

# **Archives: Fall 1993- Fall 2003**

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## **FALL 2003**

### **“Welcome, Magdeleno Rose-Avila”**

- On Nov. 6<sup>th</sup>, Magdeleno Rose-Avila became Northwest Immigration Rights Project's new Executive Director.
- Magdeleno has an extensive resume of human rights devoted activities including defending civil and human rights.
- Before he was appointed to NWIRP, Magdaleno served as a County Director of Micronesia with the United States Peace Corps.

### **“Special Immigrant Juvenile Status for Children”**

- Commemorating the success of former leader Anita Sinha who originated the Immigrant Child Advocacy Program (ICAP) that assists abused, abandoned and neglected children in filing self-petitions.
- Introducing new staff attorney Marie Higuera who joins NWIRP from the Access to Justice Institute at Seattle University Law School.
- A recent decision made by the Administration Appeals office will impact the Special Immigration Juvenile Visas (SIJs).

### **“Legal Orientation Program for Detainees Launched”**

- The Legal Orientation Program (LOP) began in February of 2003. It provides essential information about court procedures and available options for legal relief to detainees before their first hearing.
- The Program will be referring cases to the ABA/Microsoft Detained Immigrant Project, which helps match detainees with pro bono attorneys.
- Also, the Program will soon be distributing a guide for detainees and expects to provide information to at least 3200 detainees by the completion of this 12-month contract.

## **FALL 2002**

### **“Statewide Community Comes Together To Rescue Immigrant Children”**

- Earlier this year, NWIRP secured funding for the Immigrant Child Advocacy Project (ICAP), which was built from the Special Immigrant Juvenile Status (SIJS) Task Force.
- Legal representation offered to children includes: 1. Special Immigrant Juvenile Status (petition for abused, neglected, and/or abandoned juveniles to apply for permanent resident status) 2. T Visas (an immigration remedy available to adult and children victims of trafficking) and 3. Asylum (for children fleeing a country on account of fear of persecution for race, religion, nationality, political opinion or membership of a particular social group).

### **“Health Care For Immigrants Dwindles: Immigrants Bear the Brunt of State Budget Cuts”**

- As of Oct. 1, 2002, thousands of immigrants in Washington State, the vast majority of which are children, will be losing their healthcare coverage through the Department of

Social and Health Services (DSHS). They have been told to apply to the State's Basic Health Program.

- The key concern arising out of this transition is that this reform will severely limit lawfully present immigrants' access to federal public benefits.
- The new program does not include vision care, dental care, comprehensive mental health services or necessary medical equipment. Also, many are expected to be misplaced in the transition, losing all health coverage completely.

### **SPRING 2002**

#### **“Immigrant Rights Post 9/11”**

- Immigrant communities in Seattle are vulnerable and feeling afraid of being targeted because of recent events resulting from the INS's recently established “Absconder Apprehension Initiative” to target people with old orders of deportation.
- These events include a raid on several Somali businesses by the U.S. Customs Service in November, the targeted deportation of Fuad Hassan Ismail who had been here since 1984 to Somalia in February, and one Syrian Family residing in Edmonds being apprehended on February 22<sup>nd</sup>, the father, mother and daughter being detained and separated from four other children.
- The NWIRP responds by collaborating with the American Immigration Lawyers Association (AILA), the American Civil Liberties Union, and the Hate Free Zone Campaign to plan “Know Your Rights” presentations for different immigrant communities in the Puget Sound region.

#### **“Battered Immigrants Whose Children Witness Abuse May Be Eligible for VAWA Relief”**

- The Board of Immigration Appeals (BIA) recently issued a decision in a case brought by NWIRP finding that a child's repeated witnessing of the abuse of her mother by the child's father constitutes abuse of the child for the purposes of eligibility for relief under the Violence Against Women Act (VAWA).
- Ann Benson, former NWIRP attorney, represented the victim after the INS appealed the Immigration Judge's decision to grant the client VAWA suspension.

### **FALL 2001**

#### **“New Detention Facility Adds to bloated prison program!”**

- A new 500-bed facility is expected to be underway later this year in Tacoma, WA.
- This is a massive investment project by the government, a \$42 million project.
- Already, in 1998, the INS spent \$700 million on detention and deportation alone.
- For nearly 1½ years NWIRP has been giving an array of informational presentations in the Seattle INS immigration jail, including weekly rights presentations. Yet, only 10% of immigrants in detention currently are represented by counsel.

