



**Issue No. 1, November 22, 2005**

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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**National Advocacy Teleconference**

On Nov. 9<sup>th</sup> CLINIC hosted a teleconference with affiliate programs impacted by the recent Gulf-Coast hurricanes. Participants included: Mirna Torres, CLINIC's Director of Advocacy; Laurie Joyce, CLINIC San Francisco; Phung Nguyen, Maria (Lolita) Amaya-Carchache, Shaula Lovera and Lourdes Stoddard from the New Orleans Hispanic Apostolate Office; Marina Toledo from Catholic Charities of New Orleans; Sr. Veronica Schuler from Houston Catholic Charities; Alma Garza-Cruz from Beaumont, TX Catholic Charities; and Sarah Mouw from New Orleans USCIS.

Sarah Mouw, New Orleans Community Liaison Officer, joined the beginning of the call to answer questions. Ms. Mouw reiterated the information from a prior conference call that USCIS was not taking action to establish temporary or mobile biometrics capacity in Louisiana. She stated that USCIS does not expect to have biometrics capacity in New Orleans before February, 2006, but that it could be as late as March or April, 2006. It was also noted that Mark Franken, Executive Director of Migration and Refugee Services of the U.S. Conference of Catholic Bishops, met with the USCIS Ombudsman on Nov. 4<sup>th</sup> about establishing temporary biometrics capacity in Louisiana.

\*\*\* Please contact Mirna ([MTORRES@cliniclegal.org](mailto:MTORRES@cliniclegal.org)) or Laurie Joyce ([lauriejoyce@comcast.net](mailto:lauriejoyce@comcast.net)) if you can provide an estimate of the number of people from your community who are impacted by the lack of biometrics in the Louisiana area. \*\*\*

Ms. Mouw also indicated that USCIS hoped to begin interviews for adjustment, naturalization, and other applications from a temporary office in Kenner, LA, a suburb of New Orleans. Interviews will proceed initially for persons whose interviews were scheduled prior to the hurricanes. Ms. Mouw cautioned that at the start, only two USCIS adjudicators with no computer capability would be in the Kenner office. Thus, at least initially, the Kenner temporary office would be for interviews only. USCIS hopes to have the office running at full service by February 2006. Ms. Mouw encouraged people to use the USCIS customer number (1-800-375-5283) to re-schedule an interview or to notify USCIS of an address change. Ms. Mouw recommended that individuals who have not moved, but who live in the areas impacted by the Gulf-Coast hurricanes, should send a notification to USCIS confirming their address. Ms. Mouw also stated that USCIS had intercepted all Service Center mailings of documents (including EADs, LPR greencards; advance parole documents) for zip codes from hurricane impacted areas and was holding these documents while waiting to be notified of address changes. Ms. Mouw also encouraged people to first check the USCIS on-line Case Status System [[www.uscis.gov](http://www.uscis.gov) - click on "case status online"] for the status of production of their immigration documents, and then contact USCIS.

New Orleans EOIR. Ms. Mouw contacted Laurie Joyce after the conference call and stated that she had spoken with ICE officer Craig Robinson. Mr. Robinson reported that the New Orleans Immigration Court is not functioning nor receiving any mail. Mirna Torres will find out from Judge Creppy's office where New Orleans Immigration Court change of address notifications should go. It also was noted that non-detained hearings previously scheduled for New Orleans Immigration Court were being held at Oakdale Immigration Court. The Oakdale Immigration Court will accommodate non-detained people requesting to move forward with their hearings. Otherwise, the New Orleans cases will not be scheduled for hearings until the New Orleans Immigration Court re-opens. Currently, there is no re-open date.

Ms. Mouw stated that she was aware that USCIS was sending out interview notices (for adjustment, naturalization, etc.) requesting that people appear in Memphis and Jackson. She said that hurricane impacted residents should not be penalized for failure to appear at an interview scheduled out of state. Ms. Mouw said the policy was that hurricane impacted persons had the right to proceed with interviews in whatever office they chose. Ms. Mouw cautioned, however, that individuals with out of state interview notices should contact USCIS immediately to notify them if they could not make a scheduled interview. Ms. Mouw also said that although the interim office in Kenner, LA would primarily process people who had received notices for an interview in the mail, people could also request to be interviewed there. However, she noted that because the Kenner office would only have two adjudicators with limited capacity, the wait for local interviews might be lengthy.

