

March – April 2009 U.S. Immigration Alert!

A Monthly Newsletter from National Immigrant Solidarity Network

March - April, 2009 Issue, Volume 30

No Immigrant Bashing! Support Immigrant Rights!



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Immigration Reform: What'll be Happen This Summer? May Day 2009 Call to Action!

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National Immigrant Solidarity Network

4th National Grassroots Immigrant Strategy Conference & Immigrant Rights Film Festival

UIC Student Center West 828 South Wolcott, Chicago, IL 60612
(Two Block West from CTA Pink Line POLK Station)

<http://www.ImmigrantSolidarity.org/2009Conference/>

**Stop Immigrant Raids! Support Immigrant Workers Rights!
Together We Build A New Immigrant Rights Movement!**

National Immigrant Solidarity Network (NISN), the leading national immigrant activist network, is calling for 4th National Grassroots Immigrant Strategy Conference & Immigrant Rights Film Festival at the weekend of April 10-12, 2009 at Chicago, IL! The conference will be our strategy planning meeting for grassroots immigrant activists looking 2009 and beyond. We want to send a clear message to the Congress and our new President: **Stop Immigrant Raids! Support Immigrant Workers Rights!**

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Obama and the Future of the Comprehensive Immigration Reform (CIR), Two Opposite Views

What'll be happen for the Comprehensive Immigration Reform (CIR) under Obama? At the almost same day, two opposite views from two different sources:

Immigration Reform: Ready, Set,

March 23, 2009

National Immigration Form

If there is such a thing in the immigration policy world, we are in something of a lull. That is about to end. (continue next page...)

CALL TO ACTION!

May Day 2009 National Immigrant Workers Mobilization National Immigrant Solidarity Network <http://www.immigrantsolidarity.org/MayDay2009/>

We are calling

A national day of multi-ethnic unity with youth, labor, peace and justice communities in solidarity with immigrant workers and building new immigrant rights & civil rights movement! Wear White T-Shirt, organize local actions to support immigrant worker rights!

WE ARE ALL HUMANS! NO ONE IS ILLEGAL!

National Conference Call Will be announce Soon! Please check our webpage, and send your May Day 2009 announcement to: info@ImmigrantSolidarity.org

(...from last page) The President and Congress have not yet begun a debate on a specific proposal, but there has been a lot of organizing, both around the country and among members of Congress, to remind the administration that comprehensive immigration reform is critical. In recent days, the President has reiterated his view that immigration reform is on his agenda.

President Speaks on Immigration Reform in California: On March 19, President Obama was in Southern California conducting a "town hall" meeting. There, he was asked about immigration reform. The President said that he believes we have to get control of our borders "at the same time as we deal in a humane fashion with folks who are putting down roots here, have become our neighbors, have become our friends, they may have children who are U.S. citizens. That's the kind of comprehensive approach that we have to take." You can see a video clip of the President addressing this issue and a transcript of what he said on the web site of America's Voice.

Obama meets with CHC on Immigration: The town hall meeting in California followed on the heels of a meeting between President Obama and the Congressional Hispanic Caucus. There was just one thing on the agenda for that meeting: immigration reform. The meeting went very well, we are told, and the President made it clear he understands the need to act this year.

Congressional Supporters of Reform Organize; Leaders Express Support: Over the course of this month and into April, Congressman Luis Gutierrez and members of the Congressional Hispanic Caucus have been conducting a "Family Unity Tour", meeting with local communities around the country to document the harm caused to American families by the broken immigration system. The Congressional Asian Pacific American Caucus sent a letter to President Obama on March 17, pressing for comprehensive immigration reform this year.

Democratic leaders of both the House and the Senate have reiterated their commitment to immigration reform. Senate majority leader Harry Reid has repeatedly expressed his commitment to comprehensive immigration reform. In a recent speech before the U.S. Hispanic Chamber of Commerce, for example, he said, "I am committed to offering this year comprehensive immigration reform that is strong, practical and fair." Speaker Nancy Pelosi is now fending off attacks from cultural conservatives for her expression of support for comprehensive reform and for ending ICE raids.

