



UPDATE: IMMIGRANT RIGHTS POST-KATRINA

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The Catholic Legal Immigration Network, Inc. (CLINIC) is carefully monitoring immigrant rights developments and assisting agencies in the hurricane-affected areas of the United States. This newsletter, made possible through generous funding from the Open Society Institute, is designed to provide advocacy and policy updates on a regular basis to advocates working in the impacted areas.

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CLINIC Teleconference for Hurricane Impacted Programs

CLINIC will host a teleconference for all programs working with victims of hurricanes Katrina and Rita. The call will be on Wednesday, December 7th at 2:00 p.m. EASTERN standard time. The number to get on the call is: 1-800-423-1988. The access code is: 793400. The call will cover updates from USCIS and ICE and issues related to immigrant workers in the Gulf Coast clean-up and reconstruction efforts. We will also discuss any issues or problems that individual programs wish to raise.

Know Your Rights Materials for Immigrant Workers on the Gulf Coast Now Available

Karen Herrling, a lawyer in CLINIC's D.C. office who works on issues related to justice in the workplace, has created two "Know Your Rights" hand-outs for immigrant workers involved in Gulf Coast area reconstruction efforts. Both hand-outs have been translated into Spanish.

The first document, entitled "The Right to Be Paid," explains the minimum wage a worker can be paid, what constitutes "work," and what a worker should do if the employer fails to pay wages.

The second document, entitled "Immigrant Worker Rights," outlines rights that immigrant workers have, even if they are undocumented.

Both handouts include a number to contact at the Southern Poverty Law Center if a person feels their rights as a worker have been violated. The Southern Poverty Law Center is located in Montgomery, Alabama, but is documenting worker abuses throughout the Gulf Coast region.

The hand-outs are available online at <http://www.cliniclegal.org/katrina.shtml> .

Need for Worker Safety Protection

According to the Red Cross and OSHA working in the New Orleans area, the biggest sources of injury for workers involved in hurricane reconstruction are: 1) Slips, trips, and falls; 2) Soft tissue injuries (sprains and strains); and 3) General cuts, scrapes, and bruises. In cleaning out flooded areas there can be significant dangers associated with microbial agents, as well as lead and asbestos exposure. The dust left behind in flooded areas presents a risk, and workers should wet down the area to reduce risk of breathing it. Dry sweeping should be avoided.

PPE (personal protective equipment) may be hard to come by, but workers should be wearing: Tyvek suits (painters' suits); nuisance masks; and eye protection. Workers should wash off shoes before leaving a work site to avoid tracking toxins around. According to the Red Cross, the solution for disinfecting moldy areas is 1 cup of bleach per gallon of water (1:16). This can also be used to disinfect extremities exposed during work, but of course should be rinsed off. Bleach and ammonia should never be mixed.

Finally, first aid kits and antibiotics must be on work sites to treat cuts. There are many microbes in these work place environments which could stimulate infection. Those with cuts should watch for streaking in the veins around the wound which indicates blood poisoning. If such streaking is seen, seek medical help immediately. Red Cross, FEMA and voluntary agencies have been assisting with collection and distribution of protective gear for workers.

New Orleans Executive Office of Immigration Review (EOIR)

Crain Robinson, head of Detention and Removal in New Orleans (DRU), reported to CLINIC after Thanksgiving that the EOIR Court administrator, Ms Linda Mobley, returned to work in the New Orleans EOIR courtroom in mid-November. According to Mr. Robinson, Ms. Mobley and another employee have been working to get all the EOIR computer systems operating. Once the computers are all functioning, the Immigration Judge and staff will return to New Orleans. Mr. Robinson also reported that Ms. Mobley said that EOIR New Orleans is able to receive mail. Any motions, notices, or correspondence may now be sent to the old New Orleans EOIR address as they had been sent in the past.

However, the EOIR website does not currently reflect the information given to us by Mr. Robinson. The EOIR website (<http://www.usdoj.gov/eoir>) (click on "New Orleans Immigration Court Closed") states: "The New Orleans Immigration Court remains closed. To address immediate case processing for all inquiries and requests for action related to Change of Venue, Change of Address, Custody Hearings, and Detained Hearings for New Orleans cases, please contact the [Oakdale Immigration Court](#)." Clicking on the Oakdale Immigration Court link provides you the court's address

Meanwhile, Kathleen Gasparian, an AILA lawyer at David Ware & Assoc. in Baton Rouge, reported that she had spoken with Judge McGoings regarding the New Orleans Immigration Court. Judge McGoings reported that the court did not suffer any damage, and the files had been relocated to Oakdale. Lynda Mobley, the court administrator, and Shirley Cousin, EOIR legal technician, have returned to New Orleans EOIR to get the court prepared for re-opening. Elizabeth Boone, the prior New Orleans EOIR legal technician, has relocated to the Atlanta Court. Judge Stogner will be returning to the New Orleans EOIR, although an exact date is uncertain. As the computer systems return, notices will be sent out. The EOIR website should be updated as information changes.

