\$10 million to continue support for immigrant integration grants that assist lawful permanent residents in preparing for naturalization and citizenship"—the fact is that a few million dollars spent on integration pales in comparison to the billions spent on enforcement:

- \$2.6 billion for Enforcement and Removal Operation within Immigration and Customs Enforcement (ICE).
- \$124 million to expand the E-Verify employment-authorization system.
- \$24 million for ICE's 287(g) program, which deputizes local and state law-enforcement officials to enforce federal immigration laws.
- A reduction of only 10 percent—from 34,000 to 30,539—in the controversial "bed quota," which specifies how many immigration-detention beds must be filled every day.

Just as troubling as the administration's spending choices are the misleading comments that the budget document makes about the U.S. deportation system. For instance, the budget says that "ICE will continue to work with the Department of

Justice to expedite removal of convicted criminal aliens, reducing costly stays in immigration detention prior to deportation.” What this statement glosses over is the fact that many “convicted criminal aliens” are non-violent individuals who have misdemeanors on their records or committed immigration offenses. The definition of “criminal alien” has been slowly expanding over the years, capturing more and more people who don’t come close to being “criminal” in the commonly understood sense of the word.

Likewise, the budget skims over the truth when it proclaims that it aligns ICE “capabilities with immigration enforcement priorities and policies so that mandatory and priority individuals, including violent criminals and those who pose a threat to national security, are kept in detention, while low-risk non-mandatory detainees are allowed to enroll in alternatives to detention programs, including electronic monitoring and supervision.” While the expansion of alternatives to detention is a noble cause, it is misleading to lump together “mandatory and priority individuals” with “violent criminals.” Most people on ICE’s priority list are not violent criminals. As with the term “criminal alien,” a “priority individual” is simply a person whom ICE defines as such.

In short, the administration’s budget simultaneously lauds immigrants while providing the funds needed to place hundreds of thousands of them in deportation proceedings over the coming year. The budget says that “we must fix our broken immigration system” and that “common sense immigration reform will also boost economic growth, reduce deficits, and strengthen Social Security.” It pledges its support for “the bipartisan Senate approach, and calls on the House of Representatives to act on comprehensive immigration reform this year.” Yet, ironically, it states that “While repairing the Nation’s broken immigration system will require congressional action, the Budget continues investments to streamline the current system while looking forward to comprehensive reform.”

While rightly blaming Congress for failing to pass immigration reform legislation, this statement glosses over the fact that the President has considerable authority to at least temporarily halt the deportations of men and women who do not have serious criminal records and do not represent a threat to public safety or national security. The President can and should act to lessen the needless human suffering of families being torn apart by a pointless campaign of mass deportation.

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## **Washington Continues to Spend Billions on Immigrant Detention**

**Larry Benenson - National Immigration Forum**

[March 05, 2014] On Tuesday, President Obama released his proposed budget for the upcoming fiscal year, which begins Oct. 1. Regarding immigration, it’s a mixed bag.

While the budget underscores how we’ll benefit from commonsense immigration reform by accounting for savings the Congressional Budget Office has forecast, it continues our dysfunctional and illogical immigration detention system. As in past years, the budget includes billions of dollars for the detention operations of U.S. Immigration and Customs Enforcement (ICE) — part of the Department of Homeland Security — including funding for 30,539 detention beds.

Believe it or not, that’s a slight improvement: The current budget includes nearly \$2 billion for immigrant detention — or \$5.46 million per day. That money pays for ICE to maintain 34,000 detention beds at a cost of just under \$161 per bed per night.

The White House proposed budget for the upcoming year would fund these same operations at \$1.808 billion in the next fiscal year, which amounts to just under \$5 million per day spent on immigration detention, around a 10 percent decrease. The president’s request for 30,539 detention beds for the incarceration of immigrants is less than the 34,000 mandated by Congress this year but still would require that we spend about \$5 million each day on detaining a largely nondangerous immigrant population.

As noted in the August 2013 update of our paper “The Math of Immigration Detention,” the costs of our current dysfunctional, illogical detention system are exorbitant. Simply by using alternatives to detention that cost between 17 cents and 17 bucks per individual per day, we could save billions of dollars. The budget includes a small increase in funding for such alternatives, but we can and should do more.

With our nation’s fiscal health and hundreds of thousands of lives in the balance, replacing our broken immigrant detention system remains a necessary and urgent component of commonsense immigration reform.