Positive Measures: At the same time as the President and various constellations of Members of Congress have been expressing support for immigration reform, small positive reforms are being introduced. Recently, for example, Senators Feinstein (D-CA) and Kennedy (D-MA) introduced a bill to crack down on immigration fraud perpetrated by notarios.

Another example is H.R. 1024, introduced by Jerrold Nadler (D-NY) and others and S. 424, introduced by Sen. Patrick Leahy (D-VT) and others. This bill would treat the permanent partners of citizens and permanent residents the same as spouses of citizens and permanent residents for immigration purposes.

We expect more positive measures will be introduced soon, and we expect that the President will make his views known more specifically in the near future.

Obama Flinches on Immigration

March 24, 2009

New York Times Editorial

In a little-noticed act of political faintheartedness, the Obama administration has pulled back from nominating Thomas Saenz, a highly regarded civil-rights lawyer and counsel to the mayor of Los Angeles, to run the Justice Department's civil rights division.

Mr. Saenz, the former top litigator in Los Angeles for the Mexican American Legal Defense and Educational Fund, or Maldef, was privately offered the job in January. The floating of his name led to fierce outbursts from anti-immigrant groups and blogs, which detest him for being so good at what he does.

He was a leader of the successful fight to block California's Proposition 187, an unconstitutional effort to deny social services and schooling to illegal immigrants. He has defended Latino day laborers who were targets of misguided local crackdowns, from illegal police stings to unconstitutional anti-solicitation ordinances. An editorial in Investor's Business Daily slimed Mr. Saenz by calling him "an open-borders extremist" and said Maldef wanted to give California back to Mexico.

None of it was true, but it was apparently too much for the White House. Mr. Saenz was ditched in favor of Maryland's labor secretary, Thomas Perez, who has a solid record but is not as closely tied to immigrant rights.

Immigrant advocates are stuck with the sinking feeling that Mr. Obama's supposed enthusiasm for immigration reform will wilt under pressure and heat. Representative Luis Gutiérrez of Illinois, a member of the Congressional Hispanic Caucus, found it sadly unsurprising that a lawyer could be rejected for the nation's top civil-rights job because he had stood up for civil rights. "In what other position do you find that your life experience, your educational knowledge and commitment to an issue actually hurts you?" he asked.

Mr. Obama may have avoided a nasty fight this time. But if he is ever going to win the battle to put 12 million illegal immigrants on a path to citizenship, he will have to confront and dismantle the core restrictionist argument: that being an illegal immigrant is an unpardonable crime, one that strips away fundamental protections and forgives all manner of indecent treatment.

The Constitution's bedrock protections do not apply to just the native-born. The suffering that illegal immigrants endure — from raids to workplace exploitation to mistreatment in detention — is a civil-rights crisis. It cannot be left to fester while we wait for the big immigration bill that may or may not arrive under this president.

Mr. Saenz would have been an ideal candidate to reaffirm values that have been lost in the poisoned immigration debate, had Mr. Obama dared to nominate him.

Immigration Policy Update

National Immigration Forum

Legislative Update

Omnibus Appropriations: As you may recall, the best Congress could manage last year for funding the government this year was a bill to fund most agencies through the first six months of the fiscal year, ending this month. Congress is now in the middle of passing another "omnibus" appropriations bill (where funding for several agencies is wrapped up in one big package). That bill will fund the government through the end of the fiscal year (September 30). The House has already passed its version. Among other things, the bill contains \$730 million for English language Acquisition (through Fiscal Year 2010) and nearly \$68 million for "integrated English literacy and civics education" services is earmarked from the pot that goes to state Adult education grants. The existing E-Verify and Employment-Based fifth preference programs are extended until the end of the Fiscal Year. (They would otherwise expire this month.) In a separate action, the House voted to extend to the end of the Fiscal Year two additional programs: religious workers visas and visas for doctors in underserved areas and to provide doctors for underserved medical areas. The Senate may take that bill up separately or may add it in to the omnibus.

