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Protecting God's Children From Distant Lands

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D.W.U.: Driving While Undocumented

BY ELIZABETH RICCI

Within a few hours of going to a Plant City, FL, Department of Motor Vehicle (DMV) office to change his Canadian license plate to the Sunshine State, "Aramis King" (alias used to protect privacy) was on a plane back to Canada against his will.

Despite being married to a U.S. citizen (USC) who was in the process of petitioning for King's residence, having a USC child, and owning his own business, King was taken into custody at the Tampa airport. A federal officer pulled a credit card from King's wallet and forced him to purchase a ticket to Canada.

"Everybody was shocked," said St. Petersburg attorney P.J. Bradley, who represents the Canadian. According to her, the Department of Homeland



Security (DHS) denied the incident took place and the officer with whom she spoke claimed that "they don't work that way." However, a DHS representative could not be reached for further comment.

Nonetheless, King has been back in Canada since September 30 and is now subject to a 10-year re-entry bar. He faces costly legal fees, loss of business,

and separation from his USC family.

A Rise in Arrests

Obtaining license plates, driver's licenses, and other driver benefits in Florida, like 46 other states, is particularly difficult—if not impossible—for undocumented persons. Moreover, with the Illegal Immigration Reform and

continued on page 8

ICE, Obama Cannot Build Their Way Out of Detention Crisis



BY ANDREA BLACK, NEW AMERICA MEDIA

Sixty miles southeast of San Antonio, plans are underway for the construction of a new 600-bed, \$32 million immigration detention center in Karnes County, Texas, in partnership with The GEO Group, one of the largest for-profit prison corporations in the country. This facility, the first in a series of so-called "civil" detention facilities slated for development across the country, will be used to detain asylum seekers and immigrants without criminal convictions.

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Grounds for Deportation Narrows ... see page 9

Some States Applying Brakes to Legislation Denying Citizenship to U.S.-Born Children

BY SETH HOY

Recently, a panel in South Dakota's legislature voted to halt legislation aimed at denying citizenship to U.S.-born children of undocumented immigrants. South Dakota's bill—and others like it—propose measures which challenge the interpretation of the 14th

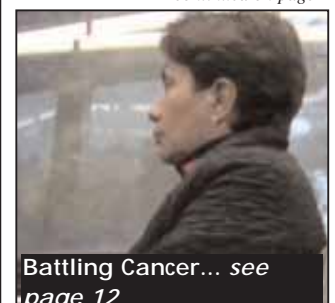
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IMMIGRATION NEWS

U.S. Resumes Deportations to Haiti—One Deportee Dies

BY DR. ERIN MARCUS

The U.S. government has resumed deportations to Haiti, despite a cholera epidemic and political unrest. To learn more about what is happening to the deportees, New America Media (NAM) contributor Dr. Erin Marcus spoke with Cheryl Little, co-founder and executive director of the Florida Immigrant Advocacy Center in Miami.

Why did the U.S. government resume deportations to Haiti?

They tell us it's all about public safety, keeping the American public safe.

What they told us at the time [that they announced the new policy] was that they were going to be deporting the worst of the worst criminal offenders—axe murderers, rapists, that kind of thing. We subsequently learned that anybody who is labeled a criminal—and in Florida, for example, if you're driving with an expired driver's license for four months, you've committed a crime—that even individuals like that could be subject to removal under this new policy. So obviously, we were very concerned.

So far, one plane load of 27 Haitians has been sent back to Haiti, on Jan. 20. Who was on that plane?

According to the U.S. government, they were folks who had been found guilty. They had all finished serving their sentences. It may be that some of these Haitians had serious criminal histories, but we also know that a number of them did not. In the vast majority of cases, they had already been released by immigration and customs officials and were abiding by all the requirements of their release. They didn't get into trouble again. They were doing everything that our government was expecting them to do, and then the next thing they knew, this new policy went into effect and they were rounded up, sent to different jails across the country, and the first plane load of Haitians left Louisiana and arrived in Haiti on January 20th.

Many Haitians and other detainees have told us they pled guilty because they were advised to do so by their attorneys. They were told the sentence would be light and they'd get out of jail sooner. They didn't understand the serious repercussions of a guilty plea with respect to their immigration status.

We know that first flight that went back included folks like Roland Joseph, whose

entire sentence was six months. Nonviolent offense. Regardless of the criminal history, if someone has served their time, served their sentence, they shouldn't be sent back to a country where they could well be facing a death sentence.

What happened to the people who were returned?

The Haitians who were returned were placed in four different jails outside of Port-Au-Prince. Our government has repeatedly told us that they've been working on a viable reintegration policy so that when Haitians are sent back they're properly cared for. I can tell you, the reintegration policy is practically nonexistent. They've reached out to a group, Alternative Chance, a nonprofit operating on a shoestring budget, and they can't begin to provide these detainees with the help they need.

What have you heard about conditions in the jails?

We know that conditions are horrific, and one of those 27 Haitians who were sent back unfortunately died. Imagine the worst-case scenario, and that's it. Recently there was a cholera outbreak in the jails. Not surprising, given the crowded and unsanitary conditions.

If you don't have family or friends to bring you clean water and food, you don't eat, and you don't drink clean water. You don't get anything unless you have family there to care for you. In the best case scenarios, these (deportees) have distant family members or family members they haven't seen in a long time.

What do you know about Wildrick Guerrier, the deportee who died?

It's our understanding that he was sent back at the last minute. Shortly after he arrived in Haiti and was jailed, his condition quickly deteriorated and he wasn't getting proper treatment. He [had been a lawful U.S. resident since 1993, when he arrived as a teenager, and] had no family in Haiti, so an aunt who lives here in South Florida flew to Haiti, realized he was deathly ill, and insisted they release him. They released him on Jan. 27th and he died shortly thereafter. We know he had cholera-like symptoms—uncontrollable diarrhea and vomiting—but we don't know whether he died of cholera.

Guerrier had served less than two years in a U.S. jail for a conviction on a charge of possessing a firearm by a convicted felon



while he was working as an security guard. Earlier, he was accused of committing battery on a police officer during a traffic stop, but he only got probation. There was a probation violation and that's when he got one year, six months, suspended. When we interviewed him over the phone, he said his lawyer made him plead guilty (and) he wanted to clear up his immigration record.

[The remaining deportees were released from jail in Haiti on Jan. 31].

What do you know about the logistics of how these Haitians were detained by immigration officials?

Immigration officials went to their homes in the early morning hours and at gunpoint arrested them, detained them. One hundred of these Haitians were at the Krome Detention Center (in southern Miami-Dade County) early on and we had a number of attorneys wanting to meet with them, but rather than permitting us to do that, the Haitians were transferred to three jails in Louisiana, where it's virtually impossible for them to get legal assistance.

We have asked the government to bring the Haitians back to Miami or other places where there are viable pro-bono programs so they can get proper representation. We believe some of these Haitians are eligible for relief from removal, but it's extremely difficult for us to help them given that they're in Louisiana and we're not.

Deportations have been suspended in the cases of immigrants from other countries after natural disasters and political upheavals.

Do you think Haitians have been singled out for particularly harsh treatment?