### **San Francisco Board of Supervisors' Vote for Immigrant Rights Resolution Is Unanimous**

**Alan Benjamin**

JAN. 29 -- Yesterday afternoon, the San Francisco Board of Supervisors voted unanimously to approve a resolution that calls

upon President Obama to (1) stop the deportations, (2) extend DACA [Deferred Action] to all undocumented immigrants, and (3) end the firings of undocumented immigrants by means of I-9 audits, E-Verify and employers' sanctions. The resolution -- which was initially adopted by the San Francisco Labor Council -- was introduced by Supervisors David Chiu, David Campos and Scott Wiener.

Earlier in the day, the San Francisco Labor Council and numerous immigrant rights and community-based organizations in the city held a rally / press conference on the steps of City Hall to convey the urgency of approving this resolution. Speaker after speaker decried the more than 2 million deportations under Obama and the tens of thousands of workers fired -- with their families torn apart -- because of lack of papers.

Rally chair Olga Miranda, president of SEIU Local 87 (Janitors Union) and secretary-treasurer of the San Francisco Labor Council, quoted Los Angeles Council member Gil Cedillo, who, at a luncheon the day before hosted by Local 87, took strong issue with Obama for being the main deporter of immigrants in the nation's history, stating, "How can Obama claim to support the DREAMers, when he is deporting their mothers and fathers?"

Rally speakers included workers who had been fired from their jobs under E-Verify, two young DREAMers [see statement below by Itzel], representatives from community organizations, members of the clergy, and Supervisors Chiu and Campos [see attached photo of Supervisor David Campos addressing the mid-day rally].

All speakers underscored the importance of adopting this resolution and sending a resounding message to Washington that working people and their organizations in San Francisco and across the country will not stand by idly while Obama continues to deport and separate families, and while workers everywhere are fired from their jobs for lack of papers.

### **Statement by Itzel (Undocumented Student) to the SF Bd of Supervisors on January 28, 2014**

Good afternoon, my name is Itzel and I am an undocumented immigrant.

I came to the United States when I was 4 years old along with my mother and younger brother to meet up with my father in California. It was not easy growing up with two working parents, I had to take care of my brother at an age when I could barely take care of myself.

Years would go by where we'd see my dad for only 30 minutes a day. He would come home to eat and leave for his second job. We were not able to spend time together like most families do. The same goes for thousands of families across the country.

My father works for a water-proofing company in the city and has to go in through the back door of the building he's working in because he doesn't have an I.D. to show at the front door.

By extending DACA to undocumented immigrants while Congress figures out a real solution that will benefit this community would be a start to ending this harsh reality that many seem to ignore. It would grant temporary relief to those who have always been living in the shadows.

However, I stand here today happy that the San Francisco community supports undocumented families. I strongly support the resolution submitted by the Supervisors to urge President Obama to stop the deportations, extend the DACA program and eliminate the I-9 audits.

Thank you.

## **New US Border Policy Could Be Boon For Defense Firms**

**John T. Bennett - DefenseNews.com**

[February 14, 2014] Border Security: A US Border Patrol agent rides along the border with Mexico in California in November. Due to dueling House and Senate measures, it's unclear how much manufacturers could benefit from immigration reform. (Getty Images)

WASHINGTON — Immigration reform legislation could provide an unexpected boost for defense firms, and one senior senator says pro-Republican business leaders' political heft is needed to persuade House leaders to move a bill.

The Senate, last year, passed a sweeping immigration-reform measure that proposes \$38 billion for new American-made weapon systems. But House Republicans, who control the lower chamber's agenda, are skeptical not only about spending that much — but also about a slew of other immigration issues.

House Judiciary Committee Chairman Rep. Bob Goodlatte, R-Va., and GOP leaders say the chamber will tackle immigration reform piece by piece, rather than the soup-to-nuts approach employed by the Senate.

House Republican leaders recently released the party's "standards for immigration reform," a one-page white paper with six categories. The first covers "border security and interior enforcement," which the document declares "must come first."

But the section contains almost no specifics on how the party prefers to secure America's borders and makes no mention of the party's stance on the Senate's proposed weapons purchases. It appears more interested in taking shots at President Barack Obama — and his predecessors.

"Faced with a consistent pattern of administrations of both parties only selectively enforcing our nation's immigration laws, we must enact reform that ensures that a president cannot unilaterally stop immigration reform," states the GOP white paper, released January 28.

Still, the GOP standards were seen as a step toward actual House legislation by immigration-reform stakeholders.

"The draft Standards for Immigration Reform being debated by the House Republicans today marks important progress in ensuring immigration reform is a priority this year," US Chamber of Commerce President and CEO Thomas Donohue said in a statement two days later. "This is a very encouraging sign that House lawmakers are serious about fixing our broken immigration system."

