

June U.S. Immigration Alert!

**A Monthly Newsletter from National Immigrant Solidarity Network
June 2005 Issue, Volume Seven**

No Immigrant Bashing! Support Immigrant Rights!

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**No One Is Illegal! Stop Immigrant Bashing!
Workers Rights Are Human Rights!
We Need A New Civil Rights Movement To
Support Immigrants and Multi-Ethnic Unity!**

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COMMENTARY: ILLEGAL IMMIGRANTS OR ILLEGAL COMPANIES?

**Dr. Domenico Maceri
(Written on January 9, 2004)
HispanicVista.com**

"What part of illegal don't you understand?" is a question I've heard many times when I try to defend the rights of undocumented workers. For people who ask that question, illegal status is the only thing that counts.

Of course, undocumented workers did do something illegal by crossing the border without appropriate papers. But they are certainly not the only ones who have ever committed crimes. Have you ever used an illegal substance? Driven faster than the speed limit? Cheated on your taxes? Taken something home from your job site belonging to your company? If so, like Rush Limbaugh, who broke our drug laws, or George W. Bush, who was arrested for drunk driving in 1976, you committed a crime. Does that make you an illegal American? Do we have an illegal president? Does it mean that once you commit a crime you lose every right as a human being? Or are there certain crimes which are not that significant?

There is a strong emotional reaction to undocumented workers and their crime. Some of it is pure racism. Some of it has to do with the anti-immigrant feelings which are part of American history. All ethnic groups can point to some form of discrimination, which, in some way was the price to pay for Americanization.

Some of the negative feelings toward undocumented workers have to do with the insecurity we have as a nation, which the tragic events of 9/11 exacerbated. Anyone coming from abroad into our country is suspect and potentially dangerous. And in some people's minds, undocumented workers are part of an illegal activity and therefore could be responsible for terrorism. Undocumented workers remind us we can't fully control of our borders. People from other countries can come into our country, get jobs, and also get governments services. And on top of that, they may cause us harm.

Because of the strong perception that undocumented workers have committed a crime, people want to punish them. In California, voters approved Proposition 187 to deny benefits to undocumented workers and their children. The courts later overturned it, essentially saying that the "justice" voters wanted to administer did not fit the "crime."

Their "crime" would not have been possible without companies' tacit cooperation. Yet, no one talks about "illegal" companies. So if a subcontractor for Wal-Mart hires undocumented workers and pays them two dollars a day, as USA Today reported recently, people blame the workers. They may get a little angry at Wal-Mart, but they don't label it an "illegal" corporation.

The real "crime" undocumented workers committed is a desire for a job. We know that if jobs suddenly disappeared, people would not cross the border illegally. It happened soon after 9/11. With a US economy in the doldrums, apprehensions at the Mexico/US border virtually dried up. The word spread that there were no jobs and people were staying home.

Illegal immigration occurs all over the world. Anytime you have a poor country bordering on a rich one, people will move, seeking opportunities, and at the same time providing benefits to the rich country. Laws to allow people to move need to be changed because they don't reflect fairness or justice. Remember the fountains for whites and blacks? Some laws prevented interracial marriages. Some prevented Asian immigrants from ever becoming citizens. These laws have been changed. Should immigration laws be changed? (**cont page 2...**)

(...from page 1) If we want to end illegal immigration, we need to stop the hypocrisy and make sure people are hired legally. If "illegal" hiring disappears, so will illegal immigration.

Until recently, most undocumented workers, particularly those from Mexico, were migrants. They'd come to the US and then go back to their home country. Since the mid nineties, crossing the border has become very difficult and indeed dangerous. Many of these migrants stayed in the US and became immigrants.

All Americans are, in fact, "immigrants." The difference is time and circumstances. Some came to our country thousands of years ago and some just recently. Negative feelings against immigrants have always been there. Every ethnic group has been the subject of discrimination. Eventually, as the second or third generation of a certain group settles and becomes "American," ancestors are looked on with nostalgic eyes and indeed are viewed with a certain heroism.

Will the same happen with undocumented workers a few generations in the future? Quite likely. And when that day comes, our grandchildren will look back in shame at the way we stigmatized people with the word illegal.