Here at the Florida Immigrant Advocacy Center, we represent folks from all over the world. I know of no other group that's been discriminated against to the extent that the Haitians have. They just want to be treated like human beings.

Federal courts in the past have said that Haitians have been singled out for discriminatory treatment. Other immigrants whose countries are in dire conditions such as Haiti do not have to go through this.

What could be done to change the deportation policy?

Right now this administration can say, well, we're not going to deport these Haitians at this time because it's the wrong thing to do and there's nothing right about this. That can be done in a heartbeat. It's just unconscionable that our government is sending anybody back to Haiti at this time. We have repeatedly said this could amount to a death sentence, and sadly we were right.

What is the status of other Haitian immigrants?

A number of Haitians arrived post-earthquake because their homes had been destroyed. Their kids were living in tents in the street, and we are asking this administration to permit those Haitians to apply for Temporary Protected Status, so that if Haitians arrived here in the aftermath of the earthquake in order to survive, they have an opportunity to remain here temporarily. A lot of these Haitians had jobs in Haiti, their kids were in school, that's the country they love and the country they want to return to. But they need a temporary reprieve. We have applied for deferred action for a number of these Haitian families and in most cases we've gotten no decision, so we fear that those cases are going to be denied.

We're also very concerned about the Haitians in Haiti whose relatives in the U.S. are lawful permanent residents and U.S. citizens, who had applied to get visas and come here legally. Those visa petitions have been approved, but those Haitians aren't being allowed to come here because there's a quota system and there are backlogs and so they could wait five or ten years. I talk to Haitians here and they say the visa's been approved, but my loved one is living in a tent. Why can't I bring them here? Haitians here who have family members in that situation are traumatized because they feel helpless.♦

Dr. Erin Marcus is associate professor of clinical medicine at the University of Miami Miller School of Medicine.

Source: New America Media



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Senator Cornyn, Republicans Continue to Stammer on Immigration Reform

BY TRAVIS PACKER

The official Republican response to the State of the Union address may have been delivered by Congressman Paul Ryan (R-WI), but the immigration response came from Texas Republican Senator John Cornyn who fired off an editorial questioning the President's commitment to border security and immigration reform. While the Administration has certainly heard Sen. Cornyn's accusations before, his mixed messaging on border security and reform efforts seem indicative of a larger Republican problem—one in which words don't quite match up with deeds.

Despite the fact that President Obama articulated the need to "take on, once and for all, the issue of illegal immigration," requesting that Congress make a bi-partisan effort to protect our borders, enforce our laws, address the millions of undocumented workers in the U.S. and stop deporting talented youth, Sen. Cornyn argued that the President has "never seriously engaged Congress on immigration reform." Nor is the Senator "optimistic about a credible immigration reform proposal coming from this White House" this year.

Which begs the question—what exactly is a "credible immigration reform proposal" in Republican eyes? Was the proposal offered by Senators Menendez, Schumer, and Gutierrez not credible? Was the DREAM Act proposal that the Senate failed to pass last fall also unacceptable? Why must the proposal come from the White House and not Congress?

Democrats have expended resources more on border security in the past few years, including engineering a \$600 million boost to southwest border funding. Perhaps that's why Senator Cornyn sent a mixed message about progress on border security. He wrote:

In the last fiscal year, U.S. Customs and Border Protection saw an increase in



Senator John Cornyn (R-TX). Photo by musicFIRSTcoalition

Rather than continue to point fingers, Republicans and conservative Democrats need to take the President up on his offer to make this the year that we all agree to start fixing the broken immigration system.

apprehensions of illegal immigrants from Afghanistan, Egypt, Iran, Syria, and Yemen. They detained more than a dozen each from Iran and Iraq. Some of these nations harbor terrorists. Washington's failure to secure our border puts local residents at risk and jeopardizes national security.

So which is it? Is the Obama administration failing to secure the border or are they making progress? Either way, the Senator's editorial doesn't really signal what he is for or how he hopes to move forward on other aspects of reform. Ironically, when he does talk comprehensive reform, he sounds quite a bit like the President he is criticizing:

Despite the challenges, immigration reform remains a federal responsibility and a national imperative. We must find a credible and compassionate solution to the 12 million illegal immigrants living in this country. We must address the millions

who come here legally but overstay their visas. We must honor those who have played by the rules of our broken system.

Actions speak louder than words for both parties, and particularly for Senator Cornyn who has repeatedly voted against genuine immigration reform, including the DREAM Act. Rather than continue to point fingers, Republicans and conservative Democrats need to take the President up on his offer to make this the year that we all agree to start fixing the broken immigration system. There are plenty of "what ifs" and "should haves" to go around for the 111th Congress, but now that Republicans control the House, they will have to start shouldering both the responsibility and the blame for our broken system. Senator Cornyn can choose to point fingers or roll up his sleeves. For the sake of the country, let's hope he chooses the latter. ♦

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The Immigrant's Journal Legal & Educational Fund, Inc. is an organization dedicated to the educational and economic empowerment of all immigrants and immigrant organizations here in the United States. We at the Journal recognize the enormous contribution of immigrants to this country economically, socially and politically. Since September 11, 2001, however, immigrants have increasingly been discriminated against and Congress has passed legislation curtailing the rights of immigrants here in the U.S., broadly claiming that immigrants are a threat to "National Security." We at the Journal believe that these charges are unfounded, unsubstantiated and exaggerated. The Immigrant's Journal Volunteer Intern Program: was introduced to give our volunteers the opportunity to work in an immigrant friendly environment while developing the necessary skills for college or law school. They assist our staff in resolving immigration and other legal concerns through personal interviews, radio, email and telephone contact. They also assist the public with citizenship applications and in researching whether or not children of naturalized U.S. citizens have derived citizenship from their parents. Some of our volunteers assist our legal staff by engaging in legal research and writing letters on other legal issues. Volunteer interns are also assigned various other jobs in our Youth Programs.

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OBAMA ADMINISTRATION

ICE, Obama.. Detention Crisis/ *continued from page 1*

While touted as a major step toward reform, the federal government's prioritization of building new detention beds, its focus on imprisoning people who pose no threat to public safety, and its continuing partnership with The GEO Group, which has a notorious track record of civil and human rights violations, raise serious doubts about the Obama administration's commitment to overhauling a decidedly broken immigration detention system.

Although improving conditions is certainly desirable, addressing the crisis in our detention system will require more than sprucing up detention centers. It is time for Immigration and Customs Enforcement (ICE), the division of the Department of Homeland Security responsible for running the detention system, to stop partnering with entities that put profits before safety and meaningfully engage community stakeholders to fundamentally restructure the system. It is time to look beyond detention to more just and cost-effective alternatives to reduce the human and financial cost of a system built on prisons, jails and other punitive facilities.

Since 2003, over 2 million people have passed through a loose network of detention facilities comprised of more than 270 federal, private, state prisons and county jails, at an annual cost of \$1.7 billion to taxpayers. The rapid growth of

the detention system in recent years has been accompanied by increasing levels of abuse, ranging from substandard living conditions to over 100 immigrant deaths.

