

# May U.S. Immigration Alert!

A Monthly Newsletter from National Immigrant Solidarity Network  
May 2005 Issue, Volume Six

No Immigrant Bashing! Support Immigrant Rights!

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## Sad News: "REAL ID" Approved And How We Can Fight Back!

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### REAL ID Approved And What It Will Be Mean To Us

On May 5, the House of Representatives voted 368-58 to approve the final version of an emergency supplemental appropriations bill, which includes a series of anti-immigrant measures originally introduced as the REAL ID Act. The appropriations bill assigns about \$76 billion for military operations, \$656 million for tsunami relief, \$4.2 billion for foreign aid and \$635 million for the Department of Homeland Security (DHS) bureaus of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP). About \$455 million goes for ICE to hire 50 criminal investigators and 168 immigration enforcement agents and deportation officers, and to obtain 1,950 additional detention beds. About \$177 million goes to CBP to allow that agency to hire, train, equip and support 500 Border Patrol agents. Here's a quick overview of what passed in the REAL ID bill:

**Fencing Provisions:** REAL ID now provides the Secretary of Homeland Security with the Authority to waive any legal regulation that would impede the construction of border barriers, fences, or roads. This construction would only be contestable in the courts on constitutional grounds.

While this is pretty regressive, we did win a few small victories here. First, the original bill that passed the House required the Secretary of Homeland Security to waive all laws that would impede construction. Making this a discretionary waiver basically transfers the already existing discretionary waiver authority that the President has always had to the Secretary of Homeland Security. The original version also barred all court challenges to construction. While the construction cannot be challenged because it breaks laws (regardless of whether they are laws that were waived or not), it does allow for challenges to constitutional rights. This does provide some avenues for us, but less than we would like.

**Asylum Provisions:** There are new, severe restrictions on people seeking asylum in the US. They will be required to show a greater degree of evidence, and the bill includes new, overly-broad reasons for denial of asylum in an attempt to prevent terrorists from seeking political asylum. The bill does increase the caps on the number of people who can seek asylum, which is a positive step forward. But the new regulations will make it more difficult for them to qualify.

Again, there were a few small victories for asylum seekers. First, the requirement that the requirement that a person seeking asylum in one of the currently established 5 protected categories (race, religion, ethnicity, political affiliation, or membership in a particular social group) be the "central motive" of their request has been softened to be "at least one central motive." The requirement that asylees provide documentation of their persecution has been softened to "unless the applicant does not have the evidence and cannot reasonably obtain the evidence." Finally, the original version of the bill would have allowed for an asylum seeker to be deported back to their home country while their case was still in appeals. The final version strikes that provision, and is a significant victory for asylees.

**Drivers License Provisions:** Unfortunately, there were no significant modifications to the new drivers license provisions in REAL ID. These provisions will have a significant impact on US citizens as well as on immigrants. They provide for new federal standards for the issuance of drivers licenses. They will require anyone going to get or renew a driver's license to provide proof of citizenship or legal immigration status. In some cases, this will require an applicant to show up to four pieces of ID. For foreign nationals, only a passport will be accepted as proof of identity and date of birth. There are new criteria for the design of driver's licenses that are set to federal standards. In the case that a state does not meet all these requirements, it must state that on the ID, making it invalid for use as identification for any federal purpose, including boarding an airplane. These provisions will also create a nationally centered database that contains all the information individuals submit to receive a driver's license. (Continue next page 2...)

(...From page 1) There are a few other minor sections of REAL ID, but few that have such broad scope. The only one worth mentioning to border activists is that there is a provision requiring the Border Patrol to conduct a study of how to better use technology to secure the border. It requires the Border Patrol to conduct the study and then submit proposals for how to better use technology within a year of the bill passing - not necessarily a bad provision in an of itself, but in the hands of the Border Patrol, it could become an invitation to further militarize the border.

