

The Immigrant's Journal

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Protecting God's Children From Distant Lands

Vol.78

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In His Own Words: President Obama Halts Deportations of Young People

This morning, [Friday, June 15, 2012] Secretary Napolitano announced new actions my administration will take to mend our nation's immigration policy, to make it more fair, more efficient and more just, specifically for certain young people sometimes called DREAMers.

Now, these are young people who study in our school; they play in our neighborhood; they're friends with our kids; they pledge allegiance to our flag. They are Americans in their heart, in their minds, in every single way but one: on paper. They were brought to this country by their parents, sometimes even as infants, and often have no idea that they're undocumented until they apply

for a job or a driver's license or a college scholarship.

Put yourself in their shoes. Imagine you've done everything right your entire life, studied hard, worked hard, maybe even graduated at the top of your class, only to suddenly face the threat of deportation to a country that you know nothing about, with a language that you may not even speak.

That's what gave rise to the DREAM Act. It says that if your parents brought you here as a child, you've been here for five years and you're willing to go to college or serve in our military, you can one day earn your citizenship. And I've said time and time and time again to Congress that — send me the Dream Act, put it on

my desk, and I will sign it right away.

Now, both parties wrote this legislation, and year and a half ago, Democrats passed the Dream Act in the House, but Republicans walked away from it. It got 55 votes in the Senate, but Republicans blocked it. The bill hasn't really changed; the need hasn't changed. It's still the right thing to do. The only thing that has changed, apparently, was the politics.

Now, as I said in my speech on the economy yesterday, it makes no sense to expel talented young people who, for all intents and purposes, are Americans.

They've been raised as Americans, understand themselves to be part of this

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For Immigration
News & Updates

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How the President's Deferred Action Initiative Will Help the U.S. Economy

BY WALTER EWING

President Obama's June 15 "deferred action" announcement is good not only for the 1.4 million unauthorized children and young adults who have been granted a temporary reprieve from deportation, but also good for the U.S. economy. Each year, tens of thousands of unauthorized students graduate from primary or secondary school, often at the top of their classes. They have the drive and intelligence to become doctors, nurses, teachers, and entrepreneurs, but their lack of legal status has prevented them from

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Deferred Action for DREAMers: FREQUENTLY ASKED QUESTIONS ...see page 10

Stop the Persecution of African Refugees in Israel ...see page 2

FREE Consultations for DREAMers

The Law Firm of Figeroux & Associates supports the DREAM Act and all those who have taken a stand for the DREAM Act and undocumented youth. Speaking to the Journal, Mr. Figeroux said, "America has a moral responsibility to pass the DREAM Act. There is absolutely no real reason to have bright, talented individuals pay for the decisions of their parents. Moreover, it



makes economic sense to pass the DREAM Act. To show our support, we are offering FREE LEGAL consultations to persons who came here before their 16th birthday to help them prepare for Deferred Action. Please call 718-243-9431 to schedule an appointment." •



Brian Figeroux, Esq.

Supreme Court Limits Arizona's Law ...see page 2

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Supreme Court Limits Arizona's Overreach on Immigration, Leaves Door Open to Future Challenges to Racial Profiling Provision

In a blow to the state anti-immigration movement, the Supreme Court ruled on June 25, 2012 that the authority to enforce immigration laws rests squarely with the federal government, limiting the role that states may play in crafting state-level answers to immigration enforcement. By a 5-3 margin, the Court struck down three of the four provisions of SB 1070 that were challenged by the Obama administration as pre-empted under federal law. While the Court agreed that Arizona's attempt to limit immigration by creating new laws and new penalties to punish undocumented immigrants was pre-empted, it found that a provision requiring local police to investigate the legal status of suspected undocumented immigrants was not pre-empted on its face. The court read this provision very narrowly, however, leaving open the door to future lawsuits based on racial profiling and other legal violations.

"This decision makes clear that the federal government — and only the federal government — has the power and authority to set the nation's immigration policies," said Benjamin Johnson, Executive Director of the American Immigration Council. "Despite its



Arizona's Governor

strongly worded rejection of Arizona's effort to set its own immigration policies, the Court adopted a wait-and-see approach to the controversial racial profiling section of the law. There is already ample evidence of discrimination and abuse in Arizona, and many communities in the state will bear the brunt of the Court's unwillingness to face that reality. It's time for Congress to heed the dire warnings contained in this opinion and recommit to fixing our broken immigration system." ●

National Urban League Celebrates SCOTUS Ruling On Health Care Reform

The Supreme Court ruling upholding the Affordable Care Act represents life-altering access to health care for millions of Americans, particularly African-Americans who have been twice as likely as whites to lack health insurance, National Urban League President and CEO Marc H. Morial said today.

"Health insurance can mean the difference between life and death, but even more often it can mean the difference between financial stability and ruin," Morial said. "The Supreme Court affirmed that our mission to build a fairer health care system is not only appropriate and pro-family, but constitutionally valid."

Health care costs are responsible for a majority of personal bankruptcies in the United States, Morial said.

Upholding the Act means that investments in preventive health screenings and community prevention efforts, like those operated by Urban League Affiliates, will continue to move forward.

"The Court's ruling means 31 million more Americans have access to health insurance and senior citizens will pay less for life-saving medications," Morial said. "Insurers can't deny coverage for pre-existing conditions or cancel cover-



Morial

age for policy holders when they become sick."

"This is an enormous victory for all Americans. I'm proud of the work the Urban League movement has done to advocate for these reforms, and grateful for the wisdom of the justices for recognizing the essential virtue of the law."

Morial noted that Court's ruling on Medicaid expansion increases the pressure on state advocates and civil rights community to ensure all states implement the expansion that will help to ensure more African Americans receive coverage.