Feeding the growing number of detention beds is an increasingly aggressive set of enforcement programs such as Secure Communities, 287(g), and the Criminal Alien Program. These programs have garnered significant criticism in recent years because they encourage racial profiling, siphon off resources from local police departments to enforce federal immigration law, break down trust between immigrant communities and local law enforcement, and result in the detention of individuals whom ICE itself acknowledged should not be an enforcement priority.

Last year, ICE acknowledged the failings in the system and announced sweeping reforms, including stronger oversight of its facilities, greater reliance on secure release options, and the construction of more civil facilities, which, according to federal officials, would provide a less penal environment for detained immigrants. To date, however, there is little evidence of this promised change.

The Karnes facility is part of the government's proposed plan to change the system by opening several new facilities across the country. In Essex County, New Jersey, officials have proposed an upgrade and expansion of the Essex County Correctional Facility to hold hundreds more detained immigrants.

This has elicited stiff opposition from local advocates who have witnessed poor medical treatment, lack of access to legal assistance, and other abuses at ICE facilities in NJ and elsewhere at the hands of the same entities with whom ICE plans to partner to enact reform.

In addition to Karnes and Essex County, ICE officials intend to expand or build new facilities in or around Miami, Chicago, the Carolinas and San Francisco, increasing the reach of an already overextended and unaccountable detention system rife with abuse.

ICE claims that these new facilities will replace existing beds in problematic facilities, yet no commitment has been made to close a single bed in any location, and there has been no indication of when it might make such a commitment. The government also continues to seek partnerships with entities that have helped create this abusive and dysfunctional system.

Through its Dignity, Not Detention campaign, Detention Watch Network, a national coalition working to reform the immigration detention and deportation system, has called on the Obama Administration to reduce the number of detention beds; use secure release options as a meaningful alternative to detention; restore due process to immigration laws so that every person receives a fair day in court; and end expansion of enforcement programs that contribute to the growth of the detention system.

As Americans, we have a responsibility to uphold our core values: dignity, human rights, and due process of law – principles that are fundamental to any democracy. All people, regardless of race or country of origin, deserve fair and equal treatment by the government. Yet the government has created an immigration enforcement system that is founded on fear, denial of due process, and the systematic violation of basic human rights. It is time to reduce our dependence on detention and begin creating a more humane system consistent with our values. ♦

Andrea Black is the coordinator of the Detention Watch Network, a national coalition working to educate the public, media and policy makers about the injustices of the U.S. immigration detention and deportation system and advocate for humane reform.

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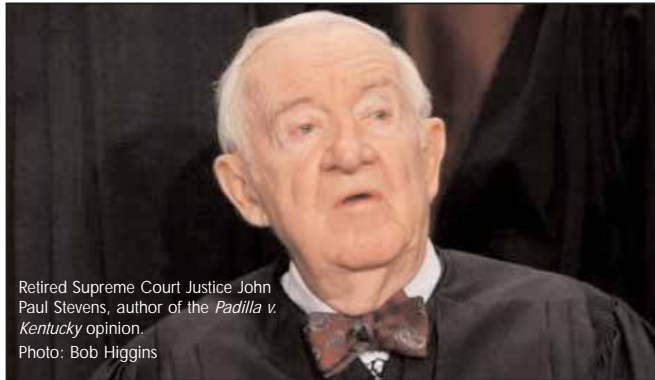
Despite Limits, How *Padilla v. Kentucky* Will Endure

BY BEN WINOGRAD

Immigrant advocates rejoiced last spring when the Supreme Court made clear in *Padilla v. Kentucky* that criminal defense lawyers must inform noncitizen clients if pleading guilty to a particular crime could result in their deportation. Since then, the Court's ruling has provided much-needed relief for many immigrants whose lawyers failed to properly advise them. At the same time, however, the immigrants' rights community is realizing that the decision has its limits and will not help all noncitizens whose lawyers failed to give such advice in the past.

The latest reminder came earlier this month, when the Virginia Supreme Court unanimously ruled that trial judges could not modify old sentences—even by one day—to spare previously convicted immigrants from deportation. Similarly, the Illinois Supreme Court last November rejected as untimely the claim of a longtime permanent resident whose lawyer incorrectly stated in open court that the agreed-upon plea bargain would carry no immigration consequences.

What gives? While seeming to violate *Padilla v. Kentucky*, these recent decisions reveal a frustrating reality of our



Retired Supreme Court Justice John Paul Stevens, author of the *Padilla v. Kentucky* opinion.
Photo: Bob Higgins

legal system. In many states, criminal defendants face numerous obstacles to even filing challenges to their original convictions or guilty pleas, such as strict time limits and requirements that they remain in physical custody—a problem further compounded by court decisions which narrowly interpret laws meant to enable defendants to reopen their cases in compelling circumstances.

But despite the ruling of the Virginia court, *Padilla v. Kentucky* remains a significant decision. For one thing, it recognized the harshness of deporting long-time permanent residents and the impor-

tant of providing sound advice to noncitizens facing criminal charges. For another, immigrants can still rely on the ruling if their original appeals remain ongoing, if they have time to file a federal habeas corpus petition, or if they were convicted in states more willing to provide remedies for reliance on bad legal advice.

But the ruling's greatest impact lies not in the relief it may offer to immigrants who were misadvised in the past, but in how it will shape the plea bargain process for noncitizen defendants in the future. Why? Unlike ICE attorneys, who are generally unwilling to negotiate, local

prosecutors reach plea agreements in the vast majority of cases, if only to avoid the time and expense of proceeding to trial.

As (now retired) Justice John Paul Stevens, who authored *Padilla v. Kentucky*, subtly put it, "[b]y bringing deportation consequences into this process, the defense and prosecution may well be able to reach agreements that better satisfy the interests of both parties." Put more bluntly: criminal defense lawyers won't unwittingly accept plea bargains that result in harsh immigration consequences, and local prosecutors will have to offer more favorable deals unless they want to go to trial.

Of course, this calculus won't apply to immigrants charged with crimes carrying serious prison sentences. But as Justice Stevens noted, where immigrants face some charges that mandate deportation and others that do not, they can plead guilty to the latter in exchange for the dismissal of the former. And where future deportation depends on the length of the sentence, no prosecutor would go to trial to obtain a year-long sentence when the defendant is willing to serve up to 364 days.

The recent decisions in Virginia and Illinois may still be appealed. But even if the rulings stand, *Padilla v. Kentucky* will be far from a dead letter. For untold numbers of future immigrant defendants, its impact on the plea bargain process will result in better legal advice, more appropriate sentences, and less need to revisit old cases in the first place. ♦

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April 2011

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during April. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by March 8th in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date earlier than the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date which has been announced in this bulletin.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. (F2A) Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. (F2B) Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Family	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01MAY04	01MAY04	01MAY04	15FEB93	01APR95
F2A	01APR07	01APR07	01APR07	01JUL06	01APR07
F2B	15APR03	15APR03	15APR03	15JUL92	15JUL92 0
F3	15MAR01	15MAR01	15MAR01	01NOV92	08DEC91
F4	01FEB00	01JAN00	01FEB00	01FEB96	15JAN88

Third: (F3) Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers".