**“Debate Continues on Amnesty for Undocumented Immigrants”**

- President Bush recent proposal to solve the “problem” of undocumented Mexican immigration is insufficient to maintain workers rights because it grants immigrants permission to work without any guarantee of permanent legal status.
- Immigrant communities have recently sponsored a few events in response to Bush’s proposal, including the Aug. 5<sup>th</sup> united Farm Workers march, Sept. 5<sup>th</sup> Washington Alliance for Immigrant and Refugee Justice (WAIRJ) press conference, and Oct. 13<sup>th</sup> Pro-Amnesty and Social Justice Coalition forum in Seattle.

**SPRING 2001**

**“Statewide Coalition Helps Hundreds Avoid Separation from Loved Ones”**

- On Dec. 21, 2000, Section 245(i) was temporarily re-enacted. Those individuals who had a family visa petition or employment certification filed for them by April 30, 2001 would eventually be able to adjust their status in the U.S.
- NWIRP responded by forming the 245(i) Campaign in a coalition with the American Immigration Lawyers Association (AICA), Northwest Justice Project (NJP), Columbia Legal Services (CLS), and the General Amnesty and Social Justice Committee as well as many other churches, labor organizations, community based organizations and volunteers in the area.
- Within 4 months the Campaign facilitated a community-wide effort that resulted in over 1000 individuals being able to attend sessions in which they were assisted with family visa petitions for their relatives.

**“NWIRP Advocates win appeal to 9<sup>th</sup> Circuit Court”**

- The 9<sup>th</sup> Circuit seminal decision in *Castro-Cortez v INS* on January 23<sup>rd</sup> 2001 has altered the landscape of immigration law. After a NWIRP client along with four other non-citizens who had been deported and then re-entered the U.S. was granted his habeas petition by the federal district court and allowed to stay, the INS appealed the decision to the Ninth Circuit. The court decided that the INS was unlawfully applying the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) by applying the law retroactively, that is, before its effective date of April 1, 1997.

**FALL 2000**

**“NWIRP WINS AICA AWARD”**

- This year the AICA Pro Bono Award was given to NWIRP, “in recognition of outstanding efforts in providing Pro bono representation to deserving aliens in the immigration fields.”

**“Thousands March & Rally For New Amnesty Program”**

- In early June, close to 5000 workers marched in Pasco, Washington.
- In early August, another 5000 marched in Mattawa, Washington, this time joined by Arturo Rodriguez, National President of the United Farm Workers of America, AFL-CIO.

-These workers are currently mobilizing to support an AFL-CIO proposal which calls for federal legislation granting amnesty to undocumented workers in orchards, packinghouses and other labor intensive industries as well as whistle-blower protection for undocumented workers who complain about labor law violations and job training for new immigrants.

-The proposal also opposes any expansion of the current guest work program and calls for an end to employee sanctions mandated by the 1986 Immigration Reform and Control Act.

### **SPRING 2000**

#### **“A Glimmer of Hope: American Bar Association Addresses Crisis in Representation for Immigrants”**

-A crisis of justice is occurring in the U.S. due to the lack of competent legal representation for immigrants in the wake of the recent Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

-At its annual meeting in Seattle this April, the American Bar Association’s Litigation Section called on its 60,000 members nationwide to help provide representation to indignant clients in response to IIRAIRA’s harsh provisions and a growing population of detainees.

-INS estimates they are currently holding in detention over 17,000 people and at this time purport the fastest growing immigrant population in the nation.

-Up until now, NWIRP has been utilizing volunteer attorneys but has still been overwhelmed by the number of detainees in need of assistance.

-NWIRP appreciates the ABA Litigation Section’s recognition and effort.

### **FALL 1999**

#### **“Washington Defenders Immigration Project: Helps Immigrant Clients In Criminal Proceedings”**

-Announcing the new Washington Defenders Immigration Project (WaDIP), collaboration between NWIRP and the Washington Defenders Association (WDA)—providing NWIRP technical assistance to WDA members and attorneys in order to more effectively represent immigrant clients in their criminal proceedings.

-Directed by NWIRP attorney Ann Benson, the Project is a response to legislation in 1996 that has affected immigrants with criminal convictions.