"Now that the constitutional question has been settled, we can now turn our attention to the states as they implement the provisions that will mean healthier lives and financial stability for millions of struggling families," he said. ●

Immigrant Dishwasher to Presidential Chef

BY KANIKA CHADDA & JANE TEELING
VOICES OF NY

Growing up in a modest family in the Indian city of Amritsar, Punjab, Vikas Khanna's clubfoot forced him to wear braces on his legs and to sit it out when the other children played outside. He found refuge in his grandmother's kitchen.

"That's where all the magic happened," the 41-year-old executive chef of the Michelin-starred Manhattan restaurant Junoon explained. Though the kitchen is traditionally women's territory in Indian homes, Khanna's mother and grandmother encouraged his passion for cooking.

Not only did he learn to walk, but Khanna made strides as an entrepreneur, and opened his own catering business at age 17. "That was my revenge to all those who made fun of me," Khanna said. "I just wanted to feed them."

At age 30, Khanna left for New York with just a few hundred dollars in his pocket. To make ends meet, he took any odd job he could find, from passing out fliers in Central Park to working as a dishwasher at hole-in-the-wall Indian restaurants. He was almost ready to call it quits one cold Christmas morning, he recalls, when he found his way to the soup kitchen at the New York City Rescue Mission.

"Meeting other lost souls who were



in a similar situation as me made me feel that there was some hope for me here," he said of the experience.

Khanna went on to study at the Culinary Institute of America and Le Cordon Bleu in Paris, and was awarded the New York Rising Star Chef Award in 2011. That same year, he was invited to be a celebrity judge on the reality series, "MasterChef India." Last month, Khanna cooked a fund-raising dinner for President Barack Obama.

Through his foundation, sakiv, Khanna has hosted events to raise funds for AIDS awareness and earthquake and

tsunami relief. Khanna has also authored six books about food and cooking, and launched a documentary series, "Holy Kitchens," which focuses on the sacred foods of various religions.

Kanika Chadda, an anchor for the cable network Sahara One TV, produced a video portrait of the celebrity chef Vikas Khanna for Voices of NY. The video was shot and edited by Jane Teeling, with additional camera work by Taylor Tepper. In the video, Khanna also demonstrates a quick and delicious recipe for a tamarind-spiked vegetable stir-fry. ●

Stop the Persecution of African Refugees in Israel

Send a message to the Obama Administration to urge Israel to stop the persecution of African refugees and asylum seekers.

Over the last few months, we have seen alarming increases in the persecution and racist treatment of African refugees and asylum seekers in Israel. Together with Priority Africa Network, the Black Alliance for Just Immigration and other allies, we are calling on the U.S. to send a strong message to Israel condemning these recent policies and actions.

Please take action NOW by signing the petition on change.org and sending it to President Barack Obama and to Secretary of State Hillary Clinton.

For the latest news and analysis on Africans in Israel go to <http://africansinIsrael.blogspot.com/> ●

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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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The Tragedy, Triumph and Tragedy of Rodney King

BY EARL OFAN HUTCHINSON

Less than two weeks before his death, I was scheduled to interview Rodney King on the public stage at the annual Leimert Park Book festival in Los Angeles. I had two conflicting thoughts about the interview. One was that if the well-worn term accident of history ever applied to anyone, it was King. The second was what made King such an enduring figure and most importantly, a symbol: the shockingly detailed video-taped beating by four white Los Angeles Police officers 21 years earlier.

It was not simply that King was the center of recent press attention with the commemoration of the twentieth anniversary of the L.A. riots. And it was certainly not because he had just published a modestly successful book, *The Riot Within: My Journey from Rebellion to Redemption*. King was the near classic protean tragic figure of interest and curiosity precisely because there was so much tragedy, followed by triumph, and in the end tragedy in the way his life ended.

The tragedy was the beating. Those few brutal, savage, and violent moments,

catapulted King, a marginally employed, poorly educated ex-con into a virtual global household name. It cast the spotlight on one of the nation's deepest sore spots, police abuse, brutality and misconduct against African-Americans, minorities and the poor. It turned the LAPD into the national poster symbol of a lawless, out of control, big city racist police force.

King was the most unlikely of unlikely figures to spotlight this deep national sore, to launch a painful national soul search, and in the coming months become the trigger for the most destructive urban riot in modern U.S. history. King, of course, was only the centerpiece for the colossal tragedy that engulfed a city and nation.

The warning signs that L.A. was a powder keg were there long before the Simi Valley jury with no blacks acquitted the four LAPD cops who beat King. There was the crushingly high poverty rate in South L.A., a spiraling crime and drug epidemic, neighborhoods that were among the most racially balkanized in the nation, anger over the hand slap sentence for a Korean grocer that murdered a black teenage girl in an altercation, and black-Korean tensions that had reached a

boiling point.

The triumph was that King lived long enough to see the issue of police misconduct especially that of the LAPD, become the focus of intense discussion, debate, and ultimately reform measures that transformed some police agencies into better models of control, accountability, the reduction of use of force violence, and more emphasis on community partnerships. The recent spate of police shootings of young unarmed black and Hispanic males in some cities under dubious circumstances, shows that the job of full police reform is still very much a work in progress, and there is wide room for backsliding. The irony here is that the very day that King died, thousands took to the streets in New York City in a silent march sponsored by the NAACP to protest the stop and frisk tactics of the New York Police Department that allegedly targets mostly blacks and Latinos for unwarranted stops and searches.

But the fact remains that the King beating and the subsequent riots permanently raised awareness that police abuse is a cancer that must be excised. There was personal triumph for King as well.

His magnanimous statement, *"People, I just want to say, can we all get along?"* at a press conference the third day of the riots, helped stanch the violence. King's utter lack of any expression of public bitterness toward the LAPD and with the exception of a few minor scrapes with the law, his relatively low profile, softened some of the anger and vilification, some of it borderline racist, that King got from a wide swath of the public. This was capped by the publication of his autobiography, and the relatively warm rush of favorable reviews it got.