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4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is earlier than the cut-off date listed below.)

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Work v Home: Living a Double Life

BY PEARLINE GUILLAUME, ESQ

Even before the "great recession", faced with the pressures of the declining economy people were working multiple jobs or putting in more hours at the job they have. People now have to effectively split their time between multiple avenues: managing work, raising children, maintaining a household and, personal time. The balance between these essential parts of life is oftentimes thrown off because of circumstances in and out of our control. In terms of a race, more people would say that work often ends up taking first place in the list of life's priorities. We all know that we have to work to live in this society but that doesn't mean we have to live to work.

In order to maintain a balance between home and work people have to realize that not keeping a balance can lead to mental, physical and emotional illness. The stress that people put on themselves to do it all can easily affect their physical health. Constant stress can lead to physical body changes such as acne, weight loss and weight gain to name a few. The more concerning effects of stress can include the breakdown of your immune system, high blood pressure, irregular heartbeat and heart failure.

Here are some ideas to help strike that balance between your home and work life:

At work:

■ Establish realistic short-and-long-term goals. Prioritizing work in order of deadlines and importance will ensure that important tasks will get done in time. Make a "to do" list and include only essential and time sensitive items.

■ Effectively with colleagues and supervisors. When necessary ask for help. If you feel overwhelmed or confused regarding a project, ask for more assistance or guidance. Don't just complain but rather have practical solutions or substantial questions on how you can work more effectively.

■ Get comfortable. Make your work space your personal space. Keep stress relievers around like pictures of loved ones, play your favorite music or take breaks to stretch or walk.

At home:

■ Leave work at work. Make it a policy to leave work at work or at the very least set a designated time when you can work at home. Make a conscious effort to create a boundary line between your home and



work life.

■ Create a system. Set up a schedule with your family to outline duties and tasks that have to be completed and who is responsible for those tasks. Also, decide set a schedule for fun too. Set up a schedule for personal and quality time. Establish game night, a night when everyone helps to make dinner or a scheduled outing.

■ Listen to your body. By staying healthy, you will reduce your risk of stress induced illness. Eat right, exercise and get adequate rest. Set aside time each day for an activity that you enjoy, this will help reduce stress levels. ♦

For more information, see WebMD, Stress Management Health Center

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IMMIGRATION

Driving While Undocumented/ continued from page 1

Immigrant Responsibility Act of 1996, architect Congressman Lamar Smith becoming the House Judiciary Committee chair, and with a number of Republican governors-elect promising to “enforce immigration laws” similar to those in states like Arizona and Florida, deportations will rise and stories like King’s will become more commonplace.

Attorney Raymond R. Bolourtchi has witnessed a dramatic increase in arrests of Hispanics by local and state police. “In some instances, the clients have not even been cited for any offense until after they are verbally ‘warned’ and questioned about their immigration status,” Bolourtchi said. “We have noticed a dramatic increase in our removal cases with suspicious factual grounds leading to initial arrest and now find ourselves with over a hundred motions to suppress and terminate being filed over the past two months.”

Bolourtchi went on to say that he has “failed to find any ordinance, or ... statute making it illegal to ‘drive while Mexican.’ I cannot seem to find any probable cause for the vehicle to be curbed, which in turn resulted in the client being issued ‘no license’ citations, and arrested subsequently only to be delivered to Immigration and Customs Enforcement.” Bolourtchi mentioned having several

clients that weren’t even driving when arrested but walking home. “I can only hope that immigration judges will grant our motions and order police officers to testify in immigration court. If so, this may work toward curbing what I consider to be racial profiling.”

Placing Others at Risk

In addition to increased deportations, there are other ramifications of strict driver policies, such as increased insurance rates, medical costs, and undermined state and national security. According to the AAA Foundation for Traffic Safety, unlicensed drivers are “among the worst drivers on the road” about 20 percent more likely to be in a fatal crash than are their licensed counterparts.¹ That sad phenomenon may be due, at least in part, to the fact that failing to license drivers means failing to test their ability to read road signs and follow traffic rules, demonstrate safe driver techniques, or understand the effects of drugs and alcohol on a person’s ability to drive.

San Diego immigration attorney Steven Riznyk noted, “In a city such as Los Angeles, where public transportation is an issue, people need to keep working. If they are here illegally and risking deportation, I don’t think it matters much to some that they are driving without a license.”

Other practitioners agree. Jay S. Marks, an immigration law practitioner in Arlington, VA, who formerly practiced insurance defense work in-house with a

major auto insurer, believes that “society’s interest in licensing for minimum driver competency and insuring undocumented drivers should be obvious to even the most hardened anti-immigrant advocate.” Marks added that “folks with no formal operator’s training in the United States, careening about with no insurance, results in millions in property damage, bodily injury, medical bills, lost wages, and lost productivity—all without recourse to the party causing the injury.” He went on to say that hospitals will be adversely affected by this because they will be forced to treat injured people with no medical coverage to pay for potentially life-threatening injuries. “Families have no income because their breadwinners are injured in vehicles without PIP coverage,” he added. “Insurers and their policyholders are left to pay for it all through higher premiums. The insurance industry calls this the ‘freeloader effect,’ and the industry works very hard to get everyone covered because of it—not to mention the insurance industry’s self-interest in receiving that premium dollar.”

But Marks noted, that the auto insurance industry benefits society by providing “an efficient, market-based solution to distributing risk evenly throughout society so that all assume some cost (premium) so that the entire cost (damages) is manageable.”

Marks added that intentionally denying licenses and insurance coverage to more than 10 million undocumented individuals exacerbates the “freeloader effect” to society’s own detriment. “Antiimmigrant advocates who favor a licensing and insurance ‘exemption’ for undocumented drivers are shooting the rest of us in the foot, and the wallet.”

So why all the fuss? The REAL ID Act of 2005, Pub. L. No. 109-13, div. B, 119 Stat. 231, 302–23, establishes minimum standards for state-issued driver’s licenses and identification cards. In REAL ID-compliant states such as Florida, all driver’s license applicants are required to show proof of their identities and legal status in the United States. According to Florida Department of Highway Safety and Motor Vehicles (FLDHSMV) Deputy Director T.N. Prakash, the documents presented, including those of USCS, are scanned and stored in the FLDHSMV’s database. Although they are kept confidential, such practices have civil rights activists on edge.

Attorney Neil St. John Rambana, an expert on U.S. immigration and nationality law, noted, “Some [naturalized] citizens have had their citizenship revoked because of statements made at DMV offices. DMV practices, while somewhat understandable for security purposes, can actually make our roads less secure and cost the public millions because they are not consistent with safety, state statutes, or the Constitution.”

Rambana added that he doesn’t support illegal immigration, “but prohibiting undocumented persons from carrying driver’s licenses strictly because they are illegal is like encouraging illegal drug users to use dirty needles—it’s illogical and contrary to public health and safety.”