But on Feb. 6, House Speaker Rep. John Boehner, R-Ohio, seemed to pour cold water on any notion the House would act on a comprehensive bill that might bring new business to defense contractors.

"There's widespread doubt about whether this administration can be trusted to enforce our laws," Boehner told reporters Feb. 6. "And it's going to be difficult to move any immigration legislation until that changes."

That left reform advocates, such as Senate Armed Services Committee member Sen. John McCain, R-Ariz., searching for new momentum. He told Defense News on February 11 he is frustrated by House Republicans' resistance.

For their part, many important House Republicans — so long the defense sector's closest allies on Capitol Hill — have ranged from cryptic to mum about spending nearly \$40 billion on helicopters, drones, vehicles and other hardware to help secure America's southern border.

In a statement on his website that lists his 10 biggest gripes with the Senate bill, Goodlatte never directly addresses the proposed hardware buys that would be a boon for Sikorsky, Bell Helicopter, surveillance drone makers and other firms feeling the squeeze from sequestration and declining military spending worldwide.

Asked where Goodlatte stands on the proposed hardware buys, a Goodlatte aide wrote in an email: "See point No. 3."

That section is titled "Lack of Border Security," and strikes a critical tone.

"While the Senate bill throws billions of dollars at the border, there is no mechanism in the bill to ensure it actually secures our porous borders," Goodlatte writes in language consistent with the House GOP caucus' anti-spending mantra.

The Judiciary Committee chairman also bashes the Senate measure's "so-called 'border surge,'" saying it is flawed because the 38,400 new Border Patrol agents it calls for "do not have to be deployed before 2021, which is well after unlawful immigrants receive legal status."

What's more, the Senate bill would allow the Department of Homeland Security to use some of the new agents to pare wait times in airports — "not to enforce immigration law, apprehend illegal immigrants, seize illegal contraband, or improve national security," Goodlatte contends. "This is hardly a border surge."

A long list of other House conservatives have made similar comments. And they are being pushed by powerful conservative groups such as Heritage Action, the political arm of the Heritage Foundation think tank.

"Any immigration measure would provide a vehicle for the House to commence conference negotiations with the Senate — a legislative move that the political class would undoubtedly exploit to pressure the House into accepting some form of amnesty

in advance of the November elections,” Heritage Action wrote Jan. 16 on its popular blog. “Moreover, many of these piecemeal proposals are flawed in their own right.”

The blog post featured a clear “call to action” for conservatives to mount an all-out assault to kill any immigration measures from ever being crafted, much less enacted.

“Sentinels are encouraged to petition their members of Congress to attend their annual retreat on January 29th and vocally oppose any plan to unveil and pass piecemeal immigration bills during this Congress,” Heritage Action wrote.

Boehner last week allowed a clean measure that raised the nation’s borrowing limit to pass with mostly Democratic votes. But Boehner has made clear he won’t use that approach with any immigration-reform measure.

So what, if anything, might move the House Republican caucus and leadership toward acting on even limited immigration reform that might — though less so than the Senate bill — be good news for US defense firms?

McCain told Defense News last week “it’s time for all of those interests that are the base of the Republican Party to push back.”

“I’ve talked to a lot of business leaders about it,” McCain said. “And, trust me, they’re not happy with the situation in the House.”

To that end, the leading defense and aerospace lobbying group, the Aerospace Industries Association, declined to comment for this story. An AIA spokesman said immigration is not a high-priority issue for the association.

Former BAE Systems Inc. CEO Linda Hudson, during a visit to India in November, endorsed US immigration reform. But her endorsement aimed at amending the way Washington hands out visas for high-skilled workers such as engineers, which defense firms desperately need.

But the country’s leading business lobby shop, the US Chamber, will be fighting opposite groups such as Heritage Action.

The chamber is for “common sense immigration reform that strengthens border security, expands the number of visas for high- and lesser-skilled workers, makes improvements to the federal employment verification system, and provides an earned lawful status for the undocumented with no future bar to citizenship,” according to a statement on its website.

In recent months and years, chamber leaders have testified before Congress with a message of an “economic imperative for enacting immigration reform.”

“Immigration reform is an essential element of economic growth, and it will create American jobs. It will add talent, innovation, investment and dynamism to our economy,” the chamber’s Donohue said. “The time is now.”

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## **SCA-5: A step forward or backward?**

**June Chang - China Daily USA**

[2014-03-07] To its supporters, California Senate Constitutional Amendment No 5 - SCA-5 - would provide a level playing field for admission to the state’s higher education institutions, but to many opponents, it simply smacks of racism, June Chang reports from San Francisco.