The final tragedy was King's surprising and untimely death. He was only 47. He had attained a partial rehabilitation in terms of his bad guy image. He was a recognized author. His name was eternally synonymous with a pantheon of transformative figures at the center of the many monumental events in the nation's history. This indeed was the tragedy, triumph and final tragedy of Rodney King. ●

Earl Ofari Hutchinson is an author and political analyst. He is a frequent political commentator on MSNBC and a weekly co-host of the Al Sharpton Show on American Urban Radio Network. He is the author of *How Obama Governed: The Year of Crisis and Challenge*, an associate editor of *New America Media*, and the host of the weekly *Hutchinson Report* on KPFK-Radio and the Pacifica Network.

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Choosing Credit Cards

Many immigrants come to the United States, all bright-eyed and unaware how having a credit card can be both a blessing and a curse if they're not careful and armed with the right information. Poor financial management and a general lack of information to make the right decision can lead to financial hardship when one becomes overwhelmed by debts. The decision to file for bankruptcy can provide the opportunity for a fresh start, a clean slate so to speak. However, we all know the old adage, "prevention is better than cure."

Generally, when you are shopping for a credit card, it's wise to compare fees, charges, interest rates, and benefits. Some credit cards that look like a great deal at first glance may lose their appeal once you read the terms and conditions of use and calculate how the fees could affect your available credit and your payment. The Federal Trade Commission provides the following tips to help consumers:

What You Need to Know

Credit card issuers generally must disclose the important terms of use regardless of whether they require you to complete an application.

Fees. Many credit card issuers charge membership and/or participation fees. Issuers use a variety of names for



these fees, including "annual," "activation," "acceptance," "participation" and "monthly maintenance." These fees may appear monthly, periodically, or as one-time charges: they can range from \$6 to \$150. What's important is they can have an immediate effect on the credit that's available to you. For example, a card with a \$250 credit limit and \$150 in fees leaves you with \$100 in available credit.

Transaction Fees and Other

Charges. Some issuers charge a fee if you use the card to get a cash advance, make a late payment, or if you go beyond your credit limit.

Annual Percentage Rate (APR). The APR is a measure of the cost of credit, expressed as a yearly interest rate. The APR must be disclosed before your account can be activated, and it must appear on your account statements. Your card issuer also must disclose the "periodic rate" — the rate the issuer applies

to your outstanding balance to determine the finance charge for each billing period.

Grace Period. A grace period lets you avoid finance charges if you pay your balance in full by the date it is due. Knowing whether a card gives you a grace period is important if you plan to pay your account in full each month. Without a grace period, the card issuer may impose a finance charge from the date you use your card or from the date each transaction is posted to your account.

Balance Computation Method for the Finance Charge. If you don't have a grace period — or if you plan to pay for your purchases over time — find out how the issuer calculates your finance charge. Which method is used to compute your balance can make a big difference in how much of a finance charge you'll pay — even if the APR and your buying patterns stay pretty much the same.

Balance Transfer Offers. Many credit card companies offer incentives for transferring your balance — moving your debt from one credit card (Card Issuer A) to another (Card Issuer B). Each offer is different — and the terms can be complicated. ●

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July Visa Bulletin

1. This bulletin summarizes the availability of immigrant numbers during July. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; U.S. Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible, in chronological order of reported priority dates, for demand received by June 8th. If not all demand could be satisfied, 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. If 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 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. 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.

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. 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, plus any unused first preference numbers:

A. (F2A) Spouses and Children of Permanent Residents: 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) of Permanent Residents: 23% of the overall second preference limitation.

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

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

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.) ●

Family-Sponsored All Chargeability	Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	08JUL05	08JUL05	08JUL05	08JUN93	15JUL97
F2A	15FEB10	15FEB10	15FEB10	01FEB10	15FEB10
F2B	01MAY04	01MAY04	01MAY04	01JAN92	22DEC01
F3	15APR02	15APR02	15APR02	22JAN93	22JUL92
F4	22JAN01	08JAN01	22JAN01	08JUN96	01FEB89

Source: U.S. Dept. of State

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Should You Return the Ring After a Broken Engagement?

A broken engagement can be a very painful and confusing experience. And in the fog of hurt feelings that accompany such a stressful moment, one question often arises: Should the engagement ring be returned?

With an estimated 15 to 20 percent of engagements broken off annually, it's a question that's more common than you think.

The reason it comes up is that the laws surrounding broken engagements and engagement rings are not always clear, according to FindLaw.com, the nation's leading website for free legal information. Laws regarding the return of engagement rings vary by state. Some states incorporate a fault-based approach, while other states do not. Some state laws look at an engagement ring as a gift, while others consider it a conditional gift dependent on a future event (a wedding) taking place.

Giving back an engagement ring is made even more complex by changing social and economic factors. More couples are living together before they get married, which often leads to the joint purchase of an engagement ring, as well as such assets as furniture and other household items. And because many engagement rings are purchased with a credit card or financed through the jewelry store, the giver could still be liable for paying off the purchase

long after the engagement has been broken.

Engagement ring etiquette

According to The Knot, a wedding and relationships website, "If the bride calls off the wedding and her ring was a gift from the groom, it's appropriate for her to return it. If the groom calls it off, the bride may still want to return the ring because she doesn't want to be reminded of their failed engagement. If he was a real jerk though, we can't argue against taking it to a pawnshop."

"If the ring is a family heirloom (grandmother's engagement ring)," continues The Knot.com, "it should be returned regardless of why the wedding was cancelled. If the couple bought it together, they need to decide what to do with it, as with any other joint purchase (perhaps they can take it to a pawnshop together and split the earnings)."

Determining if it's a gift

So was the engagement ring a gift or not? What happens if an engagement ring is given on Valentine's Day or Christmas?