According to Margaret Stock, former associate professor of law at the U.S. Military Academy at West Point, “Refusing to give driver’s licenses to illegal immigrants means taking [them] out of the largest law enforcement database in

the country. Thus, denial of licenses is a policy prescription that hampers law enforcement far more than it enhances it.”²

Those in Favor, Say I

On the other hand, the Final Report of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission Report) is often used to justify arguments against granting driver’s licenses to undocumented persons. Each of the 9/11 hijackers carried state issued IDs or driver’s licenses.³ The report notes, at page 390:

Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as driver’s licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.

Likewise, anti-immigration activists believe that allowing the undocumented population to obtain licenses is akin to amnesty and would attract noncitizens to states with more relaxed licensure policies. There may be some truth to that belief as, according to the Associated Press, “more [undocumented] immigrants have sought IDs [from New Mexico, Utah and Washington, the only three states that grant licenses to undocumented individuals] in recent months.”⁴ Groups such as the Federation for American Immigration Reform (FAIR) claim that the road safety argument is a false one “because illegal aliens often use aliases and phony documents, so the alien’s identity and residence is not established as a result of the driver’s license process.”⁵

FAIR’s position, however, is spurious as REAL ID-compliant states are in fact required to verify documents submitted by applicants. Moreover, not licensing individuals actually makes it more difficult for states to identify terrorist suspects.

What is the solution? According to the National Immigration Law Council, states should require proof of state residency, implement internal antifraud mechanisms such as training on identifying false documents, implement photo comparison technology, and impose harsh penalties on those who produce, distribute, or purchase false documents. ♦

Elizabeth Ricci is the managing partner of Rambana & Ricci, PLLC. She is the AILA Central Florida liaison to USCIS in Jacksonville and FLDHSMV.

1. “High Risk Drivers Fact Sheet,” AAA Foundation for Traffic Safety (undated).
2. Margaret Stock, “Driver Licenses and National Security,” Drivers.com, Jan. 12, 2008.
3. “Two Charged In Scheme That Helped Terrorists,” Washington Post, Oct. 2, 2001.
4. Elise Foley, “Are ‘Sanctuary Policies’ a Magnet for Illegal Immigrants?,” The Washington Independent, Oct. 8, 2010.
5. “A Uniform Driver’s License,” Chattanooga Times Free Press, Feb. 26, 2002.

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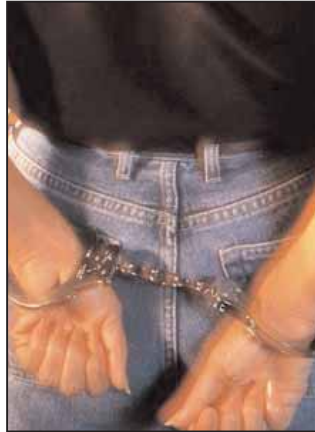
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Board of Immigration Appeals Overturns Previous Ruling, Narrows Grounds for Deportation

Washington, D.C.: On Thursday, February 4, 2011, the Board of Immigration Appeals (BIA) modified its much-criticized interpretation of a law which wrongly expanded the number of immigrants subject to removal from the United States. The BIA's modification partially adopts the position of the American Immigration Council's Legal Action Center, which argued in an amicus brief that a prior BIA decision ignored the intent of Congress when it interpreted the law to cover longtime U.S. residents in addition to more recent arrivals.

The case involved the circumstances under which noncitizens may be removed for committing so-called "crimes of moral turpitude." Under current law, immigrants may be deported for committing such a crime within five years of "admission" to the United States. In the prior decision, the BIA ruled the five-year clock may start when noncitizens are admitted at the border and restart if and when they later adjust



to lawful permanent resident status from inside the country, thereby reopening the window for deportation.

Numerous federal courts, as well as the Department of Homeland Security, disagreed with the BIA's initial interpreta-

tion. In Thursday's decision, the BIA reversed part of its previous ruling and held that the five-year clock does not restart for noncitizens who were previously admitted at the border before becoming permanent residents.

"The ruling is a win for fair administration and better interpretation of our immigration laws, a point the Board acknowledged by conceding its prior failure to focus on the language of the statute," said LAC staff attorney Emily Creighton, who co-authored the amicus brief with LAC senior staff attorney Mary Kenney.

As a result of the ruling, the BIA terminated removal proceedings against Alla Adel Alyazji, a Palestinian citizen who entered the United States on a temporary visa in 2001 and became a lawful permanent resident in 2006. Under its new standard, the BIA found that the relevant offense had not occurred within five years of the original entry. Mr. Alyazji was represented by Wayne Sachs of Philadelphia. ♦

Denying U.S. Citizenship/ continued from page 1

Amendment, which states that, with very few exceptions, all persons born in the U.S. are U.S. citizens, regardless of the immigration status of their parents. While conservative lawmakers continue to introduce bills challenging the birthright citizenship clause, other states—like Arizona and Montana—are joining South Dakota's lead in deciding whether to move these bills forward.

South Dakota's House Judiciary Committee voted 8 to 5 to put the brakes on HR 1199, a bill introduced by Rep. Manny Steele which calls on the Governor to join a compact with other states to issue two different types of birth certificates—one for those considered "natural-born U.S. citizens" and another singling out those whom the state does not consider a citizen. Executive Director of the State Bar of South Dakota, Tom Barnett, questioned whether the bill is constitutional while Sam Ellingson of South Dakota's ACLU said the "U.S. Supreme Court has already ruled that all children born in the U.S. are citizens regardless of their parents' status. A state legislature cannot decide which people are citizens."

Unfortunately, Rep. Steele didn't come up with this all by himself. His bill is part of a concerted effort by a group called the State Legislators for Legal Immigration (SLLI) who, earlier last

continued on page 14

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Federal Court Upholds Immigrants' Right to Reopen Cases from Outside the U.S.

Washington, DC: A federal appellate court chastised the Board of Immigration Appeals (BIA) for preventing noncitizens from reopening their cases from outside the United States. This important ruling from the U.S. Court of Appeals for the Sixth Circuit repudiates the government's view that immigration judges and the BIA lack "jurisdiction" over such cases.

The American Immigration Council's Legal Action Center and the National Immigration Project of the National Lawyers Guild, which filed a joint amicus brief in the case, applaud the Sixth Circuit's ruling. The Legal Action Center and National Immigration Project have coordinated litigation on this issue nationwide and call on the BIA to abandon its misguided regulation barring review of motions filed by noncitizens outside the United States.

"The Sixth Circuit recognized that the regulation deprives noncitizens of their statutory right to present new evidence in their cases. The decision corrects the government's unlawful attempt to separate families and opens the door for them



to return to the United States," said attorney Trina Realmuto of the National Immigration Project. Beth Werlin of the Legal Action Center said, *"A motion may be a person's only chance to present his case to the immigration judge. The government should take immediate steps to withdraw this unfair and outdated regulation rather than proceed with continued, unnecessary and costly litigation."*

Federal law gives noncitizens the right to file motions to submit new evidence after their removal orders become final. But the BIA has long maintained that it

cannot consider such a motion if a foreign national is outside the United States. This policy gives the government a perverse incentive to remove noncitizens from the country before they have an opportunity to submit evidence that could change the outcome of their cases. Moreover, the policy is at odds with provisions of a harsh 1996 immigration law that resulted in a dramatic reduction in due process rights and expansion of expedited removal but that made it clear that noncitizens had the opportunity to seek review of unfavorable decisions

from outside the United States.