-The legislation 1) expanded the scope of crimes for which an immigrant can be deported 2) subjects immigrants facing deportation for criminal activity to mandatory detention by the INS during their deportation proceedings and 3) eliminates or severely restricts their access to the federal courts in order to challenge deportation.

### **SPRING 1999**

#### **“INS detention creates system of immigrant imprisonment”**

-There are currently 15,000 immigrants, refugees and asylum seekers being held in ‘administrative detention’ nationwide, a marked 70% increase from 1996.

- The INS estimates that it needs 3,000-18,000 additional beds to meet the new demand.
- The result of this lack of space is that 60% of immigrant detainees are currently being held in local jails throughout the country, without any assurance that jail officials will comply with international and national standards requiring humane treatment of detainees.
- The INS contract allows detainees to be placed with accused and convicted criminals where risk of physical mistreatment and poor living conditions are likely.
- Detainees could be placed in detention centers anywhere from several weeks to years at a time, but the facilities are not meant for long-term living.
- Depression is prevalent amongst detainees.
- The INS spent \$733 million the last fiscal year to imprison and remove non-U.S. citizens, more than three times what was spent in 1994.
- To fully satisfy IIRIRA's 1996 mandates the budget would have to be raised over a billion dollars to detain and deport immigrants.
- Furthermore, implementation of mandatory detention has created a system of indefinite detention in which detainees could be 'prisoners for life.'
- 17% of those currently held are 'lifers,' because their country of origin has refused them reentry.

### **FALL 1998**

#### **“NWIRP staff to tackle NACARA project”**

- In one of its last acts before adjourning last year, Congress approved the Nicaraguan Adjustment and Central American Relief Act (NACARA).
- This victory saved thousands of temporarily protected immigrants from being deported.
- NACARA provides generous amnesty for most Cubans and Nicaraguans in the U.S., and also benefits individuals from El Salvador, Guatemala, the former Soviet Union and Eastern European countries.
- This is especially significant for NWIRP, since the organization itself was actually founded to assist Central American refugees pouring across the borders from their war torn countries, in the late 1970's.
- Despite an already overwhelmed workload, the staff at NWIRP is committed to providing assistance to individuals who qualify for assistance under the NACARA act.

### **SPRING 1998**

#### **“NWIRP opens office in eastern Washington”**

- The new office will be in Granger, Washington and will serve eastern Washington and parts of Northwestern Oregon.

#### **“Vicky Stifter wins award, becomes a mommy”**

- The Salt of the Earth Award was presented to NWIRP's Executive Director, Vicky Stifter in March by the Lutheran Immigration and Refugee Service in recognition of her lifetime commitment to asylum seekers and immigrants.

## FALL 1997

### “RAID!”

- Update on INS activities in the Northwest.
- An estimated 12,000 to 15,000 Latino residents in the Skagit Valley have recently become the target of INS enforcement activities.
- Agents routinely stop them on the streets, outside supermarkets and in their cars to ask for papers.
- Recent work cites that were raided include Sakuma Brothers Farms and Draper Valley Farm.
- Dozens of Skagit Valley residents are stepping forward with stories of harassment.
- In response, community members are organizing trainings and workshops on immigrant rights.
- Also, efforts have begun to enforce a local network that will stand beside immigrants and hold the INS and Border Patrol accountable when they operate outside the law.

## SPRING 1997

### “Welfare ‘Reform’ Delivers Serious Blow To Immigrants, And Sends A Serious Message to the Whole Community”

- On August 22, 1996, President Clinton signed in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which restricts Federal Public Assistance to legal immigrants.
- Immigrants who have obtained resident status but have not yet become citizens will no longer be eligible to receive Supplemental Security Income (SSI) Food Stamps.
- In Washington State, it is estimated that over 11,000 blind, elderly or disabled legal immigrants will be cut off.
- Under the Act’s new qualification standards, only lawful permanent residents, refugees, political asylees, persons granted withholding of deportation, persons paroled in the U.S. for a period of at least one year, and persons who are approved or who have a petition pending under the Violence Against Women Act (VAWA) are included.
- Not ‘qualified’ individuals are not eligible for federal public benefits except emergency Medicaid, immunizations and treatment for communicable disease, short-term non-cash emergency disaster relief and other community programs that are either available without regard to income or are necessary to protect life or safety.
- Furthermore, the Act requires that all ‘non-qualified’ immigrants be cut off by August 22, 1997 and new applications for SSI are already being denied.
- 38,000 notices were sent out to Washington state recipients during just the month of April.
- There is no current state program to replace the loss of over \$120 million in Food Stamps.
- Washington State continues to provide Medicaid, AFDC or Title XX to ‘not qualified’ residents at its own discretion.
- Other restrictions under PRWORA include a requirement that sponsors prove that they are 125% above the poverty line in order to petition for beneficiaries and that the affidavit of support is now legally binding.

