

Catholic Legal Immigration Network, Inc.

UPDATE: IMMIGRANT RIGHTS POST-KATRINA



Issue No. 12 August 23, 2006

In this Issue

- **Loyola Law Clinic Hosts Public Seminars for Upcoming Insurance Deadline**
- **Immigration Officers Arrest 37 Day Laborers in Gulfport, MS**
- **New Report Exposes Rampant Disaster Profiteering at Expense of Immigrant Labor**
- **Plaintiffs File Motion for Preliminary Injunction to Block Demolition of Public Housing in New Orleans**
- **Hispanic Apostolate of New Orleans and Loyola Law Clinic Stand Up for Immigrant Worker Rights**
- **USCIS Closes Katrina E-Mail Account at the TSC**
- **Employment Problems Advocacy Manual Available in Hard Copy**

LOYOLA LAW CLINIC HOSTS PUBLIC SEMINARS FOR UPCOMING INSURANCE DEADLINE

The deadline for filing suit against insurance companies on most hurricane Katrina related claims is August 29, 2006. The deadline marks the last day for effective negotiation for all unsettled claims, after which all bargaining power is lost. The Loyola Law Clinic and the Pro Bono Project, with the help of the Southeast Louisiana Legal Services, hosted two seminars in July to discuss the upcoming deadline.

In addition to the topic of the deadline, the seminars also reviewed issues in regard to FEMA, bankruptcy, contractor fraud, landlord tenant issues, successions, Louisiana Recovery Authority and State Tax Credits; and family law and domestic violence. For more information, please contact the Loyola Law Clinic at (504) 861-5590.

[source: www.justiceforneworleans.org]

IMMIGRATION OFFICERS ARREST 37 DAY LABORERS IN GULFPORT, MS

On Monday, August 7th, the U.S. Immigration Customs and Enforcement (ICE) arrested and detained 37 persons outside a Home Depot on Highway 49 in Gulfport, Mississippi who apparently were waiting for contractors and other employers to hire them for day labor.

U.S. ICE spokesperson Temple Black stated that most of those arrested were from Honduras and Mexico. Black said that U.S. ICE is increasing enforcement of immigration laws by holding employers responsible for persons working in the United States illegally. However, U.S. ICE did not arrest any employers or contractors in connection with the 37 laborers who were detained.

Mary Townsend from the Hispanic Apostolate of the United Methodist Church in Biloxi was asked by the wife of one of the men to help locate him. Mary was informed by a U.S. ICE officer that the woman's husband was being detained at Orleans Parish Prison and would be held there for up to a week and then sent to Oakdale Detention Center until a court hearing and possible removal from the United States.

Vicki Cintra, of the Mississippi Immigrants' Rights Alliance, was informed by the Gulfport Police Department that the Gulfport Police were involved in an operation with U.S. ICE this week. A contractor who was at the site at the time of the 37 arrests reported to Ms. Cintra that he saw 8 Gulfport Police Department cars at the site.

NEW REPORT EXPOSES RAMPANT DISASTER PROFITEERING AT EXPENSE OF IMMIGRANT LABOR

A new report issued by the nonprofit group, CorpWatch, shows rampant profiteering by such companies as Halliburton's Kellogg, Brown & Root (KBR) and Bechtel Group, Inc. in the Gulf Coast reconstruction work. The report alleges that gross profiteering is occurring at the expense of local Gulf Coast companies and laborers, particularly immigrants.

Titled, "Big, Easy Money: Disaster Profiteering on the American Gulf Coast," the CorpWatch report also exposes abusive "contracting charge pyramids" where the actual reconstruction workers only get a small fraction of the taxpayer money awarded for the project. There is widespread non-payment of local companies and laborers, including what has been alleged to be the deliberate and systematic exploitation of immigrant workers, including undocumented individuals.

As an example, FEMA paid three out-of-state contractors an average of \$2,500 per tarp to make tarps and cover storm-damaged roofs in some of the areas most ravaged by Hurricane Katrina. In many cases, this amount would have been almost enough to pay for a new roof. However, the workers who actually installed the tarps on to the roofs (a two-hour job) were making close to minimum wage.

Vicki Cintra of the Mississippi Immigrants Rights Association (MIRA) is quoted in the report as saying that the subcontracting layers are a major part of the problem for laborers. The workers are at the bottom of these layers and each subcontractor blames the failure to pay on the subcontractor above.