Alma Garza-Cruz reported in from Beaumont, TX that Houston USCIS was scheduling all persons from her area who needed adjustment or naturalization interviews re-scheduled due to having to evacuate the area during their previously scheduled interviews. She noted that Houston USCIS officers were calling people to confirm interview times

After Ms. Mouw left the call, there was a discussion about the treatment of immigrant workers in the New Orleans re-construction effort. Lolita Amaya from New Orleans Hispanic Apostolate stated that she was seeing many people cheated out of wages and asked to work very long hours. In some cases, labor contractors transported workers to New Orleans promising that a job was waiting, but then abandoned the workers. In other cases, workers worked on job sites, but were told that their pay had been given to the labor contractor who disappeared. Lolita estimated seeing five people per week with this complaint, but that each of those five individuals was likely to represent another 15-20 people with the same complaint.

It was decided that Laurie Joyce would look into getting "know your rights" materials distributed to the programs so that workers can be made aware of the fact that they have a right to file a

complaint for failure to receive wages. Ms. Joyce will also research the possibility of putting public service announcements on local Spanish-speaking radio stations about the right to file a wage and hour complaint.

Marina Toledo has helped to pull together a group of three or four New Orleans area lawyers willing to help workers with wage and hour claims. Sr. Veronica at the Houston Catholic Charities office said that the University of Houston has an immigration clinic that may be able to handle some wage and hour complaints for persons residing in the Houston area. The contact there is Joe Vail (713-743-2094).

There was also a discussion about health and safety for immigrant workers. Many workers are suffering from rashes, cuts, sinus infections, allergies, dehydration, etc. A lack of Spanish interpreters in the local hospitals makes it difficult to treat people with injuries. Ms. Joyce will look into placing public service announcements on local Spanish radio about the importance of using masks, gloves, eye protection and respirators in clean-up work. Shaula Lovera said that workers seem to shun wearing protective gear and work sites do not appear to do anything to encourage or insist upon the use of protective gear. Ms. Lovera will forward the Center for Disease Control flyers that she has on the issue.

### **Violations of Immigrant Worker Rights in Hurricane Reconstruction Efforts**

Three organizations in Mississippi have organized to do outreach and pursue violations of worker rights in the hurricane reconstruction effort. The United Methodist Hispanic Ministries, the Mississippi Immigrant Rights Alliance (MIRA), and the Equal Justice Center have concluded from their outreach work in Mississippi that there are significant and widespread violations of immigrant workers rights including violations of federal wage and hour laws, non-payment of wages, non-payment of overtime wages, hazardous work conditions, improper safety equipment, and substandard worker housing. These three organizations have begun distributing worker rights materials and are establishing an infrastructure to pursue violations in Mississippi. The Catholic Legal Immigration Network, Inc. (CLINIC) is also working to get worker rights materials to affiliate programs in Louisiana and the Texas Gulf Coast and to assist these programs with outreach to the immigrant worker communities. Please contact Mirna ([MTORRES@cliniclegal.org](mailto:MTORRES@cliniclegal.org)) or Laurie Joyce ([lauriejoyce@comcast.net](mailto:lauriejoyce@comcast.net)) if you need information on hurricane reconstruction worker rights.

### **Emergency Assistance and Public Charge Concerns**

Some CLINIC affiliate programs have inquired about the impact of acceptance of public assistance on immigrants and whether they can be deemed a “public charge” for acceptance of such benefits. The short answer is: No. Acceptance of benefits due to Hurricanes Katrina and Rita will not be used to deem a person a public charge. Emergency benefits include benefits through FEMA; the Individual Family Grant Program (IFGP) (short term cash for repairs, transportation, etc); Disaster Unemployment Assistance; Small Business Administration (loans to re-establish businesses); and the emergency provision of other benefits such as food stamps.