- NWIRP encourages those with five years of lawful permanent resident status to naturalize, while recognizing the difficulty this will pose to elderly and disabled.
- Also, NWIRP declares that their present focus is directed at reconciling state policy towards legal immigrants with the reality of the contributions they make.

### **“New Barriers To Family Reunification”**

- Summary of the major family visa issues impacted by the passing of IIRAIRA in 1996.
- Extensive new vaccination requirements: As of September 30, 1996, Adjustment of Visa or immigrant visa applicants must prove that they have received a fully battery of vaccinations.
- Also, people who entered the U.S. without inspection used to be able to adjust their status without leaving the U.S. for a fee of \$650, but will now pay \$1,000 on top of the 245(i) application fee of \$130.
- There are new income requirements and binding ‘Affidavits of Support’ being implemented as well.
- New bars to Admission: Those who have been in the U.S. without immigrant status for between 180 days and one year after April 1, 1997 and then leave the country may be barred from returning for 3 years. Those who have been in the United States for one year or more after April 1, 1997 may be barred from returning for 10 years.

### **“How the New Immigrant Law Impacts Political Asylum”**

- One-year time limit: A person must apply for asylum within one year of entry or their claim will not be heard.
- Expedited Removal: As of April 1, 1997, those who try to enter the United States without valid documents will be immediately removed unless they are able to articulate a fear of persecution or a desire to apply for asylum.

## **FALL 1996**

### **“Anti-Terrorism Law Impacts Rights of Immigrants & Refugees”**

- 212(c) relief, which allows immigrants with drug charges to appeal to an immigration judge who can ‘waive’ deportation, is being eliminated on November 1, 1996.
- Also being eliminated is ‘suspension of deportation’ for immigrants who enter the United States without inspection, which allows immigrants who had resided in the U.S. for more than 7 years to appeal to a judge that their deportation would cause extreme hardship.
- Also, due process issues have arisen, as asylum seekers must now plead their cases with an INS official rather than before a judge.
- NWIRP responds to these eliminations by continued legal challenge to the new law as well as organizing educating and advocating on behalf of the thousands of people who will be harmed by the implementation of the anti-terrorism law.

### **“Gender-based Asylum Claims”**

- The INS has issued special guidelines which recognize the added barrier that many women face in obtaining political asylum by clarifying legal analysis that judges should use, emphasizing “the importance of creating a ‘customer-friendly’ asylum hearing

environment that allows women claimants to discuss freely the elements and details of their claims.”

- Also, a landmark court decision issued by the Board of Immigration Appeals (BIA) reversed a denial by an immigration judge and granted asylum to a woman from the West African nation of Togo, recognized genital mutilation as a form of persecution.
- NWIRP presently represents a number of women with gender based asylum claims.

#### **“VAWA Update”**

- On April 16, 1995, the Officer of Programs of the Department of Justice issued a Memorandum entitled “Implementation of Crime Bill Self-Petitioning for Abused or Battered Spouses or Children of U.S. Citizens or Lawful Permanent Residents.”
- The Bill offers a potential avenue through which self-petitioning spouses of Lawful Permanent Residents (LPRs) may obtain employment authorization while they wait to adjust their status.
- Implementation will open up the potential for VAWA petitioners to work for the three to four years it usually takes for them to be granted legal permanent residence.

#### **“Special Project assists elderly immigrants and refugees”**

- NWIRP and the Seattle/King County Division on Aging (DOA) have launched a unique Naturalization Project, staffed by Amy Kratz.
- The Project is designed to increase the ability of elderly and disabled immigrants to attain United States Citizenship by providing education and legal advocacy, and working to coordinate and expand existing services among agencies serving the city and county’s vulnerable immigrant population.
- The motivation for this project is the recent ‘welfare’ reform bill which bars most legal immigrants from receiving food stamps and SSI and allows states to exclude them from Medicaid, AFDC, and Title XX block grant programs, leaving the elderly and disabled particularly vulnerable.