Sunday afternoons are usually a hectic time for Zhang Ling. The software engineer who lives in the San Francisco Bay Area shuttles her two high school sons, 16 and 18, to tutorials for the SAT college admissions test and extracurricular activities. Last Sunday, March 2, was an exception.

She spent the entire afternoon at a town hall meeting listening to a panel discussion on a subject that many Asian-American families regard as promoting racial discrimination and an unfair game for every student in California: Senate Constitutional Amendment No 5 or SCA-5.

She was joined by about 300 other people in the auditorium of the community center in Cupertino, home of Apple computer, and late comers packed in three hallways, to learn about the possible impact of the recently passed bill that would basically use affirmative action to determine admission to state schools.

“We’ve never seen a turnout like this in the 14-year history of APAPA,” said Albert Wang, moderator of the panel discussion

and the Bay Area chairman of the Asian Pacific Islander American Public Affairs Association (APAPA), one of the main organizers of the discussion.

The proposed amendment was passed by the state Senate on Jan 30 with a two-thirds vote. Among the 27 Democrats voting yes were three Chinese Americans (Senators Ted Lieu, Leland Yee and Carol Liu); 11 Republicans voted no. Now it awaits action by the Democrat-controlled state Assembly. If approved, SCA-5 will be presented to California voters as a referendum at the statewide election on Nov 4.

Written by Senator Ed Hernandez, the bill proposes "amending Section 31 of Article 1 thereof, relating to public education"- specifically eliminating public higher education from the requirements of Proposition 209.

Dubbed the California Civil Rights Initiative, Prop 209 was approved by voters in November 1996. It amended the state constitution to prohibit state-supported institutions from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education or public contracting.

SCA-5 would remove all anti-discrimination protections in Prop 209.

It would allow such public education institutions as the University of California (UC) and the California State University (CSU) systems - and even K-12 schools - to use race, sex, color, ethnicity or national origin as a consideration for enrolling students or hiring employees.

Third attempt

This is the third time Hernandez has sought to push the bill through the state legislature. His two previous attempts were approved by the Senate and the Assembly but were vetoed by then-Governor Arnold Schwarzenegger in 2010 and by current Governor Jerry Brown in 2011. To take away any chance of another Brown veto, Hernandez offered it as an amendment to the state constitution.

Hernandez was invited to the town hall meeting, but he did not show up.

Instead he sent a statement saying that he is "continuing to meet and hear the concerns from many groups on this issue and hopes to continue a productive discussion that is based on facts despite much of the misleading information that has circulated."

To its supporters, SCA-5 would level the playing field for everyone and compensate minorities for what they consider past wrongs. They believe that reversing Prop 209 and using race as a factor for admission to schools helps underrepresented racial groups, makes college campuses more diverse and brings more fairness to society.

With his assertion that "there has been a precipitous drop in the percentage of Latino, African American and Native American students at California public universities," and "... campuses becoming less diverse and qualified high school graduates being overlooked and ignored under Prop 209," Hernandez maintains that public universities and colleges should have all the tools needed to ensure their campuses reflect California's demographics.

Hernandez points to himself as someone who has benefited from the recruitment and scholarship assistance of affirmative action that targeted minority students, saying it enabled him to attend an optometry school in Indiana.

Lin-chi Wang, past chair of the ethnic studies department at UC Berkeley and one of the four panelists at the town hall meeting, said measures should be taken to change the current university admission policy because he said it emphasizes SAT scores and grade -point averages too much.

"Merit should also include leadership, volunteering, special talent," said the long-time advocate for Asian-American immigrant families, adding that he thought there is a lack of diversity on the UC campus.

"As beneficiaries of affirmative actions we Asian Americans should remember to give chances to everyone, including those from the socio-economically disadvantaged families. In other words, when drinking water, don't forget its source," said Wang.

The opponents

One of the arguments put forth by opponents of SCA-5 is that the purpose of education is to help build a fair society, and the current system of holistic, colorblind admissions with accommodation for the socio-economic disadvantaged on UC and CSU campuses is a fair system.

They also say that SCA-5 will promote racial and ethnic preferences on higher education admissions that will set society back to when people were judged by their skin color instead of merit.

Senator Bob Huff, who voted against SCA-5 and was on the panel at the town hall meeting, said SCA-5 is flawed and will largely affect the Asian population on UC and CSU campuses. "I don't think it's fair," he said.

David Lehrer, president of Community Advocates Inc and also on the panel, echoed Huff's comments, calling the bill "poorly thought out."

"In the clearest and most unambiguous language possible, Prop 209 is neither difficult to understand nor to implement," Lehrer said in a commentary article he co-wrote that was published in the Jewish Journal on Feb 8.