### **So, What We Can Do?**

One of the most important things that communities and individuals can do at this point in time is to express their outrage that the Congress steamrolled REAL ID through to final passage. Here's some suggestions from the American Friends Service Committee about appropriate reactions:

- Create noise against the REAL ID provisions that pass. Those Congressional members who supported REAL ID should know that their positions were not acceptable. While DC people are usually the ones who want to highlight the positive and stay away from criticizing members of Congress, one DC person said today that, with REAL ID, it is time for communities to voice their discontent. While our communities have felt this for some time, it shows how bad the climate is that a DC person feels this way also.

- For now, consider neither supporting nor opposing the McCain-Kennedy bill. (This will be very contentious as some groups will support and some groups won't.) Instead, use the introduction of the bill as an opportunity for immigrant communities to present their vision of immigration reform. Highlight specific portions of the bill that communities agree with and specific portions of the bill that communities oppose, rather than simply saying "we support" or "we oppose" the entire bill.

- Use the bill as yet another opportunity for community forums. Consider the introduction of the bill as part of a process to continue to raise community awareness and to create a better bill (through future amendments, etc.).

*Based on the articles from Sean Mariano Garcia, and Coalition for the Human Rights of Immigrants (CHRI).*

### **Immigrant Solidarity Activisms**

**Immigrant rights group forms in Danbury  
Thursday, May 12, 2005  
Associated Press**

DANBURY, Conn. --A new immigrant rights group has formed in Danbury following Mayor Mark Boughton's call for tougher enforcement of immigration laws.

Boughton touched off some controversy after requesting Attorney General Richard Blumenthal April 15 to seek federal approval to have state police enforce immigration laws.

Leaders of the Danbury Area Coalition for the Rights of Immigrants said Wednesday the mayor's proposal has aggravated fear among immigrants.

"It was not something that was here before," Wilson Hernandez, coordinator of the group and a former president of the local Ecuadorian Civic Center.

Boughton has estimated there could be 15,000 illegal immigrants in Danbury. Coalition leaders said they need to respond to increasing anti-immigrant sentiments and show they are an important part of Danbury.

"We want all Danbury residents to know immigrants are not a threat," Hernandez said. "The threat is intolerance." The new coalition is planning a march in June.

### **Anti-Immigrant Campaigns**

**Alabama "Taxpayer and Citizen Protection Act" introduced  
Devin Burghart  
Director, Building Democracy Initiative  
Center for New Community**

Continuing on the heels of the success of Arizona's Proposition 200 (officially known as the Arizona "Taxpayer and Citizen Protection Act"), Alabama becomes the latest in a growing list of states facing this form of anti-immigrant legislation.

HB808, the Alabama Taxpayer and Citizen Protection Act, which was introduced on April 21, 2005 is newest of several pieces of anti-immigrant legislation in the Alabama Legislature this session.

Introduced by Representatives Hammon, Davis, Grimes, Love, Thomas (E), Oden, Greeson, Hurst, Gaston, Barton, Glover, Clouse, Johnson, Brewbaker, Gipson, Bentley, Ball, Collier, Hubbard, Allen, McClendon, Hill, Ward, Wood, Humphries, Morton, Galliher, Williams (N), Beason, Williams (J), Greer, Beck, Faust, Carns and McMillan. This bill would require an individual to show proof of citizenship to register to vote and show proof of citizenship or lawful presence in the United States in order to receive certain public benefits.

# 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](mailto:wnu@iqc.org).*

## 1. ASYLEE WINS SETTLEMENT

The US government has agreed to pay an \$87,500 settlement to Rosebell Munyua, a Kenyan woman who sued US immigration officials for sending her back to Kenya when she arrived at San Francisco International Airport in March 2001. After Munyua expressed fear of returning to Kenya, the officials were required to refer her to an asylum officer, but did not. Instead, Munyua and her toddler daughter were returned to Kenya, where they spent more than six months in hiding before returning to the US on a tourist visa through Houston, Texas. Munyua was granted political asylum in September 2002 and now lives with her two daughters in Santa Rosa, California.