### **SPRING 1996**

#### **“VAWA Regulations Are Out!”**

- On March 26, 1996, the Department of Justice issued its preliminary regulations for the VAWA’s Protection for Battered Immigrant Women and Children.
- The Protection permits abused immigrant spouses and children of United States Citizens (USCs) and Lawful Permanent Residents (LPRs) to self-petition for lawful permanent residence.
- It includes a new form of suspension of deportation that can be requested only in deportation proceedings: An immigrant woman can request lawful permanent residence before the judge if 1) she has been abused by her USC or LPR spouse or by the father of her child 2) she has lived in the United States for at least three continuous years prior to filing 3) she can show that she is of good moral character and 4) she or her child would be caused extreme hardship if they had to return to her home country.
- There can be a priority date assigned to a previously submitted family visa petition in the event that the abuser attempts to sabotage the visa process.

- Also, once a self-petition has been filed with the INS, a final divorce prior to adjudication will not render the petition invalid.
- There are possible avenues for applicants to obtain employment authorization as well.

### **“Important Information for Immigrants with Disabilities”**

- In 1994, the Immigration Technical Corrections Act required the INS to exempt persons with mental, physical or developmental disabilities from requirements of English as well as oral history and government.
- Prior to the Act, these persons were only exempt from the oral history and government sections.
- November 1995, the Office of Examinations issued a memorandum of ‘preliminary guidance’ on adjudication of these claims.
- The development disability must be shown to have been present prior to the persons 18<sup>th</sup> birthday and does not include individuals with ‘acquired disabilities.’
- NWIRP is currently attempting to recruit a small core of experienced and committed immigration attorneys who would be willing to take two pro-bono cases a year of naturalization applicants with disabilities.

## **FALL 1995**

### **“Congress Takes Aim at Immigrants”**

- A recent bill that threatens to slash legal immigration by 1/3, cut refugee admission by ½ gut the current political-asylum system, and introduce a national identification system for every worker in the us, the HR 2202 bill introduced by Representative Lamar Smith (R-TX), could become law within months.
- The Smith bill would eliminate four family immigration categories and cap family immigration at 330,000, a reduction of 32%.
- Family reunification programs would be affected by these changes.
- Legitimate asylum claims would be ignored by an arbitrary lowering of refugee admissions from the current ceiling of 110,000 to 50,000.

### **“Update on Violence Against Women Act”**

- A year passed since VAWA protections were signed into law, yet regulations have still not been promulgated.
- The courts have yet to determine which immigrant women and children will receive protection.
- Regional Service Centers and local INS offices are currently receiving Self-Petitions, but are holding out on processing them until the regulations are out. They are expected to come out within a couple months.

### **“Asylum Deadline for Salvadoran Refugees”**

- INS is advising Salvadoran residents in the Northwest that they must file asylum applications by January 31, 1996 in order to remain in the United States.
- All these Salvadorans are registered under the 1990 Temporary Protected Status (TPS) Program.
- This is also the date that these individuals are registered to lawfully work until.

-However, misleading reports in the media and pervasive rumors are promoting the erroneous belief amongst Salvadorans that a new immigration law has been passed or that they are now eligible for permanent residence.

**“Words Into Deeds: Alliance for Justice Promotes Action”**

-The Washington Alliance for Immigrant and Refugee Justice has recently formed the Skagit Immigrant Rights Committee (El Comite), one of 60 organizations recently formed in Western Washington.

-The founders believe that the INS and the Border Patrol must be held accountable to work within the law.

**SPRING 1995**

**“New Provisions for Battered Immigrant Women”**

-The government will not promulgate its regulations until May 1995, but clients can now file ‘skeletal applications’ with the help of an immigration attorney.

**“‘Green Card’ Replacement Program Extended”**

-The expiration date for the old I-151 “green card” issued to permanent residents prior to 1979 has been extended from March 1995 for one full year.

-Permanent residents with old cards must apply for the new I-551 “green card” to have valid evidence of their status.

**“Citizenship Project Launched”**

-NWIRP has launched a statewide citizenship program that will assist hundreds of eligible immigrants in the “naturalization” process.

**“New Asylum Regulations”**

-In November 1995, the Department of Justice amended its regulations on application for political asylum.

-The new amendments are intended to reduce a backlog of over 400,000 pending cases, and while will definitely affect immigrant rights they are not as bad as had been feared.