Update on local enforcement of immigration laws and Suggest Actions

Lynn Tramonte de la Barrera and Shoba Sivaprasad Wadhia, Esq.

National Immigration Forum

June 13, 2005

URL: <http://www.immigrationforum.org>

The CLEAR Act: Status

The CLEAR Act has not been introduced this Congress. However, proponents are pulling out pieces of the legislation and attaching them to moving vehicles on the House floor with little time for debate. As discussed on the nationwide call in early June, a few bad amendments related to state and local enforcement of federal immigration laws passed the House of Representatives in May (we had one victory in defeating an amendment from Rep. Tom Tancredo (R-CO)). The proposals that survived are not yet on the docket for the Senate. However, Senators John Cornyn (R-AZ) and Jon Kyl (R-AZ) plan to introduce a broader immigration reform bill that may include local enforcement of immigration laws. See the update below for more information about these topics.

***Last Friday, June 10 we learned that Rep. Tancredo may be gearing up again to offer bad amendments to the Science, State, Justice, and Commerce appropriations bill (HR 2862) on the docket for consideration in the House this week. We will be on the lookout for such amendments and will let you know if things come up.

The CLEAR Act: Take Action!

Our adversaries are getting smarter, but they still have the policy realities working against them. Whether you have state and local police enforce federal immigration laws through the back door or the front door, you're still taking them away from real crime fighting and undermining their ability to cull sources from immigrants in our community.

Now that the discredited CLEAR Act has been cut up into bite-sized pieces, we need to go back to our state and local government and law enforcement allies and let them know what's going on in Washington. The great work you all did last year in building relationships and advocating against the CLEAR Act will be a helpful springboard for securing new Congressional letters and meetings and keeping these related proposals off of the President's desk. Targets are the same as always: your two senators, your House delegation, and the White House. Meetings, calls, and faxes make an impression on federal lawmakers whether you're targeting them at home, in DC, or both. As constituents you are powerful messengers, while including local police and government voices in your coalition is unbeatable. For any questions on this topic, contact **Lynn Tramonte e-mail: ltramonte@immigrationforum.org**

The REAL ID Act

On May 11, the President signed into law the supplemental appropriations bill providing funding for the war in Iraq and Afghanistan and containing the REAL ID Act of 2005 (Public Law 109-13).

The REAL ID Act raises the burden of proof for asylum seekers and all applicants for relief to unreasonable levels; makes it easier to deport long term residents in the United States for peaceful activities; places restrictions and unfunded mandates on states; and "streamlines" judicial review of removal orders to "questions of law" and "constitutional claims" in the federal courts of appeal; among other things. Among the rays of sunshine in the REAL ID Act are an elimination of the cap on asylees who are eligible to receive lawful permanent resident ("green card") status (previously, only 10,000 asylees per year could adjust to permanent resident status) and a possible expansion of judicial review in the federal courts of appeals for certain cases that were unreviewable there before REAL ID. For practitioners, the American Immigration Law Foundation

provides helpful resources on their website on judicial review. Questions? Contact **Shoba Sivaprasad Wadhia**
e-mail: Ssivaprasad@immigrationforum.org

Driver's Licenses

The REAL ID Act imposes a complicated new driver's license and ID bureaucracy on states, including a two-tiered license system for foreigners and U.S. citizens, and bans states from issuing regular driver's licenses to undocumented immigrants.

In terms of follow up, groups like National Conference of State Legislatures (NCSL) are conducting a cost analysis of this provision on states. Estimates ranges from the hundreds of millions to the billions. To join a list-serv on driver's license issues, or for more information, contact: **Michele Waslin e-mail: mwaslin@nclr.org** or **Joan Friedland e-mail: Friedland@nilc-dc.org**

The "Gang" Bill

On May 11, the House passed a bill with troubling immigration related provisions known as the Gang Deterrence and Community Protection Act of 2005 (H.R. 1279). Among other things, the bill would expand the definition of "crime of violence" and as a result, the definition of an "aggravated felony" in the immigration code. Expanding the already broad aggravated felony definition means that more immigrants (even long term permanent residents) can be detained without bond and deported. The bill also increases the penalty for undocumented individuals who are involved in "crime of violence" and "drug trafficking" offenses. Finally, the bill authorizes the Department of Homeland Security to input the names of potentially millions of civil immigration violators into the National Crime and Information Center (NCIC) database.