In agreeing to the payment, the government admitted no wrongdoing. The US attorney's office, representing the Department of Homeland Security, submitted the proposed settlement on Apr. 27 in federal court in San Francisco, and US Magistrate Judge Elizabeth LaPorte was expected to approve it. In January, LaPorte dismissed several of Munyua's claims against immigration officials, including assault and false imprisonment, but allowed a claim of negligence to go forward under the Federal Tort Claims Act. The Lawyers' Committee for Civil Rights in San Francisco, which represented Munyua, is already bringing another suit involving a woman who was sent back to Zimbabwe. [*New York Times* 4/28/05; *San Francisco Chronicle* 4/28/05]

## 2. 66 ARRESTED AT CONSTRUCTION SITE

On Apr. 27, US Immigration and Customs Enforcement (ICE) agents raided the construction site for the new US District Court in Orlando, Florida, and arrested 66 undocumented immigrant workers from Mexico, Guatemala and Nicaragua. At the start of the raid, the contractor called all employees down to the work trailer, and some of the workers were arrested there; agents hunted down a number of others who tried to escape arrest by hiding in the frame of the building. All are in ICE custody awaiting the outcome of their cases.

After receiving a lead from Rep. John L. Mica (R-FL) about workers at the site, ICE launched an investigation which showed the workers used fraudulent Social Security numbers and other counterfeit documents to obtain employment with various subcontractors working for Hensel and Phelps Construction Co. The two-hour raid reportedly involved weeks of planning and some 60 agents from the ICE Detention and Removal Office, ICE Federal Protective Service, the US Marshals Service and the Orlando Police Department. [*Washington Times* 4/29/05; *WFTV (Orlando)* 4/27/05]

## 3. TX: FAMILY SUES OVER SHOOTING DEATH

The family of Celestino Lopez--a migrant from Mexico's Guanajuato state who died after being shot in the abdomen in January 2004 on a ranch in Maverick County, Texas--has filed an \$8 million wrongful death lawsuit in Eagle Pass against the shooter and the ranch owner. Prosecutor Roberto Serna said he plans to decide soon whether to present the case to a grand jury. An attorney appointed by the Mexican government to represent Lopez's widow and five children said they filed the civil suit because they grew tired of waiting for a criminal prosecution.

Lopez was walking in the dark with other immigrants after entering the US when hunter Jaime Gonzalez shot him from about 150 feet away, according to the lawsuit. Gonzalez allegedly told police he thought the man was a wild hog. The lawsuit against Gonzalez and ranch owner Eduardo Rodriguez alleges that the death was "reasonably foreseeable" and that the defendants had a legal duty not to shoot in poor light and without verifying the target was an animal. Last August, the family of Jesus Vazquez Barrera--shot to death by a ranch hand near Laredo, Texas, in June 2003--won a \$15 million settlement from the ranch hand and his employer, the ranch owner. In that case, too, the shooter claimed he mistook his victim for a wild hog [*AP* 4/14/05]

## Mexico to Send Protest Letter to US

May 13, 2005

By TRACI CARL, The Associated Press

MEXICO CITY (AP) - Mexico will send a diplomatic letter to the United States protesting the extension of a wall along the U.S.-California border, officials said Friday [May 13, 2005].

Ruben Aguilar, a spokesman for President Vicente Fox, said the president would also continue to pressure the U.S. government to approve a migration accord that would allow more migrants to work legally north of the border.

President Bush proposed a temporary work program last year, but it has stalled amid opposition in Congress.

Mexican Foreign Secretary Luis Ernesto Derbez said Thursday that Fox had instructed him to send the diplomatic letter with the message that the wall's construction was "unacceptable and not a solution." (Continue page 4...)

(...From page 3) A corrugated metal wall - dubbed the ``Tortilla Wall" - goes all around the edge of Tijuana, but a second and more substantial layer of barriers that was built behind the first one that is incomplete and, among other things, does not stretch out into the Pacific. The measures passed this week allow for the completion of that second layer of barriers.

The upcoming letter will be Mexico's first formal protest of new U.S. immigration regulations that require states to verify that people who apply for a driver's license are in the country legally.