-One method, to streamline the asylum process by reducing the number of steps involved in pursuing a claim, has also worked to eliminate some legal protections.

-Also, fewer funds will be appropriated for hiring new asylum officers and judges and the harshest of all regulations, eliminates permission for awaiting applicants to work.

-One positive aspect of the regulations is that the \$130 filing fee has been waived.

**FALL 1994**

**“‘SOS’ A Call to Action in the Northwest”**

-The recent California Proposition 187 “Save our State” has arisen from a hostile environment fueled by anti-immigrant myths, especially blaming Mexican immigrants for social and economic ills.

-If implemented, the Proposition would dramatically affect the state’s healthcare, education and social services.

-For example, it would require every school to verify the immigration status of every child.

-The Northwest similarly has seen a demonstrable trend towards discriminative practices.

-Recent incidents include reports of Department of Licensing officials asking people with accents for immigration proof, INS agents raiding Latino frequented restaurants in Port Angeles, and Border Patrol agents in Bellingham harassing Latino churches during Sunday services.

### **“Gays and Lesbians Gain New Asylum Protections”**

-Janet Reno has ordered that a previous grant by an immigration judge in San Francisco be treated as precedent.

-The presidential value of the judgment would be a huge boost for immigration advocates seeking protection for those persecuted abroad for cause of sexual orientation.

-The precedent could establish that a gay or lesbian person could qualify under membership in a “particular social group.”

### **“Confusion Surrounding ‘New Law’”**

- There has been recent confusion about a change a change in immigration law that has some people thinking that this is a new way to get a “green card.”

-Actually, the change has provided that people previously required to return to their country for their visa interview to adjust their status can stay in the U.S. for a fee of \$780. This is six times the previous fee.

-Those who will benefit are people who entered without inspection, worked without authorization, violated their status, or who entered as crewmen, transits or on a visa waiver.

-Also, applicants will be able to obtain administrative and judicial review in the U.S. in case of denial.

### **“Crime Bill Offers Protection to Battered Immigrants”**

-On Sept. 13, 1994, the Violence Against Women Act (VAWA) was signed into law as part of the Federal Crime Bill.

-A provision of the act called “Protections for Battered Immigrant Women and Children” will effectively expand the legal options available to immigrant women in abusive marital relationships with U.S. citizens or permanent residents.

-Affirmative filing for permanent residence is available to a woman if she a) was battered b) is of “good moral character” and c) leaving the U.S. would cause her extreme hardship.

-A possible defense to deportation is also available to the woman if she a) has lived in the U.S. for three years b) has been battered and c) leaving the U.S. would cause her extreme hardship.

-The appropriate evidentiary standard is that the Attorney General will consider “any credible evidence.”

-VAWA protections are important because they allow immigrant women to file in their own behalf, offering a safe alternative to immigrant women who have remained in dangerous relationships or underground.

## SPRING 1994

### **“Responding to Immigration Raids”**

- The Northwest is experiencing an increasing number of INS raids, both of homes and workplaces, ranging from unlawful unconstitutional searches and seizures to “routine” behavior intended to coerce detained immigrants into foregoing their constitutional and statutory rights.
- NWIRP advises that immigrant employees placed in such situations should ask specifically if they are being detained. If the answer is “no” then they should immediately leave the premises.
- Also, immigrant employees should exercise their right to remain silent because anything a person says to the INS can and will be used against him or her.
- For home raids, NWIRP advises that people don’t answer any questions, don’t sign anything, and ask for an attorney immediately.
- Also, they should not let anyone in their home without a search warrant.

### **“New Law Results in Serious Penalties”**

- The INS has begun implementation of serious new measures aimed at the use of fraudulent documents intended to punish the use of fake “green cards” and Social Security cards to gain employment.
- Under Section 274(c) of the Immigration and Nationality Act, the INS is sending out Notices of Intent to Fine (NIFs) for \$250-2,000 to those they suspect on the suspicion of use of false documents.
- The NIFs do not require a lawyer to review cases of alleged document fraud and furthermore if they are not responded to will turn into Final Orders, after which the person becomes both deportable and excludable from the U.S. regardless if they are married to citizens or in the process of immigrating. The order may make a person excludable for life.
- NWIRP will provide assistance to all persons who contact the office for help with an INF by referring them to an immigration attorney immediately.