In the Senate, Senator Feinstein has introduced the Gang Prevention and Effective Deterrence Act of 2005 (S. 155). While the Senate bill does not currently contain the troubling provisions described above, we remain concerned that Senators could add these provisions when the bill is marked up or conferenced.

Questions? Contact **Shoba Sivaprasad Wadhia e-mail: Ssivaprasad@immigrationforum.org** or **Marshall Fitz e-mail: mfitz@aila.org**

"CLEAR Act" Amendments

Amendments to the DHS Authorization Bill (H.R. 1817) inappropriately enlist state and local police in the enforcement of federal immigration laws. These amendments passed the House on May 18. The "MOU" amendment authorizes the appropriation of \$40,000,000 to pay for training state and local agencies that enter into Memorandums of Understanding (MOUs) with the federal government to enforce immigration laws. While it ostensibly makes sense for the federal government to pick up the tab if local agencies do federal work, encouraging more MOUs around the country would have a detrimental effect on immigrants' access to police protection.

Second, the "Inherent Authority" amendment legislates the "inherent authority" of police to enforce immigration laws even outside of an MOU. This attempts to get around confusion and legal challenges surrounding a controversial 2002 Bush Administration move to involve state and local police in civil immigration law enforcement despite long-standing legal analysis and policy that held their role as separate and related to criminal enforcement alone.

In an important victory, an additional local police amendment (penalizing states and localities that have confidentiality policies in place) failed on the DHS Appropriations bill.

It remains to be seen how and if the Senate takes up similar proposals. The Senate version of the "gang" bill (see above) or an immigration reform proposal (see below) are possible vehicles on which these amendments can be attached. Thus, it remains critical for advocates to urge their representatives to oppose any and all variations of the CLEAR Act. Updated materials and calls to action will be sent around on an email list maintained by the National Immigration Forum. To get on that list, or with any questions on this topic, contact **Lynn Tramonte e-mail: ltramonte@immigrationforum.org**

Kyl-Cornyn Enforcement Proposal: Last week, Senate Immigration Subcommittee Chair John Cornyn (R-TX) unveiled an outline of his legislative agenda on immigration enforcement. Senators Cornyn and Jon Kyl (R-AZ) have been working on an immigration bill that would also include a limited worker program. The released enforcement proposal contains troubling provisions regarding local enforcement of federal immigration laws; indefinite detention of non-citizens; and expedited removal, among others. Questions? contact **Lynn Tramonte e-mail: ltramonte@immigrationforum.org** or **Michele Waslin e-mail: mwaslin@nclr.org**

Administrative Advocacy

Advocates continue to cultivate relationships with DHS staff, including new leaders in the Department. One group of advocates focuses its efforts on civil rights and civil liberties matters in DHS. Advocates meet regularly with the officer for civil rights and civil liberties and the Inspector General (IG). The subject matter at meetings include due process issues (detention without charge and service of notice); selective enforcement (special registration and "voluntary" FBI interviews); detention

issues (detention standards and alternatives to detention); and immigration enforcement by state and local police. Our current work is focused on the IG's audit of detention facilities holding immigrants and drafting some of our longstanding recommendations to DHS into regulatory language. To plug into the DHS Civil Rights/Civil Liberties Committee, please e-mail **Shoba Sivaprasad Wadhia e-mail: Ssivaprasad@immigrationforum.org**

Similarly, a working group of enforcement officials within DHS—among them Under Secretary Hutchinson, Assistant Secretaries Garcia and Bonner, and others—have met to coordinate policy on enforcement-related issues. Advocates have raised a number of substantive issues with this group, including: implementation of the detention standards; asylum seekers and fraudulent documents; refugee employment authorization documents; post 9/11 tracking initiatives (NSEERS and US-VISIT); and expedited removal. To plug into the DHS Enforcement Committee, please e-mail **Christina DeConcini at cdeconcini@immigrationforum.org**

Immigration News Briefs From Across The Country

Immigration News Briefs is a weekly supplement to Weekly News Update on the Americas, published by Nicaragua Solidarity Network, 339 Lafayette St, New York, NY 10012; tel 212-674-9499; fax 212-674-9139; wnu@iqc.org.