However, these benefits are only available to “qualified immigrants.” The term “qualified immigrants” includes: Lawful permanent residents; refugees; asylees; persons granted withholding of removal/deportation; parolees (of at least one year); conditional entrants; Cuban/Haitian entrants; and battered spouses/children with pending/approved self-petitions, immigrant visas, or cancellation of removal applications (where needs are connected to abuse).

Immigrants who are not “qualified immigrants” are still eligible for short term, non-cash, in-kind emergency disaster relief and similar services. This includes such things as search and rescue efforts, emergency medical care, emergency shelter, dissemination of public information, and the provision of essential food, water and medicines.

### **Foreign Students and other Nonimmigrants**

Foreign students displaced by Hurricanes Katrina and Rita should work with their sponsoring schools. Students whose legal status depends directly on being enrolled in U.S. educational institutions have to either leave the country, wait until their school becomes operational, or transfer to another school.

Immigration and Customs Enforcement (ICE) has established a toll-free number (800-961-5294) and updated their website information [<http://www.ice.gov/graphics/sevis/>] to assist foreign students who were attending a school affected by Hurricane Katrina or Rita.

For nonimmigrants affected by the hurricanes and whose legal status and activities are restricted by their visa conditions, a USCIS flyer provides information on how to replace I-94 (nonimmigrant entry document) and employment authorization documents. The flyer can be found at: [http://www.uscis.gov/graphics/services/katrina\\_flyer.pdf](http://www.uscis.gov/graphics/services/katrina_flyer.pdf).

### **Immigrants in Hurricane Affected Gulf Coast – Demographics**

For a detailed breakdown of the demographics of immigrants affected by Hurricanes Katrina and Rita see: [www.ilw.com/articles/2005,1031-Batalova-shtm](http://www.ilw.com/articles/2005,1031-Batalova-shtm) The article was written by Jeanne Batalova in Immigration Daily and provides a description of the types of issues immigrants in the area face in the aftermath of the hurricanes.

## **POLICY UPDATE**

### **Bush Administration Not Willing to Issue Letter of Reassurance to the Undocumented**

In early October, Illinois Senator Barack Obama sent a request to DHS Secretary Chertoff requesting a statement reassuring undocumented persons that they could seek help from relief agencies without fear of being turned over to immigration authorities. Secretary Chertoff's office responded with a letter stating that DHS officers would not routinely verify immigration status of individuals seeking emergency assistance as a result of Hurricanes Katrina and Rita. However, the letter also stated that "routine law enforcement encounters" would result in DHS officers taking appropriate action. The letter also stated that DHS did not intend to review FEMA records for immigration purposes. It stated that DHS would take appropriate action if officers encounter undocumented persons in the course of a fraud or criminal investigations.

### **Pending Legislation for Immigrant Hurricane Victims Not Very Generous**

The Immigration Relief for Hurricane Katrina Victims Act of 2005 (HR 3827) which passed the House last September has a parallel Senate Bill, both of which have disappointingly ungenerous provisions for immigrant victims of the hurricanes.

The bills do allow beneficiaries of currently pending immigrant visa petitions filed by lawful permanent residents or U.S. citizens who died or became disabled as a result of Hurricane Katrina or Rita, to remain eligible to complete the immigrant visa/adjustment of status process. However, for non-immigrants, the bills only provide a one year extension of non-immigrant status if the non-immigrant became disabled due to the storms. Thus, under this provision, non-immigrants must leave the U.S. immediately if their employment or program ended due to the storms and the non-immigrant suffered no disability. Failure to depart the United States would result in bars to re-entry. The bills' provisions are equally stingy toward immigrant students. Under the provisions, students only have until February 1, 2006, to enroll in a new school or face bars to re-entry for failure to depart the United States.

CLINIC will keep affiliate programs apprised of the status of legislation for immigrant hurricane victims.

**If you would like to be added to our mailing list to receive this newsletter in the future, please email Maura Collins at [mcollins@cliniclegal.org](mailto:mcollins@cliniclegal.org).**