The Senate is considering the bill, and may vote on it on Thursday. Technically, failure to adopt the omnibus and sign it into law by Friday, March 6, would lead to a government shutdown or a series of resolutions to keep the government limping along until the Omnibus is completed.

Detention Conditions: On February 26, Congresswoman Lucille Roybal-Allard introduced H.R. 1215, the Immigration Oversight and Fairness Act. The Act would give ICE's detention standards the force of law. It would also provide special protections for unaccompanied minors. You can read more about the bill in Rep. Roybal-Allard's Press Release.

The House Appropriations Subcommittee on Homeland Security held a hearing on health services for ICE detainees on March 3. Although ICE has plans to detain 100,000 more immigrants, witnesses from ICE said they were not asking for additional funds for health services.

Administrative Updates

H-2A Regulations to be Suspended: On March 17, the Department of Labor published a notice in the Federal Register stating the administration's intent to suspend regulations guiding the H-2A temporary agricultural worker program for nine months. Just before relinquishing the reigns of government, the Bush administration issued regulations for the temporary worker program that effectively lessened worker protections for agricultural workers. Those regulations went into effect on January 17. The Bush administration regulations are being litigated by United Farm Workers and other groups. In the place of the Bush administration's regulations, the Department intends to substitute the old regulations that were in place prior to January 17th. There is a 10-day comment period.

Detention Conditions: In the past week, there have been two more reports issued on conditions in immigration detention. One was issued by the Florida Immigrant Advocacy Center (FIAC), "Dying for Decent Care: Bad Medicine in Immigration Custody." That report can be obtained on FIAC's Web site. The other report was released by Human Rights Watch, "Detained and Dismissed: Women's Struggles to Obtain Health Care in United States Immigration Detention." That report can be obtained from the Web site of Human Rights Watch.

DOJ Launches Investigation of MCSO: On March 10, the U.S. Department of Justice, Civil Rights Division sent a letter to Sheriff Joe Arpaio, of the Maricopa County (Arizona) Sheriff's Office, noting that the Justice Department is opening an investigation of the Sheriff's Office regarding allegations of national origin discrimination, unconstitutional searches and seizures, and for other reasons.

State and Local Enforcement of Immigration Laws: On March 4th, the House Committee on Homeland Security held a hearing on ICE's "287(g)" program, to determine whether the program has been targeted as intended-to remove non-citizens who might pose a danger to the community. This program, named for the provision of law which authorizes it, allows state and local police agencies, under contract with ICE, to enforce immigration laws as specified in Memorandums of Agreement between the participating local agencies and ICE.

Among others, the Committee heard from a witness from the Government Accountability Office, which released a report on 287(g) earlier this year. GAO found that ICE lacks controls to ensure that the program is being used as intended. In fact, GAO found that 4 of the 29 state/local program participants it examined used the program to pick up individuals for minor infractions.. (Speeding was named as an example.) The report is available here.

Also testifying were representatives of two police agencies in adjacent Maryland counties, representing opposing views. Chief Thomas Manger, of Montgomery County, represents a jurisdiction with a large foreign-born population. In his testimony, he expressed the concerns of the Major Cities Chiefs, an association of police executives representing the largest cities in the United States and Canada.

The President's Budget for 2010: On February 26th, the President released an outline of his budget for Fiscal Year 2010. More details remain to be released (in April). In the section on the Department of Homeland Security, the budget document mentions that ICE will get \$1.4 billion, and \$110 million will be spent for the expansion of E-Verify. Without specifics, the document says that the budget "supports strengthening the delivery of immigration services by streamlining and modernizing immigration application processes."

For the Justice Department, the budget includes funds to expand the Community Oriented Policing program and \$145 million to strengthen the Civil Rights Division. There are additional funds to support "law enforcement and prosecutorial ... efforts to investigate, arrest, detain, and prosecute illegal immigrants and other criminals" (but no details on what that means).