1. RETURNED SOMALI IN LIMBO

On May 20, US District Judge John Tunheim of Minneapolis ordered the government to release Somali immigrant Keyse Jama from immigration detention by the morning of May 23. The government immediately appealed Tunheim's order to the Eighth Circuit Court of Appeals, leaving Jama in limbo at the Washington County jail while the appeal is pending. In mid-April, ICE tried to send Jama to the Puntland region of Somalia, but "officials" there refused to accept him. The government claims it will try again soon, but Tunheim ruled that Jama is neither a flight risk nor dangerous, and must be freed on supervised release while the government works out a safe and effective plan for removing him. Jama has been in immigration detention since 2000. [*Minneapolis Star Tribune 5/24/05; AP 5/22/05*]

2. KURDISH IMMIGRANT FREED

On June 3, Kurdish immigrant Ibrahim Parlak ended 10 months in immigration detention when was released from Calhoun County Jail in Battle Creek, Michigan after posting \$50,000 bond. Parlak was granted asylum in the US in 1992, but last year the US government began trying to deport him as a terrorist, and in December an immigration judge ordered him deported to Turkey. US District Judge Avern Cohn ordered his release on bond on May 20.

The terrorist claim is based on Parlak's past links to the Kurdistan Workers' Party (PKK) in Turkey, which the US State Department classified as a terrorist group in 1997. In ordering his release, Judge Cohn praised Parlak as a model immigrant, questioned the government's motives and noted Parlak's strong community ties in the Lake Michigan resort town of Harbert, where he owns a restaurant. On June 2, ICE issued a statement from its Washington office that twice referred to Parlak as a terrorist. ICE said it would "consider seeking authorization" to appeal Cohn's order to the Sixth Circuit US Court of Appeals. [*AP 6/3/05*]

3. SECRET DOCS IN HAITIAN LAWSUIT

US District Judge Alan S. Gold of Miami asked the government to bring a highly classified document to his court on May 27 so that he can review it in considering a lawsuit on the detention of Haitian asylum seekers. The Florida Immigrant Advocacy Center (FIAC) filed the lawsuit after the National Security Agency refused to comply with FIAC's Freedom of Information Act request to "see all the documents forming the basis" of the government's claim that releasing Haitian asylum seekers posed a national security threat. The government began systematically blocking the release on bond of Haitian asylum seekers shortly after a boat carrying 216 undocumented Haitians and Dominicans landed near Miami on Oct. 29, 2002.

"The National Security Agency informed [FIAC] it found only one responsive agreement, a one-page document with a security classification higher than 'Top Secret,'" FIAC executive director Cheryl Little said in a press release. "A government official told FIAC that the document in question is so top-secret that, in order to comply with the judge's order, it will be couriered from Washington, DC, to Miami and that it is against government regulations for the judge to inspect the document in open court," Little said in the press release. [*Miami Herald 5/27/05*]

4. CUSTOMS AGENT PLEADS GUILTY

Robert Butman, a former senior customs inspector at O'Hare International Airport, pleaded guilty on May 25 to threatening to deport an out-of-status immigrant if he didn't pay the inspector \$10,000. Butman also admitted he agreed to accept \$10,000 from a business owner to arrange the deportation of an employee who had sued the owner for sexual harassment. Butman faces up to more than 7 years in prison. US District Judge Samuel Der-Yeghiayan set sentencing for July 27. [*Chicago Tribune 5/26/05*]

Immigrant Solidarity Actions Across the North America:

Los Angeles, CA: FREE DELE AILEMEN HELD BY IMMIGRATION!! An Appeal from National Immigrant Solidarity Network

In a 2005 May Day solidarity message, imprisoned Los Angeles-based Nigerian activist Dele Ailemen wrote: "The moral and spiritual anchor of my life is located in the sanctuary of union halls and in the basements of grass roots organizations."

Our friend and comrade, Dele Ailemen, has been detained by ICE in the Mira Loma Detention Center, CA since February for a visa overstay. He faces deportation and is seeking political asylum based on conditions he may face if returned to Nigeria. His bond has been set at \$8000. A Defense Committee formed to raise the money necessary to get him released.