Some states use a no-fault, conditional gift approach to settling disagreements about whether an engagement ring should be returned. Others such as Montana classify the ring as an unconditional gift and award it to the receiver in the case of bro-

ken engagements.

What makes an engagement ring a gift? The law requires three elements for it, and most other items for that matter, to be considered a gift. Those elements are:

- The giver's intent to give the item as a gift.
- The giver's actual giving of the gift to the receiver.
- The receiver's acceptance of the gift.

On the other hand, a conditional gift is one in which the giver provides the gift to the receiver with the expectation that a future event or action will take place. So, if the giver gives you the ring as he or she is proposing, and the receiver says, "Yes, I will marry you," a condition has been established.

Here's the tricky part: Is it the engagement or marriage which is the condition? Courts have generally ruled that in the event of a broken engagement, marriage — not the engagement — is the condition that must be met.

Fault-based approach

Some courts treat the entire engagement process like a contract. Similar to a broken contract, a broken engagement means each party was unable to fulfill elements of the agreement, and each should be

restored to their previous position. This would mean that the giver would be awarded the engagement ring in a broken engagement.

No-fault approach

Increasingly, more states are leaning toward a no-fault approach to broken engagements. In 1999, the Pennsylvania Supreme Court ruled the giver should always get the engagement ring back. Iowa, Kansas, New Jersey, New Mexico, New York and Wisconsin also have adopted this approach.

In a nutshell, under the no-fault approach, the courts don't care who's at fault for the broken engagement. If the engagement is broken, the giver gets the ring back, regardless of who broke off the engagement, or why. This is similar to the no-fault approach in divorce law, in which the courts attempt to avoid the bitter, nasty and private reasons that often go hand-in-hand with a break-up — reasons such as "nothing in common," "can't stand my future in-laws," "pets don't get along," "she's on Facebook all the time," or "he's a slob." ● (ARA)

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How the President's Deferred Action Initiative Will Help the U.S. Economy

continued from page 1

attending college or working legally. The President's deferred action initiative has finally provided them with an opportunity to live up to their full potential and, in the process, earn more, spend more, and pay more in taxes.

Consider the following:

Beneficiaries of the President's announcement will have access to greater educational opportunities and better jobs, which in turn means more taxable income. A study by the College Board found that, over the course of his or her working life, the average college graduate earns in excess of 60% more than a high-school graduate, and workers with advanced degrees earn two to three times as much as high-school graduates.

A RAND study from 1999 shows that raising the college graduation rate of Hispanics to that of non-Hispanic whites would increase spending on public education by 10% nationwide, but the costs would be more than offset by savings in public health and benefits, as well as by increased tax revenues resulting from higher incomes. For example, a 30-year-old Mexican immigrant woman with a college degree will pay \$5,300 more in taxes and use \$3,900 less in government expenses each year compared to a high-school dropout with similar characteristics.

Immigrant workers, like all workers, spend their wages in U.S. businesses — buying food, clothes, appliances, cars, etc. — which sustains the jobs of the workers employed by those businesses. Moreover, businesses respond to the presence of new workers and consumers by investing in new restaurants, stores, and production facilities. The end result is more jobs for more workers.

A report from the Federal Reserve Bank of San Francisco points out that "immigrants expand the U.S. economy's productive capacity, stimulate investment, and promote specialization that in the long run boosts productivity," and "there is no evidence that these effects take place at the expense of jobs for workers born in the United States."

Currently, only 5-10% of unauthorized high-school graduates go to college, and most unauthorized youths are forced to work illegally in the cash economy as domestic servants, day laborers, and sweatshop factory workers. The President's initiative will create a strong incentive for unauthorized students to remain in school until graduation, would make them lawfully eligible to work, and would ultimately help fill positions like



teachers and nurses — positions that have long been in demand in the United States. In short, any policy that encourages more young people in the United States to get college degrees is a boon to the economy. Education translates into higher pay in the workforce, which translates into more tax revenue for federal, state, and local governments, as well as more disposable income to be spent in U.S. businesses. The President's deferred action initiative will encourage hundreds of thousands of unauthorized youths to improve their lives, and to give back more to the country they call home. ●

Message from IJLEF, Executive Director on DREAM Act — Deferred Action

The Immigrant's Journal Legal & Educational Fund, Inc., (IJLEF) applauds the President's announcement offering Deferred Action to eligible younger immigrants. This action will change the lives of young people who call America home, but who have been unable to live free from the fear of deportation to a country they may not even remember.

"Both sides of the aisle in Congress are discussing solutions for this highly deserving group. By using its legal authority to provide temporary protection from the threat of deportation and enable these young people to actively and openly contribute to our society and economy, the Administration is addressing an issue that has broad bipartisan support," IJLEF Executive Director, Diandra Archibald said, on Welcome to America, Diaspora Radio 620AM.

"This represents a triumph of reason over rhetoric and good moral judgment over immoral indifference," Ms. Archibald continued. "However, it does not offer a permanent fix for these young people. This announcement creates space for Congress to truly take on this issue and find the desperately needed solutions to our broken immigration system. It also gives Presidential candidate Romney an opportunity to change his approach to CIR, i.e., self deportation." ●



President Barack Obama with community leaders: left, Gerry Hopkins and far right, Brian Figeroux, at an exclusive meeting where the Mighty Sparrow (second left) presented a CD with a song "Barack the Magnificent" written especially for the President.

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In His Own Words...

continued from page 1

country. To expel these young people who want to staff our labs or start new businesses or defend our country simply because of the actions of their parents or because of the inactions of politicians — in the absence of any immigration action from Congress to fix our broken immigration system, what we've tried to do is focus our immigration enforcement resources in the right places. So we prioritize border security, putting more boots on the southern border than at any time in our history.

Today there are fewer illegal crossings than at any time in the past 40 years. We focus and use discretion about whom to prosecute, focusing on criminals who endanger our communities rather than students who are earning their education. And today deportation of criminals is up 80 percent. We've improved on that discretion carefully and thoughtfully.