In general, in the immigration arena, the increased allocation for enforcement-related programs (E-Verify, for example) seems to be on auto-pilot, indicating that a new direction in immigration policy has yet to be outlined.

On the other hand, there are other signals in the budget that are positive. The Labor Department will get more money for the Occupational Safety and Health Administration, for the Wage and Hour Division, and for the Office of Federal Contract Compliance Programs-all offices that enforce worker protection laws. While these components are not directly immigration

related, increased enforcement against unscrupulous employers is thought by many to be a better approach than worksite raids targeting workers.

Homeland Security Oversight: On February 25th, Department of Homeland Security Janet Napolitano testified before the House Committee on Homeland Security. In her prepared testimony, she gave the Committee an update on her Action Directives.

Advocacy Notes

Naturalization Fees: The Illinois Coalition for Immigrant and Refugee Rights is circulating an organizational sign-on letter in support of a letter being circulated in Congress by Illinois Representative Jan Schakowsky. The letter, addressed to DHS Secretary Napolitano, requests that naturalization fees be rolled back to the pre-July 2007 level of \$400. To sign your organization on to the letter, use this link:
<http://spreadsheets.google.com/viewform?formkey=cGh0ZnBnNXFOUWlua0tCSThrd1VQT0E6MA>.

The Bellingham Raid: The workplace raid that took place in Bellingham Washington on February 24th, became the target of coordinated action by advocates in Washington State, Washington, DC, and around the country. The raid was raised with Secretary Napolitano in a hearing before the House Committee on Homeland Security on Wednesday, and by the end of the day, Secretary Napolitano called for an investigation into the raid.

DHS Signals Policy Changes Ahead for Immigration Raids

**Spencer S. Hsu - Washington Post
Sunday, March 29, 2009**

Homeland Security Secretary Janet Napolitano has delayed a series of proposed immigration raids and other enforcement actions at U.S. workplaces in recent weeks, asking agents in her department to apply more scrutiny to the selection and investigation of targets as well as the timing of raids, federal officials said.

A senior department official said the delays signal a pending change in whom agents at U.S. Immigration and Customs Enforcement choose to prosecute -- increasing the focus on businesses and executives instead of ordinary workers.

"ICE is now scrutinizing these cases more thoroughly to ensure that [targets] are being taken down when they should be taken down, and that the employer is being targeted and the surveillance and the investigation is being done how it should be done," said the official, discussing Napolitano's views about sensitive law enforcement matters on the condition of anonymity.

"There will be a change in policy, but in the interim, you've got to scrutinize the cases coming up," the senior DHS official said, noting Napolitano's expectations as a former federal prosecutor and state attorney general.

Another DHS official said Napolitano plans to release protocols this week to ensure more consistent work-site investigations and less "haphazard" decision-making.

Napolitano's moves have led some to question President Obama's commitment to work-site raids, which were a signature of Bush administration efforts to combat illegal immigration. Napolitano has highlighted other priorities, such as combating Mexican drug cartels and catching dangerous criminals who are illegal immigrants.

Napolitano's moves foreshadow the difficult political decisions the Obama administration faces as it decides whether to continue mass arrests of illegal immigrant workers in sweeps of meatpackers, construction firms, defense contractors and other employers.

Critics say workplace and neighborhood sweeps are harsh and indiscriminate, and they accuse the government of racial profiling, violating due process rights and committing other humanitarian abuses.

The raids have enraged Latino community and religious leaders, immigrant advocates and civil liberties groups important to the Democratic base, who have stepped up pressure on Obama to stop them.

At a rally last week in Chicago, Cardinal Francis George, head of the archdiocese of Obama's home city, called on the government "to end immigration raids and the separation of families" and support an overhaul of immigration law. "Reform would be a clear sign this administration is truly about change," George said.

Also last week, House Speaker Nancy Pelosi (D-Calif.) and the Congressional Hispanic Caucus made similar calls as the

caucus met formally with Obama for the first time.