We have until June 29, 2005, at which time a "master calendar" hearing has been scheduled by the Immigration Court in Lancaster. At that hearing the Court could raise the bond amount higher. We must raise the bond and get Dele released before June 29.

Dele Ailemen has contributed to shaping the political and cultural landscape of Los Angeles since he arrived. He has worked tirelessly at democratizing KPFK and has championed local and international struggles from South Central, Los Angeles to Soweto. He has been an outspoken labor activist, fought against police brutality and racist immigration policies. His is a voice that must not be silenced. He must be released now. Please lend your solidarity and help us free Brother Dele!

Contributions to Dele Ailemen's defense should be made payable to **CAMPAIGN FOR SOCIAL JUSTICE**, and mailed to:
Dele Ailemen Defense Committee
2286 East Carson Street, #138
Long Beach, CA 90807-3726

Phone: (562) 331-5807
E-Mail: ailemen_defense@yahoo.com
Website: <http://www.freedele.org>

New York City, NY: Campaign to Free David Wong! David Wong Support Committee URL: www.freedavidwong.org

David Wong, a Chinese immigrant, was framed for a murder he did not commit, and served 12 extra years in state prison. On October 21, 2004, a five-judge panel of the NYS Appellate Division, Third Department, unanimously overturned the murder conviction and remanded the case for a new trial before Clinton County Court Judge Timothy Lawliss, who presided over David's evidentiary hearing. Judge Lawliss, a longtime friend and former business partner of Clinton County District Attorney Richard Cantwell, was forced to recuse himself from the case. On December 10, 2004, David's exoneration came to a climactic conclusion when DA Cantwell finally capitulated after Judge Lawliss' recusal and reluctantly dropped the case against David.

However, there is another crucial phase to this fight before David is freed. David was transferred to a federal detention facility in Buffalo after his exoneration. He is now facing deportation, and the fight to free him must continue. The lessons of our victory, seldom experienced by our community, must be shared. Come celebrate and honor those who fought so hard and are still fighting for David's freedom. EXONERATED BUT NOT FREE. FREE DAVID WONG!

Ottawa, Canada: NO ONE IS ILLEGAL MARCH ON OTTAWA (June 18-25)

To all friends and allies of non-status migrants in Canada:

This is a week-long, 200km, NO ONE IS ILLEGAL MARCH ON OTTAWA that begins Saturday, June 18! We rely on your participation and support. We are marching in solidarity with all non-status persons in Canada, and in support of the main demands of the Solidarity Across Borders network: the regularization of all non-status persons in Canada; an end to the deportation and detention of migrants; and the abolition of security certificates.

For More Information:
Tel: 514-859-9023 (messages only)
e-mail: sansfrontieres@resist.ca
URL: www.solidarityacrossborders.org

Please subscribe to our ISN Immigrants Information daily-info listserv!

Send e-mail to: isn-subscribe@lists.riseup.net or visit: <http://lists.riseup.net/www/info/isn>

News, Updates Form National Immigrant Solidarity Network

We Open Our Washington DC Field Office!

Thanks to the supports from DC-based Campaign For Labor Rights (CLR), on May 1 we formally open our Washington DC Field Office. The address: 1247 E St., SE Washington, DC 20003, Tel: (202) 544-9355 ext. 16

We Are Looking For Interims! In Washington DC, Los Angeles and New York City!

We are looking for several passionate and highly motivated college students to work with us at our Los Angeles, CA and Washington DC possibly New York City.

Tasks: Weekly community meetings with immigrant workers, outreach and attend meetings, office stays are optional.

Length of the Internship: 10 months (Late-August 2005 - Mid-June, 2005)

Stipends: \$1000.00 (will be paying every 5 months for \$500 each), plus transportation reimbursements if needed.

Qualifications: Prior experiences in non-profit and/or internship; fluently in foreign languages (Chinese, Korean, Vietnamese or Spanish) will be a plus; people of color, college students and/or women from the immigrant workers community are encourage to apply.

Please send your resume with one recommendation letter to: Lee Siu Hin e-mail: siuhin@aol.com tel: (213)403-0131

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About National Immigrant Solidarity Network

ISN 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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