He called it "a step backward in higher education", and wrote that "at least in terms of public education, the state's universities, colleges and community colleges have to be colorblind."

Leherer said at the panel discussion that there is practically nothing in Hernandez's statement about his proposed amendment that is accurate, but two-thirds of the state Senate "bought his line."

"It is indisputable that both in absolute numbers and percentages, minorities that attend UC have increased and exceed the levels of minority admissions from the pre-Prop 209 days," Lehrer said.

At the University of California in 1996 - the last year before Prop 209's implementation - African Americans accounted for 4 percent of overall admissions (1,628); in 2013 they were 4.3 percent of admissions (2,705), while they made up approximately 6.6 percent of the California population.

Latinos were 14.3 percent of admissions (5,744) in 1996 at the university and 27.8 percent (17,450) of admissions in 2013, and were 38.2 percent of California's population.

Asians made up 32 percent (12,995) of admissions in 1996 and 35.9 percent (22,536) in 2013; they make up about 13.9 percent of the state's population.

Admissions for whites have plummeted to 27.9 percent (17,516) in 2013 from 41 percent (16,465) in 1996; whites make up about 39.4 percent of California's population.

In 1996 in the California State University system, the increase in minority enrollment and the decline in the white ratio generally paralleled those at UC - Latinos up 33.9 percent from 21.4 percent; Asians up to 18 percent from 17.1 percent; whites declined to 30.4 percent from 47.6 percent.

The enrollment of blacks has declined to 5 percent from 7.6 percent, although the actual numbers increased to 18,175 in 2012 from 17,539 in 1995, unlike at the UC system.

According to the latest admission data from UC and CSU, the approximately 72 percent of the Latino high school graduates in California who are UC and CSU-eligible are admitted to either the UC or CSU system schools. In contrast, approximately 52 percent of the state's eligible white students are admitted to UC or CSU schools. Hernandez's claim that "qualified high school graduates (are) being overlooked and ignored under Prop 209" is "rootless", said Lehrer.

The fast-growing Latino population will become the biggest plurality in mid-2014, and reach 48 percent of the state's population by 2060, while whites are expected to decrease to 30 percent of the population, according to the California Department of Finance.

Lehrer said that the UC system virtually leads the entire country in its admission of talented, socio-economically disadvantaged students - independent of race or ethnicity - poor kids who need financial assistance. In 2011-2012, 41 percent (74,933) of the enrolled students at UC and CSU were Pell Grant recipients (i.e. most often undergraduates with family incomes under \$20,000).

"If this is not diversity, I don't know what it is," Huff said during the panel discussion.

"At a time when minorities are qualifying for and being admitted on their merits to the state's public universities and colleges - independent of race or ethnicity -- in record numbers, and disadvantaged applicants are being admitted in extraordinary numbers, SCA-5 will re-inject divisive considerations of race and ethnicity into the mix. There simply are no data that substantiate 'grievances' needing such an extraordinary remedy," said Lehrer.

'Preferential treatment'

"SCA-5 would give preferential treatment based on race, and instill into young minds that we are unequal. Our children would have to learn that people have unequal opportunities for no reason other than the color of their skin," said Chris Zhang, a

local attorney and founder of United Asian Americans for Activism (UAAFA) at the meeting.

"Does SCA-5 imply that certain groups are inferior by nature that they require special treatment in order to succeed?" asked Sugar Wang, an activist with UAAFA, in an interview at the meeting.

"Does the Legislature really want to return to allocating admissions on the basis of race and ethnicity? Whose numbers would be reduced and whose increased, and why?" Lehrer asked.

"Yes, our students do not face a level playing field. Some need more assistance than others. However, judging them by their color is not the solution. It only creates more inequality than it attempts to address," said Zhang.

"For example, an Asian-American student has less than one-third of the chance of getting into the same college as a non-Asian student with the same qualifications, even if that Asian student came from an extremely difficult background. SCA-5 is intended to overlook such individual circumstances, and to exacerbate the racial inequality," he said.

Henry Der, former deputy superintendent of public instruction at the California department of education who also was on the panel, said the bill is good-intentioned and there is no mention of quota to be placed in the college-enrollment process.

"Regardless if they have put quotas there, let's go back to the simple fact that there are only a certain number of slots available at our universities," Huff said.

"As soon as Hernandez and his followers want to introduce race as the criteria they can make decisions by, the number of Asian students on UC and CSU campuses will drop tremendously given the relatively marginal Asian population in California," he said.

"This might not be the intent of SCA-5, but this will be the consequences," Huff added.

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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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