The ruling involved Vakhtang Pruidze, a green card holder from Russia removed from the country because of a minor offense in Michigan. Less than two weeks after his removal, the criminal court vacated Mr. Pruidze's conviction. He then sought to reopen his immigration case, but the BIA refused to consider the motion because he was outside the country.

As the Sixth Circuit declared in its ruling, the BIA's interpretation *"has no roots in any statutory source and misapprehends the authority delegated to the Board by Congress."* ♦

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How to Move On & Let Go

BY JONATHAN LOCKWOOD HUIE

You can learn how to let go of the past. Whether you have experienced a breakup with someone you cared for deeply, whether death has taken a loved one, whether you have had a feud with a friend or family member, whether you have lost a job. Learn how to move on and let go — life can be joyful and rewarding again.



First, let's take a look at what people often do in time of loss that actually makes the situation worse. These are some things to avoid...

1. Don't spend too much time or energy mourning about what has happened. Let a broken romance or friendship go. Let a lost job become an experience and no more. Even with death, there is a time to mourn, and there is a time to renew and to move on with your own life.

2. Don't over-react to your loss and take any sudden actions without time for careful contemplation. If you are feeling desperately lonely or frightened, don't take actions based on those emotions. Seek support in the short term, and only make significant commitments after you have restored a sense of being centered and confident.

3. Don't spend a lot of time alone. Although you may feel the urge to avoid interacting with your friends and family, it is crucial in a time of loss that you keep up social contacts. Try not to lose the friendships and support network you have built, but if you do find yourself isolated from previous connections, focus all your energy on building new (non-romantic) connections. Although these new connections may eventually provide the path to a new job, new romantic interest, or new best friend, don't hurry that process or abuse your new acquaintances. Let your new casual connections remain casual, and friendly.

4. Don't complain about what has happened, and don't listen to your friends' complaints. It is better to focus your thoughts on positive matters. Why spoil your day complaining about a backstabbing ex-friend, ex-lover, or ex-boss. Keep your attention on building a bright future.

So what will help you move on and let go? Try these tips...

1. Keep busy with enjoyable activities — especially group activities. Continue with those groups and activities you previously enjoyed, and add some new ones. To the extent possible, focus on groups and activities that include members of both genders, but are not dating related. Best of all, find activities that have a physical aspect. Try a book discussion group, a church or community committee, yoga, Qigong, hiking, biking, cooking classes, wine tasting, classes of any sort. Don't limit yourself. Fill your time with many activities — both old and new.

2. Have positive conversations with your friends and family. Talk about anything other than your loss. Keep the conversations positive and focused on the future. If some of your acquaintances persist in bringing up your loss or being negative, spend less time with them and find more positive people to spend time with.

3. Be of service to those who are less fortunate than yourself. There is no better way to get over feeling sorry for yourself, than being of service. Volunteer at the Red Cross blood bank, the local hospital, the library, your church... The possibilities are unlimited — just do it. And besides, service organizations are a great place to make professional contacts, develop friendships, or meet your soulmate.

4. Get inspirational support daily... read an inspirational book or quotations, meditate, do yoga or Qigong, perhaps light a candle and contemplate positive thoughts, or begin the habit of daily journaling.

5. If you have lost your job, naturally you will want to search for a new job or career, but first make sure you are in a good frame of mind by following the previous tips. You will be far more successful in a job search if you are feeling positive and courageous — and you will be enjoying a higher quality of living. Be creative and persistent in a job search, but never allow desperation to take control of your life.

Have patience, keep your thoughts positive, and soon you will be over your sadness and anger and moving forward into your new life. ♦

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Battling Breast Cancer Alone: One Uninsured Immigrant's Story

When Georgina González learned she had breast cancer, she focused only on the first three letters of her disease.

C-A-N. As in, she can survive. As in, yes, it can be done — a phrase the 54-year-old immigrant from Puebla, México, repeated multiple times in Spanish one Thursday in early December.

"What am I going to do?" González said, as she waited in the lobby of the California Cancer Center for a routine checkup. A small pink ribbon was pinned to her pastel blue sweater vest, and in her lap she clutched a black tote bag inscribed with a pink heart and the phrase "Keep hope alive."

"I'm not going to cry," she said. "I must continue forward. *Si se puede.*"

But González, a petite woman with short, dark hair, who warms a room with her bright smile and easy laughter, has not survived her battle with breast cancer with strength and optimism alone.

With the support of state health programs, she underwent an operation, physical therapy and six weeks of daily radiation last year, all in a country where she has no immediate family and does not speak the language.

González is thankful for such safety-net health programs — lifesavers for her.

But some of those programs have been targeted for cuts, according to Gov. Jerry

More than three years ago, González left her three sisters, three children and three grandchildren in Puebla and traveled to the United States in search of the American dream that so many people chase...



Brown's proposed state budget. That prospect made González turn somber.

"If it weren't for (those programs)," she said, "I truly don't know what I would have done."

More than three years ago, González left her three sisters, three children and three grandchildren in Puebla and traveled to the United States in search of the American dream that so many people chase.

"One wants to do something that in her own country she cannot do," she said.

González's goal was to build a home in Puebla. But as a single woman with an elementary school education, who worked her whole life cleaning houses, it would be impossible to make enough money to con-

struct a house.

"In México, it's impossible to save money, because you're living by day," she said.

Since arriving in Fresno in 2007, González has worked toward her goal. She has labored in a taquería and cleaned houses and now works at a chain restaurant.

She started a new, simple life for herself, renting a central Fresno apartment with a co-worker. The apartment is cozy — her twin bed, below a portrait of the Virgin of Guadalupe, is steps from the tiny kitchen — but it is clean and festive, thanks to a small Christmas tree with colorful lights and music that streams softly from a radio.

A Fresno Area Express bus stop is right outside her apartment. She takes the bus to English classes every morning at the César Chávez Adult Education Center in downtown Fresno and to her job in the afternoon.

On some afternoons, she hops off the bus and walks along Barstow Avenue, over the State Route 41 overpass, to FoodMaxx. She buys basic groceries — milk, oatmeal, tortillas, eggs, flour and yogurt — then pushes the grocery cart back along the overpass to her apartment complex.

This simple routine was thrown into disarray in April, when she felt a lump in her left breast.

She visited Clínica Sierra Vista, where she received a free mammogram through the California Department of Public Health's cancer-detection program, Every Woman Counts, a program that ensures that low-income women age 40 and older who are uninsured or under-insured can receive free clinical breast exams, mammograms, pelvic exams and Pap tests.

After multiple tests, González got the news: She had breast cancer, the leading cause of cancer death among Latina women, according to the federal Centers for Disease Control and Prevention.

This was not the American dream she sought.

Or was it?

"I have seen that God brought me to this country to be cured," González said, as she sat on the worn, cream-colored couch in her apartment. "It's possible that, in my country, I would not have had that opportunity."

The cancer-detection program also funds case-management services, so health care workers at 900 provider offices statewide can follow up with patients and guide them through the system.