The rules also make it harder for migrants to gain amnesty, and easier to override environmental laws to build a barrier along the Mexican border in California.

The new provisions were signed by Bush on Wednesday and threaten to unravel recently patched relations between the United States and Mexico.

``We hope it doesn't make things worse than they already are, which is the obvious anger that building walls is not the way to resolve things along the border," Derbez said.

Fox and Bush were close friends after their elections in 2000, but relations between the two deteriorated after Fox opposed the U.S.-led war in Iraq and Bush failed to pursue a migration accord amid terrorism fears.

Derbez said the Mexican government would continue to support the use of the country's consular identification cards, issued by the Mexican government to migrants living abroad.

Many migrants use the cards for official business, like opening bank accounts, boarding planes and getting a driver's license.

Some in the United States have argued the cards help people move illegally in the country, and they have lobbied U.S. cities and businesses not to accept them.

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## **DREAM Act 2005**

**Luis Campillo - National Immigration Law Center**

**e-mail: [campillo@nilc-dc.org](mailto:campillo@nilc-dc.org)**

**Wednesday, April 06, 2005**

In these very hard times, it is both amazing and heartening that immigrant students and their allies continue to make progress in their struggle for legal status and access to higher education. New Mexico has already passed legislation, and according to the reports we are getting at least one or two other states are likely to succeed this year, with strong building efforts in several others.

And now Senator Hatch and Senator Durbin are poised to re-introduce the DREAM Act very soon, hopefully within a week or so. Our expectation is that this year's bill will likely be substantially identical to the one that emerged from the Judiciary Committee last session by a 16-3 vote. Advocates are working hard to gather as many organizational endorsements as possible before the bill is reintroduced.

### **Major provisions**

In broad strokes, last year's bill would have provided "conditional" legal status upon high school graduation to undocumented immigrants with good moral character who came to the US at least 5 years before the date of enactment and who were 15 years old or younger at the time they entered. The conditional status would be convertible into lawful permanent residence (a green card) after 6 years if by then the immigrant has graduated from community college, attended at least 2 years towards a 4-year degree, or served at least 2 years in the US armed forces.

Each of these provisions is expected to remain in this year's version. Also slated to remain is repeal of section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), the federal restriction that needlessly complicates state efforts to provide in-state tuition to undocumented immigrants.

One likely change from last year's Judiciary Committee bill is that DREAM Act students will not be required to enroll in the SEVIS program, a computerized database that colleges and universities use to report to the Department of Homeland Security whether international students here on a student visa are meeting the academic and other terms of their visas. Senators appear to have recognized that the already-overburdened SEVIS system is a bad fit for individuals who, unlike visiting students: grew up here; do not have to maintain homes abroad; do not have to meet specific scholastic requirements; and are unlikely to have money to pay the fees that schools charge international students to administer the system.

## **Prospects for Enactment This Session**

As re-introduction approaches, the response from last year's supporters has been encouraging. The staffs of several of last year's Senate cosponsors report that their bosses are as committed to passage as they were last year--or even more so. More than one--conservative as well as liberal--report that their bosses "love" the DREAM Act. It is believed that passage in the Senate could create enough momentum to force action by the House. Advocates are confident that there are enough votes on the floor of both Chambers if congressional supporters have sufficient strength to compel the procedural moves necessary to call the question.

The biggest obstacle to passage could be the increasingly polarized nature of debate in DC this year, with the possibility that all non-essential legislation could be shut down in a test of wills between the parties. In addition, there is a danger that the DREAM Act could get lost in the noise and commotion surrounding all of the other high profile immigration initiatives. The only way to prevent that is for immigrant students and their allies to keep their need for urgent relief in the public eye and in front of Congress.