Nov. 30th Conference Call re Worker Abuses in the New Orleans Area

On Nov. 30th, CLINIC hosted a conference call with Catholic Charities of New Orleans and the New Orleans Hispanic Apostolate. Also on the call were staff from: Mississippi Immigrant Rights Advocates (MIRA), Equal Justice Center (EJC), National Immigration Law Center (NILC), Southern Poverty Law

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Center (SPLC), the New Orleans branch of the International Painters' Union and the Baton Rouge branch of the International Laborers' Union.

The call was convened as a result of the high number of immigrant workers seeking assistance at the New Orleans Hispanic Apostolate with complaints that they had not been paid for long hours of work in Gulf Coast reconstruction work.

Bill Chandler from MIRA confirmed that similar widespread abuses were occurring in Mississippi. MIRA has responded to abuses by meeting with local officials from the U.S. Dept. of Labor. MIRA also is handling the large number of complaints by listing one complainant on the Dept. of Labor complaint form (W-H-3), but including labor violations representative of an entire group of workers on a single worksite. MIRA also is working closely with local trade unions to get workers trained and contractors to be in compliance with labor laws.

Mary Bauer from the SPLC reported that her organization was doing outreach and "know your rights" work with immigrant workers in Mississippi, Alabama and Louisiana. She reported that the outreach work was not difficult since so many workers were clustered in hotels where it was easy to hold meetings. However, the problem was that the SPLC did not have the capacity to handle the large number of phone calls from workers that followed the outreach efforts and cannot take on the large number of individual claims. The SPLC is documenting reports of worker abuse, and is looking for contractors with widespread violations in order to do high impact litigation. The SPLC had collected information about one contractor who had failed to pay 600 workers.

Anita Grabowski from the EJC described their work developing educational materials for workers that focus on wage and safety rights. The EJC also developed an intake form for outreach workers (available at <http://www.cliniclegal.org/katrina.shtml>) to collect data on worker abuses and transmit back to the EJC. However, the EJC reported that the problem of worker abuse was so overwhelming that it was trying to organize a system to collect concrete, empirical data. Ms. Grabowski is working with NILC and others to devise a national strategy to deal with worker abuse.

Marielena Hincapie from NILC announced that NILC is seeking to hire a field organizer who could work in both Louisiana and Mississippi to document abuses and organize workers. NILC is also seeking a policy analyst in its D.C. office to handle advocacy on a federal level regarding worker abuse along the Gulf Coast.

Burt Santos from the New Orleans Painters' Union said their union has been working in Louisiana and Mississippi to inform workers of their wage and safety rights. Mr. Santos suggested that it might be possible for the unions to negotiate with offending contractors to put pressure on them to pay their workers to avoid filing complaints with DOL or in state court. Mr. Santos suggested that picketing offending contractors might be effective.

Matt Maclellan with the Laborers' Union in Baton Rouge stated that they had received complaints regarding a wide spectrum of abuses throughout Mississippi and Louisiana. He stated that while they collected data regarding the abuses, they had nowhere to send people to address their grievances. He also stated that he believed they were only seeing the "tip of the iceberg" and that there were hundreds more cases of abuses that were not even being reported.

The staff from the Hispanic Apostolate and Catholic Charities in New Orleans explained that their organizations were already very leanly staffed and that the worker abuse issue threatened to overwhelm them. There was a discussion about how to maximize resources by collaborating on outreach efforts, organizing Loyola Law School Clinic and New Orleans volunteer lawyers to help workers file complaints, holding workshops to assist workers to file their own complaints with the Department of Labor, and advocating with the Department of Labor to assign investigators to the Louisiana area.

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Anita Grabowski with the EJC emphasized the need to work on multiple fronts including: organizing private attorneys, advocating with the Department of Labor, advocating on the federal level, and developing a broad organizing strategy.

The call participants discussed the need to create a worker center in the New Orleans area that could handle worker calls, do case intake on worker safety and labor violations, and inform national advocates of developing issues. CLINIC will continue to work with these organizations to develop an effective response to the worker complaints seen by the New Orleans Catholic Charities and Hispanic Apostolate offices.

To receive this newsletter on a regular basis, send an email to Maura Collins at CLINIC at mcollins@cliniclegal.org.