"The whole goal of the program is to save

lives by identifying breast and cervical cancer early enough that it can be treated successfully," said Dr. Linda Rudolph, deputy director of the California Department of Public Health's Center for Chronic Disease and Health Promotion. "We focus on low-income, uninsured, underserved women who unfortunately still have the worst outcomes."

The state delivered a blow to the program last January, when it froze new enrollment in the program and raised the eligibility age from 40 to 50. But the state reinstated the program in December, and Gov. Brown has not proposed cuts to the program for 2011-2012.

"In this budget climate, that is a huge win for community clinics and the women who rely on that program," said Kevin Hamilton, deputy chief of programs at Clínica Sierra Vista.

Last June, just a few days before González was scheduled to undergo surgery, she asked her children and their families to gather together and participate in a rare video conversation via Skype.

It was the first time she had seen her whole family since she emigrated to California, so the conversation started off jovial. But then González broke her news.

"I'm OK, don't get worried — but they are going to operate on me," she said. "It's OK, it's not serious."

Despite her rosy efforts, her family broke into tears — "from smiles to serious," she recalled. González, though, remained strong throughout the conversation.

As she sat in the booth of a downtown Fresno taquería in late December, and recalled the conversation with her family, she curled her fingers into a tight fist. Her gaze was far from the plate of carne asada tacos on the table, as she recited the phrase that sustained her through that experience: "I am not going to cry."

Days after informing her family of her illness, González went to a Clovis hospital for her operation. Though her family was on the other side of the U.S.-México border, González said she did not feel alone.

Her friends and co-workers in the San Joaquín Valley had become family in this country, she said. They, combined with her family in México, became her "prayer warriors," she said, and prayed for her throughout the surgery.

"The friends I have here made a pact that at 2 p.m., everyone was going to do a chain of prayers, from México to the United States," she said. "The power of prayer is divine."

After her surgery, González's boss, Claudia Jiménez, and Jiménez's mother, nursed González back to health. For one month, they bathed González, who could not move her own arm, fed her, and brought her breakfast in bed.

Claudia Jiménez said González was a delight to have in the house.

"We had someone to take care of, and at the same time, even though she was recuperating, she was a joy to have in the house with us," Jiménez said.

It was due to the kindness of friends, co-workers, and health care workers — "pure angels," as she often calls them — that

continued on the next page

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IMMIGRANTS' VOICES

Battling Breast Cancer/ continued from page 12

González said she suffered little as she battled cancer outside her native country. "I'm not alone," González said. "Maybe if I were alone — really without anybody — then I would feel much sadder."

Once she recovered from surgery, González began six weeks of daily radiation treatment. Each day, she would ride the FAX bus to the Cancer Center, for what seemed like two to three seconds of radiation.

During that time, González's spirit never wavered, said Lupe Briceño, a medical assistant at the California Cancer Center.

"She would come in every day, and she would travel by bus, and the way she is now with that beautiful smile — that was the way she would come in for the whole six weeks," Briceño said. "You wouldn't even think she was a cancer patient."

González's surgery, physical therapy and radiation treatment were completely covered through the state's Breast Cancer and Cervical Cancer Treatment Program, which serves eligible state residents who, due to income or immigration status, do not otherwise qualify for adequate or affordable insurance coverage.

Through the program, González was able to temporarily enroll in Medi-Cal benefits, which cover her cancer-related treatment as well as her medications, which cost about \$343 each month. But the benefits expired on November 30, and Georgina's physicians have told her that she will need to continue her medications and treatment for 5 years.

Nevertheless, González said she was sur-

prised and grateful to learn services like this exist.

"I was even more surprised when they told me it would be free," she said. "I hope they never get rid of these programs, because they are a great help."

Hamilton, of Clínica Sierra Vista, also emphasized the importance of these safety-net programs.

"Regardless of what we do with primary care at the community health center, we can't offer cancer treatment — we don't have the capacity to do something like that," he said. "We really need help from these various programs to ensure that these women don't die unnecessarily from these diseases."

According to the budget proposal released Monday, the Breast Cancer and Cervical Cancer Treatment Program has so far emerged unscathed. However, the temporary Medi-Cal benefits González receives through the program could be impacted by the governor's proposed budget, which recommends an increase in certain costs for Medi-Cal recipients: \$100 per day for a hospital stay, \$50 co-payment for emergency room visits, and \$5 co-payment for prescriptions, and doctor, clinic, and dental visits. The governor's proposed budget would also reduce Medi-Cal provider rates.

If approved by the legislature, those proposed changes would go into effect on July 1.

Today, González is cancer-free, although she continues visiting the cancer center for checkups. She is grateful for the assistance of Clínica Sierra Vista, and programs like Every Woman Counts and the Breast Cancer and Cervical Cancer Treatment

Program, all of which allowed her to receive health care she never could have obtained otherwise.

"Here, they treat you without worrying about your immigration status," she said. "If they get rid of these programs, what will happen to us?"

The only thing that could have improved González's experience with cancer, she said, would be to have had her children, nieces, nephews, and grandchildren at hug's reach. But she drew comfort, she said, from something her daughter and niece said to her.

"When somebody serves you soup, when somebody bathes you, when somebody covers you with a blanket, pretend that it is us, tía," González recalled them telling her. "Our hands are dressing you, our hands are bringing you a plate of food and a cup of hot tea — pretend it is us, tía."

It was almost 4 p.m., and González had changed from her pastel blue sweater vest into her black and red work uniform. In place of the pink ribbon pin, she attached her name tag, which identified her by a longtime nickname, 'Koka.'

González prepared to get back on the bus, and head to work.

"I wanted to return to my country for my children — to be close to my children, to hug them, to hug my grandchildren," she said. "But God brought me here for something. As long as God gives me strength and health, I will continue in this country," she said. ♦

Source: New America Media Video. Text by Rebecca Plevin.

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IMMIGRANTS' CONCERNS

Denying U.S. Citizenship/
continued from page 9

month, held a press conference introducing two measures challenging birthright citizenship. One measure is a state compact (upon which South Dakota's bill is based) requiring states to issue two different birth certificates depending on the citizenship of the child's parents and the other is a bill which defines "state citizenship" to exclude the American-born children of undocumented immigrants. SLLI members admit that they don't expect these measures to have a practical effect; rather, they are intended to spur costly legal challenges so that the Supreme Court will take up the case and reinterpret the 14th Amendment.

Arizona Senate Judiciary Committee



Chairman, Sen. Ron Gould, held up two such measures (SB1308 and SB1309) yesterday after three hours of testimony when it became clear the measures did not have enough votes to pass. The measures, however, can still be voted upon at a different time or assigned to a "friendlier" committee. State Sen. Kyrsten Sinema pointed out that the way

these measures are currently written actually denies citizenship to children born to U.S. soldiers in bases overseas, which, as Sinema continues, "would have denied our very own United States Sen. John McCain the benefits and recognition of Arizona citizenship under this law."

Similarly, Montana Governor Brian

Schweitzer said he will not sign HB 392, a measure introduced by Republican Representative James Knox which denies citizenship to dual-citizens and Native Americans, in addition to children who do not have at least one legal citizen parent. The Governor also said he would "veto any unconstitutional bills."