Well, today we're improving it again. Effective immediately, the Department of Homeland Security is taking steps to lift the shadow of deportation from these young people. Over the next few months, eligible individuals who do not present a risk to national security or public safety will be able to request temporary relief from deportation proceedings and apply for work authorization.

Now, let's be clear. This is not

amnesty. This is not immunity. This is not a path to citizenship. It's not a permanent fix. This is a temporary, stopgap measure that lets us focus our resources wisely while giving a degree of relief and hope to talented, driven, patriotic young people. It is the — it is the right thing to do.

Precisely because this is temporary, Congress needs to act. There's still time for Congress to pass the DREAM Act this year, because these kids deserve to plan their lives in more than two-year increments. And we still need to pass comprehensive immigration reform that addresses our 21st-century economic and security needs; reform that gives our farmers and ranchers certainty about the workers that they'll have; reform that gives our science and technology sectors certainty that the young people who come here to earn their Ph.D.s won't be forced to leave and start new businesses in other countries; reform that continues to improve our border security and lives up to our heritage as a nation of laws and a nation of immigrants.

Just six years ago, the unlikely trio of John McCain, Ted Kennedy and President Bush came together to champion this kind of reform, and I was proud to join 23 Republicans in voting for it. So there's no reason that we can't come together and get this done. And as long as I'm president, I will not give up on this issue, not only because it's the right thing to do for our economy — and CEOs agree with me — not just because it's the

right thing to do for our security, but because it's the right thing to do, period. And I believe that eventually enough Republicans in Congress will come around to that view as well.

And I believe that it's the right thing to do because I've been with groups of young people who work so hard and speak with so much heart about what's best in America, even though I knew some of them must have lived under the fear of deportation. I know some have come forward at great risks to themselves and their futures in hopes it would spur the rest of us to live up to our own most cherished values. And I've seen the stories of Americans in schools and churches and communities across the country who stood up for them and rallied behind them, and pushed us to give them a better path and freedom from fear, because we are a better nation than one that expels innocent young kids.

This is the right thing to do for the American people. Here's the reason — because these young people are going to make extraordinary contributions and are already making contributions to our society. I've got a young person who is serving in our military, protecting us and our freedom. The notion that in some ways



we would treat them as expendable makes no sense.

If there's a young person here who has grown up here and wants to contribute to this society, wants to maybe start a business that will create jobs for other folks who are looking for work, that's the right thing to do. Giving certainty to our farmers and our ranchers, making sure that in addition to border security, we're creating a comprehensive framework for legal immigration — these are all the right things to do.

We have always drawn strength from being a nation of immigrants, as well as a nation of laws. And that's going to continue. And my hope is that Congress recognizes that and gets behind this effort. All right? Thank you very much, everybody. ●

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Deferred Action for DREAMers: FREQUENTLY ASKED QUESTIONS

What is deferred action? Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not confer lawful status upon an individual. In addition, although an alien granted deferred action will not be considered to be accruing unlawful presence in the United States during the period deferred action is in effect, deferred action does not absolve individuals of any previous or subsequent periods of unlawful presence. Under existing regulations, an individual who has been granted deferred action is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate “an economic necessity for employment.” Deferred action can be terminated at any time at the agency’s discretion or renewed by the agency.

Who is eligible to receive Deferred Action under the Department’s New Directive? Pursuant to the Secretary’s June 15, 2012 memorandum, in order to be eligible for deferred action, individuals must:

1. Have come to the United States under the age of sixteen;
2. Have continuously resided in the United States for at least five years preceding the date of this memorandum and are present in the United States on the date of this memorandum;
3. Currently be in school, have graduated from high school, have obtained a general education development certificate, or are honorably discharged veterans of the Coast Guard or Armed Forces of the United States;
4. Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety;
5. Not be above the age of thirty. Individuals must also complete a background check and, for those individuals who make a request to U.S. Citizenship and Immigration Services (USCIS) and are not subject to a final order of removal, must be 15 years old or older.

How will the new directive be implemented? Individuals who are not in removal proceedings or who are subject to a final order of removal will need to submit a request for a review of their case and supporting evidence to USCIS. Individuals may request deferred action if they meet the eligibility criteria. In the coming weeks, USCIS will outline and announce the procedures by which individuals can engage in this process. This process is not yet in effect and requests should not be submitted at this time.

For individuals who are in removal proceedings before the Executive Office for Immigration Review, ICE will, in the coming weeks, announce the process by which qualified individuals may request a review of their case. For individuals who are in removal proceedings and have already been identified as meeting the eligibility criteria as part of ICE’s case-by-case review, ICE will immediately begin to

offer deferred action for a period of two years, subject to renewal.

Are individuals who receive deferred action pursuant to the new directive eligible for employment authorization? Yes. Pursuant to existing regulations, individuals who receive deferred action may apply for and may obtain employment authorization from USCIS provided they can demonstrate an economic necessity for their employment.

Does the process result in permanent lawful status for beneficiaries? No. The grant of deferred action under this new directive does not provide an individual with permanent lawful status or a pathway to obtaining permanent lawful status. Only Congress, acting through its legislative authority, can confer the right to permanent lawful status.

Why will deferred actions only be granted for two years? Grants of deferred action will be issued in increments of two years. At the expiration of the two year period, the grant of deferred action can be renewed, pending a review of the individual case.

If an individual’s period of deferred action is extended, will individuals need to re-apply for an extension of their employment authorization? Yes. If an individual applies for and receives an extension of the period for which he or she was granted deferred action, he or she must also request an extension of his or her employment authorization.