### **“Replacement of Green Cards”**

- A federal judge has ruled that the INS can carry out a controversial plan that requires permanent residents to pay \$70 to renew green cards issued before 1978.
- U.S. District Judge Edward J. Garcia’s decision means that about 1.5 million people who received permanent resident status before 1978 have only until October 20, 1994 to comply, or risk losing the document that evidences their legal status to live in the U.S.

### **“Lottery Program gains momentum”**

- A new set of regulations for the recently revised visa program has been released by the United States INS to target countries with low admissions by using a ‘lottery.’
- Eligible people, meeting basic requirements of having a high school degree and two years work experience at least, can send a letter with their biographic information to be drawn according to the numbers available.

## FALL 1993

### **“Gender-Based Persecution”**

-Under current laws, people face two obstacles in attempting political asylum. First, they must show that they were persecuted in their country of origin and second, they must prove that it was ‘on account of’ at least one of five specific grounds: political opinion, race, religion, nationality, or inclusion in a particular group.

-These laws are problematic for women who are uniquely vulnerable to acts of persecution specifically because of their gender, for example rape and other torture.

-The United Nations has recently issued guidelines that would extend recognition to women in these circumstances and has urged member nations to adopt them as law.

-NWIRP and advocates throughout the United States are engaged in extending the right to political asylum to women who have suffered gender-specific persecution.

### **“Firearm Conviction and the Non-Citizen”**

-For both documented and undocumented immigrants, to own a firearm is extremely dangerous. Although cases are handled by courts routinely as misdemeanor offenses and not taken seriously by either defendant or persons handling the case, a conviction will almost always result in deportation at some point in the future.

### **“Non-Citizens and the Law”**

-It is critical that immigrants and legal workers understand that non-citizens, even those who have been in the United States legally for many years, remain vulnerable to deportation for a wide variety of reasons, and there are some tips that NWIRP recommends immigrants follow in order to reduce their risk.

-First, the crimes that invoke deportation include the following: drug offenses, any crime that involves a firearm, theft, shoplift, fraud, false statements, sex offenses and crimes involving intentional or reckless infliction of harm to persons or property, and some misdemeanors as well.

-Also, a deportable offense to assist in ‘smuggling’ of an undocumented person in to the U.S.

-Anyone who is not a U.S. citizen, even a person who has been here since they were a child, can be deported.

-Therefore, NWIRP recommends that all persons seriously consider naturalization after five years of residence.

### **“Landmark Settlement in Effect”**

-The settlement agreement in *Lopez v INS* that provides that the INS must give arrested persons a written notice of their rights should help safeguard procedural rights for the 1.5 million persons arrested by the INS each year.

-The lawsuit was filed by the Center for Human Rights and Constitutional Law in Los Angeles on behalf of Mexican workers who were arrested during a factory raid, denied attorneys, and coerced into signing paperwork that assured their deportation.

### **“NWIRP Tackles Discrimination in the Workplace”**

- Addressing Attorney General nominee Zoe Baird's hiring of an undocumented Peruvian couple.
- The employer sanctions law that punishes employers for hiring undocumented workers has led to widespread discrimination against workers thought to be foreign.
- NWIRP has recently received federal funds to promote awareness of the anti-discrimination laws to form a project that will concentrate its resources primarily on Latino and Asian workers in the agricultural and seafood industries.
- Because under the Immigration and Reform Control Act (IRCA) of 1986 employers must now verify the identity and work authorization of every employee regardless of citizenship status, many employers out of bias or misinformation have implemented such practices as accepting only certain work papers, checking only the work papers of people thought to be foreign, refusing to hire 'foreigners' altogether and other discriminative efforts in order to avoid penalties.
- NWIRP is combating the problem by sending out messages that educate employers and will help job seekers who have been subject to discriminatory practices to file complaints at the Office of Special Council.

**“INS Suspends ‘Green Card’ Replacement Program”**

- Class action lawsuit in Eastern District of California set for a hearing on May 14, 1993, is challenging the legality of the replacement program since it unfairly burdens lawful residents to pay a \$70 fee and appear before the INS.
- The INS announced that it intends to suspend its requirement that permanent residents holding 1977 'green cards' (I-151) replace them by August 2, 1993 with the newer version (I-551)
- However, the INS has announced its intention to publish proposed rules in the Federal Register for implementation of a future replacement program.