Aside from the intention to waste taxpayers money, these bills do nothing to actually solve the problem of undocumented immigration. They are what Jennifer Rubin of the Washington Post called bills "in search of a problem." Hopefully, other state legislatures will call out similar attempts to amend or reinterpret the 14th Amendment for what they are—unconstitutional, wasteful and frankly, un-American. ♦

Testimonials from Journal Members

I can't thank Figeroux and Associates enough for all that the office has done for me. I was in a bit of a dilemma before they rescued me. I met this beautiful woman whom I fell madly in love with and could not wait to marry. I proposed to her, and was planning our wedding when I remembered that I was still married to my wife in Guyana. We have been apart for so long that I had forgotten I was still married. In a rush to appease my wife-to-be and not postpone the planned wedding, I tried to file for a divorce on my own. By trying to file on my own I made the situation worse; there were a lot of errors in regards to my paperwork and I was running out of time. I decided to contact an attorney. I had used Figeroux and Associates to apply for my citizenship, and thought, why not try them again? I am so glad that I made the right decision. The attorney informed me that I would need a preference order so that the divorce process would be expedited. The complete divorce package was filed on May 25th and by June 3rd I was divorced. I knew that the word expedite meant to speed up, but I was blown away at how fast the process was. My fiancée had her dream wedding in June, and I ended up the happiest man alive with the woman of my dreams, and that day would have been a catastrophe if Figeroux and Associates didn't get involved.

Thank you Brian,
Leon

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Living in America while being undocumented is a rough situation, almost unbearable at times. I have been here almost all of my life. I came to America when I was in my early teens and now I am a middle-aged man with no arrest record. I am also well-known in my community because of the organization that I work for, which I cannot name. I am originally from Trinidad and Tobago and work with the Caribbean Diaspora on a daily basis, especially with children. I have a pretty stable life. I met someone and fell in love on the job. I must admit we got married quickly. Only after a few months I began to realize that I made a mistake. My wife had become verbally and emotionally abusive. I felt neglected. She promised me early on in the relationship that she would file for me so that I could become legal, but she never did. She kept making empty prom-

ises, and I was beginning to get weary of the situation. I knew that traveling while undocumented was a big risk but, I didn't think anything would happen to me. I decided to take a bus out of state to go see my friend in a university. On the way to my friend's school Customs Border Patrol (CBP) got on to the bus. I was afraid but I stayed cool. One gentleman began to panic; he tried to make a run for it, which was the worst thing he could have done. CBP caught him and then demanded that everyone on the bus show their paperwork, and some form of identification. All that I had to show was my Trinidad passport. Custom Border Patrol arrested me and several others. I got someone to post bail for me. As soon as I was free I ran to Figeroux and Associates for help. I wanted a divorce and some sort of immigration relief. The attorney informed me that I could file an abused spouse petition if I was being abused by my spouse. I thought those kinds of things only applied to women and was relieved that there was something I could do to solve all of my problems. I currently am divorced thanks to Figeroux and Associates and as for my immigration case, everything is going very well, and soon I will be a legal permanent resident.

The lawyers here at Figeroux and Associates did everything that they said they would do. They were professional, prompt, and courteous, kept me informed and took care of my case. I was in a car accident and I had minor problems as a result. There was some soft tissue damage. I have lower back and neck problems, but the twenty-five grand that I received as a settlement should more than take care of that.

C. J.
Brooklyn, NY

My family and I want to thank you again for all that you have done for me. I prayed that the truth would come out and it did! Police brutality is something no one should have to succumb to, especially when they did nothing wrong. I was wrongfully arrested, abused and brutalized. I was ashamed and embarrassed. I just want to thank you for standing by my side and comforting my family. You are a real stand up guy, and a brilliantly aggressive attorney. I definitely felt that we backed the opposing side into a corner; no wonder they settled before we went to trial. I will definitely put the 150,000 dollars I got from the settlement to good use. Thank you again and God bless you. ♦

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IMMIGRANTS' CONCERNS

New York DREAM Act Introduced by State Senator Perkins

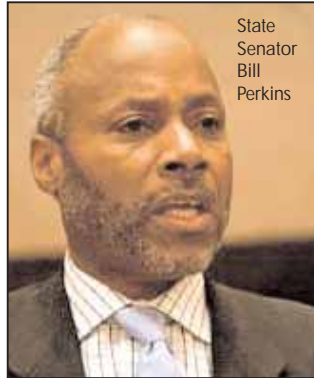
On March 23, 2011 State Senator Bill Perkins (D-Manhattan) introduced the New York DREAM Act (S. 4179), co-sponsored by State Senator Dan Squadron (D-Brooklyn). This bill would provide benefits to New York undocumented youth who meet certain criteria. The benefits include access to financial aid for higher education, access to driver's licenses, work authorization and access to health care. In order to qualify for these benefits, the young person must have arrived to the United States before the age of 16, be under the age of 35, have resided in New York State for at least two years, have obtained a high school diploma or GED equivalent from an American institution and have good moral character.

"We want to help fulfill the American Dream for young immigrants," said Perkins (D-Harlem).

Assemblyman Guillermo Linares (D-Washington Heights) is slated to introduce an Assembly version.

The bill was introduced after a massive lobbying effort by young immigrants.

On March 16, 2011, the California DREAM Act passed the assembly's



State Senator Bill Perkins

Higher Education Committee Tuesday in a vote of 6 to 2, clearing its first hurdle on the way to the governor's desk.

The Immigrant's Journal congratulates State Senator Perkins on this bold initiative and supports the passage of the DREAM Act, both locally and nationally.

Remember, to call NY State Senator Bill Perkins to thank him for introducing the New York Dream Act: 212-222-7315. ♦

Taxpayers Can File Tax Return Using I.T.I.N.

Tax Day is fast approaching. The Internal Revenue Service (IRS) has announced that the deadline to file a 2010 tax return is April 18, 2011, three days later than the usual April 15 deadline. Many residents of the United States who have earned income in 2010 and wish to file a tax return but do not have a valid Social Security Number should still do so by using what is commonly known as an ITIN, Individual Taxpayer Identification Number. The following is a statement by Angelica Salas, executive director for the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), a civil and full citizen rights organization based in Los Angeles.

"The filing of a tax return is part of our civic duty as residents of the United States. Individuals without a Social Security Number, including unauthorized immi-

grant workers, should not be afraid to file a tax return. Even if no taxes are owed or a refund is not expected, immigrant income earners who qualify should file a tax return using an ITIN. Although some benefits may not be available to tax payers using ITINs, filing a timely tax return is considered far more beneficial in the long run than avoiding or choosing not to file.

The ITIN can only be used for federal tax filing purposes and does not change a person's immigration status or right to work in this country. Applying for and owning an ITIN, however, does not expose a person to immigration authorities because the information is used for tax purposes only."

The Immigrant's Journal Legal & Educational Fund, Inc certainly agrees and encourages all immigrants to file their taxes. It is the law. For assistance in getting your ITIN call 718-856-2569. ♦

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