"Raids that break up families in that way, just kick in the door in the middle of the night, taking [a] father, a parent away, that's just not the American way. It must stop," Pelosi added at a Capitol Hill conference on border issues sponsored by the U.S. Chamber of Commerce.

But Obama also faces pressure from conservative lawmakers and many centrist Democrats, who say that workplace enforcement is needed to reduce the supply of jobs that attract illegal immigrants, and that any retreat in defending American jobs in a recession could ignite a populist backlash.

When the White House announced plans last week to move more than 450 federal agents and equipment to the border to counter Mexico's drug cartels, lawmakers warned Napolitano against diverting money from workplace operations.

Rep. Lamar Smith (Tex.), ranking Republican on the House Judiciary Committee, said the administration "appears to be using border violence as an excuse" to undercut immigration enforcement in the nation's interior.

"It makes no sense to take funds from one priority (worksite enforcement) to address a new priority (the growth in border violence). This is just robbing Peter to pay Paul," Sen. Robert C. Byrd (D-W.Va.), the powerful chairman of the Senate Appropriations subcommittee for homeland security, said in an e-mail.

Led by Byrd, Congress this year ordered ICE to spend \$127 million on workplace operations, \$34 million more than President George W. Bush had requested. Reducing those amounts, even in ICE's overall \$5 billion budget, would provoke a fight, senior aides in both parties said.

DHS officials categorically deny any reduction. Instead Napolitano has sought to chart a middle course by ordering a review of which immigrants are targeted for arrest. While a policy is still under development, Napolitano has said she intends to focus more on prosecuting criminal cases of wrongdoing by companies. Analysts say they also think ICE may conduct fewer raids, focusing routine enforcement on civil infractions of worker eligibility verification rules.

Former Bush administration officials said their raids were also targeted against supervisors, but that it took time to build complicated white-collar cases. In the meantime, they said, depriving companies of their workforces and in some cases filing criminal charges against illegal immigrant workers sent a clear message of deterrence to both management and labor.

Mark Krikorian, executive director of the Center for Immigration Studies, which seeks to reduce immigration, said Obama aides are trying to manage the issue until an economic turnaround permits an attempt to overhaul immigration laws.

"I think their calculus is, how do they keep Hispanic groups happy enough without angering the broader public so much that they sabotage health care and their other priorities?" Krikorian said.

Ali Noorani, executive director of the National Immigration Forum, an immigrant advocacy group, said that to the contrary, groups such as his support Obama's focus on going after bad employers and criminal illegal immigrants first -- or as he put it, prioritizing "drug smugglers, not window washers."

Within ICE, the front-office vetting of cases has led to some doubts. Last week, for example, ICE postponed plans to raid employers at a military-related facility in Chicago for which they had arranged to temporarily detain as many as 100 illegal immigrants, according to one official. A second official said Napolitano thought the investigative work was inadequate.

The raid would have been the second under the Obama administration. After the first, a Feb. 24 sweep of an engine-parts maker in Bellingham, Wash., that led to 28 arrests, Napolitano publicly expressed disappointment that ICE did not inform her beforehand and announced an investigation into agency communication practices.

In response, Leigh H. Winchell, the ICE special agent in charge in Seattle, wrote an e-mail to his staff -- subsequently leaked to conservative bloggers -- saying they had acted correctly. He also copied a statement from House Republicans calling Napolitano's review "beyond backwards."

"You did nothing wrong and you did everything right," Winchell wrote. "I cannot control the politics that take place with these types of situations, but I can remind you that you are great servants of this country and this agency."

Immigration News Briefing

Compiled by Catholic Legal Immigration Network, Inc. <http://www.cliniclegal.org/>

3/31/09

U.S. Immigration Policy

Homeland Security Secretary Janet Napolitano will instruct Immigration and Customs Enforcement agents to focus on prosecuting businesses that violate U.S. employment laws, marking a shift away from the government's previous emphasis of arresting undocumented workers. However, ICE officials will continue to conduct at least some workplace raids.