Does this policy apply to those who are subject to a final order of removal? Yes. An individual subject to a final order of removal who can demonstrate that he or she meets the eligibility criteria can request a review of his or her case and receive deferred action for a period of two years, subject to renewal. All cases will be considered on an individualized basis. This process is not yet in effect and requests should not be submitted at this time. In the coming weeks, USCIS will outline and announce the procedures by which individuals can engage in this process.

If an individual who is about to be removed by ICE believes he or she satisfies the eligibility criteria for the new process, what steps should he or she take to ensure his or her case is reviewed before removal? Individuals who believe they can demonstrate that they satisfy the eligibility criteria and are about to be removed should immediately contact either the Law Enforcement Support Center’s hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week) or the ICE Office of the Public Advocate through the Office’s hotline at 1-888-351-4024 (staffed 9am – 5pm, Monday – Friday) or by e-mail at EROPublicAdvocate@ice.dhs.gov.

If an individual who satisfies the eligibility criteria is encountered by Customs and Border Protection (CBP) or ICE,

will he or she be placed into removal proceedings? This policy is intended to allow ICE and CBP to focus on priority cases. Pursuant to the direction of the Secretary of Homeland Security, for individuals who satisfy the eligibility criteria, CBP or ICE should exercise their discretion to prevent them from being apprehended, placed into removal proceedings, or removed. If individuals, including individuals in detention, believe they were placed into removal proceedings in violation of this policy, they should contact either the Law Enforcement Support Center’s hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week) or the ICE Office of the Public Advocate through the Office’s hotline at 1-888-351-4024 (staffed 9am – 5pm, Monday – Friday) or by email at EROPublicAdvocate@ice.dhs.gov.

If an individual accepted an offer of administrative closure under the case-by-case review process or if his or her case was terminated as part of the case-by-case review process, can he or she receive deferred action under the new process? Yes. Individuals who can demonstrate that they meet the eligibility criteria will be eligible for deferred action even if they had accepted an offer of administrative closure or termination under the case-by-case review process. For individuals who are in removal proceedings and have already been identified as meeting the eligibility criteria as part of ICE’s case-by-case review, ICE will immediately begin to offer deferred action for a period of two years, subject to renewal.

If an individual declined an offer of administrative closure under the case-by-case review process, can he or she receive deferred action under the new process? Yes. Individuals who can demonstrate that they meet the eligibility criteria will be eligible for deferred action even if they declined an offer of administrative closure under the case-by-case review process.

If an individual’s case was reviewed as part of the case-by-case review process but he or she was not offered administrative closure, can he or she receive deferred action under the new process? Yes. Individuals who can demonstrate that they meet the eligibility criteria will be eligible for deferred action even if they were not offered administrative closure following review of their case as part of the case-by-case review process.

Will DHS personnel responsible for reviewing requests for an exercise of prosecutorial discretion under this process receive special training? Yes. ICE and USCIS personnel responsible for considering requests for an exercise of prosecutorial discretion under the Secretary’s directive will receive special training.

Will individuals be subject to background checks before they can receive an exercise of prosecutorial discretion?

Yes. All individuals will undergo biographic and biometric background checks prior to receiving an exercise of prosecutorial discretion. Individuals who have been convicted of any felony, a significant misdemeanor offense, three or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or otherwise pose a threat to national security or public safety are not eligible to be considered for deferred action under the new process.

What do background checks involve? Background checks involve checking biographic and biometric information provided by the individuals against a variety of databases maintained by DHS and other federal government agencies.

What documentation will be sufficient to demonstrate that an individual came to the United States before the age of 16? Documentation sufficient for an individual to demonstrate that he or she came to the United States before the age of 16 includes, but is not limited to: financial records, medical records, school records, employment records, and military records.

What documentation will be sufficient to demonstrate that an individual has resided in the United States for a least five years preceding June 15, 2012? Documentation sufficient for an individual to demonstrate that he or she has resided in the United States for at five years immediately preceding June 15, 2012 includes, but is not limited to: financial records, medical records, school records, employment records, and military records.

What documentation will be sufficient to demonstrate that an individual was physically present in the United States as of June 15, 2012? Documentation includes, but is not limited to: financial records, medical records, school records, employment records, and military records.

What documentation will be sufficient to demonstrate that an individual is currently in school, has graduated from high school, or has obtained a general education development certificate (GED)? Documentation sufficient for an individual to demonstrate that he or she is currently in school, has graduated from high school, or has obtained a GED certificate includes, but is not limited to: diplomas, GED certificates, report cards, and school transcripts.

What steps will USCIS and ICE take to prevent fraud in the new processes? An individual who knowingly makes a misrepresentation to USCIS or ICE, or knowingly fails to disclose facts to USCIS or ICE, in an effort to receive deferred action or work authorization in this new process will be treated as an immigration enforcement priority to the fullest extent permitted by law, subjecting the individual to criminal prosecution and/or removal from the United States.

Are individuals with a conviction for a felony offense, a significant misdemeanor offense, or multiple misdemeanors eligible for an exercise of prosecutorial discretion under this new

continued on the next page

Deferred Action for DREAMers: FAQs

continued from the previous page

process? No. Individuals who have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanor offenses not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, are not eligible to be considered for deferred action under the new process.

What offenses qualify as a felony? A felony is a federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year.

What offenses qualify as a “significant misdemeanor”? A significant misdemeanor is a federal, state, or local criminal offense punishable by no more than one year of imprisonment or even no imprisonment that involves: violence, threats, or assault, including domestic violence; sexual abuse or exploitation; burglary, larceny, or fraud; driving under the influence of alcohol or drugs; obstruction of justice or bribery; unlawful flight from arrest, prosecution, or the scene of an accident; unlawful possession or use of a firearm; drug distribution or trafficking; or unlawful possession of drugs.

How many non-significant misdemeanors constitute “multiple misdemeanors” making an individual ineligible for an exercise of prosecutorial discretion under this new process? An indi-

vidual who is not convicted of a significant misdemeanor but is convicted of three or more other misdemeanors not occurring on the same day and not arising out of the same act, omission, or scheme of misconduct, is not eligible to be considered for deferred action under this new process.