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## **May – June: Lists Of Immigrant Solidarity, Civil Liberty, Labor Rights Events Across The Country**

**May 19: San Bernardino, CA**  
**Urgent Meeting on Immigration Reform Bill**  
**Thursday 19<sup>th</sup> from 10 am to 12 noon.**  
**Diocesan Pastoral Center - 1201 Highland, San Bernardino, CA**

The *Diocese of San Bernardino* and The *Coalition for Humane Immigrant Rights of Los Angeles* (CHIRLA), in a collaborative effort, are inviting you to an URGENT MEETING REGARDING THE KENNEDY-MCCAIN IMMIGRATION REFORM BILL. Contact: Marco Raposo: (909)885-7101 or (909)855-8713 [mraposo@sbdiocese.org](mailto:mraposo@sbdiocese.org); Xiomara Corpeno: (213)353-1333 x242

**June 11: Tijuana, BC, Mexico**  
**Tijuana Maquiladora Tour/Visita a la lucha en las maquilas**  
**SATURDAY, JUNE 11, 2005, 9 am to 3:30 pm**

You are invited to learn about Tijuana maquiladora workers' conditions and struggles. Tour to Tijuana's Industrial area  
Donations: US - \$25 regular, \$15 students and unemployed, free to striking workers. Mexico - \$15 regular, \$5 students, free to workers. Donations cover the bus, lunch, and a donation to Tijuana worker organizations. Tickets are available by contacting Herb Shore: [hshore@cox.net](mailto:hshore@cox.net), (619) 287-5535

**June 15-18: Washington DC**  
**National Strategy Session on Immigrant Workers (June 15)**  
**5th National Low-Income Immigrant Rights Conference (June 16-18)**

We are very excited that the national immigrant worker legislative strategy session is right around the corner. The strategy session will kick off the 5th National Low-Income Immigrant Rights Conference, which takes place June 16-18 in Washington DC. For more information about the conference, go to <http://www.nilc.org/dc-conference2005.htm>.

The national legislative strategy session will take place on June 15, 2005 in Washington, DC. This will be an opportunity for immigrant rights organizations, labor unions, and others who work to improve the lives of immigrant workers to come together to develop coordinated state and local strategies to raise awareness about and address the dangerous and exploitative conditions under which many immigrants work. It will also be an opportunity to discuss how we can advocate for worker protections in comprehensive immigration reform proposals.

Please go to NILC's website at <http://www.nilc.org/trainings/index.htm> for registration information (scroll to the bottom and click on Washington, DC) Please note that while the registration deadline for the national legislative strategy session is June 3, 2005, the deadline for the special conference hotel rate is May 18.

For questions about the event, contact Luis Campillo at (202) 216-0261 or e-mail: [campillo@nilc-dc.org](mailto:campillo@nilc-dc.org)

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

**Send e-mail to: [isn-subscribe@lists.riseup.net](mailto:isn-subscribe@lists.riseup.net) or visit: <http://lists.riseup.net/www/info/isn>**

## News, Updates Form National Immigrant Solidarity Network

### **United for Peace and Justice (UFPJ)**

On February, National Immigrant Solidarity Network (ISN) co-founder Lee Siu Hin was elected to serve United for Peace and Justice (UFPJ) steering committee and administrative committee, URL: <http://www.UnitedforPeace.org>  
UFPJ is the biggest peace and justice coalition in the U.S. ISN will advocate justice for immigrant workers and multi-ethnic unity as part of the UFPJ strategies to build broader global peace movements.

### **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!**

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

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.

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](mailto:siuhin@aol.com) tel: (213)403-0131

### **Please Donate to National Immigrant Solidarity Network!**

#### **All Donations Are Tax Deductible!**

Make check payable to ISN/SEE and it will be tax deductible! Send your check to:

ActionLA / The Peace Center  
8124 West 3rd Street, Suite 104  
Los Angeles, California 90048

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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>

#### **Contact Information:**

E-mail: [siuhin@aol.com](mailto:siuhin@aol.com)  
(213) 403-0131 (Los Angeles)  
(212) 330-8172 (New York)

Please donate to ISN! (All donations are tax deductible!)

Check pay to: ISN/SEE

Send to: ActionLA / The Peace Center  
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