At a Census Bureau training yesterday, Commerce Secretary Gary Locke urged census volunteers to encourage hard-to-reach populations, including Hispanic and Asian immigrant groups, to participate in the 2010 census.

State and Local

A panel in New Jersey has found that undocumented immigrants living in the state should be able to hold driver's licenses and receive in-state tuition benefits. The panel had been set up in August 2008 at the request of New Jersey Gov. Jon Corzine to study the effects of immigrants on the state.

Yesterday, the Arkansas Senate rejected a bill that would have allowed the children of undocumented immigrants to receive in-state tuition benefits.

3/28/09

U.S. Immigration Policy

According to the Washington Post, Homeland Security secretary Janet Napolitano has delayed several proposed immigration raids in recent weeks, suggesting that she is reviewing the federal government's immigration enforcement policies. Department of Homeland Security officials have indicated that she will propose new policies soon.

As job opportunities in the United States disappear, many undocumented workers are returning to their native countries.

USA Today reports that immigration courts face such serious backlogs that many immigrants facing removal are detained for two years before a judge can examine their cases.

Integration

The New York Times explores some of the immigration-related challenges facing the U.S. health care system by profiling a hospital in Minneapolis, which serves local immigrant and refugee populations. The hospital has had to adjust its practices to address language barriers, cultural differences and unusual ailments.

The paper also looks at the unique health problems facing many Hispanic immigrants, including diabetes, depression and other mental health issues.

With advertising revenues dropping due to the economic crisis, many ethnic media outlets are being forced to cut staff, reduce print editions or shut down. In the United States,

ethnic media has traditionally played an important role in reaching immigrant communities.

Opinion

The Houston Chronicle argues that the Republican Party needs to curry favor among Hispanic voters, and might be able to do so by holding President Obama accountable to his campaign promise to pursue immigration reform.

3/27/09

U.S. Immigration Policy

Advocates and policymakers who hope to pass immigration reform this year are seeking the support of organized labor by offering to limit the number of visas allotted to temporary foreign workers. The Los Angeles Times argues that this strategy is risky, as it may alienate businesses that depend on foreign labor.

Raids and Enforcement

Thousands of immigrants in detention facilities across the country are participating in a voluntary work program that pays them \$1 per day, the Houston Chronicle reports. Although some advocates have expressed support for the program, they also note that it is ironic that the federal government allows undocumented workers to work legally for below minimum wage.

State and Local

Immigration advocates are asking Florida officials to publically criticize a child foster care agency for turning in the undocumented mother and grandparents of two toddlers to immigration enforcement agents. Advocates argue that the agency's actions will discourage other undocumented immigrants from cooperating with the state's social service offices.

A year after strict immigration enforcement laws were enacted in Rhode Island, many of the state's residents are expressing unease with the regulations.

Yesterday, lawmakers in Nebraska discussed a proposal that would, if adopted, increase immigration enforcement activity in the state.

3/26/09

Raids and Enforcement

In response to a recent report from Amnesty International that criticizes the conditions in immigration detention facilities, the New York Daily News profiles a U.S. citizen who was mistakenly held in detention for 13 months.

Border Issues

Phoenix mayor Phil Gordon has expressed support for the Department of Homeland Security's plan to deploy federal forces along the U.S.-Mexico border to monitor human, drug and weapons trafficking. In recent years, Phoenix has been increasingly affected by cross-border crime.

Immigrant Workers

According to a recent report from the Government Accountability Office, the U.S. Department of Labor has not been adequately addressing wage abuse of low-income workers. The Associated Press profiles an underpaid Chinese immigrant who, with the help of a legal advocacy group, was able to recoup some of his earnings.

social workers in Florida. The social workers had told immigration officials the time and location of the meeting, and immigration advocates argue that the case may deter other undocumented immigrants from cooperating with the state's social service programs.

State and Local

The mother and grandparents of two young children were arrested on immigration charges while visiting with state

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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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