How will ICE and USCIS handle cases involving individuals who do not satisfy the eligibility criteria under this new process but may be eligible for an exercise of prosecutorial discretion under the June 2011 Prosecutorial Discretion Memoranda? If an individual has a final order of removal and USCIS determines that he or she does not satisfy the eligibility criteria, then it will reject the individual’s request for deferred action. That individual may then request an exercise of prosecutorial discretion under the ICE June 2011 Prosecutorial Discretion Memoranda through any of the established channels at ICE, including through a request to the ICE Office of the Public Advocate or to the local Field Office Director. USCIS will not consider requests for review under the ICE June 2011 Prosecutorial Discretion Memoranda.

If an individual is currently in removal proceedings and ICE determines that he or she does not satisfy the eligibility criteria for deferred action under this process, it will then consider whether the individual is otherwise eligible for an exercise of prosecutorial discretion under its current practices for assessing eligibility under the June 2011 Prosecutorial Discretion Memoranda.

Can individuals appeal a denial by ICE or USCIS of their request for an exercise of prosecutorial discretion under the new process? No. Individuals may not appeal a denial by ICE or USCIS of their request for an exercise of prosecutorial discretion. However, ICE and USCIS will develop protocols for supervisory review as part of their implementation of the new process. Although there is no right for appeal, individuals in removal proceedings who believe their cases were not correctly handled, may contact the ICE Office of the Public Advocate either by phone at 1-888-351-4024 or by e-mail at EROPublicAdvocate@ice.dhs.gov.

If an individual’s request to USCIS for deferred action is denied, will he or she be placed in removal proceedings? For individuals whose requests for deferred action are denied by USCIS, USCIS will apply its existing Notice to Appear guidance governing USCIS’s referral of cases to ICE and issuance of notices to appear. Under this guidance, individuals whose requests are denied under this process will be referred to ICE if they have a criminal conviction or if there is a finding of fraud in their request.

Should individuals who are not in removal proceedings but believe themselves to be eligible for an exercise of deferred action under this process seek to place themselves into removal proceedings through encounters with ICE or CBP? No. Individuals who are not in removal proceedings but believe that they satisfy the eligibility criteria should submit

their request for review of their case to USCIS under the procedures that USCIS will implement.

Does deferred action provide individuals with a path to citizenship or permanent legal status? No. A grant of deferred action is a form of prosecutorial discretion that does not confer a path to citizenship or lawful permanent resident status. Only Congress, acting through its legislative authority, can confer these rights.

Does this Administration remain committed to comprehensive immigration reform? Yes. The Administration has consistently pressed for passage of comprehensive immigration reform, including the DREAM Act, because the President believes these steps are critical to building a 21st-century immigration system that meets our nation’s economic and security needs.

Is passage of the DREAM Act still necessary in light of the new process? Yes. As the President has stated, individuals who would qualify for the DREAM Act deserve certainty about their status, and this new process does not provide that certainty. Only Congress, acting through its legislative authority, can confer the certainty that comes with a pathway to permanent lawful status.

How can I get more information on the new process? Visit www.cawnyc.com OR www.ijlef.org OR www.figerox.com ●

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Immigrants & Obesity: Become the Boss of Your Weight Loss

According to an article by Lindsey Tanner, CBS Healthwatch, long-term exposure to American culture may be hazardous to immigrants' health.

A new study found that obesity is relatively rare in the foreign-born until they have lived in the United States — the land of drive-thrus, remote controls and double cheeseburgers — for more than 10 years. Only 8 percent of immigrants who had lived in the United States for less than a year were obese, but that jumped to 19 percent among those who had been here for at least 15 years. That compared with 22 percent of U.S.-born residents surveyed.

The study, published in the Journal of the American Medical Association, shows the flip side of the American dream of finding a better life in the land of plenty. *"Part of the American dream and sort of life of leisure is that you also have some of the negative effects, and obesity is one of the major side effects of the success of technology and just having a life of leisure,"* said co-author Dr. Christina Wee of Harvard Medical School. *"It's a double-edged sword."*

Few people know that better than David Kirchoff, president and CEO of Weight Watchers International. After

struggling with obesity for years, Kirchoff took control of his health and changed his lifestyle. He chronicles his hard-fought lessons in a candid and humorous way in his new memoir, **Weight Loss Boss**. Here are five of his top tips to becoming the boss of your own weight loss:

1. Don't go it alone. A weight loss partner, like a friend or a spouse, can provide motivation and accountability. You're more likely to go for a walk in the morning if you know your friend is outside waiting to walk with you. Also, seek out social support. From posting updates on Facebook to creating a weight loss blog, sharing your experiences can be motivating to both you and your followers.

2. Choose foods that are big, slow and filling. Instead of trying to get the biggest bang for your buck, find meals and snacks that give you the most food for the calories. Focus on foods with bulk such as salads, broth-based soups and oatmeal, and supplement them with low calorie



fruits and vegetables. For snacks, look for low-calorie, high-fiber options that take awhile to eat, such as grapes, sliced apples and fat-free popcorn.

3. Put on an awesome tool belt. Having the right tools and resources by your side will make the process easier by creating additional accountability and controls, such as a scale, pedometer and apps that support a healthier lifestyle. Weight loss programs like Weight Watchers can also provide the additional resources you need to lose weight effectively and learn to keep it off.

4. Establish healthy habits. Create a

routine that can make the habit second nature, such as eating a healthy breakfast or working out each morning. To help transition these new routines into autopilot, make sure you have an incentive to do it, and create a routine around it so it's easier to work into your life.