For detailed report findings, go to the CorpWatch web site at <http://www.corpwatch.org>

PLAINTIFFS FILE MOTION FOR PRELIMINARY INJUNCTION TO BLOCK DEMOLITION OF PUBLIC HOUSING IN NEW ORLEANS

On August 10th, lawyers representing plaintiffs who are former residents of New Orleans public housing filed a Motion for Preliminary Injunction against the U.S. Housing and Urban Development, the Housing Authority of New Orleans, and others, in federal court in New Orleans. The injunction asks the federal court to order the defendants to stop the demolition of any public housing units in New Orleans, to maintain the habitability of existing units and cease obstructing the return of residents to habitable and repairable units.

Lawyers for the plaintiffs include Bill Quigley of Loyola University New Orleans School of Law, the Advancement Project in Washington, D.C., and private counsel. The plaintiffs allege in the Motion that the defendants' plan to demolish thousands of public housing units despite the severe shortage of such housing and the continued displacement of thousands of former New Orleans public housing residents. The Motion states that the defendants have failed to comply with the regulations and statutes in the Housing Act of 1937, the Fair Housing Act, landlord-tenant laws, and the requirements of notice and public hearing regarding the future displacement from plaintiffs' homes.

The Motion for Preliminary Injunction and supporting Memorandum can be found at: www.justiceforneworleans.org. No hearing date has been announced.

HISPANIC APOSTOLATE OF NEW ORLEANS AND LOYOLA LAW CLINIC STAND UP FOR IMMIGRANT WORKER RIGHTS

Last fall, in the wake of Hurricanes Katrina and Rita, the Catholic Legal Immigration Network, Inc. (CLINIC) met with staff at Catholic Charities and the Hispanic Apostolate of New Orleans and Loyola Law Clinic to discuss and plan what could be done for immigrants impacted by the devastation.

The issue that surfaced repeatedly was that of immigrant workers being cheated out of wages while assisting with the clean-up and reconstruction of the devastated areas. Mirna Torres and Karen Herrling of CLINIC worked with Loyola's Clinical Professor, Luz Molina, and Martin Gutierrez of the New Orleans Hispanic Apostolate to establish a program that would help educate workers regarding their labor rights and provide lawyers and law students to help workers file wage violation complaints in court.

Download *Employment Problems in Louisiana and Mississippi: An Advocacy Manual*
<http://www.cliniclegal.org/Katrina/Materials/advocatesmanual.pdf>

Catholic Charities, the Hispanic Apostolate, and the Loyola Law School Clinic worked in partnership to establish a worker rights project called the Workplace Justice Project. Staff attorney Marina Toledo of New Orleans Catholic Charities and Professor Luz Molina hosted a “know your rights” session for workers, labor unions and organizations interested in helping immigrant workers. Eva San Martin later joined the New Orleans Hispanic Apostolate staff as the Outreach Worker to screen immigrant workers and refer their cases to Loyola’s Workplace Justice Project.

To date, the Workplace Justice Project has handled approximately fifty cases involving wage violations and workplace injuries. However, Professor Luz Molina states, “It is very hard work.” Immigrant workers who speak no English have to be educated about their rights and how to maintain the information the clinic needs to file a labor violation complaint in court. Transportation to Loyola’s campus can be a challenge to many workers. Even making their way through a college campus can be daunting.

In addition, the legal process to recover wages or obtain workman’s compensation can be overwhelming to many workers. The process from filing a complaint and collecting evidence to recovering benefits can take many months. Since so many workers are paid in cash, many workers have no proof of what they were paid or promised. Many contractors simply deny that they ever hired the person. Fellow workers often are afraid to testify as witnesses. Professor Molina encourages her law students to attempt “early intervention,” that is, simply calling the contractor to recover wages to avoid the legal process. She concedes they only have had three or four successes with contractors responding to such requests.

Eva San Martin of the New Orleans Hispanic Apostolate acknowledges that immigrant advocates face a tall task trying to file wage complaints on behalf of immigrant workers whose labor rights are violated. Most workers come to her office without any paperwork and often do not know the name or telephone number of the contractor for whom they have worked. Without information identifying the contractor, wage complaints cannot be filed and these cases cannot be referred to the Workplace Justice Project. In other cases, workers who have suffered wage violations or workplace injuries cannot get to the office of the Hispanic Apostolate to talk with Eva due to lack of transportation.

Frustrated and angry at the rampant abuse of immigrant workers, Eva decided, after several months with the project, to go out to the day labor work sites and educate the workers about their rights. Eva travels to several day labor sites in the Metairie, Kenner and New Orleans areas at 6:00 – 7:00 a.m. when workers first congregate on street corners looking for work. She has become enough of a familiar face now that many of the workers know her name and wave to her.

Eva hands out materials and instructs the workers to keep information about the hours they work, the address of the work site, the name of the contractor and the contractor’s telephone number. Due to the fact that most of the workers speak no English, Eva has taken it into her own hands to call the contractors and “shame” them into paying the

wages owed. Eva reports that it helps to say that she is calling from the Hispanic Apostolate of the Archdiocese, although she always follows up with the contractors, so they do not “forget.” Eva notes that if a telephone call to the contractor gets the worker his pay, it avoids using the resources of Loyola’s Law Clinic and gets the worker his pay faster than having to file a wage complaint. It also lets the contractor know that there are advocates in the area watching what they do.

One of the biggest problems, however, is that many of the contractors are from outside of Louisiana (mostly from Houston). Often, as soon as the contractor collects money from the homeowner, he disappears without paying any of the workers. In one such case, a worker named Rogelio was left holding tools and equipment in his truck for which a homeowner had paid, but the contractor disappeared with the money to pay for the tools. The homeowner then called the police and had Rogelio arrested accusing him of stealing the homeowner’s money.

Eva accompanied Rogelio to his criminal court hearing and assisted him with translation. She currently is trying to negotiate with the district attorney to establish Rogelio’s innocence. The tragedy of Rogelio’s victimization by the unscrupulous contractor is deepened by the fact that Rogelio is a single father of a four-year-old girl with Down’s Syndrome, whose mother abandoned her. To compound matters, Rogelio’s landlord threatened to evict Rogelio due to his failure to pay rent when the contractor disappeared with Rogelio’s pay. Catholic Charities has paid Rogelio’s rent through August 18th, but his fate, and that of his little girl, remains up in the air.

Eva notes that the abuse of immigrant workers is so rampant that she has not met a single worker who has not been cheated out of wages at some level. Workers are intimidated out of confronting the contractors for wages owed due to the fact that the workers do not speak English and, in some cases, contractors have called the police and had complaining workers arrested.

Despite the frustration of dealing with such widespread abuses, Eva remains upbeat. “The work is addictive,” she says. Eva is one of only a few advocates in the New Orleans area who will pursue contractors and demand payment for workers. Professor Luz Molina comments, “There are a lot of organizations out there, handing out information and discussing issues, but few follow through with the hard work of getting these guys their pay.”

Although there are more frustrations than success stories, Professor Molina is optimistic that public outreach is slowly making a difference with the workers. Workers are learning how to maintain evidence of their hours and proof of the contractors’ identities. Public education of immigrant workers through Spanish language newspapers and radio shows has made a difference. Professor Molina is seeing workers at the Clinic more prepared. Some even say to her, “We are here because we read your ad in the newspaper.”

Both the New Orleans Hispanic Apostolate and the Loyola Workplace Justice Project plan to continue working in partnership, expanding public education to workers and advocating on their behalf.

USCIS CLOSES KATRINA E-MAIL ACCOUNT AT THE TSC

On August 9, 2006, USCIS announced that it has closed the Katrina e-mail account at the TSC. The account provided an alternate way for those affected by Hurricane Katrina to submit change-of-address information so that they could continue to receive critical mail from USCIS. TSC last received a change-of-address notice through the e-mail account in May 2006. The USCIS press release is available on AILA InfoNet at document #06081060:

<http://www.uscis.gov/graphics/publicaffairs/statements/KatrinaEmail080906PN.pdf>

EMPLOYMENT PROBLEMS ADVOCACY MANUAL AVAILABLE IN HARD COPY

CLINIC's recently released advocacy manual – *Employment Problems in Louisiana and Mississippi* – is available on CLINIC's website at :

<http://www.cliniclegal.org/Katrina/Materials/advocatesmanual.pdf>

There are also a limited number of hard copies available. If you would like a copy, please e-mail [Mirna Torres](mailto:mtorres@cliniclegal.org) (mtorres@cliniclegal.org).

To sign up to receive this electronic newsletter, contact William Youmans at wyoumans@cliniclegal.org or visit clinic.kintera.org/katrina to subscribe online.