5. Control your environment. Temptation will eventually win, especially if poor food choices are easily accessible. Banish your trigger foods and replace them with healthy favorites. For example, try replacing that stash of chocolate in your desk with almonds, fruit and beef jerky. Healthy, high-fiber snacks, packed with protein, can satisfy your hunger and help keep you feeling full longer.

Stop thinking like a dieter with an eye on the finish line. Instead, think like someone who is trying to establish healthier habits that will stick for a lifetime, and become your own weight loss boss. ● (ARA)

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Immigrant-Owned Small Businesses Contribute More to Economy than You'd Think

BY WALTER EWING

In the never-ending debate over the impact that immigration has on the U.S. economy, the role of immigrant small businesses usually goes unnoticed. While mention is sometimes made of the fact that two in five Fortune 500 companies were founded by immigrants, the little businesses — the majority that employ under 100 people — are often forgotten. In large part, this is due to the absence of basic data on the subject. However, a new report from the Fiscal Policy Institute (FPI) finally quantifies the value of immigrant small businesses to the U.S. economy.

Using data from the Survey of Business Owners and the American Community Survey, the report compiles a treasure trove of entrepreneurial information that highlights the enormous role which immigrants play as small business owners:

Immigrant small businesses employed 4.7 million people and had \$776 billion in receipts in 2007, the last year for which data is available.

Eighteen percent of all small business owners in the United States are immigrants; higher than the immigrant share of the population (13%) or labor force (16%).

The small businesses most commonly owned by immigrants are restaurants, physician's offices, real estate firms, grocery stores, and truck transportation services.

Immigrants comprise 65% of taxi service owners, 54% of dry cleaning and laundry service owners, 53% of gas station owners, and 49% of grocery store owners.

Between 1990 and 2010, immigrants accounted for 30% of the total increase in the number of small business owners in the United States.

Immigrants from Mexico account for 12% of immigrant small business owners, followed by immigrants from India, Korea, Cuba, China, and Vietnam.

Immigrants from the Middle East, Asia, and Southern Europe have the highest rates of small business ownership.

Immigrants who have been in the United States for more than 10 years are

more than twice as likely to be small business owners as immigrants who have been in the country for 10 years or less.

Twenty nine of immigrant small business owners are women. In comparison, 28% of U.S.-born small business owners are women.

Among the 25 largest metropolitan areas, immigrants comprise the largest share of small business owners in Miami (45%), followed by Los Angeles (44%), New York (36%), and San Francisco (35%).

Among the 50 states, immigrants comprise the largest share of small business owners in California (33%), followed by New York (29%), New Jersey (28%), Florida (26%), and Hawaii (23%).

Taken in sum, this data illustrates that immigrant entrepreneurs are an integral part of the U.S. economy.

As the FPI report puts it, "immigrant



small business owners contribute to economic growth, to employment, and to producing the goods and services that support our standard of living." This is a basic economic fact with broad political implications. The report observes that "understanding who the one million immigrant small business owners are...can only help as the country struggles to achieve a better set of immigration policies." And a better set of policies would recognize that immigration fuels American entrepreneurship. ●

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Septima Poinsette Clark: The Grandmother of Civil Rights

Septima Poinsette Clark (1898–1987) was an American educator and civil rights activist. Clark developed the literacy and citizenship workshops that played an important role in the drive for voting rights and civil rights for African Americans in the American Civil Rights Movement. She became known as the "Queen Mother" or "Grandmother of the American Civil Rights Movement" in the United States. She was born on May 3, 1898, Charleston, S.C., U.S. and died Dec. 15, 1987, Johns Island, S.C.. Her own experience of racial discrimination fueled her pursuit of racial equality and her commitment to strengthen the African-American community through literacy and citizenship.

Septima Poinsette was the second of eight children. In 1916, she finished 12th grade and, unable financially to attend Fisk University as her teachers had hoped and, as an African American, forbidden to teach in the Charleston public schools at that time, Poinsette took the state examination that would permit her to teach in rural areas. Her first job was on Johns Island, South Carolina. The racial inequity of teachers' salaries and facilities she experienced while there, motivated her to become an advocate for change.

She left Johns Island in 1919 in order to teach and to campaign for a law allow-



ing black teachers in the Charleston public schools. The same year that the law was passed (1920), Septima Poinsette married Nerie Clark, a navy cook. The marriage ended five years later when Nerie Clark died of kidney failure. Clark returned to teaching on John's Island until 1927, when she moved to Columbia, South Carolina. There she continued to teach and to pursue her own education, studying during sum-

mers at Columbia University in New York and with W.E.B. Du Bois at Atlanta University in Georgia. She received a bachelor's degree from Benedict College in Columbia in 1942 and a master's degree from Hampton (Virginia) Institute (now Hampton University) in 1945. During this time she was also active in several social and civic organizations, among them the

National Association for the Advancement of Colored People (NAACP), with whom she campaigned, along with attorney Thurgood Marshall, for equal pay for black teachers in Columbia. In an effort to diminish the effectiveness of the NAACP, the South Carolina state legislature banned state employees from being associated with civil rights organizations, and in 1956 Clark left South Carolina for a job in Tennessee, refusing to withdraw from the NAACP.

In Tennessee she helped found citizenship schools that were designed to aid literacy and foster a sense of political empowerment within the black community. Clark joined the Southern Christian Leadership Conference (SCLC) in 1961 as director of education and teaching. In 1962 the SCLC joined with other organizations to form the Voter Education Project, which trained teachers for citizenship schools and assisted in increased voter registration among African Americans. A decade later, due in no small measure to the persistent efforts of Clark and others, the first African Americans since Reconstruction were elected to the U.S. Congress.

After Clark retired from active SCLC work in 1970, she fought for and won reinstatement of the teaching pension and back pay that had been canceled when she was dismissed in 1956. She later served two terms on the Charleston County School Board. In 1979 Clark received a Living Legacy Award from President Jimmy Carter. ●

Source: